

**MINUTES OF THE REGULAR MEETING OF THE**  
**NEW LENOX BOARD OF TRUSTEES**  
New Lenox Village Hall, 1 Veterans Parkway  
Monday, November 23, 2009

#09-31

**CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:10 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, Bowden, Smith, Butterfield, 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, Planning & Development Administrator Robin Ellis, Village Engineer Scott Killinger, Police Chief Bob Sterba, Building Administrator Warren Rendleman, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Village Attorney Chris Spesia, Civil Engineer Will Nash, Deputy Clerk Laura Ruhl, and Deputy Clerk Bonnie Motyka.

**CITIZENS REQUESTS & SPECIAL REQUEST**

**Request for Extension of Site Plan Approval – White Castle – Craig Eilers**

Ms. Ellis reported the Village Board approved the site plan for White Castle a year ago. She explained that Village code required a building permit to be obtained within one year or the site plan would lapse and the process would have to begin again. She stated White Castle intended to submit plans in the near future but wanted the site development ready for them to begin construction. Staff had no objection to the one-year extension.

Mayor Baldermann added they would probably not need the full year extension. Ms. Ellis agreed. There were no Board questions.

Motion to approve a one year extension of site plan for White Castle made by Trustee Madsen and seconded by Trustee Smith. Upon voice vote, the motion carried.

**Request for Extension of Temporary Use for Sign – Water Chase Estates – Sean O’Malley**

Ms. Ellis reported that the petitioner used all of the allowable temporary uses that could be staff approved for the subdivision advertising sign located at the corner of Laraway and Whitehall Roads. She stated last year the Zoning Board of Appeals (ZBA) and the Board allowed an extension of the sign which would expire this month. She reported the request was for another temporary use. She added that the sign was in good condition but when the ZBA heard the request last week comments were made regarding the use of the word “future” when referring to I-355. She stated the ZBA suggested the developer mark out the word future. Staff was in favor of the one-year extension due to only half of the lots being sold and the condition of the signage.

Trustee Dye stated that the Board tried very hard to help developers and builders during these hard economic times. She added that on November 4, 2008 the ZBA requested the sign be updated. She proposed that if the sign extension was approved that the sign be updated within a week or the approval would be pulled. Trustee Smith asked when it was up for extension. Ms. Ellis reported on November 24<sup>th</sup>. He agreed that the approval should be based upon the sign being updated. Mayor Baldermann reported the update of the sign was a portion of the approval one year ago and it was not done.

Motion to approve a one year extension of temporary use for sign at Water Chase Estates subject to the update of the current sign by December 1, 2009 or removal of sign after that date if updates are not done made by Trustee Dye and seconded by Trustee Smith. Upon voice vote; all aye votes, the motion carried.

**Request to Install Storm Sewer – Spring Creek Development – John Green**

Mr. Killinger reported that MCZ recently requested permission to grade the site during their preliminary PUD plat for the Spring Creek Development which was north of Route 6 across from Silver Cross Hospital. He stated the request was granted and specific direction was that no permanent piping that would lock in the site plan could be done prior to final platting. He reported that MCZ was now requesting permission to allow installation of a storm sewer line.

Mr. John Green, MCZ Development, stated that since they were before the Board in August their issues with the Army Corps had been worked out. He stated the Plan Commission discussed their preliminary site plan and approved it. He added the first read before the Board was in August. He reported they resubmitted for the December 14<sup>th</sup> meeting and the final engineering and IEPA permit were submitted today. He stated the benefit of installing the storm sewer now would be that they had three 18” storm culverts that came under Route 6 bringing the water from the hospital site and drained to the north. He stated they would like to pick that water up and route it to the pond which was built. He noted this would be better for them than doing something temporary. He reported the storm sewer would help the water quality in the area, eliminate some of the runoff and soil erosion as well as put the

water where it was suppose to go. He stated if they waited until all of the planning and zoning was complete sometime in December it would be Christmas before they could proceed.

Trustee Smith expressed concern that approval of this request would lock in the street layout. He noted that the developer could swale this property or wait for two weeks until they were ready instead of requesting this installation. He stated he did not agree with approving this.

