

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,  
DECEMBER 17, 2008 AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD**

**I. Call to Order and Roll Call**

At 7:35 p.m. President Sauer called the Meeting to order. The Deputy Village Clerk led the pledge of Allegiance, and then called the roll:

Present in Person: President Sauer, Trustees Boland, Farrell, Kolar, Koertner, Pino (arriving at 7:42 p.m.) and Weiner (arriving at 7:40 p.m.)  
Absent: None  
Also Present: Kathy Nelander, Village Administrator  
J.W. Braithwaite, Village Attorney  
Kris Lennon, Deputy Village Clerk  
John Cifonelli, Zoning Board of Appeals Vice Chairman  
Janet Agnoletti, Barrington Area Council of Governments  
Joe Arizzi, Wauconda Fire Department  
109 W. Liberty Street, Wauconda  
David Carson, 283 Kimberly Road  
Brad Sparesus, 463 Oxford Road  
Susan Allman, 425 Mockingbird Lane  
Tony Solano, Pioneer Press

**II. Public Comment**

Dave Carlson, 283 Kimberly Road, addressed the Board and requested an explanation of the Flint Creek Project and how the initial clearing of land on private property is effective in addressing creek issues.

President Sauer explained that purpose of the project is to restore Flint Creek to its natural state while improving the stormwater management system. President Sauer further explained that the project involved the recommendations from naturalists and environmentalists such as the Flint Creek Watershed Partnership and Citizens for Conservation. Additionally, the Village hired a professional maintenance company, Tallgrass Restoration, LLC (Tallgrass) to assist with a design plan consisting partially of the necessary removal of invasive species, with plants such as buckthorn and garlic mustard, in order to restore shorelines; afterwards, a diverse community of native plants will be established which aid in erosion control and absorbing chemical run-off. The project is being done on private property because private property lines both sides of the creek.

Mr. Carlson asked if he was going to be reimbursed for the buckthorn he's previously removed. President Sauer stated that Mr. Carlson would not be reimbursed for his prior efforts in removing

buckthorn however; commended him for his previous efforts. President Sauer further added that the project has ecological advantages, improves property values, creates an example for future generations on how to manage streams and flowing waters within their community, and is an overall benefit to the Village.

Mr. Carlson asked if erosion issues will be addressed on his property. President Sauer stated that if Mr. Carlson's property is located on Flint Creek, that his property would be involved in the restoration of the creek in its entirety.

Mr. Carlson asked for a specific restoration plan for his property. President Sauer stated that Tallgrass would need to evaluate his property.

Mr. Carlson asked if the Village is planning to remove buckthorn located on public property such as Eton Park. President Sauer stated that cleaning up the Village will be an ongoing process and that the Village needed to start somewhere. President Sauer encouraged Mr. Carlson to speak with the naturalists and environmentalists involved with the project.

In conclusion, Mr. Carlson noted that that communication regarding the project needed improvement.

President Sauer thanked Mr. Carlson for his remarks.

Trustee Weiner stated that he was surprised at the amount of clearing removed by Tallgrass at the project site. President Sauer explained that the initial stages of the project are not necessarily appealing, however; after the native plants are placed in the ground, the land will restore to its natural state.

### **III. Consent Agenda**

Motion: Trustee Weiner moved approval of the consent agenda consisting of the following agenda items; seconded by Trustee Boland:

- A. Approve Minutes of Regular Board Meeting, 11/19/08**
- B. Approve Minutes of a Special Meeting of the Village Board and the Environmental & Health Commission, 12/2/08**
- C. Approve 12/17/08 Vouchers for payment of bills**
- D. Approve the Treasurer's Report for the 7th month of Fiscal Year 2009**
- E. Approve Resolution #2507 re-appointing Kurt Kubon as Finance Committee Member**

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Farrell, Kolar, Koertner, Pino and Weiner

Nays: None  
Absent: None  
Abstain: None

President Sauer declared the motion approved.

#### **IV. PRESENTATIONS**

##### **A. Janet Agnoletti, Executive Director, Barrington Area Council of Governments – BACOG Proposed 2009 Legislative Platform**

Information regarding the BACOG 2009 Legislative Platform was distributed to the Board in their packet materials.

President Sauer introduced Barrington Area Council of Governments (BACOG), Executive Director, Janet Agnoletti to present information on the proposed BACOG 2009 Legislative Platform.

Ms. Agnoletti stated that the BACOG 2009 Legislative Platform was developed by BACOG's Legislative Committee and accepted by the Executive Board on 11/25/08. The proposed platform contained a variety of positions that cover pressing issues and is scheduled for adoption by the BACOG Executive Board on January 27, 2009.

