"This is a draft of the minutes of Regular Session of September 27, 2010. It has not been reviewed by the Board of Trustees, has not been approved by the Board as an official document, may be revised in whole or in part and hence should be viewed only as a tentative and possibly inaccurate recitation of Board action. It is not an official document of the Village of Barrington Hills and should not be relied upon as such."

VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting September 27, 2010

President Abboud called the Regular Meeting to order at 6:40 p.m. Roll Call

Present

Robert G. Abboud, President
Fritz H. Gohl, President Pro-Tem
Walter E. Smithe, Trustee
Steven E. Knoop, Trustee
Beth Mallen, Trustee
Elaine M. Ramesh, Trustee
Joseph S. Messer, Trustee

Guests

Bozena Bozek, resident
Bill Kennedy, resident
Sabas Parada, VBH Police Department
Jeremy Hensler, VBH Police Department
Gary Deutschle, VBH Police Department
Todd Borck, VBH Police Department
Diane Wamberg, resident
Michael J. Mills, resident
Judy Stevens, resident
Dan Strahan, Village Engineer

Michael N. Murphy, Police Chief
George Lynch, Village Attorney
Robert Kosin, Director of Administration
Karen Selman, Village Clerk

Trustee Gohl motioned to adjourn to Executive Session to discuss pending litigation, matters of personnel and police at 6:42 p.m. Trustee Mallen seconded. Roll Call:

Ayes: 7 (Messer, Ramesh, Mallen, Smithe, Knoop, Gohl, Abboud)
Nays: 0
Absent: 0

Meeting Adjourned

EXECUTIVE SESSION

PUBLIC SESSION

President Abboud called the Public Meeting to order at 7:38 p. m.

Chief Murphy presented Distinguished Officer awards to the following officers:

Speed Enforcement - Officer Jeremy Hensler and Officer Sabas Parada
DUI Enforcement – Officer Gary Deutschle and Officer Sabas Parada

Officer Parada also received recognition for twenty-five DUI arrests since 2006.

APPROVAL OF MINUTES

Trustee Smithe motioned to approve the minutes of August 23rd, as corrected. Trustee Gohl seconded. All present said Aye; Trustees Gohl and Knoop abstained.

Motion Approved

Approval of the Executive Session minutes of August 23rd was deferred.

Trustee Smithe motioned to dispose of the recording of the Executive Session of December 22, 2008. Trustee Mallen seconded. All present said Aye.

Motion Approved

PUBLIC COMMENTS
There were none.

FINANCE – Walter E. Smithe

Treasurer's Report - Trustee Smithe motioned to accept the Treasurer's Report for August 2010. Trustee Mallen seconded. All present said Aye.

Motion Approved

Police Pension Board Report - Trustee Smithe motioned to accept the Police Pension Board's Report for August 31, 2010. Trustee Mallen seconded. All present said Aye.

Motion Approved

Overtime Reports - Trustee Smithe motioned to accept the Overtime Report from August 16 to September 15, 2010 totaling $9,843.81. Trustee Mallen seconded. Roll Call:

Ayes 7 (Messer, Ramesh, Mallen, Knoop, Smithe, Gohl, Abboud)
Nays 0
Absent 0

Motion Approved

Bills For Approval - Trustee Smithe motioned to approve the bills for the month of September 2010, totaling $570,026.77. Trustee Mallen seconded. Roll Call:

Ayes 7 (Messer, Ramesh, Mallen, Knoop, Smithe, Gohl, Abboud)
Nays 0
Absent 0

Motion Approved

Discussion followed regarding the Special Meeting of the Finance Committee with guest speakers Algonquin Township Assessor, Robert Kunz and McHenry County Supervisor of Assessments, Robert Ross. Discussion centered on falling real estate values and increasing property taxes in McHenry County. Trustee Ramesh attended and said that the District 1 representatives were going to follow-up on this issue. President Abboud said that a letter will be going out to residents, and he encouraged Trustee Ramesh to continue following this issue.

ROADS & BRIDGES – Elaine M. Ramesh
Trustee Ramesh's report was included in the Trustee's Board packets.

Culvert Cleaning – Trustee Ramesh reported that the program of cross-culvert maintenance in Lake County has been finished; the work in McHenry County will be completed by the end of October and the Cook County culverts are to be cleaned by year-end.

