



THE SWANSEA REPORT

VOLUME 32, ISSUE 1

JANUARY 2017

72 Families Helped By Swansea Family Christmas Program

Donations from individuals, families, civic organizations, and businesses helped make Christmas a little brighter for 72 Swansea families this year. Those families encompassed 141 adults and 97 children.

Cash donations exceeded \$7,000.00 this year, up somewhat from 2015. In addition, organizations and individuals donated toys and clothing, one business collected canned goods for the food pantry, and the Metro-Region Chamber of Commerce donated proceeds from their Holiday Bash event.

Cash donations were used to purchase gift certificates at local stores which in turn allowed families in need to purchase specific gifts for their children and buy food for their holiday meal.

While coordinated by the Village, the effort is successful each year because of the generosity of many and the volunteer hours put in by a few, including Gene Kish and Doris Rebenstorff. Thanks to all who helped or participated in any way.



Special Services Area (SSA) Ordinance Passed by Board of Trustees

Code Amendment Only Affects Newly Created Subdivisions

On December 5th the Board of Trustees passed an ordinance to amend the Swansea Subdivision Code and require the establishment of a Special Service Area (SSA) with each new subdivision created in the future.

There has been confusion with some that this ordinance will impact existing subdivisions, but that is not the case. The process in fact is already in place to allow the creation of SSAs for existing subdivisions.

SSAs are a funding mechanism for public services or improvements that might not otherwise be offered. It is designed to provide those services or improvements within a specific geographic area using a separate property tax paid by property owners within that area. Since those services or improvements directly benefit only the owners within the geographic area, they, and not the rest of the community, agrees to foot the bill.

As an example in an existing subdivision, say the residents want to have sidewalks built along all streets. This is not an improvement that the Village would normally make once a subdivision is created. But if those residents are willing to pay for the cost of the sidewalks themselves, they could approach the Village with the idea of establishing a Special Service Area.

It works like this. One or more property owners would request that an SSA be created. The Village would

do so by ordinance, designating a specific geographic boundary. The property owners within that boundary would then be notified and have 60 days to petition to not have the SSA take effect. At least 51% of the owners and electors can prevent the SSA from moving forward.

If no such petition was filed in our example, the Village would estimate the cost of the sidewalks to be built and determine the time period over which that cost will be paid off. It might issue bonds to finance the cost of the improvement. Assume that we do so and the bonds are to be repaid over 10 years.

The Village would then determine the total funds needed to make the first year principal and interest payments, and create a tax levy for at least that amount. After a public hearing, and then passage of the tax levy ordinance, the SSA tax would appear on the tax bill of every property within the specific boundaries of the SSA. After 10 years of similar levies, the bonds should be paid off and the tax would no longer be levied. Yet the residents would have use of the sidewalks for that entire time.

But again, the Village already has the ability under state law to do the above. The ordinance that was passed Dec 5th is a little different. This new ordinance requires that when a developer creates a new subdivision, an SSA is established at that time. So it is now mandatory for new subdivisions.

See SSA, page 8

News Briefs

Government Center Holiday Closings

Trash and Recycling Collection Will Not Be Affected

The Swansea Government Center and all non-emergency services of the Village will be closed on Monday, January 2nd in observance of the New Years holiday, and on Monday January 16th, in observance of Martin Luther King Jr. Day. The Village Board and committee meetings normally held on Jan 2nd, will be shifted to Tues, Jan 3rd, and the meetings normally held on Jan 16th will be shifted to Tues, Jan 17th. Meeting times and location remain the same.

These holidays will not affect trash and recycling collection. Republic Services will still make collections on Jan 2nd and Jan 16th.

Tax Levy Adopted

Following a sparsely attended public hearing on December 5, 2016, the Board of Trustees adopted a tax levy for the Village of Swansea that is \$358,000 higher than last year's levy. 100% of that increase in municipal

taxes will go towards the Village's required payments to Police and Fire Pension funds. There was no increase in the individual levies for any other public services.

Only one person from the public offered comments at the public hearing. That person noted that continued increases in the municipal rate will not be sustainable over time. Board members did not disagree, but explained that with the mandated funding levels for the pension funds, the Village has little choice other than to raise the levies for those funds.

Trustees also noted that while the Village has had to increase its share of the total property tax bill, the Village's tax rate remains low when compared to others. The Village has explained that for a home with a market value of \$162,300 - the median home value in Swansea - a Swansea owner paid \$348.89 this current year in Village taxes while in Belleville an owner would have paid over \$1,100 to their city. Cahokia had the highest comparable tax rate - almost 10 times the Swansea tax.

