

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,  
APRIL 23, 2008 AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD**

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

At 7:37 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 Kolar, Koertner, Pino and Weiner  
Absent: Trustees Boland and Farrell  
Also Present: Kathy Nelander, Village Administrator  
J.W. Braithwaite, Village Attorney  
Kris Lennon, Deputy Village Clerk  
Natalie Karney, Village Health Officer  
David Fisher, Cricket Communications, Inc.  
Joe Arizzi, Wauconda Fire Department  
Development Proctor, 3701 Algonquin Road, Rolling Meadows  
Ed Harris, Lake County Sherriff's Department  
Tim Moritz, Tallgrass Restoration, LLC  
Doug Bauer, Tallgrass Restoration, LLC  
Frank & Joyce Mattioli, 424 Mockingbird Lane  
Nancy Schumm-Burgess, Barrington Area Conservation Trust

**II. Public Comment**

There is no one who wished to speak.

**III. Consent Agenda**

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

- A. Approve Minutes of Board Meeting, 3/19/08**
- B. Approve 4/23/08 Vouchers for payment of bills**
- C. Approve the Treasurer's Report for the 11th month of Fiscal Year 2008**
- D. Approve Resolution # 2480 appointing Ginger Das Gupta to the Zoning Board of Appeals**
- E. Approve Resolution # 2481 appointing Kris Lennon as Deputy Clerk**
- F. Approve Resolution # 2482 appointing Janis Menges to the Plan Commission**
- G. Approve Resolution # 2483 appointing Sue Murdy as Deputy Clerk**

- H. Approve Resolution # 2484 appointing Kathy Nelander as Village Administrator and Village Clerk**
- I. Approve Resolution # 2485 appointing Kathy Nelander as Village Collector**
- J. Approve Resolution # 2486 appointing Pat Ryan to the Parks and Recreation Commission**
- K. Adopt Ordinance # 1138 Cable/Video Service Provider Fee Ordinance**
- L. Approve Biltmore Country Club request for Fireworks Display on June 27, 2008**
- M. Approve Wynstone request for Fireworks Display on September 20, 2008**

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

#### **IV. PRESENTATION**

##### **A. Nancy Schumm-Burgess, Executive Director, Barrington Area Conservation Trust**

President Sauer invited Nancy Schumm-Burgess, Executive Director, Barrington Area Conservation Trust, to address the Board.

Ms. Schumm-Burgess stated that the Barrington Area Conservation Trust (BACTrust) is dedicated to preserving the open space, rural character, and scenic, historic, and natural resources of Barrington area communities. The nonprofit and civic organization assists landowners and village governments by providing land protection tools. Ms. Schumm-Burgess explained a new program called the "Heritage Corridors" which enables the BACTrust to work with communities in an effort to preserve area roadways.

Ms. Schumm-Burgess further explained that the BACTrust has organized lawyers roundtables to discuss issues including conservation law. The roundtables are accredited by the Mandatory Continuing Legal Education Board of the Illinois Supreme Court. The next roundtable session is scheduled for May 16<sup>th</sup> and will discuss "Liability on Public Lands". The session will be hosted by Drinker, Biddle & Reath and spaces are available.

Ms. Schumm-Burgess noted that she is certified to assist in the planning and protection of water resources.

Trustee Weiner asked how BACTrust can help the Village achieve its goals such as the restoration of Flint Creek.

Ms. Schumm-Burgess stated that BACTrust would assist in designing a plan for the restoration as well as, assist in the grant writing process.

Village Attorney J.W. Braithwaite requested a seat for Arnstein and Lehr, LLP at the lawyer's roundtable on May 16th. Ms. Schumm-Burgess confirmed Attorney Braithwaite's request.

President Sauer thanked Ms. Schumm-Burgess for her presentation and noted that the Village looks forward to working with BACTrust.

