

Members Present

Mr. Stauffenberg, Mr. Olthoff, Mr. Tripp, Mr. Bertrand, Ms. Hertzberger, Mr. Martin and Mr. Scholl

Members Absent

Mr. James and Mr. Washington

In Attendance

Mr. Whitten, Ms. Bernard, Mr. Kruse, Mrs. Lee, Mr. Gibbs, Donna Shehane, Mike Van Mill, Craig Long, Brenda Gorski, Bob McElroy, Genova Singleton, Brian Billingsley, Mike Lammey, and Dennis Clodi.

1. Call to Order

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

2. Public Comment

None

3. Approval of Minutes

A motion was made by Mr. Olthoff and seconded by Mr. Tripp to approve the minutes of the September 1, 2004 meeting. Motion carried.

4. Zoning

None

5. Solid Waste & Environmental

Approval for Planning Department to Negotiate a Contract with Consultants for Solid Waste Plan Update

Ms. Shehane stated, "We have finished the process of selecting a consultant for the update of our Solid Waste Management Plan." Ms. Shehane went over the steps that were taken to select the consultant. The Solid Waste Subcommittee would recommend Patrick Engineering as the consultant for the completion of the 5-year update to the Kankakee County Solid Waste Management Plan.

A motion to approve Patrick Engineering as the consultant for the Solid Waste Management Plan was made by Mr. Tripp and seconded by Mr. Olthoff. Motion carried.

Pembroke Township Tipping Fee Grant- Reconsideration

Mr. Van Mill stated, "At our last meeting I made a presentation to the board explaining that we have not received an executed Intergovernmental Agreement from the Township or really haven't had any communication since the initial passage of the resolution that the County Board made in January. So we brought it up at the last meeting and we basically said, where is this at and there was discussion by the committee that we would entertain rescinding of the grant based on two facts: one, lack of execution of the Intergovernmental Agreement over nine months and two, lack of funds in the Tipping Fee Grant as a result of the lawsuits and the activity that the Tipping Fee Grant has had over the last nine months or so. After that I sent a letter to Ms. Singleton explaining what the PZA committee had done and their reasons for their recommendation to the County Board to rescind the

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Intergovernmental Agreement. After that I did receive a number of documents from Ms. Singleton. One document being a copy of an Intergovernmental Agreement which she has signed and so has the Township Clerk but all I have is a copy of it, I don't have an original. It was represented to me that she had mailed it to me sometime in July and we just don't have it, we never received it. She also provided me with a copy of their garbage ordinance which was passed on July 7 and a copy of the minutes from the Pembroke Township meeting of July 6 in which there was a motion by Trustee Butler and seconded by Trustee Cox to enter into the Intergovernmental Agreement where the motion was passed. This is additional information that has come out since the PZA committee first met and took action and the County Board at its meeting last week decided to bring it back here as a result of this information."

Mr. Stauffenberg wanted to know when the grant was approved. Mr. Van Mill stated that the Township gave the supervisor the authority to sign the Intergovernmental Agreement on July 6th and sometime after that the Township executed the agreement but there is no date on when those signatures were signed.

Ms. Singleton stated that the Township received the grant in February and that is when they started working on the program. She stated that she was somewhat surprised when she got the letter from Mike stating that the County was going to rescind the grant and she couldn't understand that.

Mr. Clodi stated, "I can tell you personally that I saw the original and I agree with Mr. Van Mill that at the time that I saw the original the date was not on it, only the signature of Dr. Singleton and Pam Basu."

Ms. Hertzberger stated, "Dr. Clodi, don't you think that someone should have communicated that to us that there was action going on? That some communication between the Township and this committee and Mike Van Mill would have been important if you couldn't get the resolution passed in a timely manner? This is a matter of us giving you money. Money doesn't stay around forever and for you to not communicate to us that you are having difficulty bringing this to the Township or finding your attorney and then going ahead and doing all of this, I don't understand that, it doesn't make sense to me."

Mr. Clodi stated, "To give you a direct, blunt answer, yes I think communication should have taken place."

Ms. Bernard stated, "Until this came up at the PZA meeting a couple of weeks ago, Mike, did the County make any contact with the Township or Dr. Clodi.?"

Mr. Van Mill stated, "Only that we knew the Intergovernmental agreement was with them and that we were waiting for some kind of action. Not about this program but we have been in contact about a number of other issues throughout the months."

Mr. Clodi stated, "Telephones do work in both directions."

Ms. Shehane stated, "We don't have a signed resolution, we have a signed agreement in minutes but we don't have the signed resolution. One of the grant requirements was to maintain all applicable insurance throughout the term of the grant and the last certificate that I saw expired on June 1, 2003. I was wondering if that has been maintained and updated."

Ms. Singleton stated that they do have insurance.

Mr. Gibbs stated that Ms. Singleton took the agreement to the board in June but they wanted a few tweaks done to it to say certain things. He sees that when there is no communication going on then no one knows what is going on.

A motion to have all the information go back to the subcommittee so that they can sort through it and then make another recommendation back to this committee to move forward was made by Mr. Kruse and seconded by Mr. Tripp. Motion carried.

Ms. Gorski stated that she has not seen the tweaked agreement.

6. Planning

Kankakee County Local Emergency Planning Committee; Quality Grant Initiative-Reconsideration

Mr. Van Mill stated, "A couple of months ago through the Quality of Life Grant Initiative a grant was approved by the County Board for the purchase and the modification to a Chemical Hazard Response vehicle. Once the County Board approved that, the issue was forwarded to the State's Attorney for the development of the agreement. There had been some issues that have been raised as a result of that and as you recall this matter has not gone forward for execution yet and the State's Attorney is here to talk about a couple issues that I think we should probably bring up with the board and then we will figure out which way to go from there."

Mr. McElroy stated, "This goes back again to the funding for a Haz-mat Response Vehicle. There was a purchase agreement with Bourbonnais Township Fire Protection District to purchase one of their fire trucks and rehab the truck so that it could be a Haz-mat Response Vehicle. Since that time I have learned a lot more about this. We have gone back and forth; LEPC had done some fundraising in addition to the \$10,000.00 grant request. LEPC, we were initially told, was using the County Tax ID number and they had the bank account in that number, which was told to Mr. McCarty by the bank. Since that time we have come to find out LEPC has their own Tax ID number in which they are listed as a non-profit organization. We contact the bank and again we get a different response. Now we have made a request for them to tell us in writing whose Tax ID number is on this bank account. That all had to do with whether or not LEPC would have been a proper organization to receive the money, since by state statute LEPC is an advisory committee to ESDA. In my dealings with the State I explained the situation to them and I was talking to the man from IEMA and as it turns out the way the purchase agreement was structured the Bourbonnais Fire Protection District would own, operate, house and insure the vehicle. As the guy from the State put it to me it sounds a little convoluted, Bourbonnais Fire Protection District is going to sell the truck to Bourbonnais Fire Protection District, if you think about it in those terms. That really doesn't concern me so much because there is something called the MABAS agreement, throughout Illinois there are 50 some districts and Kankakee County comprises District 7. All the fire protection districts in Kankakee County comprise MABAS 7. The haz-mat vehicle would be operated under MABAS so the truck, whenever there is a haz-mat situation somewhere in the County the truck has to respond. I haven't seen the purchase agreement; I have asked for it, I would consider it more of a use agreement. The State was of the impression that the LEPC would own the truck that creates some issues. As the State has told me, the

formation of LEPC is the first time that anyone can figure out that there has been this kind of hybrid agreement between private industry and the government because the members of LEPC are private individuals that form an advisory group. This creates some kind of insurance issues throughout the State, there are 102 LEPC units, one for each County in the State, throughout the State some of the LEPC's have been buying equipment. If you go back maybe you will remember I told you about the cost of insurance for this vehicle, if Bourbonnais Fire Protection District maintains and owns the vehicle the cost of insurance annually is about \$650.00. If the County or the LEPC owns the vehicle the cost of insurance is between \$3,000 and \$4,000 a year. Now we come back to the issue of, is the LEPC a proper entity to give the grant to? Two things I really want to look at, one, I need a letter back from the bank saying whether or not this is a County account or LEPC account and I need to see the purchase agreement for the truck."

Ms. Gorski stated that one possibility is to rescind this grant and have either MABAS or the Bourbonnais Township Fire Protection District apply for the grant. Mr. McElroy stated, "That creates a problem because the check was already sent out and the truck has already been paid for."

A motion to table this item was made by Mr. Martin and seconded by Ms. Hertzberger. Motion carried.

Kankakee County Regional Planning Commission's 2005 Annual Work Program-Draft

Mr. Van Mill stated, "The Regional Planning Commission, the composition of it breaks itself down into subcommittees that work on very specific issues in the County. There are four subcommittees: land use, solid waste, community development and transportation. Regional Planning commission members can attend and participate on any of the subcommittees that they wish. I have given you a draft copy of the work program that outlines what each subcommittee wishes to do in the upcoming year so that you can have an opportunity to review, comment and add or subtract as you wish." Mr. Van Mill went over what each committee would like to accomplish in the next year.

Ms. Hertzberger wanted to know how much work the committee does. Mr. Van Mill stated that they give us guidance and ensure that we get done the projects that are important.

Kankakee County Regional Planning Commission's Annual Dinner Meeting Announcement

Mr. Van Mill stated, "The annual meeting of the Regional Planning Commission is held this month, it's a dinner meeting which a lot of you attended in the past. It is September 28, 2004, at the Quality Inn."

7. Other
None

8. Old/New Business

Mr. Martin asked where we stand with Waste Management and if we have had any action. Mr. Van Mill stated that we have received a check for \$249,000.00 and that part of that money is going towards the reimbursement of expenses that we have with Waste Management citing 1 and citing 2, we are still in current expenses from that. He also

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stated that our expenses for legal fees are well over \$100,000.00 that we still have to pay.

Mr. Martin would like a copy of what they owe us and what Mr. Van Mill has received in money and wanted to know if we have a contract that covers the various things that they were supposed to pay us for.

Mr. Van Mill stated, "I don't think there is any contract, all I know is that there is a letter and an indemnity letter that Waste Management gave us several years ago which said, we will help fund any defense of your solid waste plan. I would be glad to make you a copy of that letter."

Ms. Hertzberger asked, "Does it say anything in the Host Agreement regarding all of that stuff?" Mr. Van Mill stated no.

Mr. Stauffenberg stated that the State's Attorneys Office is looking into impact fees and are planning a presentation in November.

9. Adjournment

A motion was made by Mr. Kruse and seconded by Mr. Tripp to adjourn the meeting at 10: 29 a.m. Motion carried.

James Stauffenberg, Chairman

Stephanie Gresham
Executive Coordinator