

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

**New Lenox Village Hall,
One Veterans Parkway
Monday, January 14, 2013**

#13-01

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:01 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

Cub Scout Pack #6 Den #1 led the Mayor, Village Board and audience in the Pledge of Allegiance

ROLL CALL

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

Trustees Bowden, Madsen, Dye, Smith, 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 the Village Administrator Kurt Carroll, Village Clerk Laura Ruhl, Community Development Director Robin Ellis, Finance Director Kim Auchstetter, Village Engineer Will Nash, Attorney Marty Shanahan, Police Chief Bob Sterba, Director of Operations Ron Sly, Director of Public Works Ken Brozovich, Building and Zoning Administrator Warren Rendleman, and Assistant to the Village Administrator Kate Andris

PRESENTATION – Governor’s Hometown Award

Mayor Baldermann stated for the second year in a row New Lenox was recognized with the Governor’s Hometown Award. Mayor Baldermann thanked Dan Martin for his efforts not only with the Governor’s Hometown Award but also with the Safe Communities. He went on to say this year New Lenox was recognized as a community for the efforts of

ShareFest 2011. Mayor Baldermann and the Village Board thanked Gary Cheney for his extreme efforts in bringing this prestigious honor back to New Lenox.

Mr. Cheney also thanked the all the volunteers. Mr. Cheney went on to note some of the highlights of ShareFest 2011.

CONSENT AGENDA

Motion to approve the 7 items on Consent Agenda #13-01 as presented in packet was made by Trustee Smith and seconded by Trustee Dye

- A - Minutes of the Regular Meeting – November 19, 2012
- B - Annual Zoning Map Update
- C - Raffle License – Lincoln-Way High School District 210 Foundation
- D - Raffle License – New Lenox Fire Protection District Foundation
- E - Raffle License – St. Jude Church & School
- F - Raffle License – New Lenox Chamber of Commerce
- G - Truck Purchase – Water Service Truck

Upon roll call, the vote was:

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

The motion carried.

ORDER OF BUSINESS

Consideration of an Ordinance Rezoning Property – Plank Trail Industrial Center – 1st Read

Ms. Ellis reported this proposed ordinance will rezone the five lots in the Plank Trail Industrial Center and one lot in the Old Plank Center from R-1 Single-Family Residence District to the I-1 Limited Industrial District.

No comments or questions from the Board.

Consideration of an Ordinance Amending Village Code – Electronic Message Center Signs – 1st Read

Ms. Ellis explained because this amendment affects the Zoning Ordinance therefore it had to go for public hearing before the Plan Commission. She said the only concern the Plan Commission had was the draft ordinance did not address the brightness of the sign which has now been addressed in the ordinance.

No comments or questions from the Board.

Consideration for Approval of 2011 MFT Supplemental Resolution #13-01

Mr. Nash reported the attached supplemental resolution, for the fiscal year ending in 2011, in the amount of \$17,182.15 will bring our MFT account to date with IDOT and clarify the actual MFT funds that were spent.

No comments or questions from the Board.

Motion to approve the Resolution was made by Trustee Tuminello and seconded by Trustee Madsen. Upon roll call the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

Consideration for Approval of 2012 MFT Supplemental Resolution #13-02

Mr. Nash stated this resolution is for the fiscal year ending in 2012 in the amount of \$26,666.10 which brings the MFT account to date. He explained there were higher costs due to the winter weather and amount of snow and ice.

No comments or questions from the Board.

Motion to approve the Resolution was made by Trustee Dye and seconded by Trustee Bowden. Upon roll call the vote was:

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

NAYES: 0

ABSENT: 1 Trustee Butterfield

Consideration for Approval of a Contract with WRB, LLC Consulting for Oak Lawn Water Negotiations

Mayor Baldermann reported this contract for Oak Lawn water negotiations is obligating the Village to pay \$8,100 for our proportionate share of the contract.

No comments or questions from the Board.

Motion to approve the contract was made by Trustee Tuminello and seconded by Trustee Smith. Upon roll call the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

**Consideration of an Ordinance Amending Section 94 of the Municipal Code –
Monthly Water Line Charge Plus Amount of Water Consumed**

Mayor Baldermann stated this proposed new water rate has been discussed at previous Council of the Whole meetings. He noted that after Board comments and questions he would like to waive 2nd read and adopt the ordinance

Mr. Carroll noted that residents will see the changes on their March 1st water bill.

