

Town Hall Meeting – May 2, 2023

Location: 14240 W 151st Street, Village of Homer Glen Board Room

Subject: Proposed Cemetery

Location: Unincorporated Will County, on Meader Road at PIN: 16-05-34-400-005-0000

DISCLAIMER: The Village made every effort to capture all questions that were asked via the index cards and through live questions from the audience. There were several questions that audience members asked that were inaudible due to not speaking directly into the microphone. We apologize if your question was missed. The information provided below is a merely a record of the questions asked and the discussion/answers provided by the panel members. Here is the link to be able to view the meeting in its entirety:

https://www.youtube.com/watch?v=7_XkQcO_GXw&t=1940s

Panel Members Present:

Village of Homer Glen Mayor, Christina Neitzke-Troike

Sean Connors, Director of Environmental Health Division/Will County Health Department

Brian Radner Director of Will County Development Services Department

David Dubois, Director of Will County Land Use Department

Cass Wennlund, New Lenox Township Supervisor

Jennifer Bertino-Tarrant, Will County Executive

Jim Richmond, District 4 Will County Board Member

Steve Balich, Homer Township Supervisor and District 4 Will County Board Member

Frankie Pretzel, Will County District 12 Will County Board Member (arrived at approx. 7:20 pm)

Brent Porfilio, Homer Township Road Commissioner (arrived at approx. 7:40pm)

Also in attendance were the following, Village of Homer Glen staff: Village Manager Carmen Maurella, Planning and Zoning Director King, Assistant to the Village Manager Gia Cassin.

7:01 Meeting called to order

Homer Glen Mayor Neitzke-Troike made introductions of all present and presented the structure of the meeting, aiming for two (2) hour meeting. She requested respectful treatment of each other and of the questions that come forward and the responses brought forward. If there are more questions beyond this session, the Next County Board Meeting will be on May 18, 2023 at 9:30 a.m. and the next Land Use meeting will be held on May 9, 2023 at 10:00 a.m.

Director King stated they would begin with the more administrative items, including the building department process and those types of questions.

Note: Each question is highlighted in bolded blue font with a response followed in italics. Audience comments from the floor are in green.

The check for permit never signed, how can a permit have been issued?

This question was asked and later answered upon the arrival of Homer Township Road Commissioner, Brent Porfilio. For clarification and because it was asked, the check was issued to Homer Township. Commissioner Porfilio who stated the permit was an access permit, was issued. He stated that three (3) things are required prior to issuing a permit: (a) \$25,000 Surety Bond, (b) Certificate of Insurance and (c) and most importantly, Will County has to approve the project prior to his office granting access. All three (3) requirements were met. The person that came for the permit was Omar. He was asked

about structures on the parcel and there were none to discuss, but from what he's reading, he learned there may be. The access permit is to provide access for construction and for use of Meader Road, and it is just to bring two pieces of equipment to the parcel: an excavator and a bull dozer, and that is it. If they are bringing in loads of dirt, they do not have a permit for that. Any damage done to his road will be repaired through the funds from the surety bond that was provided. Commissioner Porfilio was able to confirm their practices followed protocol, all requirements were met. He added that he didn't believe the Plan Commission heard this case, but as Homer Township Supervisor Balich confirmed for all, this case would not need to go to Plan Commission as it is a permitted right per the Will County Code. Commissioner Porfilio added that the permit is just to bring those two pieces of equipment and if there is more going on, they are doing more than what was promised and they lied to him, he will pull the permit.

A resident in the crowd asked who is monitoring the work? (this question went unanswered at this point) Commissioner Porfilio stated if they are not doing work in his right of way, he does not have jurisdiction. He stated he does not have jurisdiction over private property, only the right of way. If they are violating his permit, it is a problem.

A different audience member asked the same (unanswered) question above: Who is monitoring the site, the equipment, etcetera. Is it the Township? Is it the County? Commissioner Porfilio stated there are load limits on the roadway. That is enforced by the County and the Sheriff. They have jurisdiction if someone is exceeding a load limit. So, if you are bringing in trucks full of dirt that are 20 – 25 tons, that is exceeding the load limit. If it gets onto the private property, then Will County Land Use Department manages it.

Director King asked who, in Land Use, is inspecting the site?

Brian Radner Director of Will County Development Services Department stated that the Development Services Engineering Team handles the inspections for the earthwork related activity and erosion control. The landscaping will be reviewed by the planning staff.

Mayor Neitzke-Troiike stated we will write the answers to the questions and get them out to everyone. In that same moment, the County stated that they checked the on-line system, appropriate fees were paid.

Has the Health Dept signed off on this project yet and as a secondary question, does the Health Department not have any concrete safety answers?

Sean Connors, Director of Will County Environmental Health Division, addressed this by stating that the Will County Health Department does not have any jurisdiction for the licensing or enforcement of any cemetery in Will County. That department is the Illinois Department of Financial and Professional Regulation. That department issues the license to have a cemetery, they field the applications for cemeteries.

An audience person asked why they (the Illinois Department of Financial and Professional Regulation) aren't represented here at this meeting tonight. Homer Glen Mayor Neitzke-Troiike added that she understands this is a very important matter to discuss and that we will answer as many questions as we can, but to be respectful of those that are up here trying to provide the answers that they can but we do not have all the answers, this is new information for us. If there are additional questions for her, to follow up with her after the meeting.

