

RESOLUTION NUMBER 43 - 08

RESOLUTION OF THE EAST DUNDEE BOARD OF TRUSTEES CONCERNING THE APPLICATION OF S&M-E&J SERVICES, INC., AND ILLINOIS CORPORATION DBA ALL PAWS PET CREMATION FOR SITE LOCATION APPROVAL FOR A NEW POLLUTION CONTROL FACILITY

WHEREAS, S&M-E&J Services, Inc. and Illinois corporation DBA All Paws Pet Cremation has filed with the Village of East Dundee (Village) an application for site location approval of a pollution control facility. (Specifically, the Applicant proposes to develop a animal crematorium for lost, abandoned or stray pets [“the Application”]); and,

WHEREAS, the Village has conducted the public hearing required by Section 39.2(d) of the Illinois Environmental Protection Act (the “Act”) and has received evidence at that hearing and has elicited public comment on and evaluation of the Application; and,

WHEREAS, the Village Board has reviewed the record as a whole made in this matter; and,

WHEREAS, the Village Board has reviewed the Application in light of the evidence adduced at the public hearing in this matter, as well as the criteria established for the siting of pollution control facilities under Section 39.2 of the Act;

THEREFORE, after a thorough and complete review of the Application as a whole, as well as all testimony and exhibits adduced at the public hearing in this matter, and after further consideration of the proposed Findings of Fact, Conclusions of Law and Report and Recommendation of the Hearing Officer appointed herein, the Village of East Dundee Board of Trustees hereby finds as follows:

The Village has jurisdiction to consider and rule upon the Application local siting approval of a pollution control facility based upon the Applicant’s proper notification of all interested parties as provided by Section 39.2(b)(d) of the Act.

Aye 6 Abstain 0
Nay 0

The Village Board expressly adopts the Findings of Fact, Conclusions of Law, and Report and Recommendation of the Hearing Officer appointed herein as the basis of its decision herein.

Aye 6 Abstain 0
Nay 0

I. CRITERION #1: THE FACILITY IS NECESSARY TO ACCOMMODATE THE WASTE NEEDS OF THE AREA IT IS INTENDED TO SERVE.

The Applicant has demonstrated compliance with Criterion #1:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

II. CRITERION #2: THE FACILITY IS SO DESIGNED, LOCATED AND PROPOSED TO BE OPERATED THAT THE PUBLIC HEALTH, SAFETY AND WELFARE WILL BE PROTECTED.

The Applicant has demonstrated compliance with Criterion #2:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

III. CRITERION #3: THE FACILITY IS LOCATED SO AS TO MINIMIZE INCOMPATIBILITY WITH THE CHARACTER OF THE SURROUNDING AREA AND TO MINIMIZE THE EFFECT ON THE VALUE OF THE SURROUNDING PROPERTY.

The Applicant has demonstrated compliance with Criterion #3:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

IV. CRITERION #4: THE FACILITY IS LOCATED OUTSIDE THE BOUNDARY OF THE 100-YEAR FLOODPLAN OR THE SITE IS FLOOD-PROOFED.

The Applicant has demonstrated compliance with Criterion #4:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

V. CRITERION #5: THE PLAN OF OPERATIONS FOR THE FACILITY IS DESIGNED TO MINIMIZE THE DANGER TO THE SURROUNDING AREA FROM FIRE, SPILLS, OR OTHER OPERATIONAL ACCIDENTS.

The Applicant has demonstrated compliance with Criterion #5:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

VI. CRITERION #6: THE TRAFFIC PATTERNS TO OR FROM THE FACILITY ARE SO DESIGNED AS TO MINIMIZE THE IMPACT ON EXISTING TRAFFIC FLOWS.

The Applicant has demonstrated compliance with Criterion #6:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

VII. CRITERION #7: IF THE FACILITY WILL BE TREATING, STORING OR DISPOSING OF HAZARDOUS WASTE, AN EMERGENCY RESPONSE PLAN EXISTS FOR THE FACILITY WHICH INCLUDES NOTIFICATION, CONTAINMENT, AND EVACUATION PROCEDURES TO BE USED IN CASE OF AN ACCIDENTAL RELEASE.

The Applicant has demonstrated compliance with Criterion #7:

Aye 6 Abstain 0
Nay 0

Special Conditions _____

VIII. CRITERION #8: IF THE FACILITY IS TO BE LOCATED IN A COUNTY WHERE THE COUNTY BOARD HAS ADOPTED A SOLID WASTE MANAGEMENT PLAN CONSISTENT WITH THE PLANNING REQUIREMENTS OF THE LOCAL SOLID WASTE DISPOSAL ACT OR THE SOLID WASTE PLANNING AND RECYCLING ACT, THE FACILITY IS CONSISTENT WITH THAT PLAN.

The Applicant has demonstrated compliance with Criterion #8:

Aye 6 Abstain 0

Nay 0

Special Conditions _____

IX. CRITERION #9: If THE FACILITY WILL BE LOCATED WITHIN A REGULATED RECHARGE AREA, ANY APPLICABLE REQUIREMENTS SPECIFIED BY THE BOARD FOR SUCH AREAS HAVE BEEN MET.

The Applicant has demonstrated compliance with Criterion #9:

Aye 6 Abstain 0

Nay 0

NOW, THEREFORE, BE IT RESOLVED by the Village that based upon its findings herein on these nine criteria, the Village hereby:

Approves the Application for local siting approval.

Denies the Application for local siting approval.

BE IT FURTHER RESOLVED that this Resolution becomes effective immediately upon the adoption thereof.

PRESENTED, PASSED AND APPROVED this 15th day of Dec, 2008

ATTEST:

BY: [Signature]
VILLAGE CLERK

THE VILLAGE OF EAST DUNDEE BOARD OF TRUSTEES

BY: [Signature]
VILLAGE PRESIDENT

