

BERWYN CITY COUNCIL MEETING
MAY 8, 2012

DEAR ATTENDEE.....THE MAYOR AND CITY COUNCIL WELCOME YOU. PLEASE KEEP IN MIND THAT THIS IS A MEETING OF THE MAYOR AND COUNCIL MEMBERS AS OPPOSED TO A PUBLIC HEARING WHERE ATTENDEES ARE ENCOURAGED TO PARTICIPATE. UNLESS INVITED BY THE MAYOR TO SPEAK, YOU ARE REQUESTED NOT TO INTERRUPT. IF YOU ARE RECOGNIZED BY THE MAYOR, PLEASE PREFACE YOUR REMARKS BY STATING YOUR NAME AND ADDRESS FOR THE RECORD. THANK YOU.

ROBERT J. LOVERO
MAYOR

THOMAS J. PAVLIK
CITY CLERK

AGENDA

ROLL CALL

- (A) PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE
- (B) OPEN FORUM - (TOPIC MUST NOT BE ON THE AGENDA)
- (C) PRESENTATION OF PREVIOUS MEETINGS MINUTES FOR APPROVAL
 - 1. REGULAR MEETING 4/10/12-COW-4/10/12
- (D) BID OPENING-TABULATIONS
- (E) BERWYN DEVELOPMENT CORP.-BERWYN TOWNSHIP/HEALTH DISTRICT
 - 1. BDC-TIP APPLICATION-RIDDLES COMEDY CLUB, 6910 WINDSOR AVE.
 - 2. BDC-BENNY'S PIZZA LOAN APPLICATION-6800/6810 W. 26TH STREET
 - 3. BDC-ROUTE 66 CAR SHOW AND RESOLUTION-CLOSURE OF OGDEN AND MUSIC & ART IN THE STREET-CLOSURE OF STREETS IN DEPOT DISTRICT
- (F) REPORTS AND COMMUNICATIONS FROM THE MAYOR
 - 1. PROCLAMATION-JASON ROSADO AND JENNIFER CHHATLANI DAY
 - 2. PROCLAMATION-NATIONAL PRESERVATION MONTH
 - 3. LIBRARY BOARD APPOINTMENT
 - 4. BHPC APPOINTMENTS AND REAPPOINTMENTS
- (G) REPORTS AND COMMUNICATIONS FROM THE CITY CLERK
- (H) COMMUNICATIONS FROM (ZONING) BOARD OF APPEALS
- (I) REPORTS AND COMMUNICATIONS FROM ALDERMEN, COMMITTEES OTHER BOARDS AND COMMISSIONS

(J) STAFF REPORTS

1. FIRE CHIEF O'HALLORAN-APPOINTMENT OF BATTALION CHIEF FOR THE FIRE PREVENTION-LT. MARIO MANFREDINI
2. FIRE CHIEF O'HALLORAN-PERMISSION TO BEGIN THE PROCESS OF PROMOTION FOR THE CAPTAIN'S FOR THE TRAINING OFFICE
3. FIRE CHIEF O'HALLORAN-PERMISSION TO BEGIN THE PROCESS OF PROMOTION FOR THE VACATED POSITION OF LIEUTENANT
4. FIRE CHIEF O HALLORAN-PERMISSION TO BEGIN THE PROCESS FOR A REPLACEMENT FIREFIGHTER/PARAMEDIC DUE TO THE SENIORITY PROMOTION
5. FIRE CHIEF-FIRE PUP PROGRAM 2012
6. CITY ATTORNEY-SETTLEMENT OF CASE NO.11-CV-2167
7. CITY ATTORNEY-INTERGOVERNMENTAL AGREEMENT BETWEEN THE MORTON COLLEGE, COMMUNITY COLLEGE DISTRICT NO. 527 AND THE CITY OF BERWYN

(K) CONSENT AGENDA: ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED IN ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED AS THE FIRST ITEM AFTER APPROVAL OF THE CONSENT AGENDA

