

VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting September 28, 2009

President Abboud called the Regular Meeting to order at 6:30 p.m. Roll Call.

Present

Fritz H. Gohl, Pro-Tem
Walter E. Smithe, Trustee
Steve Knoop, Trustee
Beth Mallen, Trustee
Elaine M. Ramesh, Trustee
Doug Wambach, Village Attorney
Robert Kosin, Director of Administration
Michael N. Murphy, Police Chief
Karen S. Selman, Village Clerk

Guests

Barbara Kemp, Resident
Laura Ekstrom, Resident
Mike Zachar, Resident
David Walat, Resident
David P. Barrie, Resident
Dave Gravor, Wheaton, IL
Sgt. Montemayor, BHPD
Janet Agnoletti, BACOG
Kurt Thomsen, KOT
Tom and Edith Auchter, Residents

Trustee Peter Wessel was absent.

Trustee Smithe motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 6:40 p.m. Trustee Mallen seconded. Roll Call.

Ayes: 6 (Ramesh, Mallen, Knoop, Smithe, Gohl, Abboud)

Nays: 0

Absent: 1 (Wessel)

Meeting Adjourned

EXECUTIVE SESSION

PUBLIC COMMENTS

President Abboud called the meeting to order and opened a thirty-five minute session for public comments at approximately 8:06 p.m.

PUBLIC HEARING

Trustee Smithe motioned to open the Public Hearing on the Supplemental Appropriation Ordinance. The Ordinance is in regards to the Illinois Municipal Retirement Fund – IMRF and its need for \$75,000 supplemental appropriation. Trustee Knoop seconded

Trustee Smithe voted to adopt the Ordinance. Trustee Gohl seconded. Roll Call

Ayes – 6 (Ramesh, Mallen, Smithe, Knoop, Gohl, Abboud)
Nays – 0
Absent – 1 (Wessel)

Ordinance 09-09 Approved

MINUTES

Trustee Smithe motioned to approve the minutes of the Regular Meeting of August 24, 2009. Trustee Gohl seconded. All present said Aye.

Motion Approved

Trustee Gohl motioned to approve the minutes of the Executive Session of August 24, 2009. Trustee Smithe seconded. All present said aye.

Motion Approved

Trustee Smithe motioned to dispose of the audio recordings of the Executive Session of December 17, 2007. Per Illinois law, the recordings have been kept for eighteen months along with a written record. Trustee Gohl seconded. All present said aye.

Motion Approved

President Abboud acknowledged the passing of Trustee Peter Wessel. Peter was elected to a four-year term in April, and would have been up for re-election in 2013. Therefore, President Abboud will appoint a replacement for Trustee Wessel to complete a two- year term until the general election in April, 2011. It is anticipated that this appointment will occur in October or November.

POLICE AWARDS

Officer Deutsche received a recognition award from IDOT commending him as the leading DUI enforcer for 50 DUI arrests.

Ms. Restal received a recognition award from IDOT commending her for seat belt safety in a recent automobile accident in which wearing her seat belt saved her life.

Ms. Courtney received a recognition award from IDOT commending her for seat belt safety.

BACOG PRESENTATION - Janet Agnoletti, Executive Director of BACOG, gave a presentation on the Model III Mapping Product of the Water Resources Initiative. It showed the Groundwater Resource Technology for 600 square miles, developed by Dr. Kurt Thompson and GIS expert, Jay Heffler, and included ground water resources within the Village. This model identified the 677 wells in the Village and their depth to bedrock, as well as the best and worst recharge areas in the Village. The presentation also alerted the Village to the affect neighboring municipal wells have on the aquifer, and raised the question of governance over the water resources. This completes the three-part presentation on the Initiative, but Ms Agnoletti said BACOG would return to the Village with recommendations to protect the ground water.

DARK-SKY AND IDA PRESENTATION – Audrey Fischer gave a presentation on light pollution and proposed on the Village to create a Star Park. Activities would add stargazing to the list of available recreation and would provide education and community awareness. She commended the Village for its interest in the Dark Sky Designation and its interest in preserving the nighttime environment. Ms. Fischer reported that lighting in the Village is already dark-sky friendly. Edith and Tom Auchter are residents nationally recognized for their work on “light trespass.” They noted that in many communities the Little Dipper is not visible because of excessive lighting.

CENSUS – Both morning and evening meetings will be held at the Barrington Library in February for the State Steering Committee to begin preparations for the U.S. Census. The League of Women Voters is working on the committee. This is an important event for the Village and the school district in that tax revenue is determined by this count. President Abboud appealed for steering committee volunteers.

