

Members Present

Mr. Tholen, Mr. Vickery, Ms. McBride, Mr. Washington, Mr. Olthoff, Ms. Bernard, Dr. Pagast, Mr. Tripp, Mr. Hess, Mr. Stauffenberg, Mr. James, Ms. Polk, and Mr. Flett

Members Absent

Mr. Nixon

In Attendance

- **Board Members**

Mr. Bossert and Mr. Arseneau

- **Department Heads**

- **Media**

Dimitrios Kalantzis

1. Call to Order/Roll Call

The meeting was called to order by the Chairman, Mr. Olthoff, at 9:00 a.m. Quorum present.

2. Approval of Minutes –June 27, 2012

A motion to approve the minutes was made by Mr. Hess and seconded by Mr. James. Motion carried with a voice vote.

Mr. Olthoff asked for a motion to adjust the agenda. In light of the interest on an issue that is on Hieland Road, he would like to change the agenda and have some information given before public comment to see if any questions can be answered regarding it.

Mr. James made a motion to adjust the agenda and Mr. Tripp seconded it. Motion carried with a voice vote.

Mr. Van Mill stated that they have received an application for development on a piece of property. They have not issued a permit yet; however, a significant amount of evaluation has been done by the Planning Department. They will give a brief overview of what the project is and Mike Gingerich is here to talk about the technical review. Eric Sadler from the Planning Department has been the point of contact for this project and he will give a brief overview and then Mr. Gingerich will speak.

Mr. Sadler stated that on June 18 their office received a Class II storm water grading and draining application from MMK Development for what is being called Pine Ridge Farm on Hieland Road which is six or seven acres just north of the playground site near the forest preserve district property. It is a portion of what was the old dog kennel. The applicants propose to bring in approximately 55,000 cubic yards or 3,400 truckloads of clay and topsoil. The fill is essentially coming from the I-57 315 Exit project. It is coming from the former entrance and exit ramps. The fill has been tested prior to the project by IDOT. When the project is complete the applicant will have seeded the entire property and will have placed some berms on the property; as well as, a dry bottom detention pond and the berms will be landscaped. He has had phone calls about the concern of large amount of trucks on Hieland Road but that road is a county highway and it is built to an 80,000 lb. standard.

Mr. Van Mill asked Mr. Gingerich to give an overview from his evaluation of the plan.

Mr. Gingerich stated that because the project disturbs a large area it is required to get a Class II grade and drainage permit and the county has an ordinance for storm water control which sets out all the requirements for that permit so as a consultant to the county they review the plan in accordance with

that ordinance. Basically, what has been proposed is to fill the land, re-grade it, put topsoil back over the surface of the land, and then have the entire property drained to a common area. He will call it a pond but it will usually be dry and will be grass bottom. The water will be let out in a controlled manner. It is pretty straight forward in terms of the ordinance and what they propose and as far as he can tell it meets all the provisions of the county's ordinance.

Mr. Olthoff asked if they will be removing the topsoil, putting the fill in, and then putting the topsoil over the top or is it new topsoil.

Mr. Gingerich stated that the specifications did not call that out because they are bringing topsoil but they might do that. It probably depends on if they have any intentions of using it in the future for something.

Dr. Pagast asked if this application falls under the solid waste management plan.

Mr. Van Mill stated that there are some exceptions to what is considered to be waste and soil/clay is not considered waste by the State of Illinois.

Dr. Pagast stated that we couldn't think that this is usable soil. It is a waste. It is from concrete so it should fall under getting rid of concrete material.

Mr. Olthoff stated that it is clay.

Dr. Pagast stated that it is clay but is it just clay. How much is it compromised?

Mr. Gingerich stated that the application is strictly for clay and topsoil.

Dr. Pagast stated that his concern is that this is a very gray area. In his mind, they are concerned that it might get in contact with the water level or contaminate an area; otherwise, they wouldn't say that they have a lining.

Mr. Olthoff stated that there is no lining.

Dr. Pagast asked what it was then. Why would you not just dump the material? Why take the top soil off and then dump it and put the top soil back on?

Mr. Olthoff stated that you don't want an eyesore. You want it to look nice.

Dr. Pagast stated that he has concerns with that. His concern is that an exclusion is being made that this should not fall under solid waste management because it is material which they want to get rid of.

