

**MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES**
New Lenox Village Hall, 1 Veterans Parkway
Monday, May 10, 2010

#10-12

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 Village Clerk, the following members of the corporate authorities answered "Here" or "Present":

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

The following were 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, Village Clerk Laura Ruhl, Finance Director Kim Auchstetter, Planning and Development Administrator Robin Ellis, Police Chief Bob Sterba, Building & Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

Mayor Baldermann requested Items 7A and 7B from Reports and Communications from Village Officials – Mayor be moved to this portion of the agenda.

Appointment of Village Engineer

Mayor Baldermann reported there were a few staff changes due to recent employee retirements. He stated Will Nash was a dedicated employee who did a tremendous job working with staff, residents, and governmental agencies such as IDOT and Illinois Toll

Highway. He asked the Board for a motion to approve his recommendation to appoint Will Nash to the position of Village Engineer.

Motion to approve the appointment of Will Nash as Village Engineer made by Trustee Smith and seconded by Trustee Tuminello.

Trustee Bowden reported that Mr. Nash worked at the Village for a few years and the Board knew he would be able to fill the position easily. She stated she looked forward to continuing to work with him.

Upon roll call, the vote was:

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

The motion carried.

Appointment and Swearing in of Village Clerk

Mayor Baldermann reported Marcia Englert was in attendance and had been a great Village Clerk who mentored Laura Ruhl throughout the years. He stated he was confident with Laura Ruhl's ability to handle the duties of Village Clerk noting she would network with other clerks from around the state. He asked the Board to approve his recommendation to appoint Laura Ruhl as Village Clerk.

Motion to approve appointment of Laura Ruhl as Village Clerk made by Trustee Madsen and seconded by Trustee Tuminello.

Upon roll call, the vote was:

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

The motion carried.

Mayor Baldermann swore in Laura Ruhl as the Village Clerk of the Village of New Lenox.

PUBLIC HEARING – Annexation Agreement – Leigh Creek Estates South – Andy Dystrup

Mayor Baldermann opened the public hearing at 7:13 p.m. Ms. Ruhl provided proof of notice and swore in the petitioner.

Ms. Ellis reported this parcel was less than 40 acres located along the north side of Laraway Road east of the Heather Glen Subdivision. Plan Commission public hearing was held last month on the annexation and rezoning of portions of the site for the R-4 duplex district and the R-2A single-family district. Plan Commission recommended approval of both requests subject to the successful negotiation of an annexation agreement.

Ms. Ellis reported the request included rezoning of 7.5 acres along Laraway Road to the R-4 district and 8 acres at the northern end of the site adjacent to the CN railroad tracks to the R-4 district. She stated the center of the parcel was proposed to be zoned R-2A. Staff recommended approval of the R-4 to the north and the R-2A in the center. Staff had concerns with the 5 duplex lots north of the detention pond along Laraway Road setting precedent for other developments along the Laraway Road Corridor next to the CN tracks. Plan Commission disagreed with Staff and recommended approval.

Ms. Ellis reported the concept plat showed 52 single-family lots and 30 duplex units with density of 2.14 units to the acre. She stated there was a large park site donation which exceeded the requirements based upon the size of the development. She noted this would be a complete land donation that would combine with the park site in Heather Glen to provide for 9 acres of park site.

Ms. Ellis reported on requested zoning deviations included in the annexation agreement. She stated that Mayor Baldermann, Mr. Loebe and staff had meetings with local builders on how the housing market may change and how the Village wanted to address future housing market needs. She added these issues would be discussed when the Board looked at the global housing market.

Ms. Ellis reported on a request to decrease the right-of-way for a portion of a minor residential street cross section in the R-4 district. She stated the decrease requested would be a 66' right-of-way versus a 72' right-of-way. Staff did not support this request. She stated the Public Improvements staff and Engineering Staff recommended the typical 72' right-of-way be maintained with adequate tapers to the single-family.

Ms. Ellis reported on a request to allow installation of an 8' fence along the CN Railroad. She stated 6' fences were normal in residential areas. Staff did not object to this request due to the future increase in train traffic in that area but requested more details on the fencing materials before approval.

Ms. Ellis reported the annexation agreement had a provision that any new fees implemented in the Village would not be applicable for any final plats approved within the first 10 years.

She reported similar language had been included in other annexation agreements. She asked for Board direction on this item.

Ms. Ellis reported the site was subject to two recapture agreements for the sanitary sewer extensions along Laraway Road noting both had been paid in full. She added this would also be tributary to the relief sewer that the Village would ultimately construct headed further to the west. She reported the proposal to guarantee their participation was different than past agreements where their share was paid when the work was completed or final plat whichever occurred later. She added that in this case they wanted to pay the Engineer's estimate when they came in with the last final plat if it had not been built. Staff preferred staying with language included in other annexation agreements.

Ms. Ellis reported the concept plat showed density of 2.1 and through allowable density bonuses this could be justified. She noted staff concerns with the duplexes along Laraway Road still existed. She stated there were a few tables in the staff report comparing lot sizes. She stated single-family had two-thirds below 12,000 square feet with the average lot size of 11,550 square feet which exceeded the R-2A minimum.

Mayor Baldermann reported there had been meetings as a result of the annual Builders Breakfast where zoning issues as well as building code issues had been discussed. He added that once there was direction from the two committees this would come to the Board for review. He stated it was premature to discuss adjustments to square footage now. He noted the Board had briefly discussed the future of the housing market but there was not enough information for things to be changed yet. He suggested the Board have a special work session with a market analysis to get professional opinions on the market.

Trustee Butterfield agreed that this needed further discussion.

Trustee Smith stated discussion was held in the past during the Strategic Plan Meeting regarding having smaller lots and smaller homes in the center of town versus the outer areas.

Mayor Baldermann stated that the builders were told that quality needed to remain.

Trustee Bowden added that the Board would have to look at the market as it affected New Lenox noting the commodities existing and coming needed to be looked at.

Mayor Baldermann stated a lot of builders were trying to get going again. He noted the Board wanted to see growth but did not want to bankrupt the future for this. He added that an independent market analysis might be able to help but the Board would have to filter the information to its importance to New Lenox.

Trustee Smith commented that in regard to the duplexes the area in which the development was being built needed to be taken into consideration. He added that \$200,000 homes could not be built next to \$600,000 homes.