## **V. ORDINANCES/VARIATION REQUESTS/CODE AMENDMENTS**

### **A. Public Hearing and Consideration of Ordinance # 1139 approving third amendment to the Ground Lease Agreement between Crown Castle Successor and Assignee of Chicago SMSA and the Village of North Barrington to provide for as many as six commercial telecommunication arrays on the cellular monopole located on the municipal property at 111 Old Barrington Road, North Barrington**

The ordinance had been made available to the Board in their packet materials. Village Attorney J.W. Braithwaite explained that the cellular monopole located on Village property is owned by Crown Castle GT Company LLC (Crown Castle) which has lease agreements with other cellular providers who co-locate on the tower. Crown Castle has agreed to enter into a sub-lease agreement with Denali Spectrum Operations, LLC. In order for Crown Castle to have the right to do so, the Village Board must approve a third amendment to the existing Ground Lease Agreement.

Motion: Trustee Weiner moved to approve Ordinance # 1139; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

### **B. Ordinance # 1140 Approving Ground Lease Agreement between Denali Spectrum Operations, LLC and the Village of North Barrington**

The ordinance had been made available to the Board in their packet materials. Village Attorney J.W. Braithwaite explained that the proposed ordinance requires approval of a ground lease agreement of 134 square feet in the storage and utility building between Denali Spectrum Operations, LLC (Denali) and the Village. The Village will receive lease payments of \$4,800.00 per year for the first five years, \$5,760.00 per year for the second five years, \$6,912.00 per year for the next five years and \$8,294.40 per year for the last five years. In addition, Denali will pay

the Village an annual maintenance fee of \$1,000.00 for maintenance of common areas in and around the storage and utility building for utilities not directly billed to Denali.

President Sauer invited David Fisher, Cricket Communications, Inc., to address the Board.

David Fisher, Site Acquisition Manager, Cricket Communications, Inc., (Cricket) submitted a proposed Project Summary as well as, Site Plans to the Board. Mr. Fisher explained that he worked with Village Attorneys Nancy Harbottle and J.W. Braithwaite and Kelly Rafferty, Village Building and Zoning Officer to complete the project summary and technical drawings. Mr. Fisher clarified for the Board that Crown Castle is the owner of the cellular monopole and that Cricket is a provider.

There were a few questions from the Board about the location and appearance of the equipment to be stored by Cricket in the storage and utility building. Mr. Fisher explained that Cricket will be installing equipment in their own cabinets in a lease area of approximately 7 feet by 10 feet and, there will be no alterations to the exterior of the storage and utility building.

President Sauer thanked Mr. Fisher for the presentation.

Motion: Trustee Weiner moved to adopt Ordinance # 1140; seconded by Trustee Kolar.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**C. Ordinance # 1141 Health & Sanitation variance request, Mr. & Mrs. Frank Mattioli, 424 Mockingbird Lane**

The ordinance had been made available to the Board in their packet materials. President Sauer invited Village Health Officer, Natalie Karney to address the Board.

Ms. Karney explained that Mr. & Mrs. Frank Mattioli requested a septic variance for a 5-bedroom septic replacement field to be constructed over the existing septic field. Since the area of the proposed at-grade had previously been disturbed, a variance is needed from Village Code Section 4-5A-7-B. Ms. Karney stated that has reviewed concepts with the design engineer and the revised plan dated 3/20/08 meets all other design requirements.

Ms. Karney noted that Village Forester Susan Allman continues to work with the applicants to resolve remaining tree issues.

Motion: Trustee Weiner moved to adopt Ordinance # 1141; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**D. Ordinance # 1142, to correct Title Reference Number in Ordinance #1116**

The ordinance had been made available to the Board in their packet materials. Village Attorney J.W. Braithwaite explained that when Ordinance # 1116 was adopted, it was necessary to create a new Title in the Village Code however; in error, it was assigned to Title 10 which is the Zoning Ordinance. Ordinance # 1116 must be repealed to have the references be to Title 11 rather than Title 10.

