

**VILLAGE OF HINSDALE
SPECIAL MEETING OF THE BOARD OF TRUSTEES
AND PUBLIC HEARING
OCTOBER 23, 2008**

The Special Meeting of the Hinsdale Village Board of Trustees was called to order by President Michael Woerner in Memorial Hall of the Memorial Building on Thursday, October 23, 2008 at 7:11 p.m.

Present: President Michael Woerner, Trustees Tom Cauley, Vic Orler, Cindy Williams and Bob Schultz.

Absent: Trustees Jean Follett and Michael Smith

Also Present: Attorney for the Village Paul Stephanides, Village Manager Dave Cook, Director of Finance Doug Cooper and Deputy Village Clerk Christine Bruton, Bill Seith from Total Environmental Solutions, Chuck Johnson and Steve Dalton from Clark Dietz

Also Present: Alexa Jenner, Suburban Life and Amy Deis, The Doings

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

President Woerner opened the Public Hearing stating the purpose of the hearing is to receive public comment on the proposal to sell \$3,500,000 General Obligation Alternate Bonds (Waterworks & Sewerage System Alternate Revenue Source) - Series 2008 that will be used for improvements to waterworks and sewer system as well as the construction of a wet weather facility.

Director of Finance Doug Cooper summarized by stating that at the Board meeting on October 7, 2008, the Village Board adopted Resolution No. R2008-26 calling a public hearing concerning the intent of the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties, IL to sell \$3,500,000 General Obligation Alternate Bonds (Waterworks & Sewerage System Alternate Revenue Source) for the purpose of financing the costs of improvements to the Village Waterworks and Sewerage System-Construction of a Wet Weather Treatment Facility Plant. Also at the Board meeting on October 7, 2008, the Village Board adopted Ordinance No. O2008-58 authorizing the issuance of General Obligation Alternate Bonds (Waterworks & Sewerage System Alternate Revenue Source), DuPage and Cook Counties, IL, in the aggregate principal amount of \$3,500,000 for the purpose of

financing the costs of improvements to the Village Waterworks and Sewerage System-Construction of a Wet Weather Treatment Facility Plant.

The proposed bonds are commonly referred to as Alternate Revenue Bonds and are proposed to be repaid through the increase in the Water rates approved by the Village Board on December 11, 2007. As the bonds are Alternate Revenue Bonds, they are subject to the back-door referendum provisions per state statutes. Ordinance No. O2008-58 was published in the Hinsdale Doings on October 9, 2008 which marks the beginning of the required 30-day Back-door referendum period, which will end on November 10, 2008. If no petition is received by the end of the 30-day back-door referendum period, it is the Village's intent to authorize the sale of the bonds at the November 18, 2008 meeting, or if no Board meeting is held on that date, the next Regularly Scheduled Board Meeting. If a petition with the required 839 signatures is received and proved to be valid, the Village will then be required to submit the question of this bond issuance to referendum on the April 7, 2009 Ballot. Should this occur, the Village will determine an alternate means of financing this project in the form of a Tax Exempt Debt Certificate which is not subject to citizen petition.

President Woerner asked the Trustees for additional comments. Trustee Cauley asked for clarification on the financing sources for this project. Mr. Cooper clarified referencing a letter from Chapman & Cutler, Village bond counsel, which outlined the procedures for both financing options. It was noted that Board approval would still be required in either case. Village Manager Cook explained the financial advantage of the option currently before the Board. Discussion followed.

President Woerner noted that no written testimony or documents have been received on this matter; therefore there is nothing to read into the record. He opened the meeting to the public and asked for their comments.

Sam Eddins of 202 E Fourth Street stated that he is supportive of the efforts of the Board to address the storm water issues and appreciates the opportunity to ask the consultants some questions. He stated that he has reviewed the August 4, 2006 CTE report, the July 10, 2008 Huff & Huff Analysis, Mr. Seith's wet weather facility presentation of July 10th and the storm water master plan. Mr. Eddins raised various concerns but most significantly his belief that the calculations in the Huff and Huff report were based on incorrect numbers. Discussion followed regarding the hydraulic bottleneck at the inverted siphon that is the result of siltation and reduces the capacity of the pipe by half.

Mr. Eddins asked for an explanation of the '10 X dry weather flow'. Mr. Seith said public health and safety. Mr. Johnson, from Clark-Dietz noted it is a contractual agreement and therefore the capacity of the pipe doesn't matter. Mr. Seith commented that the CTE study was a starting point, and Village of Hinsdale has no additional data to support or refute their study. It was noted that Federal regulations

for combined sewer overflow systems allow four events per year. Illinois has additional requirements for treatment of water.

Mr. Eddins indicated that his study of the information leads him to believe that much of the material in the Veeck Park tank will come from Clarendon Hills and contain their raw sewage. Mr. Johnson pointed out that the definition of raw sewage is broad and includes shower water and the like. Mr. Eddins doesn't believe the calculations for tank capacity and volume account for the wet weather flow from Clarendon Hills. The CTE report lists Clarendon Hills as a major contributor to bottlenecks. Further, the Huff report indicated that Clarendon Hills produced twice the sewage as Hinsdale which has a population almost three times as large. He thinks the calculations are off by a factor of 7.5 but that it was an honest mistake. It was pointed out that the Huff and Huff reports references to Clarendon Hills water include Hinsdale water. Mr. Eddins acknowledged this was correct but still doesn't understand the numbers.

Mr. Seith clarified that the Veeck Park facility is intended to handle a portion of the Village and only during rain events and to relieve pressure at County Line and Highland Roads. The facility is not intended to handle all of the wet weather flow from the entire Village. Mr. Seith speculated that this will only service approximately 15% of the Village, but will verify this number. Mr. Eddins suggested there should be doubt as to whether this will take care of the Spinning Wheel burden; he also thinks the calculations for flow and size of tank are too modest.

Mr. Jim Huff arrived to help respond to Mr. Eddins concerns. Trustee Cauley recapped the discussion. Mr. Huff stated that the CTE report documented frequent overflows on the #42 and #48 lines. The IEPA requires the capture of first flush, 1,000,000 gallons. Further, he believes that the Spinning wheel interceptor is not part of this issue; Hinsdale's issues are storm water. He also noted that there is a difference between design and actual numbers. It was suggested that the fundamental problem with Mr. Eddins numbers is his assumption that this line is supposed to handle 100% of Hinsdale residents when in fact it's only designed to service about 25% of the population.

Mr. Eddins requested that these calculations be verified and explained to his satisfaction and if the Veeck Park facility solves the problems, he would agree with moving forward.

Robert Patzlaff of 422 W. Maple Street asked what happens if the tank fills up, will Flagg Creek remove their surcharge and is it normal practice to spend the proposed money without going to public ballot. In response, Mr. Huff explained that if the water exceeds the 1,000,000 gallons it will be sanitized and sent to Flagg Creek. Mr. Seith confirmed that Flagg Creek has agreed to eliminate the surcharge. Mr. Cook responded that the bond issue is proceeding according to Illinois State Statute and only when the bonds relate to property taxes are they required to go to referendum.

Jerry Mejdrich of 515 Highland Road, asked what percentage of the Village sewers are combined sewers and what assurance does the Village have that if we build the Veeck Park facility the litigation will go away. Mr. Cook stated the Clark Dietz report says 26% of the sewers are combined. Mr. Seith explained that the lawsuit asks for separation of sewers; 10% need to be separated as a condition of settlement, further this is an IEPA requirement.

Lois Mejdrich of 515 Highland Road remains unconvinced that the litigation will go away. Mr. Seith stated that Flagg Creek's issues are overflow, they asked for separation in the lawsuit because that's one solution to the overflow, but the Village is providing a solution to the overflow problem with the Veeck Park facility. Mrs. Mejdrich asked how many combined sewer overflow's were reported during the last water incident; Flagg Creek reported eleven. Mr. Cook said this number would have to be verified with Public Works.

Debra Braselton of 802 Franklin asked if the Village would have a settlement agreement before spending money on the facility. Mr. Seith responded saying that would be up to the Village Board and Flagg Creek Water Reclamation.

Bethany Priester of 539 Highland Road asked what happens with 55th Street and Hinsdale Central High School. Mr. Seith explained that Flagg Creek has stated that District 86 has some contribution to the problem, but they have not indicated that the Village has a part in the 55th Street issues. He stated that as part of the settlement it will be made clear that Flagg Creek can't come back to the Village, however, we do not have a final settlement document. They could come back with more conditions, but we have it in writing that the Veeck Park facility will satisfy Flagg Creek.

With no further comments from the public, President Woerner announced that all persons desiring to be heard have been given an opportunity to present testimony with respect to the proposed issuance of Bonds. President Woerner asked for a motion to adjourn the Public Hearing.

Trustee Schultz **moved to adjourn the Public Hearing on the proposal to sell \$3,500,000 General Obligation Alternate Bonds**. Trustee Orler seconded the motion.

AYES: Trustees Cauley, Orler, Williams and Schultz

NAYS: None

ABSENT: Trustees Follett and Smith

Motion carried.

ACCOUNTS PAYABLE

Trustee Cauley moved **Approval and Payment of the Accounts Payable for the period of October 3, 2008 through October 23, 2008 in the aggregate amount of \$743,058.86 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Orlor asked for clarification of the date on the RBA, provided by Mr. Cooper. Trustee Schultz seconded the motion.

AYES: Trustees Cauley, Orlor, Williams and Schultz

NAYS: None

ABSENT: Trustees Follett and Smith

Motion carried.

ADJOURNMENT

Trustee Schultz moved to adjourn the meeting. Trustee Williams seconded the motion.

AYES: Trustees Cauley, Orlor, Williams, Schultz

NAYS: None

ABSENT: Trustees Follett and Smith

Motion carried.

President Woerner declared the meeting adjourned at 9:45 p.m.

ATTEST: _____
Christine M. Bruton, Deputy Village Clerk