

1) PLEDGE OF ALLEGIANCE

The regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, December 21, 2009 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Kellermann called the meeting to order at 7:04pm. Village officials and guests recited the Pledge of Allegiance.

2) ROLL CALL AND DETERMINATION OF A QUORUM

Upon roll call, the following were present: President Kellermann, Trustees Evans, Kizior, Olson, Pratscher, Sands and Trost. Other Village officials present were Administrator Connors, Attorney Bateman, Engineer Gordon, Permit Coordinator Doniec, and Commander Bratko. President Kellermann stated there was a quorum. Teri Bridge and Pat Winkelman of the Vehe Farm Foundation were also present.

3) APPROVAL OF AGENDA

MOTION: by Trustee Sands, seconded by Trustee Pratscher, to approve the agenda as amended moving Item 8) BACOG 2010 Legislative Platform to follow Item 5) Public Comments and adding discussion of the Vehe Farm survey under Item 9A) Report from President Kellermann. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

4) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Pratscher, seconded by Trustee Evans, to approve and release the minutes from the Board of Trustees Regular Meeting held on November 16, 2009. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

5) PUBLIC COMMENTS

Deborah Barry, 412 Bramble Lane, stated as a resident and press secretary of Deer Park Neighbors that she was pleased that the village is working on an ethics ordinance, provided model information to President Kellermann and referenced www.IllinoisAttorneyGeneral.gov as an excellent resource. She also stated that additional microphones on the dais would assist the audience in hearing the proceedings better and suggested that the clerk read each motion prior to a vote.

Frank Retmuller, 12 Deer Path Road, complained about a neighbor who runs a landscaping business out of the home, always has three or four commercial vehicles on the property, constantly has a large amount of gasoline stored on the premises, and has vehicles coming and going throughout the day which tend to speed and make a lot of noise which he feels is dangerous in a residential neighborhood.

Richard Chay, 408 Bramble Lane, stated that he was happy to hear there would be an ordinance pertaining to third party video taping of village meetings. He also stated that Trustee Pratscher resigning from the Vehe Farm Foundation was the right thing to do due to a conflict of interest in holding the positions simultaneously and that he urged President Kellermann not to reappoint her.

Larry Winkleman, 21540 Inglenook Lane, stated his appreciation for the new financial reporting tool the Village will now be implementing.

Maureen Pratscher, 21881 Rainbow Lane, as a resident of the Village asked various questions regarding the resignation of the former Village Clerk. Village Attorney Bateman stated that it is only appropriate to address personnel issues in closed session.

James Mullen, Troop #964, reported on his plans to refurbish the manure spreader and the hay rake, including the processes, estimated expenses and the fundraising to be conducted to help pay for the materials.

Pat Winkelman, 21540 Inglenook Lane, said she does not give permission for her likeness or her comments to be recorded for use in a broadcast or redistributed in any matter. She also stated that the projector used in the barn was purchased in September of 2005 by the Village, not the Vehe Farm Foundation and was not installed until 2007 due to construction delays. She also presented the signage which will be displayed with the refurbished bobsled.

Roger Hankin, 20856 Swansway, stated he feels there is a conflict of interest for a Village Trustee to serve on the Vehe Farm Foundation Board. He also stated that the Village should have allowed high end homes to be built on the farm property thus providing real estate tax revenue, rather than the Village having to incur so many expenses in an attempt to improve and maintain the farm. He also suggested that board meeting dates that fall on a holiday be postponed until the next night.

ADDRESSED ITEM 8) AT THIS TIME - BACOG 2010 LEGISLATIVE PLATFORM

Janet Agnoletti, Executive Director of BACOG, explained how the proposed 2010 Legislative Platform was established and answered questions posed by board members regarding particular initiatives.

MOTION: by Trustee Olson, seconded by Trustee Pratscher, to support the BACOG 2010 Legislative Platform. Upon roll call: YES: (6) Olson, Pratscher, Evans, Kizior, Olson, and Sands / NO: (0) / ABSENT: (0). Motion carried 6/0.

6) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS

i) Approval of Payment #1 to Cuba Township Road District for the Lake Zurich Road project for the amount of \$116,443.17

Engineer Gordon reported that the intergovernmental project on Lake Zurich Road was completed under budget in October with final punch list items completed in November. The total cost was \$144,090.03 of which Deer Park's responsibility is \$116,443.17.