COMMUNICATIONS COMMITTEE –Linda Fox, Mike Zachar, Laura Ekstrom and Barb Kemp presented the Phase 1 Design and Budget for the Website Integration Project. Story Boards of the new portal page, reflecting the equestrian and rural way of life were presented. The Committee requested initial budget approval and approval of the proposed design pages. The presentation outlined steps for Phase II of the Project, anticipated to begin in two to three weeks. Phase II will include a stakeholders meeting with representatives from the Communications Committee meeting with Lt. Joe Colditz of the Police Department, Robert Kosin and Trustee Gohl.

Trustee Smithe motioned to accept the design and budget proposal. Trustee Gohl seconded.

Trustee Knoop suggest that the committee members visit the Comprehensive Plan and include several areas from the plan on the site. The question was called. All present said aye.

Motion Approved

PUBLIC COMMENT – President Abboud opened the public comment session at 9:45pm.

Mr. Dave Walat, 41 Spring Lane – Mr. Walat outlined his complaint regarding property flooding in Spring Creek Hills subdivision. Mr. Walat, a seventeen year resident of 41 Spring Lane, noted that the Village had previously provided resources for a rain garden that worked for awhile. However, the required drainage ditch is compromised because the 40 Spring Lane property has filled in the overflow ditch, which runs along their property. Mr. Walat’s 2,000 square foot basement has flooded twice this spring. Mr. Walat thinks the neighbor’s pond ditch violated the Village ordinance and contacted the Village to advise them of the violation. Mr. Strahan visited the property, but according to Mr. Walat, no action was taken.

President Abboud responded that he and Director Kosin will review both properties. He stated that Spring Creek and Spring Lane roads have drainage overflow that crosses and goes to the McArthur property. Mr. Walat has photos of the problem and President Abboud said the photos would be helpful. Gewalt will review the issue and provide the Village with a report. There is no need for aerial photos at this time, but when they are taken, they will be of both properties.

Trustee Smithe commended Chief Murphy, President Abboud, Director Kosin and Trustee Gohl on an excellent Police Department Open House.

With no further comments, the Public Comment session closed at 10:58 p.m.

FINANCE – Walter E. Smithe

Village Treasurer's Report – Trustee Smithe motioned to accept the Treasurer's Report for the month of September, 2009. Trustee Gohl seconded. All present said aye.

Motion Approved

Police Pension Board Report - Trustee Smithe motioned to accept the Police Pension Board's Report through August 31, 2009. Trustee Gohl seconded. All present said aye.

Motion Approved

Overtime Reports – Trustee Smithe motioned to approve \$11,271.70 in overtime expenses (of which \$6,631.64 will be reimbursed by IDOT), for expenses up to September 15, 2009. Trustee Gohl seconded. All present said aye.

Motion Approved

Presentation of Bills - Trustee Smithe motioned to approve payment of the bills for the month of September to date of \$ 704,774.39. Trustee Knoop seconded. Roll Call:

Ayes- 5 (Ramesh, Knoop, Smithe, Gohl, Abboud)

Nays – 0

Absent – 2 (Wessel and Mallen)

Motion Approved

Trustee Smithe reminded the Board that the budget worksheets need to be turned in the week of October 12th.

SPECIAL USE PERMIT

Dave Barrie, property manager of Tudor Oaks Farm at 125 Buckley Road, represented owners Mr. and Mrs. Richard Stephenson's application to construct a permanent pier and gazebo over an artificial lake on the Stephenson property. Mr. Barrie was present to answer any questions the Board may have had. The ZBA, upon hearing testimony and reviewing the architectural plans submitted by the petitioner, voted to approve petitioner's general plan, contingent upon the Village's outside engineering consultant reviewing and approving the plans for the project.

Trustee Ramesh motioned to accept granting a Special Use Permit for the construction of a gazebo and pier over an artificial lake on the Stephenson's property. Trustee Smithe seconded.

Discussion followed with Trustee Knoop verifying that the Stephenson's neighbors had proper notification and had no objections. President Abboud verified with ZBA Chairman, Jonathan Knight, that there were no floor ratio or set-back issues. Chairman Knight reported that the ZBA had no reservations and thought the proposed gazebo and pier would provide improvement to the property. Director Kosin said the existing pier would be removed. Roll Call:

Ayes – 5 (Ramesh, Knoop, Smithe, Gohl, Abboud)

Nays – 0

Absent – 2 (Wessel and Mallen)

Resolution 09-17 Approved

BUILDING AND ZONING – Elaine M. Ramesh

Trustee Ramesh reported that the McHenry County ZBA has an opening for an alternate member. It is a vacancy for a term that expires in December. Interested parties must apply by October 8, 2009. President Abboud will make a recommendation.

Equestrian Commission – There was no meeting this month.

Building Permits – There have been two building permits issued in the past month.

