

Minutes of a **REGULAR MEETING** of the
PRESIDENT and BOARD OF TRUSTEES
Village of Evergreen Park, Cook County, IL
Monday, December 5, 2011

CALL TO ORDER The meeting was called to order at 7:30 P.M. by Mayor Sexton in the second floor Council Chambers of the Village Hall.

ROLL CALL Clerk Aparo was asked to call the roll with the following results:
Physically Present:

Mayor James Sexton
Trustee Carol Kyle
Trustee Mark Marzullo
Trustee James McQuillan
Trustee Mary Keane
Trustee Jerome Bosch
Trustee Mark Phelan

Also present were Village Attorney Joseph Cainkar, Village Engineer Tim Klass and Village Treasurer John Sawyers.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Trustee Phelan.

OPEN PUBLIC FORUM

The Chair made the following announcements:

1. The EP Historical Commission is holding a meeting on Wednesday, December 14, 2011 at 7:00 p.m. in the Community Room of the Village Hall the meeting is open to the public.
2. In commemoration of Howard Selkie and all the men and women who served our country, our flags will be lowered to half-mast in remembrance of Pear Harbor Day, December 7, 2011.
3. Recognized a letter of appreciation from the Indianhead Park Police Chief for EP Police Officers Jack Murphy and Officer Ed Majka for their help in the recent apprehension of a suspect in the recent Indianhead Park murder case.
4. EP Police Walk and Talk Program have begun. Police will be stopping in local businesses as a measure to increase police presence and deter crime.
5. Santa visits started December 2, 2011 and can be scheduled through Christmas Eve. Contact the Recreation Dept. for more information.

OPEN PUBLIC AUDIENCE

The Chair noted due to the large audience tonight and the many people wishing to voice their concerns to expedite the meeting the item is moved from the 11th item to the 1st item. He set ground rules asking everyone to be respectful of each other and hold applause or comments until after everyone has had a chance to speak. All speakers were asked to use a sign in sheet for the record. Upon roll call Trustees voting YES: Marzullo, McQuillan, Keane, Bosch, Phelan and Kyle; voting NO: NONE. Motion to move the item to the top of agenda was passed and so ordered by the Chair.

Mr. John Costello, Chairman of the Board of SXU, endorsed the Sisters of Mercy Care stating this would enhance the nursing program providing internship and employment for campus students.

Mary Coffey, 9139 Mozart, supports the Sr. of Mercy and welcomes the project.

Avis Clendenon, 9821 S. Springfield, favors the project and encouraged the Board to end litigation.

Debra Parker, 9728 S. Harding, stated she is in favor of the project. She said construction took place on the SXU campus a few years ago when the new dorms were built and there were no issues with traffic or construction adding the sixty (60) year old buildings on the Sisters of Mercy property and McAuley campus should be replaced with new facilities.

Kathy Manahan, 9854 S. Lawndale, stated Mercy Circle will be run by the Franciscan Sisters Corp. who declared bankruptcy in the defunct Clare Towers in downtown Chicago. She added this is not the proper location for the CCRC. She urged the Board to reject the settlement due to the existing promise made by the Sisters of Mercy in 1954 for land use.

Brian Murphy, 9404 S. Clifton Park, is in favor of Mercy Village adding the Sisters of St. Francis of the 3rd Order and the Sisters of Mercy are excellent groups. The addition of the CCRC would be an asset to the Village and this facility cannot be compared to the former nursing home, Emerald Park.

Virginia Wendell, 3129 W. 98th Place, strongly supports the Mercy Circle development. She said she is Director of Mission and Pastoral care at St. Joseph's Village on Belmont and Pulaski, operated by the Franciscan Sisters of Chicago. She stated they are the first Catholic run nursing home in the City of Chicago and they are not bankrupt. She said many of the residents at St. Joe's are from this area adding this facility is needed and this is the perfect location for the CCCR.

Mr. Patrick J. Ruberry, attorney for Beth Amado and Kathy Manahan asked the Board to continue litigation stating his clients did not receive due process regarding notification from the City of Chicago.

Alice Flaherty, 9831 Lawndale, stated concerns of the impact of increased traffic and daily construction issues for the children at Southwest grammar school. She is opposed to the CCRC and would prefer her tax dollars be used toward the litigation.

Amy Fitzgerald, 9858 S. Lawndale, opposes the Mercy Circle development. She asked what circumstances changed since the meeting at the high school in August 2010 when the Board voted against the development. She asked if money is the issued adding the Village has discussed monies spent on the new park with \$300,000 driving ranges and \$60,000 pond. She requested that a several phased environmental

study be done on the property and the findings should distribute to the families/schools in the southwest area.

The Chair responded the new park at 91st & California has fifty acres of open space for everyone to enjoy is being paid for with money from a State grant. He stated nothing has changed since the 2010 meeting and this is a democracy where everyone has the right to be heard. He added for the record he will have three (3) grandchildren attending Southwest School next year; he added every child in the Village is important to him not just the ones at Southwest school.