Private Road Meetings – Trustee Ramesh asked Attorney Lynch if he knew of a specialist who could come and speak to the private road coordinators free of charge in February or March about the issues affecting private roads including collections at the first "Private Road Coordinator Summit." Discussion followed with President Abboud noting that the Village does not have jurisdiction on private roads, but when bidding for work in the Village, the Village does offer private road residents the opportunity to use the same contractor for the same price.

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Trustee Gohl reviewed with the assistance of Chief Murphy the activities of the Department for the month of August.

Trustee Ramesh suggested that a speed reduction report for State Route 62 be created comparing accident rates while the road is operating under reduced speed limits during construction to accidents while operating under regular speed limits. President Abboud asked Dan Strahan to get the average speeds and numbers to Chief Murphy. Mr. Strahan said he could complete this task in the next two weeks.

BUILDING AND ZONING – Joseph S. Messer

Monthly Report – Trustee Messer reported that there were nine building permits issued from August 16th to September 15th. Two were for single-family homes.

ZBA - Proposed Lighting Ordinance – Trustee Messer reported that a copy of the Ordinance is included in the Trustee packets and is on the agenda for the October 27th Board Meeting. President Abboud announced that an Executive Summary will be out to residents by the end of the week. Trustee Messer will put it in the newsletter. President Abboud asked Director Kosin to include reference on the Web Site. Trustee Mallen questioned the need for public comment at the October meeting, and Trustee Messer reminded the Board that the public has not yet seen the new draft, so still needs the opportunity to comment on it. Trustee Smithe suggested to remove

the proposed Lighting Ordinance from consideration by the Board, making any further review unnecessary, and if no support for that action, to move consideration of the proposed lighting ordinance as a referendum.

Attorney Lynch advised that Trustee Smithe has the right to make a motion to that effect. Trustee Smithe motioned that the Board of Trustees not consider the residential portion of the ZBA draft ordinance. Trustee Mallen seconded. After discussion, roll call.

Ayes - 3 (Ramesh, Mallen, Smithe)
Nays - 4 (Messer, Knoop, Gohl, Abboud)
Absent – 0

Motion Failed

Trustee Smithe motioned to put the residential portion of the proposed, draft Lighting Ordinance before the residents as a referendum. Trustee Messer seconded. Discussion followed.

Trustee Messer emphasized the importance of the new draft ordinance and questioned how the residents would receive ample information to make an informed vote. Trustee Knoop questioned the feasibility of November as a date for a referendum. Director Kosin advised that it is beyond the time limit for November. Trustee Smithe recommended putting the ordinance forth in April and to stop talking about it. Discussion followed regarding the responsibility of the Trustees to make ordinance decisions and would this mean all ordinances would go to referendum and how would the Board decide which ones. Additionally, to cease discussion would prohibit the Board from doing its work on the Ordinance. Trustee Smithe reminded the Board that the referendum is only advisory and that the Board can talk after the election. President Abboud offered that historically the difficulty with referendums is the difficulty and limitations of wording, citing the example of raising taxes, which usually results in rarely getting an answer that is valuable because it's almost always negative. Trustee Mallen suggested that if the Board wants information, why not put the ordinance on the ballot? President Abboud opined that that would be against the law and cited other municipal examples. Trustee Messer asked what information would need to be put out to make sure the residents are informed. Trustee Smithe questioned the expense of mailings and asked Attorney Lynch if and what can the Village mail. Attorney Lynch will review the parameters of mailing, as well as the language to be used on a referendum and get back to the Board within 7-10 days.

Trustee Gohl reviewed the process of the draft Lighting Ordinance from the Plan Commission to the ZBA to the Board. He added that now the residents have an opportunity to comment on the ZBA draft and the Board has the opportunity to hear their comments and make changes to the draft. Trustee Gohl stated his opinion that it's too late for a referendum because the ZBA has given its findings to the Trustee Board. Trustee Smithe expressed displeasure with the current ZBA draft. Trustee Gohl said the Board should wait to make a decision on the Ordinance; Trustee Knoop agreed. Trustee Mallen opined that if the Board goes ahead, there will be no decision until December, then there would perhaps be no time to pose a referendum.

Trustee Messer motioned to table the issue until the Board could determine if ample information can go to residents. There was no second.

Motion Failed

Trustee Messer rescinded his second for Trustee Smith's motion. Trustee Smithe then withdrew the motion.

