

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

DECEMBER 10, 2002

Mayor Krajewski called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Thomas Sisul, Michael Gilbert, Mark Zabloudil; Deputy Village Manager Dave Van Vooren; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioners Tully and McConnell; Village Manager Ginex

Visitors: **Press:** Kevin Stahr, Downers Grove Reporter; Colt Foutz, The Sun
Residents & Others in Attendance: Downers South Volleyball Team – Claire McCormack; Krissy Neumann; Michelle Grabowski; Jillian Mitchell; Faye McCormack; Jeannette Abbott; Kara Werner; Kira Batora; Annie Mastandrea; Jessica Compton; Beth Vrdsky; Meghan Macdonald; Caitlin Daly; Jackie Simpson; Cheryl Simpson; Jane Amorosi, 5742 Dearborn Parkway; Rich O’Hara, 4641 Prince St.; Ron Sandack, 4833 Linscott; Kathy DiCola, 5413 Maplewood; Charles & Megan Schroeder, 6036 Ridge Ct.; Christine Fregeau, 1918 Elmore Ave.; Carol Giles, 5707 Middaugh; Dave Tatterson, 1240 Gilbert; Nora Ozer, 5648 Hillcrest; Anna & Ken O’Neil, 3831 Venard; Dawn Magliola, 1424 Jefferson; John Collins, 6024 Ridge Ct., Gordon Goodman, 5834 Middaugh; Julia Beckman, 135 White Fawn Trail; George Hamper, 247 James Drive, Westmont
Staff: Dorin Fera, Public Works; John Bajor, Director, Public Works; Marsha Giesler, Acting Chief, Fire Prevention; Mary Scalzetti, Director, Tourism & Events; Mike Baker, Asst. to the Village Manager

Mayor Krajewski explained that Council Workshop meetings are held the second and fourth Tuesdays at 6:30 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

Introduction

Mayor Krajewski recognized the presence of the Downers Grove South Girls Class AA State Volleyball Championship team, and read a Proclamation honoring the team for their achievement and proclaiming Tuesday, November 19 as the Downers Grove South Girls Volleyball Day. Coach Denise Lazzeroni-Kavanaugh said that it was a year of very hard work with the motto of “working on winning.” She described the team as a very focused group. The team members then introduced themselves.

MANAGER

1. **Heritage Festival Budget.** Acting Manager Van Vooren asked Mary Scalzetti to present the proposed budget.

Mary Scalzetti, Director, Tourism & Events Committee, recapped the 2002 Heritage Festival with a brief slide presentation. She estimated the 2003 Festival revenues at \$272,849, with actual revenues for 2002 at \$309,467. The expense estimate for 2003 is \$287,590, which is a slight increase over last year due to expected rental increases. Special Events includes the Fireworks and Parade. Projected revenues and expenses balance out at \$462,590. The Heritage Festival budget is contingent on passing of the Village budget in March.

Ms. Scalzetti said staff is presently in negotiations with Astro Amusement to improve the Village’s share of the total ticket sales. Regarding contracted attractions, there will be a fireworks show on each night of the event at \$5,000 each night; however, she indicated that figure can be changed by eliminating or reducing the nightly fireworks for the Festival if necessary. Staffing expenses have been lowered \$10,000 from the 2001 Festival figure by reassessing needs and the use of volunteers. Ms. Scalzetti said that the Tourism and Events Commission has recommended approval of the budget.

Commissioner Gilbert said he trusted the Commission’s judgment. He asked about the projection of actual revenues under Special Events. Ms. Scalzetti said this is from donations on the water bill. Last year a billing cycle was missed as the notice was sent out late. As far as rental increase, Ms. Scalzetti said costs were held last year because of 911, and she anticipates an increase of 1 to 2 percent in costs this year.

The Mayor said that the conservative nature of the projections is due to weather considerations. Regarding revenue for publicity and recognition, Ms. Scalzetti said they are looking for sponsors for all their events including the Heritage Festival, the Ice Sculpture and the Bike Race.

- 2. Class A Scavenger License Approval.** The Deputy Manager said the Council annually reviews the Class A License for BFI. He said the contract expires in March and they are currently under contract negotiations.

Commissioner Gilbert asked whether the application constitutes the license or if there is another agreement. Mr. Baker said there is a formal license that will be provided to the Council.

Commissioner Gilbert said several people have asked via e-mail about the recycling program, as they reportedly saw drivers picking up recycling materials and throwing them in the same truck with the general refuse. He watched himself and saw that they did not have a recycling truck.

Mayor Krajewski said he understands it is sorted at the facility.

