

- VIII. Attorney Remarks: Regarding the amendments to the agenda, Attorney Nicolosi stated that per the open meetings act, you cannot add topics to the agenda and discuss them if its not pertaining to what is already on the agenda. He went on to say we could reconvene the meeting and come back at a special meeting or put them on the next board meeting agenda. So the items that were added will be put on the agenda for next month. Paul went on to say that there has been some confusion regarding the open meetings act. A meeting is any one body, board or committee, that gets together to discuss business at hand. This board has a structural issue. We have five committees and only six trustees so many are overlapping. In the Illinois Municipal Handbook, it states a meeting of two members of a three-person committee must follow the provisions of the act. So two members of the same committee cannot talk Village business with each other. He mentioned he had a lengthy conversation about this with Colleen Blaney. He said there are ways around this and one way would be to change the structure of the committees. Ms. Blaney asked if it's possible for three trustees of the board could meet and Paul answered yes in some instances its permissible. It depends on who it is and if you get together to discuss Village business or to have a party. Ms. Blaney stated maybe next month we can discuss changing the size of the committees. Lastly, Mr. Nicolosi asked that we go into closed session which we will at the appropriate time on the agenda.
- IX. Presidents Report: On January 5 Ms. Siek met with the school board regarding impact fees. Mr. Nicolosi stated that he has not received the copies yet but expect to sometime this week. Ms. Siek stated there is more than one variation. Mr. Moore asked if we're restricted to Boone County and Paul said no that we don't even have to pass one. (Impact fee ordinance). Next, on January 6 she received red folders from Centex with the answers to Jack's questions and on January 9 received the new concept plan. She delivered both of them to the trustees on January 10 at the committee meeting and scheduled a time for each trustee to meet individually with Wayne Blaeser and Jim Bassett on January 13 at her home. Lastly, she said she received a letter from Mr. Nicolosi's office that he reduced his fee on the last bill by \$187.50.
- X. Treasurers Report: See attached sheet. Mr. Nye motioned to approve the treasurers report as written. Mr. Nicholson seconded and the motion carried.
Aye-6 Nay-0
- XI Clerks Report: None
- XII. Committee Reports:
A. Roads & Capital Improvement:
1. Mr. Nicholson made the recommendation to the board to send Mr. Humphries a thank you letter but that the village is not at a point of considering our own police department and we will keep his resume on file for a year. If there are any changes, the village will advertise the position.
B. Ordinance: None

C. Budget & Finance:

1. Mrs. Hunt made recommendation to the board to pay the bills as printed. Ms. Blaney motioned to approve the payment of the bills as printed. See attached sheet. Mr. Moore seconded and the motion carried.
Aye-6 Nay-0
2. Mrs. Hunt motioned to pass resolution authorizing Quimby & Quimby to perform the 2005 audit. Ms. Blaney seconded and the motion carried. Discussion followed.
Roll Call Vote: Colleen Blaney-Yea Teresa Hunt-Yea Todd Moore-Yea
Garrett Havens-Yea Jeff Nye-Yea Jack Nicholson-Yea
3. Discussion followed regarding hiring an accountant to do some of the duties of treasurer. Mr. Szeto will look into whether the treasurer position can be elected. Typically those municipalities under 5000 are appointed. He'll also look into residency requirements. The treasurer's position has always been

an

appointed one until sometime late 2004. This was recorded in the minutes. The clerk will look into seeing if it was done by resolution or ordinance form.

D. PZB:

Discussion regarding subdivision code ordinance will be discussed further at the next PZB meeting. Also, Aaron is fine-tuning some codes.

1. Mr. Nye motioned to approve the construction route ordinance. Mr. Havens seconded and the motion carried.

Roll Call Vote: Jeff Nye-Yea Jack Nicholson-Yea Colleen Blaney-Nay
Todd Moore-Yea Teresa Hunt-Yea Garrett Havens-Yea

XIII. Old Business:

A. Ms. Blaney wanted clarification on the FPA protest issue. Attorney Nicolosi explained this. Also questioned letter to the IRS-levy on wages. This was explained as well.

B. Ms. Blaney wanted this on the agenda. Talked to Mr. Nicolosi yesterday and it's all cleared up now.

XIV. New Business:

A. Ms. Blaney wanted to make a motion to have the minute's turnaround time be one week after the meeting to be available to the public. Mr. Nicholson spoke and said we don't need a motion; it's a part of the open meetings act to be available to the public within seven days.

XV. Scheduling of Special Meetings: None

XVI. Public Comment:

Discussion followed regarding time limit for public comment since there are so many in attendance. Mr. Moore motioned to allow each person (who wishes) two minutes to speak. Mr. Nicholson seconded and the motion carried.