ZBA

Lighting Text Amendment – Trustee Ramesh reported that the draft Lighting Text Amendment moved from the Plan Commission to the ZBA this month. The ZBA made a unanimous decision to ask the Village Board to hold a public hearing on the text amendment for artificial lighting. Trustee Ramesh stated her opinion that such an ordinance would have an undue burden on the Barrington Hill's residents and would create three different sets of concerned constituents: those who don't wish to have further restrictions of their property rights; those who want enforcement of a strict lighting ordinance and find it can't be effectuated by the Village; and those who want to keep their lighting as it is. She further stated such an ordinance, in her opinion, would be costly and difficult to enforce. She added that the hearing would be contentious and upsetting to residents and too stressful at this time, given the difficult economic climate. Trustee Ramesh said she would consider stricter standards of lighting for institutions and commercial properties, or the guidelines for residential lighting be mailed to residents as suggested best practices.

Trustee Knoop stated he was in disagreement with Trustee Ramesh, regarding orderly resident reaction to the proposed ordinance. He said the Village has taken several steps to educate and sensitize the community to excessive lighting. He pointed to the website description of the Village community as rural and noted that the comprehensive plan uses "rural" many times as a descriptor of the community. And yet, he said there are many examples of excessive lighting trespass throughout the Village. Currently, it is not illegal to have light trespass. His thinking is there is a need to backup education with a zoning ordinance.

President Abboud summarized the discussion:

There will be a Public Hearing. He suggested that the Lighting Text be presented as a basis of discussion, which might even result in new language. Trustee Gohl emphasized that the Lighting Text is a draft. President Abboud suggested that the public comment could result in a new draft, cause the language to be dropped, changed, or made stronger. He directed that a post card be sent to each resident in the Village and that the draft document be posted on the website.

Trustee Ramesh motioned to authorize the ZBA to hold a public hearing on the proposed Lighting Text. Trustee Knoop seconded. October 19, 2009, was set for the hearing to be held in the Countryside School. Residents will be notified of the meeting date, time, and place by postcard. President Abboud called for a vote.

Ayes- 4 (Knoop, Smithe, Gohl, Abboud)
Nays – 1 (Ramesh)
Absent - 2 (Wessel and Mallen)

Motion Approved

Changes related to agricultural use were the second consideration of the ZBA at its September meeting. The original proposal by the Legal Committee made recommendations that were approved by the Equestrian Commission. Four changes were brought to the ZBA. The board agreed to three of the four provisions brought to them. However, they agreed to forward those three changes to the Village Board with the proviso that the three modifications become effective when commercial boarding regulations are finalized and become effective. Of the three provisions recommended by the ZBA brought forward to the Village Board, Trustee Ramesh said she could only support the modification to the hours that workers could be on the property.

Chairman Knight recognizes that the ability of the ZBA to make recommendations on agricultural use must also understand and consider the boarding issue, since the two issues are inexorably connected. Therefore, Chairman Knight asked for Board approval for a ZBA Public Hearing on the boarding of horses. Chairman Knight reported that no residents attended the Agricultural Hearing. Findings will be forth coming.

ROADS AND BRIDGES – Peter C. Wessel

Drainage Program - Dan Strahan reported that \$70,000 is left in the Road and Bridges Budget. Copenhaver Construction Company submitted a bid of \$93,033 for the 2009 Miscellaneous Drainage Program work package. Mr. Strahan is recommending acceptance of their bid, although experience with Copenhaver has demonstrated a need for close supervision. Trustee Smithe motioned to approve the Copenhaver bid of \$93,033 for the Misc. Drainage Project. Trustee Knoop seconded.

Trustee Ramesh asked if the engineer consulting fees resulting from such close supervision were large enough to make the next highest bid workable? Mr. Strahan said “no,” that Gewalt Hamilton will still need to supervise the work, but not that much, since this is a smaller project than the previous one. Trustee Ramesh asked about tree removal and Mr. Strahan stated that about 40 fifteen inch trees and some 22 inch trees will be removed and a couple on Dundee Lane. Roll Call:

Ayes – 5 (Ramesh, Knoop, Smithe, Gohl, Abboud)
Nays – 0
Absent – 2 (Wessel and Mallen)

Motion Approved

The Three Lake Project - Mr. Strahan reported that this project will need only minor work this year and major work next year.

Trustee Gohl noted that the Copenhaver bid exceeds the budget by \$23,033 and questioned if this was an annual amount. Mr. Strahan said it was.

There will be a public meeting on the closing of Chapel Road on October 3rd with an open house from 3-5 p.m. and 7-9 p.m. The notification process is ready to begin.

