

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

**New Lenox Village Hall  
1 Veterans Parkway, New Lenox, Illinois  
Monday, October 24, 2011**

**#11-26**

**CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

**ROLL CALL**

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

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

Absent: Trustees Butterfield and Dye.

**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 Kurt Carroll, Finance Director Kim Auchstetter, Village Clerk Laura Ruhl, Planning & Development Director Robin Ellis, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Village Engineer Will Nash, Economic Development Director Nancy Hoehn, Assistant to the Administrator Carol Hennessy and Attorney Martin Shanahan

**CONSENT AGENDA**

Motion to approve 7 items A, B, C, D, E, F, and G on Consent Agenda #11-26 as presented in packet was made by Trustee Tuminello and seconded by Trustee Smith

Items up for approval:

- A - An Ordinance #2209 Granting Special Use for Final P.U.D. Plat – Century Oaks Subdivision – 2<sup>nd</sup> Read
- B - Setting of Surety – Century Oaks Subdivision
- C - An Ordinance #2210 Amending Chapter 90, Traffic and Vehicles, Article IX,

- Vehicle Seizure and Impoundment – 2<sup>nd</sup> Read.
- D - An Ordinance #2211 Authorizing Execution of Annexation Agreement  
Shepherd Parcels / 1109 East Haven Avenue – 2<sup>nd</sup> Read
- E - An Ordinance #2212 Annexing Certain Territory – Shepherd Parcels / 1109  
East Haven Avenue – 2<sup>nd</sup> Read
- F - An Ordinance #2213 Rezoning Newly Annexed Territory – Shepherd Parcels  
/ 1109 East Haven Avenue – 2<sup>nd</sup> Read
- G - Lease Purchase – 2 Vehicles

Upon roll call, the vote was:

**AYES:**                    5                    Trustees Madsen, Dye, Bowden, Smith,  
Tuminello and Mayor Baldermann

**ABSTAIN:**              0

**NAYS:**                    0

**ABSENT:**                2                    Trustees Butterfield and Dye

The motion carried.

**ORDER OF BUSINESS**

**Presentation of GFOA CAFR Award**

Mayor Baldermann announced that the Village once again was the recipient of the GFOA CAFR award. This is the 28<sup>th</sup> year that the Village has received this award. Many thanks go to Kim Auchstetter and her team for their excellence efforts in preparing the annual audit and for the 12 months of hard work leading up to the audit. Ms. Auchstetter explained what the CAFR award entails. It is the compilation of a great deal of different information from every department. The award is not something that we take for granted.

**Audit Presentation – McGladrey & Pullen FY 2011 – Tara Leja**

Ms. Auchstetter introduced Tara Leja, from McGladrey & Pullen. Ms Leja stated that the main report coming out of the Comprehensive Annual Financial Report is that they have nothing substantial to report, which is very rare among municipalities. In other words, the Village’s financial reporting and practices are sound. The CAFR will be submitted to the GFOA for its annual award. Ms. Leja briefly highlighted the various components of the CAFR. The transmittal letter details the various capital projects in the Village and speaks about the debt to finance these projects.

Ms. Leja reported that McGladrey & Pullen have no issues with the Village and gave the Village an unqualified opinion. Ms. Leja continued with the explanation of the various fund balances. Currently, the Village has a three month fund balance in its general fund, which is on par with many of the surrounding communities. She briefly discussed the fund balances in the Village's enterprise funds. These included the Commuter Parking Lot Fund, the Water Fund and the Sewer Fund. Ms. Leja reported that the Village's Police Pension Fund had a fund balance of \$11.6 million. Ms. Leja wrapped up her report with a brief overview of the statistical section of the CAFR. This sets the Village apart from many other communities and enables the Village to receive the CAFR Award.

Mayor Baldermann stated that the CAFR shows to the community that the Village is in good fiscal shape.

**Consideration of a Request for Site Plan Approval – Parkview Orthopedic – Rod Tonelli**

Ms. Ellis stated this is a request to approve a site plan for a new medical office building to be constructed on Lot 1 of the Century Oak Subdivision that was approved earlier in the evening. The proposed landscaping and parking plan are in compliance with our code. The proposed wall sign will be placed on the north wall of the building facing Cedar Crossing Drive. A monument sign will be placed near the southwest corner of Cedar Crossings Drive. Although the site plan included in the packet depicts a future expansion area, this is not being approved as part of this site plan at this time.