Ms. Agnoletti explained that the proposed BACOG 2009 Legislative Platform is divided into three categories and highlighted some of the priority issues within each category:

- A) BACOG Guiding Principles
  - Protect local government revenues
- B) Legislative Priorities and Supported Issues
  - Oppose the Canadian National Rail Road Purchase of the EJ&E
  - Educate Legislators, Officials, and Units of Government Regarding Needed Modifications to Disconnection Legislation
  - Fund Local Groundwater Research and Protection Efforts
  - Support Illinois Municipal Reform Policies for Public Safety Pension Funds - Emphasized the importance of Support Notice to Municipalities and Townships of Foreclosures
- C) "Watch" Issues
  - Amend the Affordable Housing Act

Ms. Agnoletti requested that the Board provide a consensus and comments by January 14, 2009.

President Sauer asked the Board if there were any questions. There were a few questions from the Board which Ms. Agnoletti addressed.

President Sauer thanked Ms. Agnoletti for her presentation.

Motion: Trustee Boland moved to approve the BACOG 2009 Legislative Platform; seconded by Trustee Kolar:

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Boland, Farrell, Kolar, Koertner, Pino and Weiner
	Nays:	None
	Absent:	None
	Abstain:	None

President Sauer declared the motion approved.

## **V. VARIATION REQUEST/INTERGOVERNMENTAL AGREEMENTS**

### **A. Ordinance # 1151 Zoning Variation Request by Mr. Brad Sparesus, 463 East Oxford Road, North Barrington, IL 60010.**

President Sauer invited Village Zoning Board of Appeals Vice Chairman John Cifonelli to address the Board.

Village Zoning Board of Appeals Vice Chairman John Cifonelli explained that the Zoning Board of Appeals (ZBA) unanimously recommended approval of the proposed zoning variation on 12/17/08. The applicant proposed to erect a temporary batting cage for the purpose of practicing hitting and pitching of baseballs and softballs, to be maintained on the property between the months of March 15<sup>th</sup> thru October 1<sup>st</sup> of each year. Vice Chairman Cifonelli stated that: the applicant articulated his hardship; the applicant would like to provide a safe environment for his children while they are young; family time is limited.

President Sauer asked the Board if they had any questions.

Trustee Pino asked if the batting cage would be operated at night with lighting. Village Attorney J.W. Braithwaite stated that proposed ordinance prohibits artificial lighting.

Trustee Kolar asked if there were any objections from adjacent neighbors. It was noted that there were no objections received by the Village Hall. Vice Chairman Cifonelli added that there were no neighbors in attendance at the ZBA meeting.

Village Attorney J.W. Braithwaite asked if the applicant had received a copy of the proposed ordinance. It was noted that the applicant had not received a copy of the proposed ordinance however; a copy was provided.

Trustee Weiner explained that he personally requested that the applicant speak with three homeowners located south of the applicant's property about the batting cage who share a

common drive. The applicant replied that he had conversations various residents however; did not speak with the three residents Trustee Weiner was referencing. The applicant stated that he complied with the process of sending notice to adjacent residents as outlined by the Village.

Village Administrator Kathy Nelander stated that the original complaint about the batting cage came from one of the homeowners located on the shared drive.

Trustee Weiner stated that the applicant has planted trees since the complaint, however; explained that he would not vote in favor of the proposed zoning variation ordinance due to the applicant not speaking with the three residents located south of the property as requested.

Trustee Koertner stated that sending notice to the adjacent neighbors via certified mail qualifies as legal notification.

President Sauer noted that the applicant followed the procedure of notification to adjacent residents as outlined by the Village as well as provided additional landscaping however; the decision to table or vote on the matter would need to be determined by the Board.

Motion: Trustee Weiner moved to table the matter until further notice; no one seconded the motion.

Motion: Trustee Pino moved to adopt Ordinance No. 1151; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u> Ayes:	Trustees Boland, Farrell, Kolar, Koertner, and Pino
Nays:	Trustee Weiner
Absent:	None
Abstain:	None

President Sauer declared the motion approved.

Village Attorney J.W. Braithwaite suggested that the applicant, upon speaking with neighbors, particularly show page number 2 of the Ordinance which details specific protective language.

**B. Resolution # 2508 Approving Intergovernmental Agreement between North Barrington and the Solid Waste Agency of Lake County, Illinois**

The Resolution was made available to the Board in their packet materials.

President Sauer requested that Trustee Koertner explain the Resolution and Intergovernmental Agreement.

Trustee Koertner explained that all members of the Solid Waste Agency of Lake County (SWALCO) received the same proposed Intergovernmental Agreement (Agreement). The

Agreement provides for a continuation of the per ton payment to SWALCO members. Trustee Koertner noted that SWALCO members will receive a quarterly per ton payment for the amount of recyclables collected subsequently providing revenue for the Village. Trustee Koertner recommended that the Board approve the Resolution.

Attorney J.W. Braithwaite suggested that any motion on the Resolution/Agreement be conditioned on the final document being subject to legal review and non-substantive editorial language.