The 2009 Road Program is nearly finished. River Road is completed as is surface patching. President Abboud questioned the letter to IDOT. Mr. Strahan said there was no response. Other resurfacing is to include Old Hart and Haegers Bend in 2010. Trustee Gohl reported a shoulder problem on Oak Knoll.

HEALTH, ENVIRONMENT, BUILDINGS AND GROUNDS – Beth Mallen

Rain Garden Initiative – In Trustee Mallen’s absence, President Abboud said the proposed location of the Rain Garden was on the west side of the building adjacent to the sidewalk. The Rain Garden Initiative is part of the Flint Creek Watershed Partnership and is funded by a grant from the Barrington Area Community Foundation.

Star Park – Trustee Ramesh questioned if the Village lighting would impede the proposed Star Park at the Village. President Abboud said the Village would reduce the lighting on Village Hall. There are other Star Park locations being explored in the Village.

Clean-Up Day – October 24th is the next scheduled clean-up day in the Village.

PUBLIC SAFETY – FRITZ H. GOHL

Surplus Property – Trustee Gohl motioned to approve authorizing disposal of personal property owned by the Village of Barrington Hills. Trustee Smithe seconded. President Abboud will review the proposed property with Director Kosin and determine whether the equipment should be sold or retained. If it’s determined to sell, they will set the price and proceed. All present said aye.

Ordinance 09-11 Approved

Intergovernmental Agreement - Trustee Gohl motioned to approve the proposed intergovernmental agreement with the Village of Fox River Grove relative to a police communications antenna. Trustee Smithe seconded. All present said aye.

Resolution 09-19 Approved

INSURANCE – Walter E. Smithe
No report

ATTORNEY – Douglas Wambach
Reported earlier in the meeting

ADMINISTRATION – Robert G. Abboud

Amending Village Code – President Abboud explained the necessity for the amendment in that personnel matters have surfaced demanding documentation of current practice regarding the duties and powers of the Chief of Police. Trustee Smithe motioned to approve the ordinance. Trustee Gohl seconded. All present said aye.

Ordinance 09-10 Approved

Canadian National Railroad

Trustee Ramesh opened the discussion on Canadian National and the Village's strategy for future negotiations, referencing Trustee Smithe's e-mail to the board. Trustee Smithe questioned if perhaps a focus change in strategy might be appropriate going forward in negotiations with CN. He suggested that a complete professional assessment of the reasonable noise and safety mitigation take place, and then estimates of the costs be completed leading to a negotiated settlement with CN. President Abboud discussed the various positions taken by neighboring communities – some want sound barriers, others want landscaping. He said that the Village can attempt negotiating with CN for cash, but that it would need to determine what it wants. Trustee Smithe offered that a wish list could be created. President Abboud said that the Village needs to consider repair work to aged culverts and tressels over which the CN travels. President Abboud said the Village is training officers regarding protocol in the event of a catastrophic spill, negotiating with CN to have them inspect their miles of track within the Village, and oil the trains to reduce noise. President Abboud said the Village might get CN to do some things. Trustee Ramesh reported that effective October 3, 2009, CN will run two more trains per day through the Village. Discussion followed regarding the issue of hazardous material transport through the Village, and the impact of a derailment on the Village and its resources, particularly the aquifer. Trustee Smithe questioned if the door was shut on settlements from CN? The answer was yes.

Trustee Smithe motioned to move to Executive Session at 11:46 p. m. for the purpose of ascension of Executive Committee Meeting minutes. Trustee Knoop seconded. Roll Call:

Ayes – 5 (Ramesh, Knoop, Smithe, Gohl, Abboud)
Nays – 0
Absent – 2 (Wessel, Mallen)

Meeting Adjourned

President Abboud opened the Executive Session at 11:46 p. m. Village Attorney Wambach presented six executive session meeting minutes from 1997 to 2009 for ascension: Hirsch Barn, Clauser Pension, Pedian, Lake Otis Woods, Abandoned houses – 106 County Line, 223 Otis, and 1 Braeburn; and Property Acquisition – 114 Algonquin Road.

Attorney Wambach advised that when litigation is resolved, the record should be made public. He recommended that some minutes from this timeperiod be kept confidential based on the nature of the case and pending resolution. Roll Call:

Ayes – 5 (Ramesh, Knoop, Smithe, Gohl, Abboud)
Nays – 0
Absent – 2 (Wessel, Mallen)

Motion Approved

Trustee Smithe motioned to return to Public Session at 11:51 p.m. Trustee Gohl seconded. All present said aye.

Meeting Adjourned

President Abboud opened the Public Session at 11:52 p.m. Trustee Gohl motioned to adjourn the meeting at 11:53 p.m. Trustee Smithe seconded. All present said aye.

Meeting Adjourned

Approved _____