

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
AUGUST 25, 2010 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 Boland, Das Gupta, Koertner, Kolar, and Pino
Absent: Trustee Weiner
Also Present: Kathy Nelander, Village Administrator
J.W. Braithwaite, Village Attorney
Kris Lennon, Deputy Village Clerk
Tom Gooch, Cuba Township Highway Commissioner
Adam Sauer, 23 Hidden Brook Drive
Nancy Schumm, Schumm Consulting LLC
Bruce Kramper, 175 Pheasant Run Trail
Gery Herrmann, 257 Kimberly Road
Jackie Andrew, 610 Signal Hill Road
Brian Drexler, 239 Shady Lane
Jovan J. Pajich, 30 Hidden Oaks Lane
Ed Harris, Lake County Sherriff's Department

II. PUBLIC COMMENT

Brian Drexler, 239 Shady Lane, addressed the Board to discuss the driveway portion of his property located within the right-of-way on Oxford Road. Mr. Drexler explained that due to road improvements, there is a decline in the right-of-way on Oxford Road between the entrance portion of his driveway and the road. (The previous owner of 239 Shady Lane was granted permission via Resolution #2390 to maintain the dedicated but unimproved portion of Oxford Road as an ingress and egress to the property.) Mr. Drexler asked the Board about potential solutions to solve the problem such as vacating the right-of-way or the placement of a culvert.

President Sauer stated that Mr. Drexler should contact Building and Zoning Officer Kelly Rafferty to discuss his options.

Mr. Drexler added that he would like to see improvements to Leonard Park as it attaches to his property. President Sauer stated that Mr. Drexler should contact the Environmental & Health Commission Chair Bruce Kramper regarding Leonard Park.

Gery Herrmann, 257 Kimberly Road, addressed the Board to ask about a previous inquiry pertaining to 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. He noted that there are dead trees on same Village owned right of way.

President Sauer stated that the Village would be interested in his proposal. However; Mr. Herrmann must obtain concurrence of the other property owners abutting that portion of the right of way.

President Sauer stated that he should contact the Village Forester Susan Allman regarding the dead trees.

Mr. Herrmann had questions about the creek culvert which runs under his driveway. He asked whether the Village or Tallgrass Restoration, LLC (Tallgrass) has liability insurance for debris that accumulated on his property as a result of a summer rainstorm; Mr. Herrmann believes that the accumulation of debris on his property is a result of clearing from the Flint Creek Restoration Project.

Village Attorney J.W. Braithwaite stated that in order to seek a claim against Tallgrass, Mr. Herrmann would need to show that Tallgrass was negligent. Trustee Pino offered to help Mr. Herrmann in drafting a letter to the insurance company of Tallgrass to see if there is any coverage.

Mr. Herrmann commented on the “tabled” proposed amendment to Village Code Title 6, Chapter 2, Animals.

Jovan Pajich, 30 Hidden Oaks Lane, addressed the Board about a drainage issue located at 10 Hidden Oaks Lane. Mr. Pajich stated that he is trying to help his neighbors correct their problem of storm water runoff draining onto their property from Rt. 22. Mr. Pajich indicated that storm water runoff from Rt. 22 is ponding on the property located at 10 Hidden Oaks Lane. He said that the standing water has created a swamp which is a breeding ground for mosquitoes. He noted that Trustee Al Pino met with him last month and took photos of the area in question and submitted photos to the Board.

It was noted by Village Administrator Kathy Nelander that drainage runoff from Rt. 22 is an Illinois Department of Transportation (IDOT) issue though Clark Mosquito treats the area with insecticide.

There was some discussion among the Board about Hidden Oaks Lane being a private road and that has road has not been accepted by the Village.

President Sauer recommended that Mr. Pajich contact Building and Zoning Officer Kelly Rafferty.

III. CONSENT AGENDA

Item:

E. Approve Resolution #_____, re-appointing Susan Allman, Village Forester (3 year term)

was removed from the Consent Agenda.

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

- A. Approve Minutes of Board Meeting – 7/28/10
- B. Approve 8/25/10 Vouchers for payment of bills
- C. Approve the Treasurer’s Report for the 3rd month of Fiscal Year 2011
- D. Waive formal competitive bidding for the emergency work on Rugby Road and utilize modified competitive bidding with 10 day bidding process
- F. Approve Fire Prevention Week Proclamation

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

Item removed from the Consent Agenda for further discussion:

E. Approve Resolution #_____, re-appointing Susan Allman, Village Forester (3 year term)

It was noted that the matter would be tabled.

