

**VILLAGE OF HINSDALE  
SPECIAL MEETING OF THE BOARD OF TRUSTEES  
July 10, 2008  
Memorial Hall**

The Hinsdale Village Board of Trustees meeting was called to order by President Michael Woerner in Memorial Hall of the Memorial Building on Thursday July 10, 2008 at 7:33 P.M

Present: President Michael Woerner, Trustees Jean Follett, Cindy Williams, Vic Orlor, and Bob Schultz.

Absent: Trustees Tom Cauley and Mike Smith. (Trustee Smith joined the meeting in progress.)

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Assistant Village Manager/Director of Administration Doug Cooper, Deputy Police Chief Kevin Simpson, Fire Chief Mike Kelly and Village Clerk Barb Grigola.

Also Present: Amy Deis representing The Doings.

**PLEDGE OF ALLEGIANCE**

President Woerner led those in attendance in the recitation of the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Trustee Follett moved approval of the meeting minutes from the June 17, 2008 Regular Meeting of the Board of Trustees and the May 6, 2008 and May 20, 2008 Closed Session Meetings of the Board of Trustees. Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Orlor, Williams, and Schultz voted Aye. Nays: None. Absent: Trustees Cauley and Smith.

Trustee Smith joined the meeting at 7:36 P.M.

**CITIZENS' PETITIONS**

**Kim Angelo of 525 E. Third Street** objected to the proposal for sanitary treatment facility at Veeck Park, saying that the cost will be close to \$20 million. He suggested that it's the Metro water engineers to whom we should be talking. He also said that a resident's appeal has not been forwarded to the ZBA as required by state statutes.

**Karl Weber of 219 E. First Street** asked if the Board was already planning a treatment center at Veeck Park when it asked the task force to look the park as a possible site for the middle school.

**Laurel Haarlow of 112 N. Lincoln** said that the Village should not be planning to run its own sewage treatment after residents voted resoundingly against running its own electric utility. She questioned who would run it and how it would be financed. She asked what guarantee we would have that the Village wouldn't raise taxes if the project goes over budget. She suggested that the rush is caused by trying to find solutions before The Hinsdale Club opens and that the solution should be community-driven, not developer-driven.

**Mark Willowby of 211 Phillipa** suggested that we look at other options such as rain barrels, green infrastructure, funding and EPA requirements before we rush into a decision to deal with both the storm water issue and the combined sewer system.

**Carol Smith of 425 E. First Street** read an e-mail from Bethany Priester, who was unable to attend the meeting. Ms. Priester's e-mail stated that Flagg Creek had filed a complaint, not a lawsuit, and she wished we had an

unbiased attorney. She suggested that the Village should have asked the Metropolitan Water Reclamation District how they could take our overflow, saying that Richard Lanyon, executive officer of the District, told her Hinsdale has a plan that the District has Okayed. Ms. Priester suggested that the reason Village offered an alternative to asking the Metropolitan District to handle our overflow was \$5.0 million and compromising our village's green space. Ms. Smith stated that the proposal for Veeck Park is outrageous and suicidal and would destroy the reputation of Hinsdale as a premiere western suburb. She added that we are a small village and should not be in the business of collecting and storing sewage.

**Jerry Mejdrich of 515 Highland Road** stated that he is also against the sanitary treatment at Veeck Park, saying that he resents it being called a wet-weather facility when it is a sanitary treatment facility. He said this facility to address CSO's would not address the separation of sewers and other issues cited in the legal document filed by Flagg Creek against the Village. He noted the irony of trying to limit CSO's when our attorneys deny the allegations that we have unauthorized CSO's. He suggested that the simple solution to the problem is to ask the Metropolitan Water Reclamation District to remove the restrictors they put in the pipes that are causing at least part of the problem. He said that the Village could then spend the \$6.0 million dollars toward separating the sewers instead.

He also noted that he lives in Cook County and has been paying taxes to the Metropolitan District but is serviced by Flagg Creek through a reciprocal agreement between the two districts. Now, however, Flagg Creek is also charging him, and he asked that our village attorneys assist him and his Cook County neighbors to stop this double taxation.

He acknowledged that this situation is the result of negligence on the part of prior boards over the past 40 to 50 years, and not the fault of the current board and thanked President Woerner for his efforts.

#### **VILLAGE PRESIDENT'S REPORT**

President Woerner thanked those involved in the 80<sup>th</sup> anniversary dedication of the Memorial Building on July 3rd, including Trustee Follett and keynote speaker Pat Quinn. He also thanked Alice Manville for doing a great job running the 4<sup>th</sup> of July parade.

Referencing Mr. Angelo's public comments, President Woerner read a letter he sent to Trustee Smith regarding his application for appeal to the Zoning Board of Appeals related to the Salt Creek Club, which was received on June 27, 2008. He said that the Hinsdale Zoning Code only permits the Village Manager to send a properly submitted application to the ZBA for appeal and that he, as Village President, determined that Mr. Smith had failed to submit a properly submitted application. He stated that Mr. Smith has a choice either to correct the deficiencies and resubmit or to withdraw the request.

He said the application seeks to appeal 1) the Village Manager's decision related to Ordinance 02006-61, and 2) the Village Manager's decision to issue a certificate of zoning compliance to the Salt Creek Club for its site plan and exterior review applications, which are pending before the Village Plan Commission.

He said it was an improperly submitted application for the following reasons, citing specific code references and previous rulings:

- 1) It requests a review the Village Board's decision, and the ZBA cannot review or overrule a decision of the Village Board.
- 2) It requests the ZBA revoke Salt Creek's special use permit. According to Hinsdale's Zoning Code, only the Village Board can revoke a special use permit.
- 3) An appeal can only be filed by a person aggrieved by the action, and the party must show that he or she has suffered special damage by the action. President Woerner noted that Trustee Smith is not the owner of a neighboring property and he has not shown that he will suffer from this decision.

4) It requests that the ZBA and the Village Manager institute procedural rules of “no stay”, which they are powerless to do under the Hinsdale Zoning Code. The Zoning Code requires an automatic stay upon completion of a properly submitted application. The only exception to the stay requirement is if there is imminent peril to life or property.

5) It also requested the ZBA to direct the Village President to place a letter of admonishment in the Village Manager's permanent employment record and file. President Woerner stated that a letter of public admonishment against Village Manager Cook would be a permanent smudge on his record. He said that it is ill-mannered to have the ZBA referee a personal grudge against the Village Manager. Nothing grants ZBA any authority to admonish the Village Manager. The Village Manager is employed by the Village President and Trustees, and only they are authorized to make employment decisions.

President Woerner stated that the Code permits the ZBA to review orders and decisions or failure to act by the Village Manager. Upon that review the ZBA may render a decision reversing, affirming or modifying the action appealed. The purpose of the appeal procedure is to provide a safeguard against arbitrary, ill-considered or erroneous administrative decisions, but it is not meant to subvert the clear purposes or intents of this code.

President Woerner concluded by saying that the application for appeal is being returned as not properly completed and there is no stay in place related to the Salt Creek Club.

#### CONSENT AGENDA

President Woerner presented the following Consent Agenda items for approval.

##### ITEMS RECOMMENDED BY THE ZONING & PUBLIC SAFETY COMMITTEE

Item #1: Move to **Approve an ordinance adopting prevailing wage standards.** (Omnibus vote)

Item #2: Move to **Approve a resolution approving certain contract change order to Brothers Asphalt Paving, Inc. for the 2008 Resurfacing Project in the amount of \$23,565.00.** (Omnibus vote)

Item #3: Move to **Approve an ordinance approving site plans and exterior appearance plans to allow for a building façade and parking lot improvements on the property commonly known as 230 East Ogden.** (Omnibus vote)

Item #4: Move to **Waive competitive bidding and award Bid #1442 for the 400 Block of South Washington/Lincoln Alley Drainage to Swallow Construction Corporation in the amount of \$52,051 pending award of Bid # 1441.** (Omnibus vote)

##### ITEMS RECOMMENDED BY THE ADMINISTRATION & COMMUNITY AFFAIRS COMMITTEE

Item #5: Move to **Waive building permit fees exclusive of direct costs for the Hinsdale Historical Society related to restoration of Immanuel Hall located at 302 South Grant Street.** (Omnibus vote)

Item #6: Move to **Approve a new form and fee schedule to permit all formal use of all Hinsdale Park properties.** (Omnibus vote)

Item #7: Move to **Approve the adoption of July as “Parks and Recreation Month.”** (Omnibus vote)

Item #8: Move to **Approve a resolution supporting the City of Chicago's bid for the 2016 Olympic and Paralympic Games.** (Omnibus vote)

Item #9: Move to **Approve a request from the Hinsdale Humane Society to allow a banner to be located at the entrance of KLM Park for the period of May 12, 2009 through June 7, 2009 promoting the Annual Pet Walk even on Sunday, June 1, 2009.** (Omnibus vote)

Item #10: Move to **Approve a resolution expressing official intent regarding certain capital expenditures to be reimbursed from proceeds of an obligation to be issue by the Village of Hinsdale, DuPage and Cook Counties, IL.** (Omnibus vote)

Item #11: Move to **Approve a resolution of improvement by municipality under the Highway Code for various streets (2008 Road Program).** (Omnibus vote)

Item #12: Move to **Approve a resolution for maintenance of streets and highways by municipalities under the Illinois Highway Code.** (Omnibus vote)

Item #13: Move to **Waive competitive bidding and award Brook Park Water Service Contract to H & R Construction, Inc. in the amount of \$24,900.00** (Omnibus vote)

Item #14: Move to **Waive competitive bidding and award the 2008 Road Program Utility Work to Riccio Construction Corp. in the amount of \$344,400.00** (Omnibus vote)

There was a discussion during which it was explained that while they were waiving competitive bids in the interests of time, they had informally sought competitive bids but had just not gone through the entire formal bid process, including legal publication and notification, required by code. It was also explained that the exterior appearance plan at 230 E. Ogden is consistent with the Ogden corridor plan.