Trustee Bowden stated the Strategic Plan was done to locate development and have the proper transition.

Mayor Baldermann reported that all of these issues needed to be looked at. He suggested a special meeting for the Board to discuss this further.

Mr. Andy Dystrup stated that the right-of-way deduction was requested because the duplexes would have two garages and a 20' driveway to allow two cars to park. He noted the 72' right-of-way allowed two cars to park on both sides of the street and this section would only have parking on one side of the street. He suggested this was a good reason for the reduction.

Mr. Dystrup explained the addition of the relief sewer language to the agreement noting that everyone thought the sewer would have been installed by now but due to the change in the economy that had not happened nor did the building of the properties on the south side of Laraway Road occur. He commented that there was a long time frame added to the annexation agreement and asked how long this development would be liable until the relief sewer was installed. He outlined the scenario were fees would be paid based upon Village and developer engineers' estimates. He told the Board that developers were having a hard time now getting letters of credit from banks.

Mr. Dystrup explained that most of the properties from Schoolhouse west and east had buffered the residential with commercial. He noted that he did not think commercial would be coming all the way from Frankfort to Joliet. He reported that this development was a modest buffer from the single-family noting this was not the most ideal location with homes parking up to busy Laraway Road. He stated these duplexes would be two-units with a curbed road.

Trustee Smith commented that the right-of-way should remain 72' due to cars parking in the street. He stated he would like to see the materials for the 8' fence. He stated he thought something could be worked out regarding the fee for the relief sewer adding this needed to be looked at further. He expressed concern with the duplexes on Laraway setting a precedent adding the adjacent developments were single-family.

Trustee Tuminello questioned collection of fees since the project fell 100% in the Frankfort School District. He referenced a letter from the superintendent from Frankfort regarding how New Lenox collected fees versus how Frankfort collected fees. He stated New Lenox collection of fees would take set precedence. Ms. Ellis stated it was under the New Lenox ordinance that Frankfort would collect the fees so they would have to follow our procedures. She noted that paperwork would be provided as development became closer.

Trustee Tuminello stated the annexation agreement referred to contributions up through the end of April 2010 which was past. Ms. Ellis reported the new resolution was adopted two weeks ago and this would be updated with all correct citations.

Trustee Dye stated there would be a lot of school children in the area and wondered if the pavement width would be minimized when buses would be through the development.

With no further Board or public comments, Mayor Baldermann closed the public hearing at 7:37 p.m.

PUBLIC HEARING – Amendment to Annexation Agreement – Landings of New Lenox – Jim Olguin

Mayor Baldermann opened the public hearing at 7:37 p.m. Ms. Ruhl provided proof of notice and swore in the petitioner.

Ms. Ellis reported the amendment was for the original Landings project which included the commercial component improved with the Advance Auto Parts/Mattina's Café as well as the land zoned R-5 for multi-family. She reported Phase Two of the commercial came in a few years later noting there was an approved site plan calling for two-story office and retail buildings. She stated Provena was interested in constructing a building on the Landings Phase 2 commercial. She added that plans for construction of a medical arts pavilion were discussed for the R-5 area. She explained a rezoning request was being made to have the R-5 area zoned to the C-2 district to be consistent with the front of the parcel. She noted the concept plat attached to the annexation agreement would no longer be viable. She showed the existing zoning on the PowerPoint. She added the amendment to the agreement related to the original 10-acre property. Plan Commission held their public hearing on the rezoning language last week and recommended approval and there no members of the public spoke at the public hearing.

Ms. Ellis stated the amendment acknowledged that the PUD and concept plat for the townhomes was null and void. She added any future development would have to start over and go through the typical process for review/approval.

Ms. Ellis reported the Board was hesitant in the past to have multi-family zoning out there with a concept plat. Staff suggested rezoning the remainder to the R-1 district would necessitate the developer to return to the Board to amend. She reported the draft agreement said that if the Village required them to rezone that they would agree to that. She asked that the Board discuss if this should be done now. Trustee Smith stated wanted it now. She reported that all the fee and contribution language regarding the townhomes would have to be removed. She noted that the agreement stated that they would pay all applicable fees according to the resolution in effect when they built.

Ms. Ellis reported the original annexation agreement mandated improvements to Cooper Street which were anticipated to be constructed when the residential portion was done. She noted the amendment to the agreement tied the Cooper Street improvements to the development of the remaining R-5 or R-1 land. She added there was no access to Cooper Street until that property developed.

Ms. Ellis showed a site plan being reviewed by staff noting this was not proposed as part of the annexation agreement.

Ms. Ellis reported there was a proposed water main improvement obligated in the annexation agreement to provide a loop. She noted the draft amendment tied that looping to the development of the remainder of the site.

Mr. Jim Olguin reported he represented the owner of the C-2 property (the Landings Phase I and the proposed commercial Phase II) who was also the contract purchaser for the balance of the R-5 property from the current property owner. He stated Mr. Waner was able to locate Provena as a potential user for this site. He noted they contacted the owner of the residential property because his client wanted to acquire the entire property to make the rest of the R-5 work well with the proposed Provena medical center. He reported one issue in amending the annexation agreement was the balance of the property currently zoned R-5 adding his client wanted a senior living facility which would fit in under the R-5 and wanted to maintain that zoning. He noted that they understood the Board would not want certain uses without a site plan. He proposed that when this returned before the Board that a one year limitation on retaining the R-5 be in place. He added they were willing to limit the types of uses that would go into the R-5 district. He suggested that the senior medical facility would be less intrusive than the currently proposed townhomes. He stated Provena was very anxious to move forward in New Lenox. He noted they would try to minimize Board concerns with having the R-5 zoning. He said that having the R-5 zoning helped with the financing provisions even if there were restricted uses. He told the Board that after the one year if their plans did not work for the senior living center then it could revert back at the Board's discretion.

Mayor Baldermann stated this would be similar to the senior living on South Cedar with buffering in the back. He added personally he would be comfortable if there was language providing limits on what could go in that area as well as require Board approval. He noted he liked the project.

Trustee Bowden suggested a special use with R-1 zoning be considered. Ms. Ellis stated they would probably have to come in as a PUD regardless of the zoning.

