

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

**New Lenox Village Hall, 1 Veterans Parkway**

**Monday, November 16, 2009**

**#09-30**

**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, Butterfield, Bowden, Dye, and Mayor Baldermann

The following were absent: Trustee Tuminello

**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, Senior Planner Jeff Smith, Civil Engineer Will Nash, Attorney Marty Shanahan, and Deputy Clerk Bonnie Motyka.

**STANDING COMMITTEE REPORTS**

**General – Mayor Baldermann**

Mayor Baldermann thanked everyone for their well wishes for his recovery from back fusion surgery. He added he had his surgery at Silver Cross and thanked the staff for their great care while he was in the hospital.

Mayor Baldermann reported that usually he would not comment on information that was listed on an Internet blog site but the Village Hall staff had been receiving calls regarding a recent rumor. He stated that the concert artists for the 2010 season had not been chosen despite the rumor that Neil Diamond would be performing. He noted that when the artists were chosen it

would be announced to the public by the Village. He explained that the idea for the concerts came from discussions on how to have the entertainment in the Commons paid for without using taxpayer money. He noted the Triple Play Concert Series paid for all of the summer and winter events. He stated the Board wanted to keep the ticket prices affordable adding that the entertainment next year would be the same caliber talent. He explained how the entertainment was chosen.

### **Finance – Trustee Butterfield**

Trustee Butterfield reported the committee met earlier in the evening and discussed the SSA agreement between Bill Bolker and Silver Cross. He stated all parties had the information they needed and the discussion would continue.

Trustee Butterfield reported Ms. Auchstetter would discuss the 2009 Tax Levy later in the agenda.

Trustee Butterfield reported on the Lake Michigan Water discussion adding that there had been meetings with Oak Lawn regarding improvements to the system. He stated that Chicago may increase the water rates and weekly discussions would continue regarding this issue.

Trustee Butterfield reported an ordinance for utility bill responsibility for commercial and rental property would come before the Board soon. He stated the ordinance would simplify the process of payment.

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

Trustee Bowden reported the committee met earlier and discussed the sureties coming due December, January and February. She stated the areas of concern with letters of credit were discussed adding that the surety format had been rewritten as basic housekeeping.

Trustee Bowden reported that the Christmas in the Commons event would be Sunday, December 6<sup>th</sup>. She stated that entertainment would begin at 2 p.m. with Santa and live reindeer, beverages, and live entertainment. She added that the tree lighting would be at 5 p.m.

### **Public Safety – Trustee Smith**

Trustee Smith stated the committee met on October 26<sup>th</sup> noting their next meeting would be next week. He reported on the success of the Police Department Coat Drive adding that the goal was to collect 1,000 coats and the end total collected was over 2,300 coats. He explained the procedure for picking up vouchers at the Police Department for the coats being held at Morningstar. Chief Sterba stated that anyone needing a coat should come in and pick up a voucher with no questions asked or forms to fill out. Mayor Baldermann stated this was a good idea so that someone could pick up a voucher for someone that needed a coat.

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

Trustee Dye reported the committee discussed the low impact development trip. She stated the trip had not been rescheduled and members would be on their own to visit these sites. She noted that there would be more requests for this type of development as time went on.

Trustee Dye reported the committee discussed temporary advertising signs and special events for business sponsored events. She noted staff was reviewing what other communities were doing. She reported the Public Improvements Committee would further review this and Ms. Ellis would attend that meeting.

Trustee Dye reported the wind and solar energy systems were discussed and would be presented by Jeff Smith later in the agenda. She stated Mr. Smith did a great job researching this issue.

Trustee Dye reported the Laraway Road Sewer Recapture Agreement was discussed last week. She stated that a lot of billable man hours were spent by staff helping developers and people who disagreed with each other on recapture agreements. She suggested the Board consider adding a provision to future recapture agreements where a fee would be charged to cover these instances. She reported the issue Trustee Butterfield mentioned earlier had taken a lot of staff hours.

