

MINUTES OF THE SPECIAL MEETING
OF THE VILLAGE OF WESTERN SPRINGS
PRESIDENT AND BOARD OF TRUSTEES
Monday, April 27, 2020

President Alice F. Gallagher, Presiding
Call to Order, 7:00 p.m.
James Horvath, Acting Village Clerk

Board Members Present

Nicole Chen*
Alan Fink*
James John*
Trustee Appointee Scott Lewis*
Heidi Rudolph*
James Tyrrell*

*Electronic Attendance - Due to the Stay-at-Home Order Through May 31, 2020

Others Present

Ingrid Velkme, Village Manager
Aleks Breidis, Director of Recreation*
Patrick Kenny, Director Fire & EMS*
Martin Scott, Director of CD*
Brian Budds, Director of Law*
Enforcement Services
Grace Turi, Director of Finance*
Ellen Baer, Director of Admin*
John Mastandona, Asst Dir Finance*
Matt Supert, Director of Mun Svcs*
Casey Biernacki, Asst. Dir. Mun Svcs*
Pat Schramm, Director of IT
Elaine Haeske, Deputy Clerk
Michael Jurusik, Village Attorney

CALL TO ORDER

The meeting opened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

President Gallagher said that in response to Covid-19, Governor Pritzker issued Executive Order 2020-07, which suspends Open Meeting Act provisions requiring in-person attendance of the public body and expands conditions when remote participation is permitted. In accordance with this Executive Order, we are conducting this meeting, and all public meetings of the Village Board for the duration of the Governor's stay-at-home order, via teleconference. A conference ID number has been posted on the Village's website and we invite members of the public to remotely attend the meeting. We are making a concerted effort to conduct these special meetings as similar to our regular board meeting format as possible. In an effort to comply with Gov. Pritzker's stay-at-home order and public health guidance, the Board's normal schedule of two

meetings per month will be consolidated into one meeting (absent extraordinary circumstances requiring an emergency meeting) for the duration of the stay-at-home order. The public may participate during the Citizen Comments portion of the meeting. Any members of the public who wish to make comments are asked to respect the Village's Public Comment Participation Guidelines. The audio will be opened for public participants and then muted when Public Comment is concluded. Thank you in advance for your cooperation.

President Gallagher led the audience in the Pledge of Allegiance.

ROLL CALL (Acting Clerk Horvath)

As noted above.

READING OF AGENDA - ADDITIONS – DELETIONS

There were no changes.

MOMENT OF SILENCE FOR TRUSTEE WILLIAM SIFFERMANN

President Gallagher said Trustees and staff alike were very saddened by the untimely passing of Trustee William Siffermann, on March 19. Bill was the consummate public servant, devoted to the Village where he and his wife, Pat, raised their eight children. Trustee Siffermann had a long history of public service. During his professional career, he led reforms of the juvenile justice probation systems first in Cook County and then in San Francisco, where he retired as Deputy Director of Probation and Court Services. In his retirement and out of a desire to contribute to his community, Bill joined the Village Board in 2017. His vast knowledge and experience on public safety matters was a valuable asset to our team. Always a voice of reason, he provided sound advice on complex matters before the Board. His selflessness and leadership, so beneficial to our Village, will be greatly missed. But Bill was more than that to us. The entire Board and Staff knew him to be a big-hearted man with an easy laugh and down-to-earth demeanor. He became an instant friend and mentor to us all. I will forever miss his booming voice calling out "colleagues" to preface his reports. It was a privilege to serve with Bill and count him as a friend. Please join us in observing a moment of silence to honor the memory of our dear friend, Bill Siffermann.

PUBLIC HEALTH UPDATE

The Village follows the guidance of the governor and state and federal public health agencies in instituting new regulations in response to COVID-19. On April 23rd, Gov. Pritzker extended the stay-at-home order another month, through May. This modification to the Order will go into effect on May 1st and is intended to strengthen social distancing requirements while allowing residents flexibility and providing relief to some non-essential businesses. Please continue to support our businesses and restaurants through May by ordering directly from them. Effective May 1st, the new Order:

1. Requires everyone over two years old to wear face coverings when in public outdoor and

indoor places where maintaining social distancing measures is challenging, such as stores and pharmacies.

2. Allows some elective surgeries for non-life-threatening conditions to resume.
3. Re-opens retail stores that are still deemed non-essential but limits them to filling phone and online orders through pick-up outside the store and delivery.
4. Allows some more businesses to open as essential, including greenhouses, garden centers, nurseries, and animal grooming services. All stores must follow social distancing requirements and require customers and employees to wear a face covering.
5. State parks will begin a phased reopening. Fishing and boating will be permitted in groups no more than two.
6. Golf will be permitted under strict social distancing and safety guidelines.

The Village strongly advises residents to begin wearing face coverings when in public and social distancing is difficult as soon as possible. You may have heard that a downstate judge granted State Rep Bailey's TRO motion against the governor. It's important to note that this order applies only to Rep. Bailey and does not apply to any other person or agency. We all want to get back to our lives. But the number of infections and deaths due to Covid-19 is humbling. No one is immune, no community is immune. It's been a challenge to us all and great sacrifices have been made. But please continue to be vigilant for a little while longer so that we can keep our most vulnerable populations as safe as possible. The choices you make absolutely impact the number of positive cases.

CITIZENS COMMENTS

There were no citizen comments. The Board received no public comments by e-mail or in the drop box at Village Hall.

