

VILLAGE OF JUSTICE  
7800 ARCHER ROAD, JUSTICE, IL  
PRESIDENT AND BOARD OF TRUSTEES  
FIRST REGULAR BOARD MEETING  
OF OCTOBER  
Minutes of Monday, October 12, 2009

Mayor Kris Wasowicz called the Meeting to order at 7:30 pm.

**ROLL CALL:**

Village Clerk Kathy Svoboda called the roll. Present are Village President Kris Wasowicz, Trustees: Mike Murray, George Pastorino, John Fairman, Mary McGee, Kinga Bartoszek and Phil DePaola. Attorney Michael Del Galdo is present.

**PLEDGE:**

President Wasowicz led the Village Board in reciting the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

The Chair will entertain a Motion: To approve the minutes of the Regular Board Meeting of 09/28/09 as submitted or as corrected.

MOTION: Trustee Bartoszek so Moves:

SECOND: Trustee Fairman

VOTE: Trustees Murray, Pastorino, Fairman, McGee, Bartoszek and DePaola, aye. All ayes. Motion passed.

MOTION: Trustee Bartoszek Moves: To amend the agenda for this evening to allow for an Executive Session at the beginning of the agenda.

SECOND: Trustee McGee

VOTE: Trustees Pastorino, Fairman, McGee, Bartoszek, DePaola and Murray, aye. All ayes. Motion passed.

The Chair will entertain a Motion: To adjourn to closed session for the purpose of discussion of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees. (5ILCS 120/2(c) (1).

MOTION: Trustee Bartoszek so Moves:

SECOND: Trustee McGee

VOTE: Trustees Fairman, McGee, Bartoszek, DePaola, Murray and Pastorino, aye. All ayes. Motion passed.

Meeting adjourned to Closed Session at 7:33 pm.

Meeting reconvened at 8:19 pm.

**ROLL CALL:**

Present are Village President Kris Wasowicz, Trustees: Mike Murray, George Pastorino, John Fairman, Mary McGee, Kinga Bartoszek and Phil DePaola. Attorney Michael Del Galdo is present.

**VILLAGE PRESIDENT'S REPORT:**

President Wasowicz had no formal report.

**VILLAGE CLERK’S REPORT:**

Clerk Svoboda stated that we are in receipt of a heartfelt thank you from the family of Eleanor Gabrys for our recent expression of sympathy.

Clerk Kathy Svoboda reported all that our fall, Village-wide Garage Sales were conducted last week end. There were in excess of seventy participants.

**COMMITTEE REPORTS:**

**FINANCE AND INSURANCE: - Trustee Bartoszek**

MOTION: Trustee Bartoszek Moves: To approve payables numbers 1-31 in the amount of \$15,639.40 posted for the period of 09/24/2009 – 10/05/2009, plus re-occurring expenses of \$262.23, TIF #1 expenses of \$1,149.58 and MFT expenses of \$412.30, for a total of \$17,463.51..

SECOND: Trustee DePaola

VOTE: Trustees McGee, Bartoszek, DePaola, Murray, Pastorino and Fairman, aye. All ayes. Motion passed.

**PUBLIC UTILITIES – Trustee John Fairman**

Trustee Fairman read a proposed resolution into the record. The resolution as proposed awards the bid to J&R Asphalt to resurface 83<sup>rd</sup> Street with CDBG funds.

MOTION: Trustee Fairman Moves: To approve Resolution 2009-12, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE BID TO RESURFACE 83<sup>RD</sup> PLACE UNDER THE 08-024 CDBG STREET IMPROVEMENT PROJECT.

SECOND: Trustee DePaola

Trustee DePaola stated that the bid amount was \$37,346.60 and asked what the engineer’s estimate for the project was.

Trustee Fairman indicated that the project was estimated to cost \$40,000.00 and we have had good experience with the work performed by J&R Asphalt. The other estimate was considerably higher.

VOTE: Trustees DePaola, Murray, Pastorino and Fairman, aye. Trustees Bartoszek and McGee abstained. Trustee McGee explained that she had not had an opportunity to review the resolution or the bids prior to the meeting. Motion passed.