The petitioner did not have anything to add at this time.

Motion to approve the request was made by Trustee Tuminello and seconded by Trustee Smith

Upon roll call, the vote was:

**AYES:**                    **5**                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                    **0**

**ABSENT:**                **2**                    Trustees Butterfield and Dye

The motion carried.

**Setting of Surety – Parkview Orthopedic**

Mr. Nash recommended that the surety amount for the required public improvements to be installed in conjunction with Parkview Orthopedic site plan be set at \$73,754.56 with an expiration date of October 24, 2013.

Motion to approve the surety as presented was made by Trustee Madsen and seconded by Trustee Bowden.

Upon roll call, the vote was:

**AYES:**                    5                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                2                    Trustees Butterfield and Dye

The motion carried.

**Consideration of a Request for County Rezoning and Preliminary Plat – Hickory Creek Manor**

Ms. Ellis reported that the petitioner is requesting approval of a three lot residential subdivision in the county. All three proposed lots are over the one acre minimum lot size. Staff recommends that the Village not file a legal objection subject to the following conditions: Compliance with applicable County Zoning and Subdivision regulations, Adherence to New Lenox Township requirements, if any, for improvements to Vine Street, County consideration of a prohibition against the cutting and removal of existing trees and vegetation in the designate floodplain easement area, and County consideration of a requirement for the developer to submit a tree survey and establish subsequent tree preservation guidelines for existing mature trees in good condition that are located on the buildable lot areas to contain future single-family residences. The Plan Commission concurred with the recommendation.

Motion to approve the request to not file a legal objection for the aforementioned rezoning and to not object to the County preliminary plat, subject to the four conditions discussed by Staff, was made by Trustee Smith and seconded by Trustee Madsen.

Upon roll call, the vote was:

**AYES:**                    5                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                2                Trustees Butterfield and Dye

The motion carried.

**Consideration of an Ordinance Creating Class B1 Liquor License – RDK Ventures dba Circle K – 1<sup>st</sup> Read**

Mayor Baldermann reported that RDK Ventures is taking over the Jewel Fuel Express located at 471 N. Nelson Road. The petitioner went through the necessary background check process. This type of ordinance is one of those included as exceptions to the second read policy by Resolution #05-13.

Motion to approve the ordinance was made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

**AYES:**                5                Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                0

**ABSENT:**                2                Trustees Butterfield and Dye

The motion carried.

**Consideration of Temporary Sign – American Legion Post #1977**

Mr. Rendleman reported on the request from the American Legion for a temporary sign to be displayed for the next 12 months. The sign is 4' x 6' and will consist of changeable letters. The American Legion is having a fund raiser for the improvement to their permanent sign but they have not reached their funding goal yet. They are requesting the temporary sign to promote and advertise their new banquet facilities.

Motion to approve the request for a temporary sign was made by Trustee Smith and seconded by Trustee Madsen.

Upon roll call, the vote was:

**AYES:**                5                Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                0

**ABSENT:**                2                    Trustees Butterfield and Dye

The motion carried.

**Consideration of a Request for Waiver of Annexation Review and Special Use Review Fees - Trinity Services**

Ms Ellis reported that the request from Trinity Services is to waive the annexation review fees and the special use review fees. Trinity Services has submitted applications for the annexation and special use to bring an existing large residential group home, located at 225 W. Wood Street, into the Village so that they can connect to Village utilities. The annexation review fee is \$700.00, the annexation agreement review fee is \$250.00, and the special use application review fee is \$500.00. The Board has waived the Village in-house review fees for other taxing districts, churches, and non-profit organizations in the past.

Motion to approve the request for waiver of the in-house review fees was made by Trustee Bowden and seconded by Trustee Tuminello.

Upon roll call, the vote was:

**AYES:**                5                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                0

**ABSENT:**                2                    Trustees Butterfield and Dye

The motion carried.

**Consideration of an Award of Contract for Snow Removal – Commuter Lot**

Mr. Carroll reported that there were eleven bidders for the snow removal contract. The lowest cumulative bid based upon two years of average occurrences was received from Beverly Snow and Ice, Inc. The Village reviewed the low bidder, and we have received favorable reports about this business.