Mr. Olthoff stated that is clay and topsoil. It is dirt.

Mr. Arseneau asked if there were any zoning issues with this.

Mr. Van Mill stated that there is no change of use. From what he understands, the property would still be considered a developable site in the future.

Mr. Arseneau asked if they need a special use permit.

Mr. Van mill stated that they do not as far as he is aware of.

Mr. James stated that this is in his district and his main concern is whether or not they are going to be bonded so whatever specifications that will be approved will be performed. He understands that as a property owner if he wanted to transfer some soil from one section to the other there is not too much that can be said about it. Basically, what we are talking about here is transferring soil and as long as it is acceptable and passes everything he realizes it is something that they cannot really say no to but he would be concerned that whatever they lay out is performed because we have to live with it afterwards.

Mr. Van Mill stated that there is a provision in the ordinance that allows them for assurances that it will be done whether it is through a letter of credit or a bond and that will be a requirement that they would make if they issued a permit for this.

Ms. Bernard asked if the storm water permit will come before this committee if it is issued.

Mr. Van Mill stated that it will not. That is what they are here today for.

Ms. Bernard stated that she was at UCCI yesterday and starting next year not only are agendas going to have to be put out but there is going to have to be a description of what each item on the agenda is so people don't have this last minute surprise. The public has every right to comment but what she is concerned about is just the way that we have changed the format where we are trying to explain this thing away and the county board is not voting on it. She has seen situations where people are getting grief over the placement of a six foot difference in a fence and yet here this thing can go without the county board acting on it. We are talking about some major changes here.

Mr. Van Mill stated that they know that this is unusual which is why they brought in outside technical expertise to review the standards that they have in place and to evaluate their zoning ordinance and all their regulations concerning this matter. The first discussions of the proposal was in June and they still have not issued a permit because they wanted to insure that it did meet the codes, that they got a third party review to insure that they were not missing anything, and that they contacted everybody involved whether it was township officials, county board members in the district, adjoining neighbors, etc.

Ms. Bernard asked who the developers were in this project.

Mr. Sadler stated that the application is for MMK Development - Matt Klabisch.

Ms. Bernard stated that her concern is that this is a huge project to do and she doesn't know if there is adequate protection. We have eaten mistakes before and she is afraid that we are going to be eating some more. Also, the fact of what the people have to live with. We are talking about some major changes to the topography there.

Mr. Olthoff asked what her objection would be to it if the proposal is finished as proposed.

Ms. Bernard stated that she wants to know what guarantees we have so that the adjacent property owners are protected and also to make sure that the county does not have to sit and face bills down the road.

Mr. Olthoff stated that if a bond or letter of credit is provided to cover that, what would be her objection.

Ms. Bernard stated that she would want to see what this does long term. She would want to hear more from the neighbors and adjacent property owners. It is going to affect people down the road from this.

Mr. Olthoff asked in what way will it affect them.

Ms. Bernard stated that because of the drainage it will affect them.

Mr. Olthoff stated that the drainage is being addressed with the dry detention pond. There could be less run off than there is presently.

Ms. Bernard stated that she wanted to see guarantees.

Mr. Olthoff asked if that was not what the bond is for.

Ms. Bernard stated that we need to see how much the bond is for. Let's see if the bond has built in factors because the cost of fixing something today is going to be different in 10 to 20 years.

Mr. Van Mill stated that they are looking at bonds between \$50,000 and \$75,000.

Ms. Bernard asked if it is going to cover it in 20 years.

Mr. Van Mill stated that they also have in writing what their long-term management plan is which is a requirement and also the individuals in which they would have to contact if they needed to have maintenance done to the property in the future.

Ms. Bernard asked if the bonds are structured in a way so it accommodates escalating costs.

Mr. Van Mill stated that the bond is to insure that the project that they are proposing is done the way that they are proposing. They would have to follow their usual code enforcement procedures in the future if the grass is too high or if the property stays unkempt or anything along those lines. That would be the course of action. The bond or letter of credit would be simply for assurance that the development and proposed plans meet our storm water ordinance requirements.

Mr. Tripp stated that we will be monitoring this from beginning to end so there are checkpoints along the way all the way through. He doesn't see a problem with it.

Mr. Bossert asked Mr. Sadler what agencies he consulted during the review process.