Sean Connors, Director of Will County Environmental Health Division, did answer this audience members question and said that in light of the short notice, there was not enough time for all agencies to plan to attend, many agencies only found out of this meeting today.

Does the cemetery have a burial permit yet?

David Dubois, Director of Will County Land Use Department, stated that they do not issue any permits regarding burials – those come from the state. They suggest to defer to the State for burial permits.

Sean Connors, Director of Will County Environmental Health Division, again deferred to the Illinois Department of Financial and Professional Regulation for more clarification on many of the permitting answers, guidelines, etc. (see link) <https://idfpr.illinois.gov/>

The cost of the project is listed at \$100K, why is the bond only \$25K?

Homer Township Road Commissioner Porfilio stated that they are reconstructing Meader Road this year. They are starting in a few weeks. The \$25,000 (bond) is only for base failure from their trucks. But they are only supposed to bring them in to the site one (1) time. They are not running trailers every single day. The problem comes in when there are multiple trips. That is what the surety bond is for, if there is any damage to the right of way, he's using that \$25,000 for repairs. That's why they have it and the Certificate of Insurance covers liability. But the Land Use Department supposedly approved it. If they didn't, then the permit isn't any good and he will pull the permit. Will County Land use/Development Services representatives confirmed the permit was issued on February 23, 2023 and Mr. Porfilio the Township Road Commissioner stated that they came in March for the Township (access) permit.

An audience member asked if he goes to check on the status of the project?

Mr. Porfilio stated that if someone reports it to him or sends him a picture, then he will approach the land owner.

An audience member said she has photos to show him and Mr. Porfilio went to the audience to see. It was decided that the audience member would email the photos she has so the meeting could proceed.

The permit issued says 24,800 square feet, yet there are already bulldozers digging at last 5 acres in. Who is monitoring this? And who inspects the job site?

Brian Radner, Director of Will County Development Services Department, replied the reference to the 24,800 square feet is in reference to the impervious area. The disturbance area is larger (than the 24,800) and it is contained within the area that can be seen with the erosion control measures. The County's permit for 24,800 is the impervious area of the property which includes the access aisle, and any other impervious area such as pavement and parking spaces.

Burials will be scheduled from sun up to sun down, per their religion. Can the township do something for the residents to avoid funerals all day long?

Homer Township Supervisor Balich responded that he is not sure what he can or cannot do – they don't know the hours and they don't have a lot of information on this yet. They do not know how many people will come there daily or monthly. Hours have not yet been discussed, a lot of information has been delivered in a short time. He has only been aware of it since the previous Thursday (5 days prior to this Town Hall) and he does not have an answer at this time.

Sean Connors, Director of Will County Environmental Health Division, attempted to answer, and stated that this is a question that should be directed to the Illinois Department of Financial and Professional Regulation. <https://idfpr.illinois.gov/>

The entrance of the cemetery has been damaged from heavy equipment. The road width has been compromised. The entrance is on a hill to the North. It seems like a safety factor.

Homer Township Supervisor Balich stated that the road was in fact damaged and the Homer Township Road Commissioner had been out to inspect the road and the bond will cover some of the road damage if the owners of this project do not pay for it but he doesn't see why they would not take care of paying for it because that could stop the project so they do need to pay for repairs to the road.

Why did will county not notify the surrounding residents about the zoning change for discussion. Why has this project been allowed without the knowledge of the general public?

The County said that they do not need to notify for permitted use per state statute or county ordinance.

An audience member popped up and said that the property was zoned Ag, now rezoned to R-2 – she butts up to this property on the northern fence line and she asked why was she not notified of this zoning change. She stated she is a 3rd generation owner of this farm and she didn't receive any notification at all, what will this do to her land, it is still in crop production, and her crops are in EHS status. She added she was grateful for the community showing up to this Town Hall.

New Lenox Township Supervisor Wennlund, spoke and stated he too lives very close to this property and he agrees with all that this resident that spoke up just said. He said the crux of this issue is a land use issue and the issue is why are cemeteries permitted by right and why are they not all special uses? If they were permitted by special use permits, then residents would be notified, it would be posted. It would be heard by various commissions and boards prior to getting to the approval level. He will be able to see it from his backyard. He said he has the same concerns as this resident that just spoke up. He said if all want to do something about it – it has to be done at the County Board level so that these uses are not permitted/allowed as a matter of right anymore. The only way this happens if the Will County ordinance is amended, by a text amendment. That can only be done by the Will County Board. This could then be approved with all kinds of conditions that changes the size, or the number of burials as examples. But without a text amendment, nothing will change.

A resident from the audience asked what needs to be done to get a text amendment?

New Lenox Township Supervisor Wennlund, replied that it starts at the Board Level.

A woman from the audience stated aloud that if this were a Christian cemetery, no one would be here to discuss this today.

New Lenox Township Supervisor Wennlund said that his subdivision is very diverse, has neighbors of all colors and religions, including Muslim, and they are all fantastic neighbors. They are supportive and helpful neighbors. He loves his neighborhood. He stated what this discussion is about, is that 24,000 burial sites will be placed on a 40-acre property,

and then constructing a religious assembly building on this property with no further input or conditions, etc. It would not matter if it were Presbyterian or Methodist or Baptist, it is the same issue.

