Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525

MEETING MINUTES
BOARD OF TRUSTEES

"Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken."

Thursday, February 8, 2007

7:30 P.M.

I. CALL TO ORDER - MAYOR RICHARD F. PELLEGRINO

The regular scheduled meeting of the Village of Indian Head Park Board of Trustees was held on Thursday, February 8, 2007, at the Municipal Facility, 201 Acacia Drive, and was called to order at 7:30 p.m. by Mayor Richard F. Pellegrino. Village Clerk Joseph Consolo called the roll as follows:

II. ROLL CALL: JOSEPH CONSOLO, VILLAGE CLERK

PRESENT (AND CONSTITUTING A QUORUM):
Mayor Richard F. Pellegrino
Trustee Richard Andrews
Trustee Debbie Anselmo
Trustee Anne Bermier
Trustee Carol Coleman
Trustee Norman L. Schnaufer
Trustee Matthew P. Walsh II

ALSO PRESENT:
Frank Alonzo, Administrator
Steven Busa, Treasurer
Joseph Consolo, Village Clerk
Patrick Crowley, Chief of Police
Jim Niewiara, Counsel, Quinlan & Carroll, Ltd.
Edward Santen, Water/Public Works Superintendent

III. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Pellegrino and the Board of Trustees led the audience in reciting the Pledge of Allegiance to the Flag: *"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all".*

IV. CONSENT AGENDA

The following consent agenda items were presented for Board approval. Mayor Pellegrino entertained a motion to approve the following:

- *Ordinance Prohibiting Smoking in Public Places in the Village of Indian Head Park (Ordinance #07-2)*
- *Ordinance Amending Ordinance #06-1, Chapter 2, of the Village of Indian Head Park Municipal Code to Provide for the Creation of One Additional Part-Time Police Officer Position Within the Village Police Department (Ordinance #07-3)*
- *Resolution for Maintenance and Construction in Rights-of-Way on State Highways (Resolution #R2-07-1)*
- *Resolution Regarding Updates to the Village of Indian Head Park Zoning Map (Resolution #R2-07-2)*

Trustee Coleman moved, seconded by Trustee Andrews to approve the Consent Agenda items, as presented to the Board for approval. Carried by unanimous roll call vote (6/0/0).

Aye: Andrews, Anselmo, Bermier, Coleman, Schnaufer, Walsh
Nay: None
Absent: None

APPROVAL OF BOARD MEETING MINUTES

Minutes of the Regular Board Meeting - December 7, 2006
Minutes of the Regular Board Meeting - January 11, 2007

After review of Board meeting minutes, Trustee Walsh moved, seconded by Trustee Bermier, to approve the December 7, 2006 regular Board meeting minutes, as presented. Carried by unanimous voice vote (6/0/0). After review of Board meeting minutes, Trustee Coleman moved, seconded by Trustee Andrews, to approve the January 11, 2007 regular Board meeting minutes, as amended. Carried by unanimous voice vote (6/0/0).

V. FINANCIAL REPORT - TREASURER STEVE BUSA

- *Financial Report for the month ending December 31, 2006*

Treasurer Busa presented the financial report for the month ending December 31, 2006. For the month of December, he noted: (1) total revenues were $111,517.47; (2) expenditures were $258,675.30 and; (3) total fund balances in all accounts at the end of December were $482,126.60.

Trustee Schnaufer moved, seconded by Trustee Anselmo, to approve the financial report for the month ending December 31, 2006, as presented by Treasurer Busa. Carried by unanimous roll call vote (6/0/0).

Aye: Andrews, Anselmo, Bermier, Coleman, Schnaufer, Walsh
Nay: None
Absent: None

Treasurer Busa noted that property tax bills were sent by Cook County and the Village anticipates receiving its portion of real estate revenue sometime in March.

VI. QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK RESIDENTS/PROPERTY OWNERS IN ATTENDANCE

Mr. John Dimoff inquired about the zoning map updates and if those changes pertain to any particular property. Mayor Pellegrino stated that each year the Village must publish a new zoning map if there are zoning changes that occurred during the preceding year. He added that State Statute requires a new map to be approved if there are updates to reflect those zoning changes such as rezonings of property or boundary changes.