MOTION: by Trustee Sands, seconded by Trustee Pratscher, to approve Payment #1 to Cuba Township Road District for the Lake Zurich Road project for the amount of \$116, 443.17. Upon roll call: YES: (6) Sands, Pratscher, Evans, Kizior, Olson, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

ii) Approval of service contract with Metropolitan Pump Company for Long Grove Road sanitary lift station

Engineer Gordon reported that the service contract is for maintenance and that additional costs would be incurred if repairs were to be needed.

MOTION: by Trustee Sands, seconded by Trustee Trost, to approve the service contract with Metropolitan Pump Company for the Long Grove Road sanitary lift station for an annual cost of \$2,248.00. Upon roll call: YES: (6) Sands, Trost, Evans, Kizior, Olson, and Pratscher / NO: (0) / ABSENT: (0). Motion carried 6/0.

iii) Report on King Landscaping site remediation (20152 N. Rand Road)

Engineer Gordon reported that approximately 9,000 tons of construction debris has been removed to date and that he should receive the final test results and completion report in the next two or three weeks. Then once Lake County Health Department provides a compliance letter, proper grading should begin in January or February. Attorney Bateman stated that

funds in escrow have been provided for engineering and most of the legal fees although additional fines are still anticipated to be set by the court.

7) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS

i) Ordinance granting a Special Use Permit for poolhouse structure at 20877 Wildrose Drive

MOTION: by Trustee Pratscher, seconded by Trustee Sands, to approve the ordinance granting a special use permit for the construction and maintenance of a poolhouse structure on the property of 20877 Wildrose Drive. Upon roll call: YES: (6) Pratscher, Sands, Evans, Kizior, Olson, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

ii) Ordinance amending Village Code regarding recording of public meetings

Attorney Bateman provided answers regarding the extent of the Village's ability to control the recording of and the dissemination of recordings of public meetings, stressing that it's a limited public forum when the Village is not publishing its own recording by providing such to Comcast or the library or presenting it on its website. The consensus of the board was to have Attorney Bateman add a Limited Public Forum disclaimer clause to the draft ordinance.

iii) Identification of Village sponsored communications

Attorney Bateman stated that to avoid confusion, all village sponsored communication should be clearly stated as such and include the Village logo wherever possible.

iv) Ethics/conflicts of interest questions for committee members and volunteers memo dated 12/14/2009

Attorney Bateman provided an overview of his memo. After much discussion, it was the consensus of the Board to direct Attorney Bateman to draw up a draft ordinance for an ethics code based on the Illinois Attorney General's model with the addition of more restrictive language.

8) BACOG 2010 LEGISLATIVE PLATFORM – continued from prior to Item 6)

Attorney Bateman stated that the Village would have difficulty enforcing this issue as a non-home rule municipality, but that it could pass the resolution to urge residents to follow the environmentally friendly actions.

MOTION: by Trustee Pratscher, seconded by Trustee Evans, to pass the Resolution Supporting the Use of Phosphorus-Free Fertilizers and Detergents. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

9) REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR, CLERK, AND TREASURER

A) President Kellermann

i) Barrington Library Drop Box

President Kellermann stated that the library's drop box needs to be relocated from Charlie Brown Park to the Village Hall property which in the winter is plowed earlier and more thoroughly, thus making it more accessible. He reported that locked pick-up boxes would be installed at the same time and that, other than the Village providing the slab, the project would be completed at the expense of the library.

MOTION: by Trustee Evans, seconded by Trustee Pratscher, to support the plans to move the current drop box and to work with the library in accomplishing the task. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

ii) Appointment of FOIA Official

According to President Kellermann and Administrator Connors, most of the recent FOIAs have been taken care of by the staff though some recently have needed legal review. Attorney Bateman stated that starting January 1, 2010, every village will need a fair amount of legal assistance to comply with the new state statute and that FOIA officers will have six months to get the required training.

MOTION: by Trustee Trost, seconded by Trustee Sands, to appoint President Kellermann as the Acting FOIA Officer. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

iii) Surface Transportation Board (STB) meeting

President Kellermann stated his findings that the three (3) to six (6) freight trains per day currently running through Deer Park could increase to as many as 20 when the economy picks up. He also stated that there are currently 20 daily commuter trains and that Metra desires to add up to 80 more per day some time in the future. He expressed concerns over such an increase in rail traffic stating that it would bring tremendously increased noise, vibration, and potential for accidents.

iv) Budget meeting

President Kellermann stated that a budget meeting should be scheduled in early January and that draft budgets are needed especially for roads, drainage and parks in order to be timely for the bidding process. It was the consensus of the Board to set a budget meeting for Thursday, January 14, 2010.

v) Other

President Kellermann stated that Trustee Sands offered to work on the Vehe Farm survey. It was the consensus of the Board that the survey should be finished by March.

