

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,  
DECEMBER 17, 2007 AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD**

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

At 7:46 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, and Pino  
Absent: Trustees Contorno and Weiner  
Also Present: Kathy Nelander, Village Administrator  
Roberta A. Svacha, Village Treasurer  
Kris Lennon, Deputy Village Clerk  
Hal R. Morris, Arnstein & Lehr LLP, Village Attorney  
Susan Allman, Village Forester  
Warren Nass, 107 Mohawk Drive  
Pat Ryan, 404 Concord Lane  
Tony A. Solano, Barrington Courier  
Alice Niemiec, 404 Halcyon Lane  
Tom Leonard, Superintendent of Schools, District 220  
Sam Oliver, 480 Eton Drive  
Brian Battle, President School Board District 220  
Tom O'Connor, 249 Biltmore Drive  
Gery Herrmann, 257 Kimberly Road  
Bruce Kramper, 178 Pheasant Run Trail

**II. Public Comment**

President Sauer invited Susan Allman, Village Forester to address the Board.

Ms. Allman addressed the Board and was proud to announce that the Village was selected to receive an Urban and Community Forestry Grant through the Illinois Department of Natural Resources which qualifies North Barrington to receive a free Tree Count Service. The service includes a tree inventory for trees located on Village right-of-ways and a tree management plan provided by Mark Duntemann of Nature Path Consultants. In return, the Village must provide an in-kind service. Ms. Allman stated that she would like to see hazard tree reduction and tree maintenance as a result of the tree inventory and management plan.

President Sauer stated that Ms. Allman is doing an excellent job and commended her for her efforts in obtaining the grant.

Gery Herrmann, 257 Kimberly Road, Chairman of the Environmental and Health Commission, addressed the Board stating that the Flint Creek Watershed-Based Plan is now on Flint Creek Watershed Partnership's website at [www.flintcreekwatershed.org](http://www.flintcreekwatershed.org). Any feedback or comments regarding the drafted Plan must be submitted by 12/17/07.

### **III. Consent Agenda**

Items:

- E. Adopt Ordinance # 1130 regarding Tax Levy**
- F. Approve Resolution # 2473 regarding Tax Levy Road & Bridge**

were removed from the Consent Agenda for discussion.

Motion: On motion of Trustee Pino, seconded by Trustee Boland, moved approval of the consent agenda consisting of the following agenda items:

- A. Approve Minutes of Board Meeting – 11/19/07**
- B. Approve the 12/17/07 Vouchers for payment of bills**
- C. Approve the Treasurer's Report for the 7th month of Fiscal Year 2008**
- D. Approve Ordinance #1129; An Ordinance Amending the Reference in the Village Code from "Environmental Commission" and "Health and Sanitation Commission" to the new combined "Environmental and Health Commission"**

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**Items removed from the Consent Agenda for further discussion:**

- E. Adopt Ordinance # 1130 regarding Tax Levy**

The Ordinance had been made available to the Board in their packet materials.

Trustee Boland noted that the Board should vote separately on Consent Agenda Item "E".

President Sauer asked if there was any further comment from the Board.

There was no further comment.

Motion: Trustee Boland moved to adopt Ordinance #1130; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**F. Approve Resolution # 2473 regarding Tax Levy Road & Bridge**

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

Trustee Boland noted that the Board should vote separately on Consent Agenda Item “F”.

Motion: Trustee Boland moved to approve Resolution #2473; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**IV. PRESENTATIONS**

**A. Michael Alvarez, Alvarez & Associates – Government and Public Affairs Firm hired by the Village of Barrington – Updating the Board on the proposed EJ&E Purchase**

No one was in attendance from Michael Alvarez, Alvarez & Associates.

**B. Brian Battle, President, School Board School District 220 – Courtesy Review to the Board regarding the property at 566 Miller Road**

President Sauer invited Brian Battle, President, School Board Member, District 220 and Dr. Thomas Leonard, Superintendent of Schools, District 220, to address the Board.

Mr. Battle addressed the Board and noted that Sam Oliver, 480 Eton Drive, School Board Member, District 220, was also in attendance.

