

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

I. Call to Order and Roll Call

At 7:35 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, Farrell, Koertner, Pino
and Weiner (arriving at 7:40 p.m.)

Absent: Trustee Kolar

Also Present: Kathy Nelander, Village Administrator
J.W. Braithwaite, Village Attorney
Kris Lennon, Deputy Village Clerk
Nancy Schumm-Burgess, Barrington Area Conservation Trust,
17 Oakdene Road East, Barrington Hills
Ed Harris, Lake County Sherriff's Department,
1301 N. Milwaukee, Libertyville
Tim Moritz, Tallgrass Restoration, LLC,
2221 Hammond Drive, Schaumburg
Jerome Callaghan, 211 Smith Road, Lake Zurich
Joe Arizzi, Wauconda Fire Department
David Conard, Pioneer Press, Lake Zurich
Gery Herrmann, 257 Kimberly Road

II. Public Comment

There is no one who wished to speak.

III. Consent Agenda

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

- A. Motion to approve Minutes of Pubic Hearing 6/25/08; Minutes of Board Meeting, 6/25/08**
- B. Motion to approve 7/23/08 Vouchers for payment of bills**
- C. Motion to approve the Treasurer's Report for the 2nd month of Fiscal Year 2009**
- D. Motion to approve Resolution # 2495 re-appointing William Bishop as Plan Commission member**

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

IV. PRESENTATIONS

- A. Nancy Schumm-Burgess, Executive Director, Barrington Area Conservation Trust**
Present plan to create a cost share program for North Barrington to implement Best Management Practices action items from the Flint Creek Watershed Based Plan. Discuss grant submittal.

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

Ms. Schumm-Burgess explained that she will be submitting an application on the Village's behalf, if approved by the Board, to the Environmental Protection Agency (EPA) for Section 319 Grant Funding regarding the Village's Community Program for the Flint Creek Watershed Project. The application is due August 1, 2008.

The grant includes five (5) major components:

- Education: Includes brochure on Best Management Practices (BMP) action items and website information. The goal is that water protection will become a way of life for Village residents.
- Technical Support: Residents would be able to ask questions regarding information on the website and have access to a professional who would offer advice on a limited basis.
- Cost share reimbursements for resident projects.
- Demonstration workshops throughout community.
- Community work on bridges, detention basins, and discharge points.

Ms. Schumm-Burgess made note of organizations that have agreed to partner with the project and have a vested interest:

- Barrington Area Council of Governments (BACOG) – 20 hours/year
- Lake County Stormwater Management Commission (LCSMC) – 10 hours/year.
- Barrington Area of Conservation Trust (BACT) – Assist in managing the grant.
- Citizens for Conservation (CFC)
- Flint Creek Watershed Partnership (FCWP)
- Tallgrass Restoration, LLC – 50 hours/year

Ms. Schumm-Burgess explained the budget regarding the Village Match for the Flint Creek Watershed Grant application. The total cost of the proposed project is in the amount of \$481,932.00. The Village will ask for \$275,000.00 in EPA funding. It was noted that the project will take two years to complete.

Ms. Schumm-Burgess asked the Board if they had any questions.

Trustee Pino asked if the matching grant program is a dollar for dollar match. Ms. Schumm-Burgess explained that the program is a reimbursement program as well as, a 40/60 matching grant program. Costs are submitted quarterly.

Ms. Schumm-Burgess explained that Village residents will be able to apply for fifty percent (50%) cost share funding through an environmental committee established by the Village. The amount allotted for EPA funding toward the cost/share/program is \$175,000.00. Ms. Schumm-Burgess noted that resident applications will be submitted to the Village for approval or disapproval; aspects of the proposed projects will be able to be re-negotiated; residents will be reimbursed upon completion/review of their project.

Village Attorney J.W. Braithwaite suggested that a legal committee be formed to review proposed projects/contracts therefore increasing in-kind contributions. Ms. Schumm-Burgess agreed.

