

April 28, 2010

Minutes of the Reconvened Meeting of the Board of Trustees of the North Shore Sanitary District held Wednesday, April 28, 2010 at 9:30 AM. at the District Office of the Raymond E. Anderson Complex located in Gurnee, Illinois.

It was moved by Trustee Swarthout and seconded by Trustee Paxton to reconvene the Regular Meeting of the Board of Trustees of the North Shore Sanitary District from Wednesday, April 14, 2010.

On roll call, all Trustees present voted "Aye". Motion declared carried.

The meeting was chaired by Vice President, Stephen J. Drew.

The meeting was opened with the Pledge of Allegiance.

On roll call, the following Trustees were present:

Stephen J. Drew, Vice President  
John R. Paxton, Treasurer  
James E. Swarthout  
Effie Wroten

President Pierce was absent due to business in Springfield.

Staff members present were General Manager Brian Dorn, Assistant General Manager Dave Miller, Attorney Greg Jackson, and Director of Engineering Services Jai Gupta.

The purpose of the reconvened meeting was to discuss a letter of intent from the North Shore Sanitary District to the U.S. Army Corps of Engineers related to the S8 Highland Park Lakefront Interceptor Protection Project. General Manager Dorn stated that the Corps and District did not receive preliminary design details for the Locally Preferred Plan (LPP) from the property owners' Consultants for review until April 13, 2010. Since the Corps did not have sufficient time to review this design, and it lacked the level of detail required by the Corps to assess its level of protection, General Manager Dorn did not feel comfortable recommending that the District submit a letter of intent authorizing the Corps to proceed with the project utilizing the LPP at the April 14<sup>th</sup> Board meeting. General Manager Dorn stated that since the meeting on April 14, 2010, a conference call was held between the Corps, the District, and the two design firms retained by the three property owners affected by the Lakefront Interceptor protection project to clarify what needed to be submitted to the Corps in order for the Corps to complete its evaluation of the LPP. This information was submitted to the Corps this past Monday. The Corps indicated to the District that based upon their preliminary review of the LPP, it appears the LPP would provide equivalent protection of NSSD's infrastructure as the NED plan. General Manager Dorn indicated that the letter of intent does not contractually commit the District to the LPP, and that it could still revert to the Corps NED plan. General Manager Dorn recommended that the District submit a letter of intent to the Corps in favor of the LPP, and that if the property owners do not come to a formal agreement with the District by the May 12, 2010 Board meeting agreeing to pay for the LPP costs that exceed the Corps plan cost, that the Board consider proceeding with the Corps plan.

Attorney Jackson stated that there has been no legal documentation or commitment from the property owners with respect to their obligations on this project. Originally a line of credit or escrow account was requested by the District to cover the incremental costs of the LPP that exceeded the Corp of Engineers NED plan, which has not come about. Attorney Jackson's concern is that once the District commits to the Plan, there is no turning back on the decision. His recommendation to the Board, not knowing the costs of either the Corps NED plan or the LPP, is to request a letter of credit from each property owner in the amount of \$500,000.

It was moved by Trustee Swarthout and seconded by Trustee Paxton to approve the letter of intent to the U.S. Army Corps. of Engineers as discussed and recommended by Staff.

On roll call, all Trustees present voted "Aye". Motion declared carried.

There being no further business to come before the Board, on motion duly made, seconded and unanimously passed, the meeting was then and there adjourned until the next regular meeting to be held on Wednesday, May 12, 2010 at 9:30 A.M. at the District Office of the Raymond E. Anderson Complex in Gurnee.

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PRESIDENT

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SECRETARY