Maureen Moore, 9722 S. Hamlin, endorses the work the Sisters of Mercy do but opposes the location. She asked if the Sisters can move to another part of the site away from 99th Street and Central Park.

Jack Howard, 9815 S. Millard, said he agrees another location would be better suited for the care center. He understands the litigation constraints but feels there has been a lack of communication from the Village. This issue has caused many differences between neighbors and friends. He urged the Village to continue litigation against the CCRC.

Terry Schulte, 9631 S. Central Park, has been a consultant to nursing home for 17 years. She worked at the Sr. of Mercy facility in Homewood which was decertified due to violations. She strongly opposes the CCRC and asked the Board to continue litigation.

Kathy Rohan, 9653 S. Lawndale, identified herself as President of District 124 School Board stated the Board was opposed to the facility in 2008 and still opposes the facility. The construction, traffic, safety hazards and storm water run off is of no benefit to residents or Southwest School.

Mark Flynn, 9718 S. Hamlin, is opposed to the facility. He expressed concerns regarding the affects of increased emergency vehicles; Fire, Police and ambulances from Chicago adding to an already congested area. He added there are (5) five schools in the immediate area, lots of joggers and a lot of congestion in this small area.

John George, Attorney for the Sr. of Mercy, said the Village and the Sr. of Mercy have worked hard over the past two years to reach an agreement. This revised settlement took seven (7) months to complete and it addresses all the previous concerns, regarding traffic, clergy/lay occupancy and construction issues. He noted the significant changes in the settlement among them a reduction in the number of units, reduce number of stories and longer setbacks for the buildings. The settlement states there will be no expansion of the development without the Village Board approval. He strongly urged the Board to approve and accept this settlement.

**ITEM MOVED
ON AGENDA**

Motion by Trustee Phelan second by Trustee McQuillan to move the #11 agenda item Sisters of Mercy settlement discussion and possible Board action to #1 agenda item. Upon roll call Trustees voting YES: Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: NONE.

Motion to move the item to the top of agenda was passed and so ordered by the Chair.

The Chair restated this is a delicate, difficult matter in which the Village position is that the property was to be used for educational use. He added the entire property is located within the boundaries of the City of Chicago which approves what can be built upon the property. He called for comments from the Board.

Trustee Marzullo stated his father was a resident in an excellent facility, Smith Village and he objected to a resident's statement lumping all nursing homes together as awful places. He asked if the 1954 covenant can be investigated and if it is still legally binding.

Trustee Kyle thanked everyone for their opinions both positive and negative. She objected to a statement that said the Board is not listening to the residents. She added the Board has been listening to all residents. She stated everyone's tax dollars are affected if we continue litigation against the development of a property located in the City of Chicago. She added this is a difficult decision and she needs more time to make a decision. She related when the Village went to the City of Chicago Zoning Hearing Mayor Sexton was given only one minute, not the allotted three to present the Village's position.

Trustee Keane thanked attorney Joe Cainkar for his efforts on the Village's behalf. She noted the Board has listened to residents opinions at Church, choir practice, family weddings and here at the Board meetings. She said the Village Board is concerned for the safety of all children in our community not just their collective (25) twenty five children and ten grandchildren. She said the concerns of the residents in this quadrant are legitimate yet, this law suite affects everyone's tax dollar and further litigation will be expensive. Future budget cuts in village services may occur in order to pay for continued litigation. It could also jeopardize the current settlement and put us back to square one with no say in the proposed development. She added the Sr. of Mercy deserve compassionate care in return for their lifetime of service and dedication as educators in our community.

She stated the Board has acted within the legal process and never blindsided, misled or lied to the residents. She added the Board takes this issue very seriously and this is a matter of trust and honesty.

Motion by Trustee Keane second by Trustee Kyle to continue litigation against the development proposed by the Sr. of Mercy (CCRC). Upon roll call, voting YES: Trustees Marzullo, Keane, Phelan and Kyle; voting NO: Trustee McQuillan and Bosch. The motion was passed and so ordered by the Chair.

The Chair thanked the large audience and dismissed those who wished to leave before moving on to the next items on the agenda.

**REGULAR
AGENDA &
FINANCE
MINUTES**

Motion by Trustee Phelan second by Trustee Kyle to waive the reading of the minutes of the November 21, 2011 Regular Meeting of the President and Board of Trustees and the minutes of the November 29,

2011 Finance Committee Meeting and approved as presented was passed by unanimous voice vote and so ordered by the Chair.

**RESOLUTION
NO. 2-2012**

Motion by Trustee Bosch second by Trustee McQuillan, to approve **Resolution NO. 2-2012** with expenditures of the General Corporate Fund of \$433,064.52 and the Sewer and Water Fund in the amount of \$18,397.83 and the Street Bond Fund of \$11,250.00 for a total of \$462,712.35. Upon roll call, voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle and Marzullo; voting NO: NONE. The motion was passed and so ordered by the Chair.