Mr. Green explained they encountered trouble with the resubmitted request as well as with their vendor. He added that he did not think it was in the Village or his company's best interest to stop the project at this point.

Trustee Smith asked what the recommendation of the committee was. Trustee Tuminello reported that he and Trustee Bowden met for 2.5 hours with MCZ during the week to discuss this issue. He stated that the majority of the Board thought that allowing the grading earlier was a good thing due to the number of people it would put to work in this economy. He explained the amount of water being pumped on the property from Silver Cross' property and the amount of silt that was being brought to this graded area. He added there were wetlands on the north side noting the EPA looked at the area and determined it had not yet been affected. He reported that from an engineering standpoint the correcting to be done would be to install mitigation such as the piping adding that from a planning standpoint the decision would be to wait.

Trustee Tuminello stated the committee eliminated all interior piping in any of the roads. He noted the only one the committee looked at was the one on the east side of the road. He added there was a gas pipeline on the west side of the road. He reported that the southern portion of Silver Cross Boulevard was already built and there was only one place to put the northern road so that it would line up with the southern half. He stated there was only one area for the pipe to go along the road. He added the committee did not like the request for interior flow or sewer work.

Trustee Dye asked if the reason why the committee did not want the interior work done was the same reason discussed by Trustee Smith. Trustee Tuminello stated the committee made it clear with Mr. Jason Hunt, MCZ project manager that this request would be done at the developer's own risk. He added that if IDOT or someone else required a change it would be the responsibility of the developer.

Trustee Tuminello stated the committee also wanted the surety to be in place to cover the dirt being put back in its original place as well as future pipe removal if necessary. He added that the preliminary engineering had been approved and the final engineering was being looked at. Mr. Killinger stated this pipe would be what the engineering prospective would be.

Mayor Baldermann asked for the planning prospective and the worst case scenario. Ms. Ellis reported the pipe was being shown outside of what would be the Silver Cross right-of-way. She stated this was the required landscaping area between Silver Cross Boulevard and their site. She added the concern was that if one of the lines shifted for any reason then the pipe could be in conflict with the required landscaping. She noted they would then have to move

the pipe at their expense which would be staff recommendation or request a zoning code deviation due to the existence of the pipe. Mayor Baldermann asked if the landscaping was all that would be affected by the perimeter piping. Ms. Ellis stated this was correct.

Trustee Tuminello stated the committee discussed the Village being granted easements over the storm sewers if the request was approved noting these easements would allow the Village to go onto the property if something happened. He stated the committee also wanted to make sure that proper surety was in place to cover the Village financially.

Trustee Butterfield asked if the easement granted to the Village after final build out would still be there or if it would be vacated. Ms. Ellis stated this easement would be necessary and the concern was that the easement would not be in place until the final plat was approved and that was why it was requested now.

Mayor Baldermann asked if the developer could meet the committee requirements as far as the easement, the surety, and the guarantee that any deviations the landscape caused would be at their expense if the pipe needed to be moved. Mr. Green stated he understood that this would be done at their risk.

Mr. Spesia stated the motion would need to be subject to several conditions including that the letter of credit would include coverage in case the pipe needed to be removed as well as the easement rights.

Trustee Bowden reported her concern was not the placement because the Engineering Department stated the location was where it would have been approved. She expressed concern with the Board being premature with what was being done and cautioned the Board that this was a dangerous precedent to set.

Trustee Smith reported the developer was stating he would be more than willing to move the pipe but cautioned the Board that other developers had come in with beautiful site plans that ended up with requested changes due to the cost, timing, etc. He stated the product proposed was not always what the Board ended up with. He agreed this was a dangerous precedent to set.

Mayor Baldermann stated the final plat could be approved and the developer request changes to the landscaping even if the developer proceeded in the correct order. Trustee Smith stated that this developer was not going in the right order. Mayor Baldermann asked if the order was the issue. Trustee Smith stated a pipe was being installed in the middle of a field that the Village did not own and the Village would have to maintain. He stated he was concerned about what would happen if the project stalled due to banks and financing. He said that allowing the grading was a leap of faith adding this request was going too far. He noted it was easier to install the pipe in winter months and stated he was against allowing this.