1. BUDGET CHAIR-PAYROLL-4/25/12-\$953,318.16
2. BUDGET CHAIR-PAYABLES-5/8/12-\$676,361.51
3. MAYOR-CONCLUSION OF A LIQUOR HEARING PROCEEDING, WINGS FIRE HOUSE, INC., 6535 CERMAK ROAD.
4. COLLECTIONS AND LICENSING PERMITS-APRIL, 2012
5. SKRYD-HANDICAP SIGN-Z. BONILLA-2227 RIDGELAND AVE.-**APPROVE**
6. SKRYD-HANDICAP SIGN-J. SPROVIERI-2429 EAST AVE.-**APPROVE**
7. SKRYD-HANDICAP SIGN-J. SCOTELLA-6549 W. 28TH ST.-**APPROVE**
8. SANTOY-HANDICAP SIGN-N. ALVA-2129 HIGHLAND AVE.-**APPROVE**
9. POLASHEK-HANDICAP SIGN-D. KOENING-1518 EUCLID AVE.-**APPROVE**
10. ILLINOIS YOUTH CLUB, INC.-FUND-RAISING-5/11, 5/12/12

ITEMS SUBMITTED ON TIME 25

THOMAS J. PAVLIK - CITY CLERK

In accordance with the provisions of the Americans with disabilities Act, any individual who is in the need of a reasonable accommodation in order to participate in or benefit from attendance at a public meeting of the City of Berwyn should contact Thomas J. Pavlik, City Clerk at 708/788-2660 as soon as possible before the meeting date.

BERWYN CITY COUNCIL
MEETING
MAY 8, 2012

ADDENDUM TO AGENDA

2nd ADDENDUM - EMERGENCY ACTION ITEM

- J-8: Chief Ritz-Promotion to Position of Police Sergeant-Joseph Robinson
- J-9: City Attorney - Authorization to enter into Stipulation/Agreed Compliance Plan-Community Pools (Emergency Action Item)

J-8



Mayor
Robert J. Lovero

BERWYN POLICE DEPARTMENT

"Serving with Pride"



Chief of Police
James D. Ritz

April 27, 2012

Mayor Robert J. Lovero
City of Berwyn
6700 W. 26th St.
Berwyn, IL 60402

RE: REQUEST PROMOTION TO POSITION OF POLICE SERGEANT

Dear Mayor Lovero and City Council Members:

Due to an existing vacancy for the position of Police Sergeant, I am respectfully requesting your authorization to promote the next eligible candidate from the current Sergeants eligibility list.

With approval, the promotion of Juvenile Detective Joseph Robinson to the position of Sergeant will take place at the next City Council meeting on Tuesday, May 8, 2012. The position is currently approved in the police department budget, and the appointment will meet all the hiring guidelines of the Illinois Municipal Police Association (IMPA) collective bargaining agreement.

Please contact me at anytime if you have further questions regarding this request. Thank you for your time and consideration.

Respectfully submitted,

James D. Ritz
Chief of Police



CITY OF BERWYN POLICE AND FIRE COMMISSION

Carl Reina, Chairman

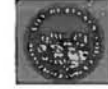
Rick Toman, Commissioner

Roger Montoro, Commissioner

Tony J. Laureto, Secretary

6401 WEST 31ST STREET

BERWYN, IL. 60402



Mayor Robert J. Lovero

Alderman Ralph Avila, Chairman of Police and Fire Committee

Police Chief James Ritz

City Clerk Tom Pavlik

City Treasurer Joseph Kroc

Members of the City Council

Date: 5/8/2012

RE: Promotion of Police Officer Joseph Robinson

At the request of Chief Jim Ritz, Joseph Robinson as the next candidate on the Sergeant's eligibility list, be promoted to the rank of Sergeant

The members of the Police and Fire Commission pending approval of the Mayor and the City Council therefore recommend the appointment of Joseph Robinson to the rank of Sergeant in the Berwyn Police Department and are sworn in at the Berwyn Council meeting on 5/8/2012 with the effective start date of 5/9/2012.

