

WILL COUNTY BOARD
PUBLIC HEALTH AND SAFETY
COMMITTEE MEETING
MINUTES

May 14, 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

Mrs. Riley led the Pledge of Allegiance.

APPROVAL OF MINUTES

A motion was made by Mrs. Riley, second by Ms. Seiler, to approve the minutes from the April 7, 2009 meeting. All in favor. MOTION CARRIES.

OLD BUSINESS

PUBLIC HEARING: Proposed Ordinance Licensing Sale of Tobacco Products in Will County

A motion was made by Mrs. Riley, second by Ms. Konicki, to open the public hearing at 8:35 a.m. for the proposed Ordinance for the licensing sale of tobacco products. On a roll call vote, Blackburn, Babich, Konicki, May, Riley, Seiler and Gould voting yes.

MOTION CARRIES.

Mr. Gould asked if anyone wished to speak on this issue.

A motion was made by Mr. Blackburn, second by Mr. Babich, to close the public hearing at 8:36 a.m. On a roll call vote, Blackburn, Babich, Konicki, May, Riley, Seiler and Gould voting yes. MOTION CARRIES.

A motion was made by Mrs. May, second by Mrs. Riley, to place a resolution on the County Board Agenda establishing a proposed Ordinance for the licensing sale of tobacco products in Will County. On a roll call vote, Blackburn, Babich, May, Riley, Seiler and Gould voting yes with Konicki voting no. MOTION CARRIES.

PUBLIC HEARING: Proposed Ordinance Regulating Open Burning within Unincorporated Will County

A motion was made by Mr. Blackburn, second by Mrs. Riley, to open the public hearing at 8:37 a.m. for the proposed Ordinance regulating open burning within unincorporated Will County. On a roll call vote, Blackburn, Babich, Konicki, May, Riley, Seiler and Gould voting yes. MOTION CARRIES.

Mr. Pickering from Homer Glen addressed the committee. He has been a successful burner for 47 years. He expressed concern about limiting to certain days or hours.

Mr. Gould indicated that was discussed in March but the proposal was not agreed to; this ordinance would change our enabling clause for the Sheriff to enforce. The State's Attorney's office does not have authority due to changes in Illinois law.

Mr. Pickering stated we are concerned about any regulations; if you do establish days or hours we are requesting that you please allow for one full day of burning.

Mr. Gutierrez from Elwood stated right now we have dumping on our county roads; leave the burning as it is but he does agree with not having the leaves smoldering.

Mr. Moustis arrived at this juncture.

Ms. Hoerneck from Crete indicated we are asking for a burning ordinance. Our neighbor built a fire pit in his back yard for bonfires; he trucks in wood from his landscaping business to burn and creates huge bonfires. The sparks land on our houses and cars; he also leaves the fire unattended. She does not understand why the Sheriff could not issue a ticket for an unattended fire. It is because of the irresponsible homeowners that we are asking you to create an ordinance for subdivisions so all homes are not in danger.

Mr. Malanka from Lockport addressed the committee. It appears we have a clash between urban and rural. You need to take into account those people who do have acreage and accumulate brush and leaves. He is sympathetic with the last speaker with issues with her

neighbor. We do have people who are burning their own brush generated from their own property; many people do not realize the amount that is generated.

Mr. Bassett from Homer Glen stated he lives on 2-1/4 acres with woods on 3 sides of him. Because of the amount of oak trees, he collects 2560 cubic feet of mulched leaves and he tries to compost most of them; he has to burn the rest. Without burning he does not know what he would do with all the yard waste collected.

Ms. Pommier from Plainfield Township indicated she lives on about 1/3 acres. The neighbors do burn and she cannot air out the house due to someone burning. She would welcome restrictions for smaller lots.

Mr. Lashefski (sp) from Joliet stated he is opposed to open burning; if you pass an ordinance put some teeth into it.