Trustee Dye reported that Kurtz had submitted an application to amend the special use granted earlier in the year. She stated Kurtz requested they be granted permission to demolish the current funeral home and construct a new facility as well as a retail building. Ms. Ellis reported the public hearing would be November 17<sup>th</sup>.

Trustee Bowden agreed with Trustee Dye's suggestion on the recapture agreements. She stated the Village was going above and beyond their services and there was an allowable time to work with people to help make things right. She added this was not the first time there was a situation that took months of work. She stated a plausible suggestion would be worth looking into.

Trustee Butterfield stated that two committees also were involved in this recent recapture issue. He added that everything seemed to happen at the eleventh hour.

Trustee Bowden stated there were times that the Village should be involved to make sure everyone was on the same page but there was a point in time when the Village did not have to be the referee.

Trustee Dye stated she would not suggest this be retroactive but for future recapture agreements. She noted that Mr. Loebe had to spend hours working on these issues as did Mayor Baldermann.

Mayor Baldermann stated that sometimes these issues occur because the Board wanted it the work to happen. He added that the outcome was not always clear and the parties come to the Board for assistance.

Trustee Bowden stated that if the Board caused the issue then the onus was on the Village. She added there were times in the past that the Village just tried to have all parties work together in the best interest of the community.

Mayor Baldermann agreed that if a tremendous amount of time was spent on an issue that it should not spent on then something needed to be done.

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

Mr. Killinger reported in Trustee Tuminello's absence stating the committee discussed the Will County Governmental League's request for projects for the Surface Transportation Program. He stated this program provided federal money to do roads. He added that staff was putting something projects together because the due date was December 4<sup>th</sup>. Mayor Baldermann added he and Mr. Loebe had a meeting with IDOT on December 1<sup>st</sup>.

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

Trustee Madsen reported the committee met October 26<sup>th</sup> adding resident, David Dubois, attended for the ongoing commercial trailer discussion. He stated the proposed ordinance created by Public Safety was reviewed. He stated photos of recreational/commercial trailers parked throughout the Village were provided by Code Enforcement. He reported that Code Enforcement sent reminder notices to 300 registered residents who owned recreational vehicles alerting them to that trailers needed to be removed from driveways by October 16<sup>th</sup>. He reported the Boat & Trailer Ordinance had many unclear areas and the committee was obtaining more information from the Secretary of State Motor Vehicle Department before a joint meeting with the Public Safety Committee.

Trustee Madsen reported the committee discussed the temporary sign request from Central Presbyterian Church. He stated that Pastor Sibson did not know that the sign code applied to banners. He noted the committee advised the Church of the code regulations. He reported this request was brought before the Board. Trustee Dye asked if the banner had been removed yet. Mr. Rendleman stated it was removed last week.

Mayor Baldermann stated there had been a lot of variances of policy trying to assist developers over the last year or so with the tough economy and suggested small business community be helped as well. He added that the small business community in New Lenox was having a hard time and suggested small infractions be discussed by the Building Department or brought to the Board. He stated the Building Department was top-notch and did what they were supposed to do. He stated he was not asking Code Enforcement to look the other way but was suggesting compassion be used with these issues.

Trustee Bowden agreed with Mayor Baldermann. She added that residents were allowed to have trailers and now had to find offsite parking for them which was costly for residents who may be having a tough time.

Trustee Smith stated the discussion of trailers and parking had been ongoing for a long time. He noted the complaint now was commercial vehicles parked in the street. He added a lot of businesses were closing and workers were bringing their work van home. He reported that this used to be a complaint driven violation and now it was Code Enforcement. He had no problem enforcing this on a complaint basis again.

Trustee Madsen stated the trailers on the street were a safety issue. Mayor Baldermann stated this was something that Code Enforcement had to taken into consideration. Trustee Dye stated that it was hard to find middle ground because the people who had trailers liked them and the ones that did not have one did not like them. She added that when a trailer was parked in the driveway and extended over the sidewalk it became a safety issue for children using the sidewalk. Trustee Smith stated tickets were issued for cars parked on the sidewalk adding that the public walk could not be blocked. Mayor Baldermann stated the trailers could not block a sidewalk or a stop sign. He added that the low, black trailers that could not be seen at night should not be parked on the street.