Trustee Orlor moved to approve the above items. Seconded by Trustee Schultz. Passed on omnibus roll call vote. Trustees Follett, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: Trustee Cauley.

## **ADMINISTRATION AND COMMUNITY AFFAIRS**

### **ACCOUNTS PAYABLE**

Trustee Smith moved the **Approval and payment of the Accounts Payable for the period of June 14, 2008 through July 3, 2008 in the aggregate amount of \$962,998.15 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Seconded by Trustee Orlor. Passed on roll call vote. Trustees Follett, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: Trustee Cauley.

## **ZONING AND PUBLIC SAFETY**

### **APPROVAL OF SALT CREEK CLUB PLANS**

Trustee Williams moved to **Approve an ordinance approving site plans and exterior appearance plans to allow for installation of four new paddle tennis courts on the property commonly known as 830 North Madison Street.** Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: Trustee Cauley.

Trustee Follett moved to **Approve the ordinance approving site plans and exterior appearance plans to allow for the construction of a new tennis pro shop on the property commonly known as 830 North Madison.** Seconded by Trustee Orlor.

Trustee Smith questioned whether Trustee Schultz, as President of the Salt Creek Club, should have recused himself from the vote. Village Attorney Florey explained that the state statute requires one to recuse himself if he has a financial interest, and that merely being a member of an organization does not constitute grounds for recusal. Trustee Schultz chose to have his vote remain.

Passed on roll call vote. Trustees Follett, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: Trustee Cauley.

### **PRESENTATION REGARDING A WET WEATHER FACILITY AT 701 47<sup>th</sup> STREET**

President Woerner outlined the history of the issues with the Flagg Creek Water Reclamation District, which have been ongoing since he became President of the Board. He introduced Attorney Bill Seith to give a presentation on the proposed facility in Veeck Park.

Mr. Seith explained that he is a long-time resident of Hinsdale in Cook County who has been serving as the village attorney on environmental issues since 2006. He said this issue has been discussed in a variety of public meetings, including the June 5<sup>th</sup> meeting specifically on this issue.

He stated that it really is a wet weather facility because the facility will only be used when we have wet weather with an overflow, and not on a daily basis. The facility is designed to capture combined storm water and sewage to prevent a combined sewer overflow event (CSO).

He advised that much of central Hinsdale's sewage system was built in the early 1900's or before. In 1968, the Sanitary Water Board (a precursor of the Illinois EPA) requested that Flagg Creek and all its tributary municipalities separate their storm water and sewerage by 1978. In 1970, Flagg Creek and the Hinsdale Sanitary District constructed an interceptor on the east side of I-294 (now called the Spinning Wheel Interceptor), but this facility has insufficient capacity to handle the flow today. He pointed out that a 100% sewer separation system today would cost about \$60 million.

A 2005-2006 Flagg Creek study of their system indicated that the Village of Hinsdale's wet weather flows are a major source of the backups that occur. In January 2006 Flagg Creek imposed an \$8 surcharge on Hinsdale residents, and in March 2006 they filed a lawsuit against the Village of Hinsdale and other parties. The complaint was filed with the Illinois Pollution Control Board (PCB). The legislature vested the PCB to hear complaints the same way the Circuit Court can. In cases brought to the PCB under the Environmental Protection Act, they have all the same authority as the Circuit Court, but with more environmental experts.

Mr. Seith stated that in 2006 the Board hired him and his firm, Huff and Huff to help solve this problem, and they had several meetings with Flagg Creek and the Metropolitan Water Reclamation District (MWRD). In July 2006 the MWRD said they could not accept wet weather flows from Hinsdale because they do not have the capacity and because their system is not designed for wet weather flows. He submitted a July 9, 2008 letter from Joe Sobanski, chief engineer for the MWRD, confirming this.

Mr. Seith said that he and his firm made multiple presentations to the Board in 2006 and 2007 to discuss options solutions to this problem. Trustee Follett explained that the early discussions took place in closed session because of the lawsuit involved. President Woerner noted that the Board can't take action in closed session, so the board approved the design of a treatment plant in open session in February 2007.