DISCUSSION ITEMS – SPECIAL MEETING AGENDA

1) PROPERTIES AND RECREATION – TRUSTEE CHEN

A) West Underpass – BNSF Easement Agreement

Trustee Chen reported that the Properties and Recreation Committee met via Zoom on April 23, 2020. The main item the committee discussed was the West Underpass project and, specifically, the BNSF Easement Agreement. The Board will be considering a resolution authorizing the approval and execution of this easement agreement with BNSF tonight as part of its omnibus vote. The easement agreement was attached as Exhibit B to the BNSF agreement approved and executed by the Board at the February 24, 2020 meeting, however, over the past several months the Village has been working with BNSF to determine the

final easement costs and coordinating those items with IDOT. As a note, the Village is seeking permanent easement from BNSF for the length and width of the underpass and temporary easement for construction equipment staging areas. Trustee Chen shared where BNSF's right-of-way is located as described by Director Supert to her in committee, as about 3-4' into the parking spots on the Burlington side of the railroad tracks and on the Hillgrove side, a couple of feet inward of the curb of Hillgrove Avenue. The right-of-way is a little off-center around the tracks. The total cost of easement to the Village related to the underpass on BNSF property totals \$86,700 for the permanent easement plus an administrative fee and \$13,000 for the temporary construction easement. The language in the agreement has been reviewed by Village Attorney Jurusik with no objections and there are no substantial changes from the document previously approved by the Board in February. The Village is striving to remain on the June IDOT letting for this project and IDOT is requiring this agreement be fully executed as soon as possible. The Properties and Recreation Committee recommended approval of this easement agreement.

The Properties and Recreation Committee also spent a great deal of time talking about the IDOT land acquisition process which is very involved. The process from IDOT requires two (2) independent land appraisers from IDOT that are approved appraisers in addition to an approved negotiator. The IDOT appraisers identified a higher price for these two easements that we are seeking from BNSF, however, BNSF has agreed to the lower costs. The Village is currently awaiting IDOT's confirmation of the accepted, agreed upon lower costs with BNSF. Director Supert said the Village received some positive news from IDOT but not total confirmation. The Village received an email from Joy Gustafson from IDOT that they have accepted the letter that BNSF representatives signed which was included in the Board's agenda packet. IDOT is waiting for one final approval from IDOT. It appears that everything is moving towards an approval.

Related to the West Underpass, the committee also discussed the 400-day BNSF construction window. The BNSF actually has to perform the largest portion of this construction and they have to complete it with their own construction crew. They have a 400-day window to complete this work. The project is likely to fall between fall 2020 and spring 2022; that is the 400-day window. We are not anticipating that they will start before spring 2021. Regarding notice to residents of the project, if the project is let in June, as scheduled, the official construction could commence in fall 2020, however, there is a lot of unknowns due to the aforementioned 400-day BNSF construction window portion and other portions. The plan, as per usual Village protocol, is to send letters to residents on Central, Burlington, Hillgrove, Prospect and the pool, thirty (30) to sixty (60) days prior to construction. There may be some partial road closures on Burlington near the Park District building in Spring Rock Park and on Hillgrove. The project location is near Prospect Avenue.

The very last portion of the project would be the demolition of the existing

pedestrian crossing, at grade, that is at Central. Director Supert said that will be a separate project, not bid or let by IDOT. Once the West Underpass construction project is complete and the underpass is done and accessible, that is when the Village would move forward with the demolition of the Central Avenue at-grade crossing. Trustee Rudolph asked if the costs presented this evening were in-line with what was expected or budgeted. Director Supert said staff did know that there would be an easement cost and had a preliminary idea of the estimated cost from similar projects in the area, but the final cost has just recently been homed in what the land costs would be.

B) Other

Trustee Chen reported that all Recreation Department programs have now been cancelled following Governor Pritzker's Executive Order through May 31, 2020. Programs in the Recreation Department are tentatively scheduled to commence on Monday, June 8, 2020. Program registration is open and can be completed on-line. Staff is taking phone messages and will return phone calls from any residents with registration questions. If programs need to be cancelled, residents will receive a pro-rated or full refund. Recreation staff has almost completed refunding for session two programs. Staff will now be processing session three refunds. The Recreation Department will automatically refund participants for session three activities. There is no need to contact the Recreation Department for a refund. In May, staff will be evaluating each of our summer activities and putting in place safety procedures following the Illinois Department of Health's directive. Programs which cannot be modified to follow any directive, will be cancelled. The Recreation Department always have and will continue to put participants safety first. Trustee Chen said she wanted to flag items related to the current situation and are on the horizon. One is the lease renewal date is coming up in June for tenants at the recreation facility in Grand Avenue. Information and recommendations on that will be forthcoming. Trustee Chen inquired about payment of lease payments which she was told are all current. She asked to be kept informed on this. Trustee Chen inquired about impact to the Recreation budget because of lack of programming and fees from most of March, April and now, May.

2) PUBLIC WORKS AND WATER – TRUSTEE FINK

A) Capital Project Summary Report

Trustee Fink provided an update to the Board on capital projects. Regarding the Well #5 project, there are three parts, drilling, which is completed, and the Village still owes \$99,240.90 which will be paid out. The second part, transmission main, which connects the well to the reverse osmosis plant, is also complete, and we owe \$32,812.85 which will be paid out as well. The third part is the electrical and pumping equipment. This portion of the project has been on hold because the Village has been waiting on the notice-to-proceed from the IEPA. If we were to

proceed without waiting for the notice-to-proceed, the Village would not get the loan and the Village would have to front all the money for the project. The Village finally has the notice-to-proceed so everything was able to be ordered, but it takes ninety (90) days for the Village to get the equipment here to proceed. Delivery of equipment is now anticipated in late July 2020.

