

VILLAGE OF HODGKINS
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES

August 12, 2013

Meeting called to order: 7:00 P.M.

Those present:

President: Noel Cummings

**Trustee: Donald Cuttill
Vicky Moxley
Larry Rice
Paul Struve
Hugh Rhodes**

**Attorney: John O'Connell
Timothy Callahan**

**Those Absent: Phillip Kringlie
Claude Sexton**

Pledge of allegiance.

Mr. Cummings asked for a motion to approve the minutes of the regular Board Meeting on June 10, 2013, as recorded by the Village Clerk. Motion to approve by Mr. Cuttill. Second by Mr. Rice. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve the minutes of the Special Board Meeting on July 1, 2013, as recorded by the Village Clerk. Motion to approve by Mr. Struve. Second by Mrs. Moxley. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to file for audit the finance statement for May 2013. Motion to approve by Mrs. Moxley. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to file for audit the finance statement for June 2013. Motion to approve by Mr. Rice. Second by Mrs. Moxley. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve the payment of bills for the month of June. Motion to approve by Mr. Struve. Second by Mr. Rice. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve the payment of bills for the month of July. Motion to approve by Mr. Struve. Second by Mr. Rhodes. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny Payment #1 to H&H Electric Company in the amount of \$59,206.05 for the Wenz Avenue Street Lighting Rehabilitation. Motion to approve by Mr. Struve. Second by Mr. Rhodes. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny payment to Frank Novotny & Associates in the amount of \$57,523.15 for engineering fees for East Avenue Paving. Motion to approve by Mr. Struve. Second by Mr. Rice. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny payment #2 & final to H&H Electric Company for work performed on Wenz Avenue Street Lighting Rehabilitation in the amount \$64,389.73. Jim Cankar mentioned there was still a small punch list on this and recommends to pay this but to hold the check until all is to the Village's satisfaction. Motion to approve by Mr. Rice. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny Payment #2 & Final to Copenhagen Construction in the amount of \$2,767.05 for work performed on Lenzi Avenue water service and sanitary sewer. Motion to approve by Mr. Struve. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny 2013 Real Estate Tax/Garbage rebates. Motion to approve by Mr. Rhodes. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny putting a dram shop/bar in the Quarry 14 Theatre. Mr. Cummings asked to put this into a Building Committee with the ability to approve or deny this license. Motion to approve by Mr. Rice. Second by Mrs. Moxley. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny pavement striping contract for Santa Fe Drive and 75th Street in the amount of \$22,099.80 to Mark-It Corporation. Motion to approve by Mr. Struve. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny payment to Frank Novotny & Associates in the amount of \$44,030.28 for engineering on East Avenue paving project. Voting Aye: Mr. Rice. Second by Mrs. Moxley. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny a business license for Valtech, LLC located at 6200 River Road. Motion to approve by Mrs. Moxley. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice. Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny a business license for Two Wires Company Inc. located at 6880 River Road, Unit #15. Motion to approve by Mr. Struve. Second by Mr. Rhodes. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny a business license for The Paint Drop/Valspar located at 6880 River Road, Unit #22. Motion to approve by Mr. Struve. Second by Mr. Cuttill. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve and Mr. Rhodes. Voting Nay: None.

Mr. Cummings asked for a motion to approve/deny the purchase of the property located at 9192 Joliet Road in the amount of \$300,000. Mr. Cummings asked this to go into a Special Board Meeting for further discussion. Mr. Struve noted this property is being looked into for improvement for the water system. Mr. Scott mentioned there is a possibility that this will be an underground reservoir for approximately 400,000 to 1,000,000 gallons. This will help to cover any possible water problems that might arise and also for the future growth of the Village. The current housing for the pump station located on Lenzi Avenue is in disrepair and there needs to be an overhaul done which will be costly. The current system cannot be enlarged and is not sufficient for any large emergency that might arise.

Report from Village Engineer, Jim Cainkar

No Report.