Director King asked for clarification if whether or not the text amendment can assist retroactively for this situation.

New Lenox Township Supervisor Wennlund stated that in this case, it is important to know how much land has actually begun to be used for this project, and, is the yet undeveloped portion of the property, which is the majority of the property – would any text amendment apply to that? He stated that would go to the Will County State's Attorney to answer that question. He said we sure should find out.

An audience member (Renee) asked if her attorney spoke to County – who would her attorney go to.

Will County Board Member, Jim Richmond, replied she spoke to him the previous Friday, and he contacted Brian Radner, Director of Will County Development Services, as he doesn't have this information because he is on the Finance side of Will County, and Director Radner provided a matrix for all of the zoning districts. He said that he just realized that cemeteries are allowed in just about all categories, he was on the phone with Will County Board Member Frankie Pretzel, and told him he had just been made aware of the zoning for cemeteries in all of the categories and that needs to be changed to a Special Use and he asked Frankie to put that on his agenda.

Will County Board Member Frankie Pretzel stated the intent was to get this item added to an agenda as soon as possible. *note, the original question was not answered. The contact at the County would depend on the question to which the attorney was seeking answers. The panel members are a good start for contacts and the attorney can also contact the Will County State's Attorney.

A gentleman in the audience stated out loud to take a look at the Grundy County regulations, they would never have allowed this. Homer Glen Mayor Neitzke-Troiike asked Director King to clarify the zoning regulations for cemeteries within the Corporate Limits of the Village of Homer Glen.

Director King stated that within our corporate limits, cemeteries are special use in E1, E2, all of our R districts, A1 and then they are actually prohibited in A2, and then they are also prohibited in all of the C districts and I1 and P1. Homer Glen Mayor Neitzke-Troiike reiterated, this information does not apply to this particular case in discussion, Director King stated these are the Village of Homer Glen's zoning codes and that is where the confusion comes in. The subject property is in Homer Township/Unincorporated Will County, not the Village of Homer Glen, and Homer Township follows the Will County code. New Lenox Township Supervisor Wennlund, made an example of the Village of Homer Glen text and said this is what the Will County Text can read like with a text amendment.

Resident and former Village of Homer Glen Trustee Sharon Sweas asked about the text of the Township.

New Lenox Township Supervisor Wennlund, stated that the Township does not have zoning ordinances. The township merely recommends to the County whether to pass or not pass a particular request for rezoning. That did not happen here because we are talking about a permitted use in the Will County Zoning Code. That code was adopted years ago so that no special request was needed to come before the township and again, the township is ONLY a recommending body, not an approving body.

Homer Township Supervisor Balich said that he did speak with Judy Ogalla (the Executive Chair of the Will County Board) about this item and it will be added to the May 9, 2023 agenda. That meeting will be held on May 9, 2023 at 10:30 a.m. at 203 N. Chicago and if you come to that meeting, you will hear that they are trying to do something about this. He added that New Lenox Township Supervisor Wennlund is 100% right, it has to come from the County Board. The County Board meeting is May 18, 2023 at 9:30 a.m.

A resident asked if that was fast enough (meaning the board schedules)?

Homer Glen Mayor Neitzke-Troiike said they were all here, working on it and will be making phone calls.

If there are phases to the project, second phases, construction of the building, etc., buildings, will that require notification, does that require special use currently?

New Lenox Township Supervisor Wennlund stated that it currently does not require a special use permit and he is not happy about that.

Brian Radner, Director of Will County Development Services Department, added that it would depend on what the request is. There are certain activities where you can put up a building that would not require notification to property owners, and there are scenarios that if they go in a different direction and want to add a use that requires a zoning change or a special use permit, then that would follow the normal notification to surrounding property owners.

Representatives from Will County Land Use stated on a phone call that the County wants more commercial, is this correct?

Brian Radner, Director of Will County Development Services Department stated he could not answer that question as he did not know where that came from.

Will the cemetery be fenced, walled in, will there be trees or shrubs screening potentially permeable parking areas?

Brian Radner, Director of Will County Development Services Department stated there is some landscaping included with this development and the screening is shown along the access drive that ends in a cul-de-sac. Also, there is some fencing along the front per the proposal. There is not a County fencing requirement for this development. Also, the County does not require a permit for a fence so that could be constructed and the County would not even know. If there are other requirements per the state regarding fencing, then that agency would need to regulate it.

Audience member asked why they cannot see the civil drawings? He added they submitted a FOIA, but they were not permitted to see the drawings.

David Dubois, Director of Will County Land Use Department, stated that they have to follow the State Law in the FOIA Act. Within that act, there are certain exemptions and one of those exemptions from disclosure are architectural and engineering drawings prepared with private funds not associated with a public project. In this particular instance, the funds are private and are subject to that exemption not to be disclosed. They are administratively reviewed as part of the permitting process, so yes, they are part of the permitting process but again, they are exempt from disclosure under the Freedom of Information Act.

Director King asked if the public is allowed to come and view the plans so long as they are not given away/copies made?

This is a question that Will County Land Use said they would need to direct to the States Attorney's office to make sure that they are complying with the FOIA Act, to see if they can make accommodation.

It appears that prior to 2018 that cemeteries were not permitted to be in residential areas and did that change? Has it always been this way where they were permitted in R districts?