Mr. Sadler stated that they have already been mentioned by either the chairman or Mr. Van Mill – county board members; forest preserve; soil and water, Rich Howell's office has given their approval; and the Highway Department has been actively involved in it reviewing it. They do have a proposed entrance but Highway has not issued the permit at this point.

Mr. Bossert asked if the forest preserve had an engineer take a look at it.

Mr. Sadler stated that they did have Mr. Tyson take a look at it.

Mr. Olthoff asked Mr. Gingerich what would be the amount of height increase of the property.

Mr. Gingerich stated that it is going to vary throughout the property. The ground is fairly steep towards one end so it varies quite a bit as to the depth of fill on the property. For an example, down on the south end of the property the ground might be as high as 630 ft. above sea level and the existing ground is 617 ft. above sea level so the highest berm right there is about 13 ft. higher than existing ground but that berm comes back down to meet the existing ground before it gets off of the property. Up on the north end of the property, they have designed a hill which gets as high as 637 ft. above sea level and the ground there is about 618 ft. above sea level which is about 19 ft. of fill in there. The rest of it varies from zero to a couple of feet. It has a hill on one side and a berm where the detention is on the other side.

Mr. Olthoff asked him if he would say that there would no increase in flow off of the property in a large rain.

Mr. Gingerich stated that yes he would for the proposed use because they are building a detention pond but they are not proposing any additional impermeable areas. It is going to be grass when they are finished.

Mr. Olthoff stated that the water leaving the property would be slower than what it is now because of the detention pond.

Mr. Gingerich stated that it would be coming out with less rate of velocity.

Mr. James stated that one of the main concerns from calls that he has received has been soil contaminants. What has been done in regards to guaranteeing that we are not bringing in any contaminated soil?

Mr. Olthoff asked if the soil will be tested as it is taken out.

Mr. Van Mill stated that it has been discussed with connection to IDOT. We do not have the authority in our ordinance to do that.

Dr. Pagast stated that when there is clay in the ground there is a problem because the water cannot go through it. To say that to put clay down will be beneficial for anything, he cannot see that.

Mr. Olthoff stated that he has land that is clay loam and silt loam and then there is sand loam. That area is sandier so water goes down quickly. Clay will retain moisture to allow plants to grow better than if it was sand and there was no rain. Clay is common in our county as a subsurface so he doesn't see that as a reason that it wouldn't be a barrier for water to go through, it just goes through slower.

Dr. Pagast stated that it would have to have a large layer of topsoil because once it hits the clay the water will stand right there and will not go anywhere.

Mr. Olthoff stated that he does not believe that is true because he has a farm with clay on it and it retains moisture better than the land that he farms that has a sand base. That is why St. Anne is irrigated because it is sandy and the water is not retained and the roots go through clay; as well as, loam. He doesn't believe that is an issue.

Ms. Bernard asked what it would take to put in the permit a provision that the soil be tested.

Mr. Van Mill stated that they will evaluate that. They want to make sure that it is safe and they will work with IDOT and the contractor to do that.

Ms. Bernard stated that she thinks that at the very least there needs to be testing of the soil and it needs to be written in there. She wants to see very strong guarantees because even engineers have feet of clay. We have seen problems with things that have been engineered such as the subdivisions in Bourbonnais where there were flooding problems and it ended up costing us money. We have seen letters of credit get extended again and again and the work never gets done.

Mr. Van Mill stated that within their authority they will do what they can to insure those tests are performed.

Mr. Arseneau asked what Mr. Tyson said.

Mr. Sadler stated that he reviewed the project in a cursory manner. He didn't see a lot of outstanding issues. One of the issues that he looked at was the slopes specifically by the south end by the park area but they are in accordance with what the plan calls for.

Mr. Tripp asked if this was coming from farmland.

Mr. Olthoff stated that it comes from the 315 exit where they are making the changes. It is the base, the clay, and the top soil that was used to build that.

Dr. Pagast if the soil was under blacktop.

Mr. Olthoff stated that it was under concrete probably. The concrete is the base and the blacktop is on top.

Dr. Pagast stated that we all know where blacktop comes from. It is an oil base material so if you have it for years you could expect contamination of the clay area because whatever seeps through would get stuck in the clay because clay holds the water. It could act like a filter of the concrete or blacktop material.