Report from Village Attorney, John O'Connell

Mr. O'Connell reports the Village of Hodgkins has purchased the home at 6059 East Avenue in July. He noted 6059 was purchased and immediately sold to Mr. Don Schure of D&S Trucking for the same price it was purchased so he could integrate it into his business. Also included are three properties from 6035 and South. Mr. Schures plans are to develop these properties for the future development of his company.

Mr. O'Connell states the Village is currently in negotiations regarding 6051 East Avenue for acquisitions for Mr. Schure and other properties that are being considered for development for the next year.

Report from Chief of Police, Ernest Millsap

- Would like to remind everyone school starts next week and to drive safely. Officers will also be at the school in the mornings and afternoon.
- During the hot days of summer he has officers checking in on senior residents to

- make sure they are alright.
- There are some street signs in the Village that are in need of repairs
 - The testing process will begin in September for a new patrolman list
 - Sergeant Jarvis is now the code enforcement officer
 - The Police department has received complaints regarding Tara International using their docks on the 67th Street side throughout the nights.

Report from Superintendent of Public Works, Jack Scott

No Report

Report From Building Inspector, Robert Evans

Mr. Evans stated he has gone to Tara International to discuss the use of their docks on 67th Street. He notes business hours near residential areas end at 10:00 p.m. He noted the complaint has been handled. And it has been recommended to Tara to move the trucks to Santa Fe Drive.

Committee Reports:

Finance Committee, Vicky Moxley, Chairman

Mrs. Moxley referred to the meeting of August 5, 2013. She states that there was no representative present regarding the BEDS program and they will be rescheduled to present at the August 20th meeting.

Streets and Alley Committee, Paul Struve, Chairman

No Report

Building Committee, Paul Struve, Chairman

Mr. Struve referred to the meeting of August 5, 2013

Water Committee, Philip Kringlie, Chairman

No Report

Police Committee, Hugh Rhodes, Chairman

No Report

9-1-1 Committee, Hugh Rhodes, Chairman

Mr. Rhodes stated they are still working on installation of cameras at strategic locations throughout the Village.

Progress is still ongoing in regards to the telephone upgrade to the Police Department

Zoning Committee, Larry Rice, Chairman

No Report.

Mr. Rice wanted to note there will be negotiations for the Police contract

beginning soon.

E.S.D.A. Committee, Philip Kringlie, Chairman

No Report

Public Relations Committee, Donald Cuttill, Chairman

The next meeting is scheduled for August 21, 2013 at 10:00 a.m.

He wanted to remind everyone that Senior Day is August 21st. Beginning with breakfast

Health, Safety and Human Resources Committee, Vicky Moxley, Chairman

Wanted to remind everyone about Quarry Days coming up September 6th and 7th. She recognized Kelly Young to let everyone know where to get information regarding this event.

Old Business

New Business

The Village received a letter from Mr. Joseph Klotz of 6517 Kane Avenue regarding open burning. Mr. Klotz stated the Village has an ordinance regarding open burning but it is very vague. Some residents have fire pits in their yards and like to make a fire in the evening for recreational purposes. Mr. Klotz asked the board to review its burning ordinance and possibly upgrade it to include recreational burning.

President Cummings requested this be put into a Building Committee meeting to be reviewed. And he requested everyone attend to help decide what the Village should do pertaining to this subject.

Mr. Cummings wanted to thank all residents who attended this meeting. He continued to mention all the wonderful things that have been accomplished with the residents help. The garbage rebates for the apartments, free garbage for residents and tax refunds. Currently, the Board is looking into some form of water payment reductions. This is still being discussed but he is hoping that the Board will come to some kind of recommendation soon. He also mentioned redevelopment of the truck terminals on Joliet Road and East Avenue converting it to a shopping mall. By the installation of the shopping center it has generated money that has enabled the Village to grant general rebates for residents. He stated this is such a wonderful town and nowhere else has been so much been given back to the residents and he is very proud to these accomplishments.

