

December 21, 2009

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal in the Council Chambers of the Village Hall on Monday, December 21, 2009 at 7:35 p.m. The Clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Robert Benton
Alan Farkas
Thomas Jester
Mary Oppenheim
William Seiden
Barbara Struthers

and that a quorum was present and in attendance. Also present were Village Attorney Peter Coblentz and Kent Street, Village Manager.

PLEDGE OF ALLEGIANCE

Mindy Schreyer from the Deerfield Community Nursery School led those in attendance in reciting

the Pledge of Allegiance.

PROCLAMATION

In honor of the Deerfield Community Nursery School's 45th anniversary, Mayor Rosenthal

presented a proclamation to congratulate and offer best wishes to the school.

Trustee Oppenheim made a motion to accept the proclamation. Trustee Farkas seconded the motion. The motion passed unanimously.

Ms. Schreyer stated the Deerfield Community Nursery School exemplifies the wonderful community. It has experienced and educated teachers and a parent-run board.

MINUTES OF PREVIOUS MEETING

Trustee Benton made a motion to approve the minutes from the December 7, 2009 Board of

Trustees meeting. Trustee Struthers seconded the motion. The motion passed unanimously.

BILLS AND PAYROLL

Trustee Jester made a motion to approve the Bills and Payroll. Trustee Oppenheim seconded the

motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

TREASURER'S REPORT

Bob Fialkowski presented highlights from the Treasurer's Report representing seven months or

58% of the fiscal year. He stated that sales tax were still down. Hotel tax is still down, but people typically do not travel as much in November. Mr. Fialkowski stated that other revenues were trailing as well, but expenditures were under control. Mr. Fialkowski explained this was the first full month of the IMET investment, and it is providing a better return.

PUBLIC COMMENT

There was no Public Comment.

REPORTS

There were no reports.

CONSENT AGENDA

ORDINANCE O-09-25 FOR THE AMENDMENT OF THE AGREEMENT ESTABLISHING THE SOLID WASTE AGENCY OF LAKE COUNTY – 2R

An Ordinance amending the agreement establishing the Solid Waste Agency of Lake County (SWALCO). Second Reading.

Trustee Jester made a motion to accept the Consent Agenda and adopt the Ordinance amending the agreement establishing SWALCO. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

OLD BUSINESS

ORDINANCE O-09-26 LEVYING TAXES FOR CORPORATE PURPOSES FOR THE CURRENT FISCAL YEAR, COMMENCING ON THE FIRST DAY OF MAY, 2009, AND ENDING ON THE THIRTIETH DAY OF APRIL, 2010, FOR THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS – 2R

Mayor Rosenthal introduced the matter and suggested reducing the 2009 property tax levy because of the current economic situation. She noted that service costs do rise over time and concurred with the staff recommendation for a modest increase in the scavenger levy. Mayor Rosenthal added that the Village must continue to be creative and look for additional revenue sources.

Mayor Rosenthal proposes levying the same amount as the previous year for the General Fund and infrastructure, while modestly increasing the scavenger fund and using the tax from the TIF value to partially abate the 2008 debt service. This would result in a one percent increase in the tax levy. Mayor Rosenthal acknowledged that all Village departments have stepped up to make this happen.

Ken Abosch from the Deerfield Library noted that there have been extraordinary economic events, including record unemployment, lost income and residents having difficulty making ends meet. The Library Board met last week and reduced their request from \$3,193,575 to \$2,903,250. He explained they do not receive a lot of other funding and are facing significant infrastructure challenges. Their Board determined they could defer some of their expenses into the next year to decrease their levy request to maintain a tax neutral amount to taxpayers.

Trustee Farkas believes Mayor Rosenthal's proposal is a significant compromise and he supports it. Trustee Seiden would like to keep taxes as low as possible. He believes capturing the TIF amount helped accomplish this. Trustee Benton stated the Trustees have a significant responsibility to the Village to maintain the standards that have been developed. He believes a compromise is the proper way to go to keep the Village sound while continuing services at a

