

MINUTES OF THE REGULAR BOARD
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES
THURSDAY, JUNE 18, 2009

CALL TO ORDER AND ROLL CALL

President Nunamaker called the meeting to order at 7:01 p.m. in the Municipal Center. Present at roll call were Trustees Bowman, Cramer, Figurski, Ireland, Menzel and Tuman. Attorney Donahue, Chief Lukasik, Administrator Osten and Village Clerk Brouder were also present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

~ Trustee Figurski made a motion to approve the Board Minutes of the May 14, 2009 meeting. Trustee Menzel seconded. Trustee Bowman noted the date in the title was wrong. It listed May 21st and will be corrected. The motion passed by a roll call of six yes votes.

VISITOR'S PRESENT

Many residents were in attendance.

~ Tracy Johansen, 922 Ski Hill Road, stated she just received notice of the Bike Race two days ago and that is unacceptable. She has planned a family party for Father's Day and now finds out the road will be closed for an hour at a time. She is very concerned that the Village would host a bike race on a holiday when many people are having parties. Last year her daughter was late for work, because of the race. There needs to be an alternative route from Gardner Road or the top of Ski Hill Road. Her guests are older and can't park on Woodbine and walk the rest of the way. She asked if she should have her neighbors sign a petition about the race.

President Nunamaker acknowledged her concern and stated his house was also on the bike route, but didn't think the roads were closed for an hour. Administrator Osten stated that no cars are able to pass during a race, it is too dangerous for the racers and that the last race was one hour. He also said the race promoter went door to door, leaving a flyer letting people know about the race, but he ran out before reaching Ski Hill Road and had not gotten more. Administrator Osten gave him more copies and Mr. DeSilvestri delivered them. It was unacceptable that Mrs. Johnansen was not notified sooner than this week. The Village has given the promoter three years to make a go of the race. President Nunamaker also said it certainly would be her right to get a petition together but the Village will definitely review the race again before next year. Trustee Cramer also said that people are able to get in and out between races. Trustee Figurski stated he lived on the race route and was also a monitor and that people can get through. He said the Village does not make any money on this event, but hopes that visitors will bring their families and spend money here to help our businesses ~ buy gas, eat or shop.

Rick Johansen, 922 Ski Hill Road, stated they are having a water problem in their yard, from the rain water running down from the top of Ski Hill Road to their property and accumulating. Their engineer, Rich Heizer, suggested a drainage system from the street. They were referred to the Building and Zoning Department.

Walter Weinert, 903 Lincoln Avenue, stated with unemployment the highest it's ever been and salaries going down, it is wrong of the Village to raise the water rates. President Nunamaker thanked Mr. Weinert for his comment. The increase was approved a few months ago and there really is nothing we can do at this time.

Randy Crane, 9611 W. Witchie Drive, has lived here ten years and is concerned about the Village's waste treatment facility. There is a terrible smell that has been in the air for weeks. There are 10-12 trucks daily dropping off sewage. He understands the need for revenue, but questions if any of that money is going back into the plant. He is not an expert, but feels that the plant is not being run correctly. It is not only the odor, but what about environmental and health issues. This is a major problem that needs to be fixed. He has talked with neighbors and distributed flyers to 100 neighbors. People can't sell their homes. He suggests starting a committee with the Village Board, residents and outside professionals to investigate the condition of the plant and be sure it is running within the EPA guidelines. He would like to publish the results to the Fox River Grove residents. The Board's attention is needed now.

President Nunamaker thanked Mr. Crane for his comments. He stated that the IEPA (Illinois Environmental Protection Agency) inspects the plant and the effluents. The Village sends and receives reports regularly from them and we always get a passing grade. During spring/summer season they clean the digester. It should be done by the end of next week and the residual odor should diminish. When he became President, he went down and visited the plant and did not notice the odor. Our plant has the capacity to process the truckloads that come and that is not impacting how the plant works. Our Village Engineer states the plant is operating the way it is supposed to. President Nunamaker asked the residents to come to the Public Works meeting, if this is not cleared up by the end of the next week. The meeting is the first Thursday of the month. If they have other information from the internet, which says this is the way the plant should be run, he would like to see it.

Mr. Crane wants a second opinion because the people running our plant are not doing it correctly. He has been to two other facilities and there is absolutely no smell. The residents agree. Spring cleaning is done every year and it has never been like this. You can't even open your windows. You can smell it all day.