## **NEW BUSINESS**

### **Wind and Solar Energy Systems**

Senior Planner Jeff Smith provided a PowerPoint presentation on wind and solar energy systems. He reported staff researched wind and solar energy systems in order to draft an ordinance due to interest expressed by a developer and residents for installation of these items. He stated the Plan Commission suggested the use of a special permit for this installation.

Mr. Smith reported the advantage of wind and solar energy systems was that they were a renewable form of energy. He stated a small wind turbine could actually reduce pollution and greenhouse gas emissions over its lifetime. He added considerations needed to be given to energy efficiency options in the home or business before turning to wind or solar energy systems.

Mr. Smith reported that Illinois was in the Class 2 category which was average wind speed of 9-12 mph. He noted at least 9 mph was needed to generate power for a wind turbine. He added the speed was also based upon height. He discussed the horizontal access and the vertical access wind energy systems. He noted all applicable building permits had to be followed as well as all electrical requirements. He reported a small wind energy system of 15 kilowatts could generate a home's energy needs depending upon local wind conditions and how the system was utilized. He reported the height of the wind energy system was very important and the taller the unit the more wind power harnessed. He reported that ordinances allowed heights between 30 and 140 feet which could be restricted to the use in residential or on larger lots.

Mr. Smith reported that a minimum of one acre lots was recommended when using wind energy systems noting that a few ordinances did not specify lot size. He stated the general rule to harness the power of the wind was to have the wind turbine generator at least 30 feet above the structure (homes, trees, and other buildings) within 300-500 feet of the installation. He noted the wind energy system could be connected to the grid system allowed by federal law. He reported a few states had net metering policies where the extra electricity was sold back to the utility company and the owner given an annual/monthly credit. He added that when there were not quality wind speeds then the utility company would provide power.

Mr. Smith reported the average cost was \$30,000 but depending upon the size and kilowatt rated system the system could be between \$10,000 and \$70,000. He stated the vertical access system ranged between \$9,000 and \$15,000 and were more suited for urban areas where there was more turbulence. He noted there was a federal tax and state incentives for energy systems.

Mr. Smith reported setback distance for the turbine needed to be equal to the height of the turbine. He stated height and lot acreage in a residential zone may be restricted. He reported the County had an ordinance that specified a minimum of 5 acres. He stated the ordinance could specify a neutral color to control the appearance.

Mr. Smith reported the small wind energy systems were quiet and surrounding area noise needed to be taken into consideration as well as the sound of the wind itself. He stated a major study showed that the wind energy systems did not have a negative impact on property values and that values actually increased. He stated that studies could be required on bird and shadow flicker concerns. He stated that two sets of regulations may be needed for the horizontal and vertical systems. He reported wind turbines did not cause interference to televisions, radio or radar. He stated the wind turbine could be added to the home insurance policy.

Mr. Smith reported that the solar energy system could be used to produce energy including heating, space cooling, and water heating which could be connected to the grid system. He explained the various types of solar panels made of silicon material. He added temperature and shadowing had to be taken into consideration with efficiency of solar panels. He reported on the three mounting types of solar panels; fixed, adjustable, and tracking. He stated costs were \$10,000 and up depending upon the number of panels and type adding 10-20 panels could be used for a single-family home.

Mr. Smith reported there were maps for solar energy systems and Illinois averaged 4-4.5 hours of sunshine per day. He stated there were not many ordinances existing regarding solar energy systems. He noted they were usually classified as an accessory use and could be in all zoning districts. He added the systems had to follow building codes. He stated they had a normal rated capacity of 10 kilowatts and evidence needed to be shown if more was necessary.

Mr. Smith explained the two types of solar energy systems. He stated the free standing system was not usually allowed in the front yard and needed specified setback requirements. He added accessory structures in the Village needed to be 5 feet from the property line and not located in the right of way. He reported the second system was residential attached which was attached to the building or on the roof. He discussed options from other ordinances including height requirements, number of panels on the roof residentially, and required setbacks. He stated the appearance in all districts should be appropriate and language regarding upkeep and maintenance should be included in the ordinance. He added that wires should be underground and concealed.

