

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
MARCH 18, 2009 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD**

I. Call to Order and Roll Call

At 7:31 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, Kolar, Pino and Weiner

Absent: Trustee Koertner

Also Present: Kathy Nelander, Village Administrator

Donna McDonald, Village Attorney

Kris Lennon, Deputy Village Clerk

M/M Scott Gilday, 240 Oxford Road

Terri P. Tepper, 261 Kimberly Road

Gery Herrmann, 257 Kimberly Road

Ed Harris, Lake County Sherriff's Department,

1301 N. Milwaukee, Libertyville

Susan Allman, 425 Mockingbird Lane

Jackie Andrew, 610 Signal Hill Road

Carl Steen & Family, 241 Indian Trail Road

Don Husted, 422 Kimberly Road

Brian Drexler, 239 Shady Lane

Bruce Kramper, 178 Pheasant Run Trail

Patricia Kalinowski, 497 Brookside Road

Katherine Grover, 173 N. Signal Hill Road

Ginger Das Gupta, 462 E. Oxford Road

Scott Gaschler, Wauconda Fire Dept., 109 W. Liberty Street, Wauconda

II. Public Comment

Patricia Kalinowski, 497 Brookside Road, addressed the Board to comment on an ordinance that the Environmental & Health (E&H) Commission has been coordinating requiring the periodic maintenance of septic tanks for Village residents. Ms. Kalinowski explained that she would be pleased to see the Village Board consider and approve the E&H Commission's recommendation to amend the Village Code to provide for the maintenance of private sewage disposal systems.

Ms. Kalinowski additionally commented on the Flint Creek Watershed Project. Ms. Kalinowski stated that she would like to see a master plan and timeline specifically designed for North Barrington in addition to the Flint Creek Watershed Partnership's watershed-based plan. Ms. Kalinowski noted the importance of resident education and financial disclosure; she concluded by stating that it would benefit the Village to be more communicative with its residents.

President Sauer thanked Ms. Kalinowski for her comments.

Katherine Grover, 173 N. Signal Hill Road, addressed the Board stating that she attended the Village's special meeting held 2/11/09 regarding the presentation of "We're Doing our Part for the Flint Creek Watershed". She commended the Village for initiating the project however, she noted her concerns regarding the location site for Phase I and the need for a long term maintenance plan including a timeline. Ms. Grover also inquired about the cost/share program and addressed budget concerns.

President Sauer explained that the restoration of Flint Creek is an ongoing project and noted that he traveled to Springfield, Illinois with Baxter & Woodman, Inc. 3/3/09 thru 3/5/09 to meet with legislators and the Illinois Environmental Protection Agency (IEPA) to discuss the stimulus package and ways to apply for stimulus funds via the IEPA for Village projects. Project sites regarding the creek were determined upon recommendations from Barrington Area Conservation Trust (BACTrust), Tallgrass Restoration, LLC (Tallgrass), and Flint Creek Watershed Partnership (FCWP). President Sauer explained that the Village is fastidious about finances and clarified that funds spent for the project from the 2008 Fiscal Year Budget (\$10,000) were received in grant funding for education and resident cost/share programs. It was noted that the cost/share programs operate in conjunction with available grant programs.

Trustee Farrell stated that the Village needs to provide information that is viewable to the public such as a one page document or information sheet. Trustee Weiner supported Trustee Farrell's suggestion.

President Sauer thanked Ms. Grover for her comments.

Don Husted, 422 Kimberly Road, addressed the Board stating that he met with Village Building and Zoning Officer Kelly Rafferty and Village Health Officer Natalie Karney to discuss plans regarding the construction of an unattached garage on his property. Mr. Husted was informed that a portion of his property has been designated as a wetland area and he disagrees after speaking with a representative from Lake County Stormwater Management. Mr. Husted contacted Village Engineer Jennifer Sorensen of Baxter & Woodman, Inc. who recommended that Mr. Husted conduct a wetland survey.

President Sauer explained that the Village employs Baxter & Woodman, Inc. for its engineering services and has found their recommendations to be helpful and correct.

III. Consent Agenda

Items:

F. Approve Biltmore Country Club request for Fireworks Display on June 26, 2009

was removed from the consent agenda for discussion.

