

**MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES**

**New Lenox Village Hall, 1 Veterans Parkway
Monday, July 27, 2009**

#09-19

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:08 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 Madsen, Butterfield, Bowden, Dye, Tuminello, and Mayor Baldermann

Absent: Trustee Smith

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, Building Administrator Warren Rendleman, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Public Safety Division Chief Dan Martin, Village Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

New Lenox Night at the Jackhammers – Lisa Kline

Ms. Lisa Kline, Suburban Bank & Trust, announced that New Lenox Night at the Jackhammers Game would be held on Sunday, August 30 at 5 p.m. at the Silver Cross Field in Joliet. She stated that this event had been very successful in raising money for local organizations over the past 7 adding that 200 tickets were sold last year. She reported that this year the New Lenox Safe Communities America Initiative would receive \$3 from every \$10 ticket purchased at Suburban Bank & Trust. She explained the benefits for businesses

and organization buying bulk tickets. She thanked the Board and the community for their past support.

Public Safety Division Chief Dan Martin stated the New Lenox Safe Communities America program was doing well holding monthly meetings with the coalition. He stated that subcommittees had been formed to address issues in the community as well as identification of shortcomings in the Village. He added that the Medication Take Back Program was a result of this initiative's work noting that 400 pounds of unwanted medication had been collected to date. He reported the New Lenox Citizen Core Council had been created as well as CERT. He explained the costs associated with the Safe Communities America Program adding that support of Jackhammer Night would benefit these programs greatly.

Trustee Dye asked where the general public could purchase tickets. Ms. Kline stated that in order to receive credit for the \$3 donation the tickets needed to be purchased at Suburban Bank & Trust.

Request for Temporary Use for Sign – Rachel Ridge – Flaherty Construction

Ms. Ellis reported the zoning ordinance allowed for temporary signs for six months with four possible renewals. She stated that after the 2.5 years were over any further temporary uses for signs had to be granted by the recommendation of Zoning Board of Appeals (ZBA) and Village Board approval.

Ms. Ellis reported that Flaherty Construction had exhausted all allowable renewals for the Rachel Ridge sign. She stated the Board previously granted a one-year extension of the temporary use. She reported this request was a further extension for 2.5 years. Staff and the ZBA suggested that to be consistent with last year's request and Board policy that the approval be for one year.

Trustee Madsen asked about the overall condition of the sign. Ms. Ellis stated she was not aware of any problems and thought the sign had been kept up.

Motion to approve the request for temporary use for sign for Rachel Ridge for a one-year extension made by Trustee Madsen and seconded by Trustee Tuminello. Upon voice vote, the motion carried with Trustee Smith recorded as ABSENT.

650 E. Haven Avenue – Ray Forrest & Leslie Pawlowski

Mr. Ray Forrest, 122 Williams Street, reported that Ms. Pawlowski was not in attendance but wanted to inform the Board that her property was an island when there was abundant rainfall. Mr. Forrest expressed concern with the light pollution currently on the site. He asked that once the property was annexed that this issue be brought up to Village code and buffering be added to address this issue. He suggested a higher privacy fence and light fixtures that shine downward be added. He asked if there would be a limit to the hours of operation in the back lot.

Mayor Baldermann stated it was specific that the business be locked in the evening. Trustee Bowden stated that this had been a Board concern. Trustee Tuminello stated that the business in the back would be closed at 6 p.m.

Trustee Bowden asked about the lights in the area currently. Mr. Forrest stated the current owner took the light bulb down. Trustee Tuminello stated part of the annexation agreement stipulated that the business had to have zero candle for the photometric upon annexation. Ms. Ellis reported that Article 6 in the agreement stated compliance with photometric requirements in the rear of the building would have to be made as well as submission of light fixture designs to be reviewed with no greater than zero candle at the property line.

CONSENT AGENDA

Motion to approve the Consent Agenda #09-19 consisting of 8 items as presented in packet made by Trustee Dye and seconded by Trustee Madsen. Trustee Tuminello requested the annexation agreement include additional language regarding cut off and zero candle for light fixtures for the rear of the building for Item A. Ms. Ellis stated that lights typically were directed to have zero candle and full cut off. She reported that lighting standards were part of the engineering specifications which were referenced through Village codes. The petitioner had no problem with this addition.