Motion: Trustee Pino moved to table Resolution # _____, re-appointing Susan Allman, Village Forester (3 year term); seconded by Trustee Boland.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

IV. ORDINANCES/CODE AMENDMENTS

A. (Tabled) Consideration of Ordinance # 1191, Septic Maintenance Ordinance

It was noted that the proposed Septic Maintenance Ordinance was made available to the Board in their packet materials.

Motion: Trustee Das Gupta moved to remove from the table consideration of Ordinance # 1191, Septic Maintenance Ordinance; seconded by Trustee Kolar:

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

President Sauer asked audience member and Environmental & Health (E&H) Commission Chair Bruce Kramper if the E&H Commission supported the proposed ordinance. Mr. Kramper stated that the E&H Commission recommended approval of the proposed ordinance.

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

Trustee Boland stated that there was a scrivener's error on Pg. 1, Section 2. That the sentence should reflect the language, "The Village Code of the Village of North Barrington is hereby amended by adding Section 4-5-9 of Chapter 5 of Title 4 providing as follows:"

Trustee Boland stated that Pg. 3, paragraph "D", Notification and Reporting Requirements, should be revised. Specifically, the second sentence would reflect the language, "The owner or occupant shall provide proof of inspection, service or pumping to the Village within thirty (30) days after the *expiration of the 90 day notice period.*"

It was noted that E&H Chair Bruce Kramper approved the red-lined revision made by Village Attorney J.W. Braithwaite on Pg. 4, paragraph "H", Penalties.

E&H Chair Bruce Kramper addressed the Board and stated that the E&H Commission drafted a letter to distribute to residents explaining the ordinance with a list of septic contractors approved by Lake County. Septic contractors will be sent a different letter in addition to an operating permit application.

There was discussion among the Board about spacing the initial distribution to approximately twenty percent of the 750 (non-Wynstone) residents. It was noted that the "five year cycle" referenced on Pg. 3, paragraph "D" starts when the residents receive their letter.

Trustee Pino noted a scrivener's error on Pg. 3. Both dates noted in the second paragraph under paragraph "G", should be reflected as *April 1, 2010*.

Motion: Trustee Koertner moved to adopt Ordinance # 1191 as amended; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the Ordinance adopted.

The Board thanked the E&H Commission for their efforts.

- B. Re-Consideration of Ordinance 1189, Amendment to Ground Lease Agreement with Crown Castle GT Company LLC
Crown Castle plans to modify AT&T's equipment located on the monopole located at the North Barrington Village Hall, 111 Old Barrington Road, North Barrington.

Village Attorney J.W. Braithwaite stated that there are a number of issues involving AT&T and recommended that adopted Ordinance # 1189 be reconsidered.

Motion: Trustee Boland moved to reconsider Ordinance # 1189; seconded by Das Gupta.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

- C. Consideration of Resolution # 2570, Accepting Title to Donated Lots (Lot 2-6, 22&23, & 7) Biltmore Country Estates Unit 2, PIN: 13-14-202-013, 294 Woodland Drive

It was noted that the Resolution was made available to the Board in their packet materials.

Village Attorney J.W. Braithwaite stated that the current property owners have requested that the donated lots be named "Kazo Park".

It was noted that Village maps will be updated accordingly.

Motion: Trustee Boland moved to approve Resolution #2570; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

V. ADMINISTRATION – President Bruce Sauer

A. Motion to Award Contract – Rugby Road Culvert Replacement

President Sauer invited Cuba Township Highway Commissioner Tom Gooch to address the Board.

President Sauer explained that Village Engineers Gewalt Hamilton Associates, Inc. (Gewalt) have been working on the Rugby Road Culvert Replacement Project. Bids were received but the least expensive bid was approx. \$223,000. President Sauer noted that he felt the bid was unusually high and thought that the Village should consider alternatives such as an aluminum culvert.

Tom Gooch, Cuba Township Highway Commissioner, addressed the Board. Commissioner Gooch stated that downsizing the culvert might be an option as it may reduce the water flow downstream. Currently there are two (2) seven (7) foot culverts. Commissioner Gooch noted that it may be beneficial to advise the engineers of the Village's financial resources and design the culvert accordingly.

