

**REGULAR BOARD MEETING MINUTES  
SANGAMON VALLEY PUBLIC WATER DISTRICT  
REGULAR BOARD MEETING  
AUGUST 22<sup>ND</sup>, 2022  
3:30 PM**

Held in Person at the SVPWD Water Treatment Plant

**MEMBERS PRESENT:** Bob Buchanan, Michael Melton, Monte Cherry, Michelle Grindley, Meghan Hennesy, Colleen Schultz, Kerry Gifford and Lindsey Wallen. The full governing body was in attendance.

**MEMBERS ABSENT:** None

**GUESTS PRESENT:** None

**1. CALL TO ORDER:** Chairman Hennesy called the meeting to order at 3:28 pm.

**2. APPROVE AGENDA:** Chairman Hennesy asked if everyone had a chance to look at the agenda. Hennesy removed item E under Business: Personnel discussion.

**MOTION** by Cherry and 2<sup>nd</sup> by Grindley to approve the agenda as modified.  
All present members voting yes, motion passes.

**3. PUBLIC COMMENT:** Chairman Hennesy asked if anyone wanted to speak for public comment. There was no public comment.

**4. BUSINESS:**

**A. Mahomet Lift Station Bid Award -\$240,000.00 -**

**MOTION** by Hennesy and 2<sup>nd</sup> by Melton to approve the Mahomet Lift Station Bid as present in the amount of \$240,000.00.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: Yes	Grindley: Yes
Buchanan: Yes	Cherry: Yes		

**With a vote of 6 Ayes and 0 Nays, motion carries.**

**B. Waiver of Required Ordinance 5.2 Water/Service Agreement between SVPWD & Village of Mahomet for Development of Thornewood LSRD Phase 2**

**MOTION** by Hennesy and 2<sup>nd</sup> by Grindley to waive the required Ordinance 5.2 Water/Service Agreement between SVPWD & Village of Mahomet for Development of Thornewood LSRD Phase 2.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: Yes	Grindley: Yes
Buchanan: Yes	Cherry: Yes		

**With a vote of 6 Ayes and 0 Nays, motion carries.**

**C. Approval of Thornewood LSRD Phase 2 Subdivision Preliminary Plat Approval**

**MOTION** by Hennesy and 2<sup>nd</sup> by Grindley to approve Thornewood LSRD Phase 2 Subdivision Preliminary Plat contingent upon the \$700.00 preliminary plat fee and documentation.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: No	Grindley: Yes
Buchanan: Yes	Cherry: Yes		

**With a vote of 5 Ayes and 1 Nays, motion carries.**

**D. Approval of Construction Phase of Thornewood LSRD Phase 2 Subdivision**

**MOTION** by Hennesy and 2<sup>nd</sup> by Grindley to approve the construction phase of Thornewood LSRD Phase 2 Subdivision contingent on receiving the Engineer’s estimate and 125% construction bond.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: Yes	Grindley: Yes
Buchanan: Yes	Cherry: Yes		

**With a vote of 6 Ayes and 0 Nays, motion carries.**

**E. Candlewood Communication** – Chairman Hennesy shared with the board some communication regarding CWE that she wanted to share with the board. One document was about communication with Mr. Parkhill’s attorney and ours. To date the board has not received any communication back from Mr. Parkhill’s attorney. A second document from the board attorney to the board and Mr. Gifford regarding the research that he had done with respect to the ownership with Candlewood. Chairman Hennesy read a document into the public record:

*“ Via Email to [Mhennesy@svpwd.com](mailto:Mhennesy@svpwd.com), [kgifford@svpwd.com](mailto:kgifford@svpwd.com)*

*Meghan Hennesy, Kerry Gifford*

*Re: Acquisition of Water System Property*

*Dear Meghan and Kerry,*

*Ross and I performed some additional research regarding the ability of the SVPWD to acquire water system property from a private property*

*owner (such as Bud Parkhill or Candlewood Estates). Illinois Law is clear that public water district can only acquire water works property from a city, village, incorporated town, or private corporation which owns and operates a water works system. See 70 ILCS 3705/41. Obviously, Mr. Parkhill does not own or operator a water works system at Candlewood Estates.*

