

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us



Meeting Minutes

Monday, June 15, 2009

7:00 PM

Village Hall

Board of Trustees

Village President Daniel J. McLaughlin

Village Clerk David P. Maher

*Trustees Bernard A. Murphy, Kathleen M. Fenton, Brad S. O'Halloran,
James V. Dodge, Jr., Edward G. Schussler, and Patricia Gira*

CALL TO ORDER/ROLL CALL

In the absence of Village Clerk David P. Maher, Deputy Clerk Joseph S. La Margo was present.

The meeting was called to order at 7:01 PM.

Present: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira and Village President McLaughlin

VILLAGE CLERK'S OFFICE

2009-0006 Approval of the June 1, 2009 Regular Meeting Minutes

The Minutes of the Regular Meeting of June 1, 2009, were previously distributed to the members of the Board of Trustees. President McLaughlin asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Regular Meeting of June 1, 2009.

A motion was made by Trustee Kathleen Fenton, seconded by Trustee Brad O'Halloran, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

Abstain: 1 - Trustee Dodge

2009-0301 For Julie Foundation Inc.- Raffle License Approval

The For Julie Foundation is requesting a license to conduct a raffle at their fundraiser for leukemia research scheduled for Saturday, July 24, 2009 at the Orland Park Civic Center.

I move to approve issuing a raffle license to The For Julie Foundation to conduct a raffle at their fundraiser for leukemia research. This event is scheduled for Saturday, July 24, 2009 at the Orland Park Civic Center.

A motion was made by Trustee Kathleen Fenton, seconded by Trustee James Dodge, Jr., that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS

2009-0296 Olympic Day- Proclamation

President McLaughlin proclaimed June 23, 2009 as Olympic Day in the Village of Orland Park.

This proclamation was read, NO ACTION was taken.

2009-0306 Rain Barrel - Presentation

Lou Mule' gave a brief presentation regarding the rain barrel project that is a fundraiser for Open Lands.

The plain rain barrels are for sale to the community for \$85.00 each and can be purchased at the cashier's office. Decorated rain barrels will be raffled off and some will be placed in a silent auction at the Orland Park Open Lands Garden Walk which takes place on June 28, 2009.

This item was informational, NO ACTION was taken.

PRE-SCHEDULED CITIZENS & VISITORS

2009-0298 Orland Park Lions Club - Steve Anton

Director with the Orland Park Lions Steve Anton thanked the Board and staff for all their help during their Orland Days event. Because of all the help this event was a great success.

NO ACTION was taken on this matter.

CONSENT AGENDA

Passed the Consent Agenda

A motion was made by Trustee Murphy, seconded by Trustee Schussler, to PASS THE CONSENT AGENDA, including all the following items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

2009-0001 Payroll - Approval

The lists of Payroll having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Monthly Hourly Payroll for June 12, 2009 in the amount of \$28,889.94 and the Bi-weekly Payroll for June 12, 2009 in the amount of \$988,735.05.

This matter was APPROVED on the Consent Agenda.

2009-0002 Accounts Payable - Approval

The lists of Accounts Payable having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Accounts Payable from June 2, 2009 through June 15, 2009 in the amount of \$1,732,297.33.

This matter was APPROVED on the Consent Agenda.

2009-0275 Disposal of Certain Seized Vehicles at Public Auction - Ordinance

The Police Department requests approval to declare one vehicle, a 1990 Buick Regal, as excess property and to dispose of at public auction. This vehicle was seized by the department and forfeited to the Village by the Circuit Court of Cook County from a driver who was driving their vehicle while their license was suspended for DUI.

I move to pass Ordinance Number 4488, entitled: ORDINANCE AUTHORIZING DISPOSAL BY PUBLIC AUCTION OF PERSONAL PROPERTY (VEHICLES) OWNED BY THE VILLAGE OF ORLAND PARK, ILLINOIS

This matter was PASSED on the Consent Agenda.

2009-0285 15160 Royal Foxhunt - Authorize Sale of Property - Ordinance

This ordinance will authorize the sale of Village property located at 15160 Royal Foxhunt.

I move to pass Ordinance Number 4489, entitled: AN ORDINANCE AUTHORIZING SALE OF PROPERTY (VELASCO)

This matter was PASSED on the Consent Agenda.