Mrs. Rozak stated since we have been discussing this issue she has received many calls and e mails with concerns from residents in her district. The majority of them moved to unincorporated Will County so they do not have restrictions. Regarding concern about neighbors burning other than leaves; that is why she supports this ordinance. It spells out what can be burned and gives the Sheriff the authority now to enforce this issue. We still have many areas with open space and large lots and people with small lots still surrounded by farmland. It is hard to craft an ordinance for living on small lots; one size ordinance does not seem to work. Regarding burning, the smoke is harmful and no matter what ordinance there will be burning for agricultural and training and people burning in their fireplaces. You cannot be expected to regulate every aspect.

Mr. Babich expressed concern for people with health problems and the smoke smoldering for people with asthma. He is against burning any type of leaves period.

Mr. Bilotta indicated the issue is urban versus rural. For those small lots requiring a 50 foot setback – they will not have any place on their property to burn. This will give the county the ability to enforce it. We cannot do this to the people that live on a number of acres.

Ms. Konicki commented there is a great deal of resentment in her district to limit the ability to deal with their yard waste.

Mrs. Tatroe stated it is a requirement of the state statute to receive a permit from the EPA to burn. She distributed the current ordinance; what is in bold are provisions that were passed in 2002. This will address some concerns about the green grass; this calls for only dry materials, only landscape waste produced on that property. If it is brought in from some where else that would be in violation of the ordinance.

Ms. Konicki indicated she has sympathy for people on smaller lots but believes it is necessary for larger lots.

Mrs. Tatroe commented we would be able to enforce the 50 foot setback.

Mrs. Riley stated individuals who have larger lots in rural areas should be able to burn.

Mrs. Tatroe indicated it becomes an enforcement issue. We would have to prove how large the lot is. Is the County Board willing to get service to show how large the lots are? How does the Sheriff know who they are issuing a ticket for? They would be able to determine if it is 50 feet from the property line.

Mr. Moustis stated he was involved in the first writing of this ordinance. Our intent was to stop burning in subdivisions or densely populated areas which generally have lots with frontages of 100 foot or less but the rural areas be allowed. What generally happens is they do not burn on their own property but they will bring it out to the street, to the right of way portion even though they think that might be their property. Does this address the right of way?

Mrs. Tatroe answered first they are still within the 50 feet of the property line. Typically a right of way does not allow burning; there may be trespass issue or damaged property issue. We could work with the Sheriff's Department on what violations there are for burning in the right of way if they do not own that property.

Mr. Moustis commented it would be worthwhile to include it in our ordinance; that would give additional clarification.

Mr. Blackburn stated he feels any burning should be banned. This ordinance is good since it addresses the 50 foot set back. He has received many calls and has waited for the Sheriff's deputies. There are pockets of unincorporated in his district where they burn. He expressed concern about the green grass that is smoldering and this ordinance does address that.

Mrs. Tatroe indicated she will provide a copy to the Sheriff's Department and request that it be distributed among the ranks.

Mrs. May commented she represents District #6 and has also received calls from residents saying do not tell me what to do on my own property. This ordinance would allow some enforcement.

A motion was made by Mr. Babich, second by Mrs. Riley, to close the public hearing at 9:14 a.m. On a roll call vote, Blackburn, Babich, Konicki, May, Riley, Seiler and Gould voting yes.

MOTION CARRIES.

A motion was made by Mrs. Seiler, second by Mrs. Riley, to place a resolution on the County Board Agenda establishing an Ordinance regulating open burning within unincorporated Will County. On a roll call vote, Blackburn, May, Seiler and Gould voting yes, with Babich, Konicki and Riley voting no. MOTION CARRIES.

Other Old Business

NEW BUSINESS

Regional Superintendent of School's First Quarter Report 2009

A motion as made by Mr. Blackburn, second by Mr. Babich, to place the Regional Superintendent of School's First Quarter Report on the County Board Agenda. All in favor.

MOTION CARRIES.

Mr. Moustis left at this juncture.