Brian Radner, Director of Will County Development Services Department, addressed this question and stated that essentially cemeteries have been permitted uses in unincorporated areas in Agricultural and Residential Zoning classifications and one Commercial Zoning classification since before 2012. Prior to that date in 2012, they were a Special Use permit in two (2) zoning classifications so when the Zoning Ordinance was updated, there was an overall Comprehensive update in 2012 and the use was included in other categories.

Question about changing the code/text amendment (as previously discussed) and also would be possible to change the code to prohibit it altogether.

New Lenox Township Supervisor Wennlund, stated that Brian Radner, Director of Will County Development Services Department, sort of addressed this question already, and said that sort of tells you that prior to 2012, it was neither a permitted or a Special Use permit in most categories. Director Radner, clarified that it was a Special Use in the Estate and Residential 1 classification and that is all according to the research he could find. New Lenox Township Supervisor Wennlund, added so two (2) categories, Special Use Only, notification to residents, opportunity for conditions, and after 2012, permitted in almost every category. This give you some idea whether a text amendment can or cannot be made. It was before.

Is there anything that can prevent this land owner from purchasing remaining land and expanding.

David Dubois, Director of Will County Land Use Department stated this is a question they cannot answer. New Lenox Township Supervisor Wennlund, also a land use lawyer, stated that no, there is nothing stopping them from expanding, it is a permitted use.

Director King asked Director Radner directly if zoning for a funeral home is the same as a cemetery?

Brian Radner, Director of Will County Development Services Department, stated a lone funeral home requires commercial zoning. This property does not have commercial zoning. A funeral home by itself is not a permitted use in this zoning classification. It is a permitted use in other county zoning districts but they are commercial zoning districts.

Transport of bodies can only happen by a funeral home by law? They are trying to ask the question – will they be able to transport from outside or are they relying on being able to build that funeral home on site?

Brian Radner, Director of Will County Development Services Department, stated this is not a land use matter. Sean Connors, Director of Will County Environmental Health Division, stated he thought that question might be better directed to the funeral parlors and the cemetery owners. I added that he did believe there are rules regarding the transportation of human remains, but he was not aware of what those rules are.

Questions about traffic, how many funerals per day? Was parking looked at? Is widening of Hadley to accommodate this type of use?

Brian Radner, Director of Will County Development Services Department, stated that parking was looked at and is addressed on site so there will be parking just like the majority of cemeteries. There will be parking along the drive aisles – that is how this facility will be designed. If a building is added, then additional parking will be required. As it stands right now, there is sufficient parking for this use. The Site Development Permit does cover five (5) acres, the impervious area is under 25,000 square feet. Regarding the Township road and improvement, that falls under the Homer Township Road Commissioner so he didn't have any idea of the intent to do any improvements to the road. (Note: Director Radner is referring to roadwork on Meader, not Hadley). They (the Homer Township Road Commissioner) did approve the access to the site. He said they did look at the trip generation figures for this type of use and it is two (2) to three (3) people a day, non-funeral related. It is actually a very low intense use outside of a funeral.

A follow up question to this was how many cars would that be equivalent to, meaning how many allotted cars are for the parking as designed?

The response was that it reads there are 21 spaces.

Homer Glen Mayor Neitzke-Troiike asked if the 21 parking spaces can change?

Brian Radner, Director of Will County Development Services Department, stated that it's actually designed for 25 parking spaces and then there is also parking designed in the cul-de-sac where the access driveway ends.

Homer Glen Mayor Neitzke-Troiike asked if that could change, could there be additional parking?

Brian Radner, Director of Will County Development Services Department, stated the problem with this site, is that they are only approved for 25,000 square feet of impervious surface. It has to be on a dust free surface such as gravel or pavement. Any additional pavement or impervious surface will require storm water management and this group was not ready to take that next step of development. New Lenox Township Supervisor Wennlund, asked Director Radner to confirm that they (the property owners) are not ready "at this time"? Director Radner confirmed, that would be correct (that the group is not ready to move forward with more development than the 25,000sf of impervious).

Former Mayor Petrizzo asked how can you have 25 parking spots and not have drainage?

Brian Radner, Director of Will County Development Services Department, stated that because the Will County Storm Water Management and Water Resource Ordinance says very clear that development under 25,000 square feet does not require storm water management.

An audience member from the back asked if this means that there will not be parking allowed on Parker Road?

Brian Radner, Director of Will County Development Services Department, stated for this type of use or many other uses, parking is to remain on site. No off-street parking should be permitted, but that will be up to the Homer Township Highway Department and the Sheriff's Department to enforce.

An audience member asked if there is a drainage plan for this project because this parcel currently floods.

Brian Radner, Director of Will County Development Services Department, replied that there isn't any stormwater management for this project but there are drainage pathways to ensure that water continues on the path that it is designed for to keep in line with how it flows now.

Same audience member stated that this lot, when it rains, it floods significantly. She asked if this was permitted to go in and be excavated, why wasn't there drainage put in to alleviate the current flooding on the side of the road?

Drainage was reviewed by Will County consulting engineers and approved, as the plans meet the engineering requirements in order to issue the permit.

Director King explained the next series of questions pertained to more environmental questions about water:

Will drainage affect water shed, is there an environmental study, can they bury where it is wet, have any soil/perc tests been done, will it affect water table?

