

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
October 15, 2019**

The regularly scheduled meeting of the Hinsdale Village Board of Trustees was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, October 15, 2019 at 7:34 p.m., roll call was taken.

Present: Trustees Matthew Posthuma, Scott Banke, Luke Stifflear, Gerald J. Hughes, Neale Byrnes, and President Tom Cauley

Absent: Trustee Laurel Haarlow

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom, Assistant Village Manager Emily Wagner, Police Chief Brian King, Fire Chief John Giannelli, Finance Director Darrell Langlois, Director of Community Development Robb McGinnis, Director of Public Services George Peluso, Management Analyst Jean Bueche and Village Clerk Christine Bruton

PLEDGE OF ALLEGIANCE

President Cauley led those in attendance in the Pledge of Allegiance

APPROVAL OF MINUTES

a) **Regular Meeting of October 1, 2019**

There being no changes to the draft minutes, Trustee Posthuma moved to **approve the draft minutes of the regular meeting of September 17, 2019, as presented.** Trustee Hughes seconded the motion.

AYES: Trustees Posthuma, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: Trustee Banke

ABSENT: Trustee Haarlow

Motion carried.

b) **Closed Session of June 11, 2019 and July16, 2019**

Trustee Hughes moved to approve the **Closed Session of June 11, 2019 and July 16, 2019, as presented.** Trustee Posthuma seconded the motion.

AYES: Trustees Posthuma, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: Trustee Banke

ABSENT: Trustee Haarlow

Motion carried.

c) **Closed Session of August 6, 2019**

Trustee Hughes moved to approve the **Closed Session of August 6, 2019, as presented.**
Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Banke, Hughes and Byrnes

NAYS: None

ABSTAIN: Trustee Stifflear

ABSENT: Trustee Haarlow

Motion carried.

d) **Closed Session of September 17, 2019**

Trustee Byrnes moved to approve the **Closed Session of September 17, 2019, as presented.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear and Byrnes

NAYS: None

ABSTAIN: Trustee Hughes

ABSENT: Trustee Haarlow

Motion carried.

The following item was taken out of order:

Should the Board find the request in substantial conformity with the Site Plan and Exterior Appearance Plan, the appropriate motion would be to, “Move the request for a Second Major Adjustment to a Site Plan and Exterior Appearance Plan for second reading”; or

Should the Board find the request is not in substantial conformity with the Site Plan and Exterior Appearance Plan, “Move to refer the request to the Plan Commission for further hearing and review”

Trustee Stifflear introduced the item having to do with Land Rover, noting that Mr. Kevin Jacobs is participating by telephone should there be any questions. He explained this is a first reading of the item, and the Board must determine if this request is in substantial conformity with the original approval, or if this matter should be referred to the Plan Commission for further review.

Trustee Stifflear explained that the original plan was approved last year. An integral component of the plan was the southern border of the property which included an 8’ foot concrete wall and a landscaping plan both of which addressed the issues raised by neighbors on Oak Street and Franklin Street. Land Rover is under construction now, and the neighborhood group does not believe the plan is being followed primarily with respect to the location of the fence. They filed an appeal to the Zoning Board of Appeals of the Certificate of Zoning Compliance issued by the Village to Land Rover alleging that the permit was issued in error and work fails to comply with approved plans. There were shrubs removed on Oak Street for the utility easement, but those will be replaced. They also disagreed with the lighting. Land Rover and the neighbors have met, and Mr. Jacobs believes progress has been

made working toward a solution. Trustee Stifflear noted there is some issue with procuring the plant stock at this time of year. Mr. Jacobs said they are continuing to work with neighbors on the landscape plan, and what would be planted when. Before any work is done, they will notify everybody. President Cauley commented that he doesn't believe this should be sent back to the Plan Commission, as the changes are not detrimental to neighbors. Village Manager Kathleen Gargano added the Chair of the Plan Commission has no objections to the revised plan.

Mr. Nick Skokna of 808 N. Oak asked for confirmation that the fence by his house is okay and the lighting by his house will be adjusted.

Mr. Junguo Bian of 811 N. Oak addressed the Board regarding his concern about the removal of trees and bushes on the sidewalk that faces Oak Street. It was noted that the Village Forester John Finnell said there is one dead tree in that area that will be removed; and any bushes removed during construction will be replaced. Ms. Gargano offered to meet with Mr. Bian to review the plan.

The Board agreed to move this item forward for a second reading at their next meeting. President Cauley thanked Mr. Jacobs and the neighbors for their patience.

VILLAGE PRESIDENT'S REPORT

President Cauley reported the storm trap structures will be put under the parking deck and installed at Kensington School on Thursday and Friday of this week.

