

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, February 22, 2010

#10-05

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7: 06 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

Upon Roll Call by the Deputy Clerk, the following members of the corporate authorities answered “Here” or “Present”:

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

Absent: Trustee Tuminello (arrived at 7:16 p.m.)

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 & Development Administrator Robin Ellis, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Civil Engineer Will Nash, Attorney Chris Spesia, Deputy Clerk Laura Ruhl, and Deputy Clerk Bonnie Motyka..

CITIZENS REQUESTS & SPECIAL REQUEST

Presentation of Proclamation – Boy Scout 100th Anniversary – Bryan Schroeder and Ryan Gust

Mayor Baldermann reported that this was the 100th Anniversary of the Boy Scouts of America. He stated that Pack 6, Pack 49, Pack 94, Troop 007, Troop 12, Troop 44, Troop 49, and Troop 55 had representatives in attendance this evening. He presented a proclamation celebrating the 100th Anniversary to Bryan Schroeder and Ryan Gust of the

Rainbow Council. He noted the scouting group was very active for New Lenox and contributed a lot to the community.

Fire District Discussion – 12 Lead Monitor – Chief Mead & Skip Minger

This item was postponed until the March 8, 2010 meeting.

PUBLIC HEARING – Cedar & Laraway Water Main – SSA 2010-1

Mayor Baldermann opened the public hearing at 7:11 p.m. Ms. Englert provided proof of notice.

Mr. Loebe reported that this involved the financing for the water main reimbursement to the contractor along Laraway Road. Mayor Baldermann stated the Board had discussed this many times.

With no Board or public comments, Mayor Baldermann closed the public hearing at 7:11 p.m. to begin the 60 day waiting period.

Request for Extension of Preliminary Plat – Prairie Meadows – Andy Dystrup

Ms. Ellis reported this subdivision was located on the south side of Delaney Road and the preliminary plat was re-approved in 2008. She added that last year the Village Board extended the plat for one year and the developer was requesting another one year extension due to the state of the housing market. She noted there were no outstanding fees to the Village associated with this development. Staff had no objection to the one year extension.

Motion to approve a one year extension of preliminary plat for Prairie Meadows made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried with Trustee Tuminello recorded as ABSENT.

Request for County Rezoning and Final Plat Approval – Burch Garden Subdivision – Andy Dystrup

Ms. Ellis reported this County rezoning request was for A-1 to E-2 and to legally establish a one lot subdivision created a few years ago when a larger parcel was divided among heirs to the original owner. She noted additional land had been acquired by the Forest Preserve. She reported the Plan Commission reviewed the request and found that the E-2 zoning and the one lot subdivision were in conformance with the comprehensive plan and recommended no legal objection be filed against the County rezoning as well as approve the Mayor and Village Clerk to sign the final plat.

Trustee Butterfield asked what the Illinois Plat Act was. Mr. Dystrup stated the Illinois Plat Act was the statutory requirement for subdivisions and there were exceptions to filing a subdivision. He added this act had been around since 1959. Trustee Butterfield stated that the Village could do things as long as they complied with the Illinois Plat Act. Mr. Dystrup stated the law allegedly was not created under one of the exceptions to the plat and it should

have been subdivided when the original division occurred. Mr. Spesia added the Village had its own version in the Subdivision Code. He stated the Illinois Plat Act tried to prevent people from land locking parcels of land and making parcels un-saleable.

Trustee Dye asked if Homer had given their approval. Mr. Dystrup stated that Homer Plan Commission gave their approval noting he would be going to Homer Glen tomorrow night.

Motion to approve request for County rezoning and final plat approval for Burch Garden Subdivision made Trustee Butterfield and seconded by Trustee Dye. Upon voice vote, the motion carried with Trustee Tuminello recorded as ABSENT.

CONSENT AGENDA

Motion to approve Consent Agenda #10-05 consisting of 5 items made by Trustee Bowden and seconded by Trustee Smith.

Items up for approval at this time are as follows:

- A - Request for Temporary Signs and Use of Metra Lot – New Lenox PTO Fun Fair
- B - Ordinance #2090 Granting Special Use for Helipad – Silver Cross – 2nd Read
- C - Ordinance #2091 Amending Title 18 – Energy Code – 2nd Read
- D - Surety Release - Cherry Hill Meadows Unit 1A
- E - Minutes of Regular Meeting of February 8, 2010

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Madsen, Dye, Butterfield, Smith, Bowden, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>1</u>	Trustee Madsen on Item A
ABSENT:	<u>1</u>	Trustee Tuminello

The motion carried.

ORDINANCES & RESOLUTIONS

Trustee Tuminello joined the Board at the dais at 7:16 p.m.

Ordinance Amending Title 106 of Municipal Code – Special Events – 1st Read

Ms. Ellis reported the Development Land Use Committee, Public Improvements Committee and staff had worked on this ordinance to address the tents and other special event requests to be held in parking lots. She stated a draft ordinance was presented to the Board in January and there were concerns regarding the safety and security be provided with fencing. She

noted this had been added to the ordinance and allowed the Village to require temporary fencing or other security. She reported the Plan Commission held a public hearing on the amendments on February 16th and had no objections to moving forward.

There were no Board comments.

Resolution #10-04 Rescinding Resolution #09-34 and Terminating Agreement Authorized by Resolution #09-34 between Village and LRL Management Consulting Services

Mayor Baldermann reported that Mr. Loebe was going to retire as Village Administrator and return as a full time consultant for the Village with Board action taken in December. He added that in late January IMRF changed the rules to state that an employee could not come back to their previous employer and assume the same job that they had done prior. He reported that Mr. Loebe agreed to postpone his retirement for one more year and stay on as Village Administrator until April 30, 2011.

There were no Board comments.

Motion to adopt Resolution #10-04 rescinding Resolution #09-34 and terminating agreement authorized by Resolution #09-34 between Village and LRL Management Consulting Services made by Trustee Butterfield and seconded by Trustee Smith.

Upon roll call, the vote was:

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

The motion carried.

Resolution #10-05 Authorizing Execution of an Employment Agreement with Lewis Loebe

Motion to adopt Resolution #10-05 authorizing execution of an Employment Agreement with Lewis Loebe made by Trustee Butterfield and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Dye, Bowden, Smith, Butterfield, Madsen, Tuminello, and Mayor Baldermann
--------------	----------	---

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

Mayor Baldermann stated that on behalf of the Board he appreciated Mr. Loebe postponing his retirement for another year.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann asked residents to shovel snow around the fire hydrants to provide quick and easy access for the Fire Department. He explained that Public Works snow plows could not lift their blades at every driveway adding that he knew it was frustrating for the community. He added that Public Works did another excellent job of clearing the roadway especially with this heavy, wet snowfall that did not stop until late this morning.

Mayor Baldermann reported he visited the HUB this weekend and noted that if kids in the community were looking for things to do this was a great place to go. He noted this was a non-for-profit place and they were looking to add things for summer activities. Trustee Dye added that they did accept donations.

Mayor Baldermann reported that discussion of gas prices in New Lenox had been done a few months ago with management from all gas stations in town. He noted the Village could not regulate the prices and the stations charged what they wanted. He stated that residents could go to www.gasbuddy.com or other sites and enter the zip code to find the cheapest gas price in the area. He added that if New Lenox did not have the cheapest price he personally would go somewhere else to get gas. He noted it was ridiculous that New Lenox was consistently 15 cents higher than adjoining communities. Trustee Dye stated Mayor Baldermann had tried to resolve this through the meetings. Mayor Baldermann stated that after the discussion the prices dropped for a few weeks which told him that if they wanted to drop the prices they could.

Mayor Baldermann reported that vehicle stickers would go on sale March 1st. He stated that it would be a nice idea to set aside sticker 1 thru 5 for the first five residents who paid for their sticker and made a \$100 donation to the American Cancer Society for Relay for Life New Lenox. He added that Deputy Chief April DiSandro would collect the checks for Relay for Life. He noted he discussed this idea with the Board and Village Attorney.

Mayor Baldermann reported he attended a pep rally at Liberty Junior High last Friday for Hannah Builan, a 7th grade girl who had leukemia. He noted the support from the school and the school community was amazing. He reported Deputy Chief DiSandro once again stepped up and sent out an email to Village employees who donated several hundred dollars for this

brave girl's cause. He congratulated Liberty Junior High and District #122 for doing a great job for Hannah and her family.

Mayor Baldermann stated that Ron "Papa" Schaper passed away last week. He reported that the family held a memorial service at Ron Schaper-Mustang Field behind Martino Junior High where several Board members and the community attended. He stated that there were very few people that were irreplaceable and Ron Schaper was one of those people who would not be replaced. He thanked Ron's family for sharing him with the community for all of these years because he was a tremendous asset to the community.

Mayor Baldermann presented the bands for the Triple Play Concert Series. He announced that on June 19th The Smithereens and Soul Asylum would perform, August 14th Fastball and Survivor would perform and on September 4th Blue Oyster Cult and Kansas would perform. He noted the park would open at 4:30 p.m. with a local band opening up the music at 5 p.m. He stated that from March 15 through April 30 New Lenox residents only could purchase tickets and the price would be \$50. He added that on May 1 the sales would open to the public and prices for everyone would be \$60 for all three concerts. He stated that the money raised from the Triple Play tickets was used to pay for all of the Commons activities that the Performing Arts Committee worked very hard to put together including Wednesday night movies, Friday/Sunday night concerts, Fourth of July fireworks, and the Christmas event as well as KidsFest. He added that taxpayers did not have to fund these Performing Arts events unless they chose to attend the concerts. He reported that Ms. Debbie Nick and Ms. Motyka worked on a PowerPoint presentation to announce the bands with three of their songs. (The PowerPoint presentation had a technical glitch and was played after committee reports.)

Mayor Baldermann stated that an ordinance prohibiting smoking on the Commons lawn would be forthcoming for Board review. He noted this was the only complaint that he received regarding the concerts last year.

VILLAGE ATTORNEY – None

VILLAGE CLERK - None

POLICE CHIEF – None

FINANCE DIRECTOR - None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR - None

VILLAGE ENGINEER - None

PUBLIC WORKS SUPERINTENDENT

Bid Award – Fuel Contract

Mr. Sly reported the fuel contract for Village vehicles, squad cars and heavy trucks received two bids from Gas City and Speedway. He stated that Gas City was the low bidder noting the bid prices were not fixed per gallon because no one wanted to lock in prices for two years. He added the prices were based upon pump prices less 5 cents for gas and 10 cents for diesel fuel discount. He stated Gas City added an \$8 car wash with every fill up for the squad cars. He noted he would continue to see if this could be done for other vehicles as well.

Motion to award fuel contract to Gas City made by Trustee Smith and seconded by Trustee Butterfield.

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

VILLAGE ADMINISTRATOR – None

COMMITTEE REPORTS

Finance Committee – Trustee Butterfield

Trustee Butterfield stated the committee meeting for this month had been cancelled.

Water & Sewer Committee – Trustee Bowden

Trustee Bowden reported the committee meeting for this month had been cancelled.

Public Safety Committee – Trustee Smith

Trustee Smith reported the Cabin Fever event went well with over 200 kids participating with a lot of books donated.

Trustee Smith reported the Police Department would begin their Annual Food Drive from March 1 through March 31. He stated the drop off points were the Village Hall, Police Department, Fire Protection District, and the Park District. He noted that coats would be collected again in the fall.

Trustee Smith reported March 2nd a severe weather spotting training would be done through CERT and ESDA. He stated the training would be done in the Community Room. Trustee Bowden asked if people had to be registered to attend. Trustee Smith stated that people could just come to the meeting.

Trustee Smith stated a Southtown article reported that 9-1-1 wanted to build a building. He reported that Lincoln Way Communication Center (LWCC) had a problem with using the 9-1-1 money for this because the money was set to go to 9-1-1 services. He stated that \$12 million was in the budget and the 9-1-1 Committee receive \$4.5 million per year. He noted the surcharge on all phones provided this money and none of the money had been handed back to the local areas. He added that the 9-1-1 Center in the area was funded by New Lenox, Mokena and Frankfort plus the Fire Departments that just joined. He reported the purchasing of land and construction of this proposed building was a big issue for the LWCC because residents were being double-dipped because they paid New Lenox to provide 9-1-1 service and also the surcharge on phone bills for 9-1-1. He stated the Village had no control over this money. He urged residents to call their representatives to vote no on the building. He reported the Will County Executive stated he would be building a courthouse first.

Mayor Baldermann reported Cook County had issues because the money came from landlines and a lot of people were only using cell phones. He asked if the decrease in funding was something that New Lenox would experience as well. Trustee Smith stated there was a surcharge on cell phones too. He added that money was going to Springfield and disappearing. He noted they were trying to get that money back and the 9-1-1 Districts might only get a portion of what Springfield brought in.

Development & Land Use Committee – Trustee Dye

Trustee Dye reported the committee heard a presentation by Glen Clarke, Renew Mechanical Incorporated, noting he would return in March or April.

Streets & Drainage Committee – Trustee Tuminello

Trustee Tuminello reported the committee met February 8th and discussed the closure of Nelson Road by the gas company. He stated the company discussed the need for repair of their pipe under the road and the process of using an electronic tube to find the anomaly in the inner pipe encased in an outer pipe was explained. He noted the company stated the anomaly was a Class 3 which had a 365-day window for repair adding that we were in that window currently and they wanted to start the process. He reported the road closure for this type of project usually lasted 1-2 weeks but this was a 24” pipe and the cut would have to be in the center of the road. He stated the committee discussed several options including the fact that the Village needed to do work on the north side of Nelson Road. He added the committee wanted to do these repairs at the same time. He stated the committee wanted the gas company to do all of the work in the evening and overnight hours and steel plate the road during the day so it could still be open for rush hour traffic during the day. He reported the gas company was okay with this suggestion but if they ran into trouble getting asphalt in the middle of the evening they would like to do that when the Village did their repairs to have the road closed only 1-2 days.

Mayor Baldermann stated the Board would like to meet with them again. Trustee Bowden added that their representatives offered to work weekends and whatever the Board suggested to get the project done.

Public Improvements Committee – Trustee Madsen

Trustee Madsen reported the committee met earlier in the evening and discussed the Village weed cutting policy. He stated the Village would put out a RFP for weed cutting services for a bid opening on March 15th.

Trustee Madsen reported the committee discussed the Special Events Sign Code Ordinance to assist local businesses in promotion of their establishments. He stated more clarification on the types of signage was still being worked on.

Trustee Madsen reported the State Energy Code which was approved under the Consent Agenda was discussed. He stated this code would keep the Village in adherence with State law.

Trustee Madsen reported the Builders Breakfast was tentatively March 25th.

Trustee Madsen reported the committee discussed commercial trailers. He stated this was a tough issue because it coincided with the recreational vehicle codes. He noted the committee would like to meet with the Public Safety Committee and the Police Department for a joint meeting to work out the issues on how to move forward.

Trustee Madsen reported the January building activity was discussed and included one residential permit for a million dollar home.

PAYMENT OF BILLS

Motion to approve payroll and disbursements in the amount of \$1,063,221.18 which included monthly payroll in the amount of \$6,375 and bi-weekly payroll in the amount of \$314,782.92 both payable on February 12, 2010 and disbursements in the amount of \$377,188.42 which included bi-weekly payroll in the amount of \$279,502.76 payable on January 29, 2010 made by Trustee Butterfield 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.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith reported Lincoln Way Central and Lincoln Way West were in the sectionals for swimming on Saturday. He stated one of the swimmers, Murphy Hubbard, would be going to State for three events and he broke 4 records at Lincoln Way this year. He added his son, Murphy Hubbard, Keegan Shepard, and Peter Jackovich broke another record. He stated there was a swimmer from West going to State who also broke a record.

Trustee Smith reported on March 26th at Gatto's the St. Balderick's event would be held. He stated that about 30 people including the Police Department, CERT, ESDA and himself would be shaving their heads for childhood cancer. He noted donations would be accepted for this event.

Trustee Madsen

Trustee Madsen stated he looked forward to the Concert Series as well as watching Trustee Smith get his head shaved.

Trustee Bowden

Trustee Bowden applauded Mayor Baldermann for the hard work in negotiating great prices for the Concert Series entertainment. She stated that the success of the Concert Series made the continuation of free concerts and movies and other events in the Commons happen year round.

Trustee Butterfield

Trustee Butterfield commented on the memorial service for Papa Schaper noting he meant a lot to the community and it was a sad day. He added he personally would miss him tremendously.

Trustee Tuminello

Trustee Tuminello offered his condolences to the Schaper Family and to the entire Mustang organization which shaped the future for a lot of young men and women in the New Lenox community.

Trustee Tuminello stated he heard that Dr. Sass had a different hair color this week. Mayor Baldermann stated that Dr. Sass attended the pep rally for Hannah Bulian and agreed to have his hair dyed pink at Hannah's request.

Trustee Dye

Trustee Dye reported that the Lions Club would be hosting a fashion show at the VFW. She stated that Gatto's Restaurant would be providing food and the clothes would be from Cedar Closet.

Trustee Dye echoed all of the sentiments for Ron Schaper. She added that he emceed the Loyalty Day Parade since it began being televised and she sat next to him the last 6 years. She stated he would be missed.

EXECUTIVE SESSION - None

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on February 22, 2010 adjourned at 8:15 p.m.

Bonnie Motyka, Deputy Clerk