

**MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES**
New Lenox Village Hall, 1 Veterans Parkway
Monday, January 11, 2010

#10-01

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:10 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

Upon Roll Call by the Village Clerk, the following members of the corporate authorities answered "Here" or "Present":

Trustees Smith, Madsen, Butterfield, Bowden, Dye, Tuminello, and Mayor Baldermann

The following were absent: Absent

QUORUM

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

OTHER OFFICIALS IN ATTENDANCE

Also in attendance were Village Administrator Russ Loebe, Village Clerk Marcia Englert, Finance Director Kim Auchstetter, Planning and Development Administrator Robin Ellis, Police Chief Bob Sterba, Village Engineer Scott Killinger, Building & Zoning Administrator Warren Rendleman, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Civil Engineer Will Nash, Assistant to the Administrator Carol Hennessy, Attorney Marty Shanahan, Deputy Clerk Laura Ruhl, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

Request for Site Plan Extension – Crossroads Community Church

Ms. Ellis reported site plan extension for the church was granted last January. She stated the church requested an extension of the site plan because they were still acquiring financing for the project. Staff had no objection to a one year extension.

Motion to approve the request for a one year site plan extension for Crossroads Community Church made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote, the motion carried unanimously.

Discussion of Sump Pump Collection System and Elimination of Trail – Prairie Ridge Subdivision – Jim Regan

Ms. Ellis reported that neither item was up for a vote this evening adding that the elimination of the trails would require an amendment to the final plat and would have to go back to the Plan Commission. She reported Prairie Ridge, located on north Gougar Road, had a number of trails included in the final plat. She stated a lot of the trails were dead ends and there was a trail proposed to go on the southern perimeter of the property that was eliminated during final engineering due to grading issues with adjacent property. She reported the developer requested elimination of the trails due to the cost to install and long-term maintenance costs for the residents after the trails were in place. She added another reason for the request for elimination was that the developer was applying for LEED certification for the development and the use of asphalt trails and additional impervious surface was a negative from the LEED scoring prospective. She reported a stub trail in the southeast corner of the property that would connect to the Forest Preserve District along Spring Creek would remain.

Ms. Ellis reported the rationale that staff used in supporting the deviation from the comprehensive plan at the time of approval to support the density of 1.64 units per acre was outlined in her staff report. Staff had no objection to the elimination of the trails because the connection for active recreational opportunities for the residents with the connection to the Forest Preserve trail still remained.

Ms. Ellis reported the developer attended the Land Use Committee meeting last month and presented this case. She asked for Board comments before proceeding with an amendment to the final plat.

Trustee Dye reported the committee heard Mr. Regan's report. She stated that as much as trails were amenities for the residents in the area these particular trails were not going anywhere other than the short section that fed to the Forest Preserve. She noted this was why the committee did not object.

Trustee Madsen asked what other amenities the developer could provide for the residents in lieu of the trails. He stated that the Board increased the amount of allowable lots due to the amenities presented for the subdivision.

Mr. John Stanton, architect and LEED advisor for the project, stated that the LEED certification for each individual home added a cost and that elimination of trails would lessen the impervious area. He noted the LEED certification process was not easy to go through and collect points for.

Trustee Bowden stated the LEED certification may or may not be needed if the Board did not approve the wind turbine and sump pump collection system. She stated the Board allowed the density due to the trail amenities and with the elimination of the trails the Board was not getting anything to replace them. She noted the LEED certification was a selling point for the subdivision but did not necessarily improve the Village.

Mr. Stanton stated that with the market the trails had a negative effect on privacy due to security issues. Trustee Bowden stated that was a matter of opinion. He stated the water collection would lessen the impact because the water would be dispersed on individual lots instead of dumping it into a retention/detention pond which would negatively impact. He added that the Army Corps of Engineers were against this and it was critical to collect the water.

Mayor Baldermann understood the points made by Trustees Madsen and Bowden. He explained that the subdivision was approved because certain amenities were there and one was the trail system. He stated that if the subdivision had come before the Board originally without the trail system the density numbers may not have been approved.

Mr. Stanton stated the trade off was that the subdivision would be green.

