

**MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES**
New Lenox Village Hall, 1 Veterans Parkway
Monday, June 22, 2009

#09-16

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:03 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, Madsen, Butterfield, Bowden, Dye, Tuminello, and Mayor Baldermann

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, Village Clerk Marcia Englert, Finance Director Kim Auchstetter, Planning & Development Administrator Robin Ellis, Village Engineer Scott Killinger, Police Chief Bob Sterba, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Plan Commission Chairman Mark Muehlnickel, Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

PUBLIC HEARING – Annexation Agreement – 2571 E. Lincoln Highway – Marilyn Farmer

Mayor Baldermann opened the public hearing at 7:04. Ms. Englert provided proof of notice and swore in the petitioner.

Ms. Ellis reported the request for annexation and rezoning involved the parcel located on the north side of Route 30 west of West Circle Drive which was currently owned by Morningstar

Mission. She stated the Plan Commission held the public hearing on the annexation and the rezoning earlier in the month recommending approval of both requests subject to the successful negotiation of the annexation agreement.

Ms. Ellis reported the annexation agreement was consistent with normal boilerplate with a few areas that needed attention. She stated the Village typically required a title policy to be issued within 6 months of annexation. She added that Morningstar purchased the property a little more than a year ago and requested that the Village accept that prior title policy with an Affidavit Of Title stipulating that there had been no changes or other encumbrances on the property.

Ms. Ellis reported there was a residence for the caretaker on the second floor which required a special use. She noted the petitioner was getting that application ready and the agreement would have to be changed in regard to the zoning and special use of the property to recognize this existing residential unit. She added first read would be delayed until the Plan Commission held the public hearing on this issue.

Ms. Ellis reported there were no conformities on the site including the majority of the parking lot being in the Route 30 right-of-way. She stated there had been a long-term understanding between the former property owner and IDOT that the existing parking would be allowed to remain. She noted there was a provision in the agreement stating that at such time that IDOT required removal of the parking lot that would be provided elsewhere on site. She added that there were 2 acres on a separate parcel north of the shopping center where the additional parking would be located.

Ms. Ellis reported the existing pylon sign was in the Route 30 right-of-way and was larger/taller than what would be allowed in the Village. She discussed language which allowed the existing sign to remain on the site but if it were removed or relocated by IDOT it would have to be brought up to Village code.

Ms. Ellis reported the annexation agreement did not include language relating to West Circle Drive. She noted that once properties were annexed it was to the far side of any adjoining rights-of-way which in this instance would be West Circle Drive. She stated West Circle was in good condition and was currently a Township road with no curb, gutter or sidewalks. She reported that through the annexation agreement the Village could discuss with the petitioner any mandated improvements to be done. She stated at this point Route 30 improvements would not have an impact this far east and overtime the ultimate Route 30 improvements could improve West Circle Drive to some extent.

Ms. Ellis reported the parking lot was faded and needed resurfacing and the parking spaces re-stripped in the future. She stated at Board direction staff would work with the petitioner to set a specific timeframe in the annexation agreement for these improvements.

Ms. Ellis reported the typical annexation agreement discussed allowance of 3 years to bring things into conformance with Village code. She stated that due to all of the existing non-conformities and the fact this had been a long-standing development on the property that the annexation agreement proposed a 10-year period. She noted staff did not object to this

request subject to the issues with the sign if it were relocated and then would need to be brought into conformance as well as the parking lot striping.

Ms. Ellis reported that since no public improvements were anticipated the annexation agreement did not have the typical Condemnation language. She stated in the past this language was included.

Ms. Ellis reported the annexation agreement proposed prohibition of certain automotive related uses due to the existing homes to the north and east of the property. She stated Village policy had been to limit the more intense commercial uses in these residential areas. She reported outdoor storage would also be prohibited in this agreement.

Mr. Lyman Tieman, attorney for Ms. Marilyn Farmer, was in attendance for Board questions. He noted they tried to comply with the boilerplate language with the exception of the title policy. He stated they would like not to spend additional money acquiring another title policy.

Trustee Smith asked why they wanted to annex. Mr. Tieman stated they wanted to make sure the property could continue on with existing operations noting that when Morningstar went to the County to make sure all was in compliance they were told that they should bring the property up to a C-3 classification. He explained that rather than go through everything in the County and come to the Village in a few years for access to sewer and water the petitioner determined it was a good time to request annexation.