Resident Bob Blau, 1212 Hillcrest Avenue, lives across from the sewer plant. He is a water operator in another town. He has looked at the digesters and they died three weeks ago. They are no good. He has photos of the guys cleaning the tanks and using the vector to suck the tanks out and put it down by the pressroom and it runs back into the street. Last year he questioned why the Village was pumping 430,000 gallons of water per day and treating 900,000 gallons per day, but never got answer. The trucks are bringing in septic and the fact is that septic kills digesters. He will be happy to supply any documentation needed. He respects the operators and they are doing a fine job, but because of the burden put on the plant, it is not. President Nunamaker asked Mr. Blau to attend the Public Works meeting and he will as well. It is July 2nd at 7 pm.

Sean Murphy suggested bringing the actual pump meter, versus using what you're getting in INI (Inflow and infiltration). Mr. Blau compared the water pumped in your Village for water and the effluent (the water going out pipes). The pipes are old in the Village and there is water getting in through damaged pipes rather than through residential septic. To have an accurate comparison, you should have the amount of ground water pumped, the records from septic pumping and the INI number. Because of the INI coming in, it can be mixed with septic, and still have your biological level at a mandated amount.

Mr. Blau also pointed out that five to seven trucks are still dumping at 6:45 p.m. every night. He asked the truck operator how he meters it and he said he checks the meter on the truck and then writes it in the book. The Village is looking for revenue, where is the double check? No one else sees the meter to verify the amounts. Mr. Crane added that he has photos of raw sewage going into the storm drain and into the creek. President Nunamaker asked him to bring them to the Public Works meeting on July 2nd at 7 p.m. Mr. Blau and Mr. Crane will attend the Public Works meeting.

VILLAGE PRESIDENT'S REPORT

~ President Nunamaker reported School Board President Pat Hughes mentioned at graduation last year that the track team had not had a very good season, there was little interest and they hadn't done very well. So, Mr. Hughes was very pleased to inform everyone at graduation this year that our Middle School Track Team won sectionals and twenty of the children went to state. President Nunamaker read a proclamation for the Fox River Grove Middle School Track Team and presented it to the team members that were present. The remainder of proclamations will be mailed.

~ President Nunamaker thanked Jamie Sarius, our outgoing Miss Fox River Grove and presented her flowers. The Village appreciates everything she did and all the events she attended.

~ President Nunamaker introduced and welcomed Nina Mack, the 2009 Miss Fox River Grove and presented her with flowers. Nina was also the recipient of the Miss Congeniality award from the Chamber of Commerce. He then introduced Lizzy Dyrek, one of the other contestants, presented her with flowers and thanked her for being involved. Samantha Adams was unable to attend.

~ President Nunamaker introduced Sarah Lawhun, the Salutatorian for the Fox River Grove Middle School. He congratulated her and presented her with a certificate and flowers. He had also invited Ryan Dundon, who was the Valedictorian, but he was out of town.

~ President Nunamaker announced to the audience that he had also invited one of our high school graduates, Corey Bruns, but he is out of town with his family. Corey has been accepted to West Point Academy, which is quite an honor. The Village wishes him the very best.

~ President Nunamaker made a recommendation to the Village Board to appoint resident Jim McNutt to the Parks Commission. **Trustee Cramer made a motion to concur with this appointment. Trustee Ireland seconded.** All were in favor. Mr. McNutt thanked the Village Board and said it was an honor to be appointed.

~ **Trustee Menzel made a motion to adopt an ordinance amending Section 3-27 of the Code of Ordinances of the Village of Fox River Grove "Limitation on Number of Licenses" for the purpose of increasing the number of authorized Class "A" Licenses. Trustee Figurski seconded.** President Nunamaker stated this license is for the Brunch Café. This will be Ordinance 2007-17.

~ President Nunamaker moved to the 217 Gladys item regarding gravel versus grass ditch and parking restrictions. Mrs. Fruhauff stated that she needs gravel to park her bus there, that the grass is too muddy. President Nunamaker stated the Village Engineer says there can't be gravel there because the Village is trying to get the drainage corrected. Mrs. Fruhauff will have to park the bus at the school property. Trustee Figurski agreed with the engineer. Culverts can not be filled in. It causes standing water in the other neighbor's ditches instead of draining through. Mr. Jedicker lives across the street and said the school filled in the ditch in front of their office when they were located

on Gladys. Mr. Jedicker called the police at that time and they stopped it for no permit, but somehow the dirt was never removed.

LEGISLATIVE REPORT

NWMC ~ Trustee Figurski reported that the NWMC is on Summer hiatus. He had updates on the following bills.