Mayor Baldermann stated the Board was not saying they did not want a green subdivision. He noted the trustees were saying that the trail system was a benefit to the entire subdivision and not an individual homeowner. He reported that amenity was one of the reasons the subdivision was approved in the first place. He explained that Board members were saying that the green factor was not a trade off to the trail amenity. He questioned whether the Village would receive more open space, less density, or another amenity to replace the trails.

Mr. Stanton stated a LEED certified home provided more benefits to families than a trail did.

Mayor Baldermann stated that if the green concept would have been the original concept the Board would have requested trails or another amenity.

Trustee Butterfield suggested the trails be mulch instead of asphalt. Mr. Stanton stated it was not the material but the disturbance to the individual lots.

Trustee Bowden she and Trustees Smith and Dye were against this subdivision because they wanted estate lots.

Mr. Stanton stated that LEED points were gained by smaller, more efficient lots.

Trustee Smith explained that the developer was getting something back by this elimination because there was a dollar value to the asphalt. He noted LEED was not a value. He asked how the developer would make up that dollar value if the trails were eliminated.

Mr. Stanton stated he could show a chart with the expense of making LEED homes.

Mayor Baldermann explained that the Board looked at certain factors for density including open space and trails. He noted the Board considered these amenities when approving smaller lots or more density. He reported this subdivision was approved due to the additional amenity of the trails. He stated if the trails were eliminated then this amenity was removed. He reported the Board was not saying that LEED certification was not important but this was not the same as an additional amenity being given.

Mr. Stanton stated there would be a portion of the trail connecting to the Forest Preserve.

Trustee Madsen stated that additional open space, a meeting place, a gazebo or a park might be a good amenity addition. Ms. Ellis stated there was a park site proposed for north of the entrance drive along with a gazebo. She added these amenities were already planned when the subdivision was approved. Trustee Bowden stated this was not an additional benefit.

Trustee Tuminello stated the Land Use Committee could look at whether LEED certification qualified as a bonus for future requests but at this time it did not.

Mr. Jim Regan, developer, stated the Board was underestimating what the LEED certified subdivision would do for the community and the homes. He added he wanted to make this subdivision very special and try to make zero energy, LEED approved homes which would be one of the first in the nation. He added the trail was a good idea at that time and it give them the zoning and density requested. He stated building would have to be changed from what was done in the past due to changes in the world.

Mayor Baldermann stated that Mr. Regan was misunderstanding what the Board was saying. He added the world changed economics for how a property was developed but it did not change the quality that the Board expected. He noted there would be a time when the LEED concept was looked at as an amenity as suggested by Trustee Tuminello but that at this time it was not the case. He said the Board did not say this was not a good concept. He added that Board comments were that the density levels that were approved were based upon certain amenities.

Mr. Regan stated one of the discussion points tonight was that the development would receive financial benefit for doing this and wanted the Board to know that LEED cost three times more than the trails.

Mr. Killinger reported the developer also met with the Streets & Drainage Committee regarding a request for elimination of the sump pump collection system. He stated the Village required the sump pump collection system to be installed due to previous history where homes' sump pumps caused wet spots in yards and complaints from neighbors. He added hours of Public Work time was used to correct the problems. He reported sump pump collection systems were in place for 9 years and the committee felt there was success in subdivisions where they were in place.

Mr. Killinger stated the developer requested elimination of the system because it was a negative on the LEED certification. Staff wanted to remain open-minded about this request but had reservations specifically regarding where the water from the underground systems went. He added there was a question of the maintenance of the system. He reported the information sent from the developer dealt with rain water and not specifically sump pump water.

Mr. Killinger reported Sugar Grove had about 10-15 of these systems installed for about 1 year and they had not had a problem. He stated Sugar Grove also required a sump pump collection system and the developer there had to put in the system in addition to the

underground water system. Staff position was that they were not convinced at this time that the potential for problems with neighbor's yards being wet outweighed the good aspects.

Mr. Killinger reported the maintenance of the system would fall upon the homeowners. He noted if the system broke down then the Village would be called. He stated more information was needed for staff and the committee who wished to continue to discuss this.

Mayor Baldermann asked if there were objections to the rain harvesting system as an added feature and not as a replacement for it. Staff was concerned with the elimination of the sump pump collection system that leads to the storm sewer.