Motion: Trustee Weiner moved to repeal Ordinance # 1116 and adopt Ordinance #1142; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Kolar, Koertner, Pino and Weiner  
Nays: None  
Absent: Trustees Boland and Farrell  
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 (Andrea Pracht – Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Environmental & Health Commission Meeting Minutes 4/1/08**
- F. Parks & Recreation Commission Meeting Minutes 4/7/08**
- G. ZBA Meeting Minutes 4/8/08**
- H. Plan Commission Meeting Minutes 4/14/08**

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

### **A. EJ&E Update**

President Sauer stated that he recently met with U.S. Congresswoman Melissa Bean and state representatives to discuss issues concerning the Canadian National (CN) Railway's proposed acquisition of the Elgin, Joliet, and Eastern (EJ&E) Railway. The U.S. Surface Transportation Board (STB) is currently conducting an Environmental Impact Statement. President Sauer explained that he requested that the STB review safety records, including derailments and chemical spills, of municipalities located along the CN Railway; consequently, allowing the STB to develop a response program for a projected catastrophe including clean up efforts and resources for funding. President Sauer stated that he would like each community to have a specific plan of reaction concerning probable disasters.

President Sauer concluded by stating that he will be working with the Barrington Area Development Council and that efforts will continue in opposition of the acquisition.

President Sauer explained that the Lake County Municipal League (LCML) passed a resolution supporting the city of Chicago's bid for the 2016 Olympics and asked each municipality to pass their own resolution supporting the bid. A sample resolution was distributed to the Board for their review. President Sauer stated that he does not recommend passing a resolution to support the city of Chicago's bid for the 2016 Olympics due to issues surrounding the CN Railway's acquisition of the EJ&E Railway however; opened the topic up for discussion.

Trustee Pino asked it was a good idea for North Barrington to be the only municipality who does not support the 2016 Olympics. President Sauer stated that there are a number of municipalities who are not in favor of the upcoming Olympics and have many questions about the costs as well as, the issues surrounding the CN Railway's acquisition of the EJ&E Railway.

Trustee Kolar stated that he agreed with President Sauer.

There was no other comment from the Board.

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

### **A. Trustee Boland**

Trustee Boland was absent.

### **B. Trustee Farrell**

Trustee Farrell was absent.

### **C. Trustee Kolar**

Trustee Kolar reported that Village roadways are coated with sand due to the harsh winter and the shortage of salt. Trustee Kolar made an inquiry about a sweeper truck and if Cuba Township has one available. President Sauer suggested that Trustee Kolar contact Cuba Township Highway Commissioner Tom Gooch.

**D. Trustee Koertner**

Trustee Koertner reported that she attended the Flint Creek Watershed Partnership (FCWP) meeting on 3/25/08. Nancy Schumm-Burgess, Barrington Area Conservation Trust was in attendance in addition to Patsy Mortimer, Flint Creek Watershed Partnership. Ms. Schumm-Burgess spoke on available grant programs, specifically, 319 Grants pertaining to Section 319 of the Clean Waters Act. The deadline to apply for a 319 Grant is 8/1/08. Trustee Koertner stated she believes Ms. Schumm-Burgess to be an excellent resource for the Village.

Trustee Koertner reported that she attended the Solid Waste Agency of Lake County (SWALCO) meeting on 3/27/08 and that the presentation focused on "Commercial Recycling".

President Sauer stated that Sotheby's located in the Wynstone Office Park, has been requesting recycling services. President Sauer stated that he would like to see Trustee Koertner contact Waste Management to discuss the possibility of providing recycling services to the Wynstone Office Park. Trustee Koertner confirmed that she would do so.

President Sauer further noted that he has concern for the water discharge within the Wynstone Office Park, particularly, the discharge coming from dentist offices. He would like verification that the discharge does not contain hazardous waste material.

**E. Trustee Pino**

Trustee Pino reported on the Building and Zoning Activity Report submitted by Village Building and Zoning Officer Kelly Rafferty. Trustee Pino noted that a resident contacted Mr. Rafferty to inquire about the installation of a power-generating windmill however; power-generating windmills are presently not permitted in the Village. The resident would need to seek a variance from the Zoning Ordinance.

**F. Trustee Weiner**

Trustee Weiner reported that he received a proposal from Michael Perkaus of Aquatic Ecosystems Management, Inc. (Aquatic Ecosystems) for the water quality monitoring of Flint Creek. The proposal includes a Stream Monitoring Program for 2008 which consists of five (5) monitoring reviews and reports for the season, once each around the 15<sup>th</sup> of the month during April, June, August, and October. Water samples will be collected from three locations which include: Flint Creek flowage into North Barrington, mid Village location, and flowage leaving the municipal boundary. Samples will be collected in accordance with United States

Environmental Protection Agency standard practices. Aquatic Ecosystems will provide a report of water quality summary within three weeks of sampling and a seasonal report with all data and conclusions. The fee summary for the proposal is in the amount of \$4,620.00.