Mayor Baldermann asked why the petitioner had an issue with the R-1. Mr. Olguin stated from the financing standpoint the upgraded zoning would help the petitioner. He noted they would do the PUD if they had to but the R-5 zoning would help them. He reported that provisions in the annexation agreement could include control of the site plan, elevations, etc. to make the Village comfortable. He added this helped with the interested parties in the project. He stated a change from R-5 to R-1 might draw questions to the developer regarding the Board's feelings on the project.

Trustee Bowden asked what could be added to the R-5 parameters.

Trustee Smith stated all of Mr. Olguin's comments were to the benefit of the developer. He expressed concern with the R-5 zoning and a project the Board would not want in that area.

Ms. Ellis stated that Mr. Olguin said they would come back with a plan within one year. She noted the agreement said that any future development had to come back for Board approval. She added that a cap could be put on density but that could change if the Board was supportive of high density with a senior living center.

Trustee Butterfield expressed concern with the possible height of the building.

Trustee Smith stated this would be adjacent to residential homes. He spoke about fees owned on the property adding this should not be before the Board if there were outstanding fees. Ms. Ellis stated that the fees owed were not owed by Mr. Waner or Provena. Trustee Smith stated Mr. Waner wanted to buy the property and this would help both people. Ms. Ellis stated that her staff report said that the fees would need to be paid. She reported that recently it had been discussed that something could be added to the agreement to solidify that no building permit would be issued until the fees were paid.

Trustee Smith stated the whole premise of building this development was the Cooper Road improvements. He noted that the approval of this parcel was before the turn in the economy and nothing had been done.

Trustee Dye asked if this would be nursing care or assisted living because of its location to the medical center. She stated New Lenox did not have this service and it was appealing for the area. Mr. Olguin stated this would be market driven. Trustee Dye did not want to lock them into something when it could give New Lenox something they did not have.

Trustee Smith agreed with Trustee Dye. He added that he did not want to give them R-5.

Ms. Ellis stated R-5 was strictly multi-family with up to four units per building. She stated Paradise Park was R-1 PUD due to having 16 units in a building.

Trustee Smith stated he was concerned with allowing the R-5 and then having another development come in with apartments versus the senior living.

Trustee Tuminello stated there would be protection through the annexation agreement.

Mayor Baldermann stated he did not have a problem doing something that would help develop this property especially since it was something that would be great for the community. He asked why the R-5 was more beneficial as opposed to the R-1 PUD.

Mr. Olguin explained that having a higher zoning helped from a financial standpoint. Trustee Bowden stated the Board did not want R-5 and thought the R-1 PUD would be better. He added the financing looked at the R-5 as a higher use for the value of the real estate. He explained the R-5 gave them the flexibility for a senior housing center and through the annexation agreement the Board could review the site plan, elevations and retain control. He noted that there were restrictions on uses.

Trustee Smith stated his point was this was two different zoning districts. He noted a multi-story high-density unit could not be put in R-1. He asked what type of senior multi-family fit into R-5. Ms. Ellis stated they could only do four unit buildings which would look like a traditional townhome.

Mayor Baldermann asked if the request came down to the ability to get the financing for the project. He noted he had the understanding that the R-5 would be beneficial to market what they wanted to do here. Mr. Olguin stated the financing was one item. He added from a marketing standpoint R-5 would show that the Board wanted multi-family in that area.

Mayor Baldermann stated he would like to see senior living there and the Board agreed. Trustee Smith stated the Board could write a letter to that effect. Mayor Baldermann stated that compared to the townhomes this idea was a winner for the residents in that area and for the Village. He stated he failed to see why the R-5 was necessary if only for financing and the perception of potential clients.

Trustee Butterfield expressed his concern with possible density. He stated he would like to know the worse case scenario for the number of units and what could be built.

Trustee Bowden stated when townhomes were discussed for the area that included more cars, traffic, etc. She noted senior density would depend upon the type of facility.

Mayor Baldermann stated there was not much dissention on what the Board would like to see in this project. He asked if the Village could assist Mr. Olguin in the ability to market the leftover piece without letting it remain R-5.

Mr. Spesia suggested he work with Ms. Ellis and Mr. Olguin to find language to address the Board's concerns.

Trustee Bowden stated she did not understand why Provena did not approach the Village if they found property for this project. She did not think the Board had to assist them in marketing the property. Trustee Smith stated Provena wanted the front and the parking lot. He noted another developer wanted the second piece. Trustee Bowden stated the Board was open to other suggestions. Mayor Baldermann stated when the property was being marketed it would raise a question if the Village went from R-5 to R-1.

Trustee Dye addressed the issue of outstanding fees on this property stating that the person who was not paying the fees had totally ignored directives to pay the fees. She stated that if this developer ended up eating the \$10,000 outstanding fees she thought that the other developer should not be able to do anything further until he made restitution. Mayor Baldermann stated this was the Village's best way of getting paid. He added approval may be given subject to the Village collecting their money immediately.

Mr. Olguin stated that he and his clients worked as much as possible to get these fees paid. He added they tried many times to get the fee paid before tonight's meeting.

Trustee Tuminello reported the height of the buildings would have to be spelled out in the annexation agreement. He noted there were six-story senior living centers and the Board would not want that. He stated he agreed that Cooper Road improvements needed to be done. He asked how long the request to keep R-5 active was. Mr. Olguin stated for one year. Trustee Tuminello wanted to know if language could be added to restrict the developer to build what the Board wanted in the R-5. He explained how financing worked with the banks and projects adding projects were ranked 1 through 9. He added that projects coming in at R-1 were at the bottom thus limiting the prospect of getting financing. He reported he would not be opposed to R-5 if there was a period of time and restrictions added. He noted

the Village would have a better chance to get a project up and running if this came in at R-5. He added that R-1 put the developer against a wall for financing.

Mayor Baldermann agreed but to make the Board comfortable he would like Mr. Spesia to work on language to assist with marketing/financing.

Trustee Madsen reported he was not comfortable with the density when he first voted on this item but due to the Cooper Road improvements he found it to be a good fit. He stated he wanted to make sure that the Cooper Road improvements would be completed with this project.

Mayor Baldermann stated this project should be less intrusive than what was originally approved.

With no further comments, Mayor Baldermann closed the public hearing at 8:10 p.m.