Trustee Butterfield stated he was not concerned with this request because it was only being installed a month earlier and if the motion covered all points he did not have a problem. He stated he thought it was alright to move ahead if the developer understood it was at his risk.

Trustee Tuminello stated the preliminary would be coming within a month. Ms. Ellis stated the final should be coming in February or March. He asked when the engineering would catch up with the planning so that future requests would not be made. He noted that this one line allowed the water to move from the Silver Cross property and the entire watershed from the tollway area east to west to funnel into the basin without the silt and not affect the wetlands.

Trustee Smith stated this was the second request in three months and wondered what the next step would be. He added that in these economic times there was a lot of money promised to the Village for improvements on certain roads that the Village would never see. He added this was due to the collapse of the bank and/or the company.

Trustee Dye stated if the developer was willing to give whatever dollar amount the Village needed to cover every possible scenario and that surety was in place not pending then it would give the Board a good reason to move from the precedent.

Trustee Tuminello stated the Village needed language to make sure they were covered.

Trustee Madsen stated he thought the request was environmentally sound and would like to see the project move forward as long as the Village was covered with the language in the surety.

Motion to approve the request to install one storm sewer pipe at the western edge of the property of the Spring Creek Development subject to receipt of a letter of credit with current Village language included as well as the Village having the easements over the storm sewer for access and with the understanding that if any issues arose regarding the landscaping or any other Village requirement that any cost would be incurred solely by the developer with the additional understanding that this did not lock the Village Board into approval of any plans brought forth in the preliminary plat stage and the knowledge that this was the Spring Creek Development's pipe and they would be responsible for the maintenance of said pipe as well as the understanding that the temporary release pipe from the pond would be installed and maintenance done by the developer made by Trustee Tuminello and seconded by Trustee Butterfield.

Upon roll call, the vote was:

|                 |                 |   |
|-----------------|-----------------|---|
| <b>AYES:</b>    | <b><u>5</u></b> | Trustees Dye, Butterfield, Madsen, Tuminello,<br>and Mayor Baldermann |
| <b>NAYS:</b>    | <b><u>2</u></b> | Trustees Bowden and Smith   |
| <b>ABSTAIN:</b> | <b><u>0</u></b> |   |
| <b>ABSENT:</b>  | <b><u>0</u></b> |   |

The motion carried.

## **CONSENT AGENDA**

Motion to approve the Consent Agenda #09-31 consisting of 4 items as presented in packet made by Trustee Madsen and seconded by Trustee Tuminello.

Item up for approval at this time is as follows:

- A - Minutes of Regular Meeting of November 9, 2009
- B - Letter of Credit Release – Windermere Lakes Unit 1
- C - Letter of Credit Reduction – Silver Cross Hospital
- D - Request for Temporary Signs – Kids & Company Pre-School

Upon roll call, the vote was:

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

The motion carried.

## **ORDINANCES & RESOLUTIONS**

### **Ordinance Amending Special Use – Kurtz Memorial Chapel – 1<sup>st</sup> Read**

Ms. Ellis reported the Board approved the rezoning of several parcels in June including the Kurtz Funeral Home on Cedar and Francis Roads. She stated the Board also granted special uses for an addition to the existing funeral home and the upper floor residence above the funeral home and the former ambulance garage. She reported the plan proposed to keep the resale shop and demolish the real estate office on Cedar Road as well as an existing residence rezoned as part of the project.

Ms. Ellis reported the petitioner found the project to be cost prohibitive when proceeding with building permits for the remodeling of the existing facility. She stated the petitioner was requesting an amended special use to demolish the existing funeral home and construct a new building with an attached caretaker residence.

Ms. Ellis showed the new site plan with the funeral home located in the center of the property with the detention located closer to the corner at Cedar Road. She stated they proposed a 4,000 square foot commercial building on the east side of the site which would house a florist and the real estate office and real estate shop that would be relocated as a portion of the demolition.

