

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JULY 9, 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, Sue McConnell, Martin Tully, Mark Zabloudil; Village Manager Riccardo Ginex; Acting Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Susie Gura, Downers Grove Reporter; Colt Foutz, The Sun
Residents & Others in Attendance: Peter Hultman, 1410 Gilbert; Chuck Meister, Tech. Committee, 6009 Ridgewood; Mark Grippando, Tech Committee, 4836 Montgomery; Christine Fregeau, 1918 Elmore; John & Sean Liston, 1401 Bolson; Dick Cofran, 1318 Turvey; Marilynn Gerloff, 4241 Highland
Staff: Fire Department: Greg Curry, Chief Phil Ruscetti; Andrew Blaylock, Police Dept; Bill Herman, Information Services; Mike Baker, Assistant to the Village Manager; Jack Bajor, Director, Public Works; Liangfu Wu, Director, Information Services, Marty Lyons, Director, Financial Services; Bob Schiller, Assistant Director, Public Works

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.

MANAGER

The Manager said that last week, Mr. Pasquinelli came before the Council regarding delay problems with his proposed subdivision. Manager Ginex asked staff to review this. The Manager said he met with Ken Rathje, Director of Planning Services, who has been working with Mr. Pasquinelli since November of last year. Mr. Rathje said that there have been a number of changes to the development since that time regarding both the size and the number of lots. He said that Mr. Rathje indicated there have been a number of issues that still need to be addressed and that accounts for some of the delay on this issue.

1. **Burke Engineering – Change Order Stormwater Contracts.** The Manager asked the Director of Public Works to discuss this item.

Jack Bajor, Director of Public Works, said he was presenting two distinct contracts for Christopher Burke, one of which is to allow for reimbursement to the Village for the review of the Village's stormwater applications. The second contract represents a continuum of the stormwater engineering services. He said that the Village is building up its staff capability to conduct in-house stormwater reviews beginning August 6. The second contract is in the amount of \$35,000 for Burke to cover additional activities during the remainder of the Village's probationary period. He said there are six months remaining and the Village has to date received high marks from the County in this probationary period.

Commissioner Zabloudil asked the Finance Director about the contracts and whether the modifications have been made to them.

Marty Lyons, Director, Financial Service, said the modifications have been made and the agreement for the pass-through no longer has a top-end dollar amount, but has a clear explanation for the per unit fees.

Commissioner Schnell said that \$150,000 has already been expended, and asked whether the \$35,000 is enough to take the Village through August. Mr. Bajor said it was and should take the Village beyond the August date. He said this is in conjunction with the other reimbursable contract. He confirmed that the total of \$185,000 should take care of the fees with Christopher Burke.

Mr. Lyons clarified that as far as the pass-throughs are concerned, the Village has a cost recoverable budget that shows expenses and revenues. They may need to come back at some point in the future to adjust that budget upward through a pass-through. He verified that it is recoverable.

The Mayor said he asked the Manager how much this problem has cost the Village to cover the 117 files.

Commissioner Schnell said there are still expenses with Planning Resources to cover the remaining 32 cases.

Commissioner McConnell asked about Exhibit A, the per unit target, and the clause for price increases. Mr. Lyons said he is not aware of them having increased the charges.

Mr. Bajor responded that Kay Whitlock said they would honor the schedule of fees through 2002.

Commissioner McConnell asked where they are getting the \$35,000. Mr. Lyons said they will need to discuss and review the Capital Projects Fund.

Commissioner McConnell wanted clarification that the \$35,000 needs to come from somewhere else in the budget, and Mr. Lyons said that was correct.

Commissioner McConnell then referred to the language regarding errors and omissions. Mr. Bajor said his experience has been that they never really had to rely on those passages. They are essentially just boilerplates. He does not think they will have any impact on the scope of services they are providing. Commissioner McConnell asked how they safeguard the system. Mr. Bajor said that Christopher Burke is a renowned professional organization, and the staff has relied on them and their expertise in the past. He said they have had an excellent communication system with Burke. In further response to Commissioner McConnell regarding clarification on another such clause, Mr. Bajor said it was also boilerplate language.

Commissioner Tully said this started back in November when Burke became the Village's stormwater administrative wherein \$50,000 was allowed for that work for Ms. Whitlock's day-to-day functions as administrator. Then recently a \$100,000 amendment was made to that contract part of which he understood covered the continuation of Ms. Whitlock as stormwater administrator, but also for work done by Burke on the CBD watershed plan. Mr. Bajor said that was correct, and he has a schedule prepared which details the breakdown of the costs.

Commissioner Tully asked for clarification that the \$150,000 expended to date was for a variety of items, and tonight they are requesting another \$35,000 to bridge the gap between today and August 6. Mr. Bajor responded that was correct, and the dilemma was caused by the pass-through.

Commissioner Tully then asked about the pass-through contract with Burke, which is a retainer agreement for an unspecified amount for work on an as-needed basis. There was an Ordinance approved to allow pass-through expenses to the petitioners, and asked if there is an enforcement mechanism in place with respect to the pass through expenses. Mr. Lyons said the Village does not have a mechanism in place at this time. He would recommend coming back to the Council with a policy that suggests how this can be enforced. They could place a lien on the property and would also have to inform the applicant as to the potential for a lien. They could also require bond.

Commissioner Tully said he thought they discussed that with smaller projects the applicant should be advised up front as to what might be involved so they would be aware that additional expenses might be incurred.

Mayor Krajewski said that Public Services has looked at the problem and their memo indicated that two specific consulting firms were supposed to review the projects; however, he understood they never hired them for those projects.

Commissioner Tully said that as part of the Village's application to obtain full-waiver status, the Village had to have on retainer two specialists dealing with wetland areas. The Village had two outside firms on retainer, and they were on-call. He said part of the problem came up where judgments in-house were made not to call in the outside firms. The County disagreed several years after the fact.

Commissioner Schnell said there was an interpretation by our Village administrator that it wasn't necessary.

Commissioner Tully said that the 107 applications were not limited to one particular issue. He said the County required a self-audit wherein the 107 were identified for some procedure. He said there are a number of different categories. Lack of documentation in some of those cases required a great deal of work.

Commissioner Sisul asked whether the Village paid retainers for the two consultants.

Commissioner Tully said his understanding was that no payment was required until the work was actually done. To his knowledge, the County felt that the Village did not call consultants enough, and he indicated that there had not been much guidance provided by the County. In further response, Commissioner Tully said that both of the contracts were to expire by a specified term, and there was no record indicating any subsequent agreement. He does not know whether they were ever called.

The Mayor asked if the Village had contracts with Planning Resources and Commissioner Tully said no evidence was seen that a contract was entered into. The work was done and the rates were paid.

Commissioner Schnell said it appears that each case was entered into separately and each was under \$10,000.

2. Under grounding Utilities:

- a. **Agreement with ComEd.**
- b. **Agreement with Ameritech.**
- c. **Agreement with AT&T.**

The Manager said there are three parts to the recommendation. The first is to keep the downtown businesses running with electricity and temporary power to the parking deck. Second is to solicit bids under separate contracts to at least three electrical contractors to install conduit for the utility companies; and, the third involves the utility run connections and equipment placed by the utility after the rough grading is done. Ameritech has already been issued a down payment of \$10,000 for their portion of the work. Staff recommends approval of the contracts.

Commissioner Gilbert asked if this will encompass just the footprint of the deck or the whole block on which the deck sits.

Bob Schiller, Assistant Public Works Director, said the contract is just for the area the deck sits in and the surrounding civil site work areas for the streets and access areas, as well as the bulldozed areas---not the entire block.

Commissioner Tully asked about the plan for coordinating the potential impact on the surrounding area from this project. Mr. Schiller said that ComEd has worked closely with staff to cover those items. They will erect some temporary poles and relocate overhead the electrical services and

feeder lines so the construction of the deck can begin. After the rough grading is completed, they will begin to install the conduits for the final under grounding of the utilities. It is at that point where they may be some disruption when the overhead service is connected to the underground tie-ins. It is being coordinated with the businesses that will potentially be impacted by this.

3. **News Box Ordinance.** Manager Ginex asked Mr. Baker to discuss this.

Mike Baker, Assistant to the Village Manager, said the Ordinance is the collaboration of Village staff, businessmen, and residents. It would establish a modular news rack district to include the CBD, the municipal complex and the Fairview Avenue train stations. Within these districts no individual freestanding news boxes will be allowed. Modular units will be installed in those locations. Newspaper publishers or other publishers would be given the opportunity to purchase one of the units. Mr. Baker said that two meetings were held in June with newspaper people. Some concerns expressed were the locations, particularly around the Main Street Station. METRA officials were also contacted for their support. Implementation will begin after passage of the ordinance. Staff recommends that the Ordinance be placed on the July 16 Active Agenda.

The Mayor asked about the proposed location sites. He referred to the location marked #1 on the map, suggesting that perhaps one should be at Starbucks or the location of the new Station Crossing. Mr. Baker agreed, saying that they have also added one at the parking deck when it is completed. Regarding the one shown in the alley at the Library, Mr. Baker said it would be moved closer to the Library. They are working with the Library director on the exact location.

The Mayor asked what the maximum number of boxes at each site would be, and Mr. Baker said the maximum number would be 16. They would determine the number of boxes based upon the permit requests.

Commissioner Gilbert asked why they chose to sell the boxes to different vendors instead of a lease, when the Village still has maintenance responsibility. Mr. Baker said the Village has responsibility for maintaining the trays and pedestals. By selling the units the publishers assume responsibility to maintain the units. They will be required to sign an agreement to allow Village enforcement of proper maintenance of the agreement. The publishers preferred owning the units rather than having the Village own the units.

Commissioner Gilbert said it bothers him that the Village will not have control over the boxes.

Attorney Enza Petrarca said that some other communities, such as Geneva, have lease arrangements, and the publishers were not pleased with how that has been handled. There is also a problem with the coin mechanism breaking down frequently, which would require the Village to go out and repair them more often. In further response to Commissioner Gilbert, she said the boxes could be leased, but it was thought that selling the units would be less of a burden for the Village staff. She noted that if the publishers abandon their box it would revert back to the Village after 12 months.

Mr. Baker then showed a picture of the model that they would install. He said these are restricted from advertising.

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Commissioner Sisul said that he felt one-year for the abandonment period seems rather long. He asked why they settled on that number and Mr. Baker said he would look into this.

Commissioner Schnell said that the Ordinance states a fee to purchase the box, but not a fee to apply for the box. She asked how they cover administrative expenses. Mr. Baker said that the purchase price will not exceed \$450.00, which includes administrative costs.

Commissioner McConnell asked if the Village has the ability to fine the owners and remove the box if it is not properly maintained. Mr. Baker said that was correct.

Commissioner McConnell asked about the colors of the boxes. Mr. Baker said they will all be the same color. He has had discussions with the Downtown Management Board regarding the color.

Commissioner McConnell said she thought the Director of Code Services should be in the Ordinance as well. Mr. Baker said that they decided not to include it in the Ordinance as the position could change in the future. They will refer to the Director in all of the other materials, however.

Commissioner McConnell asked how soon this will be implemented after Ordinance approval. Mr. Baker said they will mail out information materials and application forms immediately after the approval. He confirmed that the boxes would be installed by Christmas.

Attorney Petrarca said that the appeal process goes through the Village Manager, as is consistent with other appeals.

Commissioner Tully said he agrees with Commissioner Gilbert in regard to ownership versus lease. He doesn't understand why selling the boxes is a better arrangement. If the boxes were leased and the Village decided to change them, or if they were abandoned, the Village would have control of ownership. He would lean toward Village ownership of the boxes. He then asked about the experience that occurred with Geneva and the issues raised by the publishers.

The Mayor said that other communities do it the other way, and there are pros and cons for both ways.

Commissioner Sisul said if the box is pulled the Village would be able to sell it to someone else. He said that if they do not maintain it he would like a mechanism that the Village could pull it and then sell it to someone else without violating property rights.

Mayor Krajewski said he would like to be able to allow the Village to use the back of the box for promotional purposes whether sold or leased.

Attorney Petrarca said that the Village would only own the platform and the bottom tray. Regarding abandonment, she said that it would revert back to the Village ten days after notice to the publisher. Mayor Krajewski asked how staff knows which vendors have been in a location for the past twelve months, and the Attorney said that the staff has a list.

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Commissioner Tully said he agreed that the sale option would work better if there was a reversion clause, but he does not see that in the current ordinance. He would be more inclined to go along with the sale aspect if there was a reversion clause.

Commissioner Zabloudil said that in the lease versus the buy option, the lease has a definite term. He said the definition of abandonment might be in conflict with the lease terms.

Mayor Krajewski asked staff to look at the lease versus buying and talk with other communities. Attorney Petrarca said that Geneva purchased the entire module, and leases the boxes at a yearly permit fee that is renewable. They absorbed the cost of the entire unit.

Commissioner Sisul said he would like staff to look to tightening up the reversion clause.

Commissioner Tully said he would like to hear more input from other communities, and would like them to look at the language regarding reversion upon abandonment.

Marilynn Gerloff, 4241 Highland, said this project has been underway for fourteen months, and it will take many more months to get them ordered and installed. She said that at the last meeting with the press, Mr. Baker said the application forms would go out the first part of July and be returned by August 15. She asked if that has been done.

Mr. Baker said that was the initial thought, however, it didn't make sense to go out and get the application forms until the ordinance was approved by the Council. Ms. Gerloff asked if anyone from the press has contacted the Village as to why they did not have application forms. Mr. Baker said he has not heard from anyone regarding the application forms; however, he has received compliments from the press regarding the process.

Ms. Gerloff said she attended both public meetings and spoke with representatives of the Tribune and the Sun Times. She said they were pleased with the process and do not want to lose their space at the train station. She said this will be fantastic once it's implemented and she's sorry it is taking so long. She would like to see it move along faster.

Mayor Krajewski said that the Tribune and the Sun Times take good care of their newspaper boxes.

Christine Fregeau, 1918 Elmore, asked whether it was publication or publisher specific so it could not be subleased.

Mr. Baker said that the application process will ask for the name of the publication and only that publication can be in the box. The name of the publication will also be on the box.

4. **Public Safety System.** The Manager asked Liangfu Wu to address this matter.

Dr. Liangfu Wu, Director of Information Services, said this is the beginning of the end of a very long and hard project. On behalf of the staff, he thanked the members of the Technology Commission for their work and expertise for the project.

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The Mayor said the Council's primary concern is what this system will do for the Village.

Dr. Wu referred to the Public Safety System proposal in the report, which includes the cost and components of the system. He then summarized the project. He said this is not a sole source project, but a careful process of reviewing different products. They determined it was best to go back to the H.T.E. system, based upon review of the product and discussions with other users, as well as the economic stability of the company.

Chuck Meister, 6009 Ridgewood Circle, is Chairman of the Technology Commission. He said that the staff and Commission believe they have arrived at a public safety system that will deliver more productivity out of the Fire and Police Departments. Through the process the departments came to a consensus as to how to integrate the needs of the departments, and establish priorities and functionality. Mr. Meister said the present technology is antiquated and beyond making new investments. There are many products available; however, they do not always deliver what they promise. He said that the Commission and staff support the proposed system. He believes the Council should approve it.

The Mayor said that the process began in 1996. He thanked the Technology Commission for their participation in the project. He noted that the Village's current system is one of the oldest in the State.

Firefighter Greg Curry, Downers Grove Fire Department, said the system will provide 1) better service for the residents. This will allow them to have information available regarding a resident's health issues when a call comes for assistance. Secondly, it will help businesses by allowing the Department to capture information in the system regarding shut offs, utilities, etc., so it is readily available as needed. It can include information on hazardous materials or other problems specific to individual businesses. That information is currently stored in three-ring binders the firefighters carry on their trucks.

The Mayor asked how the information is updated now. Mr. Curry said any updated information is photocopied and distributed to all of the rigs. He said this system, as compared to other communities, will serve the Village the best. Preplans will be available on every rig, and if necessary, they can also add digital photos to the files.

Third, Mr. Curry said the system will help the individual firefighters by providing them with the necessary information they need to respond to a call. It will provide additional safety to the firefighters by informing them of special situations or hazardous situations in advance.

The Mayor asked if fees are charged for fire prevention service. Mr. Curry said he did not know. The Mayor suggested looking further into setting fees for the businesses for these services.

Commissioner Zabloudil asked how they obtain information on health histories for residents, and how it is kept current. Mr. Curry said that the Department has a Vial of Life program, through their public education program. Residents are asked to provide their health history in a vial or bottle that remains in the refrigerator so the Fire Department knows how to find it. The proposed plan augments the Vial of Life program, and the Department will be able to provide additional

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follow-up. Commissioner Zabloudil recommended providing information in the Village Corner to piggyback on other programs in the Department.

Commissioner McConnell said that HIPPA Privacy Act goes into effect next year and will limit the Departments' ability to obtain information. There will be lots of controls as to what information can be shared between the department and hospitals electronically. Mr. Curry responded that they intend to get information directly from the individual.

Commissioner McConnell said that the Village has to protect what they put into the system, and must make arrangements with hospitals to allow them to receive the information.

Commissioner Schnell said that once information is put into the computer, it has to be protected and kept private and confidential, as there are hackers who could find a means to obtain the information.

Tracy Adams, Police Records Manager, said the system will include an auto vehicle locator to track where all the fire equipment is located at all times. She said this will be useful with the Fire Department as police are dispatched by zone. The system will also restore the 911 interface, saving the dispatchers time.

Ms. Adams said the AS400 will become a redundant box. There will be no interruption of services. There are a number of interfaces such as the medical pro QA interface, which is a medically approved list of questions residents can be asked to ascertain their condition. In addition it has a net clock system that synchronizes the computer system as to time. She described other aspects of the system. She said the dispatchers will have less repetitive dispatching as the mobile dispatching transmits information to the squads, reducing radio traffic. There will be an expanded ability for silent dispatching, and decreased on-going call maintenance.

Ms. Adams said this system will allow officers to have virtual offices in their squads. They will have information available to them in their cars rather than only at the Police Station. It will allow the officers to be on the streets more and allows for a shorter response time. She said the officers have driven this request.

The Mayor asked about the terminals currently in the police squads.

Officer Andrew Blaylock, said the terminals are word processors. They can run plates, but they are not connected to anything in the Village. He said the new system will eventually be hooked up to the state and county systems. In further response to the Mayor, Officer Blaylock said officers will be able to do reports in their cars while in their designated zone.

Commissioner McConnell asked if Police and Fire anticipated reducing their response time with this system.

Officer Blaylock said often a call needs additional history before responding. They will be able to get this information faster. Further, it will reduce radio time as information will not need to be repeated as often.

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Firefighter Curry said this will not reduce response time out of the station, but due to the vehicle locator, a vehicle may be close to the scene and would be able to respond faster than with the current system.

Mr. Curry said the system would not affect mutual aid as the Department would be committed to mutual aid until released.

Commissioner McConnell asked about the Medical Pro QA interface and indemnification. She said she wants to be sure it has solid medical information. She also wants to be certain the Village is protecting itself.

Ms. Adams said it is the only product of its kind in the US. She will have Ann Priorello provide information.

Ms. Adams said the system contains Mobile Flash servers to be used to update policies. It has the ability to send out information over the air.

Mayor Krajewski asked about the grant for the police laptop computers. Ms. Adams said the Village is filing for an 18-month extension of the implementation and terms of the grant.

The Mayor said this item would be referred to the Finance Committee regarding the funding of the system.

Commissioner Tully complimented the staff on the thorough report presented. He asked about the life span of the product.

Dr. Wu said the lifespan of the hardware is three to five years. The software depends on the vendor. Ms. Adams said the Village has been with H.T.E since 1986. Regarding upgrades, Dr. Wu said if H.T.E. moves to a new platform, the Village would not be charged the full price to upgrade. The Mayor asked that this be added to the contract.

Commissioner McConnell asked about third party equipment and maintenance issues. Dr. Wu said this would come with the standard maintenance agreement. He said there would be no extra work on the staff's part.

Commissioner McConnell asked about the expectation for implementation. Ms. Adams said the final details are being worked out. They will receive a product management plan outlining the implementation. They expect in-car reporting by February/March 2003 and the base mobile system by the end of the year. She said training would be done over a four to five month period.

Commissioner McConnell asked about the need for more financial and staff resources as a result of this system. She asked Dr. Wu if he anticipates asking for IS resources to maintain the system. Dr. Wu answered affirmatively. He said the equivalent of almost two people are assigned to keep the old system working.

Ms. Adams clarified that the core system of the CAD is not changing. The upgrades are what is changing. The core product is viable. This is to add new products to enhance what we already have. She said the core system requires no maintenance.

Commissioner Sisul asked about the ability of the system to reach vehicles. Ms. Adams part of the system includes a booster to boost the cellular system.

Manager Ginex thanked the staff for their work on this item. He said he is happy to be at this stage. He said this will be sent to the Finance Committee.

STANDING COMMITTEE REPORTS

Finance Committee – No report.

Public Safety Committee – No report.

Public Services Committee – Commissioner Tully said the next meeting will be July 16 at 5:30 p.m.

ATTORNEY'S REPORT

Attorney Petrarca said she was presenting four items to the Council: 1) An ordinance establishing permits for newspaper dispensing devices in the Village of Downers Grove; 2) A resolution authorizing execution of an agreement between the Village of Downers Grove and Com Ed; 3) A resolution authorizing execution of an agreement between the Village of Downers Grove and Ameritech; and 4) A resolution authorizing execution of an agreement between the Village of Downers Grove and AT&T.

Ms. Petrarca asked the Council to consider waiving the one-week waiting period to consider the Burke contracts discussed earlier this evening. Commissioner Sisul moved to waive the one-week waiting period to consider new business. Commissioner Gilbert seconded.

VOTE: AYES: Commissioner Sisul, Gilbert, Zabloudil, Tully, McConnell, Schnell, Mayor Krajewski

The Mayor declared the motion carried.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR
STORMWATER ADMINISTRATOR AND PROBATION RELATED ENGINEERING
SERVICES BETWEEN THE VILLAGE OF DOWNERS GROVE AND
CHRISTOPHER B. BURKE ENGINEERING, LTD.**

RESOLUTION 2002-67

This will authorize execution of an agreement for professional engineering services related to appointing P. Kay Whitlock, P.E. of Christopher B. Burke Engineering, Ltd. to the position of Administrator of Stormwater for the Downers Grove Stormwater and Flood Plain Ordinance; and to provide other municipal and stormwater engineering as requested.

Commissioner Sisul moved to approve the resolution as submitted. Commissioner Gilbert seconded.

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VOTE: AYES: Commissioner Sisul, Gilbert, Zabloudil, Tully, McConnell, Schnell, Mayor Krajewski

The Mayor declared the motion carried.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE VILLAGE OF DOWNERS GROVE AND CHRISTOPHER B. BURKE ENGINEERING, LTD.

RESOLUTION 2002-68

This will authorize execution of an agreement for professional stormwater engineering services.

Commissioner Sisul moved to approve the resolution as submitted. Commissioner Gilbert seconded.

VOTE: AYES: Commissioner Sisul, Gilbert, Zabloudil, Tully, McConnell, Schnell, Mayor Krajewski

The Mayor declared the motion carried.

ADJOURNMENT

Commissioner Sisul moved to adjourn to Executive Session pursuant to Section 2(c)(1) of the Illinois Open Meetings Act to discuss personnel. Commissioner Gilbert seconded the Motion.

VOTE: AYES: Commissioner Sisul, Gilbert, Zabloudil, Tully, McConnell, Schnell, Mayor Krajewski

The Mayor declared the motion carried.

Mayor Krajewski adjourned the Workshop into Executive Session at 8:45 p.m.

April K. Holden
Village Clerk

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