Trustee Tuminello asked if the developer anticipated running the rain gutters into the system or into the sump pump. Mr. Stanton stated each lot would have to be properly designed with a holding system to collect both.

Mr. Tim Krzeminski reported their focus was on collection of the sump pump water and they wanted to give the homeowner the option to collect more water from the rooftops, etc. He noted each home would be designed for the system to withhold that saturation. He added when the water was captured there was an outflow for infiltration to be dispersed evenly through the ground or in the backyard rather than dumping the water on the surface keeping it saturated.

Trustee Tuminello asked if it was possible to have the sump pump feed into the rain harvesting system and upon capacity have the outflow go into the storm water collection system. He noted this would give the Village the protection in case the system filled.

Mr. Krzeminski stated the system had a line with an automatic pump that could be turned off and on. He added the water could be used to water the yard and there was the option to make it bigger for a sprinkler system.

Trustee Tuminello expressed concern if the system were to fill up. He stated he would be against putting the gutters into the system as well as the sump pump because it would fill quickly.

Mr. Krzeminski stated the design would have a major role in these systems. He noted they wanted to integrate a custom design for each home.

Trustee Smith asked what would happen if someone elected not to do this. He asked if Mr. Regan would be building all of the homes or would sell off the lots. Mr. Regan stated he would not sell off the lots. Trustee Smith asked if he would demand whether these systems were used through covenants and restrictions. Mr. Regan stated this was correct.

Mr. Krzeminski stated they used these systems to store the water from wet backyards so it could be infiltrated properly noting this system was solution to saturated ground. Trustee Tuminello asked how deep these were planted to which Mr. Krzeminski stated it would depend upon the lot and topography for each property.

Trustee Bowden stated that after a subdivision was finished and landscaped owners had a tendency to make changes to their yards which effect flooding, etc. She stated she had concerns with what would happen to the original design 5-10 years down the road especially after an owner change to the home.

Trustee Bowden reported the failsafe was another concern she discussed at committee. She stated when a problem occurred the Village needed to be able to protect the residents and without the Village system being hooked up it would be difficult. She stated that if both systems were used she would be more comfortable.

Trustee Butterfield asked what was done in the winter when the ground was frozen. Mr. Krzeminski stated the water was still stored underground and the infiltration worked the same. He noted the system was installed below the frost line so it did not freeze.

Trustee Madsen stated there were 132 lots in this subdivision. He added he would not want to see this system fail over the years with that many homes without the Village having a backup plan in place.

Mayor Baldermann stated that the backup plan would be the Village and the residents would wonder why the ordinance that was in place had not been used. He added that the Board had come a long way in the last few years especially through environmentally friendly efforts. He noted that the ordinance was in place because problems were experienced in the past. He stated that the Board comments were not against the rain harvesting system as an addition to what the Village normally required. He stated discussions with staff needed to continue before staff was comfortable with this system.

Trustee Bowden stated that the large size of the subdivision made the elimination of Village system a concern for the Board.

Mayor Baldermann stated a lot of green initiatives had setbacks after a period of time and the Village needed to be prepared. He cited Orland Park's LEED certified police station where the neighbors were complaining about weeds because it took time for the wild prairie grass to grow. He stated these were new concepts. He agreed with Trustee Bowden that the test run should not be a 132 lot subdivision noting it would be great to have it as a supplement.

Trustee Smith asked what a typical system cost for a 4,000 square foot home. Mr. Krzeminski stated it would depend upon what water the homeowner wanted to capture.

Trustee Dye asked what the feasibility was for the developer to do both systems. Mr. Krzeminski stated it would take away some of the LEED certification. He explained that these systems were a great way to use the rain water and keep it infiltrated on the designated property rather than running off causing erosion.

Trustee Smith stated the Board was not saying they could not use the system. He added Trustee Tuminello suggested it be used as a backup so that in the case of flooding the water could go to the Village system. He stated that if the homeowner decided in the future to opt out of the rain harvesting system they could tap into the Village system with their sump line.

Mr. Stanton stated the concept they were trying to promote was to have 132 LEED certified homes in New Lenox. He asked that the Board help them to make ordinances that would allow this.

