

**VILLAGE OF HINCKLEY**  
**REGULAR BOARD MEETING - MINUTES**  
**September 09, 2019**

**CALL BOARD MEETING TO ORDER:** Meeting was called to order by Village President Nelson at 7:00 PM. Roll call was taken showing the following:

**Present:** Trustees Christine Clark, Chuck Riforgiate, Lou Manivong, Jeff Nier, Rob Zimmermann, and Mike Constant. Quorum Established.

**Absent:** None.

**Also Present:** Village Clerk Elizabeth Losiniecki, Attorney Josef Kerlinkus, Police Chief Ken Gettemy, Chris Ott (EEI), and Members of the Public.

**PLEDGE OF ALLEGIANCE:** The pledge to the flag was recited.

**PUBLIC COMMENT on Agenda Items Scheduled for Action Only**

Resident Tim Sellers commented regarding the golf cart ordinance and asked if he could speak during the golf cart agenda item. Village President Nelson stated that he could.

**GENERAL BUSINESS**

• **Agenda item for discussion/approval:** *08/26/19 Regular Board Meeting Minutes*

Trustee Constant moved to approve the 08/26/19 Regular Board Meeting minutes and Trustee Manivong seconded the motion. **Roll Call Vote:** Clark-Aye, Riforgiate-Aye, Manivong-Aye, Constant-Aye, Nier-Aye, Zimmermann-Aye. Motion carried.

• **Agenda item for discussion/approval:** *Payment of Invoices Due*

Trustee Manivong stated that he is looking into a partial refund for the port-o-let that was removed from Garfield Park. Trustee Nier stated that the USA Blue Book invoice was reviewed and is okay for payment. Trustee Nier moved to approve the invoices and Trustee Manivong seconded the motion.

**Roll Call Vote:** Clark-Aye, Riforgiate-Aye, Manivong-Aye, Nier-Aye, Constant-Aye, Zimmermann-Aye. Motion carried.

**GUEST PRESENTATION – Diane Elkins – Buy Commercial Energy**

Ms. Elkins stated that the first page of the handout provided to Trustees was a copy of a letter from Progressive Energy that had Buy Commercial Energy's name on it. This letter was prepared without the permission or knowledge of Buy Commercial Energy. Ms. Elkins feels that this is an illegal action and fraudulent. She stated that this is indicative of their business practices. She provided an overview of pricing for the commercial accounts. There was discussion regarding 12 month vs. 24 month pricing, decision making timeframes, and adding additional locations.

**GUEST PRESENTATION – Shawn Ajazi – Progressive Energy**

Mr. Ajazi stated that the letter that was sent out by Progressive Energy, utilizing Buy Commercial Energy's name, was a letter of agency to Dynegy authorizing both companies to get pricing. Mr. Ajazi stated that the letter of exclusivity that was submitted by Buy Commercial Energy to Dynegy caused Progressive Energy to be unable to get pricing for the commercial accounts. Mr. Ajazi presented the pricing for commercial accounts.

## **PRESIDENT'S REPORT**

Village President Nelson stated that Joe Moore, Public Works Supervisor, had resigned effective September 13, 2019. She stated that there would be a going away party for him on the 12<sup>th</sup>. President Nelson also stated that she had received a couple of letters of inquiry from companies interested in purchasing the cell tower lease. She also stated that she had received a letter from a resident complaining about delinquency letters being sent to landlords. She reiterated that it is not the intention of the Village to "harass" people; rather the Village has a right to attempt to collect unpaid utility bills.

- **Agenda item for discussion/approval:** *Electric Aggregation Commercial Accounts*