Trustee Smith asked for the location of the septic field. Mr. Tieman answered that it was located in the vacant two acres off to the northwest corner of the building. Trustee Smith asked about location of parking in that area to which Mr. Tieman stated they believed they had ample parking for vehicles away from the septic field.

Trustee Smith stated that any special use should tie to this building only including the residential portion. Mr. Teiman agreed on the special use. Trustee Smith stated that if the building were demolished or improved more than 50% of the building all would have to be in compliance and Mr. Tieman agreed. Trustee Smith stated they had no retention pond and the attorney replied they did not.

Trustee Smith stated the Board had to ask why the Village would want this annexation because there was no retention and the special use in a C-3 zoning was not allowed anywhere else. Ms. Ellis stated there were a few instances of the residential along Route 30 in the C-2 and C-3 districts including the Statuary building and the next item.

Trustee Smith agreed with staff regarding the sign. He stated the annexation agreement should note that West Circle Drive would be installed to full width and all improvements if the building changed. He added this was an outdated building which would turn out to be a good investment. Mr. Tieman understood that the value of the property would be determined by improvements to the building and asked that West Circle Drive improvements be determined when the parking was requested to be located in the back of the building or the

building replaced. Trustee Smith agreed this could be done in the future but wanted language included to tie that in.

Trustee Smith asked if the property would fall under Village Maintenance Code at the time of annexation. Ms. Ellis stated that unless the Village specified otherwise. Trustee Smith stated he would like any preclusion to the Maintenance Code removed.

Trustee Madsen asked for attorney comment on the affidavit of title request. Mr. Spesia stated an update on the title was a reasonable request which could be done for around \$100-\$200.

Trustee Madsen agreed with Trustee Smith regarding the improvements on West Circle Drive adding he would like to see the Route 30 improvements done first. Mr. Tieman stated it would not make sense to do the West Circle improvements before the Route 30 work was done.

Trustee Madsen asked if there was an issue with the creek running in the back. Mr. Tieman stated there were comments at the Plan Commission meeting regarding a creek that once ran in the back of the property which Morningstar was unaware of. Trustee Madsen asked about flooding issues. Mr. Tieman answered that he was not aware of any flooding issues at the current time but if they had to do more development work on the rear property they would have their engineers look at this issue.

Trustee Bowden questioned staff comments regarding 10-year and 3-year compliance regulations. Ms. Ellis stated that typical language stated the property would have to be in compliance within 3 years of annexation and this request due to the cost involved was for 10 years. Trustee Bowden asked if an extension had been given in the past. Ms. Ellis stated yes adding that some had been grandfathered until the time they were completely redeveloped.

Trustee Butterfield asked if the compliance would have to be done after the 10 year period no matter what. Ms. Ellis answered that the trigger would be the Route 30 improvements or the 10 years whichever occurred first.

Trustee Tuminello stated he was firm with the Village request for new title work noting there could be changes to easements that the Board would want to be aware of.

Trustee Dye asked if they planned to resurface and re-stripe the parking lot. Ms. Marilyn Farmer stated the resurfacing and re-striping was done last year when they took possession of the building. She added that they typically did this on their properties every one to two years to keep the asphalt intact. She stated if it needed to redone it would not be a problem.

Mr. Spesia asked about sewer and water comments and extension to the property asking if an easement or right-of-way would be necessary. He suggested the Condemnation language be included. Ms. Ellis stated this could not be ruled out until detailed plans were provided.

Trustee Bowden asked about the Village's responsibility with future improvements because the agreement was not made in advance of the annexation regarding bringing the property up

to code. She noted that IDOT made the regulations on the parking. She asked if there were any future costs to the Village which could be included in the agreement as sole responsibility of the owner. Ms. Ellis stated that in regard to the utility extension there was language that it would have to be extended at the owners sole cost and expense.

Trustee Smith asked about future improvements forcing the parking lot to be relocated to the back of the building causing the need for retention. Ms. Ellis stated they would need retention at that time.

Mr. Loebe stated the ultimate design for Route 30 was for wider pavement noting this may trigger the relocation of the parking to the rear sooner rather than later. He stated preliminary design plans show the widening occurring on the north side. He stated this may occur before the 10 year period which would cause the parking to be relocated and improvements done to West Circle.

Mr. Teiman stated the Route 30 right-of-way came up to the door of the building and all of the parking except for the front row was in the right-of-way. He noted the petitioner understood the parking would have to move. He reported plans would have to come back through the process in the future when that occurred.

Mayor Baldermann closed the public hearing at 7:29 p.m.

PUBLIC HEARING – Annexation Agreement – 650 E. Haven Avenue – Maxine Pavlovich

Mayor Baldermann opened the public hearing at 7:29 p.m. Ms. Englert provided proof of notice and swore in the petitioner.

Ms. Ellis reported this annexation agreement was for an existing commercial property which was currently vacant. She stated there was a proposed car rental use for this property and the existing septic system could not serve demand of the proposed use on the property. She reported the property was subject to a recapture agreement with Eagle Ridge Corporation and the payment had been made.

Ms. Ellis reported there was an existing residential unit on the first floor which would not fall under the special use provisions which covered second floor residential units. She stated the proposal was to handle this use through the annexation agreement. She noted the first floor residential unit would be allowed to remain but if it was ever abandoned for a period of one year then it would cease to exist.

Ms. Ellis reported the public hearing was held on the annexation, rezoning and special use for the second floor residential unit by the Plan Commission who recommended approval. She stated there were concerns regarding screening and lighting as well as a staff concern about the electronic message center sign.

Ms. Ellis reported the annexation agreement proposed to prohibit certain more intense uses. She stated used auto sales had been the historic use of the property and if the car rental place

vacated the premises the petitioner would like the opportunity to have a used car sales facility there.

Ms. Ellis reported one side of the property was I-1 and it would not out of character to allow that use to remain.

Ms. Ellis reported there were non-conformities regarding the screening and landscaping requirements along the west property line adjacent to the parking lot. She stated there was ample room to provide additional screening and the annexation agreement required that be done prior to certificate of occupancy being issued for the commercial space. Staff had concerns regarding the screening at the rear of the property where an existing chain link fence with slats was located. She noted the property owner requested this fence remain. She stated there was a drainage ditch there and the fence was almost on the property line leaving little room for additional landscaping in that area.

Ms. Ellis reported the annexation agreement requires the removal of the electronic message center portion of the sign within 30 days of annexation. She stated if that did not occur the annexation agreement allowed the Village to withhold building or occupancy permits until the condition was complied with.

Trustee Smith asked if the sign without the message center fit Village ordinance. Ms. Ellis stated she was not sure if it exceeded the height limitations. Trustee Smith stated the sign ordinance should be adhered to. He added that he felt the screening in the rear of the property should also follow Village code especially due to the residential property behind the property.

Ms. Pavlovich reported that the sign would be taken down totally. She stated screening had been discussed with staff for the south property line as well as the west property line. She added that the fence went down the middle of the parcel. She stated the south property line had vegetation. Trustee Smith stated there was a difference between vegetation and proper screening noting he wanted some screening in that area. Ms. Pavlovich stated one of the property owners on the south property line attended the Plan Commission public hearing to comment about flooding in that area and the neighbor did not want to see anything touched in that area which might cause the flooding on her property. Trustee Smith stated if retention was put in that area there would not be a flooding issue. He stated proper screening/berming was necessary with a commercial use up against a residential use noting that other businesses in town were required to put in the proper screening. He asked that the petitioner discuss this further with Ms. Ellis.

Trustee Dye stated the resident was requesting that nothing be done in that area to change the flow and did not want to see a problem occur if the area were changed.

Trustee Bowden questioned whether there should be a requirement that the Village look at engineering for this area before it is annexed. Mr. Killinger stated that their plans showed the addition of water and sewer service no disturbance of the grade. He reported the water in the area flowed okay for now but the resident did not want it disturbed. He noted the engineering plans he saw did not disturb the area.

Mayor Baldermann stated the idea of the screening was for the benefit of the residents and they were not looking for the Village to have that added. He noted that when the property back there developed then engineering would be done which would address that issue. He added the Village might not want to force something in an area where there was not a flooding issue. Mr. Killinger stated if the site was changed then the engineering needed to be done.

Trustee Smith stated he did not want to inherit a problem regarding this issue and he did not want to annex a property strictly for annexation resulting in future problems. Mayor Baldermann stated the residents currently residing there did not want the area disturbed.

Trustee Tuminello asked what was located in the rear of the property currently. Trustee Smith stated it was an open swale that was overgrown. Trustee Tuminello stated the entire property was 17,000 square feet and asked where a retention area would be located. Mr. Killinger stated he did not think the existing swale could be detained and did not know if adding detention would have anything to do with the swale. Trustee Tuminello stated that landscape in the swale would disturb the flow. Mr. Killinger stated that was what the petitioner was reporting.

