

**MINUTES OF A SPECIAL MEETING OF THE VILLAGE BOARD OF THE VILLAGE  
OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,  
JULY 15, 2009 AT 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD**

**I. Call to Order and Roll Call**

At 7:36 P.M. President Sauer called the Meeting to order. The Deputy Village Clerk called the roll:

Present in Person: President Sauer, Trustees Boland, Das Gupta, Koertner, Pino and Weiner.  
Absent: Trustee Kolar  
Also Present: Kris Lennon, Deputy Village Clerk  
Laura Ramirez, Wynstone Property Owners Association Manager  
Bob Bigony, 47 Castleton Court  
Bill Tarsitano, 8 Kensington Drive

This Special Meeting was called pursuant to Notice; copy attached.

**II. Public Hearing Re: Proposed Annexation Agreement for properties on Old Barrington Road and Scott Road (Equestrian Center)**

The Public Hearing was continued to date certain July 29, 2009. See separate transcribed Public Hearing Minutes dated 6/24/09.

**III. Ordinances**

**1. Motion to repeal Ordinance No. 1156 which approved Agreement between Village of North Barrington and WPOA for Sewage Disposal Services.**

Village Attorney J.W. Braithwaite explained that the parties involved in the bond issue recognized that the recently installed \$1,300,000.00 water ionization system in the Wynstone subdivision could be included within the bond issue. Consequently, the repeal of Ordinance No. 1156 became necessary. Attorney Braithwaite noted that the water ionization system has already been purchased and that there would be a reimbursement from the bond issue; the water ionization system will be owned by the Village for the duration of the bond issue.

Motion: Trustee Weiner moved to repeal Ordinance 1156; seconded by Trustee Koertner.

Discussion: There was some discussion.

Vote on Motion

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

President Sauer declared the motion approved.

**2. Motion to adopt Ordinance No. 1162 approving Agreement between the Village of North Barrington and WPOA for Sewage Disposal Services.**

Attorney Braithwaite explained that the new Agreement between the Village of North Barrington and the WPOA for Sewage Disposal Services includes the water ionization system.

President Sauer asked the Board if there were any questions.

Trustee Weiner asked if the Village was going to be financially responsible for the Wynstone improvements. Attorney Braithwaite stated that the Village will not be responsible and that the costs will be paid by the bond issue. It was noted that the principal and interest on the bonds will be paid each year by the Wynstone residents and the WPOA which will be line-item on their tax bill.

Trustee Pino asked if there will be money set aside for contingencies. Attorney Braithwaite stated that there will be a reserve fund for contingencies.

President Sauer asked audience member Laura Ramirez, WPOA Manger, if she knew the percentage amount of the bond issue for the contingency fund. Ms. Ramirez stated there had been discussion although, was not sure of the percentage amount. President Sauer stated that he believed the amount to be 10% of the bond issue however; noted that that the percentage amount may be reduced due to bids coming in lower than anticipated for the project. Ms. Ramirez stated that Wells Fargo is the Trustee who will hold the contingency fund for the benefit of the Village to pay any delinquencies.

Trustee Pino asked about credit insurance on the bonds. Attorney Braithwaite stated that there will not be credit insurance. It was noted that at the Village is not at risk and has no obligation to pay on the bond issuance.

There was discussion among the Board about the interest rate of the bonds. It was noted that the first ever rating of Special Service Area (SSA) bonds in the State of Illinois by Moody's produced an A-3 rating for the Village bonds.

Trustee Koertner asked if a date had been established to "lock in" the interest rate. Attorney Braithwaite explained that the bond ordinance is "flexible" which allows the bond sellers to select a date.

Trustee Das Gupta questioned bond liability issues despite a hold harmless agreement. Trustee Das Gupta mentioned Wynstone's sewage system history and specifically referenced the lack of reported maintenance logs. Attorney Braithwaite noted that electronic logs and metering will be maintained at the Village of Lake Zurich pursuant to the IGA with Lake Zurich.

Attorney Braithwaite explained that the judicial remedy involves the money owed to the Village via the special service area taxes on Wynstone residents.

Trustee Pino noted his concern regarding foreclosures. He additionally asked if Lake Zurich was taking on any debt. Attorney Braithwaite stated that Lake Zurich was not taking on any debt but will be a beneficiary of the connection charges and will additionally receive flowage and usage charges.

