

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,  
MAY 26, 2010 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, Koertner, Kolar, Pino  
and Weiner (Trustee Das Gupta arriving at 7:42 p.m.)  
Absent: None  
Also Present: J.W. Braithwaite, Village Attorney  
Kris Lennon, Deputy Village Clerk  
Nancy Schumm-Burgess, Schumm Consulting LLC  
Bruce Kramper, Environmental & Health Commission Chairman  
Don Darge, 150 N. Old Barrington Road  
David Carlson, 283 Kimberly Road  
Gery Herrmann, 257 Kimberly Road  
Ed Harris, Lake County Sherriff's Department,  
1301 N. Milwaukee, Libertyville

**II. PUBLIC COMMENT**

Don Darge, 150 Old Barrington Road, addressed the Board and explained that drainage runoff washes away gravel annually in the right of way next to his property during heavy rainstorms; consequently, a ditch is created between the road and right of way. Mr. Darge added that it is difficult for him to shovel the gravel off of his lawn each time a washout occurs. Mr. Darge submitted pictures to the Board depicting the after effects of the storm. Mr. Darge stated that Cuba Township Highway Department replaces the gravel each time a washout occurs but that the problem is recurrent.

President Sauer stated that he would speak with Tom Gooch, Cuba Township Highway Commissioner about the matter.

David Carlson, 283 Kimberly Road, addressed the Board to inquire about the repair of Rugby Road. President Sauer explained that Cuba Township Highway Department regularly inspects the road and that the engineers are in the process of developing plans and anticipates the project being completed in July. It was noted that residents would be notified about the project.

Mr. Carlson additionally inquired about the restoration efforts on Flint Creek. He believes that the clearing of the buckthorn has caused high rates of erosion on creek banks. He also believes that heavy rainfall washed away the cover crop.

Nancy Schumm-Burgess, Schumm Consulting, LLC, addressed the Board and offered to visit with Mr. Carlson at his property and Mr. Carlson consented. Trustee Pino offered to attend the meeting with Ms. Schumm-Burgess and Mr. Carlson.

Gery Herrmann, 257 Kimberly Road, addressed the Board to address two matters of concern. Mr. Herrmann noted his history of residency within the Village, his years of service to the Village and his initial interest and support of the restoration of Flint Creek. He resigned as Chairman of the Environmental & Health Commission in 2009 due to what he considered to be a "conflict of interest".

Mr. Herrmann addressed a matter regarding his proposal to the Village regarding a land swap. Mr. Herrmann offered to donate two parcels of land in exchange for a Village owned road right of way located at the end of Mockingbird Lane. The road has not been vacated. Mr. Herrmann noted that he has been maintaining this unimproved portion of the road for years and would like to plant vegetation in order to absorb drainage runoff.

President Sauer noted that the land swap could not occur unless Mr. Herrmann obtains permission from the surrounding property owners of the right of way. It was noted that not all of the surrounding property owners are in agreement with having Mr. Herrmann owning the easement.

There was discussion among the Board and Mr. Herrmann about different alternatives for the road. Village Attorney J.W. Braithwaite noted that the road can be vacated by the Village for such compensation, if any, that the Board deems appropriate. The Village also has the option of leasing the property as a driveway without the consent of surrounding property owners.

Nancy Schumm-Burgess, addressed the Board and offered to inspect the easement in order to consider vegetation that would absorb drainage runoff.

Mr. Herrmann additionally wanted to address a matter regarding the collapse of his driveway during a heavy rainfall. Mr. Herrmann described an array of events resulting from the rainfall that included: a driveway collapse next to the driveway culvert; basement flooding due to sump pump failure; the accumulation of debris under the driveway culvert as well as long jams on his property. Mr. Herrmann stated that the creek reached an extraordinary high level which he's never seen.

Mr. Herrmann stated that the Village Engineer took pictures of the damage although noted that the Village did not provide a follow-up call. The fire department visited the site, staked the area, and identified the gas line but did not aid in clearing the debris from the culvert. He obtained different quotes for repair of the driveway only to be informed by the Village that he could not fill the driveway with gravel due to permit requirements by Stormwater Management Commission and U.S. Army Corps of Engineers. The driveway was repaired and filled with a natural gravel product. Mr. Herrmann stated that he feels the damage done to his property was a

direct result of insufficient planning and execution of the restoration efforts. He does not have insurance for the collapse and posted approximately \$10,000 toward the repair.

President Sauer noted that when Mr. Herrmann previously approached the Village about a land swap in 2009, Mr. Herrmann noted concern at that time, about a potential driveway washout with the occurrence of a heavy rainfall. Mr. Herrmann denied President Sauer's comments.

Mr. Herrmann withdrew his assumption that all the debris came from the restoration efforts and asked the Board for a solution, inquiring about the Village's 50/50 Culvert Replacement Program.

President Sauer stated that the Village would check with the Village engineer about the 50/50 Replacement Program since it was reported that the culvert itself did not appear to be damaged or within a public easement.

Trustee Pino asked Mr. Herrmann if he'd obtained reports or data to support his comments.

Mr. Herrmann stated that he has no desire to seek legal proof for the damage to his property.

Mr. Herrmann distributed pictures and information for the Boards review.

There was discussion among the Board and Mr. Herrmann about the unusual amount of rainfall the day of the rain storm.

Mr. Herrmann noted that he would like to work with the Village to resolve his situation and asked the Board the following questions:

Q: The name of the engineering firm responsible for the "flow" of the creek before and after the clearing. Were permits issued by Lake County or Army Corps of Engineers?

A: President Sauer stated that engineering was not required to evaluate water flow and; permits were not needed to remove log jams in the creek.

Q: Is the Village currently providing maintenance for the private property parcels cleared of buckthorn?

A: President Sauer noted that the homeowners are responsible for the maintenance.

Q: Is the clearing/restoration project insured?

A: President Sauer stated that Tallgrass Restoration, LLC was insured.

Q: Is his under driveway culvert covered under the Village 50/50 Culvert Replacement Program?

A: President Sauer noted that the Village must review the area prior to a determination.

Mr. Herrmann requested assistance from the Village for the removal of the debris from his property. He noted that there are burnt logs within the accumulated debris on his property from the restoration project.

Village Attorney J.W. Braithwaite stated that if Mr. Herrmann requested information from the Village by means of a Freedom of Information Act Request form, that the Village would waive the five day compliance and advance his request. Mr. Herrmann stated that he received all the information he needed from the Village.

Trustee Kolar noted Mr. Herrmann's frustration and explained that the Village would need to review his statement in order to provide a response.

It was noted that the Village would take a look at the debris on Mr. Herrmann's property.

President Sauer asked if the Board had further questions.

There was brief discussion among the Board.

### **III. CONSENT AGENDA**

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

- A. Motion to approve Minutes of Village Board Meeting, – 4/28/10**
- B. Motion to approve 5/26/10 Vouchers for payment of bills**
- C. Motion to approve the Treasurer's Report for the 12th month of Fiscal Year 2010**

Discussion: There was no discussion.

Vote on Motion

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

Nays: None

Absent: None

Abstain: None

President Sauer declared the motion approved.

### **IV. ORDINANCES/CODE AMENDMENTS**

- A. (Tabled) Consideration of Ordinance # \_\_\_\_\_, Amending Village Code Title 6, Chapter 2, Animals

President Sauer explained that the matter was tabled at the April Board meeting.

There was brief discussion among the Board.

Trustee Das requested that the matter continue to be tabled for further analysis. There were no objections from the Board.

B. (Tabled) Consideration of Ordinance #\_\_\_\_\_, Septic Maintenance Ordinance

President Sauer explained that the matter was previously tabled.

There was brief discussion among the Board.

Trustee Weiner requested that the matter continue to be tabled for further review. There were no objections from the Board.

C. Consideration of Ordinance # 1186 to Amend the Intergovernmental Agreement between the Township of Cuba Highway District and the Village of North Barrington to include additional portions of Scott Road

President Sauer explained that upon the Intergovernmental Agreement being entered in November, a portion of Scott Road was excluded from the transfer of jurisdiction. The area on which the equestrian center building is located is not part of the Old Barrington Farm Subdivision therefore, that portion of Scott Road was inadvertently excluded. Village Attorney J.W. Braithwaite recommended that the Board adopt an Ordinance approving an Amendment to the Intergovernmental Agreement.

Motion: Trustee Weiner moved to adopt Ordinance # 1186; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

<u>By Roll Call:</u> Ayes:	President Sauer, Trustees Boland, Das Gupta, Koertner, Kolar Pino and Weiner
Nays:	None
Absent:	None
Abstain:	None

President Sauer declared the Ordinance adopted.

**V. ADMINISTRATION**

A. Flint Creek Update

President Sauer invited Nancy Schumm-Burgess, Schumm Consulting LLC, to address the Board.

Ms. Schumm-Burgess reminded the Board that in 2008, the Board passed a resolution to adopt the Flint Creek Watershed Plan in order to conserve and restore the natural environments and

manage local open spaces designed to protect natural resources. Ms. Schumm-Burgess noted that the most recent rainfall of 3.5 inches in two hours was an unusual occurrence.