The Standpipe Painting Project has been completed. The Village Board approved the contract with Earthwerks for the Ridgewood Oaks Detention Basin project on March 16, 2020. Unfortunately, due to the COVID-19 and stay-at-home order from the Governor, the scheduling of the required public hearing for the Special Service Area and its 60-day notice is uncertain at this time. Project commencement is on hold until people can actually meet. Once the stay-at-home period ends, the project start will be 60-days out from that time.

Regarding the 2020 Roadway Referendum project, Prospect Avenue, the Phase II engineering is 90% complete. Staff is meeting with the pool to discuss parking and construction bidding has gone out. The 2020 Motor Fuel Tax work is going to bid this month for construction this summer. For 2019, the Roadway Referendum and Motor Fuel Tax projects are both largely completed with the sodding work remaining to be completed. For the West Suburban Mass Transit Electrical Charging Station project, the Village is waiting for ComEd to attach a meter, with construction hopefully beginning in the spring.

B) Well #4 Grounding Memo

On January 13, 2020, the Village of Western Springs Water Department took Well #4 out of service for scheduled maintenance. In preparation for scheduled maintenance and in an effort to reduce downtime, the Village purchased additional column pipe, refurbished an existing spare pump assembly, and purchased a rebuilt Byron-Jackson submersible Type M motor. The existing Type H motor, pump, and column pipe were pulled and replaced with the purchased/refurbished components in just under four weeks.

On February 8, 2020, the Type M motor failed to run. After study, it was determined that it might have failed because it is an ungrounded system. It's not grounded because back when these wells were created it wasn't a code requirement to do so. It was determined that a Type M motor might be more susceptible to not being grounded.

The current plan is to ground Well #4 which will cost approximately \$10,000 but the problem is that this takes a long time as everything has to be pulled out again. The plan is to also ground Well #3 next year.

For Well #5, the new well, code requires it to be grounded so that will be taken care of with the construction.

Director Supert provided an update from Newcastle, the electrical engineering contractor who is working on this project. Newcastle was on site on April 23 and 24 and they began the insulation of the resistance grounding which has mostly been completed. There is one additional component on which they are waiting for delivery. Some of the delay we have experienced over the last thirty (30) days or so has been mainly on delivery of equipment because of the COVID-19 situation. We are anticipating the transformer to arrive on April 30 which will take a day or so to install. As soon as that is completed, hopefully later this week, we will begin bringing Well #4 back online. Once we then get our chloroform samples cleared, we will bring Well #4 back online to distribution. Director Supert clarified that the Village has to have two clear samples within 24-48 hours of each other. If we begin pumping on Saturday, May 2, 2020, that would mean mid-late the week of May 4, 2020 if all goes to plan.

Village Manager Velkme asked Director Supert to report on the water main break which occurred in Spring Rock Park. Trustee Rudolph also asked for an update on the Lawn Avenue recent break. Director Supert reported on the water main break which occurred on March 30, 2020, in Spring Rock Park at 6:30 p.m. Village staff received notice of a water main break located somewhere in the southern portion of the park. When the Public Works crew arrived on site, they were able to isolate the elevated tank but discovered that the break occurred just south of the elevated tank and we did lose a significant amount of water, around 500,000 gallons, or roughly half of that tank, in a very short period of time, seventeen (17) minutes. As a result of that, it was determined that a precautionary boil order was needed, and a Code Red call and email updates were activated to notify residents. This was a precautionary boil order and was done because the Water Department could not verify what the system pressure was in the immediate area around the tank, mainly on Central Avenue and portions of 47th Street. Staff could not verify that we maintained a minimum of 20 PSI, so we implemented the precautionary boil order for the adjoining area which included Old Town South and Forest Hills for a 24-hour period. This was a pre-cautionary measure to make sure everybody was safe in the area. The Village did not have any positive tests for any chloroform or any other issues that came back.

Director Supert then updated the Board on the Lawn Avenue main break which occurred in Old Town South. On Wednesday, April 15, 2020, there was a water main break on Lawn Avenue around 11:30 a.m. This was unfortunately a fairly significant break that took the crew quite a bit of time to find. Staff called in a detection company the Village uses to help us discover leaks and opened up at least three (3) holes. Each time they opened the hole up, the water was traveling laterally through the ground, so the break was not directly where the hole was, so it took the crew a significant amount of time to determine where the leak was located. There was one period probably in the evening, around 9:30 p.m. or so, where we finally found the leak and repaired it. As the hole was being backfilled, the leaking began again, so the crew had to re-excavate the hole and re-conduct the repair because there was a split along the top portion of the pipe. Unfortunately,

there was disruption of water service in the general area on portions of Lawn and Elm Street throughout that evening. The repair was completed at about 1:30 a.m. on Thursday, April 16, 2020. Trustee Rudolph asked Director Supert to confirm that despite Lawn being recently re-done, the water mains were not. Director Supert said that is relatively new water main at 60 years of age. We have not had any significant water main breaks on that section of Lawn Avenue. That was part of staff's assessment when we completed the road program when we decided to look at Lawn Avenue as a potential road project. Because it is a relatively new street and it did not have any history of significant breaks in any recent timeframe, we didn't replace the water main on that section of road.

