

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,  
FEBRUARY 24, 2010 AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD**

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

At 7:42 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, Das Gupta, Koertner, Kolar, Weiner and Pino (arriving at 8:05 p.m.)

Absent: None

Also Present: Kathy Nelander, Village Administrator  
J.W. Braithwaite, Village Attorney  
Kris Lennon, Deputy Village Clerk  
Nancy Schumm-Burgess, Barrington Area Conservation Trust  
M/M Steve Benck, 301 Glen Circle  
Bruce Kramper, 178 Pheasant Run Trail  
Ed Harris, Lake County Sherriff's Department,  
1301 N. Milwaukee, Libertyville  
Brian Drexler, 239 Shady Lane  
Tony Solano, Pioneer Press

**II. PUBLIC COMMENT**

There was no one who wished to speak.

**III. CONSENT AGENDA**

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

- A. Approve Minutes of the Village Board Meeting – 1/27/10
- B. Approve 2/24/10 Vouchers for payment of bills
- C. Motion to approve the Treasurer's Report for the 9th month of Fiscal Year 2010
- D. Approve Resolution # 2548 appointing Joseph DiPino to the Finance Committee
- E. Approve Resolution # 2549 appointing Mary Huggins as Village Treasurer
- F. Approve Resolution # 2550 Designating Baxter & Woodman, Inc. as Enforcement Officer and Certified Wetland Specialist Under Chapter 5 of Title 5 of the Village Code – Development in Watershed Areas
- G. Approve Resolution # 2551 appointing Marry Huggins to the Finance Committee

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

#### **IV. PRESENTATION**

- A. Cuba Township Road District Highway Commissioner Tom Gooch – Discussion of Sign Inventory and Future Cost Requirements

President Sauer explained that the presentation by Cuba Township Road District Highway Commissioner Tom Gooch would be postponed as Commissioner Gooch was unavailable due to the inclement weather conditions.

#### **V. ORDINANCES/CODE AMENDMENT**

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

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

Motion: Trustee Das Gupta moved to remove from the table consideration of Ordinance # \_\_\_\_\_, Amending Village Code Title 6, Chapter 2, Animals; seconded by Trustee Boland:

Discussion: There was no discussion.

Vote on Motion

By Voice Call: The voice vote was unanimous in favor.

President Sauer declared the motion approved.

Trustee Das Gupta provided a Memorandum to the Board with suggestions to the proposed ordinance and highlighted several issues of concern such as, the definition of the word “trespass” and consequences for violations.

There was brief discussion among the Board.

Village Attorney J.W. Braithwaite suggested that a small committee be formed in order to review basic policy decisions. It was noted that Trustees Boland, Das Gupta, and Weiner volunteered for the committee.

Trustee Weiner suggested tabling the matter in order to review the material.

Motion: Trustee Weiner moved that the Board table the proposed amendment to Title 6, Chapter 2, Animals, until a subsequent Board meeting; seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

B. Consideration of Ordinance #\_\_\_\_\_, Septic Maintenance Ordinance

It was noted that a relined version of the ordinance prepared by the Environmental & Health Commission was submitted to the Board by Village Attorney J.W. Braithwaite in order to reflect his suggested changes and comments. Trustee Weiner additionally provided suggestions to the proposed ordinance.

It was noted by Village Attorney, J.W. Braithwaite that the proposed ordinance could reference the Village Code relative to failing septic systems; Trustee Boland requested that the Village Code provisions relative to the Village taking action on a failing septic system be made available to the Board.

Village Attorney J.W. Braithwaite noted that the Village will have an affirmative duty to notify residents when an inspection is forthcoming. President Sauer explained that the first step will be the compilation of maintenance records followed by notification to residents.

There was discussion among the Board about the \$25.00 operating permit fee. President Sauer explained that the permit fee covers a five year period, thus the cost is \$5.00 per year.

Trustee Koertner thanked the Environmental & Health Commission for their efforts in assembling the ordinance.

Due to the amount of new material provided, it was agreed upon by the Board to table the matter for further review.

Motion: Trustee Weiner moved that the Board table the matter until a subsequent Board meeting; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

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

Absent: Trustee Pino  
Abstain: None

President Sauer declared the motion approved.