Ms. Schumm-Burgess discussed current goals of the project including:

- Reduce flooding by improving hydrologic function of wetlands, waterways, and floodplains
- Stormwater management; improve the conveyance of current waterways using the wetlands, floodplains, and waterways to convey water rather than roads
- Engage and educate the community on best management practices so that water protection becomes a way of life in North Barrington
- Improve water quality for both surface and groundwater uses

Ms. Schumm-Burgess noted accomplishments of the project to date including:

- Improved water flow
- Received a \$10K grant to create a guide for the residents
- Received recognition for the Village's efforts from Illinois Environmental Protection Agency and other conservation agencies
- Improved communication with residents on creek issues

President Sauer noted that he would like the restoration project to continue.

Trustee Das Gupta stated that it is difficult to move forward on the restoration project when it appears that prior work has not completed.

Trustee Koertner stated that the project lacks a cohesive plan and that there are certain issues which require consideration before moving forward such as private property issues and budget concerns.

There was further discussion among the Board.

Trustee Boland stated that a "committee of the whole" meeting of the Board of Trustees should be arranged in order to discuss policy decisions and budget concerns.

Motion: Trustee Boland moved to call a "committee of the whole" meeting of the Board of Trustees for the purpose of discussion of the Flint Creek Restoration Project with a date to be determined; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

Nays: None

Absent: None

Abstain: None

President Sauer declared the motion approved.

President Sauer requested that Trustee Boland chair the Committee of the Whole meeting. Trustee Boland consented.

B. Consideration of Resolution # 2560, IDOT Resolution for Maintenance of Streets and Highways

Information was distributed to the Board in their packet materials.

President Sauer explained that \$180,000 from the Village's Motor Fuel Tax fund will be appropriated for the purpose of maintaining streets and highways within the Village and is predicated on the recommendation for the Year 2010 Road Maintenance Program submitted by Gewalt Hamilton Associates, Inc.

Motion: Trustee Boland moved to approve Resolution #2560; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

C. Transfer funds from the Administration Account (F/Y 2010) to the Trust & Agency Account of Old Barrington Farm to refund overcharged amount of \$1,555.16

President Sauer explained that a Trust & Agency Account was set up for the Old Barrington Farm in the amount of \$15,000 with a cap amount of \$25,000. By the time negotiations were completed, the account was overcharged by \$1,555.16.

Motion: Trustee Boland moved to approve the transfer of \$1,555.16 from the Administration Account (F/Y 2010) to the Trust & Agency Account of Old Barrington Farm to refund an overcharge on the Trust & Agency Account; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

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

Abstain: None

President Sauer declared the motion approved.

## **VI. REPORTS BY BOARD OF TRUSTEES**

### **A. Trustee Edmund “Pete” Boland**

Trustee Boland had nothing to report.

### **B. Trustee Ginger Das Gupta**

Trustee Das Gupta reported on the activities of the Parks and Recreation Commission.

### **C. Trustee Camille Koertner**

Trustee Koertner reported on an article in the Chicago Tribune dated 5/14/10. A neighborhood in the Village of Barrington will host the state’s first community experiment called “Residential Curbside Organics Recycling Program”. The program will experiment with composting food scraps and be conducted by the Solid Waste Agency of Northern Cook County and Groot Industries. The program will run through November and is of no cost to residents.

Trustee Koertner had nothing further to report.

### **D. Trustee Mark Kolar**

Trustee Kolar had nothing to report.

### **E. Trustee Al Pino**

Trustee Pino reported that will be attending a meeting on 6/17/10 at the Village Hall as Trustee Liaison for Village roads to discuss the Miller Road Project.

Trustee Pino additionally reported that he attended a breakfast held by the Commanding Officer, Naval Station Great Lakes IL on 5/22/10 regarding the formation of the Lake County Military Advisory Council. The purpose of the presentation was to link the military with civilian communities and recognize outstanding achievements of the local community in support of the military. Trustee Pino noted it was an informative presentation.

### **F. Trustee Lawrence “Lawre” Weiner**

Trustee Weiner reported that the Zoning Board of Appeals will meet in June.

## **VII. CLOSED SESSION**

There was no closed session.

**VIII. NEW BUSINESS**

There was no new business to discuss.

**IX. OLD BUSINESS**

There was no old business to discuss.

**X. ADJOURNMENT**

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

At 9:20 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held June 23, 2010.

Attest: \_\_\_\_\_

Kris Lennon, Deputy Village Clerk