Trustee Chen asked where the capital for the Lawn Avenue road resurfacing came from. Assistant Director Biernacki said that project was purely roadway referendum funds for both sections of Lawn Avenue. There were some sewer funds used for relief sewer but for the most part, roadway referendum funds from the previous referendum were used. Trustee Chen asked why Lawn Avenue was included in the plan to replace streets last year as part of that program. Mr. Biernacki said the northern and southern sections of Lawn Avenue were rated pretty high in terms of the Village's PCI rating and they were in pretty poor condition. That is typically how staff directs those funds, unless we have larger capital projects like the water main projects through the IEPA loan or the sewer grant through the MWRD. When we have projects that can be coupled with a roadway project, then we can push some funds that way but typically it's the worst rated streets that we try to hit first. Discussion about the typical cost to replace a water main followed. Director Biernacki gave an example that two (2) blocks of Clausen Avenue, 41st to Hillgrove, is about \$520,000. Lawn Avenue is a little longer so it would have been a little more expensive to do through the downtown and then Elm to 47th Street section.

Trustee Tyrrell asked if this was a newer water main that broke on Lawn Avenue. Asst. Director Biernacki said its one of our "newer, older mains", a 6" main, which is another reason why we did not target it for replacement. Staff has only been targeting our 4" water mains first, to prioritize those. Discussion followed. Director Biernacki said this is not something out of the ordinary that happened. Trustee Rudolph asked Assistant Director Biernacki, "We are not atypical when we look at other villages around us with similar age water mains, weather, the same thing happens? Unfortunately, it's par for the course." Assistant Director Biernacki confirmed that is the case and we are pretty much around the average of everyone else in terms of number of breaks.

C) Clausen Avenue Phase III Engineering Proposal

Trustee Fink reported that since the Public Works & Water Committee did not have a quorum at their meeting with the passing of Bill Siffermann, staff and the committee are bringing this information to the Board this evening to make a decision on this proposal. The agenda packet included a proposal from Baxter &

Woodman for Phase III (inspection engineering) for the 2020 Clausen Avenue Watermain and Roadway Improvement project. The proposal includes inspection engineering for the project, Illinois Environmental Protection Agency (IEPA) reimbursement submittals and project closeout. Baxter & Woodman is currently completing Phase II of this project. Staff recommended accepting the proposal from Baxter & Woodman for Phase III in an amount not to exceed \$120,000. Of that amount, \$53,000 is eligible for the IEPA loan program and \$67,000 is being funded from the Roadway Referendum Fund. Baxter & Woodman is one of the five (5) firms that the Village has approved to be a project engineer for the Village. Assistant Director Biernacki said that because Baxter & Woodman has taken care of the Phase II design engineering, as well as all of the IEPA loan submittals, it just made sense for us to continue on with them for Phase III for this portion. Baxter & Woodman would have had to do some IEPA submittals anyway as part of the Phase III work and, this year, staff decided to stick with Baxter & Woodman for Phase II and III. This will be the first year that Baxter & Woodman does inspection engineering for the Village for a roadway project. Trustee Fink recommended the Board accept the staff recommendation to approve this proposal from Baxter & Woodman. This item was added to the omnibus vote list for consideration of approval.

D) Flag Creek Sewer Outfall – V3 Proposal

Trustee Fink reported that an engineering study proposal from V3 was included in the agenda packet. The proposal is to evaluate all existing sewer outfalls into Flag Creek. Sewer outfalls are discharge points for the separated storm sewer system, south of 47th Street. Additionally, there fourteen (14) existing outfalls into Flag Creek and there might even be more. Staff budgeted \$40,000 for this study in 2020. This proposal from V3 is for \$35,900 for the review of the fourteen (14) outfalls. V3 will look at our existing system, find out if there are any other besides the fourteen (14) we know about and come up with a plan for maintenance repair of system. This proposal will be considered for approval later this evening.

E) Tree Inventory Bid Results

The Village was awarded a grant by the Illinois Department of Natural Resources and US Forestry Department for purposes of assessment of tree assets in cities and villages around the Chicago area. The grant will pay for half of the cost of an inventory of the Village's entire tree stock. Assistant Director Biernacki said the project bids were opened today. The Village received two proposals and the lowest qualified bid was submitted by Planit Geo of Arvada, Colorado in the amount of \$23,600. Staff recommended award of bid to Planit Geo in an amount not to exceed \$23,600. Approval will be considered later this evening. While we have not worked with this vendor before, staff received five (5) solid references which will be reviewed by this week.

- F) Request for the Appointment of Tim Riordan to the Infrastructure Commission to Fill an Unexpired and Vacant Term of Scott Lewis

Trustee Fink requested the Board approve the appointment of Tim Riordan to the Infrastructure Commission to fill the vacancy of Scott Lewis. With no objection from the Board, this approval will be considered on omnibus later this evening.

3) PLANNING AND ZONING – TRUSTEE JOHN

No report.