Extension of Time to Pay Fees and Execute Final Plat – Corinthian Way – Lloyd Bisping

Ms. Ellis reported this was a duplex development located between Grand Prairie and Fieldstone Subdivisions. She noted the final plat had been extended a few times over the last few years and was set to expire again. She added there were no outstanding fees for this. Staff supported the one-year extension to pay the tap on fees and have the final plat recorded.

Trustee Smith stated this was the reason he did not like approving one-year extensions adding this was why he did not want to give the R-5 zoning for one year.

Motion to approve extension of time to pay fees and execute final plat for Corinthian Way made by Trustee Smith and seconded by Trustee Dye.

Trustee Madsen stated he thought the motion should include that the fees would be paid at the rate in effect at the time the tap one fees were to be paid.

Upon roll call, the vote was:

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

The motion carried.

Extension of Time to Pay Fees and Execute Final Plat – Melody Ridge – Jim Olguin

Ms. Ellis reported this development was located at Cherry Hill and Moss Lane. She stated the final plat had been extended a few times as did an extension to pay fees. She noted the fees had all been paid. She reported the request was for one-year extension to pay the tap on fees, remainder of the Construction Review and Inspection Fee, and record the final plat. Staff recommended a one-year extension with the caveat that the fees be paid at the rate in effect at the time that they were paid.

Motion to approve extension of time to pay fees and execute final plat for Melody Ridge made by Trustee Madsen and seconded by Trustee Dye.

Upon roll call, the vote was:

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

The motion carried.

CONSENT AGENDA

Motion to approve 2 items on Consent Agenda #10-12 as presented in packet made by Trustee Dye and seconded by Trustee Smith.

Items up for approval:

- A - Minutes of Town Hall Meeting of April 17, 2010
- B - Minutes of Regular Meeting of April 19, 2010

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Madsen, Tuminello, Butterfield Smith, Dye, and Mayor Baldermann
NAYS:	<u>0</u>	
ABSTAIN:	<u>3</u>	Trustee Bowden on Items A and B Trustees Butterfield and Smith on Item A
ABSENT:	<u>0</u>	

The motion carried.

ORDINANCES & RESOLUTIONS

Ordinance Amending Village Code – Wind and Solar Energy Systems – 1st Read

Ms. Ellis reported on a change to the beginning of the ordinance where every zoning district in the Village was amended to list wind energy systems as an allowable special use and solar energy systems as allowable accessory uses. She added the regulations for the wind energy stipulated they had to be professionally installed so that proper certification was made. Plan Commission held the public hearing and there were no public comments. Plan Commission recommended approval.

Trustee Madsen stated the ordinance included drop boxes. He commented that he saw an excessive amount of clothing drop boxes interfering with traffic going out to Route 30.

Trustee Tuminello commented that he agreed with being “green” and a lot of progress had been made over the last 5 years. He stated his main concern was allowing the wind turbines on every size lot in the community. He referenced a comment from a Planning Commissioner in their minutes as saying “there was not a single one that was aesthetically pleasing”. He agreed with this statement. He also referenced the March 15th Board meeting where an expert (Mr. Clarke) came and answered questions. He stated “Trustee Tuminello asked about lot size recommendations for minimum lots...” and Mr. Clarke stated “it was subjective and typically in Will County it was a 5-acre minimum...” He noted that this ordinance allowed every lot to have one. He referenced the minutes again stating he asked for an opinion about putting these turbines on an 80’ x 120’ lot in the middle of town and was answered by Mr. Clarke with “the resistance from the neighbors would be overwhelming”. He added that in an effort to put something forward to help the community but generate overwhelming aggravation for some of the neighbors was not something he was in favor of doing. He stated he was in favor of the energy saving and finding new ways to create savings and be a more “green” planet. He added he understood there were things in place to prohibit some turbines from being 30’ from the patio. He commented that he would be hearing and seeing these turbines which were not aesthetically pleasing and would rather see them on a one-acre lot. He stated the federal government promoted clean energy and expressed concern with a possible government incentive for Cash for Wind Turbines causing these turbines to pop up all over town. He noted the Board worked hard for the brick ordinance and other things to make the community aesthetically pleasing. He did not think that these 60’ turbines would look good in all backyards.

Ms. Ellis stated that the setbacks would not allow a 60’ turbine in a typical subdivision. She noted an 80’ wide lot with setbacks the maximum height would be 35’. Trustee Tuminello stated that 35’ was taller than the majority of the houses. He stated he would vote yes for this ordinance if it was for one acre lots.

Trustee Bowden echoed Trustee Tuminello's remarks. She added she was not opposed to the ordinance but thought it should be for estate size lots. She thought this was a good product for the right location.

Trustee Smith stated he thought this would be driven by technology. He added in several years more vertical access turbines would have more design. He stated this ordinance was setting the guidelines for green technology. He did not think that 99% of the residents would have these due to the aesthetics and the cost. Trustee Dye stated the turbines were expensive now but things like other things that may change in the future. Trustee Smith stated they were heavily government subsidized now. He noted he would be in favor of the ordinance and in the next 10 years the price might be different.

Trustee Dye stated she did not remember the discussion of 5-acre parcels adding if the ordinance allowed the turbines on one-acre lots there would be no accommodations for it in New Lenox. She noted this was why there were no restrictions on the lot size.

Ms. Ellis explained the no minimum lot size restrictions were included because there were lots in the community that were adjacent to park sites, commercial, or railroad tracks and this would make them different than lots in the middle of the block. She added this was a function of the efficiency explaining that a smaller lot backing up to open space would not interfere with the wind. She noted these were difficult to regulate but the context of the lot would dictate whether it made financial sense to have one.

Trustee Smith stated turbines on lots by large detention areas would work and one in the middle of the neighborhood would not.

Trustee Dye thought the estate size lots was a good idea because that was the recommendation from the expert/consultant. She stated changes would depend upon how it caught on.

Trustee Butterfield stated the consultant was looking at open space. He noted most New Lenox lots had trees and it would not be feasible. He stated the ordinance was written for the residents to use if they wished.

Trustee Dye asked if there should be a limit to use on a ½ acre to address Trustee Tuminello's concerns.