Items up for approval at this time are as follows:

- A - Ordinance #2057 Authorizing Execution of Annexation Agreement – 650 E. Haven – 2nd Read
- B - Ordinance #2058 Annexing Certain Territory – 650 E. Haven – 2nd Read
- C - Ordinance #2059 Rezoning Newly Annexed Territory – 650 E. Haven – 2nd Read
- D - Ordinance #2060 Granting Special Use for Residential Unit – 650 E. Haven – 2nd Read
- E - Minutes of Regular Meeting of July 13, 2009
- F - Request for Temporary Signs – Old Campground Flea Market
- G - Minutes of Town Hall Meeting of July 18, 2009
- H - Minutes of Regular Meeting of July 20, 2009

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Butterfield, Madsen, Bowden, Dye, Tuminello, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>4</u>	Trustee Tuminello on Item H Trustees Butterfield, Dye and Bowden on Item G
ABSENT:	<u>1</u>	Trustee Smith

The motion carried.

ORDINANCES & RESOLUTIONS

Ordinance Amending Title 18 of Municipal Code – Sidewalk Bonds – 1st Read

Mr. Rendleman reported the Board discussed this at the work session on July 20th. He stated the current code required a cash bond for outstanding sidewalk work and this amendment would allow for a developer building in their own subdivision to post the letter of credit for surety for any outstanding work.

Upon no Board comments, Mayor Baldermann stated this would return for second read at the next meeting.

Ordinance in Support of Historical Designation – 201 W. Maple Street – 1st Read

Ms. Ellis reported that the New Lenox Area Historical Society requested designation of historical landmark be considered for the 201 W. Maple Street building. She stated the ordinance would provide Village support to the Will County Historic Preservation Commission who would have the ultimate determination of whether this building would be qualified as a landmark. She reported the building began as a traditional general store noting many architectural changes over the years.

Mayor Baldermann recognized Mark and Diane Batson for the work they do for the New Lenox Area Historical Society. Upon no comment from the Board, he reported this would return for second read.

Resolution #09-22 Amending Resolution #08-28 – Work Session Format

Mayor Baldermann reported this amendment would allow action to be taken at all Board work sessions.

Motion to adopt Resolution #09-22 amending Resolution #08-28 for Work Session Format made by Trustee Bowden and seconded by Trustee Dye.

Upon roll call, the vote was:

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

The motion carried.

ABSTAIN: 0

ABSENT: 1 Trustee Smith

The motion carried.

Resolution Demanding Payment of Letter of Credit – Silver Fox Subdivision

Mr. Killinger reported the amendment to the letter of credit had been received on July 24th so no Board action on this item was necessary.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on his acceptance of a street sign from the American Cancer Society at the recent New Lenox-Relay for Life declaring New Lenox a Relay for Life-American Cancer Society community. He requested Board agreement for installation of the sign on a light pole in the Commons. The Board was in favor of this request.

Mayor Baldermann reported on the passing of Father Mike Schweifler from St. Jude Parish. He sent condolences to Father Mike's family noting he had been an inspiration to many New Lenox residents.

Mayor Baldermann commented on a recent article in the Tribune reporting on contamination from a local business who was targeted as a high priority from the EPA. He asked Mr. Sly to elaborate on this item.

Mr. Sly reported the product was a dry cleaning solvent and the site was 1 of 30 identified statewide as a high priority. He explained that this had no affect on the Village water supply which was Lake Michigan. He stated that emergency backup wells were far removed from the site and were tested routinely for similar products. He reported he was waiting for a response from the EPA for more information.

Mr. Loebe added that it was his understanding that private water supplies in town had all tested negatively regarding these agents. He noted he did receive inquiries from unincorporated residents who requested information on having their private wells tested. He stated there were not in the Village testing regime and the EPA would be asked if there was a resource for these residents. He reported that usually these ground water contamination sites were localized to the area of contamination. He stated areas in other locations had been tested in all directions from this site and the tests were clean. He added that most of the area surrounding this site was on the Village water supply. He stated the State set up a program years ago to deal with leaking underground storage tanks including, gas stations and dry cleaning establishments. He reported ground contamination was found by soil samples and one location on Route 30 was found to have had been determined as high priority. He emphasized that no water supply had been found with contaminants noting it was ground areas.