**WATER COLLECTORS
REPORT**

Motion by Trustee Phelan second by Trustee Marzullo to accept for information and file the Water Collector's report for **November 2011** in the amount of \$461,522.15. The motion was passed by unanimous voice vote and so ordered by the Chair.

**VILLAGE
COLLECTORS
REPORT**

Motion by Trustee McQuillan second by Trustee Keane to accept for information and file the Village Collector's report for **November 2011** in the amount of \$2,741,048.11. The motion was passed by unanimous voice vote and so ordered by the Chair.

**TREASURER'S
REPORT**

Motion by Trustee Bosch second by Trustee Kyle to approve the Village Treasurer's report for **October 2011 fiscal year end** with totals of \$5,752,725.95 in the General Fund and \$1,768,404.31 in the Sewer and Water Fund. The Chair noted the budget is balanced. The motion was passed by unanimous voice vote and so ordered by the Chair.

**BUSINESS
CERTIFICATES**

Motion by Trustee Phelan second by Trustee Kyle, to accept the application for Business Regulation Certificate and License for **Subway (New Owner Only)** to operate a fast food restaurant located at 3338 W. 95th Street. Upon roll call voting YES: Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: NONE. The motion was passed and so ordered by the Chair.

**POLICE DEPT
VACANCIES**

Motion by Trustee Bosch second by Trustee Kyle to approve the request from the Police Chief to declare (3) vacancies in the rank of Sergeant in the Evergreen Park Police Department. Upon roll call voting YES: Trustees Bosch, Phelan, Kyle, Marzullo, McQuillan and Keane; voting NO: NONE. The motion was passed and so ordered by the Chair.

**POLICE DEPT
PROMOTIONS
SERGEANT**

Motion by Trustee Bosch second by Trustee Kyle to approve the Chair's request to promote three (3) Police Officers to Edward Majka, Daniel McKeown and Adam Zimmer to the rank of Sergeant in the Evergreen Park Police Department. The Chair commended the officers and their families. The audience gave them a round of applause. Upon roll call voting YES: Trustees Phelan, Kyle, Marzullo, McQuillan, Keane and Bosch; voting NO: NONE. The motion was passed and so ordered by the Chair.

**POLICE DEPT
VACANCIES**

Motion by Trustee Bosch second by Trustee McQuillan to approve the request from the Police Chief to declare (3) vacancies in the rank of Lieutenant in the Evergreen Park Police Department. Upon roll call

voting YES: Trustees Kyle, Marzullo, McQuillan, Keane, Bosch and Phelan; voting NO: NONE. The motion was passed and so ordered by the Chair.

**POLICE DEPT
PROMOTIONS
LIEUTENANT**

Motion by Trustee Marzullo second by Trustee Phelan to approve the Chair's request to promote three (3) Sergeants Gary Jarzen, James Healy and Robert Wall to the rank of Lieutenant in the Evergreen Park Police Department. The Chair commended the new Lieutenants and their families noting he is the son of a Chicago Police Officer and knows the toll it takes on their families. The audience gave them a hearty round of applause. Upon roll call voting YES: Trustees Marzullo, McQuillan, Keane, Bosch, Phelan, and Kyle; voting NO: NONE. The motion was passed and so ordered by the Chair.

PROCLAMATION

Motion by Trustee Phelan supported by Trustee McQuillan to approve the proclamation "Declaring December 2011 as Drunk and Drugged Driving (3D) Prevention Month in the Village of Evergreen Park." Upon roll call voting YES: Trustees McQuillan, Keane, Bosch, Phelan, Kyle, and Marzullo; voting NO: None. The motion was passed and so ordered by the Chair.

QUEEN OF MARTYRS

CELTIC WEEKEND

Motion by Trustee McQuillan second by Trustee Kyle to approve the request from Queen of Martyrs to host a Celtic Countdown Weekend on March 2-4, 2012 with a 5 K Run/3K walk and a Pancake breakfast. The Chair noted Mrs. Kettering will be called to secure volunteers from Queen of Martyrs for help with this event. Upon roll call voting YES: Trustees Keane, Bosch, Phelan, Kyle, Marzullo and McQuillan; voting NO: None. The motion was passed and so ordered by the Chair.

**ENGINEER'S
REPORT**

Mr. Klass had no report.

**ATTORNEY'S
REPORT**

None.

BIDS

None.

MISC.

The Chair noted some payouts to Novotny & Associates in the amount of \$109,617.71 for various projects; Strada Construction was paid \$94,493.73 for the 2011 Sidewalk Replacement Program. No Board Action required.

ADJOURNMENT

With nothing further to come before this meeting, motion by Trustee Bosch second by Trustee McQuillan that this Regular Meeting of the President and Board of Trustees adjourn. Upon roll call voting YES: Trustees Phelan, Kyle, Marzullo, McQuillan, Keane and Bosch; voting NO: NONE. The motion was passed and so ordered by the Chair at 9:00P.M.