*Further, the Illinois House of Representatives and Illinois Senate confirmed during their proceeding prior to passing this law that its purpose was to clarify the rights of one public water company to acquire the property of another. This clearly demonstrates that an acquisition of a private property owner's meters, main, laterals, pipes, fittings, etc. is not intended or authorized under Section 3705/41 of the Illinois Public Water District Act.*

*Therefore, any future attempt by SVPWD to acquire water system infrastructure of a private property owner would be illegal, regardless of whether the property is owned by an individual, partnership, or private corporation. This is not to say that a future board will not attempt such an acquisition, but that would have no authority to do so under Illinois law.*

*Please see the attached Memo which summarizes our research and provides further support for our legal opinion on this matter. If you have any additional questions or concerns, do not hesitate to contact me. Thank you very much for your time.*

*Very Truly Yours,*

***Edward F. Flynn***

***Featherstun, Gaumer, Stocks, Flynn & Eck, LLP***

Chairman Hennesy noted that this was a looming questions regarding metering CWE so the attorney was able to get back to them in regards to ownership of the water lines in the park. Chairman Hennesy added they have not heard back from Mr. Parkhill's attorney on this matter. Melton asked if this law was in place before the lines were donated. Chairman Hennesy said yes. Buchanan asked if this is resolved and if they have heard from Bud. Chairman Hennesy said no, they have not heard from Bud's attorney after reaching out with this information. Buchanan asked if this has anything to do with Donohue's study on metering the park. Chairman Hennesy said no, because they had approved the study regardless of ownership.

## **5. CONSENT AGENDA**

### **A. SECRETARY'S REPORT**

- i. Approval of Study Session Open Minutes held July 6th, 2022**
- ii. Approval of Study Session Closed Minutes held July 6th, 2022**
- iii. Approval of Regular Meeting Open Minutes held July 18th, 2022**

iv. **Approval of Closed Meeting Minutes held July 18th, 2022**

v. **Approval of Special Meeting Minutes held August 2nd, 2022**

**B. TREASURE’S REPORT**

i. **Approval of Accounts Payable Listing for July, Aug, & Sept 2022**

**C. GENERAL MANAGER’S REPORT**

Chairman Hennesy noted that Melon asked to pull out items A. iii., iv. & v for separate discussion. She asked if anyone else had anything they wanted to discuss separately. They did not.

**MOTION** by Hennesy and 2<sup>nd</sup> by Schultz to approve the Consent Agenda without items A. iii., iv. & v.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: Yes	Grindley: Yes
Buchanan: Yes	Cherry: Yes		

**With a vote of 6 Ayes and 0 Nays, motion carries.**

**MOTION** by Hennesy and 2<sup>nd</sup> by Schultz to approve the items pulled out of the Consent Agenda, items A. iii. & iv.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: Yes	Grindley: Yes
Buchanan: Yes	Cherry: Yes		

**With a vote of 6 Ayes and 0 Nays, motion carries.**

**MOTION** by Hennesy and 2<sup>nd</sup> by Schultz to approve the items pulled out of the Consent Agenda, items A. - v.

**Discussion:** The board discussed the meeting minutes from the Special meeting held on August 2<sup>nd</sup>, 2022, specifically regarding IMRF’s vote. Chairman Hennesy noted the vote taken during the special meeting was in fact a 2/3 majority vote of the governing body with a vote of 4 ayes and 2 nays, with the full governing body present for voting.

Roll call Vote as follows:

**Roll Call Vote:**

Hennesy: Yes	Melton: Yes	Schultz: Yes	Grindley: Yes
Buchanan: No	Cherry: Yes		

**With a vote of 5 Ayes and 1 Nays, motion carries.**

**6. EXECUTIVE SEESION:** No executive session was held.

**7. ADJOURNMENT:**

**MOTION** by Cherry and 2<sup>nd</sup> by Hennesy to adjourn at 4:06 PM.  
All present members voting yes, motion passes.

Respectfully submitted,

Lindsey Wallen  
Secretary, Board of Trustees