

**DOWNERS GROVE LIQUOR COMMISSION  
VILLAGE HALL COUNCIL CHAMBERS  
801 BURLINGTON AVENUE**

Thursday, August 7, 2014

**I. CALL TO ORDER**

Chairman Strelau called the August 7, 2014 Liquor Commission meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Mr. Austin (6:38), Mr. Jacobson, Ms. King, Mr. Krusenoski, Chairman Strelau

**ABSENT:** Mr. Clary, Ms. Fregeau

**STAFF:** Assistant Village Attorney Dawn Didier

**OTHERS:** Joann Sladek, Joel Funk, Jeff Mueller, Sue Swanson, John Panicola, Charlene Brandt

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the June 18, 2014 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the June 18, 2014 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

**IV APPLICATION FOR LIQUOR LICENSE**

Chairman Strelau made the following statements:

"The next order of business is to conduct a public hearing for liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

Ms. Didier requested that the order of business on the agenda be amended to begin with the 7-Eleven application as the attorney representing Cork was not present at the moment. The Commission agreed.

**Stef Foods, Inc. d/b/a 7-Eleven**

Chairman Strelau stated that the first order of business was an application hearing for Stef Foods, Inc d/b/a 7-Eleven located at 5105 Fairview Avenue. She stated that the applicant was seeking a Class "P-2", beer and wine only, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Charlene Brandt and Mr. John Panicola were sworn in by the court reporter. Mr. Panicola introduced himself as president of Stef Foods, Inc. Ms. Charlene Brandt introduced herself as the Regional Manager of Governmental Affairs for 7-Eleven and is representing the licensee.

Ms. Didier stated that the agenda the Commission received had a typo. She stated that the applicant is 7-Eleven not White Hen Pantry. She stated the agenda was corrected and re-posted accordingly.

Chairman Strelau asked the applicant to present its case.

Mr. Panicola stated that he was applying for a beer and wine license for the store. He stated that he is franchising the store from 7-Eleven, Inc. He stated that the store is in operation 24 hours a day. He stated that he hopes to take over the store on or about August 26<sup>th</sup>.

Ms. Brandt stated that the store is open 24/7 with beer and wine only sales. She stated that they plan on 10% in total alcohol sales. She stated that 7-Eleven was pleased to get a franchisee in the location.

Ms. Brandt stated that there are a lot of residents in the area and safety of the community is of concern. She stated that they would like to add safety measure to avoid underage sales. She stated they have contemplated additional security by installing locks on cooler doors where an associate would need to open for customers to get it. She stated that this has helped in other stores. She stated that they are cautious with warm displays. She stated that they have placed some smaller warm items behind the counter to deter theft and underage people from accessing it.

Ms. Brandt stated that they have the ability to scan drivers licenses. She stated that takes the guessing out of the clerk's mind. She stated that the franchisees and associates are BASSETT trained with the Come of Age program. She stated that no associate is allowed to ring up sales until they pass the course.

Ms. Brandt stated that they have 24/7, 360 degree monitoring cameras for security.

Ms. Strelau asked if there were questions from the Commission.

Ms. King asked Mr. Panicola about his experience. Mr. Panicola stated that he operated a White Hen Pantry for 26 years and he held a license for that location.

Ms. King asked if there were any violations at the store. Mr. Panicola recalled an incident when it first opened. He stated that he has a simplified training program. He stated that he does not accept vertical id's. He stated that is an easy rule for them to follow. He stated that he has his employees ask for identification of anyone who is 40 or under. He stated that takes the guess work out. He stated that there are signs on both sides on the register to request identification. He stated that he reminds them of proper

sales techniques at the start of each shift. He stated he reminds them constantly. He stated that the BASSETT program is good and they review it yearly, however he constantly reminds them.

Ms. King stated that scanning is a good idea to validate a license, however, clerks should be taught to look at the picture as well.

Ms. Brandt stated that employees are instructed to look at the license. Mr. Panicola added that he would ask employees to request a second id if they need it.

Ms. Brandt stated that corporate takes liquor training seriously. She noted that violations can hurt a franchisee to the extent that the store can be taken from them by corporate.

Ms. King stated that the store is open 24 hours. She asked how they will monitor sales during off hours. Mr. Panicola stated that the coolers have locks. He stated that there are two electric locks on the doors. Ms. Brandt stated that the electric locks are beneficial during the day if kids are in the store. Ms. King asked if the locks are remote from the register. Ms. Brandt replied that there is a hand held remote. She stated that some franchisees do not even open the locked cooler doors until the patron is carded.