Mr. Olthoff stated that drainage from the road is going into storm sewers and it is not going through the blacktop, through the concrete into the ground. So he would say that if that is his concern he doesn't think that it is valid because storm sewers would be taking that water away. If the ground is tested and there is no concrete or blacktop or anything else in it and the testing proves to be satisfactory than he doesn't see what the problem is.

Ms. Bernard asked if they are also taking soil from the grading on the sides and from the ditches.

Mr. Olthoff stated that he would assume so.

Ms. Bernard stated that if that was the case then not only are you talking about petroleum products being used for the blacktop but also vehicles that overheat and fluids; such as, transmission fluids, brake fluids, deicing chemicals, etc. that might leak so she thinks that it is imperative that we get more

information and that the soil is tested. Mr. Tyson's review was a cursory look which means brief. We need to be thorough and we need to examine and test.

Mr. Olthoff stated that that is why we want to test it.

3. Public Comment

- **Ray Tebo commented on the Hieland Dump.**
- **Michael Morgan commented on the Hieland Road Dump.**
- **Greg Salisbury commented on the Hieland Road Dump.**
- **Karen Beatty commented on the Hieland Road Dump.**
- **Andrea Taylor commented on dumping debris from construction near the forest preserve.**
- **Benay McCue commented on the dump on Hieland Road.**
- **Mike Quigley commented on the Hieland Road dump site.**

4. Zoning

- **Reappointment of Terry Vaughn to Zoning Board of Appeals**

Mr. Tripp made a motion to approve and Mr. Vickery seconded it. Motion carried with a voice vote.

5. Building

6. Planning

- **Declaration of Surplus of the Planning Department Windstar Van**

Mr. Olthoff asked what the van was used for.

Mr. Van Mill stated that they used it to do code enforcement.

Mr. Hess asked what the year and mileage was.

Ms. Sadler stated that it is a 2000; she doesn't know the mileage.

Mr. Lammey stated that it is not running.

Mr. Olthoff stated that they are requesting that that information comes when they vote at the county board meeting.

Mr. Hess made a motion to approve and Mr. Vickery seconded it. Motion carried with a voice vote.

7. Transportation

- **Contract with IDOT for State Metro Planning**

Mr. Lammey stated that there is no contract with IDOT.

- **Illiana Expressway Update**

Mr. Lammey stated that they had thought that the Illiana study had settled on B3 as the alternative, which is the alternative that we have been in favor since before the study started, but a couple of extra alternatives have surfaced. The northern most alternative goes north of the airport and was proposed by the south suburban mayors and managers who he believes thought that B3 really didn't offer them any

benefits; although, we really don't think that it solves the problem of getting trucks from Rt. 55 to 65 because no one is going to take that tortured route to get between the two of them and after they ran the traffic model they decided the same thing. Indiana wanted to go south of Lowell rather than between Lowell and Cedar Lake and when they ran the traffic model on that they discovered that a fair number of trucks dropped off when you go that far south of Lowell because the trip is that much longer. Once again we think that the shortest route, which is the 47 mile route between Rt. 55 and 65, is the best. There is a public hearing on July 31 if anybody wants to find out the latest information on this. At this point, we have a number of communities all along the path of B3 who are taking positions against the B3 alternative because their citizens are telling them that they don't want it. Wilmington said last week that they not only did not want the B3 alternative they preferred no building at all or, if possible, to go through Midewin Tall National Tall Grass Prairie which we know is not possible. They are anticipating a fair number of negative comments on B3 mostly from people who live in the area. They are asking the county board members to somehow register their support of Alternative B3 to try and counteract some of that negative commenting. There are three ways to do that which are outlined on the memo he handed out. It can be registered online or they can go to the public meeting and give your input there or they can write a letter straight to the study team itself. He would suggest that they say that they support the B3 Route because we think that it has the best chance for taking trucks off of our two-lane roads through the county that have no stop in the county. He would also ask that they identify themselves as a county board member.

Mr. Hess stated that south of Lowell there are wetlands and a marsh area. How are they even trying to propose that?

Mr. Lammey stated that you can build in a flood plain. It just costs an awful lot more money. One of the benefits of B3 is that there are far fewer environmental impacts than there are for any of the other alternatives.