Trustee Butterfield asked if the hours of operation would change with the new business. He asked if the existing resident was sure they did not want a fence at the rear to block light from the business. Ms. Ellis stated there was a fence in the back and that back area would be solely for the storage of the rental vehicles and would not be customer/resident parking. Trustee Butterfield stated he did not think a fence would disturb the swale noting the flooding was concern. He noted he was concerned about the movement of the vehicles at a rental car operation disturbing the residential area.

Ms. Pavlovich stated that the rental operation would be from 8 a.m. to 6 p.m. Monday-Friday and 8 a.m. to noon on Saturday. She noted the fenced area was gated and would be locked when the employees leave. She added dropped off cars would be in the front of the building.

Trustee Bowden asked about future uses on this property and the possibility of hours of operation changing. Ms. Ellis stated there was nothing in Village code that dictated hours other than a liquor license adding that the hours could be restricted through the annexation agreement. She stated that the screening could also be added according to a change in hours.

Trustee Butterfield commented that this was the first time there was not a request for screening from adjacent properties. Trustee Bowden stated it might be due to the fear of changing the water flow. Trustee Smith agreed with Trustee Butterfield and did not want to have problems in the future. Mayor Baldermann stated the Village did not want to force something and create a problem they would have to fix.

Ms. Pavlovich stated there was a privacy fence in the rear of the property. Trustee Bowden asked if the fence was up to the neighbor's property. Ms. Pavlovich stated that the neighboring residence was further back from the fence and was a larger lot. Trustee Smith stated the fence was about 2 feet in from the property line and covered half of the lot.

Mayor Baldermann recapped that the electronic message sign was being removed and there was a fence in the rear of the property. He asked for Board direction regarding additional screening in the rear of the property.

Trustee Smith inquired about the other signage on the building conforming to Village code. Ms. Ellis answered that they would.

Trustee Bowden requested the Board see more information from another source beside the petitioner regarding the screening issue. Mayor Baldermann requested Mr. Killinger visit the site for a determination.

Ms. Pavlovich asked if the Board would prefer a privacy fence replace the fence on the south property line sufficient. Trustee Tuminello stated he would. Trustee Smith stated he would need to know the topography of the property before making a determination suggesting that the Village Engineer make the determination on the screening issue. He added that fencing would fall under the Property Maintenance Code.

Ms. Pavlovich asked if the annexation process would be delayed due to these issues. Mr. Killinger stated he would visit the site tomorrow. Mayor Baldermann stated Mr. Killinger's findings would determine the continuation process.

Mayor Baldermann closed the public hearing at 7:49 p.m.

PUBLIC HEARING – Dormant SSA #31 – Falcon Ridge Subdivision

Mayor Baldermann opened the public hearing at 7:49 p.m. Ms. Englert provided proof of notice.

Mayor Baldermann reported that once the hearing was closed a 60-day waiting period would begin to allow for any objections to be filed. He reported after the 60-day period if there were no objections staff would bring back the ordinance for the SSA.

With no comments, he closed the public hearing at 7:50 p.m.

Request for County Special Use for Flood Plain Development – Hadley Valley Eastern Section – Ralph Schultz

Ms. Ellis reported the Village reviewed a County special use request last year for flood plain development for portions of the Spring Creek Greenway that the Forest Preserve District was constructing. She stated at the time the area south and west of I-355 was discussed and this request was for the area north and east of I-355. She reported there was a portion of the area within the Village limits so the Village Engineering Department would work with the petitioner on the documents/plans to be submitted to insure the portion constructed in the Village complied with code.

Staff recommended no objection be filed for the County special use request subject to compliance with all parts of the Will County Ordinance that pertained to compensatory storage.

Motion to approve the request for County Special Use for flood plain development for Hadley Valley Eastern Section made by Trustee Madsen and seconded by Trustee Dye. Upon voice vote, the motion carried.

PUBLIC HEARING – Arlyle Drive Street Vacation – New Lenox Community Park District and Lincoln-Way Special Education District

Mayor Baldermann opened the public hearing at 7:52 p.m. Ms. Englert provided proof of notice and swore in the petitioner.

Ms. Ellis reported the process of vacating Arlyle Drive began in 2001 noting at the time the drive bisected the property owned by the Park District and the Library and that Lincoln Way Special Education District had purchased the Library building. She stated the two parties were requesting vacation of this portion which served as the entrance to the two facilities. She added that the Village had not historically maintained or plowed this drive.

Ms. Ellis reported there was an intergovernmental agreement between the two taxing districts which governed the use and maintenance of the property. She reported that part of the agreement transferred the entire vacated right-of-way to the Park District. Staff had no objection to the vacation.