Attorney Kurlinkus stated that the Trustees have two choices to consider. One is the vendor and the other is the term of contract (12 or 24 months). There was a discussion and Trustee Constant suggested going with the lowest priced option, but no more than 24 months. Trustee Manivong stated his discomfort with lack of business etiquette related to the letter of exclusivity discussed during the vendor presentations and Trustee Nier agreed. Trustee Constant also voiced his concern with the way the letter was handled. Trustee Zimmermann stated that Trustees needed to consider the residents finances. Attorney Kurlinkus stated that the lowest vendor was AEP via Progressive at .04259 cents per kilowatt hour. Diane Elkins stated that the brokerage firm benefits from the contract and that Progressive will be making money due to their immoral activity and that she could go back to her bidders to attempt to get better pricing. Mr. Ajazi stated that Progressive has worked with the Village since 2012 and helped save over \$25,000. Mr. Ajazi also stated that the letter had been reviewed and approved by the Village attorney and the Village President. Discussion followed regarding the letter and whether or not it was illegal. Attorney Kurlinkus stated that the letter was not illegal. Trustee Riforgiate moved to approve the 24 month contact with AEP via Progressive Energy and Trustee Zimmermann seconded the motion. Roll call vote: Clark-Aye, Riforgiate-Aye, Manivong-Abstain, Nier-Nay, Constant-Aye, Zimmermann-Aye. Motion carried.

- **Agenda item for discussion/approval:** *Amendment to Ordinance 2019-16 to Include \$150.00 Administrative Filing Fee for liens*

Village President Nelson stated that this is to cover costs including office time, mileage and fees for the filing of water bill liens. Trustee Manivong asked if this was drafted by the attorneys and Nelson stated that it was. Manivong pointed out spelling errors and incorrect town name. Trustee Manivong moved to approve the amendment to ordinance 2019-16, pending corrections, and Trustee Nier seconded the motion. Roll call vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Constant-Aye, Nier-Aye, Zimmermann-Aye. Motion carried.

- **Agenda item for discussion/approval:** *Ordinance No. 2019-15 to Amend Liquor License Application Requirements*

Village President Nelson stated that this amendment will require renewal applicants to provide a current copy of their Illinois liquor license with their application for renewal. Trustee Constant pointed out spelling errors in the document. Trustee Nier moved to approve Ordinance No. 2019-15 to amend the liquor license application requirements, with spelling corrections noted, and Trustee Clark seconded the motion. Trustee Constant pointed out numerous spelling mistakes. Roll call vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Constant-Aye, Nier-Aye, Zimmermann-Aye. Motion carried.

- **Agenda item for discussion/approval:** *Hiring of Seasonal Part-Time Public Works Employee*

Village President Nelson stated that she would like to table this discussion until the next meeting agenda. Trustee Constant moved to table the discussion until the next meeting and Trustee Manivong seconded the motion. Voice Vote all in favor.

- **Agenda item for discussion/approval:** Committee Assignments

Village President Nelson stated that she would like a motion to approve Christine Clark as Personnel Committee Chairperson. Trustee Nier moved to approve Christine Clark as Personnel Committee Chairperson and Trustee Manivong seconded the motion. Roll call vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Constant-Aye, Nier-Aye, Zimmermann-Aye. Motion carried.

President Nelson reported that she had received a letter from the Teamsters Union regarding DC Trash paying below prevailing wage. She read the letter and the Village Attorney's response to the Teamsters. A copy of the attorney letter was sent to the Teamsters and DC Trash.

President Nelson stated that the Route 30 roadwork was supposed to have started today, September 9, 2019. The work has not started and there has been no update from the State regarding when it will begin.

## **COMMITTEE REPORTS**

- **Personnel**

No report.

- **Finance & Economic Development**

Trustee Constant stated that he had attended the Planning Commission meeting on September 2, 2019. The Planning Commission is in the process of reviewing TPI's proposed updates to Ordinance 2009-03. They also discussed the vacation of the alley behind 149 N. May Street.

- **Public Safety**

- **Agenda item for discussion/approval:** *Ordinance No. 2019-14 Amending Ordinance 2016-05 Golf Carts to Include UTVs*

Chief Gettemy reported that the Police Department has reviewed the inclusion of UTVs and that several residents have indicated a desire to register such vehicles. Two residents need this type of vehicle for medical reasons. Resident Tim Sellers provided some background information regarding the requested changes and stated that he had compiled the updated requirements submitted for the amendments to the existing ordinance. Clerk Losiniecki suggested that Trustees compare the ordinance included in the packet vs. the document that Mr. Sellers created as changes were made to the ordinance by the Village Attorney. Attorney Kurlinkus stated that he had removed the decibel requirement from the ordinance and Trustees requested that it be added back in. There was additional discussion regarding registrations and requirements and Chief Gettemy stated that all vehicles registered will have a reflective blue sticker. Trustee Nier pointed out that there is an unregistered UTV being used on Village streets in his neighborhood. Trustee Constant instructed Attorney Kurlinkus to add the decibel level requirement back in, include the fine amount for unregistered use and to correct spelling mistakes. Trustee Manivong moved to approve Ordinance 2019-14, with corrections, and Trustee Riforgiate seconded the motion. Roll Call vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Nier-Nay, Zimmermann-Aye, Constant-Aye. Motion carried.