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

- A. Approve Minutes of Regular Board Meeting, 2/25/09**
- B. Approve Minutes of Special Board Meeting, 3/9/09**
- C. Approve 3/18/09 Vouchers for payment of bills**
- D. Approve the Treasurer's Report for the 10th month of Fiscal Year 2009**
- E. Approve Arbor Day Proclamation**

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

Items removed from the Consent Agenda for further discussion:

- F. Approve Biltmore Country Club request for Fireworks Display on June 26, 2009**

Trustee Boland stated that he would like the Village Attorney to verify the certificate of insurance form and recommended approval of the event subject to legal.

Motion: Trustee Boland moved to approve the Biltmore Country Club request for a Fireworks Display on June 26, 2009 subject to legal; seconded by Trustee Pino:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

IV. ORDINANCES/VARIATION REQUESTS

- A. Request for Extension of Zoning Variations Granted by Ordinance # 1144, Mr. & Mrs. Scott Gilday, 240 Oxford Road, North Barrington**

President Sauer explained that the Zoning Board of Appeals (ZBA) previously recommended approval of zoning variations needed to construct an addition to the property located at 240

Oxford Road. The zoning variances were granted by the Village Board on 5/28/08 by Ordinance #1144. Mr. & Mrs. Gilday did not secure a building permit for the addition within six months of the grant of the variation and the zoning variations have expired. However; the Zoning Ordinance provides that the term of a zoning variation may be extended by the Board of Trustees upon recommendation by the Zoning Board of Appeals for a period or for periods not to exceed a total of three (3) years from the original grant of variation. Mr. & Mrs. Gilday have requested an extension of the zoning variations in order to be allowed to construct the proposed addition at some point in the future and have requested an expiration date of May 28, 2011. The Zoning Board of Appeals recommended an extension until March 18, 2010.

Trustee Boland recommended approval of the extension request allowing an expiration date of May 28, 2010 in order to permit a yearly examination.

Trustee Pino informed Mr. & Mrs. Gilday that there is no cost associated with a request for an extension of a zoning variation.

Motion: Trustee Boland moved to approve an extension of the zoning variations previously granted by Ordinance #1144 and allowing a new expiration date of 5/28/2010; seconded by Trustee Weiner:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

B. Ordinance #1152 Zoning Variation, Mr. Lawrence Weiner & Ms. Terri P. Tepper, 261 Kimberly Road, North Barrington

Trustee Weiner, as a petitioner, requested that the record reflect his physical absence during this portion of the meeting and subsequently left the meeting room during the entire period while their matter was before the Board.

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variances to the code requested by Mr. Lawrence Weiner & Ms. Terri P. Tepper.

**ZR-10-1-2(B) and
ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.**

The existing house is non-conforming because it encroaches into the required front yard zoning setback.

ZR-10-9-2(A,3): From all roads or streets, the setback to any building or structure shall not be less than sixty (60) feet from the established centerline of the road right-of-way.

Based on the 80 foot wide right-of-way established for Kimberly Road, the required front yard setback shall be 20 feet as measured from the front property line.

- The existing house is located approximately 17.09 feet from the front property line, representing an existing front yard encroachment of approximately 2.91 feet.
- The proposed front entry addition will be located approximately 14.65 feet from the front property line, representing a new front yard encroachment of approximately 5.35 feet.
- The proposed Dining Room addition will be located approximately 18.5 feet from the front property line, representing a new front yard encroachment of approximately 1.5 feet.

President Sauer invited Ms. Terri P. Tepper to address the Board. Ms. Tepper stated that she received her permit review from Village Building and Zoning Officer Kelly Rafferty and commended Mr. Rafferty for his quality of work.

Trustee Pino noted that the variation requests were minimal. President Sauer stated that the Village was pleased with the plans.

Motion: Trustee Boland moved to approve an Ordinance # 1152; seconded by Trustee Pino:
Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

Trustee Weiner re-entered the meeting room after the vote was completed.