Comments from the Audience

Mr. Cummings recognized Mr. Bill Urban of 6009 East Avenue.

Mr. Urban stated the Village is developing the properties along East Avenue from 5901 through 6103 East Avenue. He has requested the Village to look into the possibility of moving the homes located within those address to locations in other areas of the Village as they are a part of the history of Hodgkins. He is also looking into possibly relocating those homes himself.

Attorney O'Connell stated the Village has already looked into the costs related to moving these homes to other locations and it has been decided the cost is too much. It is in the best interest of the Village of Hodgkins to have those homes demolished. But he would be willing to discuss options with Mr. Urban and he invited him to come to the Village Hall for these discussions. Attorney O'Connell would relay any viable options to the President and Board of Trustees.

Mr. Cummings recognized Mrs. Tressa Rice of 6615 Conrad Avenue.

Mrs. Rice mentioned the Village had paid for a road for Mr. John O'Connell on River Road with Mr. O'Connell paying the Village back. She would like to know what was the cost and if Mr. O'Connell has paid the Village back and if so how much. She also requested what was the interest amount to the Village for loaning the money.

Mr. O'Connell responded the amount is \$59,000 as of last Friday, the property is being refinanced in September 2013 and will be paid back in full.

Mrs. Rice also stated the property on the 6600 block of Chester Avenue was purchased by a resident and the Village demolished a house for the Village beautification program, stating a new house will be built in one year time after demolition. Since then no house has been built and the property currently is used for a personal parking lot. What is the Village Ordinance and what does the Village intend to do about it.

Mr. Cummings responded he wasn't sure as to what the code states.

Mr. Struve responded he didn't think there was any thing that says you can't.

Mrs. Sherry Klotz responded this was her property and all vehicles are properly licensed and they drive them.

Mrs. Rice's next question was regarding 6515 Kane Avenue. She believes the resident was told to clean up the back alley way with old vehicles and weeds.

Mr. Cummings asked Mr. Robert Evans to respond to this question. Mr. Evans stated there are several locations in violation for Village codes allies and measures have been taken to get all allies cleaned up. There has been a privacy fence built at that specific location. He thought everything had been handled to the Village's satisfaction. Mr.

Evans also noted any further violations will be handled if needed by Sergeant Jarvis who is now the code enforcement officer.

Mrs. Rice's next question was she wanted to know if it is ethical for the Village President and Village Attorney to purchase property in the Village with the sole intent to resell and make a profit?

John O'Connell answered the law reads that as long as it is the real estate matter is disclosed to the public prior to the fact of the act it is totally legal. Everything was above board, everything was reported on the ethical statements that are required by law to be filled out every year and every statement about the use of the property was made before the purchase.

She also asked if it was true the Village has a bank account that is being used as collateral for a personal loan for John O'Connell ?

Mr. O'Connell stated "Yes". That was a retainer fee given to Attorney O'Connell for the development for certain properties in the Village. It was an amount set up for a fee and the fee was set up at the State Bank of Countryside which still remains there. She responded "Doesn't that have to go through the board?" He responded that it did.

Mr. O'Connell further stated that anytime Mrs. Rice had any questions regarding him she is more than welcome to come to him with any questions.

Mrs. Rice thanked the Board for their answers.

Mr. Cummings asked if there were any other questions.

Mr. Cummings recognized Mr. Robert Buralli of 6501 Wenz.

Mr. Buralli asked the elected officials who among them thought it was ok to steal? Because one employee was fired and the other was not. What makes one any different than the other? He doesn't know any place that allows any kind of theft.

Mr. Cummings stated that no one on the Board thought stealing was ok. He stated the problem was one employee bought tires for his vehicle and said they were for a Village vehicle while the other one was there when the bill arrived to pay it.

Mr. O'Connell started to make a statement and Mr. Buralli interrupted him and stated his question was not for him but for the elected officials.