- **Agenda item for discussion/approval:** *Ordinance No. 2019-17 Rescinding Ordinance No. 2019-01*

Chief Gettemy stated that this item is intended to allow the Village to incur the necessary expenses to repair the White Crown Victoria so that it can be used by Village personnel for routine Village business (i.e. crossing zone, trips to County, etc.) Trustee Manivong moved to approve Ordinance 2019-17 and Trustee Riforgiate seconded the motion. Roll call vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Nier-Aye, Zimmermann-Aye, Constant-Aye. Motion carried.

- **Streets & Alleys**

Trustee Zimmermann stated that the estimate to repair the F450 will be on the next agenda for discussion/approval. He provided the repair estimate and asked Trustees to review in preparation

for the discussion at the next meeting. Trustee Constant mentioned the salt spreader and dump insert that were purchased back in June/July and the statement that was made at the time that the L8000 could be repaired and put into service for approximately \$2000.00 (for leaf pick up). Zimmermann stated that the L8000 has a large turning radius and doesn't work well in cul de sacs or narrow streets. Tim Sellers stated that the F450 cannot be used and that the add ons to the F350 (salt spreader and dump insert) were not meant as a permanent solution, only to gain another year before having to purchase new truck. Additional discussion followed regarding equipment leases, repair estimates and the corrosive nature of salt and leaves.

- **Buildings, Grounds & Parks**

Trustee Manivong stated that the new data connection from DeKalb County would be in service soon.

- **Water & Sewer**

Trustee Nier stated that he would like the Village to consider passing an ordinance that would require that all utility bills go directly to the property owner in order to eliminate the problem with renters not paying their bill. He would also like to see something in the proposed ordinance that would require all outstanding bills to be paid prior to the property being put up for sale. Trustee Manivong mentioned that requiring background checks for renters was also being considered. Attorney Kurlinkus stated that he would look into the desired changes/additions. Trustees Constant and Nier asked Attorney Kurlinkus to begin work on altering the water rates ordinance to reflect that all utility bills will be sent directly to the property owner, effective the second billing cycle of 2020. This will allow the Village sufficient lead time to give the landlords ample notice to implement changes with their renters. Trustee Riforgiate suggested that the details should be worked out in a committee meeting and brought back to the Board of Trustees for approval.

President Nelson stated that there would be a five minute break prior to the executive session.

At 8:40 pm Trustee Nier moved to enter into executive session pursuant to **§ 5 ILCS 120/2(c)(1) of the Illinois Open Meetings Act**. [Discussion of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body] and **§ 5 ILCS 120/2(c)(3) of the Illinois Open Meetings Act**. [Discussion of the selection of a person to fill a public office... or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. Trustee Riforgiate seconded the motion. Roll call vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Nier-Aye, Zimmermann-Aye, Constant-Aye. Motion carried.

At 10:31pm Trustee Nier moved to reconvene the open session and Trustee Manivong seconded the motion. Roll Call Vote: Clark-Aye, Riforgiate-Aye, Manivong-Aye, Nier-Aye, Zimmermann-Aye, Constant-Aye. Motion carried.

Village President Nelson stated there was no action taken in closed session.

#### **PUBLIC COMMENT**

None.

#### **OPEN DISCUSSION**

None.

**ADJOURNMENT**

**Motion:** Trustee Zimmermann moved to adjourn the meeting at 10:32pm. Trustee Clark seconded the motion. Voice Vote: All members voted yes. Motion carried.

The next Regular Meeting of the Village Board is scheduled for September 23, 2019.

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Nancy Nelson, Village President

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Elizabeth Losiniecki, Village Clerk