B) Trustee Kizior – Public Safety

Trustee Kizior reported that, in exploring the possibilities with Engineer Gordon, the intersection of Long Grove Road at the shopping center does not qualify for a traffic light or additional stop signs based on the amount of traffic at this time, but that additional safety precautions will be necessary once the bike paths are installed.

Trustee Kizior reported that, during Cook County's Open Forum for Quentin Road held on December 8, 2009, road improvements for 2012 – 2013 were communicated to residents, including the planned bike paths. He said that they were also requesting residents' input at the meeting, and that there were reportedly a minimal number of complaints. Trustee Kizior said that he took the opportunity to express concerns over the varied speed limits along Lake Cook, requesting that 45 mph be the standard limit along the entire road.

ADDRESSED ITEM 12) AT THIS TIME - KILDEER POLICE REPORTS

Commander Bratko provided information pertaining to his reports and answered questions regarding the policy of clearing deer carcasses from the right-of-way stating that dispatch can often expedite the process, if informed immediately, since they have contacts for people who are interested in the deer meat. He added that otherwise it could take IDOT as long as a week to pick up a carcass. Trustee Kizior said he will talk further with Kildeer police in order to provide a recommendation for a policy concerning this issue.

Officer Justin Rundell of the afternoon shift was introduced and reminded everyone to keep their home and car doors locked at all times and not to let newspapers pile up or leave snow unplowed which makes a home look unoccupied.

Discussion followed concerning access of debit/credit card information by theft equipment attached to gas station pumps similar to those that have been used on ATM machines. It was stressed that in such instances the local police should be notified as well as the bank who issued the debit/credit card.

ADDRESSED ITEM 9Di) AT THIS TIME - PROPOSAL TO EXTEND WASTE HAULING CONTRACT WITH GROOT INDUSTRIES, INC. FOR MULTI-YEAR AGREEMENT

Trustee Pratscher recommended that the Village enter into a five year contract with Groot which would result in 1) a \$0.50 monthly reduction for residents, 2) providing an option for larger recycling carts, 3) providing the Village a recycling rebate, 4) reducing future annual increases for landscape waste service, 5) providing a formal vacation program, and 6) providing a compressed natural gas (CNG) truck for use in the Village sometime within the contract period. She explained that the CNG trucks are 1,000 lbs. lighter than the other trucks, are cleaner burning, and are quieter. She then introduced Groot's Municipal Manager Frank Hillegonds who reported on the new CNG trucks being phased into their fleet. He also stated that the SWALCO fees could again be collected from the residents this year and turned over to the Village for payment to SWALCO. Upon further questioning by the Board, Mr. Hillegonds stated that he anticipates a CNG truck will be on Deer Park's route within the first 36 months of the new contract.

MOTION: by Trustee Pratscher, seconded by Trustee Evans to direct the Village Attorney to draw up a five year contract with Groot based on the proposed terms as discussed. Upon roll call: YES: (6) Pratscher, Evans, Kizior, Olson, Sands, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

MOTION: by Trustee Pratscher, seconded by Trustee Trost to direct Groot to bill the residents the annual \$1.00 SWALCO fee on behalf of the Village as has been done in the past. Upon roll call: YES: (6) Pratscher, Trost, Evans, Kizior, Olson, and Sands / NO: (0) / ABSENT: (0). Motion carried 6/0.

C) Trustee Olson - Finance

i) Discussion of webpage maintenance services

Trustee Olson stated that he has been doing some quick updates to the Village's webpage but that some decisions are pending regarding: 1) software, as FrontPage is being phased out by Expression Web, adding that a better software such as Dreamweaver may be needed; 2) the possibility of finding a new host in the future; and 3) the possibility of contracting out for a professional layout.

ii) Budget 210-2011 preparation – item deferred to the January 14th budget meeting

iii) Road work vs revenue - item deferred to the January 14th budget meeting

iv) January bidding – item deferred to the January 14th budget meeting

v) Other

Trustee Olson reported that resident Ed Keating has been helping him with the barn's audio/visual system and they have not yet determined whether or not the projector is receiving power or if it just needs a new bulb.