Brian Radner, Director of Will County Development Services Department, replied, and started addressing storm water, explaining that it is the surface water that runs over the property, it is important to know that it (the plans) are prepared by an engineer, to meet the County specifications, whatever the Ordinance requires, and then the County Engineering staff reviews the documents that were submitted. That is what happened in this case. The applicant submitted a plan that was prepared by a professional engineer, it was approved by the County Engineering staff and consulting professional engineers showing that it meets the drainage requirements associated with the Water Resource Ordinance and with the Will County Storm Water Management Ordinance.

A member of the audience asked if there would be any mitigation plan?

Brian Radner, Director of Will County Development Services Department, stated he didn't know what this question meant.

A member of the audience spoke about the roads and drainage, her statement and question were not very audible.

Brian Radner, Director of Will County Development Services Department, did hear the question and replied that it is inaccurate to state the owners are not responsible for drainage. He stated, they are responsible, per the Ordinance, it is absolutely required. So, the engineering has been reviewed and per Illinois Law, the lower property takes the water from the higher property. Wherever the water was flowing before is going to continue to flow. That is under Illinois Drainage Law. It has been reviewed and approved by the County Engineering Staff who is a professional engineer certified and issued a license by the State of Illinois. The drainage matter does comply with the zoning code. Any additional impervious surface, meaning more than 25,000 square feet, will trigger storm water management to retain some of the water on site and slow the release. That will be looked at if going over the 25,000 square feet does occur.

Members of the audience asked about the well water, which will be answered in the next grouping of questions.

Director King asked Will County to clarify the size of the overall site.

Brian Radner, Director of Will County Development Services Department stated that he believed the entire parcel is approximately 40 acres, per the Plat of Survey. The initial permit applies to up to 5 acres of development, which means disturbance of the earth or

earth being moved and the \$2500 fee was paid to the Will County Land Use Department. That does not mean the final impervious area. If it was more than the 5 acres of development, then the fee would be a little bit more. They could do more if they wanted to, but they cannot do more than 25,000 square feet of pavement, gravel or pavement at this time. Moving the dirt can be done on all 40 acres if they want to – they have paid the permit fee for this.

An audience participant asked for clarification on what Director Radner just explained, her questions were inaudible, but he was able to dialogue back and forth with her. An audience member approached the microphone to ask why does Director Radner keep discussing 5 (five) acres?

Brian Radner, Director of Will County Development Services Department explained this is the impervious area of the parcel. He is focusing on hard, impermeable areas including pavement, concrete.

An audience member approached the microphone then and asked if they already have permits for the parking lot?

Brian Radner, Director of Will County Development Services Department explained they have been issued a permit for the entire parking lot, the road that accesses the property. This is the hard surface that is included. The fee covers up to 5 acres of moving dirt.

An audience member asked for FOIA for permit – unable to obtain.

County responded a 2nd time stating the FOIA laws, there are certain exemptions, and this falls into one of those exemptions stated that it is subject to FOIA laws, of certain material that is not allowed to be disclosed. He stated architectural and engineering drawings are not allowed to be disclosed as they are paid for through private funds not associated with a public project. If this were a public project, then they could be disclosed.

Same audience member as above stated that he said he built Rush Hospital and Silver Cross Hospital and he had to have permits on site for all to see.

New Lenox Township Supervisor Wennlund stated that a site development permit was issued – this is what we know. That text allows this since it was changed in 2012. We also know that the prior text only allowed this as a Special Use in 2 areas, and it changed in 2012. He reiterated at text amendment to the entire Will County Ordinance is what is needed and he stated that this is what we need to focus on.

Homer Township Supervisor Balich and Will County Board Member said again, this is going on to the agenda – what is needed is to bring this to a vote for the text amendment. This needs to be changed. We need to make sure everything is legal.

A member of the audience asked how long it will take to get this changed?

Homer Township Supervisor Balich said it could take up to 6 weeks. He added that it is hard to tell because it will go the Land Use Committee on May 9, then it will go to the Will County Board on May 18th.

Dave Dubois, Director of Will County Land Use Department stated the matter will be assigned from the Executive Committee to go to the Land Use and Development Committee, and then from there it is recommended for public hearing at the Plan Commission for review. At the public hearing at the Plan Commission, it will be open to comments and review. The comments will then go back to the Land Use Committee for

review and they will forward their recommendation to the full County Board for review and consideration.

Will County Executive Jennifer Bertino-Tarrant, stated because of the timeline, this item would not be able to be put on the agenda for the upcoming Executive Committee meeting this coming Thursday, in order for it to get to the May 9 Land Use Committee meeting, unless the Land Use Committee Chairman makes the decision to bypass the Executive Committee and she isn't aware of what is in the County Board rules to do that. She stated that a month is ideal the timeline and she added that everyone needs to understand that if they do change to add a Special Permit moving forward, it does not mean this project automatically stops. The Will County Board will listen to each case because it is a Special Use Permit.

An audience member asked if there is anything that can be done to stop the project in between now and the text amendment?

Dave Dubois, Director of Will County Land Use Department said that like with any applicant, provided they have the appropriate permits in place, they can proceed.

An audience member asked if it was possible to get an injunction?

This question was not directly answered but may have been answered in the response just above.