Mr. Seith further explained that in March 2007, they met with the Illinois EPA and Flagg Creek and received preliminary approval for a CSO treatment facility. In April 2007, the Illinois EPA issued a permit pursuant to the Federal Clean Water Act that allowed us to continue to operate our CSO's. The permit includes a timeline with which we must comply. The timeline required that we complete the design by January 2008; start construction of the facility by March 2008; submit a progress report by September 2008; and complete the project by March 2009.

In answer to a question about why this is now a problem when we've had CSO's for many years, Mr. Seith explained that it is a relatively recent requirement by the U.S. EPA to have a Long Term Control Plan to reduce the number of CSO events to four or less per year. Under the EPA Act, every violation has a maximum penalty of \$50,000 per day, and water violations carry a potential for an additional \$25,000 per day per event. He explained that we can't just apply for an extension, because we are required to develop a long-term solution and if we violate the permit, there is always the potential for a fine.

When asked if the Illinois EPA had filed a complaint against Hinsdale, Mr. Seith answered no, but they have issued a permit with conditions that they can enforce. So we are solving a problem that has its genesis with the Flagg Creek law suit, but we are also solving a problem that the Illinois EPA is requiring us to solve with our new permit. What has changed is that when we applied to renew our permit, as required, the EPA added their new mandates to address these CSO's.

Mr. Seith explained that Huff and Huff and Clark-Dietz monitored the water flows from March to June of 2007 and then suggested a storage facility instead of a CSO treatment facility. A storage facility can handle a wet weather event with minimal impact to the stream and the system. In October of 2007, the Board approved the design of a one million gallon storage facility in open session. President Woerner noted that the evolution from treatment to storage facility was discussed in open session in meetings from March through December of 2007.

Trustee Smith noted that in the March 22, 2007 EPS Committee Meeting, Mr. Seith and Mr. Edward Kokat of Flagg Creek discussed the leaf removal program. In the October 15, 2007 EPS Committee Meeting and the following Board Meeting, the elimination of the leaf program, the evolution from a treatment to a storage program and a sewer separation program were discussed. The plan calls for partial sewer separation in the central section of Hinsdale as part of the Long Term Program required for the permit. Seith reaffirmed that the Illinois EPA, not Flagg Creek, has the authority to enforce this plan. He further noted that the U.S. EPA has the authority to enforce the permit if the Illinois EPA decides to allow us to delay the plan.

Trustee Smith asked why we don't remove the restrictor at 3<sup>rd</sup> and Princeton, because that is causing the problem, and he suggested we file suit to make it happen. Attorney Seith replied that they have the right to set the system as they see fit and that the storm water is the problem. The sanitary water gets through, but the storm water does not. He further noted that this Board decided to try to solve the underlying problem rather than just fight in court. He also noted that the fact that we are engaged in litigation with Flagg Creek does not help us delay with the Illinois EPA. Trustee Follett cautioned against taking on the MWRD and getting involved in another law suit with very little chance of winning.

In May 2008, Clark-Dietz and Huff and Huff presented their design to the Village Board. In June 5, 2008 there was a presentation in public session showing the design of this facility. Changes were made to the proposal based on residents' input from that meeting. He introduced Jim Huff of Huff & Huff and Chuck Johnson, Steve Dalton and Greg Kacvinsky of Clark-Dietz.

There was a discussion about whether tonight's meeting was the public meeting that the ZPS requested to discuss this issue. President Woerner stated that he had not been notified of the request for a public meeting, but that everyone was welcome to speak and to ask questions at this public meeting tonight.

Attorney Seith pointed out that he would not be recommending this plan if he did not feel that it would protect human health and the environment.

In response to a question about why not apply the \$5 million toward the ultimate solution to separate the sewers, rather than on a storage facility, Mr. Seith stated that the separation project is a longer term solution. This storage facility is a quick fix of the immediate wet weather flows and buys us time to do a partial sewer separation. Trying to do the sewer separation all at once would not effect the same immediate cessation of overflows and would be both costly and disruptive to the residents.

Greg Kacvinsky of Clark-Dietz explained that their plan meets the Illinois EPA requirements and protects public safety. It is also cost effective and minimizes disruption to the Village.

He explained that the first flush is the first primary treatment to remove items such as sticks and cups. He said that there are about .25 mgd (250,000 gallons per day) just upstream of County Line Road and Highland, and the recommended volume for this storage treatment facility is about one million gallons to keep the CSO's to the minimum of four events.