Mayor Baldermann reported on his recent meeting with area gas station managers regarding high gas prices in New Lenox. He stated he was informed by the managers that prices were a corporate decision. He added that the determination for price was made by comparing gas stations which were on the same street within a close radius. He suggested the managers inform their corporate authorities that the circle of price comparison should be expanded. He stated the Board could not dictate what the gas prices should be adding that the Board always supported New Lenox businesses but if the prices were not competitive New Lenox customers would look elsewhere for their gas.

Trustee Bowden stated that Joliet was still 20 cents less than New Lenox. Trustee Dye stated the price of gas in the United States as reported in the Herald News at \$2.49. Trustee Tuminello stated the “special blend” forced upon this area and taxes might account for some of the price. Trustee Bowden stated that within a 20 mile radius the prices should be close and New Lenox was much higher. Trustee Butterfield stated it should be within a 2 mile radius. Trustee Dye stated that several citizens expressed thanks at the Chamber Summer Expo that the Board was trying to do something about these prices. Trustee Madsen added that the Village had contract services for their vehicles through BP Amoco and alternatives to the contract should be looked into. He suggested other taxing bodies work together with these contracts. Mayor Baldermann stated this suggestion was under review currently.

VILLAGE ATTORNEY – None

VILLAGE CLERK – None

POLICE CHIEF - None

FINANCE DIRECTOR – None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR

Mr. Lowman reported on success of the Chamber of Commerce Summer Business Expo held on Saturday, July 25 at Proud American Days. He thanked Mayor Baldermann and Trustee Dye for their assistance in the Village booth. He reported there were 29 exhibitors at the event and a good cross section of the business community was in attendance. He stated the nice weather kept some of the attendance down. He added there were several hundred visitors to the Expo. He noted there were a number of comments regarding the state of the Village including the Super Walmart and Menards as well as the outlot users in New Lenox Town Center. He added that comments were also made regarding the improvements to North Cedar Road, Gougar & Haven Avenue and the McDonalds on Laraway Road.

VILLAGE ENGINEER**Acceptance of Storm Water Easement – Providence High School**

Mr. Killinger reported on Providence High School designs for an additional parking lot in their athletic field area. He stated upon review of the plans it was discovered that there was not an easement over the existing storm water facility. He requested the plat in packet prepared by Providence High School be accepted by the Board.

Trustee Dye asked if this area was one that had flooding issues when Cherry Hill had problems. Mr. Killinger stated the easement would not do anything but he was reviewing the parking lot for any problems.

Motion to accept the storm water easement from Providence High School made by Trustee Bowden and seconded by Trustee Dye.

Upon roll call, the vote was:

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

The motion carried.

PUBLIC WORKS SUPERINTENDENT**Request for Service Disconnection – Windermere West Homeowners Association**

Mr. Sly reported on a request for disconnection of service for a few maintenance meters installed in the condos in Windermere West. He stated the condo owners paid a flat fee on these meters which had not had water used through them for some time.

Motion to approve the request for service disconnection for Windermere West Homeowners Association made by Trustee Tuminello and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Dye, Bowden, Butterfield, Madsen, Tuminello, and Mayor Baldermann
NAYS:	<u>0</u>	

ABSTAIN: 0
ABSENT: 1 Trustee Smith

The motion carried.

Bid Award – Sludge Thickener Covers
Change Order – Sludge Thickener Covers

Mr. Sly reported on a bid for thickener covers for the sewer treatment plant. He explained that the cover was used on the tank to contain odors. He noted the original covers were fabricated by employees on an experimental basis and were now worn out. He reported geo-membrane covers would be used. He explained the disparity in the bid prices and asked the Board to award the bid for the original contract price of \$39,367 and then approve a change order to reduce the price by \$7,438.