Audience member and former Trustee Margaret Sabo spoke from the floor to mention there is a pioneer cemetery in the vicinity of this current cemetery project and so this project will require special handling. The pioneer cemetery goes back to 1850 and those bodies need special handling. There are people that are doing research on this for this purpose. She said it is very important that no further construction during this time as she stated it is important not to destroy this history. She is leading a citizen effort to network, across all communities, to stay informed and work together. Ms. Sabo had sign-up sheets that she filtered through the room.

Continuing on with the question previously asked above: Will drainage affect water shed, is there an environmental study, can they bury where it is wet, have any soil/perc tests been done, will it affect water table?

Sean Connors, Director of Will County Environmental Health Division, indicated that no perc tests were done and none are required as they do not have jurisdiction for this. He called the Illinois Dept of Financial and Professional Regulation about this matter – he asked if there are any environmental studies required in the application process for a project of this nature, there are none required. He consulted with the Illinois Environmental Protection Agency (IEPA) and Illinois Dept of Public Health, to see if they had any jurisdiction or advice over this matter. IEPA does have jurisdiction over ground water. In discussions with them and in the research completed in the short timeframe, this type of burial is the greenest way to go – very low risk of contamination, if certain conditions are met. There are a lot of variables, such as soil type, depth to the aquifer, what is the depth or width of the unsaturated layer from the surface to the aquifer, the PH of the soil, there are a lot of factors that need to be addressed. He said he spoke to many citizens about this, some reference reports, one from World Health Organization, some of the information is good, some is lacking and the citizens have recognized this. The general conclusion of that report is that a cemetery of this nature has very low risk to ground water, if all conditions are met.

Director Connors added that the Illinois Ground Water Protection Act did not reference a setback for a cemetery. In the Illinois Water Well Construction Code, there are various listings for setbacks. He would put this in a secondary category – your primary well has to be at least 75 feet from the cemetery. Not much difference than the septic field requirements. He added if we strip away some of the cultural differences, religious differences and get down to the chemistry and biology of the issue, it is not an apples scenario, but it is pretty close to how we treat our sewage in our private homes with a septic field.

Homer Glen Mayor Neitzke-Troike asked if other areas have setbacks?

Per Will County Health, he did perform some research and found that Indiana and Missouri, he has yet to check Wisconsin, but nothing yet has turned up setbacks for cemeteries. They do have setbacks for other things, and he is open to any phone call and is willing to discuss this with anyone to try and answer any questions.

An audience member from the back of the room indicated he is a licensed waste water treatment operator, and he indicated that he spoke to the IEPA earlier that same day, and he received the following information from the Ground Water Protection Department. The person he connected with spoke to someone they told him there are some setbacks for wells near cemeteries (audience member to get with Sean Connors Director of Environmental Health to share IEPA contacts), per Federal regulations and he added that he learned that this is a study that is very much in its infancy and it started somewhere during COVID. He stated that there is an ionization process/problem that comes from decomposition of bodies and can impact wells located close by, once they reach the aquifer and continue. There should be some consideration of that prior to moving forward. Is there a way to mitigate damage if not, how do we find a mutual agreement for both sides? There is high quality well water in this area and he feels that people enjoy that. He added that a year ago, there was a case of a person dying from a bacterial infection from something in his water, and learned that there was a buried latrine from the Civil War near his well. The CDC was involved, and he feels that this is something that should be taken seriously. The well is the biggest concern from what he has been hearing in the crowd that evening.

Homer Glen Mayor Neitzke-Troike stated that whoever this contact is at the IEPA, that is who we all need to talk to and get to the bottom of this well issue, because that seems to be the majority of the questions read/calls funneled on this issue.

Sean Connors, Director of Will County Environmental Health Division. These are good observations. That is why he reached out to the IEPA, but they didn't have enough lead time to be available for the meeting. The IEPA is the subject matter experts on this situation. All of the points raised were good and he agrees with most of them, but there are lots of variables that have to be evaluated. He had a nice conversation with a resident, they had different information. In his research he had found that high clay areas were good (this is a high clay area). The "wastewater treatment operator" mentioned the ion exchange/PH of soil; these things (good conditions) will keep the viruses/bacteria "stuck" to the soil; what we want a slow migration to the aquifer, and will make things more safe. What you want to focus on, who issues the license, and what are the rules to have the license. You want to revisit the state regulations, so there is more oversight with regard to environmental regulation.

Director King asked if there could be any monitoring, any regulation and if there is not currently, can that be changed so that there would be monitoring?

Audience member answered this question by stating that the County is in charge of regulating under the Clean Water Act. The way the Clean Water Act works is that it falls on the County, just like they have to hire wastewater operators to run their treatment plants, and at the County level, doing sewer and septic, those all fall under the Clean Water Act. Eventually, the responsibility of the Village itself. He added that generally there is an issue with understanding that because us waste water people don't get paid a lot so it's not like they are out there trying to figure out how the law works. He makes sure that his plant operates correctly and that the streams are clean. When it comes down to who is in charge of that, it reads "should and shall" and the responsibility falls on the County. However, the IEPA does not get involved unless someone calls them and the IEPA will come out and say that a permit was not pulled. He said it is difficult to manage because they put the municipality/village/township in charge but if no one calls to complain, no one is the wiser.