Mr. Battle explained District 220’s plan to purchase a parcel of land located at 566 Miller Road because it is adjacent to the N. Barrington Elementary School. Mr. Battle explained that the School Board and Administration are planning to approve the purchase of the property to be held in an open session on 12/18/07 at the next School Board meeting. Mr. Battle further explained

that the School District would like to partner with the Village to determine future use of the property.

Dr. Leonard stated that the purchase of the land would be of mutual interest to the Village of North Barrington as well as, District 220. Dr. Leonard noted three possible uses for the property which included field space, parking lot expansion, and access to Miller Road.

Trustee Kolar stated that his concern is that property values will decrease if District 220 uses the property to access Miller Road. Trustee Kolar asked the representatives if access to Miller Road was optional, would District 220 still be interested in purchasing the property.

Dr. Leonard and Mr. Battle replied that District 220 would still be interested in purchasing the property if access to Miller Road was not an option; additionally, Mr. Battle stated that District 220's interest in purchasing the property was not predicated on accessing Miller Road.

Trustee Farrell noted her concerns about access to Miller Road.

President Sauer thanked the representatives from District 220 for their presentations.

Dr. Leonard concluded by informing the Board that there is a house on the property which the School District may remove at a later date, however, will notify the Village if they decide to move forward with the issue.

## **V. VARIATIONS/CODE AMENDMENTS**

### **A. Ordinance #\_\_\_\_\_ Request for Health & Sanitation and Zoning Variations for the property at 239 Beachview Lane, North Barrington as submitted by Mr. Thomas L. O'Connor, 249 Biltmore Drive, North Barrington, Illinois**

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. Thomas L. O'Connor.

#### **ZR-10-1-2(B) and**

**ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.**

The subject property is non-conforming due to lot area, lot width and existing building setback.

**ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet, a lot width of at least 115 feet at the front lot line and an average width of 130 feet.**

The subject property has a lot area of approximately 11,870 square feet, a lot width of 100 feet at the front lot line and an average width of 100 feet.

**ZR-9-2(C): From the rear property line, the setback shall not be less than 40 feet.**

The proposed wood deck will be located approximately 19.18 feet from the rear property line, representing an encroachment of approximately 20.82 feet.

The existing dwelling is located 23.53 feet from the rear property line, representing an existing encroachment of 16.47 feet.

President Sauer invited Zoning Board of Appeals Chairman, Warren Nass to address the Board. Chairman Nass stated that the Zoning Board of Appeals (ZBA) on 12/11/07, recommended approval of Mr. O'Connor's variation request. Chairman Nass noted that he was the only ZBA member who objected to the variation request and subsequently contacted Village Health Officer Natalie Karney to discuss his concerns about the septic system. There was an oversight of a full bath located in the basement. In her memo faxed 12/14/07 to Chairman Nass, Ms. Karney noted that the downstairs tub should be removed and a condition be added to the variance consideration that no tub or shower be constructed in the basement. Ms. Karney additionally noted that the septic system cannot be expanded for the addition of any extra bedrooms; even a repair would be challenging due to the lack of available soil. Mr. O'Connor has plans to construct a new kitchen by converting the existing screen porch into a kitchen/breakfast area and remove the existing kitchen located in the basement of the house. Chairman Nass' concern is that, if the existing kitchen in the basement is removed, the basement has the potential use as a bedroom due to the existing full bath. Chairman Nass feels that an additional bedroom could result in septic problems. Chairman Nass noted that the parcel of land is small, at approximately 11,000 square feet, and there is no room for septic expansion. Chairman Nass concluded by stating that the proposed deck to be constructed in the front of the house was not addressed at the ZBA meeting.

Mr. Thomas L. O'Connor was invited to address the Board.

Trustee Pino questioned the history of the septic system and if it had previously failed or if an aerator was installed. Mr. O'Connor stated that it was his understanding that the system has never failed and an aerator had not been installed.

Gery Herrmann, 257 Kimberly Road, Chairman of the Environmental and Health Commission, spoke from the audience to address the issue of the septic system. Mr. Herrmann stated that the Environmental and Health Commission approved the septic variation at the 12/4/07 meeting and only made a recommendation for the installation an aerator system due to the absence of violations and septic failures. Lastly, Mr. Herrmann noted that prior to Mr. O'Connor purchasing the property, there was only one resident living at the house so the existing septic had very little use.