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 (Jennifer Sorensen – Baxter & Woodman)**
- D. **Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. **Parks & Recreation Commission Meeting Minutes, 3/2/09**
- F. **Environmental & Health Commission Meeting Minutes, 3/3/09**
- G. **Plan Commission Meeting Minutes, 3/9/09**
- H. **Zoning Board of Appeals Meeting Minutes, 3/10/09**

VI. ADMINISTRATION – President Bruce Sauer

- A. **Ratification of Authorization for Village President to give required 60 day notice to Gabriel Way LLC, Timothy A. Pattison and Midwest Bank to complete all public improvements per specified final engineering plans**

Information was made available to the Board in their packet materials. In a letter provided by Village Attorney J.W. Braithwaite dated 2/24/09, it was recommended that the Village send the required 60 day notice to the developer giving him the opportunity to complete all public improvements however; if the work is not completed with the 60 days, take steps to secure funds from the bank by calling the existing letter of credit and complete the work. It was noted that the amount of the Letter Credit (L/C) remains at \$70,000 and is for the purpose of insuring that the Developer, Gabriel Way LLC and Timothy A. Pattison, complete all public improvements per the specified final engineering plans.

President Sauer asked the Board if they had any questions.

There were a few questions from the Board which President Sauer addressed.

Trustee Boland noted that the recommended retainage amount should be based on 125% and not 110% when considering future cash escrow reductions.

Motion: Trustee Boland moved to ratify the authorization for the Village President to give the required 60 day notice to Gabriel Way LLC, Timothy A. Pattison and Midwest Bank to complete all public improvements per specified final engineering plans; seconded by Trustee Farrell:

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

- B. **Approve Proposed Fiscal Year 2010 Budget**

A copy of the proposed Fiscal Year 2009 Budget had been made available to the Board in advance of the meeting in their packet materials.

Motion: Trustee Weiner moved to approve the proposed Fiscal Year 2009 Budget; seconded by Trustee Farrell.

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the motion approved.

C. Resolution # 2513 Supporting the Extension of Illinois Route 53 in Lake County

A copy of the Resolution was made available to the Board in their packet materials.

Trustee Farrell stated that she had not viewed the updated map of the extension and requested clarification as to how the extension will affect North Barrington. President Sauer referred to some of the municipalities affected by the extension however North Barrington was not mentioned.

Trustee Weiner requested that President Sauer explain the reason for support of the extension.

President Sauer explained that the development of communities north of Lake Cook Road has in effect turned Rt. 12 into a major thoroughfare particularly since the end of construction of Route 53 at Lake Cook Road years ago. President Sauer stated that another access to Route 53 is needed; the access would relieve traffic congestion on local and arterial roads in Lake County.

There were a few questions from the Board which President Sauer addressed.

Motion: Trustee Boland moved to approve Resolution 2513; seconded by Trustee Weiner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

D. Village Update

President Sauer explained that subsequent to his meeting in Springfield, Illinois with the IEPA and Baxter & Woodman, Inc. (B&W), a meeting was held with representatives from Lake County, Lake Zurich, Wynstone Property Owners Association (POA), B&W, and North Barrington to discuss the Lake Zurich sewer connection; it was unanimously agreed that North Barrington would own the pump station and the pipeline for the connection. Provisions for the pipeline were discussed including flow rates and the unincorporated areas that surround North Barrington.

A red-lined "Agreement for Sewage Disposal Services for the Area of Wynstone Property Owners Association in the Village of North Barrington" was distributed to the Board.

Trustee Pino asked if the anticipated discharge averaging 100,000 gallons per day on an annual basis is sufficient for the entire Wynstone subdivision. President Sauer replied that an average of 100,000 gallons per day is expected to be more than adequate, considering very low usage in the summer and the right to discharge up to 400,000 gallons per day if required. It was noted that there is an emergency capacity of up to 400,000 gallons per day.

Trustee Kolar asked if the Wynstone POA would continue to maintain the reservoir. President Sauer stated that the Wynstone POA will continue to maintain the reservoir.

President Sauer noted that the project was designed to be ecologically efficient and will leave a low carbon footprint. The IEPA was extremely supportive of the project. President Sauer additionally reported on the financial benefits of receiving IEPA stimulus funds.

It was noted that the pump station will be operated and maintained by Wynstone POA and the pipeline will be operated and maintained by Lake Zurich.

President Sauer explained that he would like to schedule a special meeting to approve the Agreement as soon as possible. A special meeting was scheduled for 3/23/09 at 7:00 p.m. with proper notice to be given.

VII. REPORTS BY BOARD OF TRUSTEES

A. Trustee Edmund P. Boland

Trustee Boland reported that the Parks & Recreation Commission have been scheduling summer events at Eton Park. The Ricky Raccoon Camps are scheduled for the following dates: 6/16 thru 6/18/09, 7/13 thru 7/17/09, and 7/28 thru 7/30/09. The camps are being held in coordination with the Foglia YMCA.

Trustee Boland reported that music from the Pan Go Steel Band is scheduled for 06/27/09; a combination Talent Show & Ice Cream Social has been scheduled for 7/18/09; a second concert

featuring Eleventh Hour Live has been scheduled for 8/15/09 and; Family Movie Night has been scheduled for 8/29/09 featuring "Over the Hedge".

Trustee Boland noted that the Village's 50th Anniversary logo will be utilized with the mailing of the events and requested that a line item be added to the Village Board agenda for the next few meetings for updates on the 50th Anniversary.

B. Trustee Jane Farrell

Trustee Farrell reported that the kick off for the Village's 50th Anniversary will be during the Arbor Day celebration scheduled for 4/25/09 from 9:00-11:30 a.m. at the Village Hall. Trustee Farrell previously met with Village Forester Susan Allman to discuss event preparations.

Trustee Farrell asked President Sauer if he would be interested in providing an announcement speech for the Village's 50th Anniversary. President Sauer accepted.

Trustee Farrell reported that some of the 50th Anniversary commemorations will include: a 50th Anniversary logo; distributing seed packets with the anniversary logo for the Arbor Day celebration; honoring former Village Presidents who have served over the past 50 years with a plaque; contacting a historian; notifying local businesses/publications; organizing a gift to Eton Park; providing a write up in the spring newsletter and; creating signage that could be added to the Village Hall.

Trustee Farrell reported that the Village's 50th Anniversary is an opportune time to generate a brochure that chronicles the Village's most historic and largest trees. Trustee Farrell suggested asking residents in the spring newsletter to send in a picture of their favorite or most historic Village tree.

Trustee Farrell reported that the Village Forester has agreed to make a guest appearance at the Ricky Raccoon Camps. She will read a story and provide an art project featuring Oak trees.

Trustee Farrell stated that she welcomes ideas and suggestions.

C. Trustee Mark Kolar

Trustee Kolar reported that Nancy Shepherdson previously addressed the Board in February to discuss the Economic Stimulus Package and the timely submittal of project road plans to the Illinois Department of Transportation however; Trustee Kolar subsequently spoke with Bill Klewin of Gewalt Hamilton, Inc. and discovered that there are no road projects ready for submittal by the 3/13/09 deadline. Trustee Kolar is planning to meet with Mr. Klewin to drive through the Village to view the condition of Village roads.

It was noted that Signal Hill Road is in very poor condition.

Trustee Kolar reported that Carl Michelotti, 627 Signal Hill Road, contacted him about drainage issues. It was noted that Mr. Michelotti has not followed the recommendations as previously provided by the Village. Trustee Kolar stated that he would follow up with Mr. Michelotti.

Trustee Kolar reported that Jim Moran, 415 Brook Forest Lane, previously addressed the Board in January on behalf of the Brook Forest Homeowner's Association (Association) regarding a damaged street light located on Brook Forest Lane. Trustee Kolar received a letter dated 3/14/09 requesting that the Association be allowed to make the repairs and subsequently invoice the Village after the repairs have been completed. Trustee Kolar recommended that the Cuba Township Highway Commissioner handle the repairs.

President Sauer stated that the street light has been ordered.

Trustee Pino stated that the Village could provide the Association with an invoice since the replacement light has been ordered. It was noted that Trustee Kolar would ask the Cuba Township Highway Commissioner for a copy of the invoice.

It was the consensus that that a motion to request the street lamp invoice from the Cuba Township Highway Commissioner would be a line item on the special meeting agenda scheduled for 3/23/09.

D. Trustee Camille Koertner

Trustee Koertner was absent.

E. Trustee Al Pino

Trustee Pino reported on the Activity Report submitted by Village Building and Zoning Officer Kelly Rafferty. Trustee Pino noted that the property owner located at 242 Shady Lane complied with a court ordered inspection of the house as a result of a violation of the Village Code; subsequently, the owner completed specific safety related measures following an inspection by B&F Technical Code Services. The property owner has applied for a Building Permit however; fees associated with the legal action remains an issue.