2009-0276 104th Avenue - 159th Street to 167th Street Improvements - Board Approval

On January 19, 2009, the Board of Trustees approved a supplemental agreement with the Cook County Highway Department for additional design and geotechnical engineering on 104th Avenue. At that time, the Board approved the Village's portion (\$15,299). Not included was the portion that should be funded upfront by the Village and will be reimbursed by the County which is explained in the Village Manager's letter to the County.

Therefore, approval is being requested for additional funds in the amount of

\$65,266 to increase the purchase order for McDonough and Associates for the requested engineering in the amount of \$80,565.

I move to approve the additional design and geotechnical engineering for the street improvements of 104th Avenue (159th Street to 167th Street) for an amount not to exceed \$65,266 to be reimbursed by the County.

This matter was APPROVED on the Consent Agenda.

2009-0236 104th Avenue Pedestrian/Bicycle Path - Centennial Park to 167th Street - Proposal

The Village has been earmarked to receive 2009 American Recovery and Reinvestment Act (ARRA) "Stimulus" funding for the design and construction of a pedestrian/bicycle path along 104th Avenue from Centennial Park to 167th Street in the amount of \$307,500. If the project cost exceeds the allotted amount, the Village may be eligible for additional funding up to \$500,000 but the funding does not include any of the engineering costs.

The Village requested proposals from four firms for plan preparation, construction oversight, soil borings (if necessary), coordination meetings, surveying, design and permitting. Requests for Proposal were requested and received from McDonough Associates Inc. (MAI) of Chicago, Illinois; Christopher B. Burke Engineering Ltd. (CBBEL) of Rosemont, Illinois; V3 Companies Ltd. (V3) of Woodridge, Illinois; and URS Corp. (URS) of Chicago, Illinois. MAI submitted the lowest proposal in the amount of \$34,165.38.

Due to the complexity of this project in that the path must go across some very bad soils, it has been decided that the project will be completed in two phases. The proposal from McDonough Associates Inc. (MAI) of Chicago, Illinois, for \$34,165.38 is for Phase I - 167th Street to 163rd Street only; however, it will include a topographic survey for the area north of 159th Street in order to avoid mobilizing the survey crew a second time.

I move to approve accepting the proposal from McDonough Associates Inc. of Chicago, Illinois, for Phase I Preliminary Engineering and Phase II Design Engineering and construction oversight for the 104th Avenue Pedestrian/Bicycle Path for the section of 104th Avenue from 167th Street to 163rd Street in an amount not to exceed \$34,165.38;

And

Approve authorizing a budget adjustment in the amount of \$34,165.38;

And

Approve authorizing the Village Manager to execute the proposal/contract.

This matter was APPROVED on the Consent Agenda.

2008-0621 Culver's of Orland Park

The petitioner, Justin Obriecht requests a Special Use Amendment to the Planned Development for Park Hill Commercial Ordinance numbers 1314 and 1609 in order to construct a new Culvers restaurant on a subdivided lot plus a drive through, and Site Plan and Elevation approval for the new building.

The building is to be constructed on undeveloped land fronting 159th Street near Park Hill Drive in the Park Hill Commercial Center, to the west of the existing McDonald's.

I move to approve the site plan titled "Culvers Park Hill Plaza Overall Site Plan" page 1 of project 08-065 dated 9/15/08 with latest revision 6/04/09 and Site Plan titled "Culvers Park Hill Plaza Final Site Plan" page 2 of project 08-065 dated 9/15/08 revised 6/04/09, subject to the following conditions:

1. Provide a notarized, shared parking and cross access agreement between Culvers and the Center owners, using Village template prior to the issuance of Building Permits.
2. A landscape plan, meeting all Village Codes, is submitted for separate review and approval within 60 days of final engineering approval. This is to focus primarily on the Culvers lot, but also to include additional landscaping between overall center parking lot and 159th Street, and a minimum of two trees per new landscape island. Additionally, all dead plant material in the center is to be replaced.
3. All final engineering related items are met, including any needed adjustments to storm water calculations due to parking island changes.
4. All signs must also go through a separate sign permitting process.