Mr. Don Hall of 6612 Chester Avenue stated he had heard all kinds of rumors and wanted to know if Village employees were allowed privileges to use the tax exempt status of the Village for their own personal use? As far as he knows that is a felony.

Mr. Cummings replied they were unaware that this was going on and as soon as they

became aware they put a stop to it.

Mr. Hall stated he had heard that Village Employees are using the Village tax ID.

Mr. Cummings replied that yes some did, but not all.

Mr. Hall stated that was the norm from what he has been hearing. And that everyone has the approval to use Village accounts for personal usage.

Mr. Struve stated there were items purchased at various stores such as Pep Boys. It wasn't only one or two it was practiced throughout the department. He doesn't believe the employees were aware of what they were doing. It was not a large amount of money.

Mr. Hall replies if he had gone up to Pep Boys or Menards and charged something on the Village account he would have ended up in jail.

Mrs. Gardner of 6615 Kane Avenue asked if the Village of Hodgkins is tax exempt on vehicle maintenance items?

Mr. Struve responded yes.

Mr. Cummings stated Attorney Callahan and Trustee, Mr. Kringlie went through all the invoices from the past two years. After their findings Mr. Cummings decided that in the case of Mr. Tucker there was only \$142.00 that he had spent but was there with a check to pay for his purchase. Mr. Cummings decided that the second employee would serve a two month suspension. They felt there was not enough there to fire him and Mr. Cummings felt that they had done the right thing.

Mr. Larry Rice stated he did not feel what was done was right. He felt that if one was fired anyone, regardless of the amount taken the other should also be fired. The punishment should be the same. He also stated that everyone knew they could purchase anything they wanted as far as parts and not pay and this goes back years so don't say it just started.

Mrs. Rice said she believes that it was told by the Mayor that it was a Village perk for the workers to be able to use the accounts and not pay the taxes. She also wanted to make it clear that Mrs. Elaine Thompson did know that Eric was purchasing the tires before she had her surgery and he did not steal the tires, so all this stealing business she was tired of hearing about. She also stated that he did pay back all the taxes on the stuff he purchased and wanted to know if all the other employees paid back the taxes on their purchases.

Mr. Cummings stated he would have to go back and check that out. But he wanted to say that Eric...

Mrs. Rice interrupted and stated she did not want to hear anything about Eric.

Mr. Cummings responded that if she did not want to hear about Eric she shouldn't be saying anything.

Mrs. Rice stated all she wanted to know was if the others also paid back the taxes.

Mr. Callahan stated the investigation was still ongoing.

Mrs. Rice stated thank you that is all she wanted to know.

Mr. Cummings stated sometimes you have to stand up and do what is right. We went over everything and he honestly feels in his own heart they made the right decision. They checked everything they possibly could and he stands by his decision.

Mrs. Rice asked do you think that his dedication for 21 years to this Village you honestly believe that he would have done something like that?

Mr. Callahan stated to Tressa that maybe she would be better served by not discussing this in an open forum .

Mrs. Rice stated that she thought everyone should know. Everyone has been talking about this and they should all hear what she has to say now.

Mr. Buralli asked if all of the Trustees agreed with this decision?

Mrs. Sandy Rice of 9098 Lyons Street stated it was her understanding that all the trustees had voted to dismiss the first employee but not the second at the advice of the attorneys who stated they did not have enough evidence to terminate. The Trustees did not even take a vote.

Mr. Cummings asked for a motion to adjourn. He wanted to thank everyone for coming tonight and he was glad to see this many people here and hoped to see them at future meetings. He felt if more people attended these meetings they would know what was going on and there wouldn't be all this questioning about what is going on and receive incorrect information.