MOTION: Trustee Fairman Moves: To approve a Village of Justice employee’s request for a leave of absence for 60 days, or until December 12, 2009.

SECOND: Trustee Pastorino

VOTE: Trustees Murray, Pastorino, Fairman, McGee, Bartoszek and DePaola, aye. All ayes. Motion passed.

Mayor Wasowicz commented that the resurfacing will provide benefit for a number of issues at 83rd Place. The street constantly floods and the resurfacing will allow for the re-profiling of the street to alleviate some of the flooding.

**PUBLIC SAFETY – Trustee Mary McGee**

Trustee McGee reminded all that the next Neighborhood Watch meeting will be on October 29<sup>th</sup> at 7:00 pm at the village hall.

**ADMINISTRATION BUILDING & RECREATION**

MOTION: Trustee Pastorino Moves: To designate the hours of 3:00 pm until 7:00 pm as the official “Trick or Treat” hours in the Village of Justice

SECOND: Trustee Fairman

VOTE: Trustees Murray, Pastorino, Fairman, McGee, Bartoszek and DePaola, aye. All ayes. Motion passed.

MOTION: Trustee Pastorino Moves: To approve the final payment to Atlas Restoration, LLC for work performed and approved on the Lipinski Center Floor Stabilization Project in the amount of \$35,422.00 upon presentation of the proper waivers of lien.

SECOND: Trustee Murray

VOTE: Trustees Pastorino, Fairman, McGee, Bartoszek, DePaola and Murray, aye. All ayes. Motion passed.

MOTION: Trustee Pastorino Moves: To approve a Maintenance Contract from Chicagoland Heating and Air Conditioning for maintenance of the heating and air-conditioning units, boilers etc. in all public buildings.

SECOND: Trustee Murray

VOTE: Trustees Fairman, McGee, Bartoszek, DePaola, Murray and Pastorino, aye. All ayes. Motion passed.

**ORDINANCES, LICENSES & PUBLIC PRINTING –Trustee DePaola**

MOTION: Trustee DePaola Moves: To create an ordinance amending Chapter 7, section 18 of the Justice Village Code with regard to loitering.

SECOND: Trustee McGee

Trustee DePaola explained that this action is intended to allow for additional latitude by the police to enforce regulations with regard to loitering.

VOTE: Trustees McGee, Bartoszek, DePaola, Murray, Pastorino and Fairman, aye. All ayes. Motion passed.

MOTION: Trustee DePaola Moves: To create an ordinance amending Article 4, Section 3-88 of the Village Code regarding Alcohol/Liquor increasing the maximum number of liquor licenses per classification by two per class, and amending code section 3-89, making the fee for both Class B and Class E the same, at \$2,000.00 per year.

SECOND: Trustee Murray

VOTE: Trustees Bartoszek, DePaola, Murray, Pastorino, Fairman and McGee, aye. All ayes. Motion passed.

**BUILDING, PLATS AND ZONING – Trustee Mike Murray**

Trustee Murray reported that he had asked Jim Lurquin to reach out to the County regarding a problem on 83<sup>rd</sup> Street and it was since repaired.  
Trustee Murray was on vacation last week and had no further business to report.

**VILLAGE ATTORNEY:**

Attorney Michael Del Galdo expressed his appreciation to Mayor Wasowicz and the board for the confidence they have shown in him. .

**CORRESPONDENCE:**

There was none.

**OLD BUSINESS:**

There was none.

**NEW BUSINESS:**

**SCHEDULE OF COMMITTEE MEETINGS:**

**Committee Meetings will begin at 7:00 pm. and follow consecutively  
Wednesday, October 21, 2009**

**COMMITTEE OF THE WHOLE: EXECUTIVE SESSION:** To discuss the possible acquisition of property. (5ILCS 120/2(c) (5)

**FINANCE & INSURANCE:** Posted payables and other matters before the committee.

**PUBLIC SAFETY:** Any matters before the committee.

**ORDINANCES, LICENSES & PUBLIC PRINTING:** Any new business licenses, code amendments or ordinances available for review, in particular an ordinance amending village code with regard to loitering and an ordinance increasing the number of liquor licenses available per classification by two per class and amending the fees for class E to \$2,000.00(the same as class B).