- C. Consideration of Ordinance # 1183, Zoning Variation Request submitted by Mr. & Mrs. Steve Benck, 301 Glen Circle, North Barrington

The Ordinance was made available to the Board in their packet materials. President Sauer explained the variance to the code requested by Mr. & Mrs. Benck.

**ZONING VARIATION NEEDED:**

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

**ZR-10-4-2(A1b): A non-conforming building or use shall not be expanded.**

The existing house and wood decks are non-conforming due to front and side yard building setback encroachments.

**ZR-10-9-2(A3): From all other public roads or streets the setback shall not be less than 60 feet from the established centerline.**

Based on the 60 foot right-of-way established for Glen Circle, the required setback shall be 30 feet as measured from the front property line. The existing house is located approximately 18.70 feet from the front property line, representing an existing front yard setback encroachment of approximately 11.3 feet.

**ZR-10-9-2(B): From each side line that does not border on a road or street, the setback shall not be less than 10% of the average width of the lot.**

Based on an average lot width of approximately 195 feet, the required side yard setback shall be 19.5 feet as measured from the side property line.

The existing house is located approximately 10.66 feet from the side property line, representing an existing setback encroachment of approximately 8.84 feet. The existing wood decks and deck stairs are located approximately 7 feet from the side property line, representing an existing setback encroachment of approximately 12.5 feet.

The proposed new upper and lower wood decks and deck stairs will be located approximately 11.5 feet from the side property line, representing a proposed setback encroachment of approximately 8 feet.

The proposed lower Screen Porch will be located approximately 14.5 feet from the side property line, representing a proposed setback encroachment of approximately 5 feet.

President Sauer invited the applicants to address the Board and explained that Mr. & Mrs. Benck are seeking a zoning variation in order to replace the existing upper and lower wood decks and construct a new lower screen porch. The location of the existing house and wood decks do not conform to the building set back requirements; according to the Village Zoning Ordinance a non-conforming building or use may be continued and maintained, but not expanded.

Mr. & Mrs. Steve Benck, 301 Glen Circle, addressed the Board. Mrs. Benck explained that in 2005, they obtained a permit in order to construct an addition. Currently, the back upper and lower decks are falling off of the house. They desire to replace both decks and add a screened in porch on the lower level.

It was noted that the new deck is similar in shape to the existing deck and would not encroach any closer to the neighbor's property.

Motion: Trustee Boland moved to adopt Ordinance # 1183; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the ordinance 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 (Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Parks & Recreation Commission Meeting Minutes (2/1/10)**
- F. Environmental & Health Commission Meeting Minutes (2/2/10)**
- G. Zoning Board of Appeals Meeting Minutes (2/9/10, 2/16/10)**

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

- A. Nancy Schumm-Burgess – Flint Creek Update**

President Sauer invited Nancy Schumm-Burgess, Barrington Area Conservation Trust (BACTrust) to address the Board. Ms. Schumm-Burgess explained that the Village received a rejection letter regarding the Section 319 Funding for the Flint Creek Restoration Project; efforts will continue to search for other grants. An update was provided on the restoration efforts on Flint Creek and the property adjacent to Eton Park.

Ms. Schumm-Burgess stated that she met with the Environmental and Health (E&H) Commission to review and improve the Integrated Lakes Management proposal for water quality testing. It was noted that the E&H Commission approved the revised proposal.

Village Attorney J.W. Braithwaite commented that he received deeds from a bank land trust for three parcels located in Eton Park that are being donated to the Village. The matter will be officially before the Board at the next Board meeting.

**B. Consideration of Water Quality Testing Proposal – Integrated Lakes Management**

Nancy Schumm-Burgess, BACTrust, explained that the E&H Commission recommended a five year contract with Integrated Lakes Management in order to provide consistency. Ms. Schumm-Burgess recommended that the Village Attorney include a yearly opt out clause.

Trustee Pino arrived during this portion of the Board meeting.

Motion: Trustee Koertner moved that the Board approve the Integrated Lakes Management Contract, Proposal No. ILM 021010-03, dated February 10, 2010, to include a yearly opt out clause, subject to legal; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**C. BACOG Lobby Days – Springfield**

President Sauer stated that would not be attending lobby days as originally planned. The Barrington Area Council of Governments (BACOG) will be presenting BACOG bill, SB2804, regarding municipal authority to set lower speed limits on local roads, to legislators at the event.