Mr. Kacvinsky advised that their plan with its below ground design is smaller and less expensive than a full treatment above ground facility. The water is treated and held until it can be flushed down the creek after the wet weather. This facility would reduce the flow from 15-20 mgd's per day down to 1 mgd per day, thus solving both the Flagg Creek problem and meeting EPA requirements. He noted that part of the plan includes installing another bypass and screen at 3<sup>rd</sup> and Princeton to remove some of the trash and to take some of the water out of the system, helping to reduce the flood potential at that intersection. It was clarified that an interceptor is a pipe, not a location. He stated that the Veeck Park location was selected because the majority of storm water ends up there. He noted that the IPA likes to see a combination of separation and storage and nearly every community that has a long-term control problem does a combination of the two.

Mr. Kacvinsky then showed the alternatives plans suggested by CTE, the engineering firm hired by Flagg Creek as part of settlement discussions. Their first four recommendations were significantly more expensive, ranging from \$32 million to \$15 million, and disruptive and didn't address long-term issues like separation.

In answer to residents' concerns, Attorney Seith and Mr. Kacvinsky explained that:

- 1) The disinfection (chlorine) facility was combined with the storage facility to minimize the footprint.
- 2) Vegetation screening was added.
- 3) The storm water will contain only about ½% sanitary waste.
- 4) Charcoal canisters were added to filter odors out of the exhaust.
- 4) While water will go into the facility any time it rains, overflows occur only about 6-8 times per year.
- 5) As the sewer separation occurs, these overflows will be reduced to less than 4 times.
- 6) Maintenance trucks (delivering chlorine and emptying the dumpster) will come only a couple of times a month.
- 7) The driveway for the maintenance trucks was moved from the west side to the south east side of the park to move it further from the park and neighborhoods.
- 8) The facility will be surrounded by a locked fence and lit with safety lighting.
- 9) New drainage will be added along Highland Road, as well as in the park
- 10) A backup generator kicks in only during a power outage
- 11) The facility will be mostly automated and require very little maintenance.
- 12) The estimated cost of operation will be \$15-20,000 per year.

Mr. Seith stated that any time there is overflow, it has to be sampled. There are numerical and narrative standards. If we violate the EPA regulations, there will be potential penalties. The potential fine is \$50,000 plus \$25,000 per day. There can't be any contaminants, any visible debris or any odor.

Mr. Kacvinsky explained the technical aspects of the facility and answered the Trustee's questions about it. Trustee Smith expressed concern about bacterial contaminants in the dumpster. Mr. Kacvinsky explained that the sewage will be disinfected through chlorination in the tank, and the debris material screened out will be washed before going into the dumpster. He stated that it will be as clean as or cleaner than what is in the catch basin in our streets. The dumpster will also be stored inside the locked facility that is enclosed in a locked fenced-in area. He also noted that the storage tank will be underground.

Mr. Seith clarified that while we will initially still have too many overflows (until the sewer separation plan progresses), these overflows will be treated so that they do not exceed the EPA contamination standards.

Mr. Kacvinsky showed photographs of similar facilities in other municipalities, noting that theirs are much closer to homes and parks and they cause very little disruption.

Mr. Kacvinsky said that 3<sup>rd</sup> & Princeton is another wet weather control issue. To control flooding, they are proposing we build a structure upstream on the combined sewer to keep the flooding underground. He clarified that this is part of the plan that would be proposed to the Illinois EPA and that it could be done separately if the Veeck Park facility is not approved.

President Woerner requested that the audience write down their questions and give them to Village Manager Cook.

### **TRUSTEE DISCUSSION AND QUESTIONS REGARDING THE VEECK PARK TREATMENT FACILITY**

Trustee Smith asked if this is enough to resolve our problem especially considering the development on Ogden Avenue. He cited an article in Suburban Life saying that the Illinois EPA may not allow additional commercial accounts to connect to Flagg Creek if we cannot handle the overflow. Attorney Seith replied that the issue is wet weather and this will take care of Hinsdale's wet weather flow. Even though it's only a million gallons, it is separating out all the sanitary waste and debris and holding the flow until it can be sent into the Flagg Creek system at a later date.

Trustee Follett asked if there were other parties in the Flagg Creek complaint. Attorney Seith replied that there have been numerous other discussions with IDOT, EDOT and MWRD that he has not been involved in, such as the storm water flows from 55<sup>th</sup> Street. Flagg Creek believes that District 86 and the Village of Hinsdale have some responsibility for issues, but those are separate discussions since none of those flows would be going into the Veeck Park facility.

Trustee Smith asked if any other communities in Flagg Creek have wet weather sewage treatment, and Mr. Seith answered no because all the others have separate sewer facilities.

President Woerner asked Mr. Seith to request that the \$8 surcharge go away as soon as this facility is constructed, and Mr. Seith responded that we have in writing that once we can show that the facility is doing what it is designed to do that fee will go away.

### **RESIDENTS' QUESTIONS REGARDING THE VEECK PARK TREATMENT FACILITY**

A list of resident questions was compiled, Village Manager Cook read each of the residents' questions and the team answered them as follows:

1. Q. Will the storage contain raw sewage?  
A. Mr. Seith replied that approximately one half of one percent will be raw sewage (including sink, laundry and shower water), but it will be sanitized. 99 ½ % will be rainwater.
2. Q. How much would the CTE recommendation cost?  
A. About \$15 million for a four million gallon storage facility at Veeck Park. Mr. Kacvinsky explained that CTE based its estimate of four million gallons on the size of the pipes, while we based our one million on measured localized meter data. He confirmed that the \$30 million option to add another interceptor (pipe) and an additional treatment facility was a reasonable cost estimate.
3. Q. How often will the "solids" that are screened and filtered out be disposed of, and will these "solids" include human waste?  
A. Mr. Seith replied that the solids include floatables like twigs and cups and they will be in contact with chlorinated water, so they will be clean. The other solids will be sand and sediment that accumulate in the sewer during dry weather, and those will be pumped out into Flagg Creek. He estimated that the dumpster will be cleaned out about 15-20 times per year depending upon the weather.

4. Q. What are the addresses of similar facilities so they can talk to those residents?  
A. Mr. Cook promised to get those to the resident who asked.
5. Q. What happens in freezing weather?  
A. The water is far enough below ground so it won't freeze.
6. Q. What is the life expectancy of the tank?  
A. 40-50 years, usually longer.
7. Q. Won't the salt in the water cause cracking?  
A. They will use an epoxy coating to extend the life
8. Q. Is the overflow rainwater currently treated with chlorine?  
A. No.
9. Q. Will all the water be treated with chlorine?  
A. No. When the water level gets to the overflow level, then it will be treated with chlorine.
10. Q. Is anyone at the EPA concerned about the level of chlorine entering Flagg Creek?  
A. Yes, that is why we send out down the line, because as chlorine encounters bacteria, it eats up the chlorine. That's one of the things they monitor.
11. Q. Why treat all the water and introduce all that chlorine?  
A. We can't separate it when they're mixed (storm water and sewage)
12. Q. Isn't the storm water also polluted (with chemicals and toxins)?  
A. Yes.

Trustee Smith moved to **Adjourn this session and take this up at the August 12<sup>th</sup> Board Meeting to give us time to answer these questions.** There was a discussion, but no second.

There was more discussion between the residents and the team of advisers. Mr. Cook continued with residents' questions as follows:

13. Q. Please explain again the process of the combined sewer flow into the one million gallon tank. What happens to the sticks and cans that are screened out? I have heard two different answers to this question.  
A. Mr. Kacvinsky explained again the operation of the system, showing the schematics in his slide presentation. He pointed out that the flooding that occurs on Highland Road is polluted water, while this facility would take that overflow and wash it and put it into a contained facility. He also explained that the dumpster will be inside a locked building, which is inside a locked fenced area, so the general public will not have access to the dumpster.
14. Q. Not one thing was mentioned regarding the walking path. Why not?  
A. Village Manager Cook replied that the walking path will be designed by the Park & Recreation Department as they see fit. He said that the Park & Recreation will have it on their agenda in the coming months.
15. Q. How did MWRD answer the amended complaint on July 28, 2006?  
A. They denied their responsibility.
16. Q. Does stuff flow into the tank during any rainfall? If the tank is ¼ filled, when does it get emptied?  
A. Mr. Seith replied that it is a 24-48 hour process which is automated. When the flow rates get below a certain level, it will trigger the Veck Park facility to drain into the interceptor. There will be a time delay built into the design to give Flagg Creek to override it if they feel it is necessary. The tank will be emptied

within that 24-48 hour process even if it is not completely full.

17. Q. If the chlorine is injected when the tank is full, what happens to the stuff in the pipe before the chlorine is injected?  
A. The chlorine injection would start early in anticipation of the overflow. There will be a sensor to trigger this well before the overflow occurs.
18. Q. Has staff visited any identical operating facilities? What do they think about the impact on property values, rats, West Nile virus, etc.?  
A. Cook replied that Staff has not visited any but Clark-Dietz has. Mr. Kacvinsky has seen them all over Illinois and Indiana and around the Midwest.
19. Q. How close are MWRD and Flagg Creek in their settlement discussion?  
A. Mr. Seith replied that he is not privy to their discussions but he believes a settlement is imminent. He further replied that he can see if we can be party to those discussions, but he believes their discussions involve formalizing who's treating what territories.
20. Q. Does this address any of the four counts in the Flagg Creek complaint and how does it?  
A. Mr. Seith replied that the main point of their lawsuit is to address wet weather flows coming from the Village of Hinsdale. He estimated that this will address about 85-90% of those wet weather flows. The remainder are mostly the 55<sup>th</sup> Street issue, which has yet to be discussed. He said Flagg Creek is asking for 100% separation, but this system remedies the overflow problem with a different solution. He added that the proposal includes both the Veeck Park wet weather facility and the partial separation of the sewers.
- Trustee Follett noted that the leverage is with the EPA, and if we satisfy them, Flagg Creek has no leverage for their complaint. She further noted that Flagg Creek has done nothing to upgrade their system over the years, either. She also mentioned that whenever we have the opportunity and are opening the streets, we are laying the pipe to separate the system.
21. Q. Who will be responsible for this facility in the event of mechanical failure?  
A. The Village Staff. They could hire experts if the repairs are beyond their scope.
22. Q. You mentioned several meetings where you addressed the Spinning Wheel odor problems. How long will it take for us to get relief?  
A. Trustee Follett replied that it took a while because that site required site plan approval. It was an addition, not a repair.
23. Q. Where do trucks go?  
A. Any sanitary landfill.
24. Q. When did CTE recommend Veeck Park as a site?  
A. Mr. Seith replied that it was part of a written report dated August 4, 2006.
25. Q. You mentioned a "lower tax burden." Lower than what?  
A. Mr. Kacvinsky replied that his proposal was compared to some of the other options mentioned this evening. The significant savings is in the capital costs to build the facility, not in the annual operating costs. Village Manager Cook explained that a 10% increase in the water and sewer rate would generate the money to pay annually on an IEPA loan or loan from another source. Other options would have required a referendum or a much larger increase in the water rate.
26. Q. How many fines have we paid to IEPA?  
A. None yet.

27. Q. Could we start with 3<sup>rd</sup> and Princeton since it has actual sewage?  
A. The proposal includes both the Veeck Park and the 3<sup>rd</sup> and Princeton facilities.
28. Q. Is the disinfection building the same as the screening building?  
A. Yes, everything is included in the same building.
29. Q. What is the average home price in Highland, IN and Galesburg, IL?  
A. Mr. Cook replied they would have to get that information, but the communities are not similar socio-economically.
30. Q. Do you have evidence that the 42 inch line is clear from Veeck Park?  
A. Mr. Kacvinsky replied that given the flows in that line, it is almost definitely clear, but he is not aware of any televising that has been done in that sewer recently .
31. Q. If storm water penetration is part of capital improvement plan, then why is the Village asking for the Village asking the Plan Commission for greater lot coverage?  
A. Mr. Cook replied that there is a proposal at the Plan Commission to place limits on impervious surfaces and lot coverage, and we are asking for a reduction, not an increase.
32. Q. What was the Hinsdale Club supposed to do at the Spinning Wheel interceptor?  
A. Trustee Follett replied that that negotiation happens directly between The Hinsdale Club and Flagg Creek. Mr. Cook added that it involves several underground vaults and the storm water runoff will be an improvement over what is there today.
33. Q. How do you arrive at the half a percent dilution numbers if water is coming from combined sewers?  
A. Mr. Kacvinsky replied that the dilution number is based on metered dry weather flow, which is roughly 250,000 gallons a day and looking at the flow rates in the 42-inch sewer and do the math.
34. Q. Can we assume that the half percent dilution rate is the dilution rate in our combined system?  
A. Yes, at that point in the system.
35. Q. Where exactly does that dilution occur?  
A. Anywhere in the system where water is getting in.
36. Q. Flagg Creek's sewer capacity report was done during a drought. How accurate are the assumptions that led to the determination of the size of tank needed?  
A. The Flagg Creek report in 2006 was based on a flow-metering period that may not have had enough rainfall. However, we had the benefit of flow meters that were installed over a longer period of time during which sufficient wet weather occurred to have good data.
37. Q. Do the Trustees believe that residents have been given an opportunity to thoroughly evaluate alternatives?  
A. Trustee Follett replied that it is the Trustees job to evaluate the situation and to make decisions, and they have done that over a three-year period of time. Trustee Smith said that we have a lot more information now, but he doesn't believe we've done enough to explore all the alternatives and make a decision. He requested that we do more to get the MWRD and Flagg Creek to help us resolve this problem in a less disruptive way. He asked that we utilize our resources such as Kirk Dillard and Patti Bellock, who appoint these boards. There was additional discussion about the options and timing for solving the problem. Mr. Seith noted that settlement communications have been going back and forth between the Village and Flagg Creek.
38. Q. Is MWRD statutorily required to handle Cook County storm water and sanitary sewer flows?  
A. Mr. Seith replied that MWRD has jurisdiction for all of Cook County. It is by written agreement, then oral agreement and soon to be written agreement again that Flagg Creek takes the Cook County portion of

Hinsdale.

39. Q. MWRD's letter doesn't answer Bethany's question which is MWRD responsible for Cook County Hinsdale's sewers?  
A. They have legal jurisdiction for the Cook County portion of Hinsdale, but they have ceded it to Flagg Creek by written agreement. He noted that all of the wet weather flows are coming from the DuPage portion of Hinsdale where the sewers are combined.
40. Q. Have the Trustees looked at the cost of partial sewer separation (including the Pollution Control Loan) and compared it to the cost of this plan and gotten feedback from residents about their preference?  
A. Trustee Follett replied that they looked at all the alternatives and feel strongly that they have an obligation to find the most cost effective solution to this problem.
41. Q. Would you address the hospital waste issue?  
A. Mr. Cook replied that he received an e-mail today from an administrator at the hospital saying that the hospital does not dispose of medical waste in the sewer system. We use a licensed waste hauler.
42. Q. I disagree with the statement that Hinsdale is the only community service by Flagg Creek that has not separated sewers. To my knowledge, Villa Park is the only town that has. Having said that, is there a possibility that "If we build it, they will come" pertaining to Hinsdale? Will Hinsdale take on other towns' overflows? If so, will Hinsdale collect revenues from those other communities?  
A. Mr. Seith replied that the Village of Hinsdale is a completely separate system from those other communities, and the other communities flow directly into the Flagg Creek system. They may pass through Hinsdale, but they are separate flows. To his knowledge, the other systems are all separated. Only a small portion of Villa Park is serviced by Flagg Creek.
43. Q. MWRD has excess capacity Flagg Creek has said in its complaint. They are in a position to know Mr. Sobanski's letter contradicts what he told Bethany Priester before Mr. Seith's inquiry. This is legal posturing on MWRD's part and is worth pursuing.  
A. Mr. Seith replied that he can't speak to a conversation between two people of which he wasn't a part. He said he does know what Mr. Sobanski told him both orally and in writing and what MWRD's attorney told him and what Flagg Creek related to us regarding their conversations with the MWRD. They all point to MWRD's maintaining that they do not have the capacity to accept any wet weather flows from Hinsdale, despite Flagg Creek's claims to the contrary.
44. Q. With all due respect to the consultants, would the Trustee's entertain a peer review of the plan and the alternatives?  
A. Trustee Orlor replied that the "peer review" will be by the EPA.
45. Q. I think schigella is the name of an infectious disease transmitted by flies that come in contact with fecal matter. What guarantee does Hinsdale have that flies that partake of the spoils in the dumpster do not transmit this or any other possible diseases to kids and residents eating while at Veeck Park?  
A. Mr. Kacvinsky replied that communities have issues with bacteria and insects building up in storm sewers and catch basins, mainly in places with standing water. The risks are greater walking down the street on a hot summer day. He stated that the dumpster is in a locked building that is fenced in and it's unlikely you would come in contact with the bacteria there.

#### **APPROVAL OF A WET WEATHER FACILITY AT 701 47<sup>th</sup> STREET**

Trustee Schultz moved to **Approve an ordinance approving site plans and exterior appearance plans for construction of a wet weather facility at Veeck Park at 701 47<sup>th</sup> Street.** Seconded by Trustee Follett.

Attorney Seith explained that if approved, the next step is to design site plans and submit them to the Illinois EPA for approval. Once the EPA okays them, then they would prepare bids and seek Board approval. A resident said she would feel better if she spoke to people who had such a facility in their back yards. A representative from Clark-Dietz said that he personally discussed this with the city engineer in Rock Island, where two have been installed since 1992 and they have no record of complaints over the last several years. He said they might have had a complaint or two initially because people didn't understand. He also noted that Galesburg and Highland have had no complaints.

Passed on roll call vote. Trustees Follett, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: Trustee Cauley.

## **ENVIRONMENT AND PUBLIC SERVICES**

### **APPROVAL OF SIDEWALK PROGRAM**

Trustee Follett moved to **Award Bid #1443, the 2008 Sidewalk Program, to G&M Cement Construction, Inc. in the amount of \$66,327.** Seconded by Trustee Schultz.

When asked if we could spend this money on roads instead, the answer was no. It was also noted that \$66,000 would not buy much in roads. There was further discussion.

Passed on roll call vote. Trustees Follett, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: Trustee Cauley.

## **REPORTS FROM ADVISORY BOARDS AND COMMISSIONS**

None.

## **STAFF REPORTS**

None.

## **CITIZENS' PETITIONS**

None.

## **ADJOURNMENT**

Trustee Williams moved to adjourn the meeting. Seconded by Trustee Smith. Passed on roll call vote. Trustees Follett, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: Trustee Cauley.

Meeting adjourned at 12:17 A.M.

ATTEST: \_\_\_\_\_  
Barbara J. Grigola, Village Clerk