**PUBLIC UTILITIES:** Any matters before the committee.

**ADMINISTRATION BUILDING & RECREATION:** Matters before the committee.

**BUILDING, PLATS & ZONING: POSSIBLE EXECUTIVE SESSION:** To discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees. (5ILCS 120/2(c) (1)  
Any other matters before the committee.

**COMMITTEE OF THE WHOLE: POSSIBLE EXECUTIVE SESSION:** To discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees. (5ILCS 120/2(c) (1).

**PUBLIC COMMENTS:**

Mr. John Small asked about the change in the Liquor License Fees.

Trustee DePaola explained that both Class B and Class E allowed for consumption on premises with or without food and one allowed retail sales as well, and that the difference in the definition of each class did not support the difference in fee, one being at \$2,000.00 and the other at \$1,250.00. All other liquor license fees remain the same.

Mr. Small asked about the resurfacing of 83<sup>rd</sup> Place and what improvements besides resurfacing will occur.

Mayor Wasowicz replied that the crown in the street will be restored removing a dip or basin in the street and the storm drains will be reinstalled at a level below the crown to allow them to collect storm water.

Mr. Small then asked why Public Works had been allowed to construct a fence for a private homeowner instead of the homeowner using a private contractor.

A project was scheduled for Public Works to install posts on the property at the same location as the fence. The homeowner requested that the posts be changed to a fence at his own expense, to avoid having only the posts. Charges for materials and for labor were paid for by the owner. The fence is at the location of corner where the road narrows at a T intersection and cars tend to jump the curb and approach the home's garage.

Mr. Small continued saying he had requested copies of any accident reports for occurrences at that corner and was told that there were none since 2007.

Trustee DePaola stated that he knew of at least two, but they may have occurred before 2007.

Mr. Small suggested that reflectors be installed so the fence would be visible to oncoming cars.

Mr. Ray Hodson questioned the appointment of Mr. Michael Del Galdo and who, in fact, suggested Mr. Del Galdo as a candidate for Village Attorney. Mr. Hodson continued referencing political contributions that were made by a local businessman in Cicero and the Sixth District of Cook County and wondered if there was a correlation to the appointment.

Trustee John Fairman stated that he personally had the opportunity to review proposals from several firms for potential hire when we heard our current firm was dissolving, and that Mr. Michael Del Galdo and his firm was certainly one of the most highly qualified municipal firms that he reviewed. Mr. Del Galdo agreed to serve as our principal attorney at reasonable hourly rate and we were pleased to retain him.

Mayor Wasowicz commented that Mr. Del Galdo's clients include Zion and the Nazareth Academy, just to name a few, and his professional experience is much broader than just Melrose Park and Cicero.

Mr. Ed Rusch complimented Trustee Fairman's handling of the CDBG Resolution this evening for how clearly he presented and explained the business at hand.

Mr. Ed Rusch stated that he was recently questioned by a few residents concerned about possible unethical behavior by a current village board member and how he might present a complaint to the newly created Ethics Committee.

Mayor Wasowicz stated that an official complaint should be presented to himself, on behalf of the Village. The complaint would be acknowledged by the Village as having been received, and the Ethics Committee would then be convened in a timely manner for review of the complaint. An official finding would be provided to the complainant.

Mr. Rusch questioned the need for a recent, Emergency Board Meeting last Friday. Mayor Wasowicz replied that as we are involved in pending litigation, and motions needed to be filed in the case, immediate action to replace our Village Attorneys was necessary. There was no time for delay.

Mr. Rusch stated that he had presented four, FOI requests to the clerk's office and had received three responses in a timely manner. However, the fourth was denied on the advice of the village attorney.

Mr. Rusch then made several calls to review the exception by which the document was denied and found that the authorities he questioned were puzzled by the denial as well.