Mr. Bossert stated that it is not just wetlands. The engineering term they heard at one of the meetings is "muck". It is unstable soil that would just be very expensive to engineer through. They are saying that it would add \$50 million to \$100 million dollars to the cost to try to get through that area.

8. Old Business

Dr. Pagast stated that at the June meeting he asked what is going on with the Solid Waste Management Plan and he was told that it was with the State of Illinois for review. What is the progress on it?

Mr. Bossert stated that he has gotten no notice other than acknowledgment that they received it. He suggests that at this point that if we haven't heard any comments by now we should post it online.

Mr. Van Mill stated that they will post the plan online next week.

Ms. McBride stated that she wanted to thank everyone for their prayers and concern for her granddaughter. She passed away and her funeral was last Monday.

Mr. James stated that he would be interested in knowing what is going on with that project out in Pembroke where Mr. Gibbs was involved. He is picking up all kinds of bad vibes about what is going on out there.

Ms. McBride stated that Mr. Gibbs is no longer on the scene. He has been indicted for something else. As far as she knows, nothing is going on in the building. She does know that they said that the mold is coming back because the air conditioning is not being used so it is really deteriorating.

Mr. Olthoff asked who owns it.

Ms. McBride stated that the township does.

Mr. Olthoff asked if any business has gone in there.

Ms. McBride stated that her understanding was that the plans were changed just before the work was supposed to be done on it which made the rooms smaller and now there is not enough room for anybody who wants to do business there.

Mr. James stated that he is concerned because we have a vested interest in it. He is concerned about what we might end up being obligated for on liability. He is getting bad vibes from people who seem to know more than he knows.

Mr. Tripp asked what the bad vibes are.

Mr. James stated that the bad vibes are that we went out there promoting a project that was going nowhere and we are using taxpayer's money. If we used taxpayers' money we should be concerned about how it was spent so we can answer to our constituents.

Mr. Van Mill stated that they used Revolving Loan Fund Money to assist them in getting equipment for the facility and also for the roof repair. They have gone out there and inventoried all the products that were purchased for that so they are accounted for. They are now in the process of hopefully getting the enterprise zone established down there on the site. He has received, on occasion, interest in the facility. With regards to the air conditioning issue, his understanding is that someone came and tinkered with it in order to bypass it and now it has to get resolved. It has to be fixed before the winter but who is going to do it. He has met the new township supervisor once and maybe he could come to the committee and make a presentation.

Mr. Olthoff stated that we should do that.

Mr. Vickery stated that he thinks that the project out there was a good faith effort by the committee and by the whole county board to try to help the economic situation out there. Sometimes things don't work as smoothly as we would like but he thinks it was a really good faith effort trying to make something happen out in an area that is depressed.

Mr. Van Mill stated that the federal government put in a lot more money than anybody else did.

Mr. Vickery stated that that is how he views it and that is how he would answer someone who questioned the project.

Mr. Hess asked if the coils were still in the air conditioning unit.

Mr. Van Mill stated that he does not know for sure.

Mr. Van Mill stated that they will see if they can get the new township supervisor to come and talk to the committee.

Mr. Washington stated that from the beginning everyone had some reservations about how the project would proceed but at the very beginning we had nothing invested in it and only towards the end of the project were we approached for monies to repair the roof. He never has regrets about supporting progress and in his estimation that was an attempt at progression in Pembroke Township. He lived in Pembroke for nine years and any effort that the county, state, or federal governments can make to improve the conditions out there he is for it. Some will fail and some will succeed but we can't stop trying.

Mr. Olthoff asked if there are some successes out there. Were the homes that were built successful?

Mr. Washington stated that both of the groups of homes that were built were a success.

Mr. Van Mill stated that there are two functioning gas stations where five years ago there were none.

Mr. Hess stated that the residents are trying.

Mr. Washington stated that there has been a change in the people out there. People he knows from his church bought property out there and built a beautiful home. Change takes time.

9. New Business

Mr. Van Mill announced that there are eight expiring terms on the Regional Planning Commission in September.

Mr. James asked what we can do at this point to address the issue presented this morning by the public. It is one thing for him to buy a piece of ground to develop for his home site but it is something else to buy a piece of ground and say that he is going to speculate it as a home site but in the meantime he is going to do this to subsidize some income. He thinks that we have to take a look at this policy on how much someone can change the elevation on building sites. He thinks that is one of the major things there and he thinks that Mr. Tebo made it real clear - all of a sudden where he has a hill going down from his drive now he has a nineteen foot ridge going along side of it. He knows that there are all types of berms used in landscaping but when he sees a continuous berm for a couple hundred feet his first suspicion is that there is either water on the other side or it is a landfill. He thinks that we need to take a look at what we are doing here on how much the elevation can be changed on a potential building site.

Mr. Olthoff asked Mr. Gingerich if that berm that Mr. Tebo was complaining about could be adjusted in any way to mitigate that issue. Is he right about the snow issue?

Mr. Gingerich stated that he has no idea about the snow issue. The person that is proposing to fill the property submitted this plan and the berm starts very close to Tebo's property line and goes up at about a 3 to 1 slope. Obviously, the berm could be slid over another 5 feet. Right now his driveway is about 30 feet from property line so if it was moved over another 5 feet it would be 35 feet away.

Mr. Tholen asked if the project in question is going to happen, in all probability.

Mr. Olthoff stated that he questions whether we have a leg to stand on to deny it if he has followed everything according to our ordinance.

Mr. Van Mill stated that they have taken a look at this for a long to determine if there are fatal flaws. They took a very close look at it and have checked off the issues that they think that they had to do within the

parameters for which they have the ability to work with it. They really did not see any fatal flaws so they then started contacting people. They understand that this is a unique situation which is why they did not issue the permit immediately but if nothing comes out in the next couple of days that shows that there is a fatal flaw in this and contingent upon assurances that the project will be done correctly and they have a comfort level with the soil testing situation then they would probably be in a position, balancing the rights of a property owner versus the public, that it is probably something to issue.

Mr. Tholen asked if this is the first that it came before any boards.

Mr. Van Mill stated that these things come up all the time in municipalities when they are doing development sites and it comes up time to time in their subdivision regulations when they are looking to bring land up to a certain height. A single site like this is rare.

Mr. Tholen stated that he received three phone calls from people who were here today asking him what he knew about it and he did not know anything about it. To his knowledge, it had not come before PZA or anything else. He told them that it is a permit process and it does not come before the board every time. Is this development in all probability going to happen?

Mr. Van Mill stated that unless there is a fatal flaw that comes up anytime soon the likelihood is pretty good that they will issue a permit.

Mr. Bossert asked what the elevation is in the middle of that six acre parcel versus the road service. What is the end game here? Are we saying that we will never allow fill to be brought in? If so, this property will never be built on because it is low lying which makes it unbuildable. It can't be elevated?

Mr. James stated that he doubts that it would be an attractive building site when they got done with it. He doesn't know what the market would be for it. His concern is that we not only have people that live next to it but we have people that live down in the Elks that drive past it all the time and he is getting calls from people who live down on Vandekarr Road. It looks like it is going to be a problem child and he is not so sure that we shouldn't have some type of restriction.

Mr. Washington stated that one person mentioned about the north wind. Do we have a study that tells what the prevailing winds are?

Mr. Olthoff stated that it would be north and west but there are a lot of woods there to mitigate that. He doesn't see that as a big issue.

Mr. Bossert asked if the plans show the elevation of surrounding property. There is quite an elevation difference going up to the Gaines site and across the road to the east. The end product fits in with the terrain.

Mr. Gingerich stated that the ordinance requires that when they do the topographic survey they extend over 100 ft. outside of the property line. Basically, from the north it just slopes fairly steeply towards the road then when it gets closer to the road it levels off and it is flat and low.

Mr. Tripp stated that if this is a sure thing all he wants to make sure is that we are covered on our cost.

Ms. Bernard stated that she is concerned about the hydrogeology and that there will be wells that are affected by it. She is trying to reconcile in her mind the fact that a permit is needed to build a \$200 storage shed on your property but somebody can come in with 55,000 cubic yard of dirt and our hands are tied.

Mr. Van Mill stated that they are requiring them to get a building permit.

Ms. Bernard asked why we can't deny the permit or bring the permit up here for a vote. We need to relook our zoning ordinance because of this kind of thing. She is concerned about contamination through the soils. Who is going to test it and how expensive is it going to be? She thinks that we need to see what we need to do to put the brakes on this. It is a bad thing to do and a bad place. We need to talk with hydrogeologists from the State of Illinois especially when talking about a water recharge area for wells.

Mr. Olthoff stated that the water recharge area on wells is the whole area and the water moves under the ground and the water that would go through there would not be supplying their wells, most likely. That is coming from someplace else.

Ms. Bernard stated that she would like the opinion from a hydrogeologist.

Mr. Washington asked what effect it would have on the aquifer.

Mr. Olthoff stated that it would not affect the aquifer at all. The clay layer always has permeability through clay because there are cracks due to the cycle of freezing and thawing and dry periods which cause the clay to crack.

Mr. James stated that his main question is what can we do to avoid this from happening again and what can we do to make this as restrictive as possible for our protection because there is going to be lawsuit coming.

Mr. Van Mill asked Mr. Gingerich if he was aware of what other communities do with regards to a situation like this.

Mr. Gingerich stated that the only other permit that he knows that they have to get is through the IEPA and he believes that they have applied and have received it. They have to meet certain guidelines. Some communities require all building permits to go through the board but that is a lot of work.

Mr. Bossert asked him if he was aware of any municipalities that have a restriction on fill being brought in - quantities, heights, etc. where perhaps a special use permit would be required to bring in an amount in excess.

Mr. Gingerich stated that he does not know of any.

Mr. James stated that this permit does not restrict the amount of fill that a person can bring at all.

Mr. Van Mill stated that it does have to meet the storm water ordinance and has to be designed by a design professional. It is based on those designs. We don't regulate how large a home someone can build.

Mr. James stated that we don't have any authority to say that they have to cut that down to say 1500 loads and only build it up so far.

Mr. Olthoff stated that, for example, for a subdivision on Armour Road a lake was dug and the levels were brought up to build homes on and the storm water ordinance was adhered to, so what leg do we have to stand on to deny it except protecting the public as far as what material is used and whether or not it is clean fill.

Mr. Tholen asked if the township road commissioner has signed off saying that it is ok.

Mr. Sadler stated that several weeks ago they had a meeting with the Aroma Township supervisor and highway commissioner. It is a county highway but as a courtesy to them they did bring them in. They are concerned but they also understand.

Mr. Tholen stated that it seems to him that there is a lot of concern but our hands are tied and we can't do anything about it which is unfortunate because we need to do something to put some safeguards in place.

Mr. Van Mill stated that they are just advising. The board can tell him whatever they want to tell him but if there is no basis to deny it.

Mr. Hess stated that Mr. Quigley made a statement that before this construction ever started there had to be an agreement of where the fill was going to go. Is he correct and was it changed afterwards? This construction has been going on for a year and a half or longer. Where was the fill originally supposed to go? Would that possibly be a major flaw? We need to look into every avenue to make sure.

Mr. Olthoff asked if we should look into that before the permit is given.

Mr. Hess stated that we definitely should.

Mr. Tholen was told by people who know more about this than he does that the original plan was for the soil to be dumped at the quarry in Manteno but that quarry requires soil testing and they can't pass because of contaminants from oil, etc. When you are disposing of dirt, it is the freight that is the cost so it makes a lot more sense to bring it 6 miles up to Manteno than it does 18 miles out to this site that we are talking about. Obviously, there is a reason that they are not taking it to that quarry. He was told it was because there are contaminants and they don't have to go through as stringent testing here.

Mr. Olthoff stated that that should be looked into.

Mr. Tripp asked if we can reject it on the basis that it is going to cost us money.

Mr. Olthoff stated that the consensus of the committee is to look into this as to where they were supposed to go with it and why they changed.

Ms. Bernard stated that she would like to see the actual documents of the agreements.

Mr. Van Mill stated that he will request them.

Mr. James stated that there will be no permit issued until we get a chance to discuss this again – that's the way he sees it.

Mr. Olthoff stated that that is correct.

Mr. Bossert stated that the staff is looking for guidance from the board so we may have a special meeting.

Mr. Olthoff stated that the committee should be prepared for a special meeting next week.

Mr. Vickery stated that as long as we are going to delay the process we should talk to the State's Attorney to see where we are at.

10. Adjournment

A motion to adjourn the meeting at 10:30 a.m. was made by Mr. Hess and seconded by Mr. Tholen. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator