

**MINUTES OF THE REGULAR MEETING OF THE  
NEW LENOX BOARD OF TRUSTEES**  
New Lenox Village Hall, 1 Veterans Parkway  
Monday, May 11, 2009

#09-12

**CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:00 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, Bowden, Madsen, Butterfield, Dye, Tuminello and Mayor Baldermann

The following were absent: None

**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 (arrived 7:22 p.m.), Village Clerk Marcia Englert, Finance Director Kim Auchstetter, Planning and Development Administrator Robin Ellis, Police Chief Bob Sterba, Village Engineer Scott Killinger, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Attorney Martin Shanahan, Deputy Clerks Laura Ruhl and Bonnie Motyka.

**CITIZENS REQUESTS & SPECIAL REQUEST**

**Oath of Office – Village Trustees**

Mayor Baldermann thanked all of the candidates for their participation in the election and for the good campaigns they ran. He stated that the re-election of the three trustees to the Village Board showed the voters belief in the cohesiveness of the unit who worked together to take care of the community. He added that he was excited for the group to work together for the next two years.

Ms. Englert swore in Annette Bowden, David Smith, and Raymond Tuminello as Village trustees.

Trustee Smith thanked voters for their support and his fellow candidates for the relatively clean election. He thanked his wife and sons for their support and assistance during the election. He expressed his thanks for the support of his fellow Board members. He thanked the New Lenox Republican Party and Bill Walker for backing his re-election. He expressed his views on democracy and politics.

Trustee Bowden stated it was a pleasure to serve the community of New Lenox. She noted she appreciated all of the support during past elections as well as this election. She stated she learned every year that she served that there were new beginnings and a new change to the community that needed to be endured which she was willing, able and grateful to have the opportunity to do.

Trustee Tuminello thanked all residents who voted in the election. He noted the importance of being re-elected adding he was very happy to serve along side Trustee Bowden and Trustee Smith again. He thanked his wife, children and parents for their support and assistance during the election.

#### **Motorcycle Awareness Month Proclamation**

Mayor Baldermann announced May as Motorcycle Awareness Month.

#### **New Lenox Area Historical Society Presentation – Diane Batson**

Ms. Diane Batson, Historical Society, presented the Board with a limited edition poster depicting Schmuhl School in honor of May being Historic Preservation Month. She stated the Village had been very supportive through interest and participation in Historical Society events and ideas. Trustee Butterfield accepted the poster from Ms. Batson.

Mayor Baldermann reported that it was important to welcome new residents and new businesses to the community as well as to never forget the history of the community. He thanked Ms. Batson for the service she provided to the residents of New Lenox.

#### **CONSENT AGENDA**

Trustee Tuminello requested that Item A Ordinance Granting Special Use for Patio – Bluestone Bar & Grill- 2<sup>nd</sup> Read be removed from the Consent Agenda to be discussed separately.

Motion to approve 2 items on Consent Agenda #9-12 as presented in packet made by Trustee Smith and seconded by Trustee Bowden.

Items up for approval:

B - Minutes of Regular Meeting of April 20, 2009

## C - Minutes of Regular Meeting of April 27, 2009

Upon roll call, the vote was:

<b>AYES:</b>	<u>7</u>	Trustees Bowden, Madsen, Tuminello, Butterfield, Smith, Dye, and Mayor Baldermann
<b>NAYS:</b>	<u>0</u>	
<b>ABSTAIN:</b>	<u>2</u>	Trustee Madsen and Mayor Baldermann on Item C
<b>ABSENT:</b>	<u>0</u>	

The motion carried.

**Ordinance #2039 Granting Special Use for Patio – Bluestone Bar & Grill- 2<sup>nd</sup> Read**

Trustee Tuminello stated he wanted Mayor Baldermann to be able to give his thoughts on this item before the Board voted on it due to his absence at the last meeting.

