1. **Call to Order**
The Capital and Infrastructure Committee Meeting was called to order at 6:09 p.m. by Trustee Aiani.

2. **Roll Call**
PRESENT: Mayor Jeff Pruyn, Trustee Dino Gavanis, Trustee Ellen Leahy, Trustee Jeff Aiani (Chair), Trustee Kathy Linsner.
ABSENT: Trustee Madaras, Trustee Latoria.


3. **Pledge of Allegiance**
Trustee Aiani led the Pledge of Allegiance.

4. **Audience Participation**
No Audience Participation.

5. **Meeting Minutes**
a. **Capital and Infrastructure Committee Meeting Minutes – October 29, 2019**
   Trustee Aiani moved to approve the Capital and Infrastructure Committee Meeting Minutes for October 29, 2019. Trustee Leahy seconded. *Motion carried by unanimous voice vote*.

6. **Old Business**

7. **New Business**
a. **Elm Street Storm Drain – Discussion**
   Village Administrator Ergo recapped there are nine potential residential connections to the ancient tile drain, the Village does not know where the connections originate from, and the connections could be off shoots of the original drain itself.

   Trustee Latoria arrived at 6:14 p.m.

   Trustee Aiani led a discussion on potential questions and answers for a meeting with property owners affected by the ancient tile drain.

   Residents or business can connect their downspouts, sump pumps, and rear yard drains into the new storm drain at cost or apply for the Rear Yard Drainage
Program for assistance with funds. Historically residents who install new sewers to replace sewers connected to Village infrastructure are liable for reconnection costs. Mayor Pruyn supported the nine connections to the ancient tile drain being moved to the new storm sewer at no cost if the connections are active; Trustee Aiani opposed connections at no cost for some.

Public Works Director Hitchcock reported the residential connections appear to have occurred at the time the houses were built, the original property owners may not have been aware of the connection, the connections do not appear to be active, and only surface water seems to be involved. The downtown businesses purposely tapped into the ancient tile drain. A smoke test can be conducted at any time to discover if any connects are active.

Trustee Aiani recapped the nine residential connections will be tied into the new storm sewer at no cost and commercial sites will be tied into the new storm sewer at no cost if they are active.

Village Attorney Hervas stated each impacted property owner will be contacted for their vote to support or oppose abandoning the ancient tile drain and then segments of the drain can be abandoned as construction moves from north to south. Mayor Pruyn reported support or opposition needs to be known by summer.

Trustee Latoria stated people need to know how abandoning the ancient tile drain benefits them.

Engineering Consultant Wesolowski reported the Elm Street Storm Sewer Project can bid in February 2020 without a final decision on abandoning the ancient tile drain and the drain can be abandoned once the new storm sewer is complete.

Village Administrator Ergo recapped the Village will communicate the history of the ancient tile drain, state why disconnecting from the ancient tile drain is in everyone's best interest, notify construction on the new Elm Street Storm Sewer Program will begin spring 2020, and tell property owners they will be contacted within the next 30 to 60 days for their consent to abandon the ancient tile drain.

Village Attorney Hervas recapped Illinois common drainage code requires that everyone impacted by the ancient tile drain has to consent to its abandonment or the Village cannot abandon.

Trustee Aiani called for a recess at 7:04 p.m.

Trustee Leahy and Trustee Linsner departed during the recess.

Trustee Aiani reconvened the meeting at 7:32 p.m. with a group of property owners impacted by the ancient tile drain.

Trustee Aiani announced the residential meeting portion of the committee meeting was an informational meeting for property owners and people living in the area of the common interest drain. Village Administrator Ergo reported the meeting would be a three part presentation on the background of the ancient tile drain, a new Elm Street Storm Sewer Project beginning in spring 2020, and how residents can participate in the project.
The ancient tile drain was first discovered twenty years ago during a renovation on Orchard Street when an exposed pipe was found beneath the basement. At that time, the drain was tracked from Orchard Street to Center Street. A recent purchase of GPS camera equipment discovered the ancient tile drain went from Spring Brook Creek to five properties north of North Street, sections went under properties and buildings, and sections were deteriorated or collapsed. The Village hired an attorney to research property records and discovered the ancient tile drain is not listed on any property records.