4) FINANCE – TRUSTEE RUDOLPH

- A) February and March 2020 Monthly Report

Trustee Rudolph reported that at the last Board meeting, the February monthly report was not yet available. The report this evening will reflect February and March month ends. The Police Pension Fund posted negative results for both months and ended the quarter with unrealized loss of 13.15% and a trailing 12-month return now of (4.98%). Trustee Rudolph added that as everyone is very aware, the market has been on a wild ride. As the Board will recall, Trustee Rudolph reported on a much, much higher rate of return and we have, unfortunately, seen that swing the other direction at this time. The General Fund ended the quarter with a surplus as the property taxes were distributed in March. Sales and local use taxes were slightly higher than projected and overall our expenditures are slightly higher than projected. We are really right on par where we would expect to be, timing wise, on most items. Trustee Rudolph cautioned that on the sales and local use tax that that is behind, so we are not yet seeing the impact of all of our businesses that are closed right now. This is lagging. Director Turi said we will likely see April's effect in June. Trustee Rudolph reported that the consumption billed in February and March was on par with 2019 in the Water and Sewer Fund. We do continue to have a surplus in the fund but that is due to timing between the receipt of the IEPA loan proceeds mentioned previously and payments made for Well #5.

Trustee Rudolph also reminded everyone that vehicle stickers are due, and the Village has extended the deadline to May 30, 2020 due to the disruption and difficulty in getting those payments in. The stickers can also be purchased on-line.

- B) Engagement Letter For Special Bond Counsel (Attorney Raymond C. Fricke of Burke, Warren, Mackay & Seritella, P.C.) to Provide Legal Services in Regard to Western Springs Special Assessment Bonds, Series 2006 (Timber Trails Project)

Trustee Rudolph asked Attorney Jurusik to report to the Board on a recommendation from the Finance Committee to approve agenda item 15, a

Motion To Approve An Engagement Letter For Special Bond Counsel (Attorney Raymond C. Fricke of Burke, Warren, Mackay & Seritella, P.C.) to Provide Legal Services in Regard to Western Springs Special Assessment Bonds, Series 2006 (Timber Trails Project). Attorney Jurusik said the Board received a memo dated March 12, 2020 in their agenda packets which details the request for approval of the hiring of special bond counsel to help the Village evaluate a request by the developer, Timber Trails Development Corporation. They are asking that the special assessment development bonds that were used to help put in the streets, roads and other public improvements out in Timber Trails be re-issued to address an interest issue. What happened back in 2008 when that development went into foreclosure, the bank that ultimately acquired the property and the bonds started deferring the interest on the special assessment bonds. That has been deferred now for a number of years. The current developer, Timber Trails Development Corp., are the full owner of the bonds and they want to re-start the interest calculation. They want to pay back all of the deferred interest and they want to set a little different bond schedule to pay down the balance of the bonds that haven't been paid to date. Attorney Jurusik said this is outside his firm's expertise and they would like to retain the original bond counsel, Raymond C. Fricke of Burke, Warren, Mackay & Seritella, P.C. who represented the Village in the original bond transaction. This would be to assist and advise the Village in this bond re-issuance.

The second item would be that there is a piece of litigation pending regarding the original bond issuance that we have been asked to produce documents. Ray Fricke will help us to provide some counsel as the Village must comply with a discovery request. The type of pending lawsuit relates to a remarketing fee claim that is something very special and as bond counsel he will be able to help the Village efficiently deal with that. All the work done by Ray Fricke on these projects would be paid for by the developer, Timber Trails Development Corp. It is the recommendation of Village Attorney Jurusik that we hire Attorney Fricke to handle both of those tasks, one, guidance on restructuring the bonds as requested by the developer, and two, to assist with responding to a subpoena and related lawsuit that involves some re-marketing fees that were paid back when the bonds were initially issued.

Trustee Rudolph said there will be a motion to approve the engagement of Attorney Ray Fricke later in the evening. Attorney Jurusik said that motion will be made during the new business portion of this meeting.

Trustee Rudolph commended staff for their fiscal stewardship during this time. These are not easy weeks or months for the Village and keeping all things financial is critical along with public health and safety of our residents and our staff. We will definitely be seeing decreased revenue, as we can all imagine, in addition to things such as sales tax and recreation fees with all the cancellations that Trustee Chen mentioned earlier and then the unknown with respect to building permits, etc. It is pretty hard to predict right now the impact that it will

have on our Village as a whole. Trustee Rudolph thanked Director Turi and the staff for everything they are doing and for keeping a close eye on everything. In the meantime, Trustee Rudolph encourages everyone to do anything they can to support the local businesses, helping them to do their best to stay afloat during this time period. Trustee Rudolph is wishing them all the best.

5) PUBLIC HEALTH AND SAFETY

No report.

6) GENERAL GOVERNMENT – TRUSTEE TYRRELL

No report.

ACTION ITEMS – SPECIAL MEETING AGENDA

SWEARING-IN OF NEW TRUSTEE SCOTT LEWIS

Acting Village Clerk Horvath swore-in new Village Trustee Scott Lewis. *

President Gallagher welcomed Trustee Lewis to the Board. Trustee Lewis said he did not have the privilege of knowing Trustee Siffermann, but he understands he is a wonderful man and he knows our community will miss his friendship, dedication and service. Trustee Lewis thanked President Gallagher and everyone else for their help as he transitions into this new role. He, too, hopes we can meet in person in the not-too-distant future.

As background, President Gallagher reported that Trustee Tyrrell and she interviewed three (3) candidates for this post, and all three candidates had very strong resumes. Any one of them would have been an asset to our Board. We are truly fortunate to be part of a community where residents want to give back and the sense of public service is strong. President Gallagher sincerely thanked the other candidates for their interest in joining our Board.