The second issue he addressed relates to 5G small cell towers. He reported that telecommunications companies are preparing to roll out a 5G network in the Village and throughout the State and nation. This network will utilize a large number of small, low power antennas, placed on existing utility poles or new poles, every several hundred feet. He reported that the Illinois Small Wireless Facility Deployment Act (the "State Act") and a Declaratory Ruling passed by the Federal Communications Commission (FCC) severely limit the ability of the Village and local governments to prevent antennas in the community.

There are three main areas of concern with respect to these antennas; health, the number of antennas, and the aesthetics. The Federal government has pre-empted the Village from questioning the safety of telecommunications equipment, so long as the equipment meets federal standards. He asked that residents address those concerns to their congressmen and senators. With respect to the number of poles and their location, President Cauley clarified that Verizon has not yet filed an application with the Village to install 5G in Hinsdale. And while the Village does not agree with the State Act, this law requires the Village to allow small cell antennas on municipal streetlights, or other Village-owned utility poles, ComEd poles, and other non-Village poles in the rights-of-way. The State Act also strips away the Village's traditional zoning authority and allows the telecommunication companies to install new poles as permitted uses in all rights-of-way.

Under the State Act, the only authority the Village is given over the location of a new utility pole is to propose that the provider place it on an existing pole within 100' feet of the proposed new pole location, and as long as the alternative does not "impose technical limits or additional material costs as determined by the provider". So, while the Village would prefer providers place the equipment on existing ComEd poles, we cannot entirely control this. With respect to the aesthetics, last year the Village Board developed written design standards that telecommunication companies must adhere to with new pole installations. However, the Village

has not received an application at this time, so we don't know how many or where any poles will be installed, but will do everything possible to limit the number of poles.

Ms. Kimberly Walker representing Safe Tech of Illinois, addressed the Board stating that Illinois will be a difficult State to make changes because of SB1415, but her group is soliciting letters from mayors to oppose the State laws. She went on to discuss the negative health impacts of this type of wireless technology, and referenced expensive studies that have been done on this subject, and urged the Board to inform residents about the health risks.

Ms. Jennessa Cannon representing Safe Tech of Illinois, addressed the Board about educating people to protect themselves. She recommended the Board review the Harvard study on these matters.

Ms. Erica Hassan with Merrill Lynch Wealth Management warned the Board that property values will be adversely affected by the 5G poles.

President Cauley assured her that Hinsdale is very aware of the problems, and is willing to work to change the law. He pointed out that many groups have opposed this legislation. Village Manager Gargano added that DuPage Mayors & Managers opposed the legislation before it was adopted, and she has been communicating with State legislators on this matter.

Ms. Nancy Perlman representing Illinois for Safe Technology, demonstrated for the Board the measured microwave frequency in the Board room with her radio frequency meter. She explained that she suffers from Electro Hypersensitivity (EHS) as a result of these types of frequencies; she described her symptoms at length. She said that the telecommunication industry has done no studies on the effects of 5G, but cited someone else's study that indicates we could be extinct as a race in three years. President Cauley interrupted and said he is happy to sign letters to elected officials, but reiterated that at this time the Village's hands are tied with respect to health concerns.

Ms. Jill Sparks of 914 S. Bodin complained that residents were not informed about this issue, and Village of Hinsdale workers are in her front yard. Director of Public Services George Peluso explained Village staff is required to be present for JULIE location of utilities. President Cauley explained again that we have not received an application from Verizon at this time, but should an application be filed, those residents affected will be informed, and the Village will do everything they can to protect residents.

Ms. Beth Grunow of 913 S. Adams admonished the Board for not communicating to residents sooner. She recommended the Village put 5G information on the website, and a place for residents to make suggestions. President Cauley agreed, but emphasized we have no applications at this time. She also expressed concerns about tree removal, but Trustee Stifflear said no trees will be removed, as part of the aesthetic ordinance. She suggested a petition. Trustee Stifflear described the pole restrictions in the aesthetic ordinance.

Ms. Julie Grieve of 609 S. Bruner Street suggested a task force of residents be formed to work with the Village on ways to send a message to Verizon, and to help with communications to residents. President Cauley agreed this was a good idea.

Ms. Mari Ilic of 835 S. Vine was pleased that everybody has the same goal with respect to the 5G network.

Paige Glendinning of 824 S. Vine is thrilled the Board is on board, and wants Trustee Stifflear to be the liaison to their task force. She hopes if the Village makes enough noise, the carrier will pick up and go somewhere else.

APPOINTMENTS TO BOARDS & COMMISSIONS

President Cauley introduced his appointments:

Economic Development Commission

Mr. Vishnu Srinivasan appointed to a 2-year term through April 30, 2021

Plan Commission

Ms. Michelle Fisher appointed to fill the unexpired term of Mr. Scott Peterson through April 30, 2021

Firefighters' Pension Board

Mr. Chris Elder appointed to a 3-year term through April 30, 2022

Trustee Posthuma moved to **approve the appointments to Boards and Commissions, as recommended by the Village President.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: Trustee Banke

ABSENT: Trustee Haarlow

Motion carried.