Mr. Krusenoski asked if they were aware that the location failed in July. Mr. Panicola replied yes.

Mr. Krusenoski noted that an employee who had training and was employed for four months bypassed the scanner, entering the birth date and sold to the minor anyway. He stated that he does not know how they would deter that unless they do away with manual override. Ms. Brandt stated that there should not have been a manual override installed on the register, especially with a corporate store. She stated that manual overrides are not allowed. Mr. Krusenoski asked if it was removed. Ms. Brandt replied it was gone.

Mr. Krusenoski asked if employees have to scan or physically enter in a birth date. Mr. Panicola replied yes.

Mr. Krusenoski asked if employees can enter in a fake date. Mr. Panicola replied yes but added they will be fined and lose their job.

Mr. Krusenoski asked if the existing employees will remain. Mr. Panicola replied he was unsure if any were staying and had not interviewed them yet. He advised that three employees from his previous store are coming with him to this location.

Mr. Krusenoski asked how many employees he would have. Mr. Panicola replied three to five.

Mr. Krusenoski asked if current staff and proposed staff are aware of the violation that recently took place. Mr. Panicola replied yes.

Mr. Krusenoski stated that the atmosphere he sets is most important and to reaffirm policies every day.

Mr. Jacobson stated that Mr. Panicola has a lot of experience.

Mr. Krusenoski suggested that they take out the out of date licenses as samples that were included in the manual.

Mr. Austin stated he was impressed by what corporate requires of its franchise holders.

Mr. Austin asked how many 7-Eleven stores are in Downers Grove. Ms. Brandt replied three.

Mr. Austin asked if corporate visited the other two stores once there was a violation. Ms. Brandt stated that there are weekly quality visits by their field consultants. She stated that part of the audit is asset protection and age restricted products. She stated that they have a live DVR security system where they can watch employees and see how they ring up and if they are doing so according to procedure.

Mr. Austin stated that he would like to know if the manual override is still available at the other two 7-Eleven locations. Ms. Brandt replied chances are they are not. She stated that when corporate took over the Fairview location, a new POS system was downloaded. She believed that the manual override was available on the system. She stated that franchisees will remove the manual override on their system.

Chairman Strelau asked if an employee scans the license when would there be a case where they have to enter a date of birth. Ms. Brandt replied that, for the most part, all licenses will be scanned. She stated that the only reason a license would not be scanned would be if the customer is a regular and they can manually enter a date.

Chairman Strelau asked how they train employees to deny the sale. Ms. Brandt replied that if they do not have proper identification, employees are told not to sell. Mr. Panicola added that the minute a customer says that they do not have an id, they immediately remove the alcohol and put it behind the counter.

Chairman Strelau stated that Mr. Panicola, having attended the control buy hearing, knows that the Village takes violations seriously. She liked the fact that Mr. Panicola would set the tone at the establishment. She stated that having strong guidelines will work in his favor.

Ms. Strelau asked if there were any comments from staff pertinent to the application. Ms. Didier replied that the license is contingent upon receipt of satisfactory background checks, annual fee, lease and certificate of occupancy.

Chairman Strelau asked if there were any comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their liquor license application.

**MR. KRUSENOSKI MOVED TO FIND STEF FOODS, INC. D/B/A 7-ELEVEN LOCATED AT 5105 FAIRVIEW AVENUE, QUALIFIED FOR A CLASS "P-2", BEER & WINE ONLY, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. JACOBSON SECONDED.**

**VOTE:**           **Aye:**           Mr. Krusenoski, Mr. Jacobson, Mr. Austin, Ms. King, Chairman Strelau

**Nay:**           None

**Abstain:**       None

**MOTION CARRIED: 5:0:0**

Motion carried.

*Cork Wine & Spirits, Ltd. d/b/a Cork Wine & Spirits*

Chairman Strelau stated that the next order of business was an application hearing for Cork Wine & Spirits, Ltd. d/b/a Cork Wine & Spirits located at 6234 S. Main Street. She stated that the applicant was seeking approval for a Class "P-1", full alcohol, off-premise consumption liquor license due to a change of location.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Joann Sladek was sworn in by the court reporter. Ms. Sladek introduced herself as the president of Cork Wine & Spirits. Joel Funk introduced himself as the attorney representing Cork Wine & Spirits.