D) Trustee Pratscher-Health and Sanitation

i) Addressed prior to Item 9C) - Proposal to extend the waste hauling contract with Groot Industries, Inc. for multi-year agreement

ii) Resignation from Vehe Farm Foundation Board and request for reappointment

Trustee Pratscher stated that she had resigned from the Vehe Farm Foundation Board as advised by Attorney Bateman and wants to be reappointed after the new January 1, 2010 statute takes effect.

iii) Proposal to form an ad hoc committee to create a Village Ethics Commission

Much discussion transpired pertaining to creation of an ethics commission.

MOTION: by Trustee Pratscher, seconded by Trustee Sands, to direct Attorney Bateman to draft an ordinance for the creation of an Ethics Commission. Upon roll call: YES: (6) Pratscher, Sands, Evans, Kizior, Olson, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

iv) Budget perspective report

Trustee Pratscher stated that with mosquito abatement as her only budget item, and the residents' requests for additional sprayings as opposed to fewer, she has no cuts to make.

v) Proposal to create a policy on volunteerism vs vending

Trustee Pratscher stated a desire for policy to be established stating that all volunteers would be part of a committee thus assuring that they are covered by Village insurance. Attorney Bateman stated that it would then be difficult to stay in compliance with the Open Meetings Act, the Freedom of Information Act, ethics issues, as well as determining a quorum, because there would be no mechanism in place for appointing and identifying volunteers.

President Kellermann appointed Trustee Sands, Trustee Kizior and himself to a committee to resolve this issue.

vi) Addressed prior to Item 9C) - Collection of annual \$1.00 per household for SWALCO

E) Trustee Sands – Roads and Drainage – no report

F) Trustee Trost – Planning and Zoning – no report

G) Trustee Evans - Parks

i) Vehe Farm Foundation Monthly Report

Trustee Evans referenced the monthly report included in the Trustees' packets.

ii) Vehe Farm Stewardship Planning and Transition from Foundation to Village

After much discussion regarding the transition of responsibilities from the Foundation to the Village it was determined that:

- a) Trustee Evans will request a letter from the Foundation to the Village Board stating its intention to terminate as an organization as of the end of May, 2010 and the need to transition responsibilities to the Village.
- b) Trustee Evans will verify whether or not any Village assets are in the possession of the Foundation.
- c) Volunteers for events sponsored by the Village are covered under the Village's liability insurance only and that there is no medical coverage.

Addressed Item iv) - Approval of request for the Village to be the formal sponsor of the Great Backyard Bird Count

REVISED MOTION: by Trustee Evans, seconded by Trustee Pratscher, to approve the Village's position as sponsor of the Great Backyard Bird Count contingent upon agreement by the host volunteer once that person has been informed that the Village's insurance covers liability only. Upon roll call: YES: (5) Evans, Pratscher, Kizior, Sands, and Trost / NO: (0) / ABSTAIN: (1) Olson / ABSENT: (0). Motion carried 5/0.

iii) Approval of request regarding District 220 field trips at Vehe Farm in Fall 2010

MOTION: by Trustee Evans, seconded by Trustee Pratscher to approve of the Village's commitment to work with District 220 regarding field trips at Vehe Farm in Fall 2010. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

iv) Addressed after Item ii) – Great Backyard Bird Count

v) Approval for Parks and Recreation Trustee to review and negotiate field trip pricing structure – discussion postponed

vi) Responsibility to develop plans/strategies for Vehe Barn and property – discussion postponed until after the survey is completed

vii) Parks and Recreation Advisory (PARA) meeting for January 6, 2010 at 7:00 pm.

Trustee Evans announced the planned meeting and upon questioning the formal requirements of a group of volunteers, Attorney Bateman advised that it functions as a committee and should thus comply with the Open Meetings Act, Freedom of Information Act, and other pertinent acts, therefore requiring proper posting of the meeting and the compilation of minutes.

viii) Approval of user agreements with Barrington Competitive Baseball Club (BCBC) and Barrington Youth Baseball and Softball (BYBS)

MOTION: by Trustee Evans, seconded by Trustee Olson to approve the user agreement with Barrington Competitive Baseball Club (BCBC). Upon roll call: YES: (6) Evans, Olson, Kizior, Pratscher, Sands, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

MOTION: by Trustee Evans, seconded by Trustee Pratscher to approve the user agreement with Barrington Youth Baseball and Softball (BYBS). Upon roll call: YES: (6) Evans, Pratscher, Kizior, Olson, Sands, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

ix) Approval of maintenance reimbursement from Amherst Lane Homeowner Association for \$750.00.