Since the document he sought was a "Separation Agreement" that had no reference to a negative performance review or disciplinary concerns and public funds were in fact used in a compensation package included in the agreement, and that no protected personal information was referenced, he will renew his request for the Separation Agreement document under Freedom of Information guidelines. Should his request again be denied, he asks that he be provided in writing, specific reasons for the denial so that he may forward the village's response to Lisa Madigan's Office for review.

Attorney Mike Del Galdo explained that the current process for appealing a denial under Freedom of Information guidelines allows for an appeal to the head of the public body, the Mayor, and then to the Circuit Court.

The new law, in effect January 1, 2010, revises the process to take the local authority out of the review process. The local authority will provide a written response. That response can be appealed to the Attorney General's Office where a review process will be in place that is binding to the public body.

Mr. Jim Rinkus advised the board that the building at Blazer and Frontage Road is in considerable disrepair with broken windows, a torn out soffit and gang graffiti.

Trustee Mike Murray replied that we are aware and repairs to the structure are currently in process. The repairs were underway when he passed by this evening.

Mr. Joe Egas asked how we were doing financially in view of the projected \$400,000.00 deficit by the end of the year.

Trustee Bartoszek stated that we are doing better than expected and our current liabilities are less than \$300,000.00. Departments have been tightening the belt as instructed and are reducing projected expenses.

Mr. Egas asked if we foresee a reduction in our work force or union wage concessions.

Mayor Wasowicz stated that we are trying to maintain our current staffing but may need to look to our unions for wage freezes in future.

We are starting on the budget process and projections for revenues are bleak. We will see how the process unfolds.

Is there any movement on stimulus funds?

No, there has been no word yet on when funding in the Capital Bill will be released.

Trustee Murray commented that he had heard that the State was looking into bonds to fund the Bill.

Mayor Wasowicz added that the State is looking to fund part of that money with legalized video poker machines. We as a village will need to evaluate our position on that initiative. The public will have input when the time comes.

Mrs. Edwina Gaskin commented that she had reported street light outages almost two months ago and that the lights are still out. Were the outages reported?

Jim Lurquin stated that indeed, they were but he will renew our complaints. Com Ed often waits to have multiple outages to justify sending a crew.

Mrs. Gaskin asked if the board had considered lowering their own salaries in view of budget deficits.

Mayor Wasowicz replied that a few trustees donate their salaries back to the village.

Trustee Fairman stated that in some towns, such as Country Club Hills, trustees get \$30,000.00 per year. Those are some who should be lowering their salaries.

Mayor Wasowicz stated that the \$600.00 per month barely covers a Trustee's expenses and that we are not advocating cutting any salaries, just considering the possibility of freezing them.

Mr. Rich Czerniak asked if we would consider using our fire chief as the Public Works Director.

We no longer have a fire chief. The department was abolished in 2005.

Mrs. Elizabeth Dietz asked about the reduction in service from the previous garbage hauler that requires we pay for any large items. She stated that when a neighbor called for pick-up of a toilet he was told he would need a credit card to

pay for the pick-up and could not charge the fee to his regular garbage bill. She also mentioned speeding by garbage trucks and not collecting cardboard boxes at the curb that were left out for pick-up.

Trustee Bartoszek explained that any complaints should be called into the administration office. We will contact the company with the complaint and the garbage hauler must respond within 24 hours to any complaint.

Cardboard boxes need to be broke down and placed in the recycling container provided for our use. The company will accept cash, checks or charge cards for extra items. If paid by cash or check, it must be at time of pick-up.

Jim Rinkus said that he had called Public Works for chipping and that they had not yet responded to his request.

Jim Lurquin made a note of his address to inform Public Works.

Mr. Rinkus suggested that Public Works might pick up scrap metal for the benefit of the community since the price is now at \$145.00 per ton.

Mayor Wasowicz replied that we do not want to get into the scrap business.

The Chair will entertain a Motion: To Adjourn

MOTION: Trustee DePaola so MOVES:

SECOND: Trustee Bartoszek

VOICE VOTE: All ayes.

Meeting Adjourned at 9:00 pm.

Respectfully submitted,  
*Kathleen M. Svoboda*  
Village Clerk