

**MICHAEL A. O'CONNOR
MAYOR**

**THOMAS J. PAVLIK
CITY CLERK**

**MINUTES
AS AMENDED
BERWYN CITY COUNCIL
NOVEMBER 14, 2006**

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:25 p.m. Upon the call of the roll the following responded present: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Absent: Skryd.
2. The Pledge of Allegiance was recited and the Mayor called for a moment of silence in remembrance of our Veterans in recognition for the past weekends Veterans Day and the safety of our Police officers and Firefighters and Armed Forces overseas.
3. Chapman made a motion, seconded by Weiner, to excuse Skryd. The motion carried by a voice vote.
4. The Open Forum portion of the meeting was announced. The Mayor recognized Alba Lovero and Beverly Pastoric, of the Berwyn Depot District Committee, who presented a donation in the amount of \$440, raised at the recent Depot District Oktoberfest, to the Berwyn Dollars for Scholars Fund. Clerk Pavlik accept the donation on behalf of the Dollars for Scholars and thanked the Committee for their efforts.
5. The minutes of the Berwyn City Council and the Committee of the Whole held on October 24, 2006 were submitted. Thereafter, Brocato made a motion seconded by Weiner, to approve the minutes as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.
6. Brocato made a motion, seconded by Chapman, to suspend the rules and bring forth Items F-3, F-4, and F-5. Item F-3 is a Proclamation submitted by the Mayor recognizing Tom Benson, 2006 recipient of the Piper Award. Thereafter, Brocato made a motion, seconded by Chapman, to concur and adopt the Proclamation as presented. The motion carried by a voice vote.
7. The Mayor submitted a Proclamation honoring the Morton Soccer team for their 4th Place finish in the State of Illinois. There after, Phelan made a

motion, seconded by Ramos, to concur and adopt the Proclamation as presented. The motion carried by a voice.

8. The Mayor submitted a Proclamation honoring Joe Vallez, Executive Director of the North Berwyn Park District, in recognition of his receipt of the Berwyn Hispanic Organization 2006 service award. Thereafter, Phelan made a motion, seconded by Ramos, to concur and adopt the Proclamation as presented. The motion carried by a voice vote.
9. Brocato made a motion, seconded by Chapman, to suspend the rules and bring forth Item J-5. The Police Chief submitted a communication regarding the lateral hiring of three (3) police officers. Clerk Pavlik administered the Oath of Office to James W. Tricka, Robert D. Fox, Jr., and Adam J. Thibo. Thereafter, Brocato made a motion, seconded by Weiner, to accept the matter as informational. The motion carried by a voice vote.
10. Weiner made a motion, seconded by Ramos, to suspend the rules and bring forth Items J-2, J-3, J-4, and J-6. The motion carried by a voice vote. Item J-2 is a communication from the Police Chief regarding the Near West Suburban Gang Task Force. Brocato made a motion, seconded by Ramos, to waive reading. The motion carried. Thereafter, the Mayor recognized, Chief Kushner, who gave a brief summary of the Intergovernmental agreement. Thereafter, Brocato made a motion, seconded by Ramos, to concur and approve as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.
11. The Police Chief submitted a proposed ordinance regarding Replica Firearms and Pellet guns. After a brief summary by Chief Kushner, Lovero made a motion, seconded by Weiner, to refer the matter to the Ordinance and Resolutions committee. The motion carried by a voice vote.
12. The Police Chief submitted a proposed ordinance regarding Gang and Narcotics related loitering. Thereafter, Brocato made a motion, seconded by Chapman, to refer to the Law department. After further discussion, the motion was amended, and referred to the Ordinance and Resolutions committee. The motion carried by a voice vote.
13. The Police Chief submitted a communication regarding the approval for the hiring of three (3) probationary police officers from the Eligibility List. After discussion, Chapman made a motion, seconded by Lovero, to refer the matter to the Budget committee. The motion carried by a voice vote.