Village Owned House At 1901 Garden to be Demolished in Jan

The final structure on the properties purchased by the Village in the Garden Street area northwest of the intersection of IL Rte. 159 and IL Rte. 161, is slated for demolition in January. The Village recently received a report of no asbestos in

the structure and secured bids for its demolition. Police and Fire may use the structure prior to that time for training.

In total the Village has purchased and assembled 11 properties at the intersection, with all other structures on those parcels already demolished. Swansea hopes to encourage one or more developers to consider the area for commercial development. It is at one of the busiest intersections in the region and backs up to Swansea's MetroLink station.

Village Moving Closer to 911 Decision

While everyone from the State of Illinois to the Belleville News Democrat editor seems to think it is a no brainer as to how 911 dispatching should be provided to Swansea residents, the Village realizes this is a 'life and death' decision, and one that is likely to cost, not save, Swansea money.

Swansea dispatchers do more than answer 911 calls. They provide 24/7 staffing of the police station, answer thousands of non-emergency calls around the clock, and serve as the administrative support for officers on the street. Swansea is being forced to separate the duties of answering and dispatching 911 calls from those positions, and to buy those services from someone else. Yet, it still needs staff to provide all the other duties. So unless the Village closes the police station lobby for some part of

(Continued on facing page)

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News Briefs

the day, night or weekends, or pulls a patrol officer to staff the station, the Village projects that its costs will actually increase under the new law - by as much as \$75,000 per year.

For decades residents of Swansea who needed to call the Police Department have had their calls answered by a human being. The same for those who needed to visit the station. The Village and staff are proud of the level of service provided to the public. And they find it difficult to have an outside entity dictate how they should serve our residents, when that entity may not understand our community or the needs and wants of those residents.

So the Village is carefully considering the options available to it. The Corporate Authorities and the staff do not see the decision as one of simply selecting the cheapest option. The choice needs to balance what is most effective along with being efficient and economical. So while the Village has not yet made the final decision as to approach, when it does it will comply with the mandate in a way that best serves our residents.

Dec 16th Icy Weather Took Most by Surprise

Drizzle that began to freeze in the late afternoon of Friday Dec. 16th, caught many off-guard and made for treacherous commute within Swansea and the entire region.

While the weather report kept indicating rain, Swansea realized the precipitation was beginning to freeze and quickly called crews back to work and sent them out on their routes.

The Village's use of about 200 tons of salt on this one event, illustrates the degree of difficulty they had in helping to make roads passable. Traffic was snarled by accidents and that often inhibited snow plows from effectively following their normal routes. In addition, the ice was so bad the plows often had to back down streets to lay a layer of salt down first and help to give some traction to the truck. Even the smallest hill became a challenge.

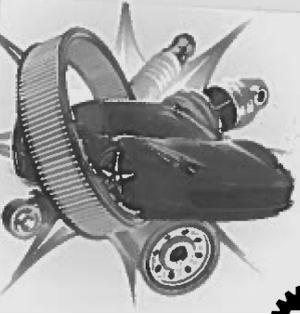
The Police and Fire departments faced similar challenges responding

to multiple accidents and calls for service. Sedans were parked in lieu of the much more effective SUVs and additional officers were called in to help with a nearly continuous stream of vehicular accidents.

In an 8-hour span during the event, calls were coming into the Swansea dispatchers at an average rate of one every 3 minutes, on both the emergency and non emergency phone lines. Ironically, 26 of those were 911 calls that rolled over from St. Clair County, Belleville, Fairview Heights, O'Fallon or East St. Louis.

A rollover occurs when a call to a dispatch center, or PSAP, is not answered within a specific time frame, so the system automatically routes it to another PSAP. In a similar region-wide event under the new consolidated 911 system, Swansea's PSAP will not exist to take those rollovers. It is therefore reasonable to project that in the future, some 911 calls may not be answered as quickly.

A side note: Be thankful for those who are willing to work long days and nights in service to our community.



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Village Considering Community Wide Yard Sale & Spring Cleanup

At their December meeting the Community and Economic Development Committee discussed the prospect of two, new, Village-wide events in the Spring.

The first would be a single Saturday, perhaps in April, when yard sales would be allowed Village wide without a permit. Individual residents and subdivisions / neighborhoods that normally have group yard sales would be encouraged to participate on that day. The Village will be checking with those groups to see if they are interested in participating.