With no comments, Mayor Baldermann closed the public hearing at 7:54 p.m.

CONSENT AGENDA

Motion to approve the Consent Agenda #09-16 consisting of 2 items as presented in packet made by Trustee Madsen and seconded by Trustee Butterfield.

Items up for approval at this time are as follows:

- A - Ordinance #2052 Amending Title 106 of Municipal Code – I-1 District Special Uses – 2nd Read
- B - Letter of Credit Release – Delaney Road – Palmer Ranch Unit #6

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

ORDINANCES & RESOLUTIONS

Resolution #09-21 Authorizing Acceptance and Subsequent Conveyance of Land to the New Lenox Fire Protection District (Lot 10 Heather Glen Subdivision)

Ms. Ellis reported the annexation agreement required the contribution of the land for the sole Fire Protection District requirement. She stated the Fire Department requested the conveyance last fall. She reported the resolution would accept the donation from the developer on part of the Village and then convey it to the Fire District.

Motion to adopt Resolution #09-21 authorizing acceptance and subsequent conveyance of the land to the New Lenox Fire Protection District (Lot 10 Heather Glen Subdivision) made by Trustee Tuminello and seconded by Trustee Madsen.

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on the success of the first concert of the Triple Play Concert Series noting he and the Board received many compliments from residents. He stated that the concert series was decided upon in order to pay for all of the free concerts and movie nights in the Commons. He reported that all expectations had been achieved through ticket and alcohol sales for the first concert. He stated that none of this would have been possible without the diligence and hard work of the Village staff. He thanked Mr. Langlois of the Park District for his assistance with questions regarding running an event like the concert series. Mr. Langlois stated he enjoyed assisting adding that the concert was a first-class event that the Village should be proud of. Mayor Baldermann thanked all departments for their part in this great event. He thanked residents for their support of the community.

Trustee Bowden added that she was very pleasantly surprised to see everyone enjoying the concert. She applauded the Board for having the courage to go ahead with these new ventures.

Mayor Baldermann announced that the Heat the Hoops 3-on-3 Basketball Tournament would be June 30th for kids 11-18. He stated that Dwyane Wade of the Miami Heat and Quentin Richardson of the New York Knicks would be attending.

Mayor Baldermann reported the Board took the stand that road improvements would be done throughout town with or without a Capital Bill. He stated the Village was monitoring the movements of Springfield noting that if the legislature approved the Capital Bill it could alter New Lenox's plans for Route 30. He expressed his concern with the length of time it would take to see the improvements if the bill were passed. He reported pavement width improvements would continue to move ahead on Route 30 and throughout New Lenox.

PLAN COMMISSION CHAIRMAN

Mr. Muehlnickel reported on 6 public hearings during the month of June. He stated the County special use for Hadley Valley discussed earlier was an item on their agenda. He reported on a public hearing for annexation and rezoning for R-1 to C-3 for Morningstar Mission. He noted potential uses for the parcel were part of the Plan Commission discussion and the tie in with the improvements on West Circle Drive. He added that written comments were received as well as comments from three others regarding the development of the vacant property to the north, impact of traffic on West Circle, and the location of a former creek near the septic field.

Mr. Muehlnickel reported on the public hearing for annexation and rezoning for a residence above the commercial at 650 East Haven. He noted Commission concerns involved the electronic message sign. He reported on a public comment regarding the ditch in the rear and the request that the Village not fill in the ditch which would cause flooding. He stated another comments regarded the amount of light generated from the back of the building due to the wattage of the light bulb. Plan Commission requested striping of the parking lot and recommended approval.

Mr. Muehlnickel reported on a public hearing for the New Lenox Town Center to amend the final PUD plat to allow for a reduced front yard setback for two outlots. He stated IDOT requested additional 6-feet of right-of-way. He reported public comment regarded questions on why setbacks were set and then recommendations for reduction were discussed. Plan Commission recommended approval.

Mr. Muehlnickel reported on a public hearing for the request for a crematorium as a special use in the I-1 District. He stated there were no public comments. He noted the Commission would like to see these done under the special use due to possible environmental issues.

Mr. Muehlnickel reported the public hearing for the Creamery was postponed until July 7th so issues for the property on Nelson and Laraway could be addressed. He stated a public

hearing for a special use for a patio by Papa Joe's was also postponed until July 7th due to lack of proof of notice.