Discussion ensued regarding the amount charged for services and it was determined that the policy be reevaluated for the new budget to assure more competitive pricing.

MOTION: by Trustee Evans, seconded by Trustee Pratscher, to approve the maintenance reimbursement from Amherst Lane Homeowners Association for \$750.00. Upon roll call: YES: (6) Evans, Pratscher, Kizior, Olson, Sands, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

H. Administrator Connors

Addressed Item iii) at this time - Utility audit proposal from Azavar

Administrator Connors recapped the purpose and the procedures of the proposed audit for utility revenues and introduced Jason Perry of Azavar who answered questions from the Board of Trustees.

MOTION: by Trustee Olson, seconded by Trustee Pratscher, to direct Attorney Bateman to prepare an appropriate agreement upon reviewing the proposal submitted by Azavar for the Audit of Utility Tax and Cable Franchise Fee Revenues. Upon roll call: YES: (6) Olson, Pratscher, Evans, Kizior, Sands, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

i) Report on agreement with LCDOT and Village of Kildeer regarding regional pathway proposal

Administrator Connors reported that progress on the agreement has been delayed another month due to the need for Kildeer to get its third party approvals and that he has reminded

LCDOT that the Village has not had formal notification of approval for the added length of the pathway. The final agreement is anticipated to include the added length and should be available for Board action at its January meeting.

ii) Consideration of Lake Zurich Chamber of Commerce request for barn usage

Administrator Connors reported that the Lake Zurich Chamber of Commerce is amenable to the quit pro quo agreement pertaining to use of the barn for their meetings next year in lieu of the payment of Deer Park's annual dues and Expo fees.

MOTION: by Trustee Pratscher, seconded by Trustee Sands, to approve the quit pro quo agreement with Lake Zurich Chamber of Commerce pertaining to use of the barn for their meetings next year in lieu of the payment of Deer Park's annual dues and Expo fees. Upon roll call: YES: (6) Pratscher, Sands, Evans, Kizior, Olson, and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

iv) Approval of 2010 Village Board meeting schedule

MOTION: by Trustee Kizior, seconded by Trustee Sands, to approve the 2010 Village Board meeting schedule. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

I. Treasurer Stade

i) Agreement with Crowe Horwath to provide arbitrage calculation services for Special Services Areas #2, #3, and #4 Series 1999 for an amount not to exceed \$10,500.

MOTION: by Trustee Pratscher, seconded by Trustee Evans, to approve the agreement with Crowe Horwath to provide arbitrage calculation services for Special Services Areas #2, #3, and #4 Series 1999 for an amount not to exceed \$10,500. Upon roll call: YES: (6) Pratscher, Evans, Kizior, Olson, Sands and Trost / NO: (0) / ABSENT: (0). Motion carried 6/0.

ii) Village Budget seventh month report

Treasurer Stade stated that she would work to complete December's report as soon as possible after receiving the bank statements so that the information would be available for the January 14, 2010 budget meeting.

10) INVESTMENTS HELD REPORT

MOTION: by Trustee Olson, seconded by Trustee Trost, to approve the Investments Held Report for November 30, 2009 in the amount of \$1,096,837.85. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

11) CASH DISBURSEMENTS

MOTION: by Trustee Sands, seconded by Trustee Pratscher, to approve expenditures totaling \$507,755.41 (accounts payable in the amount of \$489,379.38, check register in the amount of \$137.68 plus payroll in the amount of \$18,238.35). Upon roll call: YES: (6) Sands, Pratscher, Evans, Kizior, Olson, and Trost. / NO: (0) / ABSENT: (0). Motion carried 6/0

12) KILDEER POLICE REPORTS – ADDRESSED DURING ITEM 9 B)

13) NEW BUSINESS – POSTPONED UNTIL THE MEETING OF JANUARY 14, 2010

14) CLOSED SESSION - NONE

15) ADJOURNMENT

MOTION: by Trustee Trost, seconded by Trustee Sands, to adjourn the meeting. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

The meeting ended at 12:28 am.

Robert Kellermann, Village President

Linda Bilocerkowycz