AND

I move to approve the "Culvers Orland Park Exterior Elevations" Sheet A-2 & A-2.1 and dated, 11.24.08, revised 5.27.09 with the following conditions:

1. Screen all mechanical equipment, either at grade level with landscaping or hidden behind the roofline.
2. No utilities are to be located on exterior walls.

AND

I move to approve a Special Use Permit amendment for an existing Planned

Development (Ordinances number 1314 and 1609) that includes an additional out-lot and a restaurant with outdoor seating and with a drive through, a front setback of 25' and an additional ground sign for the new restaurant. This is subject to the same conditions as outlined in the preliminary site plan and elevations motion. Required modifications include:

1. Reduced rear building setback to approximately 22' from a required 30'.
2. Reduced and off site rear landscape buffer of roughly 5' from a required 10'.
3. 100% shared parking, from a limitation of 50%.
4. Overall planned development lot coverage of 80% exceeding the Code limit of 75%.
5. Off-site shared parking spaces, parking islands, detention, loading areas and drive through.

AND

I move to approve a subdivision for an approximately 15,182 square foot parcel with the condition that an easement document be recorded so the subdivided lot is not landlocked and that a Record Plat of Subdivision will be submitted for recording.

This matter was APPROVED on the Consent Agenda.

2009-0289 156th Street - Plat of Dedication and Plat of Easement

On April 4, 2005 the Village Board voted to approve the 59,204 sf Walter E. Smithe furniture store, south of the now-existing 3-legged 156th Street intersection at the Lowe's Development. On February 20, 2006, an extension of the final plan approval was granted until April 4, 2007 and in 2007 an extension was again granted April 4, 2008. At this time it does not appear Walter E. Smithe will pursue their approved plan since no extension has been requested to date. However, the present owner is prepared to provide the necessary right of way to complete the 4th leg of the 156th St. intersection. These plats are the final pieces of right of way dedication needed to complete the 156th Street extension from LaGrange Road west to Ravinia Avenue. Specifically, the plat of dedication and plat of easement grant to the Village of Orland Park the necessary right of way and easement area according the approved plans for the 156th Street extension. Staff has reviewed the documents and finds them suitable for signature and recording with Cook County.

I move to approve the Plat of Dedication and Plat of Easement for 156th Street, both prepared by SEC Group, Inc., Project No. 090096. The Plat of Dedication is dated 03/17/2009 and last revised 03/20/2009 and the Plat of Easement is dated

03/26/2009.

This matter was APPROVED on the Consent Agenda.

2009-0262 Title 5 Chapter 5 - Fire Code Revisions - Ordinance

On June 1, 2009 the Village Board approved the proposed local revisions of Title 5, Chapter 5 Sections 105.1.1.1 and 903.3.1 of the Village Code and to implement the code revision.

This is now before the Village Board for consideration of the ordinance granting the revision as stated in the ordinance.

I move to pass Ordinance Number 4490, entitled: AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTIONS 105.1.1.1 AND 901.3.1 OF THE VILLAGE CODE.

This matter was PASSED on the Consent Agenda.

2009-0259 Title 5, Chapter 2 Revisions - Review and Permit Fees - Ordinance

On June 1, 2009 the Village Board approved the proposed local revisions of Title 5, Chapter 2 of the Orland Park Village Code.

This is now before the Village Board for consideration of an ordinance granting the revisions as stated in the ordinance.

This matter was PASSED on the Consent Agenda.

HEARINGS 7:00 P.M.

I move to recess for a public hearing at this time.

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Kathleen Fenton, that this matter be RECESS. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

2009-0250 Persimmon Meadows - Annexation Agreement Extension - Public Hearing

Notice of the public hearing is for the consideration of extending the annexation agreement for the Persimmon Meadows subdivision located at the Northwest corner of 142nd Street and 108th Avenue, this is a 5.5 parcel which is due to expire on August 6, 2009. The property is currently being developed for single family residential. Notice was also posted on the Village Hall bulletin board and given to the news media and Comcast Cable Services.

Staff recommends extending the annexation agreement for one year as the subdivision is not completed.

President McLaughlin asked if anyone in the audience would like to make any comments. No one requested to speak.

I move to adjourn the public hearing on extending the annexation agreement for the property located at the northwest corner of 142nd Street and 108th Avenue (Persimmon Meadows).