Motion to award the bid to MPC Containment in the amount of \$39,367 for sludge thickener covers made by Trustee Bowden and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 6 Trustees Bowden, Madsen, Tuminello, Butterfield,
Dye, and Mayor Baldermann
NAYS: 0
ABSTAIN: 0
ABSENT: 1 Trustee Smith

The motion carried.

Motion to approve the change order in the amount of \$7,438 made by Trustee Bowden and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 6 Trustees Butterfield, Madsen, Bowden, Dye,
Tuminello, and Mayor Baldermann
NAYS: 0
ABSTAIN: 0
ABSENT: 1 Trustee Smith

The motion carried.

VILLAGE ADMINISTRATOR

Lake Water Intergovernmental Agreement

Mr. Loebe reported on the intergovernmental agreement between Tinley Park, Orland Park, New Lenox, Mokena and Oak Forest. He stated the Village of Oak Lawn was contemplating improvements to the water system which served 13 communities in the southland area. He noted many of the improvements were necessary to accommodate rehabilitation of aging infrastructure that had been used for 30+ years. He reported some improvements were identified to make up for the weaknesses in the current distribution system.

Mr. Loebe reported that the five communities comprised about 80% of the capacity of the system or the sale of the water through the Oak Lawn system. He stated the intergovernmental agreement would involve the relationship of the five communities working collectively with consultants to analyze various aspects of the Oak Lawn proposal including equity, fairness to all parties, engineering, financing, operation maintenance aspects, organizational structure and legal issues. He stated Oak Lawn was being progressive in looking at the system to determine what needed to be replaced. He noted this would allow better dependency on the system and fail-safe methods to run the system in the future. He stated the contract date with Oak Lawn should be 2011.

Mr. Loebe stated the engineering aspects would be looked at noting that Mr. Sly had been in contact with consultants. He noted legal advice may suggest an organizational structure to determine how this might best serve the entire area.

Motion to approve the Lake Water Intergovernmental Agreement made by Trustee Bowden and seconded by Trustee Butterfield.

Upon roll call, the vote was:

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

The motion carried.

Mr. Loebe reported that the Village was looking at many opportunities for grant eligibilities for a variety of items, including environmental work and energy efficiency. He stated Trustee Tuminello informed staff about LED lighting and a grant. He noted them money had not been allocated yet. He added the Village was trying to take advantage of some of these energy efficient items.

PAYMENT OF BILLS

Motion to approve disbursements in the total of \$2,118,184.48 which includes monthly payroll in the amount of \$6,535 and bi-weekly payroll in the amount of \$329,221.39 both payable on July 17, 2009, and bi-weekly payroll in the amount of \$319,183.23 payable on July 2, 2009, and disbursements in the amount of \$25,963.24 made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

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

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None**TRUSTEE COMMENTS**

Trustee Smith - Absent

Trustee Madsen

Trustee Madsen reported on his attendance at the recent Proud American Days and thanked those that attended. He stated the Special Needs Day was overwhelming and the whole event was well attended. He noted he spoke to many residents during the four day festival.

Trustee Bowden

Trustee Bowden reported that on July 29th movie night would be Madagascar 2 and on August 5th the movie would be Pink Panther. She stated that the Neverly Brothers would be performing on Sunday, August 2nd.

Trustee Butterfield

Trustee Butterfield announced that Lincoln Way West High School dedication would be Sunday, August 2nd at 1 p.m. He noted this was an exciting event adding that New Lenox would be one of the first communities in the area with two high schools.

Trustee Butterfield hoped everyone would attend the New Lenox Night at the Jackhammers on August 30th.

Trustee Tuminello - None

Trustee Dye

Trustee Dye reported on her attendance at Proud American Days noting the event was well attended.

Trustee Dye commented on the new programs being shown on Channel 6. Mayor Baldermann and Trustee Bowden agreed with the great new programming efforts from Don Winnie and his staff. Trustee Butterfield stated that footage from Proud American Days should be showing in upcoming weeks.

EXECUTIVE SESSION - None

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Madsen and seconded by Trustee Bowden. Upon voice vote, the motion carried with Trustee Smith recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on July 27, 2009 adjourned at 8:02 p.m.

Bonnie Motyka, Deputy Clerk