VILLAGE ATTORNEY – None

VILLAGE CLERK – None

POLICE CHIEF - None

FINANCE DIRECTOR – None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - Absent

ECONOMIC DEVELOPMENT DIRECTOR - None

VILLAGE ENGINEER

Mr. Killinger reported Prairie & Route 30 issues with IDOT were resolved. He stated the contractor would have to make some modifications on the southeast corner and the JULIE locates had been called in and should be in effect by Wednesday. Trustee Smith asked if the Village would receive a discount due to the delays and explained his reasoning. Mr. Killinger stated the contract could be looked at to determine that. Trustee Bowden asked that the Board concerns be expressed to the contractor. Mayor Baldermann stated they would be at the July 13th Board meeting if things did not change with this project.

Mr. Killinger reported the Cedar Road Improvement meeting would be Thursday, June 25 with residents. He noted a few telephone calls had come in already on this project.

PUBLIC WORKS SUPERINTENDENT - None

VILLAGE ADMINISTRATOR – None

PAYMENT OF BILLS

Motion to approve disbursements in the total of \$2,398,295.36 which included monthly payroll in the amount of \$6,535 and bi-weekly payroll in the amount of \$313,129.51 both payable on June 19, 2009, and bi-weekly payable on June 5, 2009, in the amount of \$310,339.33 and disbursements in the amount of \$362,331.00 which included bi-weekly payroll payable on May 22, 2009, in the amount of \$305,632.43 made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith extended thanks to the Village staff, Police Department, and Public Works for the work done at the Gin Blossoms concert on June 20th. He stated this was a nice community event.

Trustee Madsen

Trustee Madsen complimented the Public Works Department on their clean up efforts after the concert noting that the next day it was hard to tell a concert had happened the night before.

Trustee Bowden

Trustee Bowden reminded residents to check the Village website and Channel 6 for Fourth of July event information. She stated there would also be more movie and concert nights held in the Commons.

Trustee Bowden stated Public Works, Police Department and staff did a fantastic job. She noted she received a lot of compliments from the public on staff as well as from staff members on other staff members helping out with the event.

Mayor Baldermann stated the Village was taking care of taxpayers while still providing entertainment at little or no cost but were also making donations to six service organizations in the community. He stated the PTO and Lions Club worked hard selling tickets and pouring beer at this concert. He noted that August 15th the Lincoln Way West Music Boosters and Knights of Columbus would be working and on September 5th the Lincoln Way Central Music Boosters and Rotary Club would be working.

Trustee Butterfield

Trustee Butterfield stated that staff stayed late that night to make sure the Commons looked great the next day. He added he assisted in the Lions Club booth and thought the concert went well. He asked Mr. Sly to pass along thanks to the Public Works Department.

Trustee Butterfield reported that garbage pick-up would on its regular schedule the week before and week after Fourth of July because the holiday was on a Saturday.

Trustee Tuminello

Trustee Tuminello stated that typically when a town tried to do an event of this magnitude for the first time there was a list of what needed to be done for the second event and the checklist for this event would be next to nothing. He stated he was proud to attend this event. He congratulated the Public Works, Police Department and staff as well as all the residents for making this event successful.

Trustee Tuminello asked if the CN hauled ethanol through New Lenox. Mayor Baldermann stated he was sure they did. Trustee Tuminello commented on the news reports of a derailment with this product and the proximity of the CN tracks to New Lenox homes and schools. He added that this was the reason why the Village continued to fight and that the Village continued to pursue safety measures for these types of accidents.

Trustee Dye

Trustee Dye echoed Board comments regarding the concert.

Trustee Dye offered her sympathy to the family of Kaitlyn Haas who passed away due to brain cancer. She reported the Joliet Hospice contacted ISU to help get Kaitlyn an honorary degree before her passing.

Trustee Dye stated Mr. Brian Fischer, New Lenox Park District, acknowledged that the Park District received a financial reward. She noted that Mr. Fischer reported that Ms. Auchstetter was extremely helpful in assisting them in getting the award.

EXECUTIVE SESSION

RECESS

Motion to adjourn to Executive Session for Section 2(c)(1) the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity AND Section 2(c)(11) litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probably or imminent made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried. The meeting recessed at 8:24 p.m.

RECONVENE

All members of the corporate authorities previously in attendance before Executive Session were in attendance when the Board reconvened at 8:42 p.m. Ms. Englert was also in attendance.

Matters of Personnel

Motion to accept separation agreement with Michael O'Brien made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on June 22, 2009 adjourned at 8:44 p.m.

Bonnie Motyka, Deputy Clerk

