

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICGO, ILLINOIS 60601

RECEIVED
CLERK'S OFFICE

SEP 27 2011

STATE OF ILLINOIS
Pollution Control Board

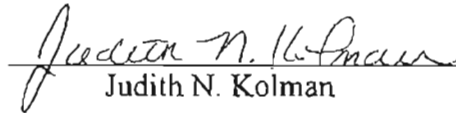
BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

Anielle Lipe)
Nykole Gillette)
Complainants)
v.) PCB 12-44
Village of Richton Park,)
Respondent)

ORIGINAL

APPEARANCE

The undersigned hereby files his appearance for Respondent Village of Richton Park.

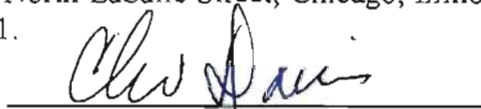

Judith N. Kolman

Judith N. Kolman
Rosenthal, Murphey, Coblenz & Donahue
30 N. LaSalle Street, Suite 1624
Chicago, Illinois 60602
Phone: (312) 541-1070
Fax: (312) 541-9191

Under penalties of perjury, the undersigned certifies as true that she served the foregoing upon:

Anielle Lipe	Nykole Gillette
22123 Meadow Lake Place	22232 Scott Drive
Richton Park, Illinois 60471	Richton Park, Illinois 60471

by placing a true and correct copy of same into a properly addressed and preposted envelope and depositing it into the U.S. Mail Chute at 30 North LaSalle Street, Chicago, Illinois, on or before the hour of 5:00 P.M. on September 26, 2011.



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POLLUTION CONTROL BOARD
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v.) PCB 12-44
Village of Richton Park,)
Respondent)

ORIGINAL

APPEARANCE

The undersigned hereby files his appearance for Respondent Village of Richton Park.



John B. Murphey

John B. Murphey
Rosenthal, Murphey, Coblenz & Donahue
30 N. LaSalle Street, Suite 1624
Chicago, Illinois 60602
Phone: (312) 541-1070
Fax: (312) 541-9191

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v.)	
)	PCB 12-44
)	
Village of Richton Park,)	
)	Respondent

ORIGINAL

MOTION TO DISMISS

I. Introduction

Respondent Village of Richton Park (the "Village") moves pursuant to 35 Illinois Administrative Code Part 101, Section 101.506 of the Rules of the Illinois Pollution Control Board ("Board") that the Complaint herein be dismissed because it is frivolous. In support of this Motion the Village states:

II. Facts

1. The Village of Richton Park is a municipality located in south suburban Cook County.
2. The Subject Property of this Complaint (the "Subject Property") is an 80 acre parcel of land located in the Village, roughly at the intersection of Sauk Trail and Central Avenue.
3. The Subject Property is located west of Interstate 57 and is the site of the former Sexton Landfill. *Cosmopolitan National Bank v. County of Cook and Village of Richton Park*, 103 Ill.2d 649, 82 Ill.Dec. 649 (1984).

4. By Ordinance No. 1219, dated May 16, 2005 (Exhibit 1), the Village granted a special use permit to Sexton Properties R.P., LLC (“Sexton”) to allow a concrete crushing operation on the Subject Property. This ordinance (the “Original Special Use Ordinance”) was adopted by the corporate authorities of the Village following notice and public hearing. See Exhibit 1, preambles.

5. On or about May 20, 2011, Sexton made application to amend the Original Special Use Ordinance. In particular, Sexton sought to amend the Original Special Use Ordinance in order to allow certain crushing operations to take place on the Subject Property.

6. Exhibit 2 is a copy of Sexton’s application.

7. The process by which a municipality such as the Village is to consider and act upon zoning requests such as the request of Sexton to amend the Original Special Use Ordinance is set forth in Section 11-13-1.1 of the Illinois Municipal Code, 65 ILCS 5/11-13-1.1. Section 11-13-1.1 provides in applicable part:

The corporate authorities of any municipality may in its ordinances passed under the authority of this Division 13 provide for the classification of special uses. Such uses may include ... uses which may have a unique special or unusual impact upon the use or enjoyment of neighboring property ... A special use shall be permitted only after a public hearing before some commission or committee designated by the corporate authorities with prior notice thereof given in the manner as set forth in Section 11-13-6 and 11-13-7.

8. It appears from the face of the Complaint that the Village complied with the statutory requirements attendant to a zoning application such as the one made by Sexton for the Subject Property. Pursuant to notice as required by law, the Village’s Planning and Zoning Commission conducted a public hearing on the Sexton proposal.

9. Attached hereto as **Exhibit 3** is a copy of the minutes of the Planning and Zoning Commission. Attached hereto as **Exhibit 4** is a copy of the Notice of Public Hearing as published in the local newspaper.

10. Following the Planning and Zoning Commission public hearing, the corporate authorities of the Village (the President and Board of Trustees) conducted a number of additional public meetings at which the Sexton proposal was considered. The proposal was considered and discussed at the following Board of Trustee meetings:

A. June 27, 2011. **Exhibit 5**. As set forth on pages 1 and 7, complainant Lipe was present at this meeting.

B. July 11, 2011. **Exhibit 6**. It appears from page 1 and pages 5-7 of **Exhibit 6** that complainants Lipe and Gillette were present at this meeting and participated in the public debate.

C. July 25, 2011. **Exhibit 7**. It appears from page 1 that Lipe and Gillette were present at this meeting.

11. On July 25, 2011, the President and Board of Trustees adopted Ordinance No. 1497, "An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation (Sexton Properties RP., LLC/Crushing Operation)" ("the Amended Special Use Ordinance"). A copy of the Amended Special Use Ordinance is attached hereto as **Exhibit 8**.

III. Reasons Why the Complaint Should Be Dismissed

12. Pursuant to Section 101.202 of this Board's procedural rules, a complaint is "frivolous" if "the Board does not have the authority to grant" the relief requested by a complainant, or if a complaint "fails to state a cause of action upon which the Board can grant relief."

13. It appears from the face of the Complaint that the complainants are asking this Board to void or overturn the decision of the Village Board approving the Amended Special Use Ordinance. In particular, the last two paragraphs of the Complaint state in applicable part:

As a result of these concerns and others that may not have been raised at the public hearing on July 14, 2011, the Richton Park Village Board may not have objectively considered the citizens' concerns ... As a result, the Richton Park Village Board voted unanimously to approve the Special Use Permit to have this crushing operation performed on the John Sexton Sand And Gravel Corporation's worksite in Richton Park, IL.

Wherefore, Complainants Anielle Lipe and Nykole Gillette would like the Illinois Pollution Control Board to appeal [sic] the Special Use Permit Ordinance # 1497 to crush concrete and other materials granted to the John Sexton Sand And Gravel Corporation by the Village of Richton Park as a result of improper public notification.

It appears from pages 1-2 of the Complaint that the complainants' "notice" charges relate to what complainants contend to be substantive issues regarding Sexton's operation as opposed to notice in the legal sense. It is clear from the exhibits attached to this Motion that the complainants had full and fair notice of the proceedings before the Village because (among other things) they were present at all of the proceedings before the Village Board.

14. The Complaint is frivolous because this Board has no jurisdiction to review an ordinance adopted by the corporate authorities of a municipality granting a special use permit. The Illinois Municipal Code provides that the sole remedy regarding a decision of the Village Board granting or denying a special use is by way of a complaint filed in the Circuit Court of Cook County. 65 ILCS 5/11-13-25(a) provides in applicable part:

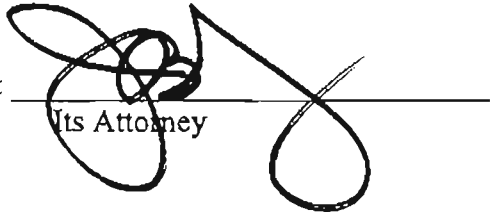
Any decision by the corporate authorities of any municipality, home rule or non-home rule, in regard to any petition or application for a special use ... shall be subject to de novo judicial review as a legislative decision regardless of whether the process in relation thereto is considered administrative for other purposes....

15. The present Complaint is challenging a zoning decision made by a municipality. This Board has no jurisdiction over municipal zoning decisions such as this. Because this Board has no jurisdiction, the Complaint is "frivolous" within the scope of this Board's rules and the Complaint should be dismissed.

Respectfully submitted,

Village of Richton Park

By: _____

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Its Attorney

John B. Murphey
Rosenthal, Murphey, Coblenz & Donahue
30 N. LaSalle Street, Suite 1624
Chicago, Illinois 60602
Phone: (312) 541-1070
Fax: (312) 541-9191

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

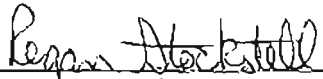
Regan Stockstell, being first duly sworn on oath, states:

1. I am the Director of Planning and Zoning for the Village of Richton Park.
2. I am familiar with Exhibits 1-8 attached to this Motion.
3. All of said Exhibits are true and correct copy of the following:

EXHIBIT IDENTIFICATION

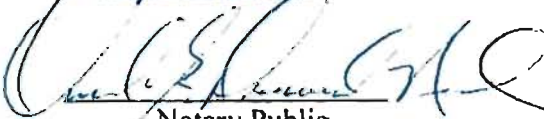
1. Ordinance No. 1219
2. Sexton Special Use Application
3. Newspaper Notice of Planning and Zoning Commission Public Hearing
4. Planning and Zoning Commission Minutes, June 14, 2011
5. Village of Richton Park Village Board Work Session Minutes, 6/17/11
6. Village of Richton Park Regular Meeting Minutes, 7/11/11
7. Village of Richton Park Regular Meeting Minutes, 7/25/11
8. Ordinance No. 1497, adopted July 25, 2011

The originals of all of these documents are on file in the office of the office of the Village of Richton Park Village Clerk.