The second event would be a single Saturday in May when residents can dispose of things like large items, electronics, waste oil, scrap metal, etc. by bringing them to manned stations at Mel Price Park. Volunteers would be needed to staff the stations. Employees are researching these possibilities now. More details will be available in future Swansea Reports.



Employees & Sherriff's Deputy Recognized

At the meetings on December 20th, the Village recognized Barb Kimutis for her 10 years of service as an employee in the Admin Department, and Doug Iler for his 15 years of service as a Swansea Firefighter.

Police Chief Steve Johnson also recognized the recent efforts of St. Clair County Sherriff's Sgt. Kenny McHughes, who while on a routine patrol through the Swansea MetroLink parking lot, arrested two individuals who were involved in shooting a man on the train platform.



McHughes also recently assisted in the arrest of a robbery suspect at the BP gas station on 17th Street. The Chief expressed his gratitude for McHughes' efforts.

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Municipalities Affected By Battle Over IL Prevailing Wage Act

Seven months ago, Senate Bill 2964 passed both houses of the Illinois General Assembly. The bill linked the determination of prevailing wages to collective bargaining agreements even when those agreements cover as few as 30 percent of the workers performing similar work within a community. But the Governor used his Amendatory Veto powers to change the bill. The Senate then successfully overrode his veto, but the House failed to do so by a single vote. It is unlikely the war is over.

In the State of Illinois, any local government public works project, paid in whole or in part with public funds, is subject to prevailing wage laws. Under those laws, contractors must compensate their workers at a rate at least equal to the prevailing wages and benefits of that community. These rates vary by location, trade, and occupation.

The Village must pass an ordinance annually setting those rates and all contractors have to certify that their project payroll complies. A non-union contractor can still be awarded the project as the low bidder, but must

pay the prevailing wage rate, so they cannot be more competitive than another contractor when it comes to wages.

The Act also applies to Illinois school districts and a June 2014 study commissioned by the Illinois Chapter of the Associated Builders and Contractors, provides some insight into its impact. That study estimated that the prevailing wage requirements increased the employer's cost of benefits by approximately 60% and the cost of base wages by approximately 10%. As such, they projected that eliminating the requirement could lower the cost of labor on projects by a weighted average of 20%. Applying their estimates to total expenditures between 2002 and 2011, the study suggests that Illinois taxpayers could have saved an estimated \$1.6 billion in 2013 dollars during that time period if the Act were not in effect..

Part of Governor Rauner's "Turnaround Agenda" includes the option for local government to opt out of prevailing wage requirements and thereby cut the cost of municipal



projects. But if SB 2964 had become law, the Illinois Municipal Leagues said it "...would have the effect of inflating prevailing wage rates above what is actually being paid to all workers, union and non-union, performing such similar work", and would have taken away local government's option to determine its own local prevailing wage rate.

The big change is that SB 2964 would have deliberately excluding wages earned by non-union employees performing the same work in a geographic area, when calculating what wage rate is "prevailing". In other words, it would have only considered union wages in determining the average, or most prevalent wage.

See Prevailing Wage Act, page 9

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Who Maintains Storm Water? Some Erroneously Believe Village is

In Swansea, as in most area municipalities, rain water drains along streets and across public and private properties as it makes its way into natural drainage areas and eventually to larger streams and rivers. In some cases, it travels through pipes, in other cases it travels through open ditches and drainage ways.

Some residents assume that all such pipes, ditches and drainage ways belong to the Village and are the Village's responsibility when it comes to maintenance, but that is almost never the case when that drainage is on someone else's property.

It's obvious that the Village would maintain its own parcels of property, such as the land where the Government Center or Police Department are located. The same is true for parks owned by the Village.

And it also makes sense that the Village has responsibility to maintain its streets and any drainage system on the street. But the street pavement lies within a specific width, most often 50 feet. This strip of land is called public right-of-way and when Swansea owns and has jurisdiction over right-of-way, it has the responsibility to maintain any ditch, drainage structure or storm sewer pipe within that right of way.

Yet, what happens if a pipe or ditch does not run parallel to the roadway? What happens when a drainage system crosses under the road and continues into and across private property? As soon as the ditch, pipe

or other storm sewer component enters upon private property, responsibility for its maintenance or repair almost always transfers to that property owner. This can be a surprise to some who assume that the Village has responsibility for all storm sewers. But it does not. Here are some common questions and answers in relation to the issue.