Mayor Baldermann stated he was fine with the ordinance as written and if it was not feasible there might not be an issue regardless of price. Trustees Madsen and Butterfield were fine with the ordinance. Trustee Tuminello stated he was fine with having a different opinion.

Trustee Bowden stated she did not want to have something on the books that was not feasible noting if the proper parameters were available then it should be on the books. She added that if the product was small enough for the majority of lots in New Lenox then she would be fine with it.

Ms. Ellis reported that the vertical access only needed to be 30' tall. She added that Prairie Ridge installed one and it was working. She stated it was on a small lot next to the forest preserve so there was nothing to interfere. Trustee Butterfield stated they would have to study the wind flow before installing one.

Mayor Baldermann stated he needed the Board to provide Ms. Ellis with direction for second read.

Trustee Bowden added that as long as there was a product that could be used.

Trustee Smith asked about the maintenance on these items. Ms. Ellis stated there was a provision included stating that it was the owners' responsibility to keep it in good operating condition. She added these turbines would all have to receive special use approval. She reported there would be a public hearing with all neighbors notified and it would need Board approval. She stated the conditions of the equipment could be reiterated at that time.

Ordinance Authorizing Execution of Annexation Agreement – New Century Bank – 2nd Read

Ordinance Annexing Certain Territory – New Century Bank – 2nd Read

Ordinance Rezoning Newly Annexed Territory – New Century Bank – 2nd Read

Ordinance Granting Special Use for Financial Institution – New Century Bank – 2nd Read

Ms. Ellis reported these were the authorizing ordinances for the property on the north side of Route 30 between Vancina Lane and Garfield Avenue. She stated the Board heard first read in March. She noted an outstanding issue was the condition of the site and the Village Engineer's request that this not be annexed until the site was under conformance. She reported that the developer did significant work in the area putting erosion controls in place as well as seeding the site. She added Engineering Staff looked at the site and were now comfortable moving ahead with the annexation.

Ms. Ellis reported attached to the annexation agreement was the preliminary plat which would come for up approval later in the agenda. She noted all of the previous comments on the preliminary plat and the preliminary engineering plans had been addressed. She stated the conceptual site plan would be attached to the annexation agreement acknowledging what might be developed. She reported before building permits were issued they would have to come in for site plan approval at which time screening, parking, lighting and signage would be looked at.

Ms. Ellis reported the staff report outlined other minor changes. She stated the former recapture provisions were less specific since the development was not moving forward at this time. Staff comments on the annexation agreement had been addressed and approval was recommended for the document as it existed in packet.

Ms. Ellis reported the ordinance annexing and rezoning the property to the C-2 district and the final ordinance granted the special use for the financial institution at the far southwest corner of the site were also up for approval.

Trustee Bowden stated she had concerns with this property especially the driveway, the school district, and the walking path. Ms. Ellis stated they did meet with the school transportation director and a letter from the superintendent said that once the site was developed they wanted the Village to require the owner to enter into an agreement with the high school district where the buses would enter probably from Garfield do their pick up and then exit through the site onto Route 30. Mayor Baldermann added they thought this was safer than their current practice of stopping on Route 30.

Trustee Dye stated she believed that this property should be commercial. She added that there was more uncertainty in this item now than the last time this was discussed. She explained that one requirement of the special use was that it needed to be necessary or desirable and provide a service or facility that was in the interest of public convenience and would contribute to the general welfare of the neighborhood. She stated that it was hard for her to agree with this being necessary or desirable to provide a facility when there were two banks across the street within walking distance of this proposed bank. She stated there were 9 bus routes that would have to use that commercial property. She reported the entire development was uncertain other than the bank. She stated the bank had been sold and its fate was unknown at this time. She questioned why the Board was even looking at this request tonight due to these factors.

Trustee Tuminello agreed with Trustee Dye.

Trustee Butterfield stated he thought the school tried to find out the best way possible. He agreed there was not a need for any more banks.

Trustee Bowden agreed with Trustee Dye.

Trustee Madsen asked if the petitioner had any comments.

Trustee Smith agreed with Trustee Dye stating she brought up very good points.

Mr. Walt Rebenon, representative for New Century Bank now owned by mb Bank, stated a lot of financial institutions were in trouble in this economy and New Century Bank was in that category. He stated that it was great that a strong bank like mb stepped up to purchase them. He reported this move strengthened the ownership. He added they did not determine how many banks were needed in a market noting banks determined that. He stated they were not certain the bank would want to be here but wanted it included as a special use in the annexation agreement which had a time limit included. He noted it was the ownership's intent to market it now and determine whether a financial institution was interested in it. He stated if they were not they would move on to other users. He stated the current school bus pick up was a risk and they had not established an exact route that the buses would go through the site. He noted that there were many projects throughout the country where public buses used private facilities to pick up students.

Trustee Dye asked him to address the uncertainty of the entire development. Mr. Rebenon stated it was no secret it was hard to get financing on any development. Trustee Dye stated

this had been told to the Board before but it was the other part of it would be the draw in this development. Mr. Rebenson stated it was in the comprehensive plan to be commercial and they brought a lot of specificity to the plans within the annexation agreement due to the physical issues that needed to be dealt with on this parcel and their parcel to the west. He thought they had a feasible plan. He noted it was hard to get serious discussions going with end users unless they had preliminary plans in place.

Trustee Madsen asked if mb was interested in this project. Mr. Rebenson stated he was not sure noting that they closed on New Century about 7 days ago. Trustee Madsen thought this was a good fit for a commercial project but thought New Lenox had a lot of banks and pizzerias.

Trustee Smith asked what would happen to the entire development if the end user did not want to put a bank there. Ms. Ellis stated the property would still be zoned and the preliminary plat would still be in effect so it could be marketed for other C-2 uses subject to the restrictions on the northern lot. Trustee Smith stated if the bank fell through then the property would all be zoned C-2 and someone could put something else in there. He added the upside was it would be zoned C-2 and the downside would be that New Lenox would get another bank or pizzeria.

Mayor Baldermann stated the Board was in agreement that this parcel should be commercial. He added the school was more satisfied with this transportation plan versus the other. He told the Board approval would require a super majority.

Trustee Tuminello stated this was a logical extension of the Village limits. He noted he did not have a problem with the annexation or the zoning. He added his concern was the school bus route noting he needed to be more comfortable with buses in a commercial area.