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be ADJOURNED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

2009-0241 Mokena Fire Station - Annexation Public Hearing

This request is for continuance of a public hearing on the annexation agreement for the property located at approximately the southwest corner of 183rd Street and Orland Parkway in the I-80 corridor (Will County - Mokena Fire Station). The property which consists of approximately 2 acres is proposed to be developed by the petitioner with a new 10,700 square foot fire station and rezoned from E-1 Estate Residential to ORI Mixed Use.

The continuance is being requested due to the final plans pending Board approval.

I move to continue the public hearing on the annexation agreement for the property located at approximately the southwest corner of 183rd Street and Orland Parkway in the I-80 corridor (Will County - Mokena Fire Station) to July 6, 2009.

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be CONTINUED to the Board of Trustees. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

CLOSE PUBLIC HEARING

I move to close the public hearing.

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

RECONVENE BORAD MEETING

The roll was called to reconvene the regular meeting and Trustees Murphy, Fenton, O'Halloran, Dodge, Schussler, Gira, and President McLaughlin were present.

PUBLIC SAFETY

2009-0291 Replacement Vehicle for Unit #1466 - Approval

On May 8, 2009 Unit #1466 was involved in a vehicular accident. The vehicle was a total loss. This vehicle was not the at fault party in this incident. The at fault party is insured.

The Police Department would like to replace this vehicle as soon as possible and is requesting to replace this vehicle with funds from the Village's Insurance Fund Account. This vehicle is a 2008 Ford Crown Victoria Police Interceptor and would be replaced with one new 2009 Ford Police Interceptor.

The purchase price for this vehicle would be approximately \$22,681.00 plus approximately \$3,575.20, for the cost of the change-over, lettering and striping for a total cost not to exceed \$26,256.20. No monies have been received from the striking vehicles insurance company as of this date. CHUBB, the Village insurance carrier will continue to work to subrogate this claim against the at fault party.

The replacement vehicle would be purchased from Currie Motors Frankfort Illinois. They are the Ford Dealership with the State of Illinois purchase contract, TX # 815-464-9200. Currie Ford has this vehicle in stock and we can purchase it immediately.

I move to approve the transfer of funds from the Village Insurance Fund in the amount of \$26,256.20 to cover the cost to purchase one 2009 Ford Crown Police Interceptor vehicle to replace Unit #1466 from Currie Ford in Frankfort, Illinois.

A motion was made by Trustee Patricia Gira, seconded by Trustee Edward Schussler, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

DEVELOPMENT SERVICES AND PLANNING

2009-0251 Persimmon Meadows - Annexation Agreement Extension - Ordinance

This proposed ordinance authorizes the extension of the expiration date of the annexation agreement for the Persimmon Meadows subdivision located at the northwest corner of 142nd Street and 108th Avenue for one year.

Staff recommends this extension as the subdivision is not yet completed.

This is now before the Village Board for consideration of an ordinance granting the extension.

I move to pass Ordinance Number 4492, entitled: AN ORDINANCE AUTHORIZING AMENDMENT TO ANNEXATION AGREEMENT (PERSIMMON MEADOWS - NORTHWEST CORNER OF 142ND STREET AND 108TH AVENUE)

A motion was made by Trustee James Dodge, Jr., seconded by Trustee Edward Schussler, that this matter be PASSED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

2008-0720 Park Corners II Storm Water Complaint

Village Manager Grimes reported that this report is a follow-up to the concerns presented to the Board of Trustees by Mr. Charles O'Connell residing at 13501 Circle Drive, which is located directly east of the Park Corners' II professional office building at the SE corner of 135th Street and LaGrange Road (SW corner of 135th Street and Circle Drive), was approved by the Board of Trustees on September 17, 2007 and construction of the project was completed in the fall of 2008. The O'Connell's contend that improper design and flooding has impacted their property. The issue was heard & discussed at three (3) Public Works & Engineering Committee Meetings - 11/10/08, 12/8/08, 1/12/09.

The four points below summarize the issues presented by the O'Connell's and detailed descriptions follow with further background.