Trustee Bowden stated she would love to see this happen with the Village system as a failsafe so that this subdivision could move forward.

Mayor Baldermann agreed noting that many times the Village had to use taxpayer money to fix problems in subdivisions because of deviations or developers not doing what they were required to do. He noted the Board understood the value of the comments made and suggested the developer continue to work with staff to convince them that this system could work on its own. He asked that they find out whether LEED point were lots if both systems were installed.

Trustee Smith asked if the wind turbines would be the sole source of power.

Mr. Regan stated that the system would be tied into Commonwealth Edison by a meter.

Mayor Baldermann stated Trustee Smith was making the point that there was a backup system in case the green system failed.

Mr. Regan stated they would continue to work with staff to ensure that this was done correctly.

Mayor Baldermann appreciated the committee's recommendation regarding the trail elimination. He noted that the trail did have value in regard to the Board approval of the subdivision.

Trustee Bowden asked if these requests could be looked at as one component.

Trustee Smith asked if the rain harvesting system would affect the levels of the detention ponds. Mr. Regan stated it would not affect the calculations for the detention areas.

Trustee Dye referenced Ms. Ellis' report regarding the density bonus and read the following from the report: *If the interior trails had not been proposed at time of final plat approval the subject development would not have received a 10% density bonus. Staff would therefore have supported the density of 1.59 units per acre of a maximum of 128 lots.* Trustee Dye reported they were exceeding this number by 4.

Trustee Tuminello reported that if the rain harvesting system were tied into the sump pump collection system he would be opposed to having the downspouts included. He added that with a good rain there would be 132 more lots adding downspout water into the system when it would normally have run into a yard plus the sump pump overflow into the storm water system.

ABSTAIN: 0

ABSENT: 0

The motion carried.

ORDINANCES & RESOLUTIONS

Resolution #10-01 Authorizing Participation in Property Tax Appeal Cooperative

Ms. Auchstetter reported on the request from District #122 for the Village to join the Cooperative for Property Tax Appeal for the purpose of forming a cooperative to fight Molto Properties’ appeal of their property tax assessment. She stated Molto made it through the first stage of the process to reduce their values which would have a \$191,000 reduction to the property tax revenues for all the taxing bodies. She reported all taxing bodies were present and were participating in the cooperative. She reported the resolution would allow the Village of New Lenox to participate.

Ms. Auchstetter stated that the following resolution would authorize an intervention process where an attorney would intervene on behalf of the group with the Property Tax Appeals Board.

Mayor Baldermann stated this was for Michaels who received property tax relief when they first came to New Lenox noting they probably would not have come if they were not given the property tax relief. Ms. Auchstetter added they had a 5-year property tax reduction which had ended.

Motion to adopt Resolution #10-01 authorizing participation in Property Tax Appeal Cooperative made by Trustee Smith and seconded by Trustee Dye.

Upon roll call, the vote was:

AYES: 7 Trustees Madsen, Tuminello, Dye, Butterfield, Smith, Bowden, and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

Resolution #10-02 Authorizing Intervention in Proceeding Before State Tax Property Appeals Board

Motion to adopt Resolution #10-02 authorizing intervention in proceeding before State Tax Property Appeals Board made by Trustee Bowden and seconded by Trustee Dye.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Dye, Bowden, Smith, Butterfield, Madsen, Tuminello, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

Ordinance #2085 Creating Chapter 2, Paragraph 1, Section 2-1 of Municipal Code – Freedom of Information Act

Mayor Baldermann reported the Attorney General's Office in conjunction with the State Legislature as well as other independent parties had Freedom of Information Act legislation passed effective January 1, 2010. He stated the Board endorsed the Freedom of Information Act because it provided transparency in government. He reported there would be training when the State had it ready. He reported that the new legislation required FOIA officers be chosen. He stated the Village Clerk, Village Administrator, and Deputy Chief Robert Pawlisz would be the officers from the Village.

Motion to waive the rules for first and second read made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried unanimously.