President Sauer explained that Gewalt proposed the aluminum culvert however; President Sauer noted his concerns regarding appearance, corrosion and life expectancy.

Commissioner Gooch stated that a decision must be made soon due to the approaching winter season and noted that the elevation of the road is down three or four more inches.

There was discussion among the Board and Commissioner Gooch about potential alternatives in addition to downsizing the culvert.

Attorney J.W. Braithwaite asked if the Board previously authorized a dollar amount for the project. President Sauer noted that a dollar amount had not been approved.

President Sauer noted that Gewalt is in the process of working with the lowest bidder to adjust the cost of the project based on the previous water flow study.

There was discussion about sealing the amount allotted for the project. Attorney J.W. Braithwaite stated that sealing the amount would not be a mandate for the Village President to spend the funds, but an authority.

Motion: Trustee Boland moved that the Village President be given authorization to expend up to, but not exceed the amount of \$200,000 for the Rugby Road Culvert Replacement Project; seconded by Trustee Kolar:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

B. Motion to Award Contract – 2010 Road Program

President Sauer explained that Gewalt Hamilton Associates, Inc. (Gewalt) submitted a recommendation letter dated 8/3/10 to Cuba Township Highway Commissioner Thomas Gooch III for the 2010 Road Maintenance Programs which included work in the Villages of Tower Lakes, North Barrington, and Lake Barrington. A total of six bids were received. Geske & Sons, Inc. was the low bidder at \$572,455.50. Based on the bids received, Gewalt recommended that Cuba Township Road District enter into a contract with Geske & Sons, Inc. in the amount of \$572,455.50. The participation amount owed by Village of North Barrington is \$359,052.41.

Tom Gooch, Cuba Township Highway Commissioner, addressed the Board. Commissioner Gooch stated that Cuba Township Road District purchased paving equipment this year. He concurred with the Gewalt recommendation letter to enter into a contract with Geske & Sons, Inc.

There was brief discussion among the Board and Commissioner Gooch.

Motion: Trustee Pino moved that the Board approve the bid amount of \$359,052.41, which is approximately 62.7% of \$572,455.50, for the Village's participation toward the 2010 Road Maintenance Programs -\$180,000 of which is Motor Fuel Tax Funds; 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 and Pino
Nays: None

Absent: Trustee Weiner
Abstain: None

President Sauer declared the motion approved.

C. Mobile to Mobile Communication

Adam Sauer, 23 Hidden Brook Drive, addressed the Board to explain Magellan LMD; Magellan LMD are local business and internet marketing consultants. Mr. Sauer addressed the Board regarding the use of one way text messaging in order to communicate with Village residents. Mr. Sauer stated that it is a fast and efficient way to distribute information quickly with information such as road closings, emergency information, community events, mosquito spraying, etc. Residents would have the option of using the service and would text the number "90210" in order to receive the messaging.

Trustee Boland asked if there was a cost to the Village and if the cost was subject to increase. Mr. Sauer replied that the cost is \$2,500/year for a two year contract. It was noted that residents would not need internet service on their phone to receive the text messaging.

Trustee Pino asked if there would be an additional cost to the residents. Mr. Sauer stated that it would depend on the resident's cell phone plan and whether a person is charged for an incoming call/text.

President Sauer noted that the communication tool would benefit the Village especially when considering future road projects as it would be a way to communicate daily with residents about road closings and alternative routes throughout the Village.

There were a few questions from the Board, including how the resident database would be protected and; if the service is used in other communities.

It was noted that Mr. Sauer would provide a written agreement and a list of references to the Board.

Village Attorney J.W. Braithwaite asked Mr. Adam Sauer if there were any members of the Corporate Authorities who was an employee of; on the Board of; or an owner of the Magellan LMD company to which he replied, "no".

D. Village Update

President Sauer noted his disapproval about Governor Quinn's proposed "sweep" of 50M of Motor Fuel Tax (MFT) Funds to the general revenue fund. The sweep of MFT funds is the entire October/November distribution to state and local governments. President Sauer noted that inter-fund borrowing has never been done and would set a precedent.