14. Erickson made a motion, seconded by Phelan, to suspend the rules and bring forth Items F-12,13,14, G-2,3, I-5, 6, 7, and J-9. Item F-12, the Mayor submitted a communication regarding the appointment of Mark Jarnagin to fill the position of Director of Neighborhood Affairs. After discussion, Erickson made a motion, seconded by Phelan, to refer the matter to a Joint Administration and Budget committee meeting. The Mayor called for a roll call vote. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Brocato. Excused: Skryd.
15. The Mayor submitted a communication regarding the Fleet Director position. Thereafter, Chapman made a motion, seconded by Brocato, to accept as informational. After further discussion, Chapman made a motion, seconded by Weiner, to amend the motion and to refer the matter to the Administration committee. The motion carried by a voice vote.
16. The Mayor submitted a communication requesting the hiring of Bruce Bonebreak, as Interim Administrative Coordinator, during the absence of Scott Waguespack effective November 20, 2006. Thereafter, Erickson made a motion, seconded by Lovero, to refer the matter to a joint meeting of the Administration and Budget committees. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Brocato. Excused: Skryd. Chapman requested the Mayor to reiterate statement made in closed COW in which he pledged not to enter into contract with any Department Head, or External Consultant unless the Berwyn City Council has voted and approved the position and the individual applicant for that specific position, the Mayor agreed.
17. The Clerk submitted a communication regarding the implementation of the Deputy City Clerk position and requested the firm of Odelson & Sterk assist in the implementation. Thereafter, the Mayor distributed copies of the Administrative code of ordinance #242.03. After discussion, Lovero made a motion, seconded by Erickson, to concur in the request. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.
18. The Clerk submitted a communication regarding the Legal Review and Proposal for Re-Codification of Codified Ordinances. Thereafter, Lovero made a motion, seconded by Brocato, to concur and authorize the corporate authorities to enter into an agreement and affix their signatures thereto, and to refer to the Law department for review. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd. Thereafter, Lovero made a motion, seconded by Chapman, to refer the matter to the

Budget committee for inclusion into the 2007 budget. The motion carried by a voice vote.

19. Alderman Erickson submitted a communication regarding a New City Website. After discussion, Lovero made a motion, seconded by Weiner, to authorize the director of Computer Operations, to proceed, and to refer the matter to a joint meeting of the Administration and Budget committees for review. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd
20. Alderman Phelan submitted a communication regarding Employee conduct. Thereafter, Chapman made a motion, seconded by Ramos, to refer the matter to the Administration committee. After further discussion, the motion was withdrawn. Thereafter, Phelan made a motion to amend the communication on face and to have the Finance department provide cell phone records for Community Outreach director and to refer the matter to the Administration committee. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Brocato. Excused: Skryd. Thereafter, the Mayor requested the matter be brought forth in Administration committee within 30 days.
21. The Administration committee submitted a communication regarding the proposals submitted by the Par Group with recommendation to approve the Par Group's " Proposal to Conduct an Organizational Structure, Roles, and Responsibility Study". Erickson made a motion, seconded by Weiner, to refer the matter back to the Administration committee and to bring forth Item J-14, a communication from the Human Resource director regarding the Par Group as germane. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.
22. The Berwyn Police department submitted a communication requesting a handicapped sign for Edmund Demsey, 1246 Grove Apt. B. Thereafter, Erickson made a motion, seconded by Brocato, to concur with the investigating officer's recommendation and to deny said sign. The motion carried by a voice vote.
23. The Berwyn Development Corporation submitted a communication regarding the request from Harold Elgazar owner of the Jewelry store located at 6823 Stanley Avenue, to approve the use TIF funds in the amount of \$7,000 for renovation purposes. Thereafter, Weiner made a motion, seconded by Brocato, concur and approve for payment. The motion

carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.

