

# VILLAGE OF BARRINGTON HILLS

## Board of Trustees Meeting Minutes

Monday, October 26, 2015 ~ 6:30 pm  
MacArthur Room

**President McLaughlin called the meeting to order at 6:33 pm**

### Present

- ❖ President Martin J. McLaughlin
- ❖ Trustee Colleen Konicek Hannigan
- ❖ Trustee Fritz Gohl
- ❖ Trustee Michael Harrington
- ❖ Trustee Bryan Croll
- ❖ Trustee Michelle Nagy Maison
- ❖ Trustee Brian Cecola
- ❖ Chief Richard Semelsberger
- ❖ Village Attorney Mary Dickson
- ❖ Village Administrator Robert Kosin
- ❖ Village Clerk Anna Paul
- ❖ Village Engineer Dan Strahan

### Audience

- ❖ Mark Rakoczy
- ❖ Anne Horwath
- ❖ J. Z. Davis
- ❖ Dawn Davis
- ❖ Arnold Cernik
- ❖ Stephanie Cecola
- ❖ B LeCompte
- ❖ Leslie Coolidge
- ❖ Robert Abboud
- ❖ Lou Flannery
- ❖ Jeffery SanFilippo
- ❖ Jean Maddrell
- ❖ Bonnie Duresa
- ❖ Sharon Meroni
- ❖ Jan Goss
- ❖ Andrew Tolb Attorney for SanFilippo
- ❖ Kim Van Fossan

### Pledge of Allegiance

### Public Comments made by

- ❖ Anne Horwath
- ❖ Bonnie Duresa
- ❖ Leslie Coolidge
- ❖ Robert Abboud
- ❖ David Stieper
- ❖ Laurie Abboud
- ❖ Sharon Meroni
- ❖ Jeffery SanFilippo
- ❖ Andrew Cole, attorney for SanFilippo property
- ❖ Gretchen Hess

Audio of these comments can be located at the Village web site – [www.vbhil.gov](http://www.vbhil.gov). Any written comments handed to the Village Clerk will be posted as an attachment to the Agenda.

### Approve Minutes Special Meeting September 23, 2015 with changes

Motion Konicek 2<sup>nd</sup> Cecola

Roll Call: Ayes 6 (Cecola, Maison, Croll, Harrington, Konicek, McLaughlin)  
Abstain 1 (Gohl)  
Nays 0

### MOTION APPROVED

### Approve Minutes June 22, 2015 with changes

Motion Konicek 2<sup>nd</sup> Maison

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED**

**Accept Village Treasurer's Report for July 2015 with clarification**

Motion Croll 2<sup>nd</sup> Konicek

Croll reviewed documents and brought forward that Schedule C did not seem to be accurate. It will be reviewed and corrected.

There was no Treasurers memo this month and the Treasurer's report was distributed at the meeting.

Board explained that the Treasurer is on an extended leave of absence and Wendi Frisen was appointed Deputy Treasurer in her absence at a Special Board Meeting on October 5th.

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED**

**Police Pension Board's Report for September 2015**

Gohl and McLaughlin stated that they attended the Pension Board Meeting Monday morning, and explained that it has been rescheduled for Wednesday October 28, 2015.

The PPB's advisor is going to bring more information to Wednesdays meeting regarding median returns. There is a \$31 million future burden (2040) on tax payers that will only increase if returns continue to fall short. McLaughlin clarifies the cumulative burden over the next 25 years is \$31 million assuming we make 6.5% on an annualized basis. If we don't reach 6.5%, like the 5% we have been making the burden goes up to \$43 million.

The Village only provides funding, but has no control over what how the Pension Board allocates those funds.

Croll reviews 1.5 hour discussion on the Bond at last Finance Committee Meeting.

Harrington adds that if you look at returns in the market since the Village has been discussing the bond, especially Walls returns, the leverage maximizes returns, but also maximizes losses. They have underperformed, if the Village took out a pension bond 3 years ago, we would have had 3 years where we under performed.