Motion: Trustee Weiner moved to approve submittal of the application for Section 319 Funding regarding Village's Community Program for the Flint Creek Watershed Project as potentially outlined; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Farrell, Koertner, Pino and Weiner

Nays: None

Absent: Trustee Kolar

Abstain: None

President Sauer declared the motion approved.

Trustee Farrell thanked Ms. Schumm-Burgess for her efforts, especially with community involvement. Trustee Weiner agreed.

B. Tim Moritz, Tallgrass Restoration, LLC

Presentation of 2008 Phase I Site Preparation for the area of Rugby Road and Essex Lane

President Sauer invited Tim Moritz, Tallgrass Restoration, LLC (Tallgrass) to address the Board.

Mr. Moritz explained the construction for the 2008 Phase I Site Preparation (Site Preparation) at Flint Creek adjacent to the intersection of Rugby Road and Essex Lane. The area encompasses approximately five (5) acres of land. The Site Preparation includes the following:

- Manually clearing invasive woody plants up to twelve (12) inches in diameter breast height (DBH) including buckthorn and honeysuckle during the dormant season.
- Invasive species material to be cut, chipped and hauled off site by a low ground pressure, tracked, bobcat skidsteer.
- Cut stumps to be treated with an application specific, appropriate herbicide.

Mr. Moritz stated that he would like to begin the invasive species clearing during the months of November or December and finish by the end of 2008. Mr. Moritz noted that clearing of the invasive species is weather dependent. In approximately March of 2009, a cover crop will be established to stabilize the soil.

President Sauer asked if the dead trees and debris viewed at the site during the Special Meeting held 5/17/08 would be removed as part of the clearing. Mr. Moritz replied that the clean up will consist of dead trees, live trees, and debris even though it was not worded in the proposal; however, removal of any trees or debris above (12) inches DBH would be subcontracted out.

Trustee Pino noted the importance of identifying trees and debris exceeding (12) inches DBH and that the project will not be complete without removing all area debris. Additionally, the Village should be aware of costs associated with removing debris above (12) inches DBH.

President Sauer suggested that Tallgrass request the services of Patsy Mortimer, Flint Creek Watershed Partnership, to aid in the identification of trees and debris above (12) inches DBH. Mr. Moritz stated that he would clarify that portion of the proposal.

Additionally, Mr. Moritz stated that during the construction period from November 2008 through January 2009, any hazard trees will be marked and recommendations will be made for removal. Mr. Moritz clarified that any dead trees or debris located in the water will not be removed and that proposed clearing pertains to trees and debris located solely on the ground.

Mr. Mortiz explained that Tallgrass will provide photo documentation to include before, during, and after pictures. Photographs will be taken from geographical locations to establish points of reference. In March/April of 2009, stewardship activities begin and will continue throughout the summer. Tallgrass guarantees a ninety-five percent (95%) control rate of all woody invasive species.

President Sauer asked if local volunteers will be able to assist with stewardship activities. Mr. Moritz replied that Tallgrass will hold educational workshops to teach volunteers.

President Sauer stated that he would like to begin holding workshops in November for residents and volunteers in addition to providing information on the website and BMP brochures.

Gery Herrmann, 257 Kimberly Road, asked about the exact location of the (5) acres involved in the clearing. Mr. Moritz explained that he did not have exact dimensions, but the clearing begins at the location of Essex Lane and Flint Creek. Mr. Herrmann suggested that the clearing begin on the corridor of land which the Village owns.

There was discussion among the Board about notification to and permission of Village residents regarding the restoration project and construction process. It was noted that the Village will need to obtain the addresses of those residents involved in the (5) acre clearing.

Trustee Boland stated that he had an issue with Tallgrass requesting a fifty percent (50%) deposit on contracted services and feels that the Village should not be forced to make an advanced deposit. Village Attorney, J.W. Braithwaite added that it is not customary for the Village to advance a deposit amount.