24. A deferred communication from the Mayor regarding Bar Hours of Operation. Thereafter, Lovero made a motion, seconded by Chapman to defer and to refer to the Ordinance and Resolutions committee. The motion carried by a voice vote.
25. A deferred communication from the Mayor regarding the number of Deputy Fire Chiefs. Thereafter, Weiner made a motion, seconded by Brocato, to concur. The motion was defeated by the following roll call: Yeas: Ramos, Weiner, Brocato. Nays: Chapman, Phelan, Lovero, Erickson. Excused: Skryd.
26. The Mayor submitted a communication regarding the Charge for Residential Garbage with the request to reduce the percentage from 3% to 2%. Thereafter, Chapman made a motion, seconded by Phelan, to refer the matter to the Budget committee. After further discussion, the motion was withdrawn. Weiner made a motion, seconded by Ramos to concur and refer the matter to the Budget committee.
27. The Mayor submitted a communication regarding the Maintenance staff. After discussion, Chapman made a motion, seconded by Ramos, to refer to the Budget committee. The motion carried by a voice vote.
28. The Mayor submitted a communication regarding the new Fire House on 16th Street. Phelan made a motion, seconded by Brocato, to concur in the recommendation. The motion carried on the following roll call vote: Yeas: Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: Chapman. Excused: Skryd.
29. The Mayor submitted a communication regarding the Telephone System RFP's. Lovero made a motion, seconded by Phelan, to waive reading and to concur in the recommendation and refer the matter to Scott Waguespack and Jim Frank to review and make a final recommendation to the Council. The motion carried by a voice vote.
30. The Mayor submitted a communication requesting the renewal of the position of Assistant City Attorney. After discussion, Chapman made a motion, seconded by Brocato, to refer the matter to the Law department to draft an ordinance to recreate the position. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.

31. The Mayor submitted a communication regarding the letter of resignation from John Valtierra, Director of Neighborhood Affairs. Thereafter, Chapman made a motion, seconded by Ramos, to accept the matter as informational, with regrets. The motion carried by a voice vote.
32. The Clerk submitted a communication regarding IMRF Eligibility for the Fire and Police board. Thereafter, Weiner made a motion, seconded by Ramos, to accept the matter as informational. The motion carried by a voice vote.
33. The Zoning Board of Appeals submitted an Resolution and Ordinance pertaining to the property of Jeffrey A. Pales, 6505 W. 27th Street. Thereafter, Chapman made a motion, seconded by Lovero, to concur and Adopt the Resolution and Ordinance as presented. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Skryd.
34. Brocato made a motion, seconded by Lovero, to excuse Alderman Erickson at the hour of 9:30 p.m. The motion carried by a voice vote.
35. The Zoning Board of Appeals submitted a Resolution pertaining to the property of Josef Sobczak, 6448 W. 26th Place. Thereafter, Chapman made a motion, seconded by Weiner, to defer the matter. The motion carried by a voice vote.
36. A deferred communication from Alderman Brocato regarding Incident reports. Brocato made a motion, seconded by Weiner, to defer generally. The motion carried by a voice vote.
37. Alderman Chapman submitted a communication regarding the missing Parking Meters on Windsor Avenue. The Mayor recognized Public Works director, Patrick Ryan. After discussion, Chapman made a motion, seconded by Ramos, to concur and refer the matter to the Public Works department for the installation of 2 hour parking signs until the meters can be replaced. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
38. Alderman Chapman submitted a communication regarding the Par Group "Study" and the hiring of New Consultants/Department Heads. After discussion, Chapman made a motion, seconded by Lovero, to concur in the recommendation. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Brocato, Phelan, Lovero. Nays: Weiner. Excused: Skryd, Erickson.

39. Alderman Brocato submitted a communication regarding the tree removal located on the parkway at 1647 Ridgeland. Brocato made a motion, seconded by Weiner, to concur and refer the matter to the Public Works department for tree removal. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Lovero. Nays: Phelan. Excused: Skryd, Erickson.
40. The Budget committee submitted the Payroll report for November 1, 2006 in the total amount of \$737,452.26. Thereafter, Chapman made a motion, seconded by Ramos, to concur in the recommendation and approve for payment. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
41. The Budget committee submitted the Payables report for November 14, 2006 in the total amount of \$4,484,345.55. Thereafter, Chapman made a motion, seconded by Ramos, to concur in the recommendation and approve for payment. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
42. The Education committee submitted a communication regarding the Intergovernmental Agreement between the City of Berwyn and the City's school districts with the recommendation to refer to the Law department for the drafting of an Agreement. Ramos made a motion, seconded by Chapman, to waive reading and refer to the Law department. The motion carried by a voice vote.
43. The Fire and Police committee submitted a communication regarding "Towing for the City" with the recommendation that the matter be revisited at a later date. Thereafter, Weiner made a motion, seconded by Brocato, to accept the matter as informational. The motion carried by a voice vote.
44. The Fire and Police committee submitted a communication regarding the "Pay Scale for the Auxiliary police officers and others" with the recommendation that the matter be sent to the Police Chief and be reassessed in January, 2007. After discussion, Chapman made a motion, seconded by Lovero, to defer the matter for two (2) weeks. The motion carried by a voice vote.
45. The Ordinance and Resolutions committee submitted an ordinance entitled:

ORDINANCE AMENDING PART TEN, TITLE FOUR OF THE CODIFIED ORDINANCES OF BERWYN REGARDING WATER AND SEWER RATES AND CHARGES.

Thereafter, Lovero made a motion, seconded by Phelan, to concur and Adopt the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.

46. The Public Works committee submitted a communication regarding the "Fifth Ward restructure to one-way East-West Program" with the recommendation that Public Works Director provide cost estimates for feasibility study for City Wide one-way East-West streets restructure program. After discussion, Alderman Ramos stated that he would not be in favor of the program for the Second Ward. Thereafter, Brocato made a motion, seconded by Weiner, to concur and refer the matter to the Public Works Director. The motion carried on the following roll call vote: Yeas: Chapman, Weiner, Brocato, Phelan, Lovero. Nays: Ramos. Excused: Skryd, Erickson.
47. The Public Works committee submitted a communication regarding the "Bonus for Vince Comella, Water Department" with the recommendation to concur with the recommendation of Director Ryan. After discussion, the motion was amended to refer to as Stipend not Bonus. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson
48. The Public Works committee submitted a communication regarding the "Public Works Staff Request" with the recommendation that the matter be referred to the Budget committee for implementation into the 2007 budget. Brocato made a motion, seconded by Chapman, to refer to the Budget committee. The motion carried by a voice vote.
49. A deferred communication from the Police department regarding the handicapped sign for Ervin Miller, 1426 Grove #1. Brocato made a motion, seconded by Chapman, to defer for two weeks. The motion carried by a voice vote.
50. The Police department submitted a communication regarding the handicapped sign for Guy T. Carbonaro, 1946 Euclid. Thereafter, Phelan made a motion, seconded by Brocato, to defer for two (2) weeks. The motion carried by a voice vote.

51. The Police department submitted a communication regarding the handicapped sign for Margaret Munro, 2215 Highland. Thereafter, Brocato made a motion, seconded by Chapman, to concur in the recommendation of the investigating officer and authorize the Public Works department to install said sign. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson
52. The Police department submitted a communication regarding the handicapped sign for Jean O. Richardson, 2221 Gunderson Apt 2. Brocato made a motion, seconded by Weiner, to concur in the recommendation of the investigating officer and authorize the Public Works department to install said sign. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson
53. The Police department submitted a communication regarding the handicapped sign for Maximiliano Flores, 1834 Euclid. Lovero made a motion, seconded by Brocato, to concur in the recommendation of the investigating officer and deny said sign. The motion carried by a voice vote.
54. The Fire Chief submitted a communication requesting permission to purchase two (2) monitor defibrillators. After discussion, Ramos made a motion, seconded by Weiner, to concur, waive the bidding process, approve for payment and refer to the Budget committee. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
55. The Human Resource director submitted a communication requesting approval of the AFSCME union equity salary increases. Thereafter, Lovero made a motion, seconded by Brocato, to concur and approve as submitted. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
56. The Interim Finance director submitted a communication requesting transfers of Monies between Funds and/or Bank Accounts. Chapman made a motion, seconded by Weiner, to concur in the recommendation and approve as submitted. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
57. The Public Works director submitted a communication regarding the waiver of bidding and approval of Holiday Decorations. Chapman made a motion,

seconded by Ramos, to waive reading, and to defer and refer to the Public Works director. The motion carried by a voice vote.