Mr. O'Connor explained that he lives two doors away from the property he recently purchased. He is familiar with the area, small lots, and septic issues. He installed an aerator system at his

current residence located at 249 Biltmore Drive. Mr. O'Connor explained that the existing house does not have a functional kitchen due to the existing kitchen being located in the basement and; the basement has no windows. He would like to construct a kitchen upstairs to make the house more functional. Mr. O'Connor also explained that the proposed deck to be constructed in the front of the house is more like a walkway, not a deck, and approximately three feet wide which will wrap around the front screen porch. He concluded by stated that he is not adding any additional baths or bedrooms to the house.

President Sauer stated that he is concerned about the septic system, however, moving the kitchen to the upstairs makes sense.

Mr. Herrmann noted that Village Health Officer, Natalie Karney approved the septic variance and that Mr. O'Connor's proposed plans for the house would not impact the existing system.

Trustee Boland referred to Village Health Officer, Natalie Karney's memo to Warren Nass faxed 12/14/07, noting that the septic system cannot be expanded for the addition of any extra bedrooms. Trustee Boland feels that it would be difficult for the Village to monitor the construction of additional bedrooms.

Discussion followed about how the Village currently handles septic system failures and how the Village should address future issues regarding non-conforming properties and non-conforming septic systems.

Mr. O'Connor stated that he would agree to install an aerator system in order to construct a kitchen in the upstairs portion of the house.

President Sauer asked Chairman Nass if he would feel comfortable with the installation of an aerator system as a condition to the variance request. Chairman Nass replied that he would not feel comfortable due the oversight of the full bath located in the basement.

Motion: Trustee Pino moved to table the zoning variance request until further information can be provided by the Village Health Officer, Natalie Karney; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared matter tabled until the January Board meeting.

## **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 (Andrea Pracht – Baxter & Woodman)**
- D. **Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. **Environmental & Health Commission Meeting Minutes 12/4/07**
- G. **Plan Commission Meeting 12/10/07**
- H. **Zoning Board of Appeals Public Hearing Minutes 12/11/07**

**VII. ADMINISTRATION – President Bruce Sauer**

- A. **Resolution # 2474 Approving the Intergovernmental Agreement for Contract Police Services by and among the Village of Lake Barrington, the Village of North Barrington, the County of Lake and the Lake County Sheriff**

The Resolution had been made available to the Board in their packet materials. Trustee Boland submitted a memorandum to the Board with his recommendation for police services as well as, the contract proposal together with reports detailing Calls for Service and Incident Reports from 2005, 2006, 2007 to date. Village Attorney J.W. Braithwaite submitted a copy of correspondence forwarded to James P. Bateman, Village Attorney for Lake Barrington on 12/17/07 with noted changes regarding the language on page one (1) of the Intergovernmental Agreement.

Trustee Boland stated that the Lake County Sheriff's Office offered North Barrington and Lake Barrington a three (3) year renewal of the current contract with the cost fixed at an increase of 4% annually. Trustee Boland feels that the contract is very favorable and recommended that the Board approve the renewal of the police services contract with the Lake County Sheriff's Office for the period of January 1, 2008 through December 31, 2010 at rates indicated on the contract proposal.

Trustee Kolar asked if the Village of Tower Lakes Police Department submitted a proposal for police services. Trustee Boland explained that he recently spoke with Tower Lake's Village President, Kathleen Leitner, who stated that their Village was not currently in a position to present a proposal for police services.

President Sauer thanked Trustee Boland for his efforts.

Motion: Trustee Boland moved to approve Resolution #2474; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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

Abstain:       None

President Sauer declared the motion approved.

**B.     BACOG – Proposed 2008 Legislative Platform**

The Barrington Area Council of Governments (BACOG) Executive Director, Janet L. Agnoletti requested that the BACOG 2008 Legislative Platform be reviewed by member governments' boards in December. The proposal had been made available to the Board in their packet materials.