The Board of Police and Fire Commissioners

Carl Reina, Chairman

Richard Toman, Commissioner

Roger Montoro, Commissioner

Tony J. Laureto, Secretary

The City of Berwyn



Anthony T. Bertuca
City Attorney

J-9

A Century of Progress with Pride

May 8, 2012

To: Members of Berwyn City Council

Re: Berwyn Community Pool – Stipulation and Agreed Compliance Plan

Ladies and Gentlemen:

Enclosed please find the Stipulation and Agreed Compliance Plan between the City and the Illinois Department of Public Health (IDPH). As you can see, we did not receive the plan until yesterday afternoon. In order for the Berwyn Community Pool to be open in time for the summer we are asking for the Council's approval for the Mayor to sign the attached agreement.

Sincerely,

Anthony Bertuca
City Attorney

Robert J. Lovero

From: Abinoja, Allan [Allan.Abinoja@Illinois.gov]
Sent: Monday, May 07, 2012 12:17 PM
To: Robert J. Lovero
Cc: Evan K. Summers; Jacobs, Kevin; DeWitt, Justin
Subject: Berwyn Community Pool, License No. 133-24867
Attachments: Berwyn stipulation 5-3-12.pdf

Importance: High

Mayor Lovero:

I am in receipt of an e-mail correspondence that your office sent to Justin DeWitt asking that the Illinois Department of Public Health "Department") send to you directly any Stipulation relating to the Berwyn Community Pool. I am an attorney for the Department that has been assigned to handle this matter.

The Department has agreed to enter into a Stipulation and Agreed Compliance Plan with this facility. I have attached the proposed stipulation, which I understand you have the legal authority to sign on behalf of the facility. You will see in Paragraph B of the Stipulation (very top of page 2) that the Department believes that, based on representations that the facility has made, the Berwyn pool does not represent a significant danger to the users of the facility, and thus, that the pool may be reopened pending completion of the necessary revocations. However, the Department wants the facility to complete all necessary paperwork and make all necessary renovations within the timeframes specified elsewhere in Paragraph B. If the facility fails to live up to its end of the bargain in coming back into full compliance, than the Department reserves its rights to take any action under the law (see Paragraph H).

If the Stipulation and these terms are agreeable to the facility, please execute this document and return to my attention (either by fax, e-mail, or regular mail – my contact information is below). **Please be advised that the Department does not authorize reopening of the Berwyn Community Pool without the attached Stipulation being signed and executed by both parties.**

If you have any questions, please feel free to contact me.

Thanks.

Allan V. Abinoja
Deputy General Counsel
Division of Legal Services
Illinois Department of Public Health
122 South Michigan Avenue, 7th Floor
Chicago, Illinois 60603
Tel: (312) 814-8996
Fax: (312) 814-1503
E-mail: allan.abinoja@illinois.gov

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is not intended to waive any applicable privilege or claim of confidentiality, and any prohibited or unauthorized disclosure is not binding on the sender or the Illinois Department of Public Health. Thank you for your cooperation.

**DEPARTMENT OF PUBLIC HEALTH
STATE OF ILLINOIS**

THE DEPARTMENT OF PUBLIC HEALTH,)	
STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	Docket No. DSP 11-105
)	
BERWYN COMMUNITY POOL)	
License No. 133-24867)	
)	
Respondent.)	

**STIPULATION AND AGREED
COMPLIANCE PLAN**

NOW COMES the Illinois Department of Public Health (hereinafter “Complainant” or “Department”), and the BERWYN COMMUNITY POOL (hereinafter “Respondent”), pursuant to Section 100.13(f) of the Illinois Department of Public Health Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) and for purposes of this Stipulation and Agreed Compliance Plan, state and agree as follows:

1. That the Director of the Illinois Department of Public Health, or his designee, has jurisdiction of the parties to this action and to consider the issues herein pursuant to the provisions of the Swimming Facility Act (hereinafter “Act”), 210 ILCS 125/1 *et seq.*, and the Illinois Swimming Facility Code (hereinafter “Code”) (77 Ill. Adm. Code 820).
2. That Complainant, by Notice of Intent (hereinafter “Notice”) dated September 30, 2011, (Exhibit A attached) notified Respondent of Complainant's intention to close Respondent’s swimming facility due to noncompliance with provisions of the Act and Code and that Respondent had fifteen (15) days within which to request a hearing.
3. That the parties, Complainant and Respondent, now wish to dispose of this matter without consuming further time or expense on the part of the litigants.