Mayor Baldermann complimented Mr. Smith on his presentation.

Trustee Bowden asked about the one-acre requirement which would be unlikely in the Village. Ms. Ellis stated that this was a recommendation adding that the efficiency of using these systems would depend on the surrounding structures and the turbulence effect on the wind.

Mayor Baldermann asked about the development that was interested in these energy sources. Ms. Ellis answered the developer thought all buildings would have solar systems depending upon the exposure of the house. She added they may not all need or want wind turbines.

Trustee Bowden questioned the ability to have an alternative source of energy due to the climate in the Midwest. Mr. Smith stated the utility company would be needed.

Trustee Bowden stated the Building Department would have to have regulations on the products allowed to be used in the Village. Mr. Smith noted there were many products on the market now. Trustee Bowden asked who would determine which product would be used. Trustee Smith stated that the product used would be determined by the cost. He noted that these systems were discussed years ago during the oil embargo. He stated the Village would have to be aware of what to do with these systems once the government subsidy ran out. He added that over time solar panels turned yellow and green and could crack. He agreed that we needed to get off of fossil fuels.

Trustee Butterfield stated at present these systems would be supplemental to the current furnaces. He added there was not enough sun in the area to support this. He stated that as you head to ISU you saw a lot of the wind systems being used. He agreed that the second buyer of a home with the system may have concerns.

Trustee Bowden stated it was important for the Board to set parameters to protect the Village and others regarding the product.

Mayor Baldermann asked Mr. Smith to continue to check the other ordinances as they regarded maintenance and material.

Mr. Smith stated letters could be sent from the building administrators to owners who had abandoned systems regarding their removal. He stated the capacity factor had to be taken into consideration as well. He noted that Illinois was a Class 2 and this was the lowest class. He reported these systems would be a way to supplement and not a way to provide 100% power.

Mr. Smith asked if the Board would want these requests to come in as a special use. He stated there was an ordinance covering individual lots/business and there was an ordinance for a turbine on a vacant lot for multiple homes. Trustee Smith stated the co-op idea would need licenses and insurance. He noted the lack of wind in the area created a dilemma. Trustee Bowden stated she would like to see this as a special use. Mr. Smith noted there may be one or two cases a year and changes could be made. Trustee Butterfield asked that the acreage factor be looked at because the Village had smaller lots than one acre. Trustee Dye stated Will County required a five acre lot and residents in the Township would be bound to that. Mr. Smith stated vertical access wind systems could be used in smaller urban areas.

### **2009 Energy Conservation Code**

Mr. Rendleman reported the Village currently adopted and enforced the 2006 IECC for all commercial and residential buildings. He stated over the summer the State formally adopted the 2009 IECC for all towns within Illinois. He added the commercial portion of the energy code was already adopted and mandated. He noted the residential component was waiting for the governor to sign any day.

Mr. Rendleman reported the energy code dealt with the energy efficiency of buildings and building components. He noted there was a cost associated with this because there would be additional requirements for insulation factors and glass as well as energy efficient light fixtures. He stated this State law would have to be enforced and would add cost to developers.

Mr. Rendleman stated the ordinance would come back for first read next week. He added it would then have to be on the State website for 30 days. He noted official adoption could be done in January.

Trustee Smith asked how much of an increase there would be to residential. Mr. Rendleman stated in comparing 2006 to 2009 codes there would be mandatory foundation insulation, energy efficient light fixtures, energy efficient thermostats as well as additional testing of blower doors and duct detection testing. He reported there was a 2009 tax credit now that could be used. Trustee Smith thought this would be a 10-20% increase to which Mr. Rendleman stated he heard it would be about 15%.

Trustee Smith asked if there would have to be an increase in inspections. Mr. Rendleman stated this code helped the Building Department because each house would have to be certified by a consultant hired by the builder. Trustee Smith asked if windows were replaced if the inspection would need to be done. Mr. Rendleman stated the windows would have to meet a minimum and an inspection would not be needed unless it was a major remodel.