Engineering Consultant Wesolowski reported the Village is planning a 2020 Elm Street Storm Sewer Project to install a traditional storm sewer to improve drainage for 70 properties with increased pipe size to increase underground water storage. The project will also urbanize the area with curbs and gutters for additional drainage. The area north of North Street will continue to use existing storm sewer to Happy Acres.

Village Attorney Hervas reported the unrecorded ancient tile drain goes through 30-40 properties, and now the drain is known, the drain must be identified on property records, and if the Village owned the drain, the Village would require easements, but the drain is not Village property. Illinois common drainage law states a common interest drain cannot be disturbed, anyone who benefits from the drain must maintain the drain, no one can encumber the drain in any way, and one property owner cannot remove their section of the drain.

The Village is a common interest user of the ancient tile drain and is taking action to remove itself from the drain. The goal is to abandon the drain completely, and once no longer functioning, to fill in the drain to remove the condition property owners list the drain on property records. The Village will not take ownership of the drain since the drain is too old and problematic and the Village would have to negotiate with each property owner to acquire easements. The Illinois code mandates all common interest users must be in agreement to abandon the drain or the drain cannot be abandoned. If property owners do not agree to abandon the drain, the Village will remove itself as a common interest user and the remaining users would have an encumbrance on their property records. Filling in the drain would also eliminate any sinkhole hazards.

Village Administrator Ergo recapped every property owner needs to agree to abandon the ancient tile drain to avoid recording the drain on property records, any changes to the drain cannot interfere with other properties, deterioration of the drain can lead to sinkholes, the Elm Street Storm Sewer Project will give property owners an alternative, and the Village will be contacting property owners for permission to abandon the drain.

Once the Elm Street Storm Sewer Project is complete, the Village will investigate nine connections for activity with dye or smoke testing, meet with owners on how the drain will be abandoned, obtain permission from property owners to abandon the drain, and the start abandoning the drain from north to south.

Information provided to residents during a question and answer session included:

- The Village is restricted by the county on how much water can be put into Spring Brook Creek.
• The ancient tile drain will not be removed, but filled in from end to end.
• If thinking of selling impacted property before the ancient tile drain is abandoned, see a realtor or real estate attorney and ask if the drain has to be disclosed.
• The Village needs 100% participation from the effective property owners in order to abandon the drain. The Village will contact each property owner for approval.
• The Elm Street Storm Sewer Project does not extend further north of North Street since the area north of North Street and Elm Street has existing infrastructure that drains to Happy Acres.
• Curbs and gutters will be installed in areas the road is torn up during the Elm Street Storm Sewer Project. The Village is discussing installing curbs and gutters in all areas not yet finished.
• The Village has a Rear Yard Drainage Program to assist property owners with drainage issues.
• Construction on the Elm Street Storm Sewer Project will start in spring 2020 and be completed by approximately December 2020.
• Once everyone agrees to abandon the ancient tile drain, the entire drain will be filled in after the Elm Street Storm Sewer Project is complete.
• The ancient tile drain is buried an estimated 12-15 feet down.
• North of North Street, there are no known connections to the ancient tile drain.
• None of the property owners present were aware of the ancient tile drain.

Mayor Pruyn and Trustee Aiani recapped the Village will contact property owners for permission to abandon the ancient tile drain and property owners can contact the Village Board or staff with any questions.

8. Closed Session
No Closed Session.

9. Adjournment
Trustee Aiani moved to adjourn the Capital and Infrastructure Committee Meeting at 8:37 p.m. Trustee Latoria seconded. Motion carried by unanimous voice vote.

Submitted this 14th day of January 2020:

Jody A. Coardi, Village Clerk