Bill Tarsitano, 8 Kensington Drive, an audience member, requested to address the Board. Mr. Tarsitano requested that the Village consider sending a 2<sup>nd</sup> public hearing notice to Wynstone residents detailing SSA No. 17. Mr. Tarsitano stated that he owns two properties and received only one notice.

Attorney Braithwaite stated that a public hearing notice was mailed to every property owner according to the tax records; Arnstein & Lehr, LLP has the affidavits of mailing. The public hearing for Special Service Area No. 17 was held at the Village Hall; consequently, pursuant to notice, the people of Wynstone had sixty days to object. It was noted that the Village received no objections.

Mr. Tarsitano stated that he believes the problem is between the WPOA and Wynstone Golf Course.

President Sauer stated that the problem is a WPOA issue; that the Illinois Environmental Protection Agency defined the project as an IEPA design project, mandatory for the continuation and maintenance of the Wynstone subdivision and the spray field system. President Sauer noted that it's in the best interest of Wynstone and the Village to adopt the ordinance.

Trustee Boland stated that the project it is necessary to preserve the public health and safety of the Wynstone community.

Trustee Das Gupta stated that while she agrees with preserving the public health and safety of the Wynstone community, the WPOA has in the past, violated their duties under IEPA requirements with the system that they have. Trustee Das Gupta noted her concern with the Village assuming responsibility as owners and operators of the system as the WPOA has a history of violating IEPA regulations.

President Sauer disagreed and stated that there have been no health and safety violations in Wynstone to date and that it was his understanding that the violations were procedural.

Trustee Das Gupta inquired about the party responsible for maintenance of the new system and suggested that someone from the Village oversee the maintenance.

President Sauer stated that Lake Zurich's engineers will be monitoring the system and will provide reports to the Village. It was noted that the Agreement provides for the requirement of electronic logs to monitor water usage and excess effluent.

Trustee Das Gupta inquired about the special tax report and how the taxation was going to be distributed. Attorney Braithwaite explained the method of taxation will be based on statute and involves water usage.

Bob Bigony, 47 Castleton Court, an audience member, requested to address the Board. Mr. Bigony asked to go "on record" and stated that he that he is not aware of any homeowner in Wynstone that knows the value of the SSA bond; the cost to the Wynstone resident's; and how the costs are going to be allocated.

President Sauer asked if there was any further comment from the Board. No one wished to speak.

Motion: Trustee Weiner moved to adopt Ordinance 1162; seconded by Trustee Koertner.

Discussion: There was lengthy discussion.

Vote on Motion

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

President Sauer declared the motion approved.

Trustee Das Gupta stated for the record that while she is not opposed to the project, she has spent time reviewing the information and is not totally comfortable voting in favor of the ordinance due to her recent election to the Board and requiring further information in its entirety.

**3. Motion to adopt an Ordinance No. 1163 Providing for Issuance of Village of North Barrington, Lake County, Illinois Special Service Area Number Seventeen Special Tax Bonds, Series 2009 (North Barrington Sewer Extension Project).**

President Sauer called for a motion to adopt Ordinance No. 1163.

Motion: Trustee Pino moved to adopt Ordinance 1163; seconded by Trustee Boland.

Discussion: There was no discussion.

Vote on Motion

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

President Sauer declared the Ordinance approved.

It was noted that Trustee Kolar submitted a question via email dated 7/14/09 due to his absence from the meeting regarding a Memorandum submitted by Attorney Karl Marschel dated 7/14/09 regarding SSA No. 17- Build America Bonds. Trustee Kolar suggested clarification regarding the language in the 2nd paragraph regarding the higher interest bonds. It was noted that the Village received an A-3 rating for the Village bonds however; the interest rate of the bond is flexible and is subject to change.

Trustee Koertner stated that due to the water problems within the Wynstone community, the project is necessary. The amount of excess effluent has been problematic and the project needs to move forward.

President Sauer noted that the excess effluent in the past has been sprayed onto the Wynstone golf course; with the proposed improvement, the golf course will dramatically improve and as a result, increase property values.

**IV. Adjournment**

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

At 8:42 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held September 30, 2009.

Attest:

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Kris Lennon, Deputy Village Clerk