minimal increase. Trustee Struthers asked how much of the decrease was coming from the streets and infrastructure budgets. She questioned whether they could be properly maintained with the new, proposed budget. Mr. Street stated that anything that would need to be made up would come from the reserves. He explained the Village would look at appropriately scaled down infrastructure improvements over the year. Mr. Street explained that staff does not intend to under invest in the infrastructure, but to ensure the investments are good. Trustee Jester believes \$150,000 is insignificant, and he remains in favor of staff's original recommendation. Trustee Oppenheim shares those concerns. She asked if resident services would be cut or if the bond rate would be lowered. Trustee Oppenheim was very concerned that the Village not compromise now only to find they made it harder for themselves in the future. Mayor Rosenthal explained the Village is still very well positioned. She would not recommend anything that would create a difficult borrowing situation. Trustee Oppenheim confirmed the Board's record is one of fiscal responsibility. She questioned whether going with staff's original recommendation would be more fiscally responsible. Trustee Seiden explained the bottom line is that the Village's bond rating should not be jeopardized. He noted that Mr. Fialkowski expressed concern about going further. Trustee Seiden believes the challenge is to come up with a budget that is more reasonable in relationship to the other budgets. In bad economic times, he believes the Trustees owe it to Deerfield residents to take everything into consideration. He does not believe any safety issues should be postponed. Trustee Oppenheim noted that 70% of the budget is tied to salaries, of which the Trustees do not have control. She stated that she would not want to overburden staff.

Trustee Farkas believes there is a reason why a reserve fund was set up. He does not believe spending that money in lean times is irresponsible. Trustee Farkas noted the reserves would be built up when the economy improves.

Trustee Seiden made a motion to amend the increase in the tax levy from last year as recommended by Mayor Rosenthal. The General Fund total would be \$1,984,950, the Scavenger Fund would be \$841,360, the Infrastructure Fund would be \$45,000, and the net debt service would be \$155,000. The library levy would be \$2,903,250. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Seiden, Rosenthal (4)

NAYS: Jester, Struthers, Oppenheim (3)

Trustee Benton made a motion to adopt the Ordinance. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Seiden, Rosenthal (4)

NAYS: Jester, Struthers, Oppenheim (3)

**ORDINANCE O-09-27 ABATING ALL
OF THE 2009 TAX LEVY
REQUIREMENTS FOR THE SERIES
2003 GENERAL OBLIGATION
REFUNDING BONDS – 2R**

An Ordinance abating all of the 2009 tax levy requirements for the series 2003 general obligation refunding bonds. Second Reading.

Trustee Seiden made a motion to abate all of the 2009 tax levy requirements for the series 2003 general obligation refunding bonds. Trustee Farkas seconded the motion. Mayor Rosenthal explained the debt service recommendation for the water fund was \$479,828. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

NEW BUSINESS

AUTHORIZATION FOR ADDITIONAL
WORK UNDER THE EAST SIDE
SANITARY PUMPING STATION
CONTRACT

Assistant Village Engineer Bob Phillips reported that in September 2008, Keno & Sons Construction was awarded the contract to demolish two existing buildings and rebuild the east side pumping station. Unforeseen conditions caused this project to exceed

the contracted amount by \$63,012 which was 2.5% of the original bid price of the project. He requested authorization from the Board for the additional amount of \$63,012. Trustee Benton mentioned there was some vandalism of electrical work at the site and questioned whether that was covered under insurance. Mr. Phillips said it was covered by the contractor's insurance. Trustee Farkas noted the department made a review to ensure the additional amount did not include items that should have been included in the original contract. Mayor Rosenthal explained that two requests were rejected by the department.

Trustee Farkas made a motion to authorize additional work under the east side sanitary pumping station contract. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

ORDINANCE O-09-28 APPROVING A
LEASE AGREEMENT WITH NEW
CINGULAR WIRELESS LLC (AT&T)
FOR CO-LOCATION IN THE
MONOPOLE AT VILLAGE HALL – 1R

Mr. Street explained that AT&T is proposed to be the last cellular facility on the Village Hall monopole. Verizon, US Cellular and T-Mobile are already approved. The Village has received a number of calls from residents asking when AT&T service would improve. He is pleased to present

this proposal by AT&T, which is consistent with the other agreements. Mr. Coblenz added that AT&T would like to move quickly. He requested a waiver of the First Reading of the Ordinance as they are ready to pull the required permits. He believes this is an attractive lease for the Village.

Trustee Benton made a motion to waive the First Reading of the Ordinance. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

Trustee Benton noted the Cable and Telecommunications Commission creatively came up with new ways of generating revenue for the Village. He believes this is a win-win-win situation because the Police Department received a new antenna, the Village is getting revenue from the lease of the facility, and residents are getting better service.