Commissioner Zabloudil said he understood that a number of companies use one truck to be more efficient and then have the refuse sorted at the facility. It is not tightly compressed in the vehicle and can be easily sorted.

The Mayor asked that this be followed-up with BFI. Mr. Baker said that BFI is aware of those concerns. Some trucks put it all together, while other trucks do sort it out.

Dr. Gordon Goodman, 5834 Middaugh, suggested that a video of the sorting techniques might be useful to the Council and residents and might be useful to show on Channel 6.

- 3. Lease Agreement with First United Methodist Church.** The Manager said staff has reviewed the parking requirements for the downtown area. With the proposed construction forthcoming, staff recommends extending the lease for the next year.

The Mayor asked if the ten special event days is the same as last year, and Manager Van Vooren said it was.

- 4. Open Burning Restrictions.** The Manager said this is a modification to the current ordinance for open burning.

Village Attorney Enza Petrarca reviewed the amendment to Chapter 13-35, which allows open burning in certain situations. It will allow the burning of seasoned dried firewood in containers manufactured specifically for that purpose. The ordinance places certain restrictions such as requiring that the fire be attended at all times by a person 18-years of age or older, the presence of a fire extinguisher at all times, the fire must be safely maintained, it must not be located less than 15 feet from a structure, it must not emit objectionable smoke or odors, and it cannot be used for waste disposal purposes. The ordinance still prohibits the burning of any paper, cardboard, leaves, twigs, branches, grass, grass clippings or other refuse. It defines fuel for cooking purposes as propane, natural gas, or charcoal briquettes.

Commissioner Sisul said that on November 13 the Public Safety Committee met to discuss this issue. It was before Council on two other occasions. Originally the issue was to define fuels, and then there was question as to whether it should be allowed at all. He said that the Council has considered both sides of the issue through the testimony of individuals and through studies submitted to the Council. Many individuals have presented their feelings on this issue. Studies were presented showing that outdoor fireplaces have no negative effect on respiratory problems. Information was also provided on the number of children in the school system with respiratory problems who would be effected by the outdoor burning. In addition, many e-mails supported outdoor fireplaces. After consideration, the Committee felt it was still appropriate to proceed with the ordinance as proposed by the Village Attorney as it addresses many of the problems associated with the use of inappropriate fuels for outdoor fireplaces. It is important to keep in mind that it is difficult to distinguish the impact of an indoor versus outdoor fireplace. People with respiratory problems are often affected by allergies as well as smoke inhalation. He said they have also considered regulating hours, however that did not seem to have enough of an impact to require a change.

Commissioner Gilbert said the Council received information from Dr. Goodman and others which he has reviewed; however, there appears to be little difference between this and indoor fireplaces. Unless they are willing to ban indoor fire, they should allow this. He said that he thought emissions from automobiles are far more dangerous to asthmatics, according to information he received from a doctor. He said that the wording proposed is clear that individual situations can be handled on a case-by-case basis. He added that there has been an overwhelming response in favor of having some type of controlled burning, campfire type burning allowed, pending whatever the audience may be able to add to the discussion.

The Mayor said that this prohibits the toxic burning of garbage, twigs, leaves, and cardboard. He asked the Village Attorney whether the County prohibits leaf burning. Attorney Petrarca said that leaf burning is prohibited. The Mayor said that there was an unbelievable amount of e-mails received by the Council from residents. Many people thought that outdoor burning was allowed to begin with. He suggested that a permitting process should be put into place. It will give the Village an idea of how many outdoor fireplaces there are, and will allow a means of better educating the people as to the proper use of these items.

Commissioner Gilbert said he doesn't think that permitting will accomplish this, and will be an additional hassle for both residents and staff. He suggested trying this for a year to see how it works.

Commissioner Sisul said that there have been very few instances where this has been a problem. He suggested publishing the requirements on the website and Village Corner at the beginning of the wood burning season. He also suggested putting together some type of brochure to be made available to residents regarding the regulations on wood burning. He does not support a permitting situation at this time, and agrees that it will place an additional demand on staff.

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Commissioner Zabloudil asked whether the Fire Department reported the origin of a fire to be a campfire. Commissioner Sisul responded that the Fire Department said they had no specific problems, and one incident of a turkey cooker fire.

Marsha Giesler, Acting Chief, Fire Prevention, said that there have been no incidences of fires getting out of hand from outdoor chimneys and fireplaces. She said that turkey cookers are a separate issue and are a hazard on their own.