Discussion Re: Replacement of EMA Mobile Emergency Command Vehicle

Ms. May and Ms. Ms. Konicki left at this juncture.

Mr. Damron stated they were some discussions regarding the county's current mobile command center and consideration of replacing that vehicle in this budget year. A grant opportunity came up and can have some real potential replacing this vehicle through a federal grant. Price tag of this vehicle is approximately \$900,000. The grant opportunity could really help us; if the grant does not materialize then we are looking at the county funding the lion's share. We could possibly scale back the vehicle. We do have some money set aside. At this point it is just an update to let you know where we are at; the federal grant 75%-25% cost share; under that \$900,000 plan, the county would still need about \$225,000 and we have about \$100,000 of that already identified.

Ms. Seiler left at this juncture.

Mr. Babich questioned if they would replace the vehicle.

Mr. Damron replied yes; the vehicle is about 17 years old.

Mr. Gould asked is there any chance of any Homeland Security funds.

Mr. Palmer answered that is something we are trying to do long term but we should not count on that; it would be something down the road.

Mr. Damron indicated we have been pursuing that opportunity to break into the Chicago Area Homeland Security grant money. It is up to the Chicago Homeland Security governing body that administers that money to decide who belongs in that club. We have formally requested to be part of that organization but it has been an uphill battle.

**Resolution Renewing Participation by EMA in the State of IL Federal Excess
Property Program**

A motion was made by Mr. Blackburn, second by Mrs. Riley, to place a resolution on the County Board Agenda renewing participation in the State Federal Excess Property program. All in favor. MOTION CARRIES.

**Resolution Accepting IL EMA Tactical Interoperable Communications Planning
Grant**

Mr. Damron stated this is a grant we were selected to receive by the state to develop a county wide interoperable communication plan to be able to talk to fire, police and public works during a disaster. The grant \$95,000; we would enlist contractual help to develop the plan to do training and conduct the exercise and would have it completed by next summer. This authorizes the County Executive and appropriates funds in the next 2 years' budget.

Mr. Gould asked where those funds are coming from.

Mr. Damron answered from the warning and training budget. The agreement has to be signed yet and we will submit expenses to the state and be reimbursed. This is 100% grant – no match is required.

A motion was made by Mr. Babich, second by Mr. Blackburn, to place a resolution on the County Board Agenda authorizing the County Executive to accept the IEMA Tactical Interoperable Communications Planning Grant. All in favor. MOTION CARRIES.

**Discussion Re: EMA's Participation in IL Disaster Assistance Grant for Social
Service Needs Related to Last Year's Flood Disaster**

Mr. Damron indicated we submitted a plan to IDHS to address the social service needs from last year's floods. We will receive \$260,000 under this grant. We have discussed identifying what expenses may have been already incurred or will be incurred under this type of grant. It is very restrictive in what it can be used for; it has to be tied back to the flood disaster of last year. There is no local match involved.

**Request for Participation in IL EMA Hazard Post-Disaster Mitigation Grant
Program**

Mr. Damron stated in the last couple of weeks the state notified us of the eligibility to participate in the post disaster hazard mitigation program. After a federal disaster such as our flood last year, FEMA takes a percentage of money spent on that disaster and allocates that back to the state for post disaster. The state has already determined they would like to use the money for property buy outs. This is an opportunity if the county could identify property and the

homeowners were interested in participating in the program. Potential would exist on a 75%-25% cost basis; we could use these funds to do that. This is just the application step – due in early June. We are looking at what opportunities are available and there is no guarantee that we will receive this; we have to make the case.

Mr. Gould commented there may be a situation where the Forest Preserve District has some property.

Mr. Damron indicated it could help.

Other Business

Mrs. Riley asked if the recent rain has caused any flooding problems.

Mr. Damron answered it has not presented any issues for us.

ADJOURNMENT

A motion was made by Mrs. Riley, second by Mr. Babich, to adjourn the meeting at 9:32 a.m. All in favor.

MOTION CARRIES.