NOW THEREFORE, it is hereby stipulated and agreed by the parties as follows:

- A. Respondent waives its right to pursue any action to challenge the Department’s Notice.
- B. Respondent shall obtain a permit for required renovations to its existing pool. Respondent shall submit an application for such a permit within thirty (30) days from the date of entry of a final order approving this Stipulation and Agreed Compliance Plan. Once a permit has been obtained,

Respondent will complete all necessary renovations within thirty (30) days or such additional time as the Department may, in its sole discretion, allow. Respondent has represented to the Department that its swimming facility as currently constituted does not represent a significant danger to users of the facility as the pool has multiple, gravity flow drains that represent a much lower suction entrapment risk. Based upon that representation the Department agrees to allow Respondent to reopen the pool pending completion of the necessary renovations. However, should Respondent fail to promptly apply for and obtain a permit for the necessary renovations or complete the renovations in a timely manner once the permit has been issued, the Department reserves the right, in its sole discretion, to order the facility closed until the renovations are completed.

- C. Respondent agrees that it shall not at any time in the future construct, develop, install, alter, open, establish, maintain, or operate a swimming facility without and prior to obtaining any and all necessary and legally required permits, licenses, or any approval, specifically pursuant to, but not limited to, the Act and the Code. Failure to adhere to any portion of this Paragraph in the future shall subject the Respondent to enhanced sanctions for repeat violations which may result in injunctive action through the Attorney General's Office or the local States' Attorney's Office, license or permit revocations, denials, suspensions, additional fine amounts, and any additional recourse allowed by the full extent of the Act and the Code.
- D. Respondent agrees that the allegations of noncompliance set forth in the Notice shall be considered by Complainant should Respondent in the future be found to be in violation of the Act or Code.
- E. This Stipulation shall become binding on, and shall inure to the benefit of, the parties hereto, their successors, or assigns immediately upon the execution of a final order approving this Stipulation by the Director of Public Health, or his designee.
- F. Respondent acknowledges the Department's authority to summarily close the facility in accordance with the terms of this agreement and Section 21 of the Act.
- G. This Stipulation constitutes the entire agreement of the parties, and no other understandings, agreements, or representations, oral or otherwise, exist or have been made by or between the parties. The parties acknowledge that they, through their respective counsel, have read and understood this Stipulation in all respects. Respondent agrees that this Stipulation resolves all outstanding issues raised by the Notice and that Respondent will not take any action in any forum to revoke, invalidate or otherwise evade the provisions of this Stipulation. In the event Respondent takes any action in any forum to revoke, invalidate or otherwise evade the provisions of this Stipulation, then the default provisions in Paragraph H below will apply.
- H. **DEFAULT:** Respondent's failure to strictly adhere to the provisions of this Stipulation may result in further enforcement action, including injunctive relief, through the Illinois Attorney General's Office or the local states attorney's office, as well as license or permit revocations, denials, suspensions and any additional relief allowed by the Act, the Code, and any other applicable federal and state laws may also be pursued by Complainant in its sole discretion.

**COMPLAINANT:
DEPARTMENT OF PUBLIC HEALTH
STATE OF ILLINOIS**

By: _____

Allan Abinoja
Deputy General Counsel
Illinois Department of Public Health
Attorney for Complainant

Dated: _____, 2012

**RESPONDENT:
BERWYN COMMUNITY POOL**

By: _____

Robert J. Lovero
Mayor
City of Berwyn

Dated: _____, 2012