What are the Village's specific responsibilities in terms of storm water drainage?

The Village has a responsibility to keep that portion of the drainage system on public property working properly. Even under those circumstances liability is not absolute as to any certain properties that may have issues, since the Village owes a duty to the public at large rather than to individual landowners when it comes to handling storm water. The Village could be liable for direct damages, however, if the Village itself made changes to the storm water flow and that action caused flooding on a specific property.

Other than in rare instances, the Village does not have responsibility for storm water drainage on private property. The private property owner is instead responsible for maintaining any portion of the drainage system that is located on their property and for solving localized drainage problems on their private property.

Isn't storm water drainage a "public issue" even on private property? If not, where is the dividing line between public and private responsibility?

The property line that divides the public right-of-way from the adjoining private property generally marks the end of the Village's responsibility. Nevertheless, the Village is no different than any other property owner in that the Village has a duty to avoid changing the course of water flowing onto adjacent properties so that damages to the adjacent property are avoided. Landowners bear a duty to not increase the natural flow of surface water onto the property of an adjacent landowner and the Village, in its role as the public landowner, must comply the same as any private landowner.

Does the Village have to enter upon private property and use public employees and public funds to address storm water or drainage issues? Or should it?

No. Any required remedial action should be directed to, and undertaken by, the private property owner.

Can the Village voluntarily choose to address storm water drainage issues on private property?

Many are aware that on the St. Louis side of the river, the Metropolitan Sewer District (MSD) maintains both sanitary and storm water sewer systems. These systems cross municipal boundaries. The district is a separate public entity that levies taxes or charges fees, and that generate revenue to fund those specific services. The public, in that case, has decided that these are services they would like government



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to provide on their behalf, and they collectively pay MSD to do so.

In Illinois, municipalities have the authority, like MSD, to establish a storm water utility system and charge a storm water fee to pay for that service, but only if they are “home rule”. Swansea is not a home rule municipality, so it does not have that authority.

There are a few non-home rule municipalities in Illinois that have established similar storm water utilities. However, there is no specific statutory authority for them to do so, and those few have not yet been tested in the court system.

Illinois follows Dillon’s Rule, which says that municipalities are creatures of the state and only have those powers granted to them by state statutes. Non-home rule municipalities therefore do not have the legal authority to take any action that is not specifically granted in those state statutes. And operating a storm water utility is not among those granted powers.

Our subdivision plat shows a “drainage easement” across our back yard. Doesn’t that mean the Village must maintain that easement and the drainage through it?

No. The engineers who designed your subdivision needed to provide easements where utilities like potable water, sanitary sewer, gas, electric, phone and cable TV could be installed and maintained.

These are identified as utility easements and in newer subdivisions are typically for underground utilities. Engineers may also designate the same easements as “drainage easements”, to allow for the flow of storm water over the surface of the property, or through pipes under the surface of the property.



But storm water is not a “utility”. So while the Village of Swansea has a right and an obligation to enter upon that easement to maintain its sanitary sewer lines installed within the easement, absent some legal agreement or legal order to the contrary, it has no obligation to maintain the surface drainage or any storm water system underground on private property in a subdivision drainage easement.

Therefore, if there is a natural drainage way or storm sewer pipes across your property, you, and not the Village, must keep them clear and free flowing, so that storm water does not back up onto your neighbor’s property or into the public streets.

Likewise, you as a property owner, cannot change the flow of storm water so that it leaves your property at a rate faster than it naturally would, because doing so might flood or otherwise negatively impact other properties downstream - making you liable for direct damages.

VILLAGE OF SWANSEA CONTACT INFO

Swansea Government Center
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**Administration,
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swanadm@swanseail.org

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swanbnz@swanseail.org

**Swansea Police Department
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Non-emergency: 618-233-8114
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**Swansea Fire Department
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Engine House: 618-234-3291

Village of Swansea Officials

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Village Clerk Lauren O’Neill
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News Briefs

SSA - continued from page 1

There is a very good reason for that. As explained, in an existing subdivision, the creation of any proposed SSA can be halted by 51% of property owners and 51% of the electors. With a new subdivision, there is one owner who by law must now establish the SSA, so they will not be able to object to it. This in essence ensures that the SSA will be created and remain in effect.