Chairman Strelau asked the applicant to present its case.

Mr. Funk stated that they appeared before the Commission in May for the Ogden location. He stated that they received approval from the Mayor granting the liquor license. He stated that the lease fell through. He stated that they found another location on the corner of Main Street and 63<sup>rd</sup>. He stated that they are appearing on the same application with changes to the floor plan.

Ms. Strelau asked if there were questions from the Commission.

Mr. Austin asked if the location is in the strip mall by CVS and if they were taking over the United Liquors location. Mr. Funk replied no. Ms. Sladek stated that they are taking over the spot where a chiropractor used to be.

Mr. Funk stated that although there will be two liquor stores in close proximity, he noted that United Liquors lease expires in 2015 and noted it will not be renewed. Mr. Austin asked if there is a provision in the lease to that effect. Mr. Funk replied yes and they will have an exclusive right to sell liquor in the strip mall in addition to CVS.

Mr. Austin noted that their manual was quite extensive and a lot of work was put into it.

Mr. Austin stated he was not present for the May meeting. He asked about Ms. Sladek's prior experience in liquor sales. Ms. Sladek replied that she had retail sales experience and bartended for a short period of time. She stated she works at Berkot's as a clerk. She stated she is bringing in an experienced team.

Mr. Austin asked Ms. Sladek if she is familiar with the vertical licenses and if she has seen them. Ms. Sladek replied yes. Mr. Austin cautioned her that most of the control buy failures are the result of an employee looking at the vertical license and selling anyway.

Mr. Jacobson asked if there were any changes to the manual. Mr. Funk replied that there was a typo, the address was changed and a reference to the government body was updated.

Mr. Funk advised that the decor will be hand crafted Italian design and beautiful flooring.

Mr. Krusenoski stated he was impressed with the packet. He state Section 7.4 references a State of Illinois Driver's License Guide. He stated it describes what the licenses look like and seems as though the vertical license is acceptable. Mr. Funk replied that they want employees to know what type of licenses may be presented to them. He stated that they can cross that out.

Chairman Strelau asked how often someone who turns 21 waits to go to the DMV to get their license updated. Mr. Funk replied not often. He stated a lot of times they are away at school. He stated that the problem with the schools is that they let in students who are 19 and 20.

Mr. Krusenoski stated that a large portion of those who violated accept the vertical license. He recommended either a POS system that scans the identification or not accept the vertical licenses at all. Mr. Funk noted that the POS systems are well advanced in how they can be programmed.

Mr. Funk noted that their manual is extensive as they do not want employees coming back and claiming that they were not properly trained.

Mr. Krusenoski asked how many employees they will have. Ms. Sladek replied 4-5.

Mr. Krusenoski asked when they plan to open. Ms. Sladek replied after build out and hoped no later than the end of September. Mr. Funk noted that they are ready to go as soon as the license is granted.

Ms. King stated that the application was being heard for logistical reasons and wished them luck.

Chairman Strelau cautioned them about the vertical license and that licensees should refrain from taking them. She stated that it is their choice on whether to take them, but noted the number of violations were due to them being accepted when someone is underage.

Chairman Strelau noted that it is important for management to set the tone and tenor of the establishment. She stated it is important to stress checking identification.

Chairman Strelau recalled the Tuscan look being quite impressive.

Chairman Strelau asked if there were any comments from staff pertinent to the application. Ms. Didier replied that the license is contingent upon receipt of the annual fee, dram shop insurance, employee certifications, executed lease and certificate of occupancy.

Chairman Strelau asked if there were any comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their liquor license application.

**MR. JACOBSON MOVED TO FIND CORK WINE & SPIRITS, LTD. D/B/A CORK WINE & SPIRITS LOCATED AT 6234 S. MAIN STREET, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.**

**VOTE:**           **Aye:**           Mr. Jacobson, Ms. King, Mr. Austin, Mr. Krusenoski, Chairman Strelau

**Nay:**           None

**Abstain:**       None

**MOTION CARRIED: 5:0:0**

Motion carried.

Chairman Strelau stated that the owner of United Liquors at last month's meeting indicated that they were in the process of selling. Mr. Krusenoski added that the violation delayed the sale. Ms. Didier replied

yes. Mr. Krusenoski noted the non-renewal of their lease with the Cork lease provisions that no other liquor store besides CVS will sell liquor.