Motion to adopt Ordinance #2085 creating Chapter 2, Paragraph 1, Section 2-1 of Municipal Code – Freedom of Information Act made by Trustee Smith and seconded by Trustee Madsen.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Bowden, Madsen, Tuminello, Butterfield, Smith, Dye, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**MAYOR**

Mayor Baldermann reported that the first Town Hall Meeting of 2010 would be Saturday, January 16th at 10:30 a.m. in the Community Room. He stated the discussion would involve the section of town east of Cedar Road and south of Route 30. He commented on the success of past Town Hall Meetings and encouraged everyone to attend.

Mayor Baldermann reported that the 2010 Historical Society calendars were available free of charge at the Village Hall. He stated New Lenox resident Carter Wright also had a very nice calendar with pictures of the community available at the Hall. He noted the Village used some of Mr. Wright's photography in the Village Hall. Trustee Bowden reported that the Historical Society calendars were done with the support of the Village of New Lenox.

Mayor Baldermann reported that Mayor Daley was considering opting out of video poker for Chicago noting the city already had an ordinance that prohibited it. He stated that if this happened then 33% of the state's population would have opted out of the issue and the funding for the Capital Bill could be impacted.

VILLAGE ATTORNEY

Mr. Shanahan reported that court costs increased on January 1, 2010 so there would be a corresponding increase for traffic tickets.

VILLAGE CLERK

Ms. Englert reported that Early In-Person Voting began at the Village Hall today. She stated Early Voting would continue until January 28th from 9 a.m. to 4:30 p.m. Monday-Friday. She added that the Will County Clerk had Saturday hours. She stated that the primary election would be February 2nd. Trustee Madsen asked if the Village Clerk in Joliet's hours were 9 a.m. to 2 p.m. on Saturdays. Ms. Englert stated she was not sure of the County Clerk's office hours but the hours could be found on their website.

POLICE CHIEF - None

FINANCE DIRECTOR - None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR - None

VILLAGE ENGINEER - None

PUBLIC WORKS SUPERINTENDENT - None

VILLAGE ADMINISTRATOR - None**PAYMENT OF BILLS** – None**QUESTIONS AND/OR COMMENTS FROM THE FLOOR**

Mr. William Walter, 1022 Grandview Drive, commented on the great job being done with the streets by the Public Works Department during winter storms especially with the use of the beet juice.

TRUSTEE COMMENTS**Trustee Smith**

Trustee Smith reported on the great job that Public Works was doing on the Village roads. He asked Mr. Sly to tell everyone how much it was appreciated.

Trustee Madsen

Trustee Madsen clarified that the Early Voting at the Will County Clerk's Office on Saturdays was from 9 a.m. until noon.

Trustee Bowden

Trustee Bowden reported she received telephone calls from people heading into New Lenox who could tell when they reached New Lenox by the improvement in the roadways. She stated this was a great compliment to the Public Works Department.

Trustee Butterfield

Trustee Butterfield agreed with the comments regarding Public Works. He noted the winter weather was not over yet but the next few days should be above normal temperatures.

Trustee Tuminello

Trustee Tuminello reported on a tuition waiver available to the children of veterans living in the State of Illinois. He stated the waiver could be used for any University of Illinois campus up to six waivers per Illinois County. He added there was a waiver awarded for one for each of the following conflicts: World War II, Korean Conflict, Vietnam Conflict, Southeast Asia Conflict, Operation Enduring Freedom and Operation Iraqi Freedom. He reported applications were available to Senator Dan Rutherford's website at www.danrutherford.com or the Office of Student Financial Aide at 217-333-0100.

Trustee Dye

Trustee Dye complimented the Public Works Department on the streets. She stated the beet juice was environmentally friendly and washed off vehicles.

Mr. Sly stated the beet juice mixture was not corrosive adding that the chemicals used prior to that were still used for extremely low temperatures. He noted calcium chloride was corrosive on metal and the beet juice was basically sugar water. He added it gave a brown color to the street and remained on the road because it did not draw moisture but repelled it. He stated the cost to buy was three times the calcium chloride but it lasted through 3-4 events.

EXECUTIVE SESSION - None

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously. The Regular Meeting of the Village of New Lenox Board of Trustees held on January 11, 2010 was adjourned at 8:10 p.m.

Bonnie Motyka, Deputy Village Clerk