Motion: Trustee Koertner moved to approve Resolution No. 2508 with final document subject to legal review and non-substantive editorial language; seconded by Trustee Weiner:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Farrell, Kolar, Koertner, Pino and Weiner  
Nays: None  
Absent: None  
Abstain: None

President Sauer declared the motion approved.

## **VI. COMMISSION & STAFF REPORTS**

President Sauer stated that the following items were contained in the Trustee's packets and if there were any questions, to contact the appropriate Commission Chair or Village Officer.

- A. Building Department Report (Kelly Rafferty – Rafferty Architects)**
- B. Building Inspection Report (B&F Technical Code Services, Inc.)**
- C. Engineering Project Status Report (Jennifer Sorensen – Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Environmental & Health Commission Meeting Minutes, 12/2/08**
- F. Plan Commission Meeting Minutes, 12/8/08**
- G. Zoning Board Meeting Minutes 12/9/08**

## **VII. ADMINISTRATION – President Bruce Sauer**

### **A. Village Update**

President Sauer stated that due to seasonal and heavy snowfall, Village streets continue to be plowed.

President Sauer noted that in response to Mr. Carlson's public comment, information regarding the Flint Creek project has continually been open and available to the public at Village Board meetings, Environmental and Health Commission meetings, and the Village website however;

the Village will continue to work on improving its communication efforts per Mr. Carlson's request. President Sauer noted the importance of preserving the environment.

It was noted that the Village received two complaints about the Flint Creek Project. President Sauer personally spoke with one resident and Trustee Pino addressed the other.

There was further discussion among the Board about the Flint Creek Project. It was decided that it would benefit residents to schedule a special meeting in order to provide information, answer any questions, and provide an opportunity for feedback. It was noted that representatives from Flint Creek Watershed Partnership and Tallgrass Restoration, LLC would need to be in attendance. President Sauer stated that a date would be forthcoming.

## **VIII. REPORTS BY THE TRUSTEES**

### **A. Trustee Boland**

Trustee Boland had nothing to report.

### **B. Trustee Farrell**

Trustee Farrell had nothing to report.

### **C. Trustee Kolar**

Trustee Kolar had nothing to report.

### **D. Trustee Koertner**

Trustee Koertner reported that SWALCO members previously reached a consensus to open up contract negotiations with its hauler Waste Management (WMI) due to the Village of Island Lake requesting recycling carts for its residents. The consortium found that the cost of living increase factored into the proposed contract was high and requested that WMI address issues such as fuel charges, yard waste and sticker fees. Trustee Koertner stated that no decisions have been made to amend the current contract and that the Village's current contract expires August 2010.

Trustee Koertner reported that Countryside Landfill near Grayslake had been cited for an odor problem. Lake County, SWALCO and Grayslake hired an environmental consultant to perform an independent review.

Trustee Koertner reported that there was a presentation of Earth Paints Collection Systems (Earth Paints) at the 11/20/08 SWALCO meeting. Earth Paints is a facility that collects and recycles latex paint for the cost of \$2.50/gallon to the post-consumer. Trustee Koertner suggested an on-site collection for Village residents possibly in the spring.

Trustee Boland suggested that the Village consider a combined collection including electronics and latex paints. It was noted that electronic collections would be banned in 2012.

**E. Trustee Pino**

Trustee Pino reported on the Activity Report submitted by Village Building and Zoning Officer Kelly Rafferty and thanked Trustee Weiner for his attendance at the ZBA meeting on December 9<sup>th</sup>.

**F. Trustee Weiner**

Trustee Weiner noted for the record as a reminder that he abstained from voting on the Flint Creek Project. Village Attorney J.W. Braithwaite noted that the work being done on Trustee Weiner's property pertaining to the Flint Creek Project is no way different than the work being done on any other property or that will be done in the future on property with regards to possible claims of preferential treatment.

Trustee Weiner reported that the Environmental & Health (E&H) Commission met on 12/2/08 and discussed the idea of creating a Village ordinance to require residents to follow a maintenance schedule for septic tank inspection and pumping in an effort to reduce problematic septic systems within the Village.

Village Attorney J.W. Braithwaite explained that he can provide statutory information if the E&H Commission needed.

Trustee Farrell stated that the ordinance would be difficult to enforce however; the Village could create an ordinance relevant to new construction.

**IX. CLOSED SESSION:**

There was no closed session.

**X. NEW BUSINESS**

There was no new business to discuss.

**XI. OLD BUSINESS**

There was no old business to discuss.

**XII. ADJOURNMENT**

There being no further business to come before the Board, Trustee Kolar moved to adjourn the meeting; seconded by Trustee Pino. The voice vote was unanimous in favor.

At 8:45 p.m. President Sauer declared the meeting adjourned.  
These Minutes were approved by the Board at a meeting held January 28, 2009.

Attest: \_\_\_\_\_  
Kris Lennon, Deputy Village Clerk