- HB 650 allows retired employees to opt back into the health plan after refusing insurance at retirement. This bill failed to advance.
- HB 923 is for a higher paying Active Duty Disability as opposed to Working Men's Comp Disability when injured during routine maintenance. This bill failed to update.
- SB2091 is to reset the date for full funding public safety pension 2033-2049. There was a counter proposal of one year, plus a clause preventing any layoffs due to 10% cap. This is currently at an impasse.
- SB43 Prevailing Wage Act says if a municipality borrows money to a developer or business, the developer has to pay prevailing wage. This bill was not completed in this session and moved to November 30, 2009.
- SB1555 requires all municipalities to purchase US manufactured vehicles. The Senate recognized the flaws in this bill and will be adding new language to address them.
- The capital budget is not resolved yet. They have passed six bills and reduced spending by 50%.

Trustee Figurski reported NWMC is looking for volunteers and he added his name again. The annual banquet is June 24, 2009 at Makray Golf Club.

MCCOG ~ President Nunamaker reported the McHenry County 2030 plan is open for review. It can be viewed at their website www.mchenrycountycog.org.

IML ~ Nothing discussed.

CONSENT AGENDA

President Nunamaker stated that the items listed were discussed at Committee level and asked for a motion to approve the consent agenda items or if anyone would like any items removed. Trustee Ireland asked for items G & H to be removed from the Consent Agenda. **Trustee Menzel made a motion to approve the consent agenda for items A, B, C, D, E, F and I. Trustee Figurski seconded.** It was approved by a roll call of six yes votes. **Trustee Menzel then made a motion to approve the following items on the consent agenda ~ A. Accounts Payable for April 2009 (Final) and May 2009; B. Pond Management Contract, Environmental Aquatic Mgt. for \$4,650; C. Lions Park Play Panel Purchase, Parkrecreation for \$1,525; D. Maintenance Patching, Parisi Paving for \$22,800; E. Hydrant/Valve Purchase, Water Products for \$9,500; F. Water Tower Cleaning, Midco for \$4,998; I. Water Plant #1 Actuator for \$2,243. Trustee Figurski seconded.** It was approved by a roll call of six yes votes.

~ **Trustee Menzel made a motion to approve a back-up server at the township building. Trustee Figurski seconded.**

Trustee Ireland stated that we currently use a back-up system that works fine. It is the same as the school's system. This is not a hardship. There is no disaster. Administrator Osten stated that currently a tape is taken home. This would be a one-time expense, rather than a monthly expense to a company for an off site system. Trustee Ireland feels the Village is spending money on luxury items. A roll call vote was taken and the motion was approved by four yes votes and two no votes. Trustees Bowman and Ireland voted no.

~ **Trustee Menzel made a motion to purchase two computers for GIS system. Trustee Figurski seconded.** One computer is in the budget which is replacing one that is a ten-years old and we need a second one in Public Works. There is a GIS computer available in Building & Zoning and the Clerks Office. Trustee Ireland agrees with purchasing the computer in the budget,

but not a second one. Trustee Bowman asked if more than one person can use the program at the same time. Administrator Osten is not sure, but will find out. The motion was approved by a roll call vote of four yes votes and two no votes. Trustees Bowman and Ireland voted no.

FINANCE AND ADMINISTRATION COMMITTEE REPORT

~ Trustee Menzel made a motion to enter into an agreement with Raging Buffalo for the July 11th Fireworks Water Show. Trustee Figurski seconded. The motion was approved by a roll call of six yes votes.

~ Trustee Menzel reported that the gypsy moth infestation was discussed at Finance. It was decided that residents should be responsible for their own trees. Trustee Figurski asked why this was on the Board agenda and it didn't go back to Committee. The Chair of the Committee reports to the full Village Board on items discussed, so the full Village Board can make a decision. Attorney Donahue stated that even if an item dies at the Committee level, another Trustee or Village President could ask for it to be put on the Village Board agenda and the Village Board should vote it up or down. Trustee Figurski said the full agenda should be voted on at the beginning of the meeting according to Roberts Rules of Order and any items on the agenda should be put on by an elected official. The gypsy moth item was discussed at Committee and Trustee Ireland wanted the full Board to be aware of it. McHenry County is currently quarantine.

PUBLIC WORKS COMMITTEE REPORT

~ Trustee Bowman reported the maintenance items for approval and purchase were discussed at the meeting. President Nunamaker asked if there was any discussion regarding the odors from the sewer plant. It did not come up at the meeting. Administrator Osten stated that resident Bob Blau works at the Cary water plant not the sewer plant.

PUBLIC HEALTH & SAFETY COMMITTEE REPORT

~ Trustee Cramer reported that resident Richard Miller, 503 Highview, attended the meeting and asked the Village to encourage residents to be prepared for emergencies by putting information in the newsletter and on the Village's website. There is information on the website. Chief Lukasik will speak with Fire Chief Kreher to coordinate something jointly this Fall.