## **V. OLD BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Didier replied no.

## **VI. NEW BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Didier stated that there will be a September meeting. She stated that the Commission will not be receiving paper packets and will be going paperless. She stated that the Commission will be able to access the packet via the Internet prior to the meeting and during the meeting they will have access to the Village laptops that the Council uses. She stated the Commission can bring their own computers. Mr. Krusenoski asked if they would have access to WiFi. Ms. Didier did not believe there is a password on the Village's WiFi access. Chairman Strelau asked how they take notes. Mr. Krusenoski replied that Adobe Pro will allow note taking.

Ms. King asked about statistics on the number of violations that occurred when a vertical identification is used. Ms. Didier replied that Carol has that documented.

## **VII. COMMENTS FROM THE PUBLIC**

There were none.

## **VIII. ADJOURNMENT**

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Mr. Jacobson moved to adjourn the August 7, 2014 meeting. The meeting was adjourned by acclamation at 7:20 p.m.

**TRANSPORTATION AND PARKING COMMISSION  
Minutes**

July 9, 2014, 7:00 p.m.

Council Chambers - Village Hall  
801 Burlington Avenue, Downers Grove

Chairman Stuebner called to order the July 9, 2014 meeting of the Transportation and Parking Commission at 7:00 p.m. and led the commissioners in the recital of the Pledge of Allegiance.

Roll call followed and a quorum was established.

**ROLL CALL:**

Present: Chairman Stuebner, Commissioners Cronin, Saricks, Schiller, Vlcek, Golomb

Absent: Commissioner Wrobel

Staff Present: Ms. Nan Newlon, Director of Public Works

Others Present: Paul Nowicki from Burlington Northern Santa Fe Railroad; Nancy Deaton, 819 Franklin St., Downers Grove; Amber Quirk, 815 Franklin St. Downers Grove, Bill Murray, 831 Franklin Street.

The meeting was called to order at 7:00 p.m. A quorum was present. **Chairman Stuebner** led the commissioners and public in the recital of the Pledge of Allegiance.

The meeting's protocol followed.

**APPROVAL OF APRIL 9, 2014 MINUTES**

Change noted on page 5, under File No. 06-14, second paragraph, **Commissioner Vlcek** asked that her name be added to the paragraph since she discussed the matter and was the person that mentioned the icy and snow conditions of the weather and the difficulty in crossing the crosswalks in town. **MR. CRONIN MADE A MOTION TO APPROVE THE MINUTES, AS REVISED. SECONDED BY MR. SCHILLER. MOTION CARRIED BY VOICE VOTE OF 5-0.**

**PUBLIC COMMENT** (non-agenda items) - None

**File # 07-14 – Franklin Street, Washington St., to Prospect Avenue and Elm Street, Prairie Avenue to Franklin Street - Parking Revisions** - **Dir. Newlon** briefly reviewed the history of this request, noting it came from the residents that live on Franklin and Elm Streets around the Washington Park area. Currently, parking is allowed on both sides of the street but residents were asking that parking be prohibited on the south side of Franklin Street from Washington to Prospect and on the east side of Elm from Franklin to Prairie Streets to alleviate congestion and allow emergency vehicles through the area. Those same changes are in staff's proposal. Since that time, - **Dir. Newlon** said she received numerous emails in support of the proposal; however, two residents suggested to designate a No Parking restriction from May 1 to November 1 to allow parking on both sides of the street when the ball field was not in use. To date, she has not received any comments against the proposal. Per **Commissioner Vlcek's** question about a nearby designated parking lot, **Dir. Newlon** stated there was one but it was probably a convenience factor and people chose to park on the street. **Dir. Newlon** felt that once the restrictions were placed, the parking would disperse further down the streets or people would use the parking lot.



Per a question about complaints, **Dir. Newlon** explained that residents had previously complained about vehicles parking close to the residents' driveways, blocking driveways, parking side to side and making visibility difficult on a 24 ft. wide street.

**Chairman Stuebner** opened up the meeting to public comment.

**Ms. Nancy Deaton**, 819 Franklin Street, stated that ever since the park was redesigned a few years back, the issue was more problematic. Cars parked bumper to bumper, close to or in the driveways almost every weekend and every night. Safety was issue and she hoped the commission would support the request. **Ms. Deaton** stated she had heard some concerns from residents on south Elm Street about vehicles parking on both sides on the south end. She believed the south end of Elm Street should have a parking restriction on one side of the street.