President Sauer suggested that the language described as “fifty percent (50%) deposit on contract services” be stricken from the terms and conditions and substituted with language described as “work in progress”. Mr. Moritz agreed.

It was agreed upon by the Board and Tallgrass that the Village will be invoiced for the clearing and initial stump treatment upon completion. The first invoice will be in the amount of \$23,500.00. It was noted the clearing would take approximately 60 days to complete; the projected month for completion is late December 2008 or January 2009.

President Sauer noted that there are allocated funds for the clearing currently available for the project.

Mr. Moritz discussed an estimated projected time line for the proposed line items as depicted on the proposal:

- 2009 Woody re-sprout spraying – June 2009
- 2009 Invasive species control- Middle Summer 2009
- 2009 Monitoring and progress report – Late Summer, Fall 2009
- Photo documentation/Final Report –January 2010

Village Attorney J.W. Braithwaite stated that the Village will request certificates of insurance to be added to the contract and that the Village will be an additional insured.

Motion: Trustee Farrell moved to approve the Tallgrass Restoration, LLC 2008 Phase I Site Preparation proposal subject to legal review; seconded by Trustee Pino:

Discussion: There was lengthy discussion.

Vote on Motion

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

President Sauer declared the motion approved.

V. 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. Parks & Recreation Commission Meeting Minutes, 7/7/08**

VI. ADMINISTRATION – President Bruce Sauer

- A. Klein Development, Inc., Wynstone South Commercial – Request to release the Developer's subdivision surety, Letter of Credit No. 395, for the subject Project and replace it with a 2-year Warrantee or Maintenance Bond.**

President Sauer explained that Mr. Tom Klein, on behalf of Klein Development, Inc., requested release of the Developer's subdivision surety, Letter of Credit No. 395 for the Wynstone South Commercial Project and replace it with a 2-year Warrantee or Maintenance Bond.

President Sauer stated that he was not in favor of releasing the letter of credit to replace it with a 2-year Warrantee or Maintenance Bond. Trustee Boland agreed.

There were questions from the Board about the provisions of the Village Code applicable to letters of credit, surety bonds and performance guarantees.

Attorney J.W. Braithwaite explained that the Village Code provides that upon completion of the construction, the developer may substitute a warrantee or maintenance bond for the letter of credit. The performance guarantee extends over a 2-year period.

Trustee Boland explained that if the Village needs to obtain recovery, funds are easily acquired through a letter of credit rather than a bond guarantee.

Attorney J.W. Braithwaite suggested tabling the matter until the August Board meeting and the Board agreed.

Motion: Trustee Boland moved to table the request to release Letter of Credit No. 395 until further review; seconded by Trustee Pino.

Discussion: There was some discussion.

Vote on Motion

The voice vote was unanimous in favor.

President Sauer declared the matter tabled until the August Board meeting.

B. Authorize Improvements to Village Hall Parking Lot

President Sauer explained that the Village Hall's parking lot is in need of seal coating, crack sealing, and pothole repair. The service was last performed in July of 2004 by Performance Paving in Wauconda. Two estimates were submitted. Performance Paving submitted an estimate in the amount of \$3,217.00 without viewing the property. Peterson Sealcoating and Paving submitted an estimate in the amount of \$ \$4,882.00 after viewing the property; the cost for repair services totaled \$2,986.00 however, an additional \$1,896.00 was added for three (3) patches requiring saw cut services.

Motion: Trustee Weiner moved to approve the expenditure of not to exceed \$4,882.00 for Peterson Sealcoating and Paving to service the Village Hall's parking lot; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

C. Request to renew Solicitor Permit - Mr. Jerome Callaghan, Edward Jones, 111 S. Rand Road, Lake Zurich

President Sauer explained that in April of 2006, Mr. Jerome Callaghan, 570 Cortland Drive, Lake Zurich, Illinois, applied for and received a solicitor's permit from the Village. Mr. Callaghan requested renewal of his solicitor's permit as a Financial Advisor for Edward Jones by submittal of an application and registration fee. It was noted that the Village did not receive any complaints about Mr. Callaghan while he had his previous permit.

Trustee Boland noted that Mr. Callaghan's permit lapsed between 2007 and 2008 and that a Record Search had been conducted with the Lake County Clerk of the Circuit Court for 2008.

Motion: Trustee Koertner moved to approve the renewal of a solicitor permit for Mr. Jerome Callaghan as a Financial Advisor for Edward Jones; seconded by Trustee Weiner:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

D. Proposed Lake County Resolution stressing the need for a State Capital Funding Bill

President Sauer stated the Lake County Board submitted a letter in addition to a proposed Resolution requesting support from the Village to support their efforts in working with the State and Regional Transit Authority to improve state highways and transit in Illinois and Lake County. The Lake County Board is calling on the Illinois General Assembly and the Governor to approve a capital bill that provides a revenue source as well as, provides matching dollars necessary to leverage available federal funding.

Trustee Boland asked if the Village is required to draft its own resolution. Village Attorney J.W. Braithwaite stated that the Village does not need its own resolution and is required to only communicate its support of the Lake County Board's Resolution.

Motion: Trustee Pino moved to approve Village support for the Lake County Board's proposed Resolution in support of the State and Regional Transit Authority to improve state highways and transit in Illinois and Lake County; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

E. Authorize Speed Limit Study for Indian Trail Road-Costs to be shared by the Village of North Barrington, Village of Lake Barrington, Tower Lakes and Cuba Township

President Sauer stated that Highway Commissioner Tom Gooch (Commissioner Gooch), Cuba Township Road District, submitted a letter requesting that a speed limit study be conducted on

Indian Trail Road due to complaints from residents that: the speed limits on the road are too high, the road is not a through road, there are many children, school bus stops, and sight distance problems. Commissioner Gooch requested that the study be performed by traffic engineers Gewalt Hamilton Associates, Inc. The study would be jointly funded by Cuba Township and the Villages of North Barrington, Lake Barrington, Tower Lakes. Commissioner Gooch suggested that the parties divide the cost proportionately by the amount of road mileage within their respective villages/township. The current speed limit is 35 miles per hour (mph) and most surrounding roads have 25 mph speed limit signs.

President Sauer further stated that the Village's cost for the study would be approximately \$500.00 and is supportive of the request due to safety concerns.

Trustee Farrell noted that she supports the reduction of the speed limit on Indian Trail Road and has witnessed violations numerous times.

There was discussion among the Board that in order to reduce the speed limit on a road, a study must be conducted.

Motion: Trustee Boland moved to approve authorization for a speed limit study to be conducted for Indian Trail Road by Gewalt Hamilton Associates, Inc. and jointly funded by Cuba Township and the Villages of North Barrington, Lake Barrington, and Tower Lakes with the cost divided proportionately by the amount of road within each party's jurisdiction; seconded by Trustee Weiner:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

F. Wynstone Special Service Area Discussion and possible initial action

President Sauer requested that Attorney Braithwaite explain the previously provided Memorandum regarding the Proposed Wynstone Special Service Area's (SSA) for Sewage and Spray System.

Attorney Braithwaite briefly outlined the SSA process and noted the urgency of the project due to Illinois Environmental and Protection Agency (IEPA) requirements. Attorney Braithwaite explained that the project will increase the spray field area on the golf course and divert sewage through the Lake Zurich sanitary system to Lake County.

President Sauer stated that the proposed SSA for Sewage and Spray System have been voted on and approved by the Wynstone Property Owner's Association.

There were a few questions from the Board which were addressed by President Sauer and Attorney Braithwaite.

Motion: Trustee Boland moved to approve, in principle, pursuit of Special Service Areas for the Wynstone sanitary sewage and for the Wynstone spray fields; seconded by Trustee Weiner:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

President Sauer further explained that Village Attorney J.W. Braithwaite recommended Attorney Gregory W. Hummel of the law firm of Bell Boyd & Lloyd to be bond counsel for the Village and the Wynstone SSA's transaction.