Mayor Baldermann stated on the new billing system residents will be able to see exactly what they are paying for and how much water they used. He noted to residents that their water bill is not necessarily going to go down. He explained that Chicago is doubling their water over a four year period and there is also major infrastructure improvements coming from Oak Lawn that we will have to pay a portion of. He noted the Village does not make money on the water charge, we pass along our costs.

Trustee Dye stated the 5% annual increase written in the ordinance is smart, people can anticipate a 5% increase every year to accommodate the infrastructure.

Trustee Tuminello stated he's fearful of the automatic 5% increase. He would like to see this revisited every year.

Mayor Baldermann noted the 5% has always been in the ordinance, and the Board always has the ability to review it.

Mr. Carroll stated that we can do an annual review of our costs and bring them to the Board.

Trustee Tuminello stated he would like this change based on an annual review.

Trustee Smith added this increase can be reviewed during budget time.

Trustee Dye reminded it's 5% of the \$32.00 monthly line charge.

Trustee Smith asked if there is high usage because of a leak can the bill be negotiated.

Mayor Baldermann stated that Staff has always looked at every situation, but the bottom line is the Village still has to pay for the water used but these situations will be reviewed.

Motion to waive second read was made by Trustee Smith and seconded Trustee Dye. Upon voice vote the motion carried with Trustee Butterfield recorded as ABSENT.

Motion to approve the ordinance was made by Trustee Tuminello subject to the Sec. 94-272 (2) "Additionally, in order to keep pace with inflation costs of water production and

distribution, the monthly water line charge may be increased up to 5% annually based on the Village analysis of the budget”

The motion was seconded by Trustee Smith.

Trustee Dye stated that she doesn’t have a problem with the word “may” but should stop there.

Mayor Baldermann stated there is a motion and second on the floor.

Mayor Baldermann said the Board agrees to review the increase annually and won’t increase the fees if it’s not needed, but if the fees do need to be increased they won’t need to be discussed. He noted with this language the fee will have to be voted on every year.

Trustee Smith said the ordinance could say there will be a 5% increase pending a review.

Trustee Tuminello concurred.

Trustee Dye asked the attorney if there is a difference with what is suggested with the word “shall” is written in the ordinance as is.

Attorney Shanahan explained the Board shouldn’t mandate a vote every year. He said “shall” seems mandatory and opposed to “may”.

Mayor Baldermann stated this will be part of our budget review every year and make our recommendation.

Motion is the language as is with “subject to a review”.

No other Board comments or questions.

Motion to adopt the ordinance was made by Trustee Tuminello and seconded by Trustee Smith. Upon roll call the vote was:

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

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported there is no official announcement of bands for the 2013 Triple Play Concert Series as of yet.

Mayor Baldermann announced on July 25th and July 26th the Village will sponsor the Dwyane Wade basketball camp.

Mayor Baldermann announced on January 22nd Silver Cross Hospital is holding an event for men to bring awareness to prostate screening at Lincoln-Way West.

VILLAGE ATTORNEY

Attorney Shanahan announced the court costs for simple traffic tickets are approaching \$200.00. This is driven by state statutes.

VILLAGE ADMINISTRATOR

No report

PAYROLL & DISBURSEMENTS

Trustee Madsen made the motion to approve bi-monthly disbursements in the amount of \$806,761.36 and a manual disbursement in the amount of \$13,430.00. In addition to these disbursements approval is needed for bi-weekly payroll in the amount of \$312,065.60 paid on December 28, 2012, bi-weekly payroll in the amount of \$316,014.40 and the quarterly payroll in the amount of \$5,850.00 paid on January 11, 2013.

Motion was seconded by Trustee Dye

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Butterfield

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments from the public.

TRUSTEE COMMENTS

Trustee Tuminello

Trustee Tuminello discussed the Honor Flight Movie which will be showing in New Lenox at the AMC Showplace Theater on Tuesday, February 19th at 7:30p.m. To purchase ticket visit the website at www.thehonorflightthemovie.com . Tickets are \$10.00. Trustee Tuminello thanked Nancy Hoehn for her efforts in getting the movie to New Lenox.

Trustee Madsen

Trustee Madsen wished everyone a Happy New Year.

Trustee Butterfield

Absent

Trustee Dye

No comments

Trustee Bowden

Trustee Bowden announced the Performing Arts Committee will be meeting to go over plans for the upcoming season.

Trustee Bowden stated the discussions are starting for the upcoming French Market.

Trustee Smith

No comments

EXECUTIVE SESSION

None

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously, with Trustee Butterfield recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on January 14, 2013 Adjourned at 7:40p.m.

Laura Ruhl, Village Clerk

APPROVED