Asked if there would be issues when she has visitors to her home, **Ms. Deaton** stated she would rather have that inconvenience versus having baseball vehicles parking every day on both sides. She supported restricting the parking during the month's mentioned above.

**Ms. Amber Quirk**, 815 Franklin Street, voiced concern about passing the restriction so soon and had hoped the park district would have been at the meeting. She asked if the park district had done any parking evaluation when it completed its redesign, wherein **Dir. Newlon** did not recall a formal evaluation being done. **Ms. Quirk** indicated that the designated parking lot had 49 spaces which was not enough parking to accommodate the soccer or softball fields. She voiced concern about safety that the parking would be pushed down to the south end of Elm Street. She was not comfortable having the request approved without a parking study done. She proposed some options, one of which included extending eastside parking on Elm down to Rogers Street so the same problem would not be duplicated.

**Dir. Newlon** suggested implementing the restriction but evaluating it over the next couple of months and returning to the commission.

Because the residents on Elm between Franklin and Rogers Streets did not receive notification of this petition, **Chairman Stuebner** voiced concern about that and preferred that a notification to those residents be sent by staff. **Dir. Newlon** also mentioned that a temporary parking restriction could be installed, with a manager's approval, and the parking be monitored on Franklin and Elm.

**Mr. Schiller** questioned whether angle parking could be considered and discussed with the park district. **Mr. Cronin** commented on the pros and cons that come with a park and believed the problem would be pushed somewhere else. He found it difficult to support the request.

**Bill Murray**, 831 Franklin Street, supported the restriction being proposed and discussed the overall congestion during the summer months.

**Ms. Nancy Deaton**, 819 Franklin Street, responding to **Commissioner Vleck's** questions about park hours, stated that games start during the summer at 8:00 a.m. and go until 8:00 or 9:00 p.m. As to the earlier comment about the pros and cons about living near a park, she expected that activities would take place but also that parking would exist and that was before the park was redesigned. **Ms. Deaton** stated the intensity was greater now, teams were coming in from other areas, and may or may not have much concern for the neighborhood feeling that the residents had. Very little enforcement was taking place. She responded to a question that direct access from the parking lot to the baseball diamond was made using a narrow sidewalk.

Discussion then followed from the **Chairman Stuebner** on how the park district should have figured out a way to access the ball field from the parking lot, in general. **Mr. Cronin** believed the park district should be involved, the village should monitor the parking lot usage during game days, and then speak to the park district about limiting the usage of the ball field. However, the chairman preferred to address the immediate issue at hand and then return to the park district, the village, and the residents with a better solution. A hearty discussion ensued.

**Ms. Amber Quirk**, 815 Franklin, stated that just before she attended this meeting, she counted from her doorway 27 vehicles on Franklin and Washington and only two cars in the parking lot.

General dialogue followed that the parking lot is rarely filled and unless parking restrictions are put in place, the lot will not be used.

**MR. SCHILLER MADE A MOTION THAT THE TRANSPORTATION AND PARKING COMMISSION APPROVE THE PROPOSED RESTRICTION WITH THE CONDITION THAT THE PROPOSAL, AS STATED, INCLUDE THE MONTHS OF APRIL 1<sup>ST</sup> THRU NOVEMBER 1<sup>ST</sup>. SECONDED BY MS. VLCEK.**

**ROLL CALL:**

**AYE: MR. SARICKS, MR. STUEBNER, MR. SCHILLER, MS. VLCEK**  
**NAY: MR. CRONIN**

**MOTION CARRIED: VOTE: 4-1**

Mr. Cronin stated he voted Nay because he did not think the problem was being addressed but rather, was being moved. Also, not enough information was provided and no communication was occurring between the village and the park district on this matter. (Mr. Golomb arrives.)

Commissioners welcomed new student **Commissioner, John Golomb**, from Montini High School.

**File # 08-14 – BNSF Railway - Crude by Rail Safety Overview** - **Mr. Paul Nowicki**, Assistant Vice President of State Government Affairs for the Burlington Northern Santa Fe Railroad (“BNSF”), 547 W. Jackson Boulevard, Chicago, Illinois, introduced himself and discussed the background of BNSF, its focus on safety of hazardous materials, the rail inspections that take place, the gas volatility of the crude from the Bakken Shale formation, and the economics of shipping Bakken Shale crude to the east coast refineries versus a pipeline. **Mr. Nowicki** indicated that BNSF has always had a policy to make available to local emergency responders information about what hazardous materials travel through the community and at what volumes. A form needs to be completed by the public agency seeking such information and must be kept confidential. **Mr. Nowicki** believes the village did fill out such a form.