Trustee Kolar asked for clarification regarding the starting point for the location of the water testing sites and that the location had been verified as an initial starting point. There was discussion among the Board about the initial starting point which included locations near Kathleen Court and Rugby Lane.

It was noted that the matter could not be voted on as it was not on the Agenda.

**IX. CLOSED SESSION:**

There was no closed session.

**X. NEW BUSINESS**

**A. Flint Creek Restoration**

President Sauer explained that he would like to schedule a date to assemble at a location site near Flint Creek to discuss initial restoration ideas due to the attendance of Nancy Schumm-Burgess, BACTrust, and the representatives from Tallgrass Restoration, LLC (Tallgrass Restoration). President Sauer noted that he would like to include the Trustees, particularly Trustee Weiner who is the Trustee liaison for the Environmental & Health Commission, Environmental & Health Commission Chairman Gery Herrmann, and Patsy Mortimer, Flint Creek Watershed Partnership.

Village Attorney J.W. Braithwaite noted that in order for the meeting to be covered under the Open Meetings Act, a "Special Meeting" would need to be called.

There was discussion among the Board, Ms. Schumm-Burgess and the representatives from Tallgrass Restoration in an effort to coordinate a date. The meeting was planned for Saturday, May 17, 2008 at 7:30 a.m. to be held at the corner of Rugby Road and Essex Lane.

There were questions from the Board about the grant application process and potential bidding process. Ms. Schumm-Burgess explained that some grant agencies require a bidding process if the project exceeds a certain amount of money, however; if the project begins with a sole service provider, a variance may be requested.

President Sauer noted the importance of the project being detail oriented and cost defined especially at the onset. Ms. Schumm-Burgess stated that the project will be absolutely defined with information such as staff time, publicity, and volunteer hours.

Village Attorney J.W. Braithwaite asked Tallgrass Restoration about their compensation method. Doug Bauer, Tallgrass Restoration, stated that the consulting is performed on an hourly basis and

that the design and implementation work is performed on a per job fee. Mr. Bauer stated that his company can provide the Village with a list of former projects as well as, bid results and per unit costs.

The Board additionally the discussed the proposal from Aquatic Ecosystems and the possible locations for the three water testing monitors on Flint Creek. It was noted that the locations could be examined at the Special Meeting planned for May 17<sup>th</sup>. Ms. Schumm-Burgess stated that water testing should begin as soon as possible in order to determine a base-line. President Sauer suggested that the proposal from Aquatic Ecosystems be placed as an agenda item to be voted on at the May 17, 2008 Special Meeting and the Board agreed.

Trustee Koertner noted that there was previous discussion about the Village giving a \$1,000.00 donation to the Barrington Area Conservation Trust for their efforts and contribution toward the restoration of Flint Creek. Trustee Koertner suggested that the matter be placed as an agenda item to be voted on at the May 17, 2008 Special Meeting and the Board agreed.

**B. Proposed BACOG Budget Fiscal Year 2008-09 – Geographic Information System Analyst Position Revision**

The Barrington Area Council of Governments (BACOG) proposed budget for Fiscal Year (FY) 2008-09 was made available to the Board. The proposed budget is a 4.2% increase from the FY 2007-08 budget. The budget additionally contained a Geographic Information System (GIS) analyst position revision as recommended by the BACOG Finance Committee pertaining to funds received from BACOG members who purchase GIS hours of service as a revenue.

President Sauer explained that the Board previously approved funds to be allocated to BACOG in the amount of \$22,000.00 however; due to final line revisions and changes, the new amount to be allocated was revised. The revised amount is \$22,226.00 and requires Board approval.

Motion: Trustee Weiner moved to approve the Barrington Area Council of Governments proposed Fiscal Year 2008-09 budget; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**XI. OLD BUSINESS**

There was no old business to discuss.

**XII. ADJOURNMENT**

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

At 9:10 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held May 28, 2008.

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