Trustee Smithe motioned that the Village Board delay consideration of the ZBA recommended Lighting Ordinance from the October board meeting to the November meeting and that the Board delay consideration until the November meeting in order to investigate the issues relevant to a possible referendum. Trustee Mallen seconded.

Trustee Mallen suggested if counsel would get back to the Board with the necessary information, the Board should hold a Special Meeting to determine the feasibility of a referendum. Trustee Knoop raised a point of order that a motion is on the floor and needs a vote, unless withdrawn. Trustee Mallen responded that she is moving to amending the motion.

Attorney Lynch offered to review the ramification and legality of the recommendation of a Special Meeting and possible referendum.

Trustee Smithe withdrew this motion.

Trustee Smithe motioned that the Village Board send the residential portion of the proposed Lighting Ordinance to counsel for review and hold a Special Meeting on October 5th at 6:30pm, being mindful of the October meeting and the referendum proposal for April, 2011.

Trustee Mallen seconded.

Discussion followed with Trustee Messer expressing concern regarding the Special Meeting. President Abboud noted that a quorum of Trustees is required for a Special Meeting. Trustee Knoop questioned the purpose of the Special Meeting.

Resident Bill Kennedy, 218 Steeplechase, ask if a copy of the attorney's findings would be available to the residents. President Abboud answered in compliance with the public record. Roll call vote on motion taken.

Ayes 5 (Messer, Mallen, Knoop, Smithe, President Abboud)
Nays 2 (Ramesh, Gohl)

Motion Approved

PLANNING – Steven E. Knoop

The Planning Committee meeting was held, and Director Kosin attended for the watershed presentation regarding the storm water management plan. The Lake County Stormwater Management Ordinance was heard by the Commission.

INSURANCE – Walter E. Smithe

Trustee Smithe met to discuss insurance plans for 2011. It was agreed that two insurance firms will be asked to bid on the insurance for the coming year, as proposed by Trustee Knoop. Trustee Smithe told the current agent that there is no increase in the budget. Trustee Smithe cautioned that it may mean a reduction in health benefits.

HEALTH, ENVIRONMENT, BUILDING & GROUNDS - Beth Mallen

Monthly Report – Trustee Mallen reported that the Handicapped Indicators are now on all entrances in the Village Hall.

Roadside pick-up is scheduled for October 30th on Helm Road.

Solid Waste Management Report – Trustee Mallen and Director Kosin met with Prairie Land Waste Management and confirmed that they do compost all manure collected. The company is phasing in smaller trucks to enable them to do door-to-door pick-up.

Spring Creek Watershed Partnership – Trustee Mallen reported attending the first meeting where she learned that the funding for the project has not been received. After speaking with Flint Creek Watershed, Trustee Mallen recommends the two cooperate for the two areas, rather than compete.

Board of Health – The Board of Health recommended the Rocky Road Power Plant continue sending their annual report. Discussion followed with the Trustees agreeing the report may be sent electronically.

Trustee Mallen motioned to accept the recommendation of the memo of the Board of Health dated September 23, 2010, on the Rocky Road Annual Emissions report in its entirety. Trustee Smithe seconded. All those present said Aye

Motion Approved

IDPH Septic Code - Dan Strahan reported that the Village has until October 11th to submit comments on the State Septic Code amendments. President Abboud expressed his appreciation for the comments of the Board of Health. It was the sense of the members present to follow the direction of the Board of Health.

ATTORNEY – Doug Wambach

George Lynch deferred his report to Executive Session.

ADMINISTRATION – President Abboud

President Abboud will announce his committee appointments at the special meeting scheduled for October 5th.

Trustee Ramesh asked if there was any more information regarding the CUSD300 boundary issue. President Abboud responded that the state has a long history of prohibiting the expenditure of tax dollars to alter school district boundaries. However, President Abboud is agreeable to have a discussion regarding this issue, and believed that current school district boundaries were drawn based on politics and tactical decisions.

Trustee Gohl motioned to adjourn the Public Session at 10:11 p. m. and move to Executive Session. Trustee Smithe seconded. Roll Call:

Ayes 7 (Messer, Ramesh, Mallen, Knoop, Smithe, Gohl, Abboud)
Nays 0
Absent 0

EXECUTIVE SESSION

PUBLIC SESSION

President Abboud called the Public Session to order at 10:55 p.m.

Trustee Mallen motioned to adjourn the Public Session at 10:55 p.m. and Trustee Knoop seconded. All present said aye.

Meeting Adjourned

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Approved