F. Trustee Lawrence Weiner

Trustee Weiner reported that the Environmental & Health (E&H) Commission met on 3/3/09 and requested that Gery Herrmann, Chairman of the Environmental & Health (E&H) Commission, to address the Board and report on any updates from the E&H Commission.

1. Request by the Environmental & Health Commission to create a Master Plan for the Flint Creek Watershed Project.

Chairman Herrmann explained that the E&H Commission discussed the issue of creating a master plan and timeline for the Flint Creek Watershed restoration project.

Bruce Kramper, 178 Pheasant Run Trail, commented from the audience that the E&H Commission should be able to provide answers to residents about the project.

President Sauer stated that he is supportive of the idea and noted that a master plan would need to be coordinated with Tallgrass, FCWP and BACTrust. President Sauer further commented that he would like to examine ways of accessing the creek due to the amount of deadfall and debris that has fallen into the creek. President Sauer stated that the Village may have permissible access to the creek due to Lake County Stormwater Management guidelines. Village Attorney McDonald stated that she would confirm.

Jackie Andrew, 610 Signal Hill Road, commented from the audience on costs associated with the Flint Creek project and how it affects the money previously allocated for Stormwater Management. Ms. Andrew additionally stated that clarification is needed regarding the resident 50/50 cost/share program.

Chairman Herrmann stated that he has additionally been working with FCWP Coordinator Patsy Mortimer regarding the placement of a demonstration rain garden within the Village as a result of FCWP receiving grant money. Chairman Herrmann described the vicinity for the proposed rain garden but noted that one of the requirements of the grant is that the Village steward the rain garden for a period of five (5) years.

President Sauer asked that the E&H Commission research costs associated with the maintenance of a rain garden for a five (5) year period.

Trustee Farrell stated that she is apprehensive about solely relying on the recommendations of Tallgrass, and FCWP and BACTrust as they are not members of the Board of Trustees or members of a Commission. Trustee Farrell suggested having one person appointed to oversee the decisions being made by the environmental specialists.

Jackie Andrew, 610 Signal Hill Road, further commented on future maintenance costs related to properties that have been cleared of buckthorn.

Patricia Kalinowski, 497 Brookside Road, commented from the audience suggesting that the Board may wish to consider the bidding process for future landscape work since Tallgrass is a revenue-based company and not a nonprofit organization.

It was noted that Tallgrass was recommended by FCWP and BACTrust.

2. Draft Ordinance Review – Draft Ordinance submitted by the Environmental & Health Commission amending the Village Code pertaining to Private Sewage Disposal Systems.

Chairman Herrmann explained that the drafted ordinance was compiled using county, state, and village ordinances from around the country and noted that it is a state law in Wisconsin. The \$25.00 permit fee within the ordinance covers costs of administration and education needed for the program. Chairman Herrmann stated that the ordinance would make residents take care of their septic systems.

Trustee Pino asked Village Attorney Donna McDonald if the \$1,000.00 violation fine of the ordinance was punitive. Attorney McDonald stated that the fine must be changed to reflect an amount of \$750.00.

Trustee Boland stated that the language within the drafted ordinance must be reviewed by the Village Attorney.

Trustee Farrell stated that it would be difficult to enforce the ordinance if it is approved.

Patricia Kalinowski, 497 Brookside Road, commented from the audience that the Environmental Protection Agency (EPA) has free computer software available to monitor compliance. Trustee Weiner requested that Ms. Kalinowski provide the Village with pertinent information.

Trustee Kolar agreed that compliance may be difficult and explained that education and communication are important factors.

Village Administrator Kathy Nelander suggested that the E&H Commission create informational postcards regarding the proposed ordinance to be mailed to Village residents.

It was noted that the Village Attorney will need to review the drafted ordinance; information will need to be made available in the spring newsletter and posted to the Village website; the E&H Commission will schedule the proposed ordinance as a line item on the agenda for an upcoming meeting following the mailing of informational postcards.

VIII. CLOSED SESSION:

There was no closed session.

IX. NEW BUSINESS

President Sauer personally thanked Trustee Farrell for her outstanding service to the Village.

X. OLD BUSINESS

There was no old business to discuss.

XI. ADJOURNMENT

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

At 9:17 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held April 29, 2009.

Attest: _____
Kris Lennon, Deputy Village Clerk