Trustee Smith stated the bus was parking on Route 30 now and would rather take his chance with the commercial area. He added that this was not his board's issue.

Trustee Bowden stated the Board did not know the commercial use that would happen in this parking lot. She stated that C-2 for Garfield and the ingress/egress for IDOT on Route 30 did not make this a good location for commercial in her opinion. Trustee Smith stated if this area was residential it would have more traffic and the bus stop would remain on Route 30. Trustee Bowden stated she was not saying it should be residential but she was concerned with heavy traffic uses on that corner. She asked what was the least commercial zoning to and it was answered C-1. Trustee Smith stated White Hen was zoned C-1 and they got more traffic on a small lot than Target did on a large lot. He noted he would rather see the bus traffic on the C-3 lot than on the C-1 lot. Mayor Baldermann stated the school district would make up their routes but wanted the ability to use this commercial lot. He noted that they may determine that Route 30 was the better option. Trustee Bowden stated she was not just looking at the school bus traffic but at the Garfield traffic and the homeowners. She added this was a small location to put a lot of commercial in. She stated Garfield was the only access point for the residents and adding this much commercial would not work. Trustee Smith stated that the difference between C-1 and C-2 could be a bank with limited hours versus something like a White Hen which was open 24 hours.

Trustee Butterfield stated the parcel should be commercial because it was along Route 30 but thought this may be too much for this area. He noted if they got rid of the bank there would be plenty of room.

Trustee Dye stated that the Board was being asked to approve tonight a development with a bank in a special use. Mayor Baldermann stated this was correct and if the bank did not build there they would attempt to find another end user.

Ms. Ellis added both the special use and the annexation agreement stated site plan approval and a permit for the bank needed to be done in three years. She stated if the bank did not come by the three years it would revert back to the underlying C-2 adding that another bank would have to apply again.

Motion to adopt Ordinance authorizing execution of annexation agreement with New Century Bank made by Trustee Smith and seconded by Trustee Madsen.

Upon roll call, the vote was:

AYES:	<u>4</u>	Trustees Smith, Madsen, Tuminello and Mayor Baldermann
NAYS:	<u>3</u>	Trustees Butterfield, Bowden, and Dye
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

Due to lack of super majority, the motion was defeated.

MFT Resolution #10-16 2010 General Maintenance

Mr. Nash reported this resolution was for the 2010 general maintenance funding for the Village including maintenance items such as salt, asphalt patching, drainage repairs, labor, seed, sod, dirt, stone, etc. He stated the resolution was for \$640,500 for MFT funds for 2010.

Motion to approve MFT Resolution #10-16 2010 General Maintenance made by Trustee Madsen and seconded by Trustee Dye.

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Bowden, Madsen, Tuminello, Butterfield, Smith, Dye, and Mayor Baldermann
NAYS:	<u>0</u>	

ABSTAIN: 0

ABSENT: 0

The motion carried.

Resolution #10-17 Declaring Arbor Day in the Village of New Lenox

Mayor Baldermann reported the annual Student Government Day was held May 5th. He stated he and Trustee Tuminello along with staff worked with eighth graders from Martino, Liberty, and St. Jude's. He added the students had great suggestions and asked great questions. He reported they planted a tree by the clock in the Commons. He stated for the 10th year in a row New Lenox was declared a Tree City USA. in accordance with Arbor Day.

Motion to approve Resolution #10-17 declaring Arbor Day in the Village of New Lenox made by Trustee Bowden and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously.

Ordinance #2106 Establishing a Truck Route in the Village of New Lenox

Chief Sterba reported in January of this year state legislators passed a bill signed by Governor Quinn that preempted local control of weight limits on local streets. He stated for truck routes the Village could reestablish an ordinance to control the weight limits on the streets via signage.

Motion to set aside the rules for second read made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote, the motion carried unanimously.

Motion to adopt Ordinance #2106 establish a Truck Route in the Village of New Lenox made by Trustee Tuminello and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

Resolution #10-18 Setting Policy for New Lenox Cable Television

Mayor Baldermann reported that important discussion had happened regarding this item noting the Board was on the same page with transparency and openness. He read the paragraph that had been the topic of discussion: *The taping of New Lenox governmental agency board meetings shall be limited to board meetings of the elected officials.* He stated this meant that this was meant for “elected” officials of boards. *New Lenox Community Television will continue to tape all governmental agencies board meeting according to the schedule currently in place as of the date of the adoption of this policy. Any modification to the current taping schedule either to increase or decrease shall be by the request of the governmental agency upon majority vote of the elected board of the governmental agency. Taping of any additional new New Lenox governmental agency’s board meetings shall be by the request of that governmental agency upon majority vote of the agency’s elected board. Any governmental meetings taped for air on New Lenox Community Television will air unedited and from gavel-to-gavel only. New Lenox Community Television will attempt to accommodate all taping requests from New Lenox governmental agencies however tapings are subject to NLCTV volunteer staff availability and scheduling.*

Mayor Baldermann stated that anything that was currently being filmed would continue to be filmed and whatever was not being filmed would not be filmed unless the majority of those boards said they want the taping to stop or to start. He stated that if there was something else out there that an elected official’s governmental board wanted to have taped they could make that request to the Village and if the volunteers were available then it would be accommodated. He added there were a lot of good volunteers out there trying to tape everything but that caveat needed to be included in case they were inundated with requests and did not have the staffing. He stated this paragraph was one small part of this policy that he thought was a good policy required to give guidance to staff members and volunteers. He summarized that this said that it would take the action of that respective board to change things from the way there were right now.

Trustee Smith stated the sentence “*Any modification to the current taping schedule either to increase or decrease shall be by the request of the governmental agency upon majority vote of the elected board of the governmental agency*” meant this Board could remove the work session meeting from being taped if they voted that way. Trustee Butterfield stated that would be the board’s prerogative. Trustee Smith stated that he thought that once the meeting was being taped it should continue to be taped.

Trustee Butterfield stated that if ALL governmental bodies were on then it would be different. He added that residents elected officials on those boards and they should be able to decide if they were on TV or not.

Trustee Smith stated it came down to the point that they could pick and choose. He said he did not have a problem if a board wanted to vote themselves on or off. He noted that his comments were directed at the Village Board. Mayor Baldermann asked if he would prefer that in order to eliminate one meeting the board would have to eliminate all meetings. Trustee Smith stated either all of the meetings of the board should be on or none but not allowing boards to pick or choose selected meetings.

Mayor Baldermann stated there had been a lot of discussion to make this work for everyone. He noted he felt that the onus should be on each individual board. He stated that whatever was currently being taped would continue and it would require a majority of that elected board to remove it. Trustee Smith agreed. Mayor Baldermann stated he thought that it was not for the Village Board to take the last step to tell them how to set their policy. He added the policy would force them to make a majority stand and be accountable to the people who elected them. He agreed that a new mayor and board could come in and request meetings not be taped but then they would have to answer to the people on why that was done. He added that he would philosophically agree with Trustee Smith that boards should not pick and choose what they want to air and not air. He stated he thought that the Village should not impose their philosophies on other elected boards that are held accountable by the people. He reported there was a failsafe in that a majority of that board would have to answer for it.

Trustee Smith asked what would be done in a situation when they want one month off and another one on. Trustee Butterfield stated it was Mr. Winnie's job to figure out the schedule for volunteers. He stated that before this was written the only people who could get off TV would be the Village because the equipment was in the building. Trustee Smith disagreed because any board could go in there and say do not film anyone. He noted the Village controlled all of the TV.

Mayor Baldermann stated that in regard to the point of picking and choosing meetings to tape individual boards would have to publicly go on TV prior to the meeting and say they did not want to be taped. He added that if they tried to skip around the volunteers might not be able to help them. He thought this was a great policy that the Board got bogged down on for one issue which was not even the reason why the policy was started.

Trustee Madsen stated that a safeguard could be built in to have the vote based upon a super majority to get out of tapings.

Trustee Tuminello asked Trustee Smith if he would feel differently if it had to be a unanimous or super majority vote.

Trustee Dye asked if there were parameters to a super majority.

Mayor Baldermann stated the Board could do whatever they wanted with this. He noted a majority is a majority and this Board had super majority for annexations. He noted in this case this was an additional burden being added above and beyond a majority for some other board only because this Board wanted it. Mayor Baldermann stated you would have to then have a super majority to get on and/or get off noting it had to be equal and fair to all.

Trustee Tuminello expressed concern with the on again off again scenario. He stated the Board was not trying to limit taping as suggested in the newspaper but was trying to set policy for boards to have control of what they do. He added that if the Board said it had to be all on or all off then it could be construed as "limiting" the taping.

Mayor Baldermann stated language could read that if a board decided to add or eliminate a meeting they would have to stick to that policy for six months.

Trustee Bowden stated each governmental body could make the decision each year on whether to be televised or not.

Trustee Tuminello stated it should be done as a resolution with voice vote in their agenda.

Mayor Baldermann stated that this was local government who was watched by the people who elected them. He added that if changes were made it would have to be done yearly.

Trustee Smith stated if this included that language he would be okay with it noting he would like to see the language included before voting on it.

Trustee Butterfield stated he had a hard time trying to set policy for another board.

Trustee Bowden stated NLCTV was a community service organization that was offering the tapings to different government bodies. Mayor Baldermann agreed. She stated they why would the other boards get punished if they chose to do or not do something. Mayor Baldermann stated it put the Village employee in a bad spot when one person from a board wanted one thing and another member wanted another. He noted this policy would give direction. She stated she agreed there needed to be guidelines for the volunteers but she thought this was regulating something. She added that each body should decide by a selected date so there were guidelines. She noted that a notice could be sent within 30 days of the taping so that it could or could not be scheduled. Mayor Baldermann stated he would be fine with this addition but he wondered what would happen when a board that was currently not on decided to be taped after the selected date. Trustee Bowden stated that if a board decided to pull out of taping they would have to answer to the people noting her phone rang every time someone did not like something that happened at a board meeting.

Trustee Madsen stated each body was accountable to the voters.

Trustee Dye stated it should be left the way it is because it was empowering their accountability. She added that the Board should let them be accountable and make the decision and let them speak to the people if they do not like how much they are on TV.

Trustee Bowden added she would like everyone to be on cable access if there were available volunteers. She stated that was what this service and the Commons were for to open it up for public use.

Mayor Baldermann stated if there were items that were unfavorable then the board members had to be accountable for it. He noted there was no argument on this Board regarding transparency and openness. He stated this would make the rule for our employee and our Board and not necessarily for other boards.

Trustee Smith stated the whole Board wanted open government but had different routes to getting there.

Mayor Baldermann stated this version had a lot of input from Mr. Winnie and the Board.

Trustee Butterfield stated that this was not initiated by the Village Board and it was brought to the Board from another board.

Mayor Baldermann stated this portion did but the whole policy started from something that happened a long time ago with candidates and equal airtime.

Trustee Tuminello stated he did not want to add the timeline because a majority vote could remove a board from the televising before a new board was elected giving them no option to put them back on.

Trustee Smith stated this was the Village Board's policy and they controlled the airing. He stated if the Board decided tomorrow to take the franchise fee received from cable and give it to a different department they could do it and cable would be done.

Trustee Madsen stated if he were a taxpayer and one of his taxing body boards optioned out of being on television he would be at the board meeting to find out why.

Mayor Baldermann stated there had been great discussion on this issue and this was how a good board worked. He noted that he appreciated as did the Board the cable volunteers who attended the meetings to hear the discussion and participated with comments.

Motion to adopt Resolution #10-18 setting policy for New Lenox Cable Television made by Trustee Butterfield and seconded by Trustee Dye.

Upon roll call, the vote was:

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

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Farmers Market License Agreement

Ms. Hennessy stated that the new market manager wanted to be in attendance this evening but something came up preventing her from being here. She noted the manager was proceeding with coordinating all of the market vendors. Mayor Baldermann stated the first Farmers Market would be May 22nd.

The Board was comfortable voting on this issue and having the market manager attend the next meeting with an update on the market.

Motion to approve the Farmers Market License Agreement subject to Attorney review made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAYS: 0

ABSTAIN: 0

ABSENT: 0

The motion carried.

Mayor Baldermann reported on a meeting held earlier in the evening with the vendors for the Triple Play Concert Series and with the opening acts for the concerts. He noted at the next Board meeting this would be announced. He encouraged people to come in and purchase tickets for the concerts.

Mayor Baldermann congratulated Trustee Bowden and the Performing Arts Committee for the great line up of summer movies this year.

Mayor Baldermann welcomed Trustee Bowden back to the dais noting it was good to have her back as part of the discussions.

VILLAGE ATTORNEY - None

VILLAGE CLERK - None

POLICE CHIEF - None

FINANCE DIRECTOR - None

PLANNING & DEVELOPMENT ADMINISTRATOR

Preliminary Plat – New Century Bank

This item was not discussed due to earlier Board denial of this issue.

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR – None

VILLAGE ENGINEER

Road Maintenance Program

Mr. Nash reported on the Road Maintenance Program beginning this year. He stated the 2009 Stimulus Money was federal government money secured for \$250,000 to do road work maintenance. He noted there were eight sections of roads to be resurfaced with new pavement markings. He reported the second batch of resurfacing would be through the Emergency Repair Program from Representative Kosel and Senator Radogno in the amount of \$617,500 to include 16 sections of roads in town including the resurfacing and pavement striping.

Mr. Nash reported that over the next few months before school starts again there would be over almost \$900,000 worth of road resurfacing done for better roads to travel on.

Motion to approve the Road Maintenance Program made by Trustee Madsen and seconded by Trustee Bowden.

Upon roll call, the vote was:

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

The motion carried.

PUBLIC WORKS SUPERINTENDENT

Street Lighting Power Supply Contract

Mr. Sly reported that with de-regulation the Village had been slowly changing over to different vendors for power. He noted this still passed through ComEd but was being purchased from different power producers. He stated recently it was determined that New Lenox had enough street lights that it fell into a category that did not allow them to remain in a category for a locked in rate and the Village was going on a daily float for electrical power purchase for street lights the Village owned.

Mr. Sly reported bids were opened on May 5th and the rate was tenth of a percent lower than what was being paid on the fixed rate through the Commerce Commission with ComEd. He stated that he was requesting Board ratification of this contract tonight.

Motion to approve the Street Lighting Power Supply Contract made by Trustee Bowden and seconded by Trustee Madsen.

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 – None

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Ms. Kathy Hilton thanked the Board for the Caution: Duck Crossing signs on Joliet Highway. Mayor Baldermann stated this was a simple request to help with. He noted Ms. Hilton contacted him because cars were stopping and an accident could happen. He stated the ducks crossed the street and went to Martino where the students did things with the ducks. He stated he spoke to Mr. Sly and the next day the signs were up.

TRUSTEE COMMENTS

Trustee Smith - None

Trustee Madsen – None

Trustee Bowden

Trustee Bowden reported the 2010 New Lenox Commons Special Event Calendar was in residents' utility bills this month. She stated it listed all of the concerts and movie nights for the summer as well as the Triple Play Concert Series, Farmers Market, and Fourth of July Celebration. She stated it was also posted on the Village website. She reported the Performing Arts Committee and students from Martino chose the movies. She stated that 90% was free entertainment for families and the only portion with a cost was the Triple Play Concerts where all of the proceeds went to supplement all of the free events. She encouraged

those who could not attend the concerts and wanted to make a contribution for the free events buy a ticket for the concerts.

Trustee Bowden reported she has had a difficult month and thanked everyone for the calls and cards she received. She stated the kindness was unbelievable and the calls/cards meant so much to her. She added these little things in life helped get through the tough times.

Trustee Butterfield

Trustee Butterfield congratulated Ms. Ruhl and Mr. Nash on their new positions.

Trustee Butterfield stated he was glad that Trustee Bowden was back.

Trustee Tuminello

Trustee Tuminello stated he was glad Trustee Bowden was back. He noted that it seemed that things discussed were trivial when it was put into perspective. Trustee Bowden stated that the community helped her get through the hard stuff as well as knowing she had something important to come back to. She noted that what happened on the Board was a huge part of all trustees' lives. She stated she could not have made it through everything without all of the Board members.

Trustee Tuminello congratulated Ms. Ruhl and Mr. Nash.

Trustee Tuminello stated the Loyalty Day Parade was great. He noted that Student Government Day was very enjoyable.

Trustee Tuminello congratulated Chief Sterba on New Lenox being designated a Safe Community. He noted New Lenox was the 11th community in the country designated.

Trustee Tuminello stated it felt good to be part of a Board where casting a different vote than the majority would not cause disrespect and arguing. He noted he was comfortable voicing his opinion knowing there would not be a personal attack from this Board.

Trustee Tuminello reported he thought his property evaluation would decrease which it did. He stated the Village did a great job in lowering the rate paid. He noted he was confused with why his tax bill increased. He suggested that Bonnie Hernandez, Township Assessor, be invited to an upcoming work session to explain on how a tax bill was calculated. He noted the Board received a lot of questions on why the tax bill increased. Trustee Madsen and Mayor Baldermann agreed that this was a good suggestion.

Trustee Dye

Trustee Dye stated that at the Loyalty Day Parade Will County Tax Assessor Patrick McGuire came up to her asking if she received her tax bill. She noted Will County had a website that explained why the tax bill increased.

Trustee Dye stated that the Parade had about 800 people walking in it and it was awesome. She added it was great to see all of the Mustangs in the parade passing out beads with information on the Ron "Papa" Schaper Golf Outing to be held July 30th at the Sanctuary Golf Course to support the scholarship fund. Trustee Butterfield stated that the scholarship fund was a good cause.

EXECUTIVE SESSION

RECESS

Motion to adjourn to Executive Session for Section 2(c)(1) the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity AND Section 2(c)(11) litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probably or imminent by Trustee Smith and seconded by Trustee Bowden.

Upon roll call, the vote was:

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried. The meeting recessed at 9:39 p.m.

RECONVENE

Motion to reconvene to regular session made by Trustee Smith and seconded by Trustee Madsen.

Upon roll call, the vote was:

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried. The meeting reconvened at 9:55 p.m. with all members of the corporate authorities previously in attendance before Executive Session still in attendance including Mr. Loebe and Ms. Ruhl.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on May 10, 2010 was adjourned at 9:55 p.m.

Bonnie Motyka, Deputy Village Clerk