Attorney Braithwaite noted that the primary responsibility for preparing the proposing ordinance rests with bond counsel, subject to review by the Village Attorney.

President Sauer called for a motion to approve Attorney Gregory W. Hummel of Bell, Boyd & Lloyd as bond counsel for the Wynstone SSA transaction.

Motion: Trustee Boland moved to approve Attorney Gregory W. Hummel of Bell, Boyd & Lloyd as bond counsel for the Wynstone Special Service Area for Sewage and Spray System; seconded by Trustee Weiner:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

President Sauer noted that a Special Meeting should be held to approve the proposing ordinances regarding the Wynstone SSA for Sewage and Spray System.

Village Attorney J.W. Braithwaite explained that the proposing ordinances sets forth in substantial detail the nature of the project, the estimated costs, and the names and addresses of all persons receiving required notices.

It was decided that the Special Meeting will be held Thursday, August 7th at 7:30 p.m.

VII. REPORTS BY BOARD OF TRUSTEES

A. Trustee Boland

Trustee Boland reported that the concert “Bopology” will be held Saturday, July 26th at 6:00 p.m. in Eton Park and encouraged residents to attend.

B. Trustee Farrell

Trustee Farrell had nothing to report.

C. Trustee Kolar

Trustee Kolar was absent.

D. Trustee Koertner

Trustee Koertner reported that she attended the Solid Waste Agency of Lake County (SWALCO) Board of Director’s meeting on June 26th and that SWALCO suspended the city of Waukegan’s membership for failure to pay their dues.

E. Trustee Pino

Trustee Pino reported that the Zoning Board of Appeals did not meet in July and had nothing further to report.

F. Trustee Weiner

Trustee Weiner reported that the Environmental and Health Commission did not meet in July.

Trustee Weiner inquired about his revisions made to Ordinance #1137, the Illicit Discharge and Connection Ordinance. Village Attorney J.W. Braithwaite stated that he would contact Trustee Weiner regarding his revisions.

Gery Herrmann, 257 Kimberly Road, Chairman of the Environmental and Health (E&H) Commission, asked if he could share the information concerning the application for Section 319 Funding regarding Village’s Community Program for Flint Creek as well as the Tallgrass

proposal with the E&H Commission. It was noted that the Board encouraged Chairman Herrmann to share the information with the E&H Commission.

A Flint Creek Water Quality Analysis update was made available to the Board submitted by Michael Perkaus of Aquatic Ecosystems Management, Inc. President Sauer briefly reported on the contents of the report stating that sodium levels in the creek suggest runoff from paved surfaces.

VIII. CLOSED SESSION:

There was no closed session.

IX. NEW BUSINESS

President Sauer reported his disappointment with U.S. Congressman Mark Kirk supporting the CN Acquisition of the EJ&E Railway however; U.S. Congressman Peter Roskam has proposed legislation that would preserve a 36-mile stretch of the EJ&E as a Corridor for the Commuter Rail. President Sauer explained that his efforts will continue in opposition of the acquisition and encouraged others to do so.

Village Attorney J.W. Braithwaite previously discussed creating a legal committee to review proposed projects/contracts regarding the Village's Community Project for Flint Creek.

Trustee Weiner stated that he agrees with the idea of establishing a legal committee not only for the restoration efforts concerning Flint Creek, but for other issues determined by the Village President and/or Trustees requiring legal review.

Motion: Trustee Weiner moved that the Village President be authorized to appoint a legal committee consisting of Trustees Boland, Pino and Weiner; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

X. OLD BUSINESS

There was no old business to discuss.

XI. ADJOURNMENT

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

At 9:05 p.m. President Sauer declared the meeting adjourned.

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

Attest: _____

Kris Lennon, Deputy Village Clerk