Mr. Lewis joins our board with extensive experience in the state and federal legislative processes. He is a 25-year resident of Western Springs and has served on the Infrastructure Commission since 2015. In his professional life, he was VP of Governmental Relations for Nicor and led legislative and regulatory initiatives in Springfield and Washington DC. Scott's expertise and insight in this area will bring added value to our Board as it seems we are increasingly dealing with legislative issues at both the State and Federal levels. President Gallagher asked everyone to please join her in welcoming Scott Lewis to the Board with applause.

**NOTE: After this meeting, Attorney Jurusik determined that the proper procedure for seating Trustee Appointee Scott Lewis includes approval of the appointment by the Board of Trustees. As such, all voting reflected below has been modified to remove Trustee Appointee Lewis's voting from all agenda items considered this evening. Additionally, on May 4, 2020, the Board of Trustees will meet conduct a Special meeting to consider the appointment of Trustee Lewis.*

CONSIDERATION OF AND ACTION ON AGENDA ITEMS

EXPLANATION OF OMNIBUS VOTING PROCEDURE

President Gallagher said the Illinois State Statutes allow a municipality to collectively vote on a group of ordinances, resolutions, and other motions, such as awards of contract, appointments, etc. This is known as an omnibus vote. All the items contained on the omnibus vote list have been previously discussed by the President and Board of Trustees on at least one occasion, and often on several occasions. By placing them on the omnibus vote list, a single vote may be taken to approve them. A Trustee may remove any item from the list and have it discussed and voted on separately, prior to the omnibus vote.

Trustee Tyrrell moved that the following ordinances, resolutions and motions as contained on the meeting agenda for April 27, 2020, be adopted and/or approved under an omnibus vote:

- 7) *APPROVAL OF MINUTES OF THE MEETING OF MARCH 16, 2020 AS READ
- 8) *RESOLUTION 20-2545 AUTHORIZING THE APPROVAL AND EXECUTION OF THE EASEMENT AGREEMENT FOR PEDESTRIAN UNDERPASS TO BE ENTERED INTO BETWEEN THE VILLAGE OF WESTERN SPRINGS AND THE BNSF RAILWAY COMPANY RELATED TO THE WEST UNDERPASS PROJECT
- 9) *RESOLUTION 20-2546 APPROVING AND AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF WESTERN SPRINGS AND BAXTER & WOODMAN, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR PERFORMANCE OF PHASE III INSPECTION ENGINEERING SERVICES RELATED TO THE CLAUSEN AVENUE ROADWAY AND WATER MAIN IMPROVEMENTS PROJECT
- 11) *MOTION TO AUTHORIZE AND APPROVE A PROPOSAL BETWEEN THE VILLAGE OF WESTERN SPRINGS AND NEWCASTLE ELECTRIC INC. OF ITASCA, IL FOR ALL MATERIAL AND LABOR NECESSARY TO FURNISH HIGH RESISTANCE GROUNDING (TO RUN THE WELL #4 TYPE M MOTOR) IN THE AMOUNT OF \$9,000
- 12) *MOTION TO AWARD A BID TO LOWEST QUALIFIED RESPONSIBLE BIDDER, PLANIT GEO OF ARVADA, COLORADO FOR THE 2020 TREE INVENTORY PROGRAM IN AN AMOUNT NOT TO EXCEED \$23,600
- 13) *MOTION TO APPROVE THE APPOINTMENT OF TIM RIORDAN AS MEMBER OF THE INFRASTRUCTURE COMMISSION TO FILL AN UNEXPIRED AND VACANT TERM OF SCOTT LEWIS UNTIL NOVEMBER 2021

Trustee Rudolph seconded the motion.

President Gallagher requested that agenda item 10, Resolution 20-2547 Approving and Authorizing the Execution of An Engineering Approving And Authorizing The Execution Of An Engineering Services Agreement Between The Village Of Western Springs And V3 Companies, Ltd. Of Woodridge, Illinois To Perform A Flagg Creek Outfall Evaluation Of 14 Existing Outfalls Draining Into Flagg Creek At A Cost Of \$35,900 be removed from the omnibus vote list. President Gallagher wishes to abstain from voting on this resolution as her brother works at V3 Companies, Ltd. Trustee Tyrrell removed this item from the omnibus voting list to be considered separately.

The motion on the omnibus voting list passed on a roll call vote.

Voting aye: Trustees Tyrrell, Rudolph, John, Fink, Chen and President Gallagher.

Voting nay: None.

- 10) RESOLUTION 20-2547 APPROVING AND AUTHORIZING
THE EXECUTION OF AN ENGINEERING
SERVICES AGREEMENT BETWEEN THE VILLAGE
OF WESTERN SPRINGS AND V3 COMPANIES, LTD.
OF WOODRIDGE, ILLINOIS TO PERFORM A FLAGG
CREEK OUTFALL EVALUATION OF 14 EXISTING
OUTFALLS DRAINING INTO FLAGG CREEK AT A
COST OF \$35,900

This resolution was removed from the omnibus voting list at the request of President Gallagher who wished to abstain from voting on this item as her brother works for V3 Companies, Ltd. This firm is part of the engineering pool of five (5) firms the Village staff created earlier this year.

MOTION:

Trustee Tyrrell moved, seconded by Rudolph, to approve Resolution 20-2547.

The motion passed on a roll call vote.

Voting aye: Trustees Tyrrell, Rudolph, John, Fink, and Chen .

Voting nay: None.