**Approve Overtime Report for September 16 - October 15, 2015 Totaling \$10800.85**

Motion Croll 2<sup>nd</sup> Gohl

Report high because of injury

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED**

**Approve Bills for October 2015 Totaling \$1,137,354.94**

Motion Croll 2<sup>nd</sup> Cecola

The amount is a bit above normal because of large road program payment, and software update for police department.

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED**

**Approve Resolution Authorizing of Additional Agent to the Illinois Municipal Retirement Fund**

Motion Croll 2<sup>nd</sup> Harrington

Kosin explained that the Village needs a named designee for IMRF in absence of Treasurer and that Wendi Frisen, as Deputy Treasurer can fulfill that role.

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED as Resolution 15 - 35**

**Table Resolution Acceptance of a Financial Advisory Agreement with William Blair & Company, L.L.C.**

Motion Croll 2<sup>nd</sup> Konicek

**Voice Vote all say aye MOTION TABLED**

Harrington requests that we further notice and publicizes next Finance meeting addressing Bond. Asks the Village to do all they can to educate public and seek input on this issue.

Presidents reports that the current, 45% funded standing in the Police Pension Fund was not achieved through returns, but by significant overfunding by the Village. He reiterates that a PBOB would probably not make sense in a couple of months if interests rates rise, hopes the Board can make a decision soon.

**Roads & Bridges Monthly Report**

Road program for 2015 has been completed. Cuba Township has completed drainage work and patching is underway.

**Cuba Road Bridge Closure Update**

There is a pre-construction meeting this week. Contractors eager to start the project. Dan reviews the supplementary materials included in the packet.

The bridge is expected to be reopened middle of May.

**Table Resolution Adopting the Illinois Adopt-A-Highway Act and to Set Forth Village Requirements Allowing Local Groups to Adopt Village Highways**

Motion Cecola 2<sup>nd</sup> Gohl

Will be reviewed by the Roads & Bridges Committee before Board

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION TABLED**

**Accept Public Safety Monthly Report**

Report as submitted.

Chief advised reviewing the cost effectiveness of the Vehicle Sticker program going forward. Trustee Konicek request that it be placed on next month's agenda for a vote.

**Dispatch Consolidation Update**

The Village is scheduled to transfer dispatch services to QuadCom tomorrow, 10/27/2015 at 10am, all vendors will be present to test system. Police Department is ready to go.

Gohl asks the Chief to review what will happen if residents call the Village police number after consolidation. A call to the nonemergency number from 8am-4pm Monday-Friday will go to the Police Department staff. Outside of those hours, number prompts caller to dial 911 in an emergency or hold to leave a message. He also reviewed that the house watch program will not change, just the tracking method.

There will be a phone in the lobby for anyone trying to enter the Police Department after hours, it will connect the user to QuadComm

Presidents asks that Chief convey the Villages gratitude to the entire Department, specifically to the outgoing dispatchers for their performance during the transition.

**Report Accepted**

**Accept Permit Report**

Report as submitted.

170 Old Sutton Road site. There have been inquiries from concerned residents, Village will continue to make inspections. Strahan has made measurements confirming that it does meet the approved plans.

**Enforcement Report**

Konicek reviewed contents of report submitted.

3 Saville Row, still a couple of months before any conclusion.

261 Steeplechase property owner is being given time to offer proof that the structure is able to be rehabbed.

Needs to be submitted by November 12 the court.

**ZBA Monthly Report**

Report as Submitted

**Approve Ordinance Amending the Water Well Construction, Section 4-2-1 of the Building Code**

Motion Konicek 2<sup>nd</sup> Gohl

To provide specific reference to what is referred to as a water sample. Provides detail to what a “water sample” test for.