VII. AGENDA ITEM

1. Discussion Concerning Street Maintenance at Chestnut on the Green Subdivision - Mayor Pellegrino

Mayor Pellegrino welcomed those in attendance from Chestnut on the Green Subdivision. For the record, Mayor Pellegrino summarized the following history over the past twenty years of Chestnut on the Green Subdivision (formerly Creekside Partners Development) as follows: In 1972, the developers of Creekside Partners discussed preliminary plans with the Village for the proposed Creekside Development. After many years of discussion and litigation, the administration and officials at that time were not interested in development in that area. In March 1996, a court ordered Consent Decree was entered by the Chancery Division in the Circuit Court of Cook County between Harris Bank Hinsdale, as Trustee for Frederick Tyson and Donald Schuster (Creekside Partners) v. the Village of Indian Head Park to resolve zoning disputes with interpretations of the Village's zoning regulations raised by the developer of Creekside Development (now known as Chestnut on the Green Development). Mayor Pellegrino stated that the developers (Creekside Partners) felt that the Village officials at that time were impeding their right to develop the property and subsequently a long protracted litigation ensued and thousands of dollars in taxpayer money was, in the Mayor's opinion, somewhat wasted on the litigation. The parties came together and entered into a Consent Decree and a settlement concerning the development of the property now known as Chestnut on the Green. The terms of the Consent Decree settlement agreement from 1996 set forth the following: (1) the property consists of a seven acre parcel, commencing approximately 400 feet east of Wolf Road and 300 feet south of 72nd Street located within the boundaries of Indian Head Park; (2) all roadways and streets in the development shall be twenty-seven feet (27') in width and conform to I..D.O.T. standards; (3) the homeowners or condominium association shall be charged with the maintenance of common areas and common elements, including streets, parking areas and exterior grounds. Mayor Pellegrino further noted that in 1998, the Village Board approved Ordinance #98-18 regarding a vacation of a portion of 72nd Street and Edgewood View Road in Indian Head Park. In 1999, the Board approved Ordinance #99-7 approving an annexation agreement. All easements were dedicated to the Village necessary for the extension of water/sewer lines. Regarding private roads, the developer would construct all roads within the property to be privately owned and maintained by an association of owners. The bridge also to be privately owned and maintained by the owners of the townhomes. Mayor Pellegrino stated that although he did not serve on the Village Board during the Creekside Development discussions; he noted that it was important to review the historical facts regarding the development of the property. Mayor Pellegrino further stated that laws and ordinances have to be living, breathing things and therefore those laws and ordinances are not set in concrete and there should be some flexibility to deal with the actual situations and problems of people. Mayor Pellegrino asked the audience members if there were any questions regarding the history of Chestnut on the Green Development. There were no comments from the audience. Mr. Max Moskal, stated that he is present this evening representing Chestnut on the Green Associations and he thanked Mayor Pellegrino and the Board of Trustees for the opportunity to present a request to the Village to adopt the streets, maintenance and snow removal in Chestnut on the Green Development. Mr. Moskal stated that Phase 1, is a development with 48 townhome units that were completed in about 1999. Phase 2, with 50 townhome units, was completed in early 2002. The total combined development consists of 98 units, along with common properties, including Flagg Creek Drive and 72nd Street, east of the bridge over Flagg Creek. Mr. Moskal added that owners of the townhomes consist of business people, workers, taxpayers, supporters and volunteers, dedicated towards making Indian Head Park a better community. Mr. Moskal stated that many of the owners are with us tonight and many have signed a petition to be presented to the Board as follows: "We, the undersigned, homeowners at Chestnut on the Green, a subdivision within the Village of Indian Head Park, Illinois, hereby petition the Village to dedicate Flagg Creek Drive and 72nd Streets as part of the Village of Indian Head Park; taking over snow removal and maintenance of said streets." ***Mr. Moskal further stated:*** Why do we feel the Village should adopt the streets?