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 that the first Garden Walk was held 7/7/10 and was very successful. There were approximately 100 people in attendance. Some residents have already had volunteered their gardens for next year including the Biltmore Country Club.

Trustee Das Gupta reported on the upcoming events at Eton Park including the band “Together Again” on 9/18 and Family Movie Night on 8/28.

C. Trustee Camille Koertner

1. Recommendation from the E&H Commission re: Flint Creek Debris Removal

Trustee Koertner reported on the activities of the E&H Commission from the meeting held 7/13/10. She explained that the E&H Commission recommended that the Village conduct another debris removal from Flint Creek due to the summer rainstorm.

Nancy Schumm, Schumm Consulting LLC, addressed the Board and stated that she would obtain bids for the debris removal. She noted that it may benefit the Village to have a notification process established in order for the debris to be removed on a case by case basis which would be more cost efficient for the Village in the long run.

2. Nancy Schumm, Schumm Consulting –Estimates for Design Plans and Permitting, Flint Creek Phase 1 Stabilization and future Grant opportunities.

It was noted that the Board received the estimates prior to the Board meeting in their packet materials.

Nancy Schumm, Schumm Consulting addressed the Board. She explained that she was asked by the Board to obtain estimates for design plans and permitting for the Flint Creek Phase 1 Stabilization. Estimates were submitted by Baxter & Woodman, Inc., Entrix Inc., and Cowhey, Gundmundson, Leder, Ltd.

There was brief discussion among the Board and Ms. Schumm about the estimates and the reputations of each company. Ms. Schumm noted that Baxter & Woodman’s estimate was incomplete and that she requested a breakdown of the estimate into separate design plan and permitting items.

President Sauer inquired about the time table for the restoration work. Ms. Schumm stated that project could be “shovel ready” by spring of 2011.

Village Attorney J.W. Braithwaite asked about the approximate cost for total permitting fees. Ms. Schumm stated that total permit fees are generally about \$1,500.

Attorney Braithwaite asked Ms. Schumm if \$1,500 should be applied to the Baxter & Woodman, Inc. estimate for permit fees. She replied, “yes”.

Trustee Kolar asked Ms. Schumm for her recommendation. Ms. Schumm stated that all are reputable however; Cowhey, Gundmundson, Leder, Ltd. has the highest reputation and the most costly. She noted that the cost could most likely be negotiated.

Trustee Pino stated that he thought all of the estimates were high.

It was noted that an engineering design is a requirement for the project.

There was some discussion among the Board. It was the general consensus for Ms. Schumm to revisit Baxter & Woodman, Inc. to request completion of the estimate regarding its itemization and; revisit Cowhey, Gundmundson, Leder, Ltd. to find out if negotiating is a possibility.

Ms. Schumm stated that the Stormwater Management Commission (SMC) Watershed Management Board recently released their request for proposals for a \$10,000 grant that the Village should apply for. Ms. Schumm noted that in order for her to apply for the grant, she would need approval to spend approximately seven (7) hours of her time (five hours now and two hours in December).

She additionally noted that IDOT has grant funds for the acquisition of properties which is due at the end of August 2010. The application would take approximately 10 hours of work. It was noted that Board would pass on the IDOT grant this year and no action was taken.

Motion: Trustee Das Gupta moved to approve seven (7) hours of work time for Nancy Schumm at the rate of \$75.00/hour to prepare the application for the SMC grant; 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 and Pino
	Nays:	None
	Absent:	Trustee Weiner
	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 that the Cuba Township Highway Department remains busy on Village roads.

F. Trustee Lawrence “Lawre” Weiner

Trustee Weiner was absent.

VII. CLOSED SESSION

There was no closed session.

VIII. NEW BUSINESS

Trustee Kolar congratulated Village Attorneys Arnstein & Lehr LLP for making the National Law Journal’s 2010 “Hot List” of midsize law firms in the U.S.

IX. OLD BUSINESS

Trustee Kolar revisited the culvert issue regarding Gery Herrmann, 257 Kimberly Road, and asked if the Village’s 50/50 Culvert Replacement Program would apply to Mr. Herrmann’s situation. President Sauer stated that the 50/50 Culvert Replacement Program applies to culverts in the road right-of-way.

X. ADJOURNMENT

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

At 9:48 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held September 22, 2010.

Attest: _____
Kris Lennon, Deputy Village Clerk