Trustee Farkas made a motion to approve a lease agreement with Cingular Wireless LLC (AT&T) for co-location in the monopole at Village Hall. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**ORDINANCE O-09-30 AUTHORIZING
THE SALE AND DISPOSITION OF
CERTAIN SURPLUS PROPERTY
OWNED BY THE VILLAGE OF
DEERFIELD – 1R**

Chief Sliozis explained the Village has marked squad cars and associated equipment that became expendable when the Village purchased new vehicles and equipment. He noted the original Ordinance included two vehicles being sold to two communities. Now, he is requesting to sell one

vehicle in a public auction and the other to the Village of Cambridge, Wisconsin. He requested that Trustees waive the First Reading of the Ordinance.

Trustee Oppenheim made a motion to waive the First Reading of the Ordinance. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

Trustee Farkas asked if the vehicles were sold absolute or if there was a reserve at the auction. Chief Sliozis explained there would be a reserve based on past auction prices. Mr. Street noted the Police Department extended the life of the vehicles an additional year to conserve resources.

Trustee Farkas made a motion to authorize the sale and disposition of certain Village owned surplus property. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**AUTHORIZATION TO AWARD A
CONTRACT FOR THE WILMOT ROAD
SANITARY LIFT STATION
REHABILITATION PROJECT**

Brad Fink, Assistant Director of Public Works, stated the Village opened seven bids on December 15, 2009 for the requested improvements to increase safety and service at the Wilmot Road Sanitary Lift Station. Improvements

include modifications to the lift station piping and valves, the addition of a slop sink and eye wash station, replacing the pump rails, and repainting the discharge pipe in the valve vault. The lowest qualified bidder was Bowen Engineering Corporation in the amount of \$79,597. After

careful review of the bid and reference checks, staff requests the contract be awarded to Bowen Engineering Corporation in an amount not to exceed \$79,597. He noted the engineer's cost estimate was \$94,800. Mr. Fink explained that Village staff would provide construction oversight, and he anticipates breaking ground in January 2010, with project completion in April 2010.

Trustee Struthers made a motion to award the contract for the Wilmot Road Sanitary Lift Station Rehabilitation Project to Bowen Engineering Corporation in an amount not to exceed \$79,597. Trustee Oppenheim seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

DISCUSSION

COMMONWEALTH EDISON SUIT

Mr. Coblenz commented on the Village's lawsuit against Commonwealth Edison. A copy of his statement is attached to these minutes. On December 15, 2009, the Appellate Court reversed the decision made by the Circuit Court. There is a January 5, 2010 deadline for filing petitions for rehearing. Mr. Coblenz will keep the Board informed as the litigation continues.

Mayor Rosenthal expressed appreciation to Village Attorney Coblenz and Special Counsel Norm Finkel for their efforts in this case.

Mayor Rosenthal explained that when the Village decided to sue Commonwealth Edison on behalf of the residents, former Mayor Steve Harris took an active role. She recommended he be appointed as a special advisor to the Mayor so he can offer his expertise on this matter as needed.

Trustee Oppenheim made a motion to appoint Steve Harris as a special advisor to the Mayor concerning ComEd matters. Trustee Benton seconded the motion. The motion passed unanimously. Trustee Farkas noted that Mr. Harris would be consulting pro bono. Mayor Rosenthal mentioned the Village would utilize Trustee Farkas' expertise as well.

THE FIXER ARTICLE

Trustee Benton mentioned there was an article in the *Chicago Sun Times* this Sunday in which they wrote about the "good guys", including the Home Depot in Deerfield.

ABATEMENT ORDINANCE

Based on the Board's earlier decision, Mr. Fialkowski advised he would present an ordinance for the 2008 debt service at a subsequent meeting.

HAPPY HOLIDAYS

Mayor Rosenthal wished everyone a Happy Holiday.

REFUSE SERVICE

Mr. Street reminded residents that Friday refuse service will be on Saturday because of the holiday.

NEXT MEETINGS

January will be held on Tuesday, January 19th in observance of the Martin Luther King holiday.

Mr. Street noted the next Board of Trustees meeting will be held on January 4th. The second meeting in

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:48 pm.

APPROVED:

Mayor

ATTEST:

Village Clerk