First, Chestnut on the Green is an open community. School

buses, mail carriers, delivery and utility services, police, fire, waste removal trucks, and the general public have access to our community, and regularly use the streets. Second, a review of the Village Website shows 65 named streets within the Village that are maintained as snow emergency routes, encompassing approximately 12 miles. This accounts for virtually all of the streets in the Village. There appears to be three or four exceptions within the Village, of which two of those exceptions are streets within Chestnut on the Green being discussed tonight. Our homeowners are an integral part of the community, and as taxpayers we would like to benefit from the same services that are provided to other taxpayers within the Village. We have been here for five to seven years. Yet, one of our owners said, because of the lack of services, she felt as though we have never been a part of Indian Head Park. My third point, our streets have been constructed to Village standards and have adequate width and turnarounds for access by maintenance and snow removal equipment. I might add that the largest vehicles, such as fire trucks, have no problem negotiating the turns. My last point, there is a potential safety issue that should be considered. Compared to the rest of the Village, we are somewhat remote. In times of severe snowfalls, such as we seem to get every few years, our contracted snow removal services, with small truck plows, may be too limited to clear the way. In such times, it is important to have at hand the heavy snow removal equipment that is available to the rest of our community. Should we be snowbound and there is a need for emergency fire, police and medical services, there is a potential delay that could be encountered in servicing the needs of our residents. Mr. Moskal thanked Mayor Pellegrino and the Board for their consideration regarding this matter. Mayor Pellegrino stated that Mr. Moskal's letter sent to the Village sometime in November led to the meeting and discussion this evening. Mayor Pellegrino stated that the Village Board has worked tirelessly to make sure that no aspect of the community ever feels isolated. Trustee Bermier stated that she agrees with the safety aspect and it was an important issue to point out. Trustee Coleman stated that she was on the Board at the time Chestnut on the Green was being developed and recalled that the developer did not want the streets dedicated to the Village and the developer intended the streets to be private as a selling point for the development. Trustee Coleman stated that the Board at that time made sure the streets were constructed according to I.D.O.T. standards.

Trustee Coleman further stated that if the Board decided to take over the maintenance of the streets in Chestnut on the Green, the streets would need to be dedicated to the Village and the Village would not just enter into a maintenance agreement to take care of the streets. Mayor Pellegrino stated that Trustee Coleman served on the Board at the end of the process with Creekside Development and prior to actual construction of the development. Mayor Pellegrino stated that the developer at that time may have thought that the private roads were more attractive in terms of real estate pricing; but the Village officials in the 1970's through the litigation did not want to take on the responsibility of the cost and maintenance of those roads because it is specifically delineated in the Consent Decree between Creekside Development and the Village; long before John Barcelona acquired the property to be developed. Trustee Walsh inquired if it is possible to take over the snow plowing of the roads without actual dedication of the streets. Superintendent Santen stated that he suggests the snow plowing operation could be attempted first to determine if the roads can be easily handled with the equipment. Trustee Walsh asked Mr. Moskal if a private snow plow service would still be needed for the artery areas. Mr. Moskal stated private plow services would still be needed for snow removal on driveways and walkways. Counsel Niewiara stated that the Village can enter into agreements under Illinois law for maintenance, snow plowing or to provide other services for a private association (for health and public safety reasons). He added that if the Village decided that the streets should be dedicated to the Village; an ordinance and formal plat of dedication would need to be approved and recorded by the Village. Trustee Andrews stated that the Board is discussing maintenance of the streets and snow plowing and the association is not requesting anything with the bridge. Mr. Moskal stated that Chestnut on the Green Association is not asking for maintenance of the bridge and a reserve fund for the maintenance of the bridge was established. Mr. Moskal stated that in terms of paving, the Village is in a much better position to negotiate pricing from contractors when roads need to be resurfaced because there is a volume of roadway that usually needs to be done by a municipality. Mayor Pellegrino stated that if the Village decided to incorporate the paving of Chestnut on the Green streets when needed, would the association reimburse the Village if better pavement pricing would be obtained. Mr. Moskal stated that it is difficult to find a contractor for paving of a small portion within a development because they are more interested in larger projects and it may be more economical in the overall cost to include paving with Village projects. Trustee Coleman asked Mr. Moskal if the association is asking for paving of the streets to be paid by the Village

when needed. Mr. Moskal responded, yes. Mayor Pellegrino asked how do we respond to the other citizens of the Village who might say the developer of Chestnut and other properties in the Village knew when they came in to the Village that the streets would be maintained privately and association dues would be collected to maintain those streets. Mr. Steve Hollinger, a member of the Chestnut on the Green Board, stated that he would respond to that by saying that the same tax dollars he pays helps to fund other areas of the Village. He added that although the developer previously agreed that the streets would be private, the property owners did not have a say in that matter. Mayor Pellegrino stated that when individuals are interested in acquiring property in a townhome or planned community, there are certain responsibilities spelled out for association dues and other fees to cover development expenses. Trustee Bermier stated that she does not recall any resident complaining previously that the Village was interested in taking over a private road for dedication of a street to the Village. Trustee Walsh proposed that the Village take on the responsibility of snow plowing in Chestnut on the Green Development and it is something the Village can take on to help the citizens in that development area. Trustee Walsh suggested that Superintendent Santen and the Village engineer look at the roadways in Chestnut on the Green and the costs that would be involved to take over paving and maintenance of the streets. He added that $5,000 or $10,000 for paving of the roadways could easily be included in the budget process; but if those roads need thousands of dollars in repairs over the next several years, the Village may not be able to budget for those expenses. A resident of Chestnut on the Green inquired if there are any grants available for road maintenance through the county or state that would help fund that type of project. Mayor Pellegrino stated that Cook County and Springfield have very tight budgets and it is unlikely over the next few years that grant money would be available for these types of projects. Mayor Pellegrino stated that if the Village allows for snow plowing and dedication of these streets; then the same option would need to be offered to anyone else in the Village that has private roads. Trustee Coleman stated that Indian Woods Development approached the Village previously about dedication of their street and asked for the street and extensions off of the street to be dedicated. The Village Board, offered to take the street; without the extensions and for some minor street repairs to be made before the streets were dedicated. However, Indian Woods Development withdrew their request because the Village would not take the extensions off of the street. Mayor Pellegrino stated that other areas of the Village and associations that have private roads should be invited to participate in the process regarding discussions of street dedications. Mayor Pellegrino stated that he supports the dedication of the streets as long as the costs are reasonable. Mayor Pellegrino stated the first opportunity the Board would have to vote on this matter would be the March Board meeting and other areas of the Village that have private roads would be invited to participate in the discussions. Trustee Walsh inquired if Chestnut on the Green conducted a long term road maintenance schedule. Mr. Moskal stated that an analysis of the roads in Chestnut on the Green was conducted and the report will be provided to the Village. Trustee Schnaufer inquired if the Board needs to pass an ordinance to amend the previously approved Consent Decree that was recorded. Counsel Niewiara stated that there is some degree of flexibility in terms of what is accepted for street dedications and there is a wide latitude for health, public safety and welfare of the community. Mayor Pellegrino stated that everyone heard the Treasurer's Report, this government is run on the philosophy that you do not spend more than you take in and the Board has been able to hold the line on the local portion of property taxes proudly for the past eight years. Mayor Pellegrino stated that the Village does not have huge shopping districts and car dealerships to help bring in revenue and Indian Head Park is primarily residential with limited resources. Mayor Pellegrino stated that the consensus of the Board is supportive to work towards a fair resolution to solving the concerns of the residents of Chestnut on the Green Subdivision and a vote may possibly take place at the March Board meeting regarding street maintenance.

VIII. ADJOURNMENT

There being no further business to discuss, Trustee Walsh moved, seconded by Trustee Schnaufer, to adjourn the regular Board meeting at 8:15 p.m. Carried by unanimous voice vote (6/0/0).

Respectfully Submitted,
Joseph V. Consolo, Village Clerk
Kathy Leach, Deputy Clerk/Recording Secretary

HAPPY EASTER!!!!!!!!!!