Mayor Baldermann stated he did read the minutes from the meeting on April 27<sup>th</sup> and watched the Channel 6 broadcast. He noted he was pleased with the new management at Bluestone Bar & Grill who were trying to work with the adjoining residents on concerns they had regarding this establishment. He reported this business was not in a good location and had the Board known the issues that would arise they might have voted differently. He noted the Board learned from this experience.

Mayor Baldermann reported he was in favor of seeing the patio opened again and did not have an issue with the 10 p.m. closing on Friday and Saturday. He noted that the Board discussed the closing would be 9 p.m. across the board which was acceptable to him. He added the new management was agreeable to 9 p.m. He stated that Board comment was to determine if this agreement worked and determine if changes could be made at a later date. He reported outside security was discussed and he hoped that would not be an issue.

Trustee Bowden stated there was a discussion regarding sound protection but the management stated it was too extensive at this time. She asked if umbrellas could be incorporated into the agreement. She added that Ms. Ellis contacted the new management regarding planting of trees or shrubs on the patio border to restrict the sound. She was told that the management would look into this and was agreeable.

Mayor Baldermann stated this was a special use and restrictions could be made. Trustee Smith stated that the umbrellas were included in the minutes from the meeting and could be referred to. Mayor Baldermann stated the patio had been vacant for awhile and he was not sure if plantings would be able to be done. Trustee Smith agreed that there was not a lot of space. Trustee Bowden appreciated the new management being cooperative.

Trustee Butterfield stated the new management discussed sound deadening materials but noted that he did not have the money for it at this time.

Mayor Baldermann stated that at 9 p.m. the door to the patio needed to be closed and the area not used as a place for smoking. He stated that outdoor music would not be allowed on the patio. The Board discussed the 9 p.m. closing and comments from the new manager regarding the dining area inside being closed at 9 p.m. Mayor Baldermann stated that as Liquor Commissioner he would make sure that if problems occurred they would be addressed immediately.

Motion to adopt Ordinance #2039 granting special use for patio for Bluestone Bar & Grill with the stipulation that umbrellas be added to the outdoor tables made by Trustee Tuminello and seconded Trustee Dye.

Upon roll call, the vote was:

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

**NAYS:**                                 0

**ABSTAIN:**                            0

**ABSENT:**                            0

The motion carried.

## **ORDINANCES & RESOLUTIONS**

### **Ordinance Amending Chapter 106 of Municipal Code – Landscape Requirements – 1<sup>st</sup> Read**

Ms. Ellis reported that changes to the code regarding low impact development were still being worked on. She stated portions of the landscape requirements in the zoning ordinance needed to be amended to add definitions and changing the list of acceptable parkway trees. She added Ash trees were eliminated and a number of varieties were added. She reported provisions typically included through the PUD process were also included. She stated the ordinance in packet had not changed since the March work session.

Ms. Ellis reported the Plan Commission held the public hearing earlier last month and recommended approval.

Mayor Baldermann stated John Teerling volunteered his services for information on this issue. He noted Mr. Teerling and Smurfit Stone would be recognized for their donation of trees for Student Government Day/Arbor Day at the May 18<sup>th</sup> meeting.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS****MAYOR**

Mayor Baldermann reported the concert series tickets were 75% sold. He encouraged residents to purchase their tickets soon. He noted that Village staff was trying to assist buyers as much as possible for pick up of tickets.

Mayor Baldermann reported the first Farmers Market would be Saturday, May 16<sup>th</sup> from 8 a.m. to 1 p.m. in the south parking lot of the Village Hall. He thanked Ms. Hennessy for all the work she did on the Farmers Market.

**VILLAGE ATTORNEY** – None

**VILLAGE CLERK** - None

**POLICE CHIEF**

Chief Sterba reported the ThorGuard Lightning Detection System should be installed and operational by the end of May. He stated it would be installed on top of the Police Department.

Chief Sterba reported that the inaugural food drive was very successful. He thanked District #122 Administration, teachers and students for their cooperation and efforts. He noted he appreciated citizens dropping off food items at the various collection sites. He reported that over 15,000 food items were collected.

**FINANCE DIRECTOR** - None

**PLANNING & DEVELOPMENT ADMINISTRATOR** - None

**BUILDING & ZONING ADMINISTRATOR** - Absent

**ECONOMIC DEVELOPMENT DIRECTOR** – None

**VILLAGE ENGINEER****Change Order #1 – Gougar & Haven Intersection**

Mr. Killinger reported changes to the Gougar & Haven signalization contract were necessary in order to move the entrance of the New Life Church from the north side of their parking lot to the south side. He stated this work was not included in the original project but due to safety issues it was necessary to move the entrance. He noted Christopher Burke would be changing the engineering plans and P. T. Ferro would be moving the entrance.

Mr. Killinger reported the work was being split between Northern Builders, Will County and the Village. He stated the first work order was for construction at \$49,607.81 to P. T. Ferro.

Mayor Baldermann asked if Northern Builders was participating in this. Mr. Killinger stated they would participate in the entire project. He noted current estimated costs were included in packet.

Trustee Butterfield asked if the \$49,607.81 was the Village portion. Mr. Killinger stated it was the total cost adding the Village actual cost for engineering and construction was \$22,341.00.

Trustee Smith asked if the project was on schedule. Mr. Killinger stated it was on schedule and Haven Avenue closure should take three weeks with it reopening toward the end of May.

Mayor Baldermann stated there were no detour signs prior to the closure as vehicles headed west from Nelson Road and requested signage be added. Mr. Killinger stated he would look into this.

Trustee Dye stated the existing signage was excellent but asked that signs restricting semi-truck traffic in the area be added. Mr. Killinger stated these would be added.

Motion to approve Change Order #1 for Gougar & Haven intersection made by Trustee Madsen and seconded by Trustee Tuminello.

Upon roll call, the vote was:

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

The motion carried.

#### **Amendment to Construction Management Contract – Gougar & Haven Intersection**

Mr. Killinger reported this amendment to the construction contract with Christopher Burke Engineering would add \$4,012.50.

Motion to approve amendment to Construction Management Contract for Gougar & Haven intersection made by Trustee Tuminello and seconded by Trustee Butterfield.

Upon roll call, the vote was:

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

**NAYS:**                         0

**ABSTAIN:**                    0

**ABSENT:**                    0

The motion carried.

**PUBLIC WORKS SUPERINTENDENT** - None

**VILLAGE ADMINISTRATOR**

Mr. Loebe reported he attended the Library Board meeting earlier in the evening to discuss the Triple Play Concert Series regarding use of the Library parking lot and to explain traffic flow during the event. He stated the Library was very accommodating and offered many suggestions.

**PAYMENT OF BILLS** – None

**QUESTIONS AND/OR COMMENTS FROM THE FLOOR**

Mr. William Walter, 1022 Grandview, congratulated the returning trustees. He asked for an update on the signalization at Prairie & Route 30. Mr. Killinger reported the contractor had material back ordered which was received earlier today. He added that ComEd energized the project. He estimated the project completion in the next few weeks.

**TRUSTEE COMMENTS**

**Trustee Dye** - None

**Trustee Tuminello** - None

**Trustee Butterfield**

Trustee Butterfield reported the American Legion was still offering memorial bricks for their walkway. He stated residents could contact the Legion at 815-485-4651 or visit their website for an application.

**Trustee Bowden**

Trustee Bowden stated she was happy to be able to serve along with everyone for the next few years. She noted she was excited with the new committee assignments and was glad to

remain on the Performing Arts Committee. She stated the summer events would begin soon noting that calendars were sent in recent water bills and could be accessed on the website. Mayor Baldermann reported he heard a lot of compliments on the movie choices for this year.

**Trustee Madsen**

Trustee Madsen stated he was happy with committee assignments and was looking forward to working on his new committees.

**Trustee Smith** - None

**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 May 11, 2009 was adjourned at 7:45 p.m.

---

**Bonnie Motyka, Deputy Village Clerk**