Sean Connors, Director of Will County Environmental Health stated it's confusing to say the least. Will County health does not have that jurisdiction he is referring to. Will County Health Department recommends that well water is sampled once a year. Water samples can be brought to the Health Department, they can test for total (coliforms) and fecal coliforms and nitrates, they can also test for fluoride and a couple other small ones; they cannot test for individual pathogens like viruses and bacteria, volatile chemicals of that nature. Research a private lab to have that water analyzed, anytime you submit a sample, you'll need to tell them what to test for. You'll need to give them a list of pathogens of possible concern and research to see how much that might cost.

The wastewater operator (resident), added if people are getting their well water tested, and you test for fecal coliform, and that is not present or is present within a reasonable amount, 99.9% of all other bacteria is NOT present. They test for this and it is the hardest thing to kill so rather than go out and have someone test for every virus under the sun, this is how the creeks are all tested.

Sean Connors, Director of Will County Environmental Health agreed, this is a good point, there are differences in total coliform and fecal coliform, fecal coliform is more of an indicator of human waste.

Director Connors continued, what we do have jurisdiction over is when a well is drilled and a septic is installed. What our department is tasked with, we work with the State of Illinois, we follow their codes. We have our own ordinances as well, most of the ordinances address fees and we use state law as a base. If you put in a septic system we are going to do a soil evaluation first. they are going to rate the soil first, to see if it is a suitable soil to put in that type of system. We do that work, we have a Geologist on staff and several sanitarians, we work with licensed septic contractors and licensed well drillers and inspect process as its installed. When a new well is drilled we require that it is sampled and analyzed and interpreted. Now that doesn't answer the question for the cemetery. We do that for septic and wells, we just don't have the jurisdiction over cemetery.

New Lenox Township Supervisor Wennlund stated this is good information, but what has been applied for by this owner is not a well, or a septic, or a mechanical system. There is no permit issued by this Health Department. If this were a special use rather than a

permitted use, the County Board with recommendations from Land Use, Health Department, could have placed conditions necessary for monitoring, testing, etc. That is the only way you can do that here, no one has applied for a well/septic, etc. mechanical system, that is his (Will County Health's) jurisdiction.

Homer Glen Mayor Neitzke-Troiike asked if that was it for well questions?

Director King stated all of the questions were general well questions and she felt that the Health Department provided an in-depth response.

Homer Glen Mayor Neitzke-Troiike stated she had a follow up questions: if this doesn't fall into the Health Department's jurisdiction, who's jurisdiction is it? It is not Homer Glen, because it is not IN Homer Glen.

Director Connors stated that is a very good question and added the Agency, the Illinois Department of Professional Regulation enforces the Act and they do not require, at this time, those types of studies.

Homer Glen Mayor Neitzke-Troiike asked that because there aren't any studies, for people that have wells, they won't know the effects on them?

An audience member followed up to say that they are guinea pigs.

Another audience member stepped up to the podium to discuss that he has done some research and he found on GOV.UK, they have done lots of studies on this and he read from the article they published in April 2022: "Protecting Ground Water from Human Burials" They have found that you cannot provide burial services of any kind within 250 meters of any well. He read that cemeteries located in the following locations present an exceptional risk to the environment and human health: any cemetery located within 250 meters of a well or Spring that supplies water for human consumption. In addition, the WHO (World Health Organization). GOV.UK – lots of studies. They do not allow any (type) burials within 250 meters of any well. The following places place exceptional risk to do within for any water supply. WHO says no burial of any kind, should be within 250 meters of a well as well. He could not find any oversight from IL, EPA or anyone in our state.

Homer Glen Mayor Neitzke-Troiike asked, when you say burial, is it this type of burial, a casket burial, any type of burial?

Audience member said any type because there is bacteria in our bodies.

Sean Connors, Director of Will County Environmental Health had the same study in front of him, and he read the conclusion of the study that stated: "In conclusion, aquifer pollution can vary greatly according to the geological strata and cemetery layout and management. Surface drains will intercept most surface run off water entering a site from outside before any serious contamination takes place. The pollution potential from cemeteries is present, but in well managed cemeteries with suitable soil conditions and drainage arrangements, the risk is probably slight. Given below, could be used to site and design a future well managed cemetery, and it lists (all the things you just said) including human and animal remains must not be buried within 250 meters of a well. All this being said, it is a really good study, it is incomplete, they acknowledge deficiencies, like with soil categorization and the depth of the unsaturated layer. He added the biggest issue is that it is not written into the law in the State of Illinois.

The audience member added, the study does say that distance (250-meter setback) may be greater if the site has a steep hydrogeological gradient or the velocity of groundwater flow in an aquifer is rapid.

Director Connors added with regard to the study, there is a lot of information not considered. If anyone wants to read it, it is not painfully long, not overly scientific, there are some tough words in there. It goes over all thing categories of the things we just talked about, the PH of the soil, how a body decomposes, what bacteria and viruses are produced in those bodies, there is more risk with embalmed bodies then bodies that are not embalmed, there is incomplete data about the coffins and what they are constructed of and painted with and the hinges that are used to open and close said coffins. There is a lot of information that is not considered. There may be more information, but he has not been able to review in the timeframe given.

Ms. Pam Meyers, an audience member and former Homer Township Supervisor, said she did a little research too – we are talking “generally” about cemeteries; but this is considered an open-air burial – not a traditional burial, without casket and no vault and a shallower depth of 3-4 feet depth.