Ms. Ellis reported the petitioner requested that the existing facility remain open as the construction of the new site was done. She stated they would work with the Building Department as well as the Fire Department to ensure the site was safe and had adequate parking and fire access available. She stated a new landscape plan had been proposed. She reported a variance for a reduced buffer setback along the south property line was approved in June and this would not change.

Ms. Ellis reported staff had no objections to the design or the materials being proposed for the building. She stated the retail building on the eastern portion of the site would be similar in design and materials.

Ms. Ellis reported the Plan Commission held a public hearing on the amended special uses last week where a few residents from Francis Road expressed concerns with the proposed uses for the retail building next to and across from their homes. She noted the petitioner agreed to limit the uses of the buildings to C-1 neighborhood commercial uses. She added there would be no drive-thru or bars in this building.

Ms. Ellis reported that before a certificate of occupancy would be issued for the new building all site improvements on the plan would have to be in place including the detention and the parking lots. She stated the C-1 limitations would also be included. She stated the lighting on the entire site would be turned off no later than 10 p.m. daily to protect the residents.

Ms. Ellis reported the gazebo around the detention pond was still proposed. She stated the monument sign at the corner of Cedar and Francis would be removed. She added two smaller monument signs would be placed at each entrance; one on Cedar and one on Francis. She reported that engineering was still reviewing the storm water requirements.

Mayor Baldermann asked if the 10 staff recommendations made received any objections from the petitioner. Ms. Ellis stated there were no objections.

Mr. Dick Kavanagh stated they would like to proceed as quickly as possible. He noted he spoke to Mr. Rendleman regarding the demolition permits for the two existing houses on the northeast portion of the property.

Trustee Smith stated he hated to see the old building removed but understood why. Mr. Kavanagh stated the petitioner hated to see it removed as well. He added that after the requirements for a sprinkler system and an elevator it was determined that the cost of a new building was less than adding the addition to the old one. Trustee Smith stated there would be a lot of dirt moved and whole corner would be changed. He asked where the water would be held during the construction because the retention pond would be where the existing building was now. Mr. Kavanagh stated they were looking at the northeast corner for temporary detention.

Trustee Bowden asked if sidewalks would be considered around the corner. Mr. Kavanagh stated there would be sidewalks installed on Cedar Road and Francis Road.

Trustee Butterfield asked if the fencing behind the building on the south side changed. Mr. Kavanagh stated on the east side there was an existing neighbor's fence adding that the Kurtz fence was 12 feet off the property line where staff wanted it. He noted there would be two fences with landscaping on the east side of the Kurtz fence. Mr. Kavanagh stated they were granted a variance for the south side and he would be sending an extension letter to have that variance remain in place.

Trustee Tuminello stated he agreed it was sad to see the old building go but the proposed new building was beautiful.

Trustee Madsen stated this would be a great improvement for the corner of Cedar and Francis.

Trustee Dye asked how old the existing building was. Mr. Kavanagh stated the base building was built in the 1870s. Trustee Dye stated the new building would be stronger and more energy efficient. Mr. Kavanagh stated this would have been the fourth addition to the building agreeing the building would be more efficient.

Mayor Baldermann stated that the Kurtz family had been dedicated to the community for many years and the Board was glad to see them remain in town providing this important service.

Trustee Dye asked when they thought the building would be finished. Kurtz representative estimated the work would take about a year.

Mayor Baldermann asked if there would be any traffic issues at this corner with the construction. Trustee Smith stated that once the dirt was moved it would be a nicer corner because the line of sight would improve.

### **Ordinance Amending Recapture Agreement – Heather Glen Sewer – 1<sup>st</sup> Read**

Ms. Ellis reported in 2005 a consortium of developers extended the sanitary sewer along Laraway Road from the Laraway Ridge Subdivision to the intersection of Schoolhouse and Laraway Road. She reported in 2006 in conjunction with the Heather Glen single-family residential development the developer of Heather Glen further extended the sewer along Laraway Road approximately 1,450 feet. She noted at that time the Board entered into a recapture agreement with the developer to allow him to recoup the cost of the improvements from other properties further to the east.