While that might seem heavy handed, the Village's actions have a very specific purpose. In today's subdivisions, things like detention ponds exist on outlots that are to be owned and maintained by a home owners association. But sometimes those associations never form or fade away over time. The result is often a detention pond overgrown with weeds and no one to maintain it. Property owners in the subdivision tend to look to the Village to address the weed issue, but the Village does not want to incur the cost of doing so if there is no means to recoup that

cost. The rest of the taxpayers in town should not have to maintain a detention pond in a specific subdivision.

The new ordinance simply allows the Village to add a new tool to its toolbox at the time a subdivision is now created. It may never need to use that tool, and in fact hopes that it does not. But should a situation ever occur where responsibility for a detention basin like in this example falls to the Village, then the Village could levy a tax to cover the cost of maintenance and repairs, and have a means in place to recoup that cost from the properties in the subdivision that directly benefit from the detention basin.

The new ordinance simply creates the framework within which the Village could fund a service or improvement that it would not normally provide, without that cost having to be borne by the rest of the taxpayers in Swansea. Hopefully, by understanding that motivation, residents can appreciate the Village's proactive approach.

Village To Participate in SIUE Internship Program

The Village Board has agreed to participate in the internship program for SIUE's graduate degree program for students pursuing a masters degree in Public Administration. In addition to their two years of classroom instruction, the internship allows students to gain real world experience while helping municipalities like Swansea to get some additional tasks accomplished.

The Village will interview available candidates in the first week of January and select one to start mid-month. That intern will work 20 hours per week for 17 weeks at the Government Center. Under the program the Village pays the University \$5,000 to cover costs and the student receives a full tuition waiver in exchange for their work. The Village sets the work hours, the tasks to be accomplished, and oversees the student during the period of the internship.



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News Briefs

Local Rotary Club Seeks Host Families For Belize Children

Rotary International District 6510, which includes the Swansea club, is looking for local families willing to make a difference in the life of a child. For the last 39 years local clubs have been bringing children with medical needs from Belize, Central America, to receive treatment at Shriners' Hospital in St. Louis.

As in previous years, they need host families willing to take these children into their homes and help them get through their surgery. The children then return to Belize and their loving families, with a chance for a better life.

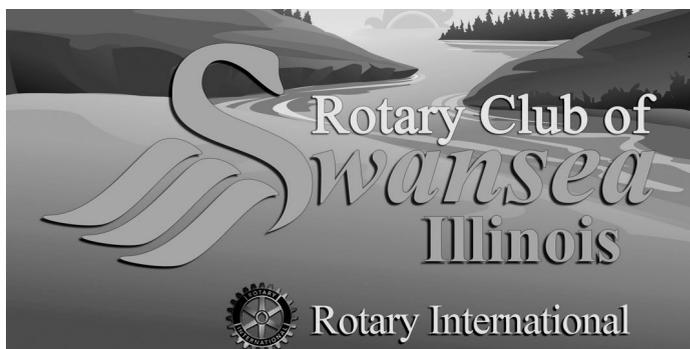
The club would also welcome help transporting and assisting in the care of the children.

You do not need to be a member of Rotary to help in this effort.

With the help of caring and loving families in Southern Illinois and Eastern Missouri, the program has been able to assist the medical needs of over 350 children to date.

Want to make a difference in a child's life in 2017? Or do you know someone else who might open their home and their heart to one of these children? If so, please contact Charlene Brennan at (618) 293-9120, Christine Lashley at (618) 397-0439 or Tim Gutknecht at (618)281-7626.

More info can be found at thebelizechildrensproject.webs.com.



Prevailing Wage Act - from pg 5

The Village of Swansea's public works projects are obviously covered under the Act and there is no doubt that the Act adds cost to projects. It requires some contractors bidding on a Village project to pay their employees more than their normal wages and benefits, and that cost gets passed on to the Village as part of the bid price.

While this helps level the playing field for union contractors bidding on the same projects, most acknowledge that if the Act were repealed, or if municipalities were able to opt out, some bid prices would be lower and municipalities would ultimately have the ability to do more projects with the same dollars.

However, if it had passed, SB 2964 would have swung the pendulum in the opposite direction, thereby increasing the cost of public works project for municipalities.

Again, the Governor won this battle, but the issue is certain to rise again.

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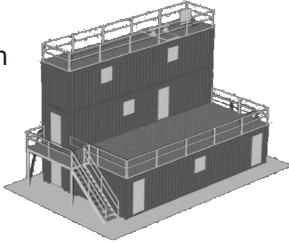
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News Briefs

Fire Chief Presents Initial Concepts for Training Facility

At the December 19th Public Safety Committee meeting, Fire Chief John McGuire presented



concepts for a fire training facility, planned for construction behind Station #2 on Huntwood Rd. The fenced area behind the station was always envisioned for this use.