Roll Call Vote: Todd Moore-Yea Teresa Hunt-Yea Jack Nicholson-Yea

Garrett Havens-Yea Colleen Blaney-Yea Jeff Nye-Yea

1. Jim Olstead, 2389 Kelly Rd. concern that the developmental firm has hired an engineer who is a hydrologist. Will the private wells go dry because of this? Is there enough to go around? Jim Bronn answered that we are blessed in this area, even in the drought years, seen little drop in water. IEPA regulates this also.
2. Brenda Trimble, 2421 South St. wanted to know why we would propose another plan (property) when so many people opposed the first proposal for Caledonia Crossings. President Siek answered that it is the developer is proposing this not the Village. It is the newest concept plan given to us by the developer.
3. Joyce Cryer, 1091 Rt. 173. wants a copy of the map and also wants to know if there has been an IEPA study done on the water treatment facility and where is the location. IEPA sets stringent standards that are reviewed by IEPA engineers before permits are given for construction to begin. Copies of the map of the new proposed development can be received by contacting the Village Clerk. (copies of this new plan got out somehow to some people already. It must have been a board member because copies were only given to them.) Also wanted to know if the community has control over the development. Siek stated that it depends on the votes of the six trustees. Joyce then stated that since she lives outside the Village, the trustees control her future and she has no input? That's correct.
4. Charles Lyford, 15386 Caledonia Rd. what are we going to do about the roads and schools? They will be addressed by the infrastructure. There will be a study done regarding improvement at the entrances on Caledonia Rd. and on Rt. 173. There will be impact fees for the schools.
5. Bruce Boettcher, 2416 Main St. Phase One is not done yet and now doing more. Don't like it a bit.
6. Lori Axtel, 14834 Clark St. stated that all these questions should be brought to Bassett so they will have the answers at the public hearing because we are still not given any answers. Attorney Nicolosi said most have been answered-the sewer and water questions, the streets were addressed and the school questions were addressed with the impact fees. Trustee Nye spoke and said until the annexation agreement is finalized and where we think it should be along with all the answers from the developer then we, as a board, could intelligently answer the questions. He also stated that the trustees have just had this new plan and some answers from the developer and builder a week and that is not enough time to read it through and go back to Bassett with any questions yet.
7. Tom Peacock, 2012 Kelly Rd. turn Pierce property into a park.
8. Bill Rodgers, 477 Kelly Rd. said his perception is the board is not in control. Attorney Nicolosi replied that the board is in control. The board was going to take action back in December but as a result of the public comments, the plans changed. The board also listened when people said things were moving too fast-we slowed things down. The developer listened and submitted a new plan. Bill then stated that since there were those individual meetings with the trustees at the Presidents home, it is perceived that the developer is in control. Attorney Nicolosi replied that in order to comply with the open meetings act, the meetings with the trustees were done this way so as not to constitute a quorum. It couldn't even be done in groups of two because of the open meetings act. A

special meeting did not have to take place because the public would hear about it in public comment time (at the board meeting).

9. Lisa Rodgers, 477 Kelly Rd. with this new concept plan, the entrance onto Kelly Rd. is in a blind spot on the one-lane road. Residents (along this road) in the past opposed the widening of the road due to increase traffic it would bring. It will remain a one-lane road and it will stay gravel.
10. Suzanna Henley, 722 Kelly Rd. met Susan Siek a few years ago, there was consensus that we wanted low impact development, bike trails, green space and place for the aged. She then asked Susan why her opinion has changed and what is she getting out of this for herself. Susan Siek said she wouldn't dignify herself with a response to that accusation.
11. Eric Henley, 722 Kelly Rd. thinks a size of this development is unhealthy. There will be more pollution due to increase traffic and accidents. Also there is a lack of space to walk around.
12. Karen Yokum, 909 Kelly Rd. say no to this thing. Board should listen to the people here.
13. Dennis Lucky, 1704 Kelly Rd. says he agrees with Mr. Peacock.
14. Tim Murphy, 1533 Caledonia Rd. wanted to know if this proposed development does not pass, can the Village face a lawsuit. Attorney Nicolosi said yes, that anyone can be sued. Developers take risks all the time and Villages have the right to say no with impunity, without consequences whatsoever. In this case, it does exist, and it's his job as attorney to inform us of the risks of litigation that is why we will be going into closed session-to advise the board of this. (every six months closed sessions are reviewed and then voted on whether to keep them closed or to release them to the public)
15. Kathy Trimble, 14774 Clark St. this is too much of a decision for six people to make; it should go to referendum.
16. Jim Laseman, 1526 Kelly Rd. wanted to know if a referendum was done would it be within the Village only or since it now affects people on Kelly Rd. would they be part of it too. Attorney Nicolosi replied that there are two types of referendums-advisory and mandatory. The laws are specific as to what can go into a mandatory referendum. Not sure if this would fall into that. If there was a referendum, only the Village itself would be part because it's the Village that the Board has jurisdiction over (even though it affects surrounding people).
17. Doris Nelson, 14232 Caledonia Rd. says she's going to reserve her right to comment for the newspaper.
18. Mary Walraven, wanted to know why the plans couldn't be distributed at this board meeting instead of one on one the way they were handed out. President Siek replied that she wanted to get the information to the board members as soon as she could.
19. Rod Fritz, 14755 Caledonia Rd. wanted to know if we can we have a bigger room to hold these meetings. He said he'd be embarrassed if he was on the board and people were standing.
20. Sandra Stockwell, 14517 Caledonia Rd. says we've gone round and round with the developers, cut them loose, we won't be sued. Said this is not working and wanted to know why we are stringing this along.

21. Jeff Berg, 2410 Kelly Rd. concerned that this falls in the hands of six people. He urged us to vote this down and to do something we're proud of instead of a development that is like a trailer park without wheels. Ms. Blaney commented that she talked to Mr. Nicolsoi yesterday and that Jack Nicholson mentioned seventy-five trophy homes. Centex Homes does not go that high but there are developers that do. (There are two homes per acre not four.)
22. Brad Sassaman, 2332 Main St. development is coming but we should look at other developers and take our pick.
23. Kraig Bryan, 2380 Randolph St. was on the board when Candlewick tried to take over and put heart and soul in this Village when it incorporated. The Village is like the Township-what's best for the Village is best for the Township. Consumer Water was going to come out of the gate. He went on to say he was chairman of PZB then, and gave Jim Bassett the okay to his concept plan, to develop the utmost usage.
24. Tammy Whitehead, 2380 Randolph St. says the board has a tough decision to make. Can't always give what all people want. I-90 is coming-best to control it.
25. Grace Henley, 722 Kelly Rd. talked of the school system. Kids will fill the schools-we are making decisions for our descendents too.
26. Jo Binanti, wanted to know why we don't do impact fees according to Naperville Ordinance. Attorney Nicolosi said we can.
27. Alice VanBrocklin, 14704 Caledonia Rd. says the planning commissions been kept out of the loop-that they knew nothing of the answers that were given us. Siek replied that Bassett told her he would be calling Alice and that she has no control over that.
28. Wallace Ramsey, 16870 Ramsey Rd. says he's on the Township Board. This is a concern for the Township. Also says we need to set up a border agreement with Poplar Grove and to make wise decisions. Don't be intimidated-will pass hat around Caledonia Township to pay for litigation if have to, to keep this Village afloat.

XVII. Closed Session: Mr. Nye said that due to the new information received about possible litigation he motioned to move into closed session. Mr. Havens seconded. Before Roll Call Vote could be done, Mr. Nicholson said, "I'd like to know, this Village does so much in secret, why do we feel, is there a true reason for going into a secret session?" Attorney Nicolosi spoke and said nothing has been held from him (Jack) or anyone else. Takes offense at saying its in secrecy. Mr. Nye also denied that things are kept in secrecy. Ms. Blaney stated after her talk with Mr. Nicolosi that there are many angles to things that she was not aware of but doesn't think things were necessarily done in secret. There is a letter that went out which is why we're going into closed session. Ms. Blaney asked if it's at the discretion of the President to keep things or to share the minute she receives them. Attorney Nicolosi replied that that is correct. There are no secret meetings going on. Everything is emailed to all board members. He went on to say to legally get around open meetings act, the meetings were held separately to talk with the developer because open negotiations will and can ruin things. Trustees are the ones with the voting power, not the President; the President has no vote except to break a

tie. There is no benefit to challenging one in public. President Siek stated that she, too, takes offense at the saying that secrecy is going on. At 9:06 p.m., Mr. Nye said, "Pursuant to 5 ILCS 120/2(c)(11), I hereby move that the Village Board enter into closed session to discuss litigation that appears probable or imminent relating to representations by the Village that may have been detrimentally relied upon." Mr. Moore seconded and the motioned carried. Ayes-5 Nays-1

XVIII. At 9:40 p.m. we came back into open session and Mr. Nye motioned to adjourn the meeting. Mr. Moore seconded and the motion carried. Ayes-6 Nays-0