Motion to approve the award of contract to Beverly Snow and Ice, Inc. was made by Trustee Bowden and seconded by Trustee Smith.

Trustee Madsen stated that as an employee of Metra, he would be abstaining from the vote.

Upon roll call, the vote was:

**AYES:**                5                Trustees Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                0

**ABSTAIN:**           1                Trustee Madsen

**ABSENT:**            2                Trustees Butterfield and Dye

The motion carried.

**Consideration of an Award of Contract for Water Transmission Main – Cedar Crossings**

Mr. Nash reported that the Village received 14 bids for this project. The low bid was received from Steve Spiess Construction, Inc. in the amount of \$975,169.70, approximately \$300,000 below the engineer’s estimate. Trustee Smith questioned staff about potential extras. Staff does not foresee any extras.

Motion to approve the ordinance was made by Trustee Bowden and seconded by Trustee Smith

Upon roll call, the vote was:

**AYES:**                5                Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                0

**ABSENT:**            2                Trustees Butterfield and Dye

The motion carried.

**Consideration of Ordinance Amending Chapter 2, Article III, Division 2, Duties of the Village President, of the Municipal Code of the Village of New Lenox, Will County, Illinois – 1<sup>st</sup> Read**

Mayor Baldermann provided the background for this request. He was asked to officiate at a Village employee’s upcoming wedding. The new roll will allow the Mayor to solemnize a marriage and certify a civil union. There is no compensation for this extra duty. Since the wedding is scheduled for the beginning of November, the Mayor is requesting that the Board waive the second read of the ordinance and approve the ordinance this evening.

Motion to waive the second read of the ordinance was made by Trustee Madsen and seconded by Trustee Bowden. Upon voice vote, the motion was passed.

Motion to approve the ordinance was made by Trustee Madsen and seconded by Trustee Smith

Upon roll call, the vote was:

**AYES:**                    5                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                2                    Trustees Butterfield and Dye

The motion carried.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**MAYOR**

Mayor Baldermann reported that he is pleased to announce that on January 14<sup>th</sup> at Lincoln-Way West High School the Village will be hosting the Jim Peterik & World Stage. This is a fundraiser for the Lincoln-Way Foundation. The band includes the lead singers from Triumph, Survivor, Night Ranger and Loverboy. Mayor Baldermann reported that he will be bringing the contracts before the Board at the first meeting in November.

Mayor Baldermann also commented on the pending increases to what the Village pays Chicago for Lake Michigan water. There are currently 147 communities that receive their water from Lake Michigan. The proposed increases are quite substantial. The rate would increase from \$2.01 to \$3.87 over the course of a couple of years. Our concern is to make sure that we are only paying Chicago for the impact that we have on their system. We need to call for an accurate accounting of the new revenues and the expenditures for the infrastructure improvements. Mayor Baldermann added that this is also a good time to review how we bill our residents for the water that they use.

**VILLAGE ATTORNEY**

None

**VILLAGE ADMINISTRATOR**

**Property Tax Rebate – Kim Auchstetter**

Ms. Auchstetter reported that the Village is preparing for the second year of the property tax rebate program. The applications are ready to be mailed this week. This year's application is green in color. The deadline for completing the property tax rebate application and sending it back to Village Hall is December 15<sup>th</sup>. The application process has been simplified this year. All the Village requires is a copy of the property tax bill and a copy of the applicant's driver's license. To be eligible for the property tax rebate program you must live in an owner occupied home and be up-to-date on all tax bills and other bills to the Village. The rebate checks will be mailed to the residents on March 5, 2012. Extra applications will be available in the Village Hall and on our website.

Mayor Baldermann reiterated that December 15<sup>th</sup> is the firm deadline for getting the applications back into Village Hall. The Village mailed over 6,000 rebate checks last year, and we need that time to complete the work of preparing the rebate checks.

Mayor Baldermann added that the Village's goal was to ultimately rebate 100% of the Village's portion of the property tax bill. The pledge was to rebate 33% the first year, however the Village was able to rebate 40% the first year. This year, we can rebate 50% back instead of the 40% that was rebated last year.