He stated BNSF is creating a computer “app” so that when emergency responders are enroute to an event, they can log in to see what hazardous materials are on the trains and in what volumes. That system is scheduled to be available the first quarter of 2015. Other operational procedures were explained as well as **Mr. Nowicki** discussing that the Village’s Fire Chief asking to see an actual tank car and host a workshop/safety training session in tandem with other emergency responders along this rail track, which **Mr. Nowicki** supports.

**Mr. Nowicki** discussed that shippers own their rail cars and are responsible for testing and classifying the contents of their cars. By law, the railroads must accept crude shipments that

are “tendered in authorized tank cars” built to DOT standards. **Mr. Nowicki** explained the difference between the DOT111 tank cars and the newer DOT1232 tank cars built since 2011. He explained that the National Transportation Safety Board (NTSB) investigates causes of accidents and then “suggests” remedies while the U.S. Dept. Transportation’s Pipeline and Hazardous Materials Safety Administration has the authority to set regulations. The American Association of Railroads has asked the Federal Railroad Administration (FRA) to impose stricter tank car standards and asked to phase out the DOT111 cars. **Mr. Nowicki’s** understanding is that the FRA and the Pipeline Safety Administration have internally developed new regulations for tank cars but additional agencies have to review the economic impact of such regulations.

However, BNSF is considering ordering the newer DOT1232 cars, and has put out an RFP of its own for 5,000 cars. . **Mr. Nowicki** stated that three key factors play a part in moving crude oil by rail: 1) excellent infrastructure and safe handling to prevent derailments; 2) the need for tougher tank car standards; and 3) the need to removal volatile gases being shipped with the crude.

Questions from the commissioners included the ratio of coal train derailments versus a system average on the BNSF; parked trains on the Belmont Road overpass; train congestion in Chicago in general; attended and unattended trains; and the response time to an incident in Downers Grove. **Mr. Nowicki** explained, and the Village’s Fire Chief is aware, that if there is a catastrophic event in the village, the protocol is to let it burn out but create a water wall to protect adjacent buildings and use the foam afterwards to put out remaining flames.

**Mr. Nowicki** stated that BNSF had previously sponsored a table top hazard exercise about four years ago. **Chairman Stuebner** strongly encouraged that BNSF hold such an exercise again, between Aurora and Chicago due to the density of traffic through the area.

Per additional questions, **Mr. Nowicki** stated that BNSF must reject cars, or groups of cars, if something is not up to standard. Also, train cars, as long as they are compliant, stay in service, wherein **Chairman Stuebner** indicated that the FRA requires 40 year-old cars to be retired. **Mr. Nowicki** was not aware of restricting certain cars from certain areas due to high rail temperatures and/or sun kinks. He also clarified that rail system between Downers Grove and Chicago was excellent but there was always room for improvement. In June 2013, an audit of the rail infrastructure was completed which resulted in discovery of small defects that needed to be repaired in the commuter rail system. Per **Commissioner Vlcek’s** question, **Mr. Nowicki** stated that, yes, discarded treated timbers near the tracks should be picked up by train crews. Asked if computer technology was being used more for virtual inspections versus actual inspectors, **Mr. Nowicki** indicated that it is BNSF policy that inspectors inspect the trains five times a week with each train crew being responsible for inspecting certain items. Dialogue followed regarding crew fatigue, switching out crews, and crews being on duty for as long as 12-hour stretches, as well as being on-call. **Commissioner Vlcek** requested that if a table top exercise is scheduled, it be extended to the village’s emergency preparedness department and to nearby hospitals.

No questions were asked from the audience.

**OLD BUSINESS** - None

**COMMUNICATIONS** - **Dir. Newlon** thanked **Commissioner Vlcek** for serving on the commission as **Ms. Vlcek** decided not to renew her term this August.

**ADJOURN**

**MR. SARICKS MADE A MOTION TO ADJOURN THE MEETING AT 8:27 P.M.  
MR. SCHLLER SECONDED THE MOTION. MOTION CARRIED BY VOICE VOTE OF 6-0.**

Respectfully submitted,

Celeste Weilandt,  
Recording Secretary  
(as transcribed from MP3 digital recording)