President Sauer explained that the 2008 Legislative Platform comprised of BAGOG Guiding Principles and Priorities. President Sauer highlighted some of the Priorities which included:

- Mitigate Impacts from Canadian National Purchase of Elgin, Joliet, and Eastern Rail Road
- Fund Ground Water Research and Protection Efforts
- Support Modifications to Disconnection Legislation
- Support form Illinois Municipal League Reform Policies for Public Safety Pension Funds

President Sauer asked if there were any comments from the Board.

No one wished to comment.

**C.     Proposed Burning Ordinance – Tabled**

President Sauer explained that a proposed draft ordinance regulating outdoor burning had been made available to the Board for review by Village Attorney J.W. Braithwaite, however, the draft did not include Trustee Farrell's noted changes as presented at the November Board meeting. A copy of Trustee Farrell's proposed ordinance, with noted changes, was also distributed to the Board as a reference from the last Board meeting.

Trustee Boland proposed to change the language in Trustee Farrell's proposed ordinance to ban all leaf burning.

Trustee Pino stated that he thought purpose of the revision of the current ordinance was to limit leaf burning so that residents could get accustomed to a revised burning schedule.

Trustee Boland proposed that the Village provide a "free" leaf collection service to its residents and use Waste Management as the provider.

President Sauer stated that there are still residents who own large lots and have to bag their own leaves. He also reminded the Board of the results of the most recent Leaf Burning Survey and that approximately 40% of the residents who voted, voted in favor of leaf burning.

Trustee Boland stated that leaf burning, even on a limited basis, is detrimental to one's health.

Trustee Farrell suggested that the Board should move forward with the proposed ordinance and if Trustee Boland did not approve, he could vote against it. Trustee Pino seconded Trustee Farrell's suggestion.

Gery Herrmann, 257 Kimberly Road, Chairman of the Environmental and Health Commission, requested to speak from the audience. He added that it has been difficult to obtain quotes for leaf collection services especially for those residents with large lots and numerous trees.

Trustee Pino explained that further investigation is needed if the Village is going to consider a ban on all leaf burning.

Motion: Trustee Farrell moved to adopt Ordinance # 1131 by using the drafted ordinance as prepared by Trustee Farrell at the 11/19/07 Board meeting; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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|----------------------------|--|
| <u>By Roll Call:</u> Ayes: | President Sauer, Trustees Farrell, Kolar, and Pino |
| Nays:                      | Trustee Boland                                     |
| Absent:                    | Trustees Contorno and Weiner                       |
| Abstain:                   | None   |

President Sauer declared the motion approved.

**D. Discussion of Electronic Board Packets**

President Sauer discussed the idea of using electronic Board packets at Village Board meetings. He explained that if each Board member used a lap top computer, it would greatly reduce the amount of paper generated for the Board packets; the idea is, that each Board member would have their own electronic mailboxes with packet information available on-line; the Board would be able make changes and modifications to their own packet of information. The Village Office would also be able to update any last minute changes on-line.

The Board seemed to like the idea of electronic Board packets.

President Sauer encouraged the Board to explore the idea further.

**VIII. REPORTS BY BOARD OF TRUSTEES**

**A. Trustee Boland**

Trustee Boland had nothing to report.

**B. Trustee Contorno**

Trustee Contorno was absent.

**C. Trustee Farrell**

Trustee Farrell reported that the Plan Commission is moving forward with drafting an ordinance for Portable on Demand Storage (PODS) units including the requirement of Village permits and limiting the amount of time residents may store PODS on their property.

**D. Trustee Kolar**

Trustee Kolar reported that he attended an affordable housing seminar sponsored by Housing and Urban Development.

**E. Trustee Pino**

Trustee Pino had nothing to report.

**F. Trustee Weiner**

Trustee Weiner was absent.

**IX. CLOSED SESSION:**

There was no closed session.

**X. OLD BUSINESS**

There was no old business to discuss.

**XI. NEW BUSINESS**

There was no new business to discuss.

**XII. ADJOURNMENT**

There being no further business to come before the Board, Trustee Boland moved to adjourn the meeting; seconded by Trustee Farrell.

At 8:37 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held January 23, 2008.

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