

**MINUTES OF THE REGULAR MEETING OF THE**  
**NEW LENOX BOARD OF TRUSTEES**  
**New Lenox Village Hall, 1 Veterans Parkway**  
**Monday, August 17, 2009**

#09-21

**CALL TO ORDER**

The regular meeting of the New Lenox Board of Trustees was called to order at 7:04 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall for the purpose of conducting a study session as per the provisions of Resolution #08-28.

**ROLL CALL**

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

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

The following were absent: Trustee Butterfield

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

**STANDING COMMITTEE REPORTS**

**General – Mayor Baldermann**

Mayor Baldermann reported on the success of the second concert of the Triple Play Concert Series with Blues Traveler stating it was well attended and was very successful. He stated the crowds were very respectful and enjoyed the evening. He thanked staff for all of the work they did to make the concert such a success. He reported there were a few tickets remaining for purchase for the Peter Frampton concert on September 5<sup>th</sup>.

Mayor Baldermann reported that September 11<sup>th</sup> there would be a softball game between the New Lenox Fire Department and New Lenox Police Department at Bentley-Tyler Fields at 7 p.m. He noted he would be the umpire of that game again this year. He stated anyone attending the game was requested to bring a canned item for donation to the New Lenox Food Pantry. He reported after the game Tom Kelly's was offering an open bar and food for \$25 with \$5 going toward the Food Pantry.

### **Finance – Trustee Butterfield**

Trustee Madsen reported the meeting was postponed to another date due to the absence of Trustee Butterfield.

### **Water & Sewer – Trustee Bowden**

Trustee Bowden reported the committee met earlier in the evening and discussed the North Cedar Road Storage. She stated the permit and loan process were still ongoing.

Trustee Bowden reported the committee discussed waste water treatment plants and the finalization of all plans.

Trustee Bowden reported Prairie Ridge utility update was discussed noting that testing was still being done.

Trustee Bowden reported that the sureties due in September were discussed.

Trustee Bowden reported on the Lake Creek Estates sewer discussion.

### **Public Safety – Trustee Smith**

Trustee Smith reported that due to his absence at the meeting Trustee Tuminello and Chief Sterba would update the Board.

Trustee Tuminello reported the New Lenox Police Department wanted to extend thanks to the Fire Department, EDSA, Public Safety Communication Center, Public Works and District #122 for their participation in the tabletop exercise last month which went towards the Village's NIMS compliance. He stated the subject of the exercise was a Category 4 Tornado hitting the Village of New Lenox and area that required work were identified. He reported Chief Sterba had information if anyone was interested.

### **Development & Land Use – Trustee Dye**

Trustee Dye reported that the committee met on August 10<sup>th</sup> and discussed impact fees including incentives for new homebuyers contemplated by Channahon.

Trustee Dye reported the first read on mobile businesses and the fence regulations should come to the Board on August 24<sup>th</sup>.

Trustee Dye reported the 50/50 Parkway Tree Program had costs estimated at \$141 per tree to residents requesting a tree to be planted in their parkway.

Trustee Dye reported the Low Impact Development Field Trip was scheduled for August 22<sup>nd</sup> at 8 a.m. where eight different sites would be visited. She stated she spoke to Trustee Smith regarding Board consideration of low impact developments and how the plantings would be done for the whole development and not just an isolated home.

Mayor Baldermann reported new construction was dealing with the hard economic times. He acknowledged the work the staff and committee did in researching ways to assist with this.

### **Streets & Drainage –Trustee Tuminello**

Trustee Tuminello reported the committee met August 10<sup>th</sup> adding that many items would be discussed later in the agenda.

Trustee Tuminello reported on a request from a developer for release of a letter of credit while some of their larger lots remained with stockpiles of soil. He noted the committee was looking into a letter of reduction that would cover such a request in the case that the soil would need to be hauled offsite.

Trustee Tuminello reported the committee discussed updates on road projects including Cedar Road which was on schedule. He stated the lights on Gougar and Haven Avenue had been turned on. He noted Mr. Killinger would update the Board on paving on Route 30 at the next meeting.

Mayor Baldermann reported Mr. Killinger worked on the pouring of concrete by Oakview School with the contractor. He noted the School District appreciated all of these efforts.

### **Public Improvements – Trustee Madsen**

Trustee Madsen reported the committee met on July 27<sup>th</sup> and discussed Property Maintenance Procedures for Vacant and Abandoned Homes within the Village. He stated Mr. Rendleman advised the committee that the Village recently subscribed to an online service that tracked faulted or foreclosed properties within the County. He added this tool would help track the status of these constantly changing properties as well as providing financial institutions information. He stated Village building inspectors used the list to do property maintenance inspections weekly. He reported the amount of vacant or abandoned homes in the Village was minimal but maintenance of the homes was necessary. He added that an ordinance for implementation for winterization of vacant or abandoned homes was being drafted.