Abstain: President Gallagher.

NEW BUSINESS

- 14) RESOLUTION 20-2548 AUTHORIZING A POLICY
IMPLEMENTING THE FAMILIES FIRST
CORONAVIRUS RESPONSE ACT AND
ALTERNATIVE EMERGENCY SICK LEAVE

BENEFITS FOR EMERGENCY RESPONDERS DUE TO
CORONAVIRUS PANDEMIC (Trustee Tyrrell)

MOTION:

Trustee Tyrrell explained that this resolution is authorizing a policy implementing the Families First Coronavirus Response Act and Alternative Emergency Sick Leave Benefits for Emergency Responders Due to Coronavirus Pandemic. This resolution is implementing a Federal Act and expanding the FML Act and providing additional paid sick leave for our employees. We are exempting out the essential function providers and first responders, but we are providing them additional sick pay benefits. Trustee Tyrrell moved, seconded by John, to approve Resolution 20-2548.

Attorney Jill Leka, the Village's labor attorney, provided the Board with an overview of this policy as well as why it is needed. In March, Congress adopted a new law called the Families First Coronavirus Response Act providing certain benefits to certain employees of employers who are unable to work for some Coronavirus related reason. Ironically, the guidance was to take effect on April 1, 2020, and it was only late that day that we received any guidance as to what exactly would be covered by it and what we could request from employees in order to determine if they were eligible. Generally, the Act does provide two (2) types of benefits. It provides an expanded Family Medical Leave benefit and then it also provides emergency sick leave benefits. The law does allow employers to exempt emergency responders from the benefits of this law. Before the Board this evening, is the policy that staff recommended be adopted and this policy does follow the law as it relates to the expanded Family Medical Leave benefits and the emergency sick leave benefits. It does so in the interest of keeping emergency responders at work and making sure we can protect the citizens of the Village. It does exclude emergency responders from those two (2) aspects of the Act, however, as Trustee Tyrrell noted, this policy does include an alternative benefit for emergency responders in terms of additional or alternative benefits to those that the rest of the Village employees would receive.

Attorney Leka then proceeded to talk more specifically to the benefits that are provided both under the Law and to this policy. The first benefit is an expanded FML benefit and it is available to eligible employees, those that have not been excluded, those employees that have been employed for thirty (30) calendar days. It is only for childcare if an employee's child's school or daycare has been closed for a Coronavirus related reason and that somehow renders the employee unable to work. If an employee is eligible for that benefit, the employee can receive up to twelve (12) weeks of FML assuming the employee has not used any of their FML allotment for the year for that reason. The first two (2) weeks of the leave is technically unpaid, however, an employee could elect to use any type of accrued, applicable benefit time or they could elect to use this emergency sick leave benefit which will be covered in a minute. If the employee elects to use the

emergency paid sick leave benefit, which is the other benefit, for the school closure issue, the employee is entitled to pay at the two-thirds (2/3) rate of pay for that particular benefit. That is the expanded FML benefit and it is only available for childcare or day care closure issues. On the other hand, there is an emergency sick leave benefit and that benefit is for the full and part-time employees. The employee can get up to eighty (80) hours of sick leave if the employee is full time. If an employee is part time, there is a formula that depends on the number of hours that an employee is eligible to use, again, if the employee is unable to work for a Coronavirus related reason. The employee has to be unable to work. The employee is considered unable to work, if the employee is under a quarantine order directed specifically at that employee, or if the employee has been advised by a physician to stay home, or if the employee has been suffering from symptoms and is seeking a diagnosis but hasn't been able to get one, or if the employee has a family member or close individual that is under an order of quarantine from either a government or a health care provider, the employee has a child that is out of school for the reasons talked about earlier, or the employee suffers from a condition substantially similar to COVID that has yet to be identified by the Federal government. In any event, if an employee is eligible for those benefits, the employee would be paid for up to eighty (80) hours. The rate of pay depends on the reason for which the employee uses that leave. If the employee uses the benefits for their own serious health condition, the pay is at the employee's hourly straight time rate of pay, however, there are caps that could apply, both daily and aggregate caps. If the employee using the benefit time to care for someone else, another family member, or if it's for a childcare issue, then the pay is at the two-thirds (2/3) rate of pay. Attorney Leka said those are generally the new benefits and the payments that are available for employees under the Families First Act and the policy as presented to the Board.

Note, however, the emergency responders to the Village, defined by Village staff as the same as essential employees are those that are permitted to come to work under the Governor's Stay-at-Home Order. Since none of those employees would be eligible for the benefits under the Act under that designation, the staff recommended that the Village adopt an alternative policy for emergency responders that would provide, for the most part, similar benefits to what is being provided under the emergency sick leave benefits to other employees so emergency responders would also be eligible for eighty (80) hours of benefit time. The time could be used primarily for the employee's own serious health condition so if we had someone get exposed and they need to stay home, if somebody was actually suffering from symptoms and needed a diagnosis, they could use that time. In addition, it is recommended that an employee who has either a child, a parent or a spouse that is having symptoms, that the employee would be able to use the benefit time for those reasons. The pay then for those types of absence would be the same as under the emergency sick leave benefits for non-emergency responders. If the employee used it for their own illness, the pay would be at the rate of 100% of the regular hourly rate subject to those same caps. If they used it to care for a spouse, child or parent, it would be up to two-thirds (2/3) rate of pay.