Ms. Ellis reported the recapture agreement of 2006 included all 160 acres of the Sky Harbor development. She stated the residential portion was served by a sanitary sewer extension that was done along Schoolhouse Road. She noted when the Village became aware of the discrepancy they worked on getting the formula resolved to exclude the residential portions of Sky Harbor so the recapture would be based solely on the commercial.

Ms. Ellis reported the Village was contacted by a few of the benefiting property owners about 5 months ago regarding a meeting to discuss this issue. She stated since that time she

became aware of another meeting that the Village was not involved in which involved all of the benefiting property owners to try to determine a conclusion so the issue could be brought to the Board with everyone's endorsement.

Ms. Ellis reported the big concern was with the Village formula. She explained that when sewer and water extensions were done in the past, including the sanitary sewer that extended west of Schoolhouse Road, staff looked at the ratio of frontage and of acreage. She stated in this case the frontage of the line was assessed solely to Parcel 4 because the property on the north side (Jewel commercial site) was served by a sanitary sewer line which was extended on the north side of Laraway Road. She noted the issue with one property owner was whether it should be based solely upon acreage. She reported that the extension to the west used the same formula of acreage and frontage and there were instances where one parcel was assessed more than another due to being located across the street from an already developed parcel. She stated if the Village had allowed the residential portion of Heather Glen to further extend the sanitary sewer on the north side of the road to serve the residential portions the other benefiting parcels would have had to fully finance this in the future when their parcels developed. She noted by going through the recapture Heather Glen would pick up a portion of that which would have been paid for by the others.

Ms. Ellis stated the amendment changed the formula to exclude the residential portions of Sky Harbor and clarified a dollar value based upon the percentages because final project costs were available. She added the developer was willing to waive the interest for any parcels which paid within 30 days of Board approval. She noted the interest started to accrue back in September 2008.

Trustee Butterfield asked if the interest clause was standard. Ms. Ellis stated the developer was willing to grant this as part of the agreement. She noted other developers had offered deals in the past to get their money sooner and this was not unusual.

Mr. Charles Crescenzo, Sky Harbor developer, addressed the Board regarding meetings he attended on this issue. He stated the Jewel was served off of the Schoolhouse line and Simon Beemsterboer asked him to move the line from the north side to his side. He noted that he agreed and was told there would not be a cost. He stated he was now expected to pay for a majority of the line which was contrary to what was agreed upon. He stated Parcel 4 could have been served by the Schoolhouse line and they discussed this at their meetings. He stated that size of the line serving Parcel 1 was discussed. He stated Tom Canna came to the meetings in lieu of Mr. Beemsterboer. He noted Terry Ruettiger was in attendance at these meetings.

Mayor Baldermann asked if the issues discussed at the meetings to grant the easement were in writing. Mr. Crescenzo stated they were not. He added that most of the parcels could have been served off another line at a much lesser cost but a larger cost to Mr. Beemsterboer.

Trustee Tuminello asked if Parcel 4 could have been served off of Schoolhouse. Mr. Killinger answered that the main Laraway Road trunk sewer stopped at Schoolhouse and Laraway Road. He added the intent was for that line to go west along the frontage of Parcel 4. He stated the Jewel was approved in February 2006 and they needed a sewer and tried to

get an easement to put the Laraway Road trunk sewer on the south side. He added no agreement with any of the parties could be done so Jewel went ahead and built a line to service their project. He stated Heather Glen residential ended up connecting (Parcel 2 & 3) where the master plan showed it.

Mr. Tom Canna stated Mr. Loebe and Ms. Ellis attended a meeting with Alan Beemsterboer. He stated the original engineering planned for all of the sewer systems was for them to be handled on the north side. He noted there was a line that ran on the north side from where Parcel 1 started and went to a dead end. He stated it was to serve the entire subdivision. He added the south side service was not necessary and the Village asked his client to put it in which they did. He stated an easement was needed on the south side and Mr. Crescenzo was contacted for the easement. He noted there was never a discussion about recapture or a waiver of recapture. He stated the amendment today was in regard to removal of a property and the net effect had nothing to do with the frontage issue discussed by Mr. Crescenzo. He noted this amendment would cost his client a great deal. He stated his client would have been entitled to interest from September 2008 which he would waive losing over a year's worth of interest.