Trustee Bowden stated if a permit was necessary to do the work then the guidelines would have to be followed.

Mr. Shanahan reported that even a Home Rule Community could not overrule this.

Trustee Butterfield asked when this went into effect. Mr. Rendleman stated the commercial portion was already in effect and would have to be enforced. He added the ordinance would come back in January and then go into effect.

### **Tax Levy Announcement**

Ms. Auchstetter announced the 2009 tax levy. She explained that as a Home Rule Community the Village did not have to follow tax cap regulations but in order to be transparent the Village would adhere to their normal schedule as they did prior to becoming Home Rule. She reported the amount to be levied was \$2,215,509. She noted 85% of that amount was pension mandates. She reported \$155,000 was being levied for garbage which had not increased, \$40,000 for the audit fee with the remainder going to General Corporate in the amount of \$120,000. She reported the levy was \$35,000 more than the 2008 levy. She added there was a \$12 million increase in assessed value due to new growth. She stated the overall EAV would see a small \$4 million increase. She noted the general homestead exemption was increasing to \$6,000 which provided the Village with less EAV. She reported the levy increased 1.6%. She stated the limited rate on resident's tax bills in the Village of New Lenox had been requested to remain the same if not less at .2616. She reported the rate for homeowners would remain the same or lower.

Mr. Loebe reported that typically this process was not necessary for a Home Rule Community. He stated that the Board's commitment to the residents was to agree to continue to follow the property tax cap process and limit the rates. He added the rates have been kept one of the lowest in the county for years and this year should continue to be the same.

Mayor Baldermann stated it was important for the community to know that the Board was keeping their word. He noted the Board was going one step further by increasing the rebate on

the Village portion to 40% from 33%. He stated that the Board had been fiscally conservative for decades.

Trustee Bowden reported on comments she heard from residents regarding the increase in the rebate. She stated concerns were that if the Village gave back more then the other taxing bodies would have to increase. She explained that whatever the Village did for the Village portion it had nothing to do with other taxing bodies' portions.

Trustee Smith reported the Village was not cutting services due to the conservatism of the Board. He noted there were a lot of services that the County, State and Township as well as Park District provided and the Village did not duplicate these services.

Trustee Butterfield stated the increase in the EAV was from Smurfit Stone coming on the tax role. Ms. Auchstetter stated that was what she was told from the New Lenox Tax Assessor.

**OLD BUSINESS** – None

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

**COMMENTS & QUESTIONS FROM CIVIC GROUPS & PUBLIC**

Mr. Frank Palmisano, 1113 Ogden, stated that the Will County Board would be considering changes to the 40 mph speed limit on Laraway Road at their next board meeting. He stated a proposal to change the speed limit on four different sections from 40 to 50 or 45 mph was going to be considered. He suggested residents call their Board representative in District 2 (Jim Moustis, Laurie Smith or Tom Weigel) with their opinions. He was not in favor of the multiple changes and thought the whole road should be 45 mph. Mayor Baldermann stated the Village did send input that the speed limit should be the same throughout the area.

Mr. William Walter, 1022 Grandview Drive, commented on the wind and solar energy presentation. He stated that Illinois only had 254 days of sun and this would not support the solar panels. He added solar panels worked better in states like Arizona and New Mexico.

**TRUSTEE COMMENTS**

**Trustee Dye**

Trustee Dye reported that the Metra line located on Laraway Road had added a mid-day line. She stated this would help accommodate riders who requested this addition.

Trustee Dye stated Trustee Smith advised her not to read the blog sites when her mother was terminally ill. She noted she was glad that she followed his advice because it did not seem like anything changed on these sites.

**Trustee Butterfield** - None

**Trustee Tuminello** - Absent

**Trustee Bowden** - None

**Trustee Madsen** - None

**Trustee Smith** - None

**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 Tuminello recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on November 16, 2009 was adjourned at 8:25 p.m.

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Bonnie Motyka, Deputy Clerk