Commissioner Schnell said she favors permitting, and sees it as a way to also provide information to residents regarding rules and regulations. She thinks this is why the ordinance works so well in Elmhurst. The revisions discussed in this ordinance concern approved containers. The safety factor far outweighs the added work for staff. Some complaints included burning of wood in a large metal drum, which would not be an appropriate container. Attorney Petrarca added that the ordinance specifically prohibits any in-ground fireplace. A fire pit dug into the ground would not be appropriate.

Commissioner Schnell then asked if there was legal definition of excessive smoke. Attorney Petrarca said there is no legal definition, but it will be at the discretion of the officer.

The Mayor said that the permit can be made very simple, possibly even e-permitting.

Commissioner Schnell said she would like to revisit this in a year to get an idea of how it is working.

Commissioner Zabloudil asked the Manager to discuss the e-permitting possibility with Dr. Wu. The Mayor said it could be either through computer or through 434-CALL. Deputy Manager Van Vooren said he would speak to Dr. Wu about this. The Mayor said they don't want to make it cumbersome on the residents either.

Attorney Petrarca said that she would be presenting this for next week's agenda. The Mayor said he was not sure as two Commissioners were absent this week. He thought it would probably be all right for next week's agenda.

Dr. Gordon Goodman, 5834 Middaugh, said he was struck by the amount of woodburning smoke this fall, which seemed to be more than in the past years. He said it stops being a nice smell when it is the first thing a person notices. He said he believes there is confusion on the part of residents with the terminology "bonfires" and "campfires." He said he understood per the ordinance that bonfires can be built by organizations with a permit, and no container is required, meaning it could be built in the ground. He asked if his understanding was correct. Attorney Petrarca responded that the bonfires have no restrictions, except with regard to the fuel being used. It is not restricted to approved containers.

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Dr. Goodman said he thought that many previous comments made at other meetings seemed to do with outdoor bonfires. The Mayor said those were more geared toward Scout troops.

Dr. Goodman said that campfires can be allowed. He supports finding out how many campfires there are, and in reviewing this after a year's time. He said they should review whether it is appropriate to continue after a year. He thought that record keeping could be done effectively by computer. Current use is not a good indicator because currently, it is illegal. Once it is a permitted use, they may see lots more and obtain better information. Using the fireplaces on patios at the same level of people sitting along side the fires can cause more problems than the exhaust from chimneys. He distributed US EPA information to the Council members. Dr. Goodman said there are very substantial health effects, and younger and older residents are at the higher risk. Enough particulates in the air will affect those with health problems. He strongly recommends a permitting process and a trial period. He recommended not approving this ordinance.

The Mayor said the only change to the Ordinance is to add the seasoned wood. There have not been too many complaints received.

Dr. Goodman said he has heard anecdotal stories that it is difficult to complain due to the pressure from the neighbors, and the attitude of enforcement officers. People have not been encouraged to complain.

Rich O'Hara, 4641 Prince Street, said he appreciated the open and public debate. He distributed his written comments to the Council. The difference between indoor and outdoor burning of wood relates to seasonal burning as well, as indoor burning is used to maintain heat, while the outdoor burning is a recreational activity. Mr. O'Hara said he cannot address the health issues. Some communities have taken measures to ban and restrict even indoor fireplaces due to the emissions, such as action taken recently in southern California. His concern is for the relationships among the citizens in the community and how to harmonize those relationships. His recommendation is to minimize disputes that might occur. He liked the simple amendment put together by Deputy Chief Bluder as it is simple, understandable and clear. The value of a simple ordinance is also in its enforcement, as the simplicity enhances the relationship between law enforcement personnel and the citizens since the law enforcement personnel do not have to take sides or make subjective judgments. From a practical matter, he does not mind gathering around the fire, if there are no neighbors complaining. Limiting it to cooking only limits the recreational aspects of it. Mr. O'Hara said the Council is discussing the potential of making this a permitting activity. It's ironic that the non-for-profit organizations are more regulated than everyday citizens. He gave his sympathy to the Council and his appreciation for their efforts.

The Mayor indicated that the difference between Deputy Chief Bluder's suggestion and the proposed ordinance is to add campfires.

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Charles Schroeder, 6036 Ridge Court, said that open burning releases fine particulate matter into the air. He said it is a health issue. Open burning is not a recreational issue. The health issue is what led to the ban 30 years ago. Mr. Schroeder said that before they allow open burning to happen and expose citizens and children to this, he wanted them to have facts from the American Lung Association, the US EPA, the ILEPA, and the Harvard Medical School and the Burning Issues Organization. Mr. Schroeder then reviewed information from the various organizations. The risk of premature death is 17% higher in cities with high fine particulate levels when compared with cities with cleaner air. He said that DuPage County is second only to the Los Angeles area in dirtiest and worst air. In 2003 the 2.5-micron standard will be enacted and DuPage is already non-compliant. He said that if 500 homes burn only twice a week in one month they would produce 1600 pounds of particulate matter 2.5. He said that 2.5 levels rose in neighboring homes with one night's fire. One day after exposure to wood smoke, it can be detected through a urinalysis. He noted that a report from the Journal of the American Heart Association stated that tiny air particulates can initiate a chain of events linked to heart attacks. Mr. Schroeder said the reports indicate that breathing in wood smoke is similar to second hand cigarette smoke. Wood smoke is 12 times more carcinogenic than equal amounts of tobacco smoke and attacks body cells up to 40 times longer than tobacco smoke. He noted that the threat to human health comes from the tiny particulate matter, and strikes hardest at children, the elderly, or those with heart or lung disorders. He said that the most dangerous carcinogens come from the bark of trees. Mr. Schroeder suggested that the Village appoint a standing environmental committee and study this much more closely.

The Mayor asked if the cause for DuPage's air condition has been determined. Mr. Schroeder said he did not know the actual reasons, but thought it could be lax environmental standards.

Megan Schroeder, 6036 Ridge Court, said that most of the pollution comes from Chicago, though much of it is from the County. DuPage is equal to Chicago. She said the list of causes could be obtained from the Illinois EPA, and she would get that list for the Council. She suggested that the Village may want to consider the amount of time burning can take place based upon density, particulate matter, etc. In reviewing figures for the State, Ms. Schroeder said there is no question that wood burning is bad for people. She gave examples of how environmental standards have been established in other areas including Indiana. Ms. Schroeder said that DuPage County is above the safe level of particulate matter. She said that scientists do not disagree with the statistical and research data she has reviewed. She indicated that it is important to look at the health risks involved. She noted that particulate matter cannot be seen or smelled. She also recommended an environmental committee made up of people who can help in this area and study for a specified length of time. This is a more complex problem than people realize.

Commissioner Gilbert asked where can they diminish the risks. He said if they eliminated campfires and fireplaces from the County, would that significantly impact the problem. There are other major pollutants and he needs more data to understand how much of an impact eliminating wood burning would have.

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Ms. Schroeder reviewed the figures of how many tons of particulate matter would be caused by only 500 people burning twice a week. In terms of a significant impact, she said they might not need a total ban, but at least a limitation of the time. Some asthmatic people are affected by wood smoke more than leaf smoke, and there are 2500 asthmatics in the Village.

Mayor Krajewski asked about burning conducted by hospitals or nursing homes. Ms. Schroeder said wood fires cause more pollution than an incinerator. She said it would behoove the Village to look at this and determine how restrictions could be established. It is not necessarily an all or nothing situation.

Commissioner Gilbert said he supports an environmental concerns committee and has for some time.

Mrs. Schroeder said there are eleven surrounding towns that have such committees.

Julia Beckman, 135 White Fawn Trail, said she serves on the District 99 School Board, though she was representing herself. She said there are 500 students on the two campuses with asthma. The irony to her is that millions of dollars have been spent to remove asbestos, to prevent toxic mold, and monitoring air quality. Seat belts are used in cars, helmets are used on bikes and skateboards, and other safety measures are taken to protect children. She then asked why they would take a chance with the health of citizens for the sake of recreational burning. She concurs with the suggested limitation on timing. Ms. Beckman said she knows how difficult this is, and she agreed with the environmental concerns committee. She noted that this was one of the first Villages to sign on to put regulations on coal-fired plants in the State of Illinois because it affected the air quality and health of citizens. She felt that approving wood burning would be taking a step backwards.

Mayor Krajewski said that the Village is not creating anything new here. People have been burning trash and/or garbage for a long time. They are not trying to create something new, but are trying to restrict the burning.

Ms. Beckman asked about the seasoned wood. Attorney Petrarca said they added wood chips. She then read Ms. Beckman the definition of approved containers. Ms. Beckman suggested that those containers be approved by a laboratory or some safety council.

The Mayor said that permitting would allow the Council to know the number of users of the wood burning devices.

Carol Giles, 5707 Middaugh, gave her professional background as a certified environmental hygienist. She then reviewed the methods people have used over the years for heating and cooking. People need to consider the potential of risk. She noted that a neighbor has a burning container on their wood patio close to a wood house, and not in the recommended distance.