Trustee Bowden stated that for our residents' convenience, that can drop off the completed applications at the Village Hall or in the drop box. We ask that you use the green envelope that was included in the mailer.

Mayor Baldermann stated that to be eligible for the rebate program, the resident needs to have lived in the home the entire year. He also added that the printed forms say 40%, but the residents will be getting back 50% of the property tax paid to the Village.

Trustee Tuminello explained why the Village rebates the property taxes instead of lowering the tax rate. The tax rate is applied across the board on commercial, industrial and rental properties as well as on owner occupied homes.

**PAYROLL & DISBURSEMENTS**

Motion to disbursement in the amount of \$881,952.48 with a bi-weekly payroll in the amount of \$294,063.71 was made by Trustee Madsen and seconded by Trustee Tuminello.

Upon roll call, the vote was:

**AYES:**                    **5**                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                    **0**

**ABSENT:**                **2**                    Trustees Butterfield and Dye

The motion carried

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

**TRUSTEE COMMENTS**

**Trustee Tuminello**

Trustee Tuminello stated that he was exited about the new electric aggregation program. He calculated that he saved \$28.00 this month under the new electric aggregation program and estimates other residents seeing similar savings.

Trustee Tuminello thanked all the participants in Sunday’s Old Plank Trail Community Bank 5K run. There was a great turn-out for a great cause.

**Trustee Madsen**

Trustee Madsen commented that he was happy to see that the Village will be able to increase the property tax rebate to 50% of the Village portion of the property tax bill.

**Trustee Butterfield**

Absent

**Trustee Dye**

Absent

**Trustee Bowden**

Trustee Bowden reported out on the Development and Land Use meeting held on Monday, October 17<sup>th</sup>. The Committee discussed the issue of subdivision advertising

signs and decided to keep the regulations as is. The Committee was also informed of the Village's receipt of a \$60,000 CMAP Technical Assistance Grant for planning efforts along Route 30. Trustee Bowden reported that the Committee also heard a report about electric vehicle charging stations. The Committee is not aware of a great demand for this at the present time, but maybe in the future.

Trustee Bowden reported that the French Market has concluded for the year and that Staff and she will be working with the French Market people on next year's market. At the Saturday's French Market the Village held a pumpkin decorating contest. There were not a lot of entries, but the entries we did have were wonderful. Winners of this year's contest were: Alexis Hard, Pre-School and Kindergarten; Megan Hennessy, 1<sup>st</sup> Grade through 3<sup>rd</sup> Grade; and Rebecca Siegal 4<sup>th</sup> Grade through 6<sup>th</sup> Grade – Best Detail; Emily Reilly 4<sup>th</sup> Grade through 6<sup>th</sup> Grade – Most Creative; Sean Reilly 4<sup>th</sup> Grade through 6<sup>th</sup> Grade – Scariest.

### **Trustee Smith**

Trustee Smith reported that on Saturday October 29, 2011 from 10 a.m. to 2 p.m. the New Lenox Police Department and the Drug Enforcement Administration (DEA) will be hosting an unwanted medicine disposal collection. Trustee Smith stated that Halloween Hours are 4:30 p.m. to 7:00 p.m. They was a request to modify the hours this year due to an early release time on Monday, but it is best to keep the hours as is. Trustee Smith concluded his comments with a brief report about the 9-1-1 Lincoln-way Communications labor negotiations.

### **EXECUTIVE SESSION**

Motion to recess into Executive Session for Matters of Personnel and Matters of Land Acquisition was made by Trustee Smith and seconded by Trustee Tuminello.  
Upon roll call, the vote was:

**AYES:**                    5                    Trustees Madsen, Tuminello, Bowden, Smith, and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                2                    Trustees Butterfield and Dye

The motion carried

Motion to return to return to Regular Session was made by Trustee Bowden and seconded by Trustee Tuminello.  
Upon roll call, the vote was:

**AYES:**                    5                    Trustees Madsen, Tuminello, Bowden, Smith, and

Mayor Baldermann

**NAYS:**                0

**ABSENT:**            2                Trustees Butterfield and Dye

The motion carried

**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on October 24, 2011 adjourned at 9:25 p.m.

---

Carol Hennessy, Assistant to the Administrator