Trustee Madsen reported the committee discussed implementing new procedures for outdoor entertainment. He stated this included tents in parking lots of establishments that served alcohol. He reported the committee felt that activities in the parking lot should coincide with the same rules as the establishment's outdoor patio requirements. He noted the committee questioned whether the Liquor Commissioner might have concern with drinking in the parking lots.

Mayor Baldermann stated that a tent could not just be installed in the parking lot and the means to address these requests was in place through the special use. Trustee Madsen stated there was a situation where a tent was denied but they opted to put a stage up for their band in the fire lane. He added there was a question as to whether there were alcoholic beverages leaving the patio to the parking lot area. Mayor Baldermann asked that Mr. Rendleman meet with him to address this situation. Trustee Madsen stated a letter would be sent to note the improper uses. Mayor Baldermann stated special use was in place so residents would not be negatively impacted by these events.

Trustee Madsen reported the committee discussed the code changes for public sidewalk bonding.

Trustee Madsen reported the committee discussed fencing installation regulations noting the amendment would require the “good” side of the fencing material to be installed to the exterior of the property. He noted the Development & Land Use Committee also discussed this item. Trustee Bowden asked if this was for commercial or residential. Ms. Ellis stated there was a provision in the landscaping regulations for commercial adjacent to residential that read that the finished side of the fence must face the residential. She noted that resident to resident fences were not addressed. Trustee Smith stated most neighbors installed fences with the finished side to their neighbor.

Trustee Madsen reported the building activity was discussed for June.

**NEW BUSINESS**

**Request for Waiver of Sign Permit Fees – Jacqueline Miller, Principal – Haines School**

Mayor Baldermann reported the request was waiver of the \$50 fee for a replacement monument sign.

Motion to approve the request for waiver of sign permit fees for Haines School made by Trustee Smith and seconded by Trustee Madsen.

Upon roll call, the vote was:

- AYE:**                    6                    Trustees Bowden, Madsen, Tuminello, Smith, Dye, and Mayor Baldermann
- NAY:**                    0
- ABSTAIN:**            0
- ABSENT:**              1                    Trustee Butterfield

The motion carried.

**Ordinance #2062 Amending Title 90 – Speed Limit for Silver Cross Boulevard – 1<sup>st</sup> Read**

Mr. Killinger reported the committee discussed the speed limit and sight distance on Silver Cross Boulevard. He reported the ordinance would reduce the speed limit from 40 mph to 35 mph.

Mr. Bob Rogina, design engineer for Silver Cross, reported the issue on this boulevard was the sight distance on the south end and the speed limit in general. He stated Silver Cross Hospital requested the speed limit be lowered to 35 mph. He stated the sight distance was affected due to the road modifications at the south end by the ComEd right-of-way and pipelines. He noted the proposal was to fill the dip and resurface Silver Cross Boulevard another 120’ south of the south line of ComEd and resurface to the rise over the pipelines. He noted at 35 mph this would bring the road into sight distance requirements of IDOT standards. He reported Silver Cross requested that second read be waived on this ordinance due to the upcoming opening of the MOB.

Mayor Baldermann reported another issue was the posting of signage for northbound traffic to alert them to the driveway entrance.

Trustee Smith asked if the request was only for the speed limit change. Mayor Baldermann reported the line of sight was being considered. Trustee Tuminello stated the Comprehensive Plan recommended this speed limit. Mr. Killinger concurred that the Comprehensive Plan determined that the speed limit on a collector street should be 25-35 mph.

Motion to waive second read made by Trustee Madsen and seconded by Trustee Tuminello. Upon voice vote, the motion carried with Trustee Butterfield recorded as ABSENT.

Motion to adopt Ordinance #2062 amending Title 90 for speed limit for Silver Cross Boulevard made by Trustee Tuminello and seconded by Trustee Bowden.

Upon roll call, the vote was:

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

The motion carried.

**Letter of Credit Reduction – Wildflower Estates**

Mr. Killinger reported the request for reduction of the surety in the amount of \$21,012.28 to an amount of \$161,094.15 had been made. He stated the actual request was for different numbers but this number was actually the number that under the ordinance was as low as the Village

could go without waiving the ordinance. He noted the developer understood the change in amount.

Motion to approve the letter of credit reduction for Wildflower Estates in the amount of \$21,012.28 made by Trustee Madsen and seconded by Trustee Dye.

Upon roll call, the vote was:

**AYE:**                    6                    Trustees Madsen, Smith, Bowden, Dye, Tuminello,  
and Mayor Baldermann

**NAY:**                    0

**ABSTAIN:**            0

**ABSENT:**            1                    Trustee Butterfield

The motion carried.