CITIZENS' PETITIONS

None.

FIRST READINGS – INTRODUCTION

Administrative & Community Affairs (Chair Hughes)

- a) **Approve a Resolution Determining Amounts of Money to be Raised through Ad Valorem Property Taxes for the Village of Hinsdale in the Amount of \$10,537.297**
Trustee Hughes introduced the resolution setting amounts raised through property taxes. This is an annual State requirement. The amount is formulaically determined and is an amount the lower of the Consumer Price Index (CPI) or 5%.
The Board agreed to move this item forward for a second reading at their next meeting.
- b) **Approve a Resolution Designating BMO Harris as a Depository, Designation of Authorized Officers, and Specifying Authorized Activities**
Trustee Hughes introduced the item that is approval of a new bank account, as it is best practice to have deposits and withdrawals in two accounts and do transfers.
The Board agreed to move this to the consent agenda of their next meeting.
- c) **Approve a contract with JLD Consulting Group, LLC in an amount not to exceed \$3,000 per month for the months of November and December 2019 and \$5,500 per month for the period January 1, 2020 through November 30, 2020 for lobbyist services related to the Illinois State Toll Highway Authority (Tollway) expansion project**

Trustee Hughes introduced the item that relates to engaging lobbying services for the tollway to help negotiations with the tollway regarding the Oasis. He gave staff credit for finding the right expert. We have found that experts in Springfield have been very effective. President Cauley added that Attorney Bill Ryan has recommended a lobbyist for this purpose. Once an Intergovernmental Agreement (IGA) is approved, we can terminate the contract with 30 days notice.

The Board agreed to move this to the consent agenda of their next meeting.

Zoning and Public Safety (Chair Stifflear)

- d) **Should the Board find the request in substantial conformity with the Site Plan and Exterior Appearance Plan, the appropriate motion would be to, “Move the request for a Second Major Adjustment to a Site Plan and Exterior Appearance Plan for second reading”;** or

Should the Board find the request is not in substantial conformity with the Site Plan and Exterior Appearance Plan, “Move to refer the request to the Plan Commission for further hearing and review”

Item taken out of order; previously addressed.

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Byrnes moved **Approval and payment of the accounts payable for the period of October 2, 2019 to October 15, 2019, in the aggregate amount of \$3,157,217.66 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Posthuma seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Haarlow

Motion carried.

The following item was approved by omnibus vote:

- b) **Approve an Ordinance amending Title 7 (Public Ways and Property) Chapter 7, (Commercial Filming, Photography and Taping Activities) of the Village Code of Hinsdale relative to Commercial Filming, Photography and Taping Activities within the Village (First Reading – October 1, 2019)**

Trustee Byrnes moved to **approve the Consent Agenda, as presented.** Trustee Stifflear seconded the motion.

AYES: Trustees Posthuma, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: Trustee Banke

ABSENT: Trustee Haarlow

Motion carried.

SECOND READINGS / NON-CONSENT AGENDA – ADOPTION

No second readings.

DISCUSSION ITEMS

a) 5G Small Cell Network

Item previously addressed under Presidents Report.

b) Parking deck update

Assistant Village Manager/Director of Public Safety Brad Bloom said the deck project is moving forward as planned, the storm trap will be installed this week.

c) Tollway update

Mr. Bloom reported the pedestrian bridge design survey will be on the website by the end of week. Billboards will be placed at the current location and at the alternate location at Veeck Park. The renderings and web links are included on the billboards. President Cauley commented that Western Springs residents are strongly in favor of the current location because they can walk to Starbucks and Whole Foods. Ms. Gargano reported that Hinsdale resident approval for the current location is about 50%. Further, she will pass on Trustee Haarlow's suggestion for screening to the Tollway.

DEPARTMENT AND STAFF REPORTS

a) Parks & Recreation

b) Police

c) Public Services

d) Engineering

The report(s) listed above were provided to the Board. There were no additional questions regarding the content of the department and staff reports.

Mr. Peluso reported the paving on Hinsdale Avenue is finished from Monroe to Stough. The Stough intersection will be re-opened, and the Monroe crossing will be closed in November for three weeks. The detour will be flipped starting November 1.

Trustee Byrnes added the paving on Chestnut behind the Walgreens should be done this week.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports.

OTHER BUSINESS

None.

NEW BUSINESS

None.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee Hughes moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of October 15, 2019.** Trustee Byrnes seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Haarlow

Motion carried.

Meeting adjourned at 9:04 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk