

**MINUTES OF A REGULAR MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
October 20, 2020**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Troy Parlier called the meeting to order at 7:06 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Board Members Physically Present: President Troy Parlier and Trustees James Marter II, Terry Olson, Pam Parr, Luis Perez, Judy Sollinger and Brian Thomas.

Staff Physically Present: Dan Di Santo, Village Administrator; Christina Burns, Asst. Village Administrator/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Horton, Finance Director; Rod Zenner, Community Development Director; Jennifer Hughes, Public Works Director; Joe Renzetti, IT/GIS Director; Carri Parker, Purchasing Manager; and Ryan Morton, Village Attorney.

RECOGNITIONS/APPOINTMENTS

None

PUBLIC FORUM

Public Forum was opened at 7:07 p.m.

Todd Milliron addressed the Board regarding what he was told by Yorkville and Sheriff Baird; all had similar standards on what is expected; new Inspector General (IG) position not much of a leap because standards and procedures are similar in towns and county.

There was no one else who requested to speak; the Public Forum was closed at 7:09 p.m.

STAFF REPORTS

Director Hughes- brush collection has been completed; zones A & B leaf pick-up starts this week; zone C starts next week; put leaves in parkway, not in the street; no twigs and branches should be in the leaves; safety matters; landscape waste pick-up is the week of November 16th-20th; pick-up will be on your regular scheduled garbage day; no stickers will be needed; more information will be on the Village's website. Rain makes the leaves heavier and harder to pick-up

Administrator Di Santo- great ceremony for the kick-off last week; \$750,000 budget for the entertainment venue; working on additional donations; donations received so far include:

- \$150,000 land donation
- Schoppe Design- in-kind services= \$33,700
- Batinick grant= \$138,000
- Wheeler grant= \$100,000
- Dirt donation from Angelo Kleronomos= \$28,000; dirt from Rt 34 and Orchard property
- Trucking of dirt by KCM Demolition (Trustee Olson)= \$56,000

Thank you for the donations; appreciate Carri Parker for getting the donation RFP together; RFP is for goods, materials, and services donations; information can be found on the Village's website under the Business tab/RFP.

Chief Burgner- earned the LEAD Silver certification for the police department; only one of 110 in the country; certification was for the solar panels and safety features of the building; received a number of awards on the design of the building; should be proud; kudos to Steve Raasch.

Committee of the Whole Item moved to this meeting: G.3 Police Body Worn Camera Overview & Discussion

Chief Burgner addressed the Board regarding body worn cameras (BWC). He is not bringing this item forward because he is trying to fix a problem; bringing to help provide quality service.

Why Now

- Investigating the deployment of BWC's since 2015
- BWC's found to be an excellent additional digital tool
- Waiting to see the ramifications of statutory requirements and redaction on other police departments
- Waiting for the technology to advance
- Potential funding source now available; state funds may be available
- FOIA and redaction requirements

Transparency & Accountability

- Listed as the primary reason for BWC's by many advocates
- Research shows that BWC's do not create Transparency & Accountability where it did not already exist
- OPD continually strives for Transparency and Accountability through our current practices
 - Every use of force is reviewed and investigated; Chief also reviews
 - Address citizen complaints
- BWC's are another tool to assist in the maintenance of Transparency and Accountability

What is a BWC?

- A small video/audio camera with a hard drive and battery
- Worn on the body; usually on the vest
- Used to record police-public interactions, including calls for service, arrests and crime scenes



What can BWC's do for the Village?

- Confirm Officer Accounts
 - Verifies and protects officers against baseless complaints
 - Gathers information potentially vital to the Village in lawsuits

- Evidentiary Tool
 - Video evidence of victims and scenes more compelling than written reports alone
 - Allows expansion of video recording we already use for domestic violence cases
 - ✓ Hard to do written statements or testify in court; could be in lieu of
- Training Benefits
 - Field training recruits by Field Training Officer
 - Scenario based training
 - Video with training in the field
- State's Atty. Weiss agreed in favor of Kendall County and feels it could work for Oswego

Law Enforcement Officer-Worn Body Camera Act 50 ILCS 706

Department follows this standard now for in car cameras.

- Equipment Requirements
 - Pre-event recording of 30 seconds
 - Record for 10 hours
- Activation/De-Activation Requirements
 - Activation required when responding to calls or when engaged in other law enforcement-related activity
 - Deactivation at request of crime victim or person(s) reporting a crime; if person asked them to
- Notice of recording given to persons with a reasonable expectation of privacy; if going into a home
- BWC recording retained for 90 days unless being utilized as evidence then 2 years, or can be longer for training purposes
- Recordings shall not be used to discipline officers unless:
 - Complaint of misconduct
 - Use of force
 - Formal investigation under Uniform Peace Officers' Disciplinary Act
 - Corroborating other evidence of misconduct
- Recordings are subject to FOIA disclosure when:
 - Subject of encounter is a victim or witness or provides written permission
 - Filing of a complaint, discharge of a firearm, use of force, arrest or detention, death or bodily harm
- Recordings responding to FOIA requests will be redacted to remove identification of non-involved persons.

Privacy Considerations

- Citizens
 - BWC's not recording during consensual contacts with citizens without providing verbal warning
 - Officers will give verbal warning when reasonable expectation of privacy
 - CJIS approved cloud storage of recordings and limited access to recordings; will work with IT Department on this
 - Automatic deletion after 90 days unless being used for evidence
- Police
 - BWC's can be taken off for sensitive areas of the PD (locker rooms and bathrooms)
 - Pre-recording limit of 30 seconds
 - If writing a report or around other officers, don't need to have on.

Other Considerations

- BWC's are not intended to change Officer behavior. Training and Culture drive behavior.

- Collective Bargaining – If implemented, we will meet with the union to discuss impact on work and operations.
- If implemented, staff will create a Policy & Procedure Committee for BWC’s comprised of patrol, sergeants, and records.
- BWC’s are only one part of a thorough investigation and they do not capture every detail of an event.
- Creating a policy and procedure committee.

Potential Vendors

Both cameras similar in form and function

- Watchguard
 - Integrates with existing in car camera system; do away with mic pack and integrate
 - The audio from the bodycam syncs with squad car cameras
 - Video syncs with squad car video and uploads via the same secure LTE portal to the cloud
 - Recordings accessed through the same secure portal program as squad car videos
 - Has a quick removeable/swappable battery that allows officer to work an entire 12-hour shift with the same camera; interchangeable battery.
 - More affordable option)
 - Program Costs- 5-year program
 - ✓ 24 Cameras
 - ✓ 24 Extra Batteries
 - ✓ 3 Transfer Stations
 - ✓ Redaction Software
 - ✓ Squad Hardware – Integration
 - ✓ 5 Years of Warranty
 - ✓ Replacement Cameras After 3 Years

	Purchase	Lease
Year 1	\$60,010.00	\$46,258.00
Year 2	\$11,880.00	\$25,632.00
Year 3	\$11,880.00	\$25,632.00
Year 4	\$52,887.00	\$39,987.00
Year 5	\$17,520.00	\$25,632.00
Total	\$154,177.00	\$163,141.00

- AXON
 - Same vendor that provides our current Taser
 - Quote was approximately \$29,000 more than Watchguard in a 5- year program

Misc. Information

- Microphone cradles replaced with BWC cradles in squad cars
- Transfer stations for BWC's installed in PD
- Redaction software
- Uploads occurring through pre-existing hardware already installed in squad cars or via transfer stations
- Utilizing the same CJIS compliant cloud storage
- Efficiencies in the records department will free up time to respond to FOIA requests
- Brings value to work and efficient
- 23,520 calls for service
- 1/20th of 1% are calls for use of force
- 99% of arrests do not involve use of force

Board and staff discussion focused on culture of the team; staying best in class; this is a positive conversation; prioritizing license plate reader (LPR) program; program will help solve and prevent crimes; a lot of talk about body cams; balance of where to invest; want both programs; LPR program agenda item will be on next month's agenda; LPR is a crime fighting tool; body cam is an accountability tool; opportunity for a \$100,000 grant for police services; 24 cameras; could reduce the number of cameras if needing to save money; cameras are for frontline personnel; wouldn't mind having every sworn officer having cameras; union is not in favor of the cameras; attending training sessions in September; questions came up about functions and the laws; nothing came up as a bad idea; domestic violence reports; Chief to check into domestic violence reporting and the prosecuting of; retention of data is 90 days; there is no statute for the storing of data; court wants 90 days for adjudication purposes; no change in practice other than one is on the car and other is worn; number of complaints on officers; average a dozen per year for complaints; all complaints are investigated by the Sergeants and then the Chief; low use of force; average 13 response to resistance calls per year; 717 arrests; 1% seems low; how is the Village compared to others; no complaints of excessive force; all cameras would be replaced in three years; whether funds will be available in three years; whether the Village can use the \$100,000 grant until it's gone; whether body cams will ever be mandated; if the State mandates then there needs to be funding available; purchasing versus leasing; why is it lower to purchase; technology changes; if leasing, you get a new camera with the newest version; they don't do buyout programs because of turnover; leaning towards purchasing; saving \$9,000; officer survey on what they think of body cams; union, as a whole, does not want; officers don't seem against it; dimensions and weight of the cameras; mounting hardware; staff will bring a camera to show the Board; overhead lights turn on when the body cam is turned on; cameras need to be turned on for calls for service; field of view; not sure when we can get hold of the grant money; collective bargaining changes would go back to the Board; worried about repercussions with forgetting to turn on the camera; not about jamming up police officers; professionalism and accountability; moving forward in a reasonable way; Watchguard was purchased by Motorola; video will be of typical calls; crime calls are fairly low; legal would be involved with the program

Staff to bring back answers on the following:

- Grant money
- Not needing to wear when?
- Mandated to have on at all times?
- Law enforcement only?
- Policy & Procedure Committee
- Model policies

CONSENT AGENDA

- H.1 October 6, 2020 Committee of the Whole Minutes
- H.2 October 6, 2020 Regular Village Board Minutes
- H.3 Resolution Authorizing the Final Acceptance of Public Improvements for the Springs at Oswego Effective October 21, 2020 and Release of Project Surety.
- H.4 Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #10 to the Construction Contract with H. Linden & Sons, Plano, IL, in the Amount of \$12,144.45 for the Construction of the Reserve at Hudson Crossing Public Improvements.
- H.5 Resolution Authorizing the Execution of a Contract with Trico Mechanical Inc. for the Boiler Pump and Pipe Upgrades at 100 Theodore Drive in an Amount Not to Exceed \$28,420.
- H.6 Resolution Authorizing Initial Acceptance of Public Improvements and Reduction of Project Surety for the Development at 113 Main St.; Effective November 1, 2020.

A motion was made by Trustee Perez and seconded by Trustee Thomas to approve the Consent Agenda; Approving the October 6, 2020 Committee of the Whole Minutes; Approving the October 6, 2020 Regular Village Board Minutes; and approving the following resolutions:

Resolution No. 20-R-100; Resolution Authorizing the Final Acceptance of Public Improvements for the Springs at Oswego Effective October 21, 2020 and Release of Project Surety.

Resolution No. 20-R-101; Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #10 to the Construction Contract with H. Linden & Sons, Plano, IL, in the Amount of \$12,144.45 for the Construction of the Reserve at Hudson Crossing Public Improvements.

Resolution No. 20-R-102; Resolution Authorizing the Execution of a Contract with Trico Mechanical Inc. for the Boiler Pump and Pipe Upgrades at 100 Theodore Drive in an Amount Not to Exceed \$28,420.

Resolution No. 20-R-103; Resolution Authorizing Initial Acceptance of Public Improvements and Reduction of Project Surety for the Development at 113 Main St.; Effective November 1, 2020.

Aye:	James Marter II	Terry Olson
	Pam Parr	Luis Perez
	Judy Sollinger	Brian Thomas

Nay: None

The motion was declared carried by an omnibus roll call vote with six (6) aye votes and zero (0) nay votes.

BILL LIST

- I.1 Approve Bill List Dated October 20, 2020 in the Amount of \$2,069,242.39.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve the Bill List Dated October 20, 2020 in the Amount of \$2,069,242.39.

Aye:	James Marter II	Terry Olson
	Pam Parr	Luis Perez
	Judy Sollinger	Brian Thomas

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

OLD BUSINESS

- J.1 Resolution Ratifying the Village President’s Executive Orders and Extending Declaration of Local Emergency and Disaster. **Resolution No. 20-R-98**

A motion was made by Trustee Thomas and seconded by Trustee Olson to approve the Resolution Ratifying the Village President’s Executive Orders and Extending Declaration of Local Emergency

and Disaster.

There was no discussion.

Aye: James Marter II Terry Olson
Pam Parr Luis Perez
Judy Sollinger Brian Thomas

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

NEW BUSINESS

K.1 Fortune's Café

a) Ordinance Amending Title 3 Chapter 7; Increase Class "A-3" Liquor License for Fortune PLUS Oswego LLC, d.b.a. Fortune's Cafe Located at 2758 US Highway 34. **Ordinance No. 20-66**

b) Ordinance Amending Title 3 Chapter 31; Increase Class "A-3" Video Gaming License for Fortune PLUS Oswego LLC, d.b.a. Fortune's Cafe Located at 2758 US Highway 34. **Ordinance No. 20-67**

Board and applicant discussion focused on applicant has one other café in Streamwood; Oswego location is the old UPS store; why Oswego; he wanted more than one café; good fit for him; staff has been warm and welcoming to work with; wants to be open by the Spring; licensing is a long process; parking is not an issue.

A motion was made by Trustee Perez and seconded by Trustee Sollinger to approve an Ordinance Amending Title 3 Chapter 7; Increase Class "A-3" Liquor License for Fortune PLUS Oswego LLC, d.b.a. Fortune's Cafe Located at 2758 US Highway 34 and approve an Ordinance Amending Title 3 Chapter 31; Increase Class "A-3" Video Gaming License for Fortune PLUS Oswego LLC, d.b.a. Fortune's Cafe Located at 2758 US Highway 34.

Aye: James Marter II Terry Olson
Pam Parr Luis Perez
Judy Sollinger Brian Thomas

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

K.2 Ordinance Granting a Preliminary/Final Planned Unit Development to Allow for the Development of a Restaurant and Associated Site Improvements in the B-2 Community Shopping District at 11 S. Madison Street, Freddie's Off the Chain. Subject to Final Engineering Approval. **Ordinance No. 20-68**

Board and applicant discussion focused on can't wait for them to get started; not having as many parking spaces as normal; will have a lot of walk ups; very busy; will keep the food truck; would like ten more food trucks; can't accommodate; first time doing this; any help from the Village and grants would be great; she chose Oswego; she can help the community; helping with fundraisers; she is moving from Plainfield to Oswego; appreciates the Village guiding her; all come from different backgrounds; applying for a permit to have a container, for construction, on-site; Administrator will get her his business card after the meeting; very inspirational story; food is excellent; applicants thanked their architect, Rod.

A motion was made by Trustee Sollinger and seconded by Trustee Perez to approve an Ordinance Granting a Preliminary/Final Planned Unit Development to Allow for the Development of a

Restaurant and Associated Site Improvements in the B-2 Community Shopping District at 11 S. Madison Street, Freddie's Off the Chain. Subject to Final Engineering Approval.

Aye: James Marter II Terry Olson
Pam Parr Luis Perez
Judy Sollinger Brian Thomas

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

**K.3 Ordinance Proposing a Special Service Area 21-SSA-01 for Certain Properties in Block 11.
Ordinance No. 20-69**

A motion was made by Trustee Perez and seconded by Trustee Sollinger to approve an Ordinance Proposing a Special Service Area 21-SSA-01 for Certain Properties in Block 11.

There was no discussion.

Aye: James Marter II Terry Olson
Pam Parr Luis Perez
Judy Sollinger Brian Thomas

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

PRESIDENT'S REPORT

- Halloween hours- 2:30pm-8pm.
- October 31st- Monster Mash Bash; 11:30am-2:30pm
- General Election- make sure to vote
- CURES approval= \$1,364,568.00; in Comptroller's Office; should have payment in a week or two.

TRUSTEE REPORTS

Trustee Perez- new bios for the Village's website; opportunity to have pictures on new website and live before the beginning of next year; work is great; hopefully some businesses will recover; he sits on the Board for Rush Copley; COVID numbers are spiking; don't let your guard down. Thank you to the leadership team and the Board on the passing of his mom; tough to travel in public.

Trustee Thomas- attended the kick-off at the entertainment venue last Thursday; Oswego is a welcoming community; thank you to Angelo, Kevin, Terry, Batinick, Wheeler, Dan and Troy; heading in the right direction; continue growing; keep reinvesting in Oswego.

Trustee Parr- fun to meet the owner of Fortune's Café; good to hear about staff and all they do; thank you to Hilltop Gardners for the planters at Village Hall which included fall motif and pumpkins.

Trustee Olson- thank you for letting him volunteer at the pumpkin drive; 500 pumpkins were handed out in a little over an hour; thank you to the five sponsors.

CLOSED SESSION

There was no Closed Session held.

ADJOURNMENT

A motion was made by Trustee Marter II and seconded by Trustee Olson to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 8:32p.m.

Tina Touchette
Village Clerk