The proposed approach calls for constructing the three-story facility from five 40 foot shipping containers - a design concept that will allow for multiple training scenarios in real world smoke and fire conditions. It will be paid for with Foreign Fire Insurance Funds - a tax paid by all insurance companies doing business in Illinois but located outside the state - with no money required from other Village funds.

Register by Jan 7th for Trivia Night to Fight Cancer; Benefits Brant Ballenger Foundation

The Brandt Ballenger Foundation will host its first Trivia Night on Saturday, January 14th. Proceeds will go to the foundation which supports efforts to find a cure for childhood cancer. You must register by January 7th.

Brandt was a Wolf Branch student in Oct 2011 when doctors discovered he had Wilms' tumor, a rare kidney cancer that primarily affects children. Only 7 years old, the Stage 4 mass was significant in size and the cancer had metastasized to his lungs. After battling that cancer for two years, Brandt passed away at age 9.

The Trivia Night will be held at C.K.L. of I., 2800 N. Illinois, in Swansea. Doors open at 6:30pm and Trivia begins at 7:00. Cost is \$160 per table with a maximum of 8 players per table. The cost includes beer and soda. A cash bar will be available for



other drinks. You may bring your own snacks, but no outside drinks.

There will be other ways to donate to the cause and potentially take home a prize or two. There will be basket raffles, 50/50 drawing, chances on a Yeti Cooler and Barrel of Booze and more.

For more information, email to brandtballengerfoundation@gmail.com. The organization also has a Facebook page: <https://www.facebook.com/TeamBrandtBallenger/>.

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Swansea Community Calendar - January 2017

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
	New Year Holiday Observed Govt Center Closed	Committee Meetings 6:00pm Govt. Center Village Board Meeting 7:30pm Govt. Center				
8	9	10	11	12	13	14
		Planning and Zoning Board Meeting (if needed) 6:00pm Govt. Center			Chamber of Commerce Morning Mingle 7:45am - 9:00am Recreation Center Fairview Heights Rec Center, 10025 Bunkum	Swansea Park Board Meeting 7:00am Norman Lehr Center Swansea Patriots Meeting 8:00am Norman Lehr Center
15	16	17	18	19	20	21
	Martin Luther King Jr. Holiday Govt Center Closed	Committee Meetings 6:00pm Govt. Center Village Board Meeting 7:30pm Govt. Center	Chamber of Commerce Business After Hours 5:30pm Holiday Inn, Fairview Heights			
22	23	24	25	26	27	28
29	30	31				

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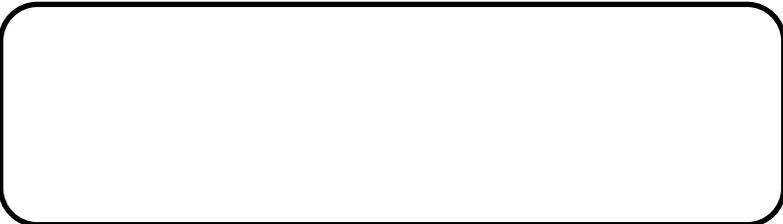
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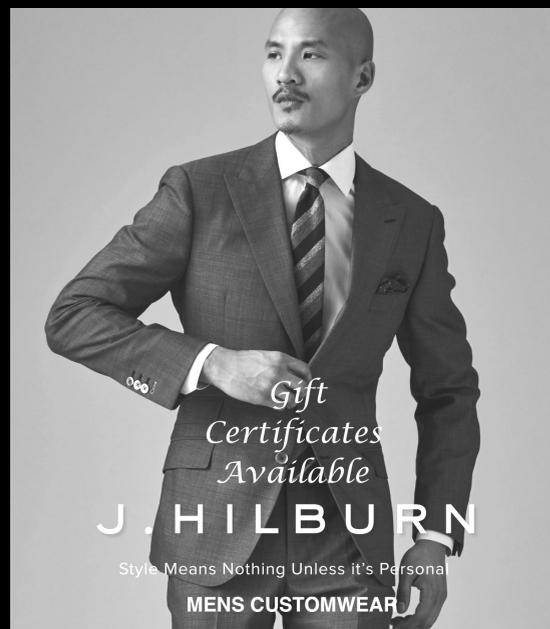


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