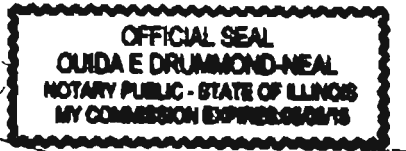


Regan Stockstell

Subscribed and Sworn to
before me this 26th day
of September, 2011



Notary Public



VILLAGE OF RICHTON PARK

ORDINANCE NO. 1219

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A
CONCRETE CRUSHING OPERATION
(SEXTON PROPERTY)

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF RICHTON PARK,
COOK COUNTY, ILLINOIS, THIS 16
DAY OF May, 2005

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Richton Park, Cook
County, Illinois, this 16
day of May, 2005



ORDINANCE NO. 1219

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A
CONCRETE CRUSHING OPERATION
(SEXTON PROPERTY)**

WHEREAS, the Village of Richton Park received an application for a special use permit to allow a concrete crushing operation; and

WHEREAS, the property is zoned M-3 Heavy Industrial District and requires approval of a special use permit for crushing operations; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on May 10, 2005, and after giving proper notice, recommended approval; and

WHEREAS, the President and Village Board of Trustees concur in the recommendation of the Village Planning and Zoning Commission;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF RICHTON PARK, ILLINOIS, that a special use permit is hereby granted for a concrete crushing operation on property located at the northeast corner of Sauk Trail and Central Avenue and is legally described as follows:

PARCEL 1 - THAT PART OF THE SOUTHWEST ¼ OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPT THE NORTH 232.5 FEET, THE WEST 700 FEET AND THE SOUTH 400 FEET THEREOF LYING WEST OF THE INTERSTATE 57 RIGHT OF WAY. ALL IN RICH TOWNSHIP, COOK COUNTY, ILLINOIS CONTAINING 43.68 ACRES, MORE OR LESS EXCLUSIVE OF THE RIGHT OF WAY FOR SAUK TRAIL, CENTRAL ROAD AND INTERSTATE 57.


PARCEL TWO - THAT PART OF THE SOUTHWEST ¼ OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPT FOR THE NORTH 232.4 FEET, THE WEST 700 FEET AND THE SOUTH 400 FEET THEREOF LYING WEST OF THE INTERSTATE 57 RIGHT OF WAY. ALL IN THE RICH TOWNSHIP, COOK COUNTY, ILLINOIS CONTAINING 40.29 ACRES, MORE OR LESS EXCLUSIVE OF THE RIGHT OF WAY FOR SAUK TRAIL, CENTRAL ROAD AND INTERSTATE 57

is hereby approved with the following conditions:

1. Developer must provide Village with monthly reports of materials brought to the site and from where the materials originated.
2. Activity will be conducted from 8 a.m. - 5 p.m. Monday through Friday only.
3. Crushed aggregate will be used on-site and not re-sold.

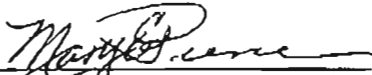
This Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

PASSED AND APPROVED this 16 day of May, 2005



RICHARD P. REINBOLD, Village President

ATTEST:



MARY PIERCE, Village Clerk

AYES: 5

NAYS: 0

ABSENT: 1

ABSTAIN: _____

***Village of Richton Park
Special Use Petition***

Property Address:

The general description is a primary parcel of land 80 acres in size located between I-57 and Central Avenue, north of Sauk Trail. (See the attached Legal Description)

Applicant:

Sexton Properties R.P., LLC
Arthur A. Daniels – Managing Member

Applicant Address:

2801 Lakeside Drive, Suite 100
Bannockburn, Illinois 60015

Property Owner (if different from applicant):

Sexton Properties R.P., LLC (an Illinois Limited Liability Company)

Property Owners Address:

2801 Lakeside Drive, Suite 100
Bannockburn, Illinois 60015

Zoning of the Property:

M-3

Current Land Use:

Land Reclamation & Re-grading Operation (Vacant)

Proposed Zoning:

Sexton is applying to operate under the existing zoning conditions but is requesting the re-issuance of a Special-Use Permit for concrete crushing machinery to be allowed on-site.

Per the Village of Richton Park's Administration Section, the following uses may be allowed with a Special-Use Permit:

Ordinance 10.03 B - Any use which may be allowed as a special use in the M-2 District

Ordinance 10.02 B - Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.



Village of Richton Park Special Use Petition

Reason for Request of Special-Use:

Sexton has created a stock pile of concrete materials to aid in the future development of the site. By allowing the Special-Use, the acquired aggregate can be crushed and be placed on site as a ready-to-use product. The aggregate will be strategically placed for the future roadway infrastructure of the development as was presented in Section II - Phase I of Sexton's Site Development Plan in May of 2005.

Impact of the Special Use:

- 1. What land-uses and/or businesses are located within (200) feet of the proposed Special-Use?**

With the exception of the grading operation on the site, there are no other land-uses or businesses located within 200 hundred feet of where the equipment would be placed due to the size of the property. The bordering properties are as follows:

To the North:	Commonwealth Edison & Nicor right-of-ways (zoned P-1)
To the West:	Vacant land (zoned M-3)
To the South:	Sauk Trail followed by vacant land (zoned M-1)
To the East:	Interstate 57

- 2. Is the proposed Special-Use compatible with surrounding land-uses and businesses? Please Explain.**

Yes - The proposed operation is compatible given the distance it will be from any other property along with the current uses of the surrounding properties. The site is fenced and protected and the overall goal of the operation is to aid in the future development by having material ready for future infrastructure.

- 3. Will additional utilities or roadway improvements be necessary to provide service to the Special-Use?**

No – There will be no need for any additional utilities or roadway improvements.

- 4. What impact will the Special-Use have on the surrounding roadways and traffic congestion?**

None – No noticeable increase in traffic flow will occur and existing traffic can easily be accommodated due to the surrounding roadway network.

**Village of Richton Park
Special Use Petition**



5. Will the Special-Use generate odor, noise, vibration, light or particulate that will negatively impact the surrounding land-uses with the SUP or on adjacent parcels (list all applicable).

No – Sexton believes there will not be negative impacts to the surrounding land-uses. The operation will create dust, but Sexton will require the Operator to maintain a form of water suppression so any dust that is created will be contained within the site. Furthermore, the crushing of concrete does generate noise; however parcels located around the site are either a considerable distance or involved in noisy activities themselves. Research regarding concrete crushers has shown decibel levels of 60db at a distance of 300 feet. The nearest residents are well over 1000 feet away and the “Inverse Square Law” states that sound drops 6 decibels as the distance doubles.

6. Will the Special-Use enhance, detract or have no impact of the surrounding development and/or improvement of surrounding properties?

The Special-Use will provide a direct enhancement towards the future development of the site. It is also Sexton’s opinion that the Special-Use will help to speed up the development process in the long-run, which in-turn is a positive to the surrounding properties.

I (we) do hereby certify that the information provided above and in all papers, plans or documents submitted herewith are to the best of my (our) knowledge true. I (we) agree to reimburse the Village of Richton Park for any other expenses outside the general administration costs incurred as a result of this variance petition (i.e. engineering, legal, staff, or other permit fees).

 _____ Applicant Sexton Properties R.P., LLC Managing Member	Date 5/20/11		3		 _____ Property Owner Sexton Properties R.P., LLC Member	Date 5/20/11
---	-----------------	--	---	--	--	-----------------

FOR OFFICE USE ONLY
PLANNING COMMISSION

DATE RECEIVED _____	LEGAL PUBLISHED _____	HEARING DATE _____
FIRST READING _____	VILLAGE BOARD _____	SECOND READING _____

PUBLIC NOTICE

Notice is hereby given that on Tuesday, June 14, 2011, the Richton Park Planning and Zoning Commission will hold a public hearing to consider a special use petition concerning the allowance of a concrete crushing operation as proposed by the John Sexton Sand & Gravel Corporation on property located at the northeast corner of Sauk Trail and Central Avenue. The purpose of the crushing operation is to assist the land owner in producing concrete aggregate necessary for site improvements for future commercial development. The property is legally described as follows:

Parcel 1

That part of the southwest 1/4 of Section 28, Township 35 North, Range 13 East of the Third Principal Meridian except the North 232.5 feet, the West 700 feet and the South 400 feet thereof lying west of the Interstate 57 right of way. All in Rich Township, Cook County, Illinois containing 43.88 acres, more or less exclusive of the right of way for Sauk Trail, Central Avenue and Interstate 57.

Parcel 2

That part of the southwest 1/4 of Section 28, Township 35 North, Range 13 East of the Third Principal Meridian except for the North 232.5 feet, the West 700 feet and the South 400 feet thereof lying west of the Interstate 57 right of way. All in Rich Township, Cook County, Illinois containing 40.29 acres, more or less exclusive of the right of way for Sauk Trail, Central Avenue and Interstate 57.

P.L.N.

31-28-300-010-0000
31-28-300-011-0000

The public hearing on this matter will be held in the boardroom of the Village Municipal Building 4455 Sauk Trail, beginning at 7:30pm. A copy of the proposed special use petition is on file for public review from 9am to 5pm Monday through Friday in the Community Development Department located at the east end of the Village Municipal Building.

Joe Pluth, Chairman
Planning and Zoning
Commission
83424 5/29/2011



VILLAGE OF RICHTON PARK
Planning & Zoning Commission
June 14, 2011

CALL TO ORDER

Chairman Pluth called the meeting to order at 7:38 p.m. Roll call was taken and a quorum was established.

ROLL CALL

Present: Commissioners Canady, McDonald, Marsh, and Chairman Pluth

Also present: Village Manager De'Carlton Seewood, Community Development Director Regan Stockstell, Economic Development Interns Michelle Joseph and Eduardo Proenza, Todd and Drew Daniels from Sexton Properties, and residents Anthony Jones, Tommie and Gaylon Garner, Jerry Rials, Denise Washington, and Karen Long

NEW BUSINESS

PC 2011-09

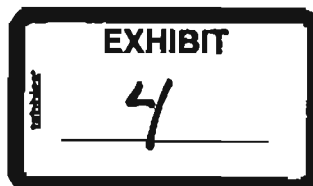
Public Hearing The public hearing was opened at 7:40 p.m. - Consideration of a Special Use Petition to allow a concrete crushing operation

In May of 2005 the Village of Richton Park Board of Trustees approved Ordinance No. 1219 authorizing a special use permit for concrete crushing operation as it related to site improvements at the John Sexton Sand and Gravel Co. property located at the northeast corner of Sauk Trail and Central Avenue.

As stipulation in Section 14.06(I) Termination of Special Use Permit in the village zoning ordinance, the petitioner must begin the proposed work within three (3) years of the approved permit. Sexton has resubmitted their petition and is seeking approval or re-establishment of the special use permit, with changes in the conditions referenced in the 2005 ordinance. The public hearing notice concerning this matter was published in the Sunday, May 29th edition of the Southtown Star newspaper. Courtesy notices were also mailed to residents in the North Lakewood and Meadow Lakes neighborhoods.

Per Todd Sexton, the company would like to secure the services of Tough Cuts, a sub-contracted concrete crushing operator who presently works with IDOT and other companies. The changes the proposed by the company include:

- (a) monthly operations reports to the village versus the present quarterly reports
- (b) Changes in the hours of operation to a 7:00 a.m. start time Monday through Friday (presently 8:00 a.m.), and the addition of Saturday hours from 8:00 a.m. to 4:00 p.m.
- (c) Adding the ability to allow Tough Cuts to take away/use amounts of the crushed aggregate at other sites under the condition that they replace the amounts removed with a premium of additional aggregate.



Chairman Pluth inquired about consequences in the event Tough Cuts failed to meet the requirements set by their agreement. Mr. Sexton responded that restitution would either be in the form of monetary compensation or the use of Tough Cut's machinery at no cost to perform crushing operations on the company's own behalf...

Resident Denise Washington, President of the Meadow Lake Homeowners Association, 22053 Neptune, expressed concern about the possible reduction of air quality and increase of noise associated with adding a crushing operation. This noise would be added to the current noise of I-57 and the railroad. She also asked if traffic on Sauk Trail would be affected by these additional operations.

Drew Sexton replied that there should be no appreciable change in noise, traffic, or air quality. He further stated that Saturday operations would mostly be make-up work and should not equal any regular weekday amount. There will be three crushers and one dozer or compactor added to the site.

Ms. Washington asked about any impact on stormwater and whether there would be employment or any economic benefit for residents. Mr. Sexton responded that the company has conducted many costly inspections to get to the point it is today. There should be no negative impact with regard to stormwater. There may be a potential host fee associated with operations but that fee, if approved, is still to be determined.

10-year resident Anthony Jones, 22060 Scott Drive, also expressed his concern about increased noise being added to that of the trains, traffic on I-57. He does not believe additional noise can be contained and would like to see the company undertake the crushing operation elsewhere. He asked the commission to deny the permit.

Resident Gaylon Garner, 22023 Sunset Drive, agreed with Mr. Jones and Ms. Washington regarding the noise and flooding, and also expressed concern about possible soil contamination.

Todd responded that the EPA and their in-house experts conduct regular tests to make certain that contamination is not a factor in every load brought to the site.

Resident Jerry Rials asked about plans for the section east of I-57. That parcel presently a tree nursery currently zoned M3. The full-grown trees will be used for future construction development on the west side of I-57. The potential benefit to nearby homeowners would be more retail and another entity such as a recreational center.

Mr. Stockstell provided another perspective for residents to consider: development would mean the land could be used for retail or office space, versus an industrial use that would be possible under the current zoning.

Resident Karen Long, 22012 Scott Drive has only been a resident for four months but would like to request that Saturday hours be limited to 4 hours. Outside of that, she is in favor of allowing the petition.

The public hearing was closed at 9:12 p.m.

Commissioner Canady asked if Tough Cuts was located in Frankfort and whether there was information on any long term effects related to noise pollution. Todd Sexton replied that noise should not be a factor to any resident more than 50 feet away from the site. Material taken away will be used by Tuff Cuts at other sites needing ready, crushed material on short notice, to be returned in a timely manner.

Chairman Pluth explained the future hardship on nearby residents is an unknown and he is uncomfortable with the unknown. Todd explained that should any of the perceived hardships become reality, Sexton could (a) change hours of operation or (b) erect earth berms to deflect sound.

Staff stated that the findings of fact to approve the special use permit were met as indicated below:

- (a) the establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare
- (b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (c) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided
- (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- (f) The special use shall in all other respect conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendations of the plan commission.

A motion to approve the petition with conditions that hours remain 8 a.m. to 5:00 p.m., no Saturday hours, and reports to include an estimated time frame for completion was made by Commissioner Marsh and seconded by Commissioner McDonald.

The vote:

Commissioner Canady	Aye
Commissioner McDonald	Aye
Commissioner Marsh	Aye
Chairman Pluth	Aye

PC 2011-08

Public Hearing

The public hearing was opened at 9:54 p.m. – Consideration of a zoning text amendment to Section 9.00 Business Districts of the Village Zoning Ordinance as it relates to the establishment of exterior material and construction requirements.

In 2003 the village adopted ordinance number 1152 establishing exterior material and construction requirements for new construction in the village's four residential zoning districts. At that time, no consideration was given to exterior requirements for new commercial buildings.

Staff's recommendation will require modifications to Sections 9.03, 9.04, 9.05, and 9.06 of the Village Zoning Ordinance establishing exterior masonry and construction requirements for each commercial zoning classification. Staff's recommendation would add one sub-section to each of the four residential classifications. Changes will impact the B1, B2, B3, and B4 districts. Staff will come back at a later time to recommend changes to some residential districts.

A PowerPoint presentation by Intern Eduardo Proenza was provided to all Commissioners.

The public hearing was closed at 10:00 p.m. A motion to accept staff's recommendation to amend Section 9.00 Business Districts zoning ordinance was made by Commissioner Canady and seconded by Commissioner Marsh.

The vote:

Commissioner Canady	Aye
Commissioner McDonald	Aye
Commissioner Marsh	Aye
Chairman Pluth	Aye

A motion to approve the minutes of May 3, 2011 was made and a vote taken.

The vote:

Commissioner Canady	Aye
Commissioner McDonald	Aye
Commissioner Marsh	Aye
Chairman Pluth	Aye

ADMINISTRATIVE REPORT

Mr. Stockstell advised the commissioners that Abe Lentner, former Economic Development Director, had left the employ of the village as of June 9th and informed them that the deadline for applying for the position is July 27th.

He asked the commissioners to check out the Sauk Trail streetscape project currently underway. Large murals will become part of the improvement and the project should be completed by the end of July.

The HVAC units were replaced at village hall courtesy of a Cook County Energy Efficiency Community Block Grant.

There will be a staff meeting with contractors regarding the NSP program for the Richton Hills and Lioncrest subdivisions. Staff has acquired five homes for the NSP program that will be rehabbed and resold to pre-qualified buyers.

In Phase III of the NSP program there is \$5 million dollars allotted for the acquisition of more targeted homes. This time staff will seek funding for the demolition and rebuilding of the homes because demolition is more cost effective than renovating and retrofitting.

The next meeting is scheduled for June 28, 2011. Staff will discuss guidelines for residential building.

A motion to adjourn at 10:22 p.m. was made by Commissioner McDonald and seconded by Commissioner Marsh.

Respectfully submitted,

Ouida Drummond-Neal
Recording Secretary

VILLAGE OF RICHTON PARK

WORK SESSION MEETING

6-27-2011

Officials Present: President Reinbold, Valerie Babka, Cynthia Butler, Julian Alexander, Sharon Kriha, Brian Coleman, Village Trustees; Mary Pierce, Village Clerk

Officials Absent: Jennifer Artis, Village Trustee

Staff Present: De'Carlton Seewood, Village Manager; Joy Roberts, Village Attorney; Hal Bittinger, Finance Director, Angie Zambrano, Deputy Clerk; Vera Brooks, Community Relations Director; Theresa Thoms, Parks & Recreation Director; Lloyd Noles, Fire Chief; Elvia Williams-Yancey, Police Chief; Regan Stockstell, Community Development Director; Larry Gobel, Public Works Director; Ted Sianis, Village Engineer, Kathy Diercouff, Assistant Finance Director

Also Present: Wendy Christian, Thess Bradford, Anielle Lipe, Denise Washington, Mary McNeal, Gloria Ahmed, T. Williams, Sheila Townsel, Jin Wang, Gary Marquardt, Robert O. Bartz, Damell Langston, Monica Holden, Vincent Moore, Residents; Drew & Todd Daniels, Sexton Companies

The Work Session of 6-27-11 was convened at 8:37 p.m. by President Reinbold.

Audience Comments on Non-Agenda items

Denise Washington Planning Committee for HOA Picnic

Ms. Washington spoke about the Community Appreciation Day event. She listed all the different happenings and events throughout the day that included:



Bouncy houses, MusiCality Dance Group, Bubble event, line dancing, popcorn/snowcones, food donated from Beggar's Pizza, Chicago Dough, gift certificates/coupons from Olive Garden, Richton Perk, and more. She thanked everyone for their support and efforts.

She also spoke on behalf of Tessa Bradford, a Greenfield resident who is looking to form an HOA for Greenfield.

Gary Marquardt President of the Merchants Chamber

He spoke on behalf of the Merchants Chamber in regards to the Greenfield resident. He stated that the Merchants Chamber has a discount program and would always like all subdivisions to be a part of the Merchants Chamber but his understanding was that Greenfield had to be 80% sold out before the developer would turn it over to the residents. President Reinbold stated staff will talk with Greenfield and find out the status.

Trustee Babka asked if Meadow Lake and Farm Trace, for example, automatically join their HOA or is it in their covenants or how that works.

Trustee Butler explained that Greenfield has it set up where they are paying annually to the developer for the maintenance of their common area and eventually they will have to have a Board that takes in that money. All our other HOA's are voluntary.

Director Stockstell suggested they should seek the advice of an attorney because there is an established HOA that was approved as a part of the development. There covenants, deeds and restrictions established that every buyer were provided as a part of their closing documents. The way that they're written, the developer has sole power until he sells the last lot in the subdivision. The good side of it is that the developer has been in the office within the last few weeks and has shown interest in turning over the association to the residents of Greenfield. He has requested a meeting but has pulled back. He has had a couple residents come in and talk to him about the association. One of them had a conversation with the president of the company who encouraged him to take the lead in becoming the president of the association.

We will continue to follow-up with the developer to try to move this forward.

Darnell Langston 5009 Capri

Mr. Langston stated the planning of the Community Appreciation Day was great. He stated that after the event, everyone cleaned up well also.

Monica Holden 1116 Euclid

Ms. Holden thanked everyone for all the help with the Community Appreciation Day. She invited everyone to the follow-up meeting that is tentatively scheduled for next Sunday.

Trustee Babka

She apologized for not being able to stay afterwards to help clean up.

List of Bills

List of Bills in the amount of \$136,543.10.

Trustee Babka asked the following questions:

Pg. 3: Guaranteed Technical Services/100 Hour block retainer? – what is this for? *Answer:* Director Bittinger-computer services.

Pg. 3: B/C Cook bunker gear? – what is this? *Answer:* Chief Noles-Battalion Chief Cook Clothing

Pg. 8: Legal ad circuit breaker panel? – What is this for? *Answer:* Director Bittinger – We are replacing the electrical panel in the back of the Clerk’s office and we placed an ad in the paper to get bids. The work will be paid for by the grant we had for village hall.

Pg. 8: three benches for lobby? – what are the three benches made of? *Answer:* Staff will look into this and report back.

Trustee Butler asked the following questions:

Pg. 3: IL Central Railroad/Easement Rental? – what is this for? *Answer:* Director Gobel stated we pay an annual fee to the railroad for waterlines. He will research how long we have been paying this.

Consideration of an Ordinance Amending the 2011-2012 Budget (Purchase Upgraded Taser Units)

Chief Yancey explained that it is important that police officers remain current on case law and best practices in the field. From a liability stand point, the purchase of Tasers with the video record function would be beneficial. Recently three individuals were fighting officers, requiring the use of the Taser in order to gain control of the situation. As a result, one of our officers was injured and is currently on worker’s compensation. If the video- equipped Taser had been available; it would have aided our court case against the assailants.

The purchase of Tasers is currently listed in our 5-Year Plan as a Level 2 Priority at a cost of \$36,000. We are requesting the purchase of seventeen (17) Tasers for this fiscal year and another thirteen (13) in the next fiscal year.

Taser Model X26 ECD	809.95
Taser Cam Model 26750	411.95
Total	\$1221.90 x 17 = \$20,772.30

President Reinbold asked if there are any grant opportunities. Chief Yancey stated there are not grant opportunities for Tasers. She also stated there are not any bulk rates for Tasers or state rates. You must buy them at cost.

Trustee Butler asked what would be done with the old Tasers. Chief Yancey stated we could use them as a backup. Trustee Butler asked if there is a possibility for any less fortunate community's to use them. Chief Yancey stated her recommendation would be not to because there are maintenance issues with them and with Tasers there are always training issues. There is a possibility but would keep some in case something happens to ours.

Consideration of an Ordinance Amending Sections 9.03, 9.04, 9.05 and 9.06 of the Village Zoning Ordinance to Establish Masonry Materials in Commercial Construction

In 2003, the Village adopted ordinance no. 1152 establishing exterior material and construction requirements for new construction in the Village's four residential zoning districts. However, no attention was given to exterior requirements for new commercial buildings at that time.

Staff's recommendation will require modifications to Sections 9.03, 9.04, 9.05 and 9.06 of the Village Zoning Ordinance establishing exterior masonry and construction requirements for each commercial zoning classification. The commercial zoning districts that would be impacted are as follows:

1. B-1 Neighborhood Business District
2. B-2 Community Business District
3. B-3 Regional Business District
4. B-4 Office Research Park District

The recommendation would simply add one subsection to each of the four residential classifications.

Eduardo gave a presentation as attached.

Trustee Kriha asked about with downtown Richton Park where we're planning to mix the condos, possibly, with businesses on the lower level. She asked if this would apply to that. Director Stockstell answered yes; we already have design guidelines in place for the Town Center and were presented to the Board a couple years ago.

Trustee Kriha asked if Section 9.03 exists already. Director Stockstell stated no, that is a text amendment and is being added.

Mr. Marquardt stated the Merchants Chamber was not made aware of this. He believes the Village should wait for the ED Director to be on Board before moving forward. He was concerned with a detached accessory structure being an issue such as the freezer/cooler at Dunkin Donuts. Director Stockstell explained that in that case it speaks to construction but our goal would be to encourage developers to build interior storage.

Trustee Kriha asked if we would set a precedent for residential property as well. Director Stockstell stated there already is a brick ordinance for residential. There is already zoning required under R-1.

Mr. Langston asked if the Village is going green. Director Stockstell stated we are using a defined green material.

Consideration of the Sexton Properties, L.L.C. Special Use Petition to Allow a Concrete Crushing Operation

In May of 2005, the Village of Richton Park Board of Trustees approved Ordinance No. 1219 authorizing a special use permit for concrete crushing operation as it related to site improvements at the John Sexton Sand and Gravel Co. property located at the northeast corner of Sauk Trail and Central Avenue. At the time of the initial request, the purpose was to allow for the processing of concrete aggregate and production of fill to be used on-site as a part of the applicant's land reclamation efforts for future commercial development. To date, the applicant has not started this operation. As a result of this inactivity, their permit has expired. However, the applicant has recently expressed its interest in moving the concrete crushing operation forward as it is in current negotiations with a contractor (Tough Cuts) to bring aggregate to their site for re-use both on and off-site.

The applicant is seeking changes in the conditions referenced in the 2005 ordinance. The first is that they their hours of operation be extended to a 7 a.m. start and the addition of Saturdays from 8a.m. to 4p.m. The second change requested is that they are seeking permission to remove aggregate from the site. This is directly related to the relationship with the contractor (Tough Cuts) and their need to re-use the aggregate they're bringing to the site.

Attached is a copy of the PowerPoint presentation prepared by Sexton that gives the historical background of this project and their plans moving forward. This gives an overview of the presentation given by Todd & Drew Daniels of Sexton.

Trustee Butler asked how they are going to monitor what goes out, comes back in. Mr. Todd Daniels stated Tough Cuts will install a scale and they will weigh the trucks and what goes outbound must be accounted for inbound.

Trustee Coleman stated he's heard residents concerns about the look of the area when coming off the expressway. He is not sure who is responsible for the debris on the property. He asked who is in charge of the site maintenance. Mr. Todd Daniels stated that material is black dirt and the reason for that is once the site is at grade, the black dirt, per EPA permit has to be spread over 1 ft thick. Trustee Coleman stated the black dirt looks good, but sometimes there is garbage over that and that's the issue. Mr. Todd Daniels stated it is definitely an aesthetic issue and is ultimately part of the process and the material is certified clean and passes their inspections.

Trustee Alexander stated with crushing, there will be dust and asked how they propose to keep the dust down. Mr. Todd Daniels explained that as part of the contractual contract with Tough Cuts, they have irrigation systems on the equipment or next to the equipment that will spray

misting water and in fact, it is an incentive for them to make sure the material is wet because they get paid by the weight of the material.

Trustee Babka stated that her concern is also the dust, vibration and asked what are we going to do if we pass this and then notice the dust and vibration is getting to be too much. Mr. Todd Daniels stated currently on the west side of the property, there is a higher elevation and then a berm on the west side. Placement of the equipment is going to be between the berm. That area has been selected because in essence, it acts like a sound wall.

If it didn't work out, we'd have to take measurements of the current vibrations of the highway and run the equipment and find out if there is additional vibration at the highway.

From a dust perspective, we can certainly add another misting machine.

President Reinbold asked Council if the Board was to approve this request and it was determined that the data was misrepresented; he believes there is a process that would basically rescind the Special Use Permit. Attorney Roberts explained that she believes it hinges on the nature of the presentation of material that's given so if it's misrepresented or something about it was false, that the Village somehow relied on improper information, there may very well be a basis in which the Village may have recourse. It is certainly something she thinks is worth talking to John Murphy about in detail.

One of the things she became concerned about when listening to the presentation is what guarantees the quality of fill that is taken back out by Tough Cuts. Mr. Todd Daniels spoke to that point. He stated that Sexton has owned that land for 30+ years and for them to allow material that would not fit the required engineering standards, would be a disservice to ourselves and so we have an economic interest to ourselves to make sure the material that does come back is quality material.

President Reinbold asked how the original machinery proposed in 2005 and the current proposed machinery compares as far as decibel levels. Mr. Todd Daniels stated a Screener is nowhere as loud as a Crusher. It would be comparable.

Trustee Alexander asked how many machines will be running. Mr. Todd Daniels stated 3; two crushers and a screener. How many included the existing equipment. Mr. Todd Daniels stated 6 total.

Trustee Kriha voiced her concerns with the decibel levels given in comparison to the sound of the operations.

Mr. Marquardt stated during 2005, residents were concerned with dust and Sexton invited him on behalf of the Chamber and he went unannounced and they were working. They are a good business partner, have done everything they've said and have followed thru. They have good long-term plans and good operations.

Anielle Lipe 22123 Meadow Lake Place

Ms. Lipe spoke about the health effects and dust hazards that cement can cause. She read what cement dust can cause.

She voiced the same concerns a couple times throughout the remainder of the meeting.

Darnell Langston 5009 Capri Lane

Mr. Langston stated he was against the project but they have addressed a lot of concerns and have satisfied a lot of the concerns.

Trustee Butler stated if they start the crushing and there is that much dust, we will be able to cancel the project. Attorney Roberts stated that her original comments were that if the nature of what was presented was somehow allowed the Village and the Board to rely on something that was not accurate and the village relied on it and found themselves in a situation they did not intend or hope for that there may be some legal action available.

Monica Holden 1116 Euclid

Ms. Holden stated she worked downtown for 20 years and experienced large crushing operations like these. She has seen what they do as far as watering down the concrete. She never noticed a large increase in dust.

Denise Washington 22053 Neptune

Ms. Washington was present at the June 14th P&Z Meeting. She asked for accountability from Sexton & the Village to protect them.

Teresa Williams 5011 Harbor

Ms. Williams was concerned that the Attorney was not aware of this project. Attorney Roberts explained that the reason for that was because she was not working with the law firm that was representing the Village at that time. She did not have knowledge of the 2005 occurrence.

Director Stockstell made the point that notices went out to all residents in Meadow Lake and North Lakewood based on the address map.

Wendy Christian 4537 Farmington

She was concerned that she was not notified of the meeting and thought all residents should have been notified.

President Reinbold asked if there was anything else for the good of the order.

President Reinbold adjourned the Work Session meeting at 10:47 pm.

Respectfully submitted,
Angie Zambrano, Deputy Clerk

VILLAGE OF RICHTON PARK

REGULAR MEETING MINUTES

7-11-2011

Officials Present: President Reinbold, Valerie Babka, Cynthia Butler, Julian Alexander, Sharon Kriha, Jennifer Artis, Brian Coleman, Village Trustees; Mary Pierce, Village Clerk

Officials Absent: None

Staff Present: De'Carlton Seewood, Village Manager; Peter Coblentz, Village Attorney; Hal Bittinger, Finance Director, Angie Zambrano, Deputy Clerk; Vera Brooks, Community Relations Director; Lloyd Noles, Fire Chief; Jeff Malachowski, Seargeant; Regan Stockstell, Community Development Director; Ted Sianis, Village Engineer

Also Present: Deric Williams, Robert Bartz, Sean Young, Thessalonias Bradford, Anielle Lipe, Joe Canady, Rhone Terrell, Vernon Olson, Gary Marquardt, Angela Wilkins, Debra Shakoor, Keith Brown, Crystal Rogers, Ronald Rogers, Nykole Gillette, Jerry Gillette, Deb Galloway, Pauletta Gillette, Sheila Townsel, Rachel Giddens, Residents; Drew & Todd Daniels, Sexton Companies

The Regular Meeting of 7-11-11 was called to order at 7:30 p.m.

Presentations/Proclamations

A Proclamation Expressing the Village of Richton Park's Condolences in regards to the passing of Larry Boltz

Trustee Kriha made the motion to approve A Proclamation Expressing the Village of Richton Park's Condolences in regards to the passing of Larry Boltz. Trustee Babka seconded.

Roll was called.



Ayes-6
 Nays-0
 Absent-0
 Abstain-0
 The motion carried.

President Reinbold noted that a copy will be sent to the family of Larry Boltz.

A Proclamation Expressing the Village of Richton Park's Condolences in regards to the passing of Pastor Victor Walker's Mother, Eartha Lee Springer

Trustee Alexander made the motion to approve A Proclamation Expressing the Village of Richton Park's Condolences in regards to the passing of Pastor Victor Walker's Mother, Eartha Lee Springer. Trustee Kriha seconded.

Roll was called.
 Ayes-6
 Nays-0
 Absent-0
 Abstain-0
 The motion carried.

President Reinbold noted that a copy will be sent to the family of Eartha Lee Springer.

Reports of Village Officers

President Reinbold

7-7	Attended the S.S.M.M.A Executive Committee Meeting in East Hazel Crest. Topic of Interest was Comcast Internet/Computer access for Schools; both public & parochial.
7-11	Met with Gov. Quinn and area Mayors after today's Regional Consensus Luncheon in Tinley Park. Supreme Court ruled in favor of the State which will allow the States \$30 billion capital projects to move forward and continues the annual \$100 million contribution to local roads that in addition to this year will continue for an additional 3 years.
7-11	Also attended our International Bike Race in Lincoln Crossings.
7-12	Will record a segment of ComCast News Makers in Homewood.
7-16	Will be attended the "I Make a Difference" Awards Program in our Community Center.

Trustee Coleman

7-2	Attended Teen Camp.
7-11	Attended the International Bike Race.

Trustee Babka

7-11	Visited the Frankfort site for the rock crushing operation. She stated that the noise didn't
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	seem to be much of an issue and that she heard more traffic than she did the noise from the machines operating. Her main concern was the dust and she felt that it was being kept to a minimum. She noted that her visit was not planned; it was a surprise visit.
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Trustee Artis

7-8	Attended a meeting with Senator Donny Proter, State Senator, Toy Hutchinson, State Rep Will Davis and Congressman Danny Davis to discuss the Redistricting and how that was going to impact us. The NRI and Safety Net both got refunded, which are anti-violence programs for out youths to Rich Township.
7-11	Attended the Southland Chamber of Commerce luncheon where Gov. Quinn signed the bill with our State Rep Toy Hutchinson and Will Davis in terms of looking at how the South Suburban area will be impacted.

Trustee Kriha

7-11	Attended the Southland Chamber Luncheon.
	Toured the rock crushing site in Frankfort.

Trustee Alexander

7-11	Attended the International Bike Race.
	Toured the rock crushing site in Frankfort.

Clerk Pierce

Attended some of the same events.

Public Comment on Agenda Items

Before opening this to the public for comment, President Reinbold gave staff the opportunity to update the Board and audience on a number of concerns that were raised at our last board meeting in regards to the Special Use Permit request.

Regan Stockstell, Community Development Director explained that on June 27th Sexton Companies requested a special use permit to allow a concrete crushing operation on their site. Through that discussion, there were concerns mentioned by members of the public. The main concerns were noise being generated by the proposed operation and dust and the potential negative health impacts it could impose. As the result of that discussion, staff discussed this with the Village Attorney to craft language to address both concerns.

In regards to the noise, the Ordinance is drafted and he read what is being proposed in the Ordinance (*See Ordinance 1496 Section 3: Special Environmental and Nuisance Abatement Conditions. A*)

As far as the dust, there is also language that requires them to facilitate a dust suppression system using dust suppression technologies. Concerns that were expressed from the board were if the water suppression system failed, our answer to that is they would not continue the crushing

operations. That is a condition of the ordinance that they must have the water suppression system (*See Ordinance 1496 Section 3: Special Environmental and Nuisance Abatement Conditions. B.*)

He stated that the Developer's failure to respond and develop a remediation plan as provided shall constitute cause to revoke the special use permit, which is also stated in Ordinance 1496.

In regards to the proximity to residential homes, there was a map provided that identifies the distance between the Sexton Property from Central Avenue and the Meadow Lake Estates subdivision at Cicero Avenue. Additionally, staff has provided distance measurements for the proposed crushing equipment assuming it would be located on the eastern most portion of the Sexton site and the proposed location on the west side of the property.

He stated that the Ordinance gives the Village the power to revoke the Special Use Permit if they violate the noise as a nuisance to the public as well as dust. We too as staff as well as the Village Engineer have had the opportunity to drive by the site at 108th Ave. & Hwy. 30. They were in the drive lane heading eastbound while the crushing operation was going on and conquer with Trustee Babka that the noise level was minimal and that you heard more vehicular traffic than you did the crushing operation.

That is the findings of the staff at this point.

President Reinbold opened the discussion to the audience.

Anielle Lipe

Ms. Lipe commented on the fact that there wasn't a sign posted on the board room doors notifying the change in location of the board meeting. Manager Seewood stated it was noted on the board agenda that the meeting location has been changed to the Multi-Purpose Room and the agenda, as always, was placed in the lobby in the cabinet and a second agenda was placed on the doors coming into the Community Center. Trustee Kriha stated she asked Ms. Brooks to place a sign on the board room doors when she arrived just before 6:30 p.m. notifying residents of the change in location and a sign was placed on the doors of village hall and the board room doors. Ms. Brooks stated she placed a sign up.

She had a list of questions that she asked Mr. Daniels of Sexton. The questions were as follows:

1. How much cement dust can escape from the Sexton Properties LLC's work site if they perform the concrete crushing operation?
 - a. *Todd Daniels: At this time, they don't believe there is a need to calculate that based on the information they've researched through OSHA standards, CMRA (Construction Materials Recycling Association) including the IL Dept of Transportation. Given the fact that engineering controls will be in place and are required by us, we don't see that as a problem.*

- i. *Trustee Kriha commented that there is a “technical answer” but she believes what the residents are asking for is an answer that is more understanding and asked him to provide that answer.*
 - b. *Todd Daniels: he stated that at this time, he doesn't know.*
2. What chemical substances are found in the cement dust, and any other materials that they plan to crush in their operation?
 - a. *Todd Daniels: He stated that the engineering controls that are recommended by OSHA for safety of those working with the equipment and around it have stated certain types of equipment that are mandated under the SUP requirements of the Village will control that material.*
3. What health effects are you aware of from breathing the harmful cement dust?
 - a. *Todd Daniels: Given the proximity of the location with the operation, which is on private property, there should be no exposure to residential property. Ms. Lipe asked how he could tell how far cement dust can travel and at what amounts. With the amounts that have traveled into the community, she asked if he could tell how much of that would be harmful to people. Mr. Daniels stated that he cannot answer that.*
 - b. *She asked if he is aware of the harmful effects that cement dust has on different organs of the body. Mr. Daniels stated he has read those and stated asthma as one. She listed several such as: respiratory problems, lung diseases, emphysema, liver damage, irritation to the eyes, etc.*
4. How will the environment be affected if the harmful cement dust and other crushed materials leaves the Sexton Properties LLC's work site and enters the residential communities ie: the affects of cement dust settling on homes, yards, landscaping plants, vegetable and flower gardens, on cars, etc.
 - a. *Todd Daniels: According to the Federal Highway Administration, there is no environmental impact to cement dust. Ms. Lipe stated that one of the residents in ML Estates asked a landscaper and was told that the lime in the cement dust can eat away at the lawns and diminish the finish on cars.*
5. The affects of the cement dust on indoor and outdoor air quality? (People will not be able to open windows, doors or turn on Central Air/Air Conditions if the cement dust or other particles come into our communities).
6. If the quality of air is compromised, how will it affect our property values?
 - a. *Todd Daniels: There should be no property value impact. This is not an on-going operation. There is a termination date to this operation.*

Nycole Gillette 22232 Scott Drive

Ms. Gillette stated that she has done some research and knows the names of some of the chemicals that are harmful and make up the cement dust. She has read that OSHA and a Canadian website said certain chemicals are toxic that are in the cement dust.

She was concerned with the following:

- The timeline and whether it will be a temporary operation.
- Children playing outside close to the site.

- The proximity of the site to a daycare and a high school.
- The noise.
- Dust getting into the well water system.

Gary Marquardt President of the Richton Park Merchants Chamber

Thanked the Board for coming to the Annual Garage Sale.

He commented on the Approval of Ordinance 1495 regarding Establishing Masonry Materials in Commercial Construction. He believes this will end up hurting the Village there are national chains and franchises that model their businesses across the country and some don't have masonry all the way up.

He spoke about the Special Use Permit proposal and stated that the Merchants Chamber was 100% behind them when they originally applied in 2005 and believe they are a good business partner. He believes they will develop that site well.

Vernon Olson 22631 Imperial Ct.

Mr. Rogers stated California & Texas have the strongest Ordinances for recycling concrete. His biggest issue is he read in the Texas ordinance that concrete can be contaminated with lead paint and they recommended that their EPA monitor lead concentration in the matter at various sites. He recommended that the Village enlist some help from the Illinois EPA.

He was also concerned that Richton Park isn't generating consistent revenue from this operation.

Pauletta Gillette 22232 Scott Dr.

Ms. Gillette made some comments and concerns about the rock crushing activity.

Ms. Lipe asked why the village employees aren't looking for companies to help revive Richton Park including the vacant lots. Manager Seewood stated staff meets with the property owners on a frequent basis. He stated that economic development is a high priority of staff.

Ms. Lipe stated she believes we should be pursuing businesses that are of good health to the residents.

Mr. Daniels wanted to make it aware to the audience and the Board that Sexton is a company that has spoken to many other companies to be involved in work in Richton Park. As a company that does business in Richton Park, we are here to improve economics as well. We have approached the village about other locations in the village as well.

He went over a sheet that was passed out to the Board.

Drew Daniels added that the concrete crushers are used all over the world and if they were not safe, they would not be used. There have been several studies done and several municipalities currently use them.

Monica Holden 1116 Euclid

Asked to hear the other side of the story.

Trustee Butler explained the other side from her point of view. She stated that Sexton is currently moving dirt on the site to try to get it ready to build on. They want to build commercial and office space. If they can't do the crushing, the land will still be as it is now.

Mr. Daniels explained that they have planted over 250 trees in Richton Park and have been growing for over 5 years. They are a part of the Chicago Climant Exchange which offsets carbon monoxide by the planting of trees. Those trees were planted in anticipation of a development.

They have also worked with staff to build a water booster station to potentially affect people that develop and build west of their location. Sexton worked with them to install that and installed their own valve so that the pressure of the development will be significantly better because of that booster station.

In addition, they plan to have a park, baseball fields, football fields, etc.

At this time, President Reinbold closed the public comment section of the agenda.

Consent Agenda Items

Trustee Coleman asked for item #2 (Regular Meeting Minutes 6-27-11) to be removed and placed under New Business.

Trustee Butler made a motion to approve the remaining Consent Agenda Items:

1. Payment of Bills in the amount of \$136,543.10
3. Work Session Minutes 6-27-11
4. Approval of Ordinance 1494 Amending the 2011-2012 Budget (Purchase Upgrade Taser Units)
5. Approval of Ordinance 1495 Amending Sections 9.03, 9.04, 9.05 and 9.06 of the Village Zoning Ordinance to Establish Masonry Materials in Commercial Construction

Trustee Coleman seconded.

Roll was called.

Ayes-6

Nays-0
Absent-0
Abstain-0
The motion carried.

New Business

Regular Meeting Minutes 6-27-11

Trustee Butler made the motion to approve the Regular Meeting Minutes dated 6-27-11. Trustee Alexander seconded.

Trustee Coleman noted the corrections to be made as follows:

Pg. 5, first paragraph...planend should be planned.
Under Trustee Coleman's comments, Overtree should be Ogletree and Porcha should be Portia

Trustee Butler noted the correction on pg. 1, there should be a space between Babka and made.

Roll was called.
Ayes-5
Nays-0
Absent-0
Abstain-1 (Trustee Artis)
The motion carried.

Consideration of Ordinance 1496 An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation (Sexton Properties LLC/Crushing Operation)

Trustee Butler made the motion to approve the Consideration of Ordinance 1496 An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation. Trustee Babka seconded.

Trustee Butler stated she has been insulted and told she can't be trusted because of this item. She and the rest of the Board only has the best interest of the residents in mind. She said they can only go by what they see at other facilities and so far, she hasn't seen anything that has shown her health issues.

At this time, she will be tabling this item so that she and the board can further investigate the issues.

Trustee Butler made the motion to table the Special Use Permit for Sexton. Trustee Coleman seconded.

Trustee Coleman stated he had the opportunity to examine this topic as a Planning & Zoning Commissioner in 2005.

He asked staff to look into what can be done in regards to the question of dust in the special ordinance.

Trustee Artis applauded the residents for coming forward and showing up for this issue. She stated that some of the statements made were not correct; no one breaths clean air. In addition, most children die from mold in the homes not from dust being blown from other places. She stated that being so close to I-57, we all breath in toxic air constantly. Being in the health field, she sees children and elderly coming into the clinic suffering from health issues form that alone more than anything else.

Trustee Kriha stated she read the ordinance allows the village to revoke the special use permit if the violation continues for 14 consecutive days or more and believes that is too long. Director Stockstell stated that was the recommendation given by the Village Attorney. Trustee Kriha asked for staff to talk with the Village Attorney to lessen that amount.

She stated she visited the Frankfort site as well and there was little dust and at the time, watering wasn't being done. She asked if the residents and daycare had any issues with the operations. Director Stockstell contacted Manager Dukay and he did not receive any complaints from either the residents or the daycare.

She asked staff to find out EPA's input on the project.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

Trustee Babka stated she has personal reasons why she is so concerned with the crushing operation and the issue with the dust. She stated that is one of the reasons she wanted to make sure the Board would have provisions in the SUP so that if something did happen, the Board could have a backup plan.

Trustee Coleman stated he did get a chance to make a site visit to Frankfort and concurred that the noise level was tolerable and the maintenance was under control.

President Reinbold stated he too had a chance to visit the Frankfort site. He asked the site manager if he had received any complaints or concerns from residents and he had told him they did not receive any.

He thanked everyone for their input.

Adjournment

Trustee Butler made a motion to adjourn to the Work Session at 8:53 pm. Trustee Kriha seconded.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

Respectfully submitted,
Angie Zambrano, Deputy Clerk

VILLAGE OF RICHTON PARK

REGULAR MEETING MINUTES

7-25-2011

Officials Present: President Reinbold, Valerie Babka, Cynthia Butler, Julian Alexander, Sharon Kriha, Jennifer Artis, Brian Coleman (via phone conference), Village Trustees; Mary Pierce, Village Clerk

Officials Absent: None

Staff Present: De'Carlon Seewood, Village Manager; John Murphey, Village Attorney; Hal Bittinger, Finance Director, Angie Zambrano, Deputy Clerk; Vera Brooks, Community Relations Director; Lloyd Noles, Fire Chief; Elvia Williams-Yancey, Police Chief; Regan Stockstell, Community Development Director; Ted Sianis, Village Engineer; Larry Gobel, Public Works Director

Also Present: Thess Bradford, Robert Bartz, Bill Shaw, Darnell Langston, Sheila Townsel, Gary & Guillerma Marquardt, Roosevelt Conklin, Nykole Gillette, Jerry Gillette, Pauletta Gillette, Gloria Cox, Monica Holden, Debra Shakoor, James & Gina Middleton, Jessica Allen-Porter, Belinda Cannon, Chanelle Bonaparte, Fred Foster, Linda Foster, Rachel Giddens, Jonnie Cooper, Reginald Frazier, Anielle Lipe, Residents; Art & Todd Daniels, Sexton Companies

The Regular Meeting of 7-25-11 was called to order at 7:30 p.m.

Proclamations

A Proclamation for Bill Gallaher recognizing his 30 years of business in the Village of Richton Park



Trustee Babka made a motion to approve a Proclamation for Bill Gallaher recognizing his 30 years of business in the Village of Richton Park. Trustee Butler seconded.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

President Reinbold noted that a copy will be sent to Mr. Gallaher.

Reports of Village Officers

President Reinbold

No report was given.

Trustee Butler

	Attended Falcon Crest & Lioncrest Community Days.
7-16	Attended the "I Make A Difference" Awards.
7-16	Attended Cedar Ridge Picnic.

Trustee Babka

7-16	Attended Cedar Ridge Picnic.
7-16	Attended the "I Make A Difference" Awards.

Trustee Coleman

7-16	Attended Cedar Ridge Picnic.
7-16	Attended the "I Make A Difference" Awards.
7-16	Attended the VFW Blues Concert at the VFW Post 311.

Trustee Alexander

7-13	Spoke with Pastor Walker about his recent move from Richton Park to Park Forest. Pastor Walker thanked the Board for the Proclamation in regards to the loss of his mother.
7-16	Attended Cedar Ridge Picnic.
7-16	Attended the "I Make A Difference" Awards.
7-18	Attended a Special Board Meeting at Rich South High School District 227.
7-19	Attended the Rock in the Park.
7-19	Attended the Falcon Crest BBQ.
7-19	Attended the District 227 Board Meeting.

7-23	Attended Lioncrest Basketball BBQ.
7-23	Attended the Falcon Crest Block Party.
7-24	Surveyed and assessed homes that suffered damage from the current storm, especially the homes in Farm Trace and Lioncrest.

Clerk Pierce

The Village Clerk was not present and there was no report.

Public Comment on Agenda Items

Nykole Gillette 22232 Scott Dr.

She expressed concerns with the Sexton Company.

Gary Marquardt President of the Merchants Chamber

He read into the record a Resolution in support of Sexton that was passed by the Merchants Chamber.

Gloria Cox 22600 Latonia

She stated she is against the proposal. She believes the concrete should be crushed inside a building as opposed to a landfill.

Anielle Lipe

She stated she is against the operation along with the 615 other residents whose signatures she collected on a petition. She spoke with the EPA and they told her they don't know how much dust someone can inhale before they get sick.

She asked what the large pile that is gray in color on the site is.

Dan Madina 4524 Windsor Ct.

He suggested having them buy the property once the crushing operation is completed. President Reinbold stated his comment is so noted.

Mr. Daniels answered in response to Ms. Lipe's question about the pile on site. He stated that is CA6 stone that was purchased by Sexton to repair the access road to the water booster station that is currently in the southeast corner.

A resident raised a question about trucks on site. President Reinbold explained that there have been landfill procedures going on for the past few years on the site. The trucks have been on the site for the past 7 years.

Consent Agenda Items

Trustee Butler made a motion to approve the Consent Agenda Items:

1. Payment of Bills in the amount of \$111,823.32
2. Regular Meeting Minutes 7-11-11
3. Work Session Minutes 7-11-11
4. Ordinance 1498 Declaring Certain Property as Surplus and Directing its Disposition
5. Resolution for Approval of Restated Articles of Agreement for the South Suburban Special Recreation Association

Trustee Artis seconded.

Trustee Kriha made the following corrections to the minutes:

Pg. 4, Under heading of Anielle Lipe, should also read that Ms. Brooks stated she placed a sign up.

Pg. 9, third paragraph, She stated she visited the Frankfort site as well and there was little dust and at the time, watering wasn't being done at the time.

Trustee Butler made the following correction:

Pg. 8, change assaulted to insulted

Trustee Coleman made the following corrections:

Pg. 9, third paragraph from the bottom, "conquered" should read "concurred"

Trustee Kriha asked for petitions and pictures to be added from the residents as well.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

New Business

Community Center Architect Invoice – Skender Construction

Trustee Babka made the motion to approve the Community Center Architect Invoice to Skender Construction. Trustee Alexander seconded.

Roll was called.

Ayes-6
Nays-0
Absent-0
Abstain-0
The motion carried.

Consideration of an IDOT Local Agency Agreement Concerning the Poplar Avenue/Governors Highway Double Left Turn Lane Project

Trustee Kriha made a motion to approve the Consideration of an IDOT Local Agency Agreement Concerning the Poplar Avenue/Governors Highway Double Left Turn Lane Project. Trustee Butler seconded.

Roll was called.
Ayes-6
Nays-0
Absent-0
Abstain-0
The motion carried.

Consideration of the Baxter & Woodman IDOT Construction Engineering Services Agreement for the Poplar Avenue – Governors Highway Double Left Turn Lane Project

Trustee Babka made a motion to approve the Consideration of the Baxter & Woodman IDOT Construction Engineering Services Agreement for the Poplar Avenue – Governors Highway Double Left Turn Lane Project. Trustee Kriha seconded.

Roll was called.
Ayes-6
Nays-0
Absent-0
Abstain-0
The motion carried.

Consideration of Ordinance 1497 An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation (Sexton Properties LLC/Crushing Operation)

Trustee Butler made a motion to approve a consideration to approve the Consideration of Ordinance 1497 An Ordinance Approving a Special Use Permit to Allow a Concrete Crushing Operation (Sexton Properties LLC/Crushing Operation). Trustee Artis seconded.

Trustee Kriha stated the Board has heard the residents loud and clear and stated that one of the things the board has to make sure they are held accountable for is the monitoring of the work being done on the site and the information that the EPA and the USEPA has stated that they require to be met that we are also following up on those numbers. She suggested putting that

charge on Manager Seewood to assure we are doing the monitoring as well and to make sure we are getting the report.

Trustee Butler stated, for the sake of the audience, she would like for all the additional information that was added by staff to be reviewed.

Director Stockstell briefly reviewed the Derenzo and Associates Air Quality Impact Report, Derenzo and Associates Executive Summary, Recommendation for Particulate Matter Monitoring, IEPA Air Permit Application submission requirements, Chronology of Modifications of Special Use Permit, Conditions of Approval and Revised Ordinance 1497.

He had conversations with the permits manager with the IEPA who told him that this type of operation is common place in the state of Illinois and that they currently have over 6,000 of these type of permits issued. They issue other type of air permits, but this is the least type they would be concerned about.

Trustee Kriha asked about the 14 days that was in the previous ordinance. Director Stockstell stated that has been reduced to 7 days.

Director Stockstell noted a couple other changes made to the ordinance as follows:

(iii) Prior to commencement of operations, Developer shall install monitoring equipment on the Tree Farm (as defined in Section 3.A.). The monitoring equipment shall be operational on a 24 hour/7 day a week basis. The monitoring equipment shall measure any potential impact of the operations as measured from the closest residential property to the Tree Farm.

C. Developer shall promptly notify the Village in the event it receives a complaint, inquiry, or similar communication from USEPA, Illinois EPA, or other governmental agency with respect to operations being conducted on the Subject Property pursuant to this special use permit.

Trustee Butler asked the applicant to explain to the residents what they have been doing on the site and the purpose of their company.

Mr. Daniels explained that they currently have a CCDP (Clean Construction and Demolition Debris Permit) which allows them to accept a variety of material including broken concrete, which is currently the pile on their property and has been collected and put aside into one location so that it can be used in the future once it has been processed down, using the crusher to build road bases and help supporting foundations of the future development.

Dirt soils have been brought into the facility and they have been in compliance with the EPA permits to monitor the material as it comes in using a photo ionization sensor. In addition to that, they track every load, its truck number, where it was generated from, who brought it to the site. That information is provided to the State and is available to the Village. They also report when a load comes in and does not meet the requirements and it is reported to the IEPA and the IEPA checks to make sure that the load ends up in the proper facility.

The reason for the materials to enter the site initially was to elevate the additional area of the site around the former landfill to bring it to a level plateau so that a development could take place.

In addition, they have a parcel east of I-57 that has 400 trees planted at a small size with the anticipation to move them in 7-10 years to the development so that there would be large growth trees at the development at its reclamation.

They have also worked with staff to build a water booster station to potentially affect people that develop and build west of their location. Sexton worked with them to install that and installed their own valve so that the pressure of the development will be significantly better because of that booster station.

An audience member became disruptive and President Reinbold instructed that he was out of order.

Trustee Kriha asked if they have been crushing stone since the permit has expired. Mr. Daniels answered no.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

Trustee Kriha asked if there was any other directive that the Board has to do to make sure the Village Manager will be overseeing this and reporting back. President Reinbold stated the Special Use Permit is specific in the regard of monitoring and reporting.

Trustee Butler asked for an air quality baseline report from the EPA as stated in the ordinance. Mr. Daniels stated they will notify staff when the equipment is in place and begin taking reading and make sure that the baseline report is reported to the staff for the record.

Adjournment

Trustee Butler made a motion to adjourn to the Work Session at 8:25 pm. Trustee Alexander seconded.

Roll was called.

Ayes-6

Nays-0

Absent-0

Abstain-0

The motion carried.

Respectfully submitted,
Angie Zambrano, Deputy Clerk

VILLAGE OF RICHTON PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1497

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A
CONCRETE CRUSHING OPERATION
(SEXTON PROPERTIES R.P., LLC/CRUSHING OPERATION)

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF RICHTON PARK,
COOK COUNTY, ILLINOIS, THIS 25th
DAY OF July, 2011.

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Richton Park, Cook
County, Illinois, this 25th
day of July, 2011



VILLAGE OF RICHTON PARK

ORDINANCE NO. 1497

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A
CONCRETE CRUSHING OPERATION
(SEXTON PROPERTIES R.P., LLC/CRUSHING OPERATION)

WHEREAS, pursuant to Ordinance No. 1219 previously approved by the President and Board of Trustees, the owner of the property identified therein, commonly referred to as the "Sexton Property" received a special use permit to allow for certain concrete crushing operations to take place at said property; and

WHEREAS, the special use approved by Ordinance No. 1219 required petitioner to commence the proposed work with three years of the date of the Ordinance; and

WHEREAS, no such work commenced within the allotted three years; and

WHEREAS, the owner of the Subject Property has requested that the special use permit be reissued and has further requested that some of the conditions set forth in said permit be modified; and

WHEREAS, pursuant to notice as required by the law the Village Planning and Zoning Commission conducted a public hearing on this proposal and has favorably recommended it; and

WHEREAS, the President and Board of Trustees have determined that re-issuing the special use permit and modifying certain conditions therein will be reasonable and will benefit the Village's long term goal of assisting in the redevelopment of the Subject Property;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RICHTON PARK, COOK COUNTY, ILLINOIS, as follows:

Section 1: Special Use Permit Extended. The special use permit previously issued by Ordinance No. 1219 is hereby re-issued and extended to allow work to begin pursuant to said permit on or before June 1, 2013.

Section 2: Modification of Certain Conditions in Ordinance 1219.

Notwithstanding anything to the contrary provided in Ordinance No. 1219:

- A. Developer must provide Village with monthly reports of materials brought to the site and from where the materials originated.
- B. Hours of operation shall be from 8:00 a.m.-5:00 p.m. Monday through Friday ("Hours of Operation").
- C. Any aggregate amounts currently located on the site shall remain on the site. New aggregate entering the site after the contractor commences to operate shall be processed and exit the site as part of such concrete crushing operation.

Section 3: Special Environmental and Nuisance Abatement Conditions. The special use permit is subject to the following additional environmental and nuisance abatement conditions:

- A. The time-average A-weighted sound level (also known as the equivalent-continuous sound level or Leq) of the crushing operation shall be no more than five (5) decibels greater than the time-average A-weighted sound level of the ambient noise during the Hours of Operation when measured from the eastern boundary of the tree farm located immediately west of the Lakewood North subdivision. Measurement procedures shall be based on ANSI Standard S12.9/Part 3, "Quantities and Procedures for Description and Measurement of Environmental Sound. Part 3: Short-term measurements with an observer present." In order to enforce this condition:
 - (i) At the request of the Village and at the Developer's expense, Developer shall cause an independent qualified third party to take decibel measurements during Hours of Operation in order to determine whether this condition is being violated;

- (ii) In the event the measurements indicate a violation of this condition, then Developer shall immediately require its contractor to modify its operations to prevent further violation of this condition; and
 - (iii) In the event a violation continues in excess of seven (7) consecutive days, then the Village may revoke the special use permit so granted.
- B. Developer shall require its contractor to control operations so that dust or other particulate matter being generated from work performed on the Subject Property does not interfere with the quiet use and enjoyment of any residential property within the Village. To that end:

- (i) Developer shall require its contractor to utilize dust control/dust suppression technologies in order to prevent dust and other particulate matter from reaching residential property in the Village. Such technology shall include, but not be limited to, full-time water application controls;
- (ii) Prior to commencement of operations, Developer and its contractor shall meet with Village staff to identify dust control operations which will be utilized;
- (iii) Prior to commencement of operations, Developer shall install monitoring equipment on Developer's tree farm referred to in Section 3A. The monitoring equipment shall be operational on a 24-hour/7-day a week basis. The monitoring equipment shall measure any potential impact of operations as measured from the closest residential property to the tree farm. The purpose of the monitoring is to ensure compliance with generally accepted national standards for safe particulate exposures (PM-10 National Ambient Air Quality Standards).

Should the equipment fail to operate or otherwise experience functional difficulties, Developer shall repair the equipment as soon as possible, but in no case later than seven (7) days from the malfunction. In the event the equipment is not repaired within seven (7) consecutive days of the malfunction, crushing operations shall cease until such time as the equipment is once again operational.

At the request of the Village, Developer will make the monitoring results and records available for inspection and review, for purposes of demonstrating that there are no adverse impacts from the crushing operations.

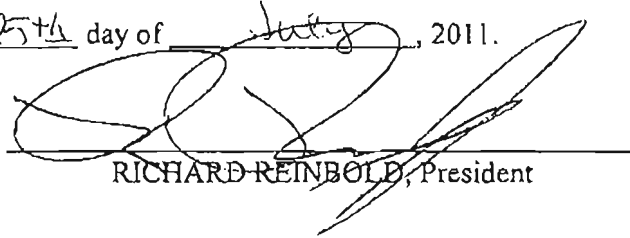
- (iv) In the event the Village receives any complaints from neighbors regarding potential dust or other particulate matter from the Subject Property interfering with the quiet use and enjoyment of the neighboring residential

properties, then Developer and contractor shall meet with the Village Manager to review the complaints. At the direction of the Village Manager, Developer and contractor shall immediately prepare and submit a remediation plan to the Village in order to address the complaints and alleviate any dust or particulate matters from blowing onto neighboring residential properties; and

- (v) Developer's failure to respond and develop a remediation plan as provided for hereinabove shall constitute cause to revoke the special use permit.

Section 4: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this 25th day of July, 2011.



RICHARD REINBOLD, President

ATTEST:



MARY E. PIERCE, Clerk

Ayes: 6

Nays: 0

Absent: 0

Abstain: 0

RECEIVED
CLERK'S OFFICE

SEP 27 2011

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

Under penalties of perjury, the undersigned certifies as true that she served the foregoing upon:

Anielle Lipe
22123 Meadow Lake Place
Richton Park, Illinois 60471

Nykole Gillette
22232 Scott Drive
Richton Park, Illinois 60471

by placing a true and correct copy of same into a properly addressed and preposted envelope and depositing it into the U.S. Mail Chute at 30 North LaSalle Street, Chicago, Illinois, on or before the hour of 5:00 P.M. on September 26, 2011.

Chad A. Davis

ORIGINAL