~ Trustee Cramer made a motion to recommend the Village Board allow Auto Audits, 670 Northwest Highway, to keep his flag banners as long as they are maintained. Trustee Figurski seconded. Trustee Cramer said she is concerned about the poles. Trustee Ireland stated the flags located on Jimano's side of the building are frayed and wondered when they are no longer acceptable. Trustee Cramer will ask Building & Zoning consultant John Spurgeon, to check on the flags and have Auto Audits fix them. Resident Marvin Jedicker said there are flag standards. Mr. Spurgeon will follow up to be sure he replaces the frayed flags. The motion was approved by a roll call of six yes votes.

~ Trustee Cramer stated that the Leader Ace Hardware, 980 Route 22, stores items for sale in their parking lot. They have no other place to store them. According to Village ordinance, they are allowed to place items 8-feet from the building, but the pallets on the side lot would require a special use. There have been no complaints regarding this. Trustee Cramer made a motion to recommend pallets in the side parking lot containing the dirt can stay as is but if it encroaches into a larger area then they need to consider either a special use or landscape around it. Seconded by Trustee Menzel. Trustee Ireland stated the store should have a total square footage allowance, like a 10 X 10 space or two parking spaces. Administrator Osten said by attaching conditions to it, we need to have a Special Use. Trustee Bowman said they have used outdoor storage forever and the Village needs to be friendlier to businesses. This motion was approved by a roll call votes of three yes votes, three no votes with the Village President voting yes. Trustees Bowman, Ireland and Tuman voted no.

~ **Trustee Cramer made a motion to enter into an Intergovernmental Agreement for Fire Code Inspection and Enforcement between the Village and the Fox River Grove Fire Protection District. Trustee Figurski seconded.** It was approved by a roll call of six yes votes.

~ There was discussion regarding people parking on Doyle Road when going to Brunch Café. Trustee Menzel stated the Village Board said to leave this alone in March. It was tabled and should not have been on the agenda again. Trustee Figurski said there was one person that complained and they were not in attendance tonight. President Nunamaker stated there is no issue and no action is required.

~ The “Crazy Cajun”, a boat that sells ice cream and food while beached at Lion’s and Picnic Grove parks was discussed. Chief Lukasik is waiting for more information regarding any licensing he may need. The Village is allowing him to continue. This is going back to Committee.

VILLAGE ATTORNEY’S REPORT

Will report in Executive Session.

VILLAGE ADMINISTRATOR’S REPORT

~ Administrator Osten said he would have the merit pay awards next month.

~ There was discussion on billboards. Attorney Donahue said it would take about four to five hours to pursue this. Trustee Cramer said Building & Zoning Superintendent Curt Ulrich had previously told her that billboards were “grandfathered” in. Trustee Figurski said that off premise advertising was prohibited since before 1998. If they existed before the property was annexed, it would be non-conforming. The Village would need to determine the dates installed. Administrator Osten said the Maplewood Meadows and Chelsea Car Wash billboards were in the process of being taken down. Trustees Cramer and Figurski would like to instruct the Village staff to investigate this. Trustees Bowman, Ireland, Menzel and Tuman do not want to spend the money. Trustee Cramer urged the Board to keep this as a priority – maybe do one billboard per year. This goes back to community perception.

~ Administrator Osten reported that IDOT wanted confirmation that the Village is going through with the LAPP IDOT District 1 Bureau of Local Roads and Streets. Schroeder Asphalt was the low bidder. IDOT has requested an e-mail from Fox River Grove confirming concurrence to award by July 1. **Trustee Bowman made a motion to concur with IDOT’s award to Schroeder Asphalt. Trustee Figurski seconded.** All were in favor.

VILLAGE CLERK’S REPORT

~ Clerk Brouder reported fireworks donations were lower than last year, but still coming in slowly. She also passed out volunteer sign-up sheets for both the Fireworks Show and the Bike Race. It has been difficult getting volunteers.

~ **Trustee Figurski made a motion waive the park and sound permit fees and requirements for the FRG Firefighters Annual Water Fights. Trustee Cramer seconded.** All were in favor.

ANNOUNCEMENTS

None

OTHER BUSINESS

Trustee Cramer stated that the “Park it on the Fox” Classic Car Show was cancelled due to the weather conditions. They will reschedule in August or September.

EXECUTIVE SESSION

~ **Trustee Bowman made a motion to enter into Executive Session at 9:09 p.m. to discuss pending litigation and personnel. Trustee Ireland seconded.** All were in favor. **Trustee Bowman made a motion to return to the Village Board meeting at 9:37 p.m. Trustee Cramer seconded.** All were in favor.

ADJOURNMENT

~ Trustee Ireland made a motion to adjourn the Village Board meeting at 9:38 p.m. Trustee Cramer seconded. All were in favor.

Robert J. Nunamaker, Village President

Date Approved

Donna M. Brouder, Village Clerk