Trustee Smith asked if the Village received payment for staff attending these meetings. Ms. Ellis stated the Village did not. She added that Trustee Dye discussed this at the last meeting and new recapture agreement formats drafted a year ago included the Village retaining a percentage of the recapture agreement. Trustee Smith stated he thought that if there were changes to a recapture in the future they should pay because the Village was getting involved in arguments that they should not be involved in. Trustee Dye stated there were instances where the Village was a part of the issue and that would have to be isolated. Mayor Baldermann agreed stating this would have to be addressed case by case. He noted that in this instance the Village did ask the developer to do something to benefit the Village. He stated that part of staff's job was to navigate these issues and it would have to be determined when these issues took advantage of staff's time.

Trustee Tuminello questioned Exhibit D and asked if this was what it would go to if approved. Ms. Ellis stated that was correct. He asked if he could get a copy of what was currently in place.

Trustee Smith stated the Board could have the option to waive the fee these items if they chose.

Mr. Loebe stated recapture agreements were always being tweaked. He noted some communities determined a fee or percentage so they were covered. He added if a recapture was challenged it would have to be covered.

Mayor Baldermann stated the Village found themselves on the other end with intergovernmental agreements where they requested a change. He noted things happen and due to the economy there was an increase in their amendments.

Trustee Dye asked if the Board had all pieces of paper from meetings so they could understand the communication. She noted that if it was verbal or a handshake the Board

probably could not help them. Mayor Baldermann stated the Board dealt with what was in writing and what the Village Attorney told them they were obligated to do. Ms. Ellis reported she and the Village Attorney looked at the easement and there was no provision of the easement that was granted which indicated there was no recapture.

The Board was in favor of bringing this back for second read as is.

Trustee Madsen asked about the interest language. Mayor Baldermann stated this was something the developer had agreed to. Mr. Canna stated anyone who paid the recapture was covered.

### **Resolution #09-34 Demanding Payment on Surety – Crystal Cove Unit 1**

Mr. Killinger reported the letter of credit was coming due on December 1<sup>st</sup>. He noted the amendment was received on Friday, November 20<sup>th</sup> so there was no need for the Board to take action on this item.

### **Ordinance Amending Article XVII of Chapter 18 of Municipal Code – International Energy Conservation Code – 1<sup>st</sup> Read**

Mr. Rendleman reported this ordinance would adopt the 2009 International Energy Conservation Code (IECC). He stated the State mandated that this code be enforced and changes could not be made to the code. He added that amendments could be more or less stringent. He reported State law had been inserted for things that would apply in the exemption and would not be required to meet the IECC. He stated this would have to be on the State website for 30 days before second read and adoption.

There were no Board comments.

## **REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

### **MAYOR**

Mayor Baldermann reported that the 2010 Town Hall Meetings would be: January 16 for the section of town east of Cedar and south of Route 30; April 17 for the section of town west of Cedar and north of Haven; July 17 for the section of town east of Cedar and north of Route 30; and, and October 16 for the section of town west of Cedar Road and south of Haven. He stated the meetings would be in the Community Room at 10:30 a.m.

Mayor Baldermann reported that the Christmas in the Commons event would be December 6<sup>th</sup> from 2 p.m. to 5 p.m. He complimented the Performing Arts Committee for arranging this event with Santa and reindeer. He noted 25 children's organizations would be decorating the trees. Trustee Bowden stated that the Girl Scouts would be collecting mittens and gloves at the event.

### **VILLAGE ATTORNEY** – None

**VILLAGE CLERK** - Absent

**POLICE CHIEF** - None

**FINANCE DIRECTOR** – Absent

**PLANNING & DEVELOPMENT ADMINISTRATOR** - None

**BUILDING & ZONING ADMINISTRATOR** - None

**ECONOMIC DEVELOPMENT DIRECTOR** - None

**VILLAGE ENGINEER**

Mr. Killinger updated the Board on the improvements to Cedar Road. He stated the contractor had removed the curb at Fir Street where a bump had been noticed. He noted the drainage structure was raised and the curb reinstalled. He stated the contractor would repave the area later in the week. Trustee Madsen commented on a few dips in the roadway.

Mayor Baldermann stated he had heard many comments regarding how nice Cedar Road was now. He asked that the Police Department monitor the area until people get used to the turn lanes. Trustee Madsen stated the radar had been in that area recently.

**PUBLIC WORKS SUPERINTENDENT**

**Bid Award – Sewer Replacement – Southgate, Stonegate & Northgate**

Mr. Sly reported that there were 14 bids for sewer replacement project on Southgate, Stonegate and Northgate. He stated there was a problem with the low bidder because of missed items and an error in their bid bond. He added Trustee Smith suggested the contractor send a letter asking to be relieved from the bid.

Mr. Sly reported the second low bidder had been checked out and recommended awarding the bid to Knowles Construction in the amount of \$95,000.

Trustee Madsen asked where Knowles Construction was located. Mr. Sly stated they were a New Lenox company.

Motion to award the bid for sewer replacement for Southgate, Stonegate and Northgate to Knowles Construction in the amount of \$95,000 made by Trustee Madsen and seconded by Trustee Smith.

Upon roll call, the vote was:

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

**NAYS:**                0

**ABSTAIN:**           0

**ABSENT:**            0

The motion carried.

**VILLAGE ADMINISTRATOR** – None

**PAYMENT OF BILLS**

Motion to approve disbursements in the total of \$2,215,398.13 which includes monthly payroll in the amount of \$6,035 and bi-weekly payroll in the amount of \$337,221.33 both payable on November 6, 2009, and a bi-weekly payroll in the amount of \$334,811.24 payable on November 20, 2009 made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

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

**NAYS:**                0

**ABSTAIN:**           0

**ABSENT:**            0

The motion carried.

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

**TRUSTEE COMMENTS**

**Trustee Dye**

Trustee Dye wished everyone a Happy Thanksgiving. She stated that she hoped everyone would shop local first when doing holiday shopping.

Mayor Baldermann stated there was some extra radio promotion from the Triple Play Concert Series . He noted there were 50 60-second commercials and he worked with a deal with the radio station to do 100 30-second commercials. He added that the on-air piece promoted shopping in New Lenox as well as some other items such as the tax rebate. He stated the air dates were December 7<sup>th</sup> through December 20<sup>th</sup>.

**Trustee Tuminello**

Trustee Tuminello thanked everyone for their well wishes for personal incident. He stated his experience with Silver Cross/Children's Memorial services was great adding he was glad they were going to be in the community.

Trustee Tuminello wished everyone a Happy Thanksgiving.

**Trustee Butterfield**

Trustee Butterfield asked about the coat drive. Chief Sterba stated the coat drive had ended and collected around 2,400 coats. He explained that vouchers for the coats could be picked up at the Police Department.

Trustee Butterfield wished everyone a Happy Thanksgiving.

**Trustee Bowden**

Trustee Bowden reported the Performing Arts Committee met for their first meeting since last season. She stated Kathy Hilton would be joining the group as a new member. She added the movie nights and concert series were discussed. She stated she told the committee that Mayor Baldermann would be handling the concert series again for the new season. She noted the committee discussed the Saturday and Sunday night concerts. She suggested that residents send email to the Village Hall with suggestions for consideration of movies or Saturday/Sunday concerts.

**Trustee Madsen**

Trustee Madsen wished everyone a Happy Thanksgiving and asked residents to be careful using the deep fryers for their turkey dinners. He also reminded everyone to be careful during the holidays especially with hanging holiday lights on the house.

**Trustee Smith**

Trustee Smith wished everyone a Happy Thanksgiving.

**EXECUTIVE SESSION** - None**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Madsen. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on November 23, 2009 adjourned at 8:29 p.m.