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED as Ordinance 15 - 19**

**Table Ordinance Granting a Special Use Permit Allowing for the Construction, Use and Maintenance of an Artificial Lake at 789 Plum Tree Rd**

Motion Gohl 2<sup>nd</sup> Harrington

Roll Call: Ayes 2 (Harrington Gohl)  
Nays 5 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)

**MOTION FAILED**

**Approve Ordinance Granting a Special Use Permit Allowing for the Construction, Use and Maintenance of an Artificial Lake at 789 Plum Tree Rd Subject to the Preconditions stated Within the Ordinance**

Motion Konicek 2<sup>nd</sup> Maison

Attorney Dickson reviews that there is a written objection filed, and that the Village Code provides that in the event a petition is filed with the Village Clerk which is signed by the owners of twenty percent (20%) of the property adjacent to the property proposed for a special use, a favorable vote of two-thirds of the members of the Board of Trustees is required to grant the special use requested by the Applicant. In such event a vote of 5 members in favor of the special use is required. Village staff, assisted by counsel and the Village engineer analyzed the addresses of those who signed the written objection to determine whether the two-thirds vote is required. Based on an analysis of the property subject to the Application, and the properties owned by those who signed the objection, the super-majority vote requirement is not required.

Konicek reviews that the ZBA met and all members voted in favor of the special use permit, granting the amendment to an existing artificial lake, the findings of fact are attached. The ZBA recommends approval with the following conditions: The Village's engineer must first approve final engineering plans submitted, and on the Village's receipt of Army Corps of Engineers permit for the proposed wetland impacts, and Lake County approvals as needed.

Gohl asks why we don't wait until we have everything.

Dickson reviews that it is acceptable to approve a permit based on conditions. Final engineering is very costly, so sometimes people will not proceed unless to final engineering without knowing that a permit will be issued so long as it is completed.

President references that the Board has in the past approved without seeing final engineering plans.

Harrington states that the materials were not received in a timely manner, and he feels that the Board should have more time to review. Counsel indicated the delay in providing full information was inadvertent, and will be provided in advance in future.

Gohl asks that we delay it one month.

Croll states the permit and complaints are not related and not sure how another month would help.

At the ZBA meeting many of the concerns made were noise and traffic related, and not the shift in the artificial lake shoreline.

In response to questions relative to how long it might take to secure the needed information from the Army Corps of Engineers, Mr. Strahan stated that 3-6 months is a typical time frame.

Roll Call: Ayes 5 (Cecola, Maison, Croll, Konicek, McLaughlin)  
Nays 2 (Harrington, Gohl)

**MOTION APPROVED as Ordinance 15 – 20**

**Planning Monthly Report**

Plan Commission did not meet.

**Municipal Property Usage Review**

Village owns property on east side of 25 and currently has no use for it. The Village pays property tax on it unless we bring forward a public purpose for the property. The Board asks that the Plan Commission review possible uses for the property.

Kosin reviews that the Village does have insurance for the property.

### **Motion to Refer Community Unit School District 220 Property IGA Study to Plan Commission to review IGA**

Motion Maison 2<sup>nd</sup> Cecola

Formally requesting that

Kosin believes that it is good idea to engage the Plan Commission. The Village has historically went through the Plan Commission as it has considered IGAs with District 220.

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

### **MOTION APPROVED**

### **Crabapple Lane Vacated 2003**

Further details will be provided. Board asks that the interested party contact the Village Administrator.

### **Insurance Monthly Report**

Committee met October 1, 2015, generally good news most items flat, some down, expecting renewals to be 5% higher in premiums. Utilization is 43% of HRA, that is going down. Employees being more responsible and hopefully utilizing programs to stay healthier. Dental estimate up 8%. Actual quotes will be received soon and allow to fill in budget for 2016.

McLaughlin asks if we should consider bidding out insurance.

Harrington reviews that there are not a lot of companies that do this, and that the current group is an independent broker and bids out services.

Harrington has been satisfied with insurance broker, has been a very positive relationship. Rates have been very competitive.

### **Health, Environment, Building & Grounds Monthly Report**

Report as submitted.