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She called the Village and the police came out but did nothing. They let the resident continue to burn on the patio. Ms. Giles said they came out three times and did not do a thing. The Mayor said he found that hard to believe. Ms. Giles said that the ordinance is nebulous and will be as difficult to enforce as the current ordinance. It does not have established data or limits set. She believes this leaves the ordinance open for many complaints. Regarding indoor or outdoor burning, the only difference is that the indoor fireplace pushes the air higher for a while.

Ms. Giles said she found a high efficiency burner on the State of Washington website showing approved burners. She agreed that a limitation on the number of times to burn would be advisable. She also said they should consider weather conditions as well. Ms. Giles said that the mentality of people is to use the device because they've paid money for it. Fires are a problem to neighbors who are downwind from the fire as well. Ms. Giles said there would also be liability issues due to the harm caused to asthmatics and those with other respiratory problems. If this is allowed, it could raise insurance issues as well. Ms. Giles said she would like to see this tabled and would be willing to serve on the committee if asked.

George Hamper, 247 James Drive in Westmont, is Chairman of the Westmont Improvement Commission. He complimented the Council on what the Village has done concerning the Fire Protection aspects of this as well as the nuisance and solid waste disposal aspects of this issue. Particulates set dirty fuels apart from cleaner ones. He noted that wood also emits other pollutants such as nitrous oxides. He complimented the Village on its Clean Fuels Fleet Programs to burn cleaner fuels in the vehicles. He reminded the Council that burning wood has the same pollutants. He believes it makes sense to limit the fires to evening hours as well, since the ozone occurs primarily during the daytime.

The Manager said it was hard to imagine that fires are burned in the daytime, and Mr. Hamper said then they should not allow them to do it. The Mayor said the Council can consider burning after a specific hour.

5. **Orchard Brook Homeowners Agreement Amendment.** Assistant to the Village Manager Mike Baker said that this amendment extends the agreement that has been in place with the Orchard Brook Homeowners' Association since 1998. It has been beneficial in restoring areas in and around Lacey Creek.

STANDING COMMITTEE REPORTS

There were none.

ATTORNEY'S REPORT

Village Attorney Petrarca said she was presenting the following items: 1) A resolution authorizing execution of a lease agreement between the Village of Downers Grove and the First United Methodist Church; 2) An ordinance amending open burning provisions; 3) A resolution

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authorizing an amendment to an agreement between the Village of Downers Grove and the Orchard Brook Homeowners Association; 4) Village of Downers Grove 2002 aggregate tax levy ordinance; 5) An ordinance abating a portion of the 2002 tax levy related to Fairview Avenue debt service; 6) An ordinance abating a portion of the 2002 tax levy related to the General Obligation bonds, series 1999; 7) An ordinance abating a portion of the 2002 tax levy related to the General Obligation bonds, series 2000; 8) An ordinance abating a portion of the 2002 tax levy related to the General Obligation bonds, series 2001; 9) An ordinance abating a portion of the 2002 tax levy related to the general obligation water bonds, series 2001A; 10) An ordinance abating a portion of the 2002 tax levy related to the General Obligation bonds, series 2002; 11) An ordinance for the levying of taxes for the Fiscal Year commencing on the first day of May 2002 and ending on the thirtieth day of April 2003 for Village of Downers Grove Special Service Area Number One; 12) An ordinance for the levying of taxes for the Fiscal Year commencing on the first day of May 2002 and ending on the thirtieth day of April 2003 for Village of Downers Grove Special Service Area Number #2 (Downers Grove Downtown Service Area); and 13) An ordinance for the levying of taxes for the Fiscal Year commencing on the first day of May 2002 and ending on the thirtieth day of April 2003 for Village of Downers Grove Special Service Area Number #3 (Prince Pond Special Service Area).

COUNCIL MEMBERS

Commissioner Sisul said it was a pleasure to have Dr. Goodman before the Council again, saying they haven't seen him around as much as in the past. While he doesn't always agree with the Council, he does make his point. Commissioner Sisul said it has always been his experience that Dr. Goodman has a very long view and sees things well down the road. He raised issues in the past about vacating rights-of-way for potential walkways, which is just one example of the many issues he has addressed. Commissioner Sisul said he missed having Dr. Goodman around. He has a novel approach to issues. He remembers many of the things that Dr. Goodman has said to him and has said to the Council.

Commissioner Gilbert also said it was good to see Dr. Goodman back in the audience. He noted that he appreciated the input on air pollution from everyone.

The Mayor asked that further investigation be done as far as permitting.

There being no further discussion, the Workshop meeting was adjourned at 8:30 p.m.

April K. Holden
Village Clerk

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