#### **Discussion of Assignment of Recapture Agreement from Lincoln-Way Partners**

Mr. Loebe reported the developer requested reassignment of the recipients of the recapture agreement executed years ago for the Calistoga Development. He stated documentation referenced in the letter in packet had been received early today and was given to counsel for review. He noted an ordinance agreement modification may need to be done unless the Board had concerns with transferring the recipients to a second or third party.

There were no comments from the Board.

#### **Laraway Road Water Main Special Service Area**

Mr. Loebe reported the results of the 60-day waiting period of the backdoor referendum issue regarding the SSA along Laraway Road were discussed with the developer and counsel. He noted there were a number of owners and thought that no electors resided on the property in question. He stated a complete title report on all of the properties had been done and the attorneys received that information last week adding the Village attorney had this information. He stated that it was hoped that information would be available at the next Board meeting for action regarding this item including a position from Village Attorney on disposition of the SSA.

Mr. Bill Bolker had no comments other than what Mr. Loebe stated.

#### **Proposal to Provide Construction Management Services – Menards**

Mr. Killinger reported he spoke to Menards this afternoon and they were still working on the sub-contractors for construction. He requested that the Board allow him to negotiate the numbers and report to Mr. Loebe or Mayor Baldermann. He stated Menards indicated the

numbers should be ready this week but he was not certain and there would be a lapse in time between Board meetings.

Trustee Dye asked if the numbers were the only outstanding item. Mr. Killinger stated this was correct. Mayor Baldermann stated the scope of the work was there. Trustee Smith stated that as long as Village costs were covered.

Motion for the Board to authorize the contract for Construction Management Services for Menards to move forward subject to approval by Mayor, Village Administrator and Village Engineer made by Trustee Smith and seconded Trustee Tuminello.

Upon roll call, the vote was:

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

The motion carried.

**Resolution #09-24 Authorizing Creation of Voluntary Severance Plan for Regular Full-Time Non-Union Employees**

Mayor Baldermann reported that during the ongoing budget process the Board looked at ways to continue to be fiscally conservative and have a balanced budget while still providing the services needed by the community. He acknowledged the hard work of the staff and the Board to make sure funds were not wasted and quality services were provided. He thanked everyone involved.

Motion to adopt Resolution #09-24 authorizing creation of voluntary severance plan for regular full-time non-union employees made by Trustee Dye and seconded by Trustee Bowden.

Upon roll call, the vote was:

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

The motion carried.

**OLD BUSINESS** – None

**COMMENTS & QUESTIONS FROM OTHER TAXING BODIES** – None

**COMMENTS & QUESTIONS FROM CIVIC GROUPS & PUBLIC** - None

**TRUSTEE COMMENTS**

**Trustee Smith**

Trustee Smith thanked everyone for another nice concert. He noted staff did a great job. He added that he hoped concert goers would pick up their garbage when they left at the next one.

**Trustee Madsen**

Trustee Madsen echoed Trustee Smith's comments noting he looked forward to Peter Frampton. He stated he paid \$80 last time he saw him in concert noting that \$45 was a great deal. He stated he was excited for next year's concerts. Mayor Baldermann stated suggestions were coming in for next year.

**Trustee Bowden**

Trustee Bowden reported the close of Performing Arts activities was coming quickly reminding the public that the last movie *BOLT* would be August 19<sup>th</sup> and the New Lenox Community Band and Lincoln Way Marching Knights would be on Sunday, August 23<sup>rd</sup>.

Trustee Bowden reported that the last Triple Play Concert would be September 5<sup>th</sup> with Peter Frampton. She stated she heard compliments on the food, music, and the concert in general. She commented on the great job of building the ticket booths by the Public Works Department and the great job done by all of the staff.

**Trustee Butterfield** - Absent

**Trustee Tuminello**

Trustee Tuminello reported the concert was a great night noting he brought his 8-year old son to his first concert. He stated he received comments from residents requesting more concerts next year.

**Trustee Dye**

Trustee Dye echoed the accolades to the Village staff regarding the concert.

Trustee Dye reported New Lenox Community Night at the Jackhammers Game would be August 30<sup>th</sup> noting tickets were still available at Suburban Bank & Trust through Lisa Kline. She noted New Lenox Safe Communities would be the beneficiary of the donations from the tickets.

**EXECUTIVE SESSION** - None

**ADJOURNMENT**

Motion to adjourn the Meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice call vote, the motion carried with Trustee Butterfield recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on August 17, 2009 was adjourned at 7:39 p.m.

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**Laura Ruhl, Deputy Clerk**