Sean Connors, Director of Will County Environmental Health interjected right away to correct the depth, they verified these graves will be 6-6.5 feet deep. That is very important because the depth from the surface can affect contamination, decomposition, lots of factors.

Ms. Meyers continued, we aren't being told and we don't know (these details). She said that he (Director Connors) had mentioned clay was good, she had read that sand is better. She said her point is we don't know all the things and we don't have the oversight. She would like to go back to what New Lenox Townshjp Supervisor Wennlund, brought up. Maybe it would be broad to make changes to all cemeteries, Maybe Land Use (Will County) and those involved could consider an exception about open air burials looking to add more stipulations such as ground studies and different things that need to take place before permitting would take place. Maybe that would be a quicker path. I think that a month to change land use is very ambitious. The Will County Executive has said they don't know how long this will take. If this is more centralized on this type of burial it will maybe move quicker through the county.

Director Connors, reminded the public to keep in mind to be careful of our language, when we say a traditional burial, that depends on who you are talking to.

Ms. Meyers, indicated she meant no offense, would not matter the religion, her concerns are for the groundwater and the wells, and with the lack of ability to regulate. Nobody is looking at this, we are looking at parking, basic things etc. because your hands are tied, you have no authority.

An audience member asked if there is anything we can point to that says this is OK – with well and septic. This would not be an issue if they had city water, but they do not. She is looking for past / current scenario like this with proven track record for assurance.

Sean Connors, Director of Will County Environmental Health said that in the WHO article that they referenced today, it stated that there has not been any documentation of any outbreak from any ground water contamination due to cemeteries. This could be taken a

number of ways: 1. not an issue, 2. Is an issue, not been investigated properly, 3. they do not have enough data. It enhances what she said which is more info is needed and we just do not have it. Not my subject matter expertise, but he wants to do this (look into these issues), because he wants to make sure it is safe, as well.

An audience member asked if we do not have the answers yet, why do we keep going forward, until we know more. Why can't we stop the project?

Sean Connors, Director of Will County Environmental Health understands her point, but he does not have the authority to stop this project.

Homer Glen Mayor Neitzke-Troiike asked who has the authority to look into this? Mayor Neitzke-Troiike said she is looking at a room full of people that she doesn't want to put in harm's way. Mayor Christina said this doesn't impact her, and she would like answers to the questions, even though this is not in her jurisdiction, it's not in Homer Glen, but all these people including Homer Glen residents are being affected by this.

An audience member asked right after Mayor Neitzke-Troiike and before the meeting ends, who will step up to the plate now and say they will get answers and address the questions? Audience member asked if they will take the information from the UK to their meetings to support the case of changing the code? Also, he asked who will step up to the plate to say they will spearhead this for all of you?

Homer Township Supervisor Balich stated again he will be bringing this matter up to the Will County Board.

Homer Glen Mayor Neitzke-Troiike stated she said she will step up to the plate and will make sure to disseminate all information that comes her way about this. She said she will do what she can to protect the Homer Glen residents. She stated she only had this information for 4 days and has been Mayor for 5 days.

Homer Township Road Commissioner Porfilio stated he would do whatever he was able to do if they go beyond the original scope or they exceed the weight limit on the roads by either pulling their permit or increasing their surety bond requirement. If they continue to violate that the permit will be pulled or the bond will be increased to a higher level to cover repairs.

New Lenox Townshjp Supervisor Wennlund, reiterated the importance of the text amendment for this matter, because then you can attach conditions to a Special Use permit that could include ground water monitoring, erosion control, etc.

Homer Township Supervisor Balich stated that he, Will County Board Members Jim Richmond and Frankie Pretzel (the Chair of Land Use) will take this to the Land Use Committee to get a text amendment. He said that he doesn't know how the Board will vote on it, but it will be on the agenda, for Tuesday May 9 at 10:30. If you cannot attend in person, you can view it via WebEx.

A person in the audience asked if the answers to the questions will be made available?

Homer Glen Mayor Neitzke-Troiike said that she would work with the Village Manager to get them posted on the Village Website. It will go to the Township also so they can post it on their website.

A member of the audience asked about the Homer Township Fire Protection Districts – stating they are already burdened. Has anyone approached the Fire Department? Road Commissioner Porfilio stated that as long as they provide emergency access (and they do) that is as far as his jurisdiction goes.

A member of the audience asked what proof is needed to show intent to build?

Homer Township Road Commissioner Porfilio stated that their plans didn't have buildings. If they violate the plans, and the access permit is violated, it is pulled.

Same audience member had a follow up question, that was unclear.

Trustee Dan Fialko thanked all for trying to collaboratively answer these questions.

A text amendment would only correct anything going forward, correct?

New Lenox Township Supervisor Wennlund said that a states attorney would have to review and decide on the other 35 acres of this parcel. The Site Development permit is for 5 acres of this property and the text amendment would be enforceable for the balance of the property for which no permit has been applied for. His answer remains the same, it would be up to the States Attorney to decide.

Homer Glen Mayor Neitzke-Troiike wrapped up the meeting – she told people to fill out the cards and leave them in the box if there were any additional questions. She thanked everyone for coming together to work on this.

Meeting concluded at 8:55 PM.