### **Board of Health Report**

Nothing to report.

### **HEC Update**

Nothing to report.

### **Roadside Cleanup November 14, 2015**

Clerk states that the Heritage & Environs Committee is organizing a cleanup on Helm Road, and is encouraging other residents to clean up there frontages on the 14th.

### **Pending Litigation Report**

Report during Executive Session.

### **Personnel Report**

Report during Executive Session.

### **Commendation of Dispatchers**

**Eric Babcock, Tami Huls, Kim Roel, Katy Schultz and Gayle Young**

The Village thanks all the dispatchers for their hard work and professionalism during the time of transition.

**Recess to Executive Session at 8:37 pm**

Pursuant to Open Meetings Act;  
5 ILCS 120/2(C)1 for Personnel Issues  
5 ILCS 120/2(C)11 for Pending or Proposed Litigation  
5 ILCS 120/2(C)21 Minutes of Meetings Lawfully Closed

Motion Gohl 2<sup>nd</sup> Harrington

Voice Vote All Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)

**MOTION APPROVED**

**EXECUTIVE SESSION**

**Public session reopened at 9:58 pm**

Roll Call Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin

**Approve Executive Minutes September 28, 2015 with changes**

Motion Konicek 2<sup>nd</sup> Harrington

Roll Call: Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)  
Nays 0

**MOTION APPROVED**

**Table Setting Deputy Treasurer Interim Compensation**

Motion Konicek 2<sup>nd</sup> Harrington

Voice Vote All Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)

**MOTION TABLED**

**Approve Resolution Authorizing the Settlement of the litigation entitled, James J. Drury, as agent of the Peggy D. Drury Declaration of Trustee U/A/D 02-04/00, Jack E. Reich and James T. O'Donnell v. Village of Barrington Hills, Case NO. 2015 CH 03461 and entry of an Agreed Dismissal Order**

Motion McLaughlin 2<sup>nd</sup> Konicek

When called for discussion, Attorney Dickson outlined specific provisions in the Resolution and Settlement Agreement, calling for settlement of the litigation, and read following from the proposed agreed order:

Defendant judicially admits as follows:

a. Count III of Plaintiffs' Complaint states a viable cause of action

b. The Village Board, after careful analysis and upon closer scrutiny, has determined that the Commercial Horse Boarding Text Amendment, on the date of entry of this Agreed Final Order and at the time of its adoption, bears no rational relationship to the public health, safety, comfort, morals or general welfare and is otherwise unlawful, in that it alters the residential character of the Village, does not take into consideration the impact of large scale commercial horse boarding on the character of the Village, it does not consider the effect of such on the residential roadways within the Village, relative to traffic in residential areas and the detrimental effect of large trucks on the Village roadways, does not take into consideration the potential noise implications of large scale commercial horse boarding on the residential character of the

Village, does not impose a limitation on the number of commercial horse boarding facilities within the Village and has a potentially negative impact upon property values within the Village, among other things.

Based on these admissions, the Village and the Plaintiff will seek an order of the Court which will provide that the Commercial Horse Boarding Text Amendment is, at the time of entry of this Agreed Final Order, and was, at the time of its adoption, null and void ab initio.

When called upon, Trustees each made statements explaining their positions relative to settlement of the litigation on the terms proposed.

Bryan Croll, Michelle Maison and Michael Harrington submitted written statements that are attached to these minutes.

Roll Call: Ayes 4 (Cecola, Croll, Konicek, McLaughlin)  
Nays 2 (Harrington, Gohl)  
Abstain 1 (Maison)

**MOTION APPROVED as Resolution 15 - 36**

**Motion to adjourn meeting at 10:17 pm**

Motion Konicek 2<sup>nd</sup> Croll

Voice Vote All Ayes 7 (Cecola, Maison, Croll, Harrington, Gohl, Konicek, McLaughlin)

**MOTION APPROVED**

**MEETING ADJOURNED**