Regardless of the type of benefit time, an employee would need to file an application, they would need to provide certain information to Director of Administrative Services Baer. Director Baer would provide an assessment about eligibility, a determination would be made about whether or not there would be some type of other work, maybe tele-work or some kind of intermittent work that would be available and then work with the employee to try to minimize the benefit time and try to keep as many people at work as possible. Attorney Leka concluded by saying those are the benefits that she and staff are suggesting with this policy before the Board this evening. Discussion followed.

The motion passed on a roll call vote.

Voting aye: Trustees Tyrrell, Rudolph, John, Fink and Chen.

Voting nay: None.

- 15) MOTION TO APPROVE ENGAGEMENT LETTER FOR SPECIAL BOND COUNSEL (ATTORNEY RAYMOND C. FRICKE OF BURKE, WARREN, MACKAY & SERRITELLA, P.C.) TO PROVIDE LEGAL SERVICES IN REGARD TO WESTERN SPRINGS SPECIAL ASSESSMENT BONDS, SERIES 2006 (TIMBER TRAILS PROJECT) (Trustee Rudolph)

Trustee Rudolph noted this matter was discussed during the Finance Committee report earlier this evening.

Trustee Rudolph moved, seconded by Tyrrell, to approve an Engagement Letter for Special Bond Counsel (Attorney Raymond C. Fricke Of Burke, Warren, Mackay & Serritella, P.C.) To Provide Legal Services In Regard To Western Springs Special Assessment Bonds, Series 2006 (Timber Trails Project).

The motion passed on a roll call vote.

Voting aye: Trustees Rudolph, Tyrrell Chen, Fink and John.

Voting nay: None.

OTHER BUSINESS

There was none.

REPORTS

- 16) MONTHLY FINANCIAL REPORT – (Rudolph)

February and March Monthly Report

The report was presented earlier in the meeting by Trustee Rudolph.

MOTION:

Trustee Rudolph moved, seconded by Tyrrell, to approve the March and April 2020 financial reports.

The motion passed on a roll call vote.

Voting aye: Trustees Rudolph, Tyrrell, Chen, Fink and John.

Voting nay: None.

17) VILLAGE PRESIDENT GALLAGHER

President Gallagher reported that last night, she joined the weekly regional mayors' conference call and learned that Chicago has organized a Recovery Task Force to help guide the regional transition out of the shutdown. The task force work is expected to be completed in early June. Four (4) committees will be formed and will focus on different areas: 1. Policy and Economic Stimulus, 2. Mental and Emotional Health, 3. Marketing and Business Development, 4. Regional Co-Ordination. As part of that committee, each council of government will have one (1) representative on this committee and the committee's role is to ensure there is a regional lens on the work of the other committees as we pull out of this crisis. Our representative is Northlake Mayor Jeff Sherwin.

On a Cook County mayors conference call today, President Preckwinkle said that some forest preserves locations have been closed due to the public not maintaining social distancing measures; but Bemis Woods is not one of those locations. As of today, Bemis Woods remains open to the public.

Since the beginning of March, the Village's focus has been to continue to provide core services, albeit in a modified way. President Gallagher said she is very proud of our staff, as difficult transitions have been relatively smooth despite near daily changes in policy. Almost all departments are operating at 100%, and our administrative, public works, and health and safety personnel continue to serve the public despite the many challenges they face. On behalf of the Village Board, President Gallagher thanked Village Manager Velkme, directors, and our entire staff for your consistently outstanding performance throughout this crisis. To our entire community, President Gallagher urged everyone to continue to follow the stay-at-home order and public health guidance through May, continue to support our local restaurants and businesses, use common sense, and wear a face covering when in public and social distancing is not possible.

18) VILLAGE MANAGER VELKME

Village Manager Velkme thanked all Village employees who are maintaining services throughout the COVID-19 crisis. It is a changing situation, day-by-day and Manager Velkme is very appreciative of everything they do. Manager Velkme said she is also very appreciative of the Board for their support and also for all the residents who also call us and check in on us. We very much appreciate that. In addition, Manager Velkme said

we have a number of residents that are assisting us. We have two (2) residents that are making masks for us. Betsy Pasquinelli, who has donated masks through the MRC CRC Director Paul McCoy and we also have a citizen, Erin McCleary, who has donated hand made masks to Village staff and we are very appreciative of that because we know that the PPE equipment should go to the hospitals so Village staff will be wearing the hand made masks. Manager Velkme also thanked Representative Durkin and the Rotary Club who sent lunch to Village staff. Manager Velkme thanked Senator Glowiak who provided the Village with cleaning supplies which have been very difficult to secure during this crisis which has improved a bit, but it really helped a lot initially.

Village Manager Velkme announced that the City of Countryside will be a new member of the Lyons Township Area Communication Center. We are in the process of getting them on board in the next few months and we believe they will be a wonderful addition.

Village Manager Velkme also reported that the Fire Department annual report has been posted to the Village website. If anyone has any questions, she suggested they direct them to Chief Kenny. The Law Enforcement Department's annual report is also online. Hopefully we will have the opportunity to vet the reports in the near future.

19) VILLAGE ATTORNEY JURUSIK

ADJOURN

With no further business to address, President Gallagher asked for a motion to adjourn the meeting.

MOTION:

Trustee Tyrrell moved, seconded by Chen, to adjourn the meeting at 8:19 p.m. The motion passed on a unanimous voice vote.

Respectfully submitted,


Acting Deputy Village Clerk James Horvath