58. The Library director submitted a communication regarding the Community Block Grant for the installation of automatic door openers and requested payment in the amount of \$32,950 to Tee Jay Services. Chapman made a motion, seconded by Weiner, to concur and approve for payment. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
59. The Library director submitted a communication regarding the change in work order for the roof at the Berwyn Public Library by Riddiford Roofing Company. Thereafter, Chapman made a motion, seconded by Ramos, to concur and approve as submitted. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
60. Chapman made a motion, seconded by Ramos, to withdraw Item J-19 and J-20. The motion carried by a voice vote.
61. Novotny and Associates submitted a communication regarding the Berwyn Public Library Parking Lot Improvements, change order No. 1. with a net addition of \$40,690 to the contract. Thereafter, Brocato made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
62. Novotny and Associates submitted a communication regarding the 2007 MFT Maintenance section No. 07-00000-00-GM with an amended Resolution for Maintenance of Streets and Highways in the total amount of \$1,218,000 to fund maintenance activities. Thereafter, Lovero made a motion, seconded by Weiner, to concur and approve for payment, Adopt the Resolution as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
63. Novotny and Associates submitted a communication regarding the 2007 MFT Maintenance section No. 07-00000-00-GM "Maintenance Engineering Agreement". Thereafter, Lovero made a motion, seconded by Chapman, to concur, and to authorize the corporate authorities to affix their signatures thereto. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.

64. Novotny and Associates submitted an amended communication regarding the 2007 MFT Maintenance section No. 07-00000-00-GM "Municipal Estimate of Maintenance Cost" in the total amount of \$1,217,983.89. The revision was made to increase the tree trimming contract to \$100,250. Thereafter, Lovero made a motion, seconded by Weiner, to concur, approve for payment, and to authorize the corporate authorities to affix their signatures thereto. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson.
65. Brocato made a motion, seconded by Weiner, to suspend the rules and bring forth Item K-3 and K-4 from the Consent Agenda. Item K-3 is a communication from Novotny and Associates regarding the 2006 MFT Maintenance Sidewalk and Curb and Gutter Repairs MFT section No. 06-00000-03-GM Engineer's payment Estimate No.1, requesting payment to M & A Cement Work, Inc. in the total amount of \$77,680.75. Thereafter, Brocato made a motion, seconded by Chapman, to concur and approve for payment. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson
66. Novotny and Associates submitted a communication regarding the Berwyn Public Library Parking Lot Improvements, Engineer's Payment Estimate No. 1 requesting payment to Chicagoland Paving Contractor's Inc in the total amount of \$110,448.45. Thereafter, Brocato made a motion, seconded by Weiner, to concur and approve for payment. The motion carried on the following roll call vote: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: none. Excused: Skryd, Erickson
67. The Consent Agenda Items K-1 and K-2 were submitted:
K-1 The Collector submitted a report on business licenses issued during the month of October, 2006.
K-2 The Building director submitted a report on building and local improvements permits issued during the month of October, 2006.
- Thereafter, Brocato made a motion, seconded by Weiner, to concur, grant permission, and accept as informational. The motion carried by a voice vote.
68. The Mayor called a Committee of the Whole meeting for Tuesday, November 28, 2006 at 6:00 p.m. for referrals.

69. Alderman Erickson called for a Closed Administration committee meeting for Monday, November 27, 2006 at 6:30 p.m. for referrals.
70. Alderman Lovero called an Ordinance and Resolutions committee meeting for Monday, November 20, 2006 at 6:30 p.m. for referrals.
71. Alderman Chapman called a Budget committee meeting for Monday, November 20, 2006 at 7:00 p.m. or immediately following the Ordinance and Resolutions committee meeting.
72. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Brocato, to adjourn at the hour of 10:23 p.m. by roll call vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk