

WILL COUNTY BOARD
PUBLIC HEALTH AND SAFETY
COMMITTEE MEETING
MINUTES

March 12, 2009

8:30 a.m.

302 North Chicago Street
County Board Committee Room
Joliet IL 60432

CALL TO ORDER

Mr. Gould called the meeting to order at 8:34 a.m.

ROLL CALL

Present were Members: Blackburn, Babich, Konicki, May, Riley, Seiler and Gould.

Absent were Members: None.

Also Present: Bilotta and Friefeld.

Present from State's Attorney's Office: Mary Tatroe.

PLEDGE ALLEGIANCE

Mr. Babich led the Pledge of Allegiance.

ANNOUNCEMENTS BY THE CHAIRMAN

Mr. Gould stated he had received a letter stating Mr. Denbow will be retiring from the VAC. He has worked for the county for 13 years; he will be missed.

APPROVAL OF MINUTES

A motion was made by Mr. Blackburn, second by Mrs. Riley, to approve the minutes from the February 11, 2009 meeting. All in favor. MOTION CARRIES.

OLD BUSINESS

**Proposed Ordinance Licensing Sale of Tobacco Products in Will County – Tabled
at February 11, 2009 Meeting**

Mr. Bilotta arrived at this juncture.

Mrs. Tatroe stated this brings up many issues you may want to consider. What resources will we need to enforce this ordinance and implement it; the impact on the business communities; how much influence government has; the dollar resources that will be necessary to implement; does it actually do what you want it to do? Is it effective in reducing the incidents of tobacco getting into the hand of minors? Several years ago an ordinance came before the board and we gave an opinion that we do not have authority to enter into this sort of ordinance; the county board only has powers set forth in state statute – we are not a home rule entity. The Attorney General gave an informal opinion that because we have the Health Department, we can do anything necessary for the health and safety of our citizens. She is not 100% comfortable with that; the Attorney General's opinion is not something we can rely on. She has reviewed several issues. Is the \$50 fee sufficient to cover the cost of enforcing the ordinance? We need to have a cost analysis. The ordinance requires classes held for employees – who is responsible for establishing and holding the classes? There will be compliance checks 3 times per year; even sending one person to each establishment once per year will cost us a considerable amount. Violations are more difficult against minors. We do not have authority and need the parents to be with them in court.

Mr. Cicero stated the Health Department would be able to do the initial vendor training prior to the licensing and also following up if there are violations and additional education.

Students from Plainfield High School proposed a change in the fees; instead of a \$50 license it would be \$200 - \$100 to cover administrative costs and \$100 to cover compliance checks, which will cover 3 compliance checks per year.

Mr. Bilotta questioned the current state law.

Mrs. Tatroe replied it is a crime to sell tobacco products to minors and for them to purchase.

Mr. Bilotta commented if the costs are rather high, then you are looking at a business tax in a sense; he suggested instead of a license fee, they are hit hard on the violations. The operations end of it could get costly.

Mrs. Riley commented she does not want to see youth smoking. There are many more questions to this ordinance: what the cost is to the county; is it enforceable. The fees would have to go up much higher.

Mr. Gould stated to make it enforceable, we would have to incorporate the suggestions presented by Mrs. Tatroe.

Mrs. Konicki commented she agrees with the fees increasing to cover costs.

Mr. Gould suggested Mrs. Tatroe make changes that were recommended and bring it back in proper form for the board to vote on.

A motion was made by Mr. Babich, second by Mrs. Riley, to table this issue. All in favor.

MOTION CARRIES.

Proposed Ordinance Regulating Open Burning within Unincorporated Will County
– Tabled at February 11, 2009 Meeting

Mrs. Tatroe distributed the current ordinance regarding nuisance fires. It is not nearly as long as the proposed ordinance is but it is a very practical ordinance. It requires that fires be 50 feet away from any structure; does not include any waste material. Someone has to attend the fire. It does have exemptions for farmers but not agriculture in general. It requires the Sheriff's Department to enforce it. This is what we presently have on the books but we would have to site the statutory provision from the Attorney General that simply allows us to regulate health and safety for the public

Mr. Olszewski a resident of unincorporated Will County addressed the committee in favor of a stricter ordinance. He expressed concern with the many people in his neighborhood who burn and his frustration over nothing being accomplished when he calls to complain.

Mr. Blackburn commented the problem with the current ordinance is the smoldering fires. We need a stronger ordinance; the other issue is the set backs from incorporated areas.

Mrs. Tatroe indicated there is some question about whether that is enforceable; to make a municipality's ordinance apply to people who do not live in that municipality.

Mrs. Rozak stated she has received many comments about this issue from people who live in her district; it is a passionate issue. We are still rural in parts of Will County. As an unincorporated resident of Will County, please stay out of my backyard. The ordinance originally proposes different days of the week. Is this the best use of our Sheriff's Department? She suggested having the Health Department do some public service issues. What you do for some people will take away for others.

Mr. Bilotta commented people do not quite understand with larger lots it is cost prohibitive; it is not about being able to burn. What we have in place works – enforcement is the issue.

Mrs. Konicki agreed the issue is enforcement.

Mrs. Tatroe indicated the problem with the ordinance right now is that the enabling statute has been repealed. We need to amend it to base it on a different provision.

Mr. Olson commented the EPA has indicated what is on their books is not enforceable; that is why we have to do our own ordinance; the only way to get it enforced is through an open burning ordinance.

Mrs. Konicki suggested changing the current ordinance to base it on the other provision.

Mr. Babich indicated it has to be stronger and stricter enforcement.

A motion was made by Mrs. Seiler, second by Mrs. Konicki, to direct the State's Attorney's Office to revise the current ordinance to base it on a different provision, which will then make it enforceable. On a roll call vote, Blackburn, Konicki, May, Seiler and Gould voting yes with Babich and Riley voting no.

MOTION CARRIES.

Other Old Business

NEW BUSINESS

Will-Grundy Center for Independent Living – Introduction & Explanation of Services

Ms. Heavens addressed the committee and provided information on the wide range of services available through the center for the disabled.

Ms. Seiler questioned what the primary needs are of the disabled in Will County.

Ms. Heavens replied public transportation is a big issue; affordable, accessible housing; employment; making sure our children with disabilities are properly educated so when they graduate high school they are ready for college or a job.

Ms. Seiler asked what we can do as a county.

Ms. Heavens answered the county is conducting a study on transportation to broaden public transit to the whole county. Currently transportation is only within a town's boundaries; it does not cross municipalities.

Ms. Seiler questioned how many disabled there are in the county.

Ms. Heavens replied she does not have exact figures for the county; on the average, 1 in every 5 person has some sort of disability; there are more with the veterans coming from the war, with severe disabilities.

Mr. Bilotta commented we are partnering with Pace in that study on overall public transportation issues; the biggest one is serving people with disabilities.

Ms. May asked if the different departments can provide reports on what they are doing for the disabled.

Mr. Gould answered that information should be available.

Ms. Heavens commented she has a great staff and many resources; they will be happy to cooperate with the county.

Mr. Bilotta left at this juncture.

Godley Park District's Request for Support

Mr. Gould stated Godley Park District is asking for a resolution in support of the endeavor to secure reliable drinking water. They will be using \$11.5 million received from Exelon for water in southern Will County.

A motion was made by Mr. Babich, second by Mrs. Riley, to place a resolution on the County Board Agenda in support of the Godley Park District's effort to secure reliable drinking water for communities in southern Will County. All in favor. MOTION CARRIES.

Sunny Hill Replacement Hires

A motion was made by Mr. Babich, second by Mrs. Riley, to place the replacement hires for Sunny Hill on the County Board Agenda. All in favor. MOTION CARRIES.

Request for Appropriation of Funds in Health Dept. Budget Mental Health Services

A motion was made by Mr. Babich, second by Ms. Konicki, to place a resolution on the County Board Agenda appropriating funds from the IL Departments of Human Services, Children and Family Services in the amount of \$62,000 into the Health Department Budget for Mental Health Services. All in favor. MOTION CARRIES.

Request for Appropriation of Funds in Health Dept. Budget Mosquito Abatement

A motion was made by Mr. Blackburn, second by Mrs. Riley, to place a resolution on the County Board Agenda appropriating funds from the IL Department of Public Health in the amount of \$7,500 into the Health Department Budget for Mosquito Abatement. All in favor. MOTION CARRIES.

Other Business

ADJOURNMENT

A motion was made by Mrs. Konicki, second by Mrs. Riley, to adjourn the meeting at 9:46 a.m. All in favor. MOTION CARRIES.