1. Storm Water Design

When Mr. O'Connell approached the Village regarding the road construction of the project, staff met with him on several occasions to discuss the project. Staff instructed CBBEL to double-check the design to ensure confidence in the review of the project with respect to storm water management. A re-review resulted in no changes to the approved design. A memo from Christopher B. Burke Engineering

Ltd. (CBBEL) is attached, which addresses the issue proper storm water management design for the project.

2. Storm Sewer Extension

Mr. O'Connell contends the swale/slope along the Circle Drive frontage of his property should be filled-in to lessen the slope and a storm sewer should be extended across this frontage to improve the drainage. Mr. O'Connell believes doing so would prevent any flooding problems. Staff and CBBEL have debated this issue with Mr. O'Connell numerous times.

Staff has met with Mr. O'Connell in the past when his subdivision was annexed to the Village circa 2000-2001 and was improved with new streets and utilities. At that time difficulties were experienced with the drainage of the swale along Circle Drive due to the disturbance caused by utility construction. Despite the lack of grade, the swale still effectively carries the overland flow. A storm sewer extension would provide no additional benefit with respect to conveying the volume of storm water.

The drainage area tributary to the swale in front of the O'Connell residence remains unchanged. The Park Corners II property has not added more drainage area feeding this swale. Also, the capacity of the storm system for this area is controlled by the County storm sewer which releases to the Southmoor Golf Course pond. Additional storm sewer installed along Circle Drive will not increase the capacity and therefore provide no benefit.

3. Slope Steepness & Maintenance

Mr. O'Connell has argued his property has been severely impacted by the widening of Circle Drive in the public right of way, he contends the approved plans were not followed and he claims erosion will occur on the parkway slope as a result of this widening. The steep slope resulting from the widening is not ideal, but not excessive. Similar slopes exist elsewhere in this area along 135th Street and these other areas are maintained without suffering from substantial erosion. The intent of the approved plans was followed, and the fact that some of the slope is slightly steeper than the approved plan, by a matter of inches, is still considered generally acceptable in the field.

Staff does not dispute the slope was substantially altered as a result of the Circle Drive widening. Nonetheless the slope is certainly maintainable. As a concession to Mr. O'Connell's concerns for slope maintenance, the Village and McNaughton Development are negotiating a covenant on the Park Corners II property which requires McNaughton to maintain the Circle Drive right of way along the O'Connell's property. It should be noted Staff also proposed the slope could be replanted with low growth, low maintenance vegetation and that idea was declined by Mr. O'Connell.

4. Flooding

Mr. O'Connell claims he has flooded numerous times as a result of this project. The very wet seasons of fall 2008 and spring 2009 seasons have demonstrated the storm water management functions properly. This subdivision has no storm water detention and therefore storm water must flow, and occasionally will pond, in the roadside ditches and swales. As always, drainage flows downhill and the O'Connell property is located at the lowest point where the storm water must cross 135th St. to enter Southmoor Golf Course. The storm water "flooding" that occurs within the 135th St. and Circle Drive public right of ways. Mr. O'Connell has reported no in-home flooding.

Staff has observed Mr. O'Connell's claims of flooding and the evidence he provides shows ponding in the right of way that is no different than what has been observed in this area prior to the construction of Park Corners II. For Mr. O'Connell to imply that this area has never experienced the type of right of way flooding seen in fall 2008 and spring 2009 is simply not entirely accurate.

It is the opinion of staff that Village staff and consultants, McNaughton Development and the Mayor and Village Board of Trustees have expended a significant amount of time in responding to the concerns raised. Despite those efforts, the O'Connell's are not satisfied with the solutions offered by the Village and McNaughton Development. The agreement with McNaughton for maintenance will be finalized and staff recommends closure of the matter at this time.

I move to accept the report and close the matter for further Board consideration as recommended by staff and consultants.

A motion was made by Trustee Bernard Murphy, seconded by Trustee Kathleen Fenton, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

VILLAGE MANAGER'S REPORT

2009-0295 Stellwagen Farm - Farming Agreement

On December 19, 2002, the Village became the owner of the 60-acre Stellwagen farmstead located at approximately 17800 South 108th Avenue as an Open Lands Acquisition. The purchase price was \$6 million.

Many conditions and covenants of the sale are outlined in the original offer to purchase the Stellwagen Farm real estate.

- Harwood Stellwagen retains a life estate in the residence located on the property, and approximately ten acres surrounding the residence
- The property shall forever bear the name "Stellwagen Farm", or as otherwise

mutually agreed, and that a memorial, first approved by the Stellwagens as to the sign verbiage, shall be erected on the property by the village bearing the Stellwagen name.

- The property is required to remain devoted to historical farm, open prairie and farm-related educational purposes. The property can not be sold, rented, or leased for something other than such purposes and organized sports is not permitted on the property.
- The village created the Stellwagen Family Farm Foundation (SFFF) steering committee consisting of five members, two of whom are members of the immediate family of Harwood Stellwagen.
- During a transitional period of two years from the date of closing (12/18/02), Jim Stellwagen continued to farm the property, rent free.

An extension of that free period was granted on April 25, 2007, when a lease was accepted by the village and Jim Stellwagen which gave Jim Stellwagen the right to farm the property for a one year period, rent free. The conditions of this lease include the following:

- Cut and keep down all weeds
- Not install any fencing without obtaining prior written approval of the village
- Not remove any top soil, change ground level, commit waste of any kind, alter the natural water drainage, or create any water drainage problems for adjacent property owners
- Not allowed to grant permission to anyone for any recreational or sporting purposes
- Protect at all times, all boundary markers and monuments presently located on the premises or which the Lessor may erect on the premises during the term hereof
- Not install or operate irrigation or sprinkling system without prior written approval from the village; or transport any irrigation parts thereof upon the Leased Premises
- Not place any signs or advertising billboards on the premises
- Not allow any vehicles, machinery or equipment to be parked on the premises (except for farm machinery)
- Comply with all applicable environmental statues, ordinances, rules, and regulations issued by any environmental agency relating to the Lessee's use of Lessor's property. If any alleged or actual violations occur, the Lessee will reimburse Lessor for all costs incurred by Lessor.

That lease expired and Mr. Stellwagen was asked not to farm in 2008, however, he did plant crops that season. Recently, Mr. Stellwagen again approached the village and the Stellwagen Family Farm Foundation about rental.

In this area, farm leases are generally rented on a dollar amount per farmed acre per year. The Village Attorney has updated the 2007 farm lease to include a payment of \$75 per tillable acre (approximately 45 acres). The terms and conditions of this lease agreement match those of the April 25, 2007 agreement with the addition of the payment provision. The Stellwagen Family Farm

Foundation has requested that the \$3,375 generated from this agreement go to the fund that maintains the farm.

I move to approve the farm lease agreement with Jim Stellwagen for the year 2009 and authorize the Village Manager to execute the agreement.

A motion was made by Trustee Kathleen Fenton, seconded by Trustee Patricia Gira, that this matter be APPROVED. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

NON-SCHEDULED CITIZENS & VISITORS

Terrence Camodeca spoke before the Board on general observations.

BOARD COMMENTS

TRUSTEE FENTON - Reported that the Farmers Market has become one of the most popular markets in the area. This year vendors had to be turned away. Other vendors have decided that they will only participate in the Village's Farmers Market because of the great attendance.

A reminder that the Open Lands Garden Walk will take place on Saturday, June 28th.

PRESIDENT McLAUGHLIN - Commented that there are several Scouts in the audience at tonight's meeting. They are earning their Government Badges. After the meeting President McLaughlin stated he will be available to answer any questions they may have.

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) the purchase or lease of real property for the use of the village; and c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

A motion was made by Trustee Bernard Murphy, seconded by Trustee Kathleen Fenton, that this matter be RECESS. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

RECONVENE BOARD MEETING

The roll was called to reconvene the Regular Meeting and Trustees Fenton, Murphy, O'Halloran, Dodge, Schussler, Gira, and President McLaughlin were present.

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) the purchase or lease of real property for the use of the village; and c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

ADJOURNMENT - 9:00 PM

A motion was made by Trustee Bernard Murphy, seconded by Trustee Kathleen Fenton, that this matter be ADJOURN. The motion CARRIED by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Village President McLaughlin

Nay: 0

/nm

APPROVED:

Respectfully Submitted,

David P. Maher, Village Clerk

Joseph S. La Margo, Deputy Clerk