**D. Transfer Bills from Trust and Agency Account of Pak, 242 Shady Lane to the Legal Budget for Payment**

President Sauer explained that a Trust and Agency (T&A) Account was created to pay bills on a Village matter concerning M/M Pak, 242 Shady Lane. The total costs for the Village are in the amount of \$14,436.30. President Sauer requested a transfer of bills from the T&A Account to the legal budget. It was noted that the matter was settled and M/M Pak paid \$1,000.00.

Motion: Trustee Boland moved that the Board approve the transfer of bills from the Trust and Agency Account for M/M Pak, 242 Shady Lane, to the legal budget in the amount of \$14,436.30; 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.

**VIII. REPORTS BY BOARD OF TRUSTEES**

**A. Trustee Edmund "Pete" Boland**

Trustee Boland had nothing to report.

**B. Trustee Ginger Das Gupta**

1. Transfer Bills from Trust and Agency Account of 2009 Fall Festival to the Parks Budget for Payment

Motion: Trustee Das Gupta moved that the Board approve the transfer of bills from the Trust and Agency Account of 2009 Fall Festival to the parks budget in the amount of \$11,975.09; 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.

Trustee Das Gupta had nothing further to report.

**C. Trustee Camille Koertner**

Trustee Koertner reported that the Flint Creek Watershed Partnership (FCWP) requested dues for the 2010 Fiscal Year in the amount of \$1,500.00. Trustee Koertner recommended that the Board support the FCWP as it is a significant resource for the Village. It was noted that the money will actually go to Citizens for Conservation as they are the fiduciary body that manages the funds for FCWP.

There was discussion among the Board about the amount of the dues.

Motion: Trustee Weiner moved that the Board approve the Flint Creek Watershed Partnership dues for the 2010 fiscal year in the amount of \$1,500.00; seconded by Trustee Boland:

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.

**D. Trustee Mark Kolar**

Trustee Kolar had nothing to report.

**E. Trustee Al Pino**

Trustee Pino reported on the conclusion of the 2009 Village Road Program. Trustee Pino stated that he met with the Cuba Highway Commissioner Tom Gooch among others to discuss the 2010 Village Road Program.

Trustee Pino reported that action was taken on Rugby Road. The road was secured by reducing the pavement to one lane with the installation of jersey barriers. Construction plans for the road and culvert repair will initiate in the spring.

President Sauer stated that he would like the 2010 Road Program prepared in order to go to bid by the April Board meeting.

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

Trustee Weiner reported that the Zoning Board of Appeals (ZBA) met on 2//9/10 and 2/16/10. The zoning variation for 301 Glen Circle was approved by the ZBA.

## **IX. CLOSED SESSION**

There was no closed session.

## **X. NEW BUSINESS**

President Sauer noted that a few issues were discussed at BACOG's Executive Board meeting including:

- The League of Women Voters and others have joined in an effort to change the process of redistricting. In the past, legislators have created their own districts after drawing a name out of a hat. Illinois is the only state in the nation that allows this process. In order to change the process, 500,000 signatures are needed in Illinois by April 1, 2010. A copy of the petition and the 2010 Illinois Fair Map Amendment was distributed to the Board. President Sauer encouraged the Board to support the amendment.
- Leave No Child Inside (LNCI) Consortium presented a program recommending the passage of a resolution declaring June 2010 as LNCI Month. LNCI community flyers were distributed. President Sauer requested that Trustee Das Gupta aid with the distribution of the flyers.
- A draft social host ordinance was distributed to the Board. The ordinance is a collaboration of the community to address the problem of underage drinking facilitated by adults. President Sauer requested that the Board review the ordinance and the material would be discussed at the next Board meeting. He would also like to distribute the information to area homeowner's associations in order to obtain their feedback.
- A draft resolution supporting the concept of a water planning area in Northeastern Illinois was distributed to the Board. The idea of the resolution keeps the control of water within the community.

President Sauer stated that he spoke with the Lake Zurich Village Administrator about the possibility of tapping into Lake Zurich's water source at some point in the future. A number of Lake County communities are seeking to tap into Lake Michigan in order to replace well water by means of a pipeline. It was noted that the Lake Zurich Administrator was amenable to the idea of an agreement between the Village and Lake Zurich.

## **XI. OLD BUSINESS**

There was no old 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 Pino. The voice vote was unanimous in favor.

At 8:38 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held March 31, 2010.

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