Mr. Struve asked to respond to Mr. Buralli. He asked to poll the Board as to how they felt pertaining to the second employee in regards to his termination. He felt the people had a right to know. Mr. Struve stated if it was \$1 or \$1,000 it was still theft and he should be terminated. Mr. Cuttill stated he felt the same way. Mr. Rhodes stated as he talked to the Board members he said today he felt as strongly as he did 3 weeks ago he should have been terminated. Mrs. Moxley came into the meeting in favor of termination and was told there was not enough evidence. She was also told that they thought he should be suspended for 3 months and felt 2 months was not enough. Mr. Rice responded he stated it was the same as a bank robbery. The guy waiting in the

car is as same as the guy robbing the bank. What is good for one is good for the other.

Mr. Ken Tucker of 6513 Wenz asked if it was the same as when somebody goes home and works on his house?

Mr. Struve responded sure.

Mr. Tucker asked how many times Mr. Struve's son worked on his house last year during work hours?

He said he was there a lot and not just after work hours.

Mr. Struve responded prove it. He continued that if Mr. Tucker could prove that he was there and on work hours...

Mr. Tucker stated that he could prove that. He stated he did not take any vacation time off.

Mr. Struve responded can you prove that? He stated that he was tired of hearing this and he could just put him on the list with the rest of them.

Mr. Cummings stated he did what he did because he felt it was the right thing to do. The facts came are this: When the Pep Boys bill came in the employee said it was his bill and he paid it.

In response to the discussion as to why the second employee was not terminated Mr. O'Connell stated the following: These were two different cases. In the first case, it was not just one incident, there were a number of incidents over a period of years. He was a director of his department. After an investigation there was no question that he should be terminated. He recommended to the Mayor and Trustees that he be terminated. That would be the worst thing that could happen to a young man, but you would have to agree it was required. In the second case, the individual was an employee. The only incident we could prove was a \$142 purchase that was paid back by the individual. The forum in which this would be eventually decided would be a court of law. And the court of law would have been a judge, an attorney for the plaintiff and us. This, over the purchase of \$142, that he paid back. It was our collective recommendation after looking at this for over a month, that we could not sustain it. Everybody including the Mayor wanted his termination. But he will tell everyone that after practicing 35 years of law a judge with no affiliation whatsoever with our town, would look at us, in this day and age where a job is the most valuable asset an individual can have, and seriously question the termination. A 2 month suspension cost this individual approximately \$8,000 for a \$142 purchase. Personalities did not enter into it, threats or any so called misguided activities by anybody did not enter into it. It was the merits of the decision in which the recommendation was made. The Mayor agreed. He is the only one by law who can hire and fire an employee of that rank. If anyone needs to be blamed by the public for the leniency you can blame him, the Village Attorney.

Mr. Buralli stated it was the fear of a law suit and we should never be afraid of a law suit. That why we have the hired guns here.

Mr. O'Connell responded it was not the fear of a law suit. Every act that we made including Mr. Rice was based on whether we could sustain legally. We can't be the emotional one.

Mr. Buralli stated it was a very fine line we are walking.

Mr. O'Connell replies he understands what he is saying. But any evidence that is given is never true until it is proven. He stated he would show him the evidence that we have in private. But whatever he heard was not true. Because he checked it out.

Mr. Callahan stated he looked at the recommendation also and he agreed there were no personalities involved and he also recommended the same as Mr. O'Connell.

Mr. Buralli asked then why do we have trustees then?

The trustees are elected by the residents, but they also get the legal advice from a licensed Attorney. Mr. O'Connell stated he might not be the greatest but he is the attorney for the Village. They pay him for making these recommendations. He also stated his points are valid and apologized for speaking out earlier when he asked the elected officials.

Mr. Cummings asked if anyone else had anything else to say.

There was no response so he asked for a motion to dismiss.

Motion to adjourn by Mrs. Moxley. Second by Mr. Rice. Voting Aye: Mr. Cuttill, Mrs. Moxley, Mr. Rice, Mr. Struve, Mr. Rhodes. Voting Nay: None.

Adjourned: 8:15 P.M.

Claude Sexton, Clerk by
Sharon Wells, Deputy Clerk

Date Passed:

Voting Aye:

Voting Nay:

Absent:

Abstain: