

“This is a draft of the minutes of Regular Session of November 26, 2012. 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 of the Board of Trustees
Monday, November 26, 2012

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
Elaine M. Ramesh, Trustee (arrived 7:15)
Joseph S. Messer, Trustee
Karen S. Selman, Trustee
Patty Meroni, Trustee
Harold Gianopulos, Trustee

Guests

Lynn White, resident
Jean Mandrell, resident
Jim Hammond, resident
Jack Reich, resident
Pauline Boyle, resident
Tom Rowan, BCFPD
Paul Heinze, BCFPD

Michael Murphy, Police Chief
Rich Semelsberger, Deputy Chief
Dan Strahan, Village Engineer
George Lynch, Village Attorney
Robert Kosin, Village Administrator
Dolores G. Trandel, Village Clerk

Trustee Gohl motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 6:41 p.m. Trustee Gianopulos seconded. Roll Call.

Ayes: 6 (Gianopulos, Selman, Meroni, Messer, Gohl & Abboud)

Nays: 0

Absent: 1 (Ramesh)

Meeting Adjourned

EXECUTIVE SESSION

PUBLIC SESSION

President Abboud called the Public Meeting to order at 7:30 p.m.

APPROVAL OF MINUTES

Trustee Gohl motioned to approve the Minutes of the October 22, 2012 meeting. Trustee Meroni seconded. All present said Aye.

Motion Approved

Trustee Gohl made the motion to approve the October 22, 2012 Executive Minutes, Trustee Gianopulos seconded. All present said Aye. Trustee Ramesh abstained.

Motion Approved

Trustee Meroni made the motion to dispose the Executive Session Meeting Recordings of February 23, 2011. Trustee Gohl seconded. All present said Aye.

Motion Approved

The ascension of the Executive Minutes was deferred to the December meeting to give the Trustees time to review.

FINANCE – Karen S. Selman

Treasurer's Report - Trustee Selman motioned to accept the Treasurer's Report for October, 2012. Trustee Meroni seconded. All present said Aye.

Motion Approved

Police Pension Board Report - Trustee Selman motioned to accept the Police Pension Board Report for October, 2012. Trustee Gianopulos seconded. All present said Aye.

Motion Approved

Overtime Reports - Trustee Selman made the motion to accept the Overtime Report from October 16, 2012 through November 15, 2012 totaling \$5,997.19. Trustee Messer seconded. Roll Call.

Ayes: 7 (Gianopulos, Selman, Meroni, Messer, Ramesh, Gohl & Abboud)

Nays: 0

Absent: 0

Motion Approved

Bills for Approval - Trustee Selman motioned to approve the bills for the month of October 16, 2012 to November 15, 2012, totaling \$293,702.34. Trustee Gohl seconded. Roll Call.

Ayes: 7 (Gianopulos, Selman, Meroni, Messer, Ramesh, Gohl & Abboud)

Nays: 0

Absent: 0

Motion Approved

FY 2013 Budget - No increase of proposed Levy from the prior fiscal year. General Fund expenditures are projected to increase by \$135,047 as compared to 2012. Overall Fund expenditures are projected to decrease by \$92,849 from FY '12.

Roads and Bridges expenditures remain unchanged at \$1,312,000 from FY 12.

A contract with AT&T will be included in the ePacket which is for the E911 phone system for a five (5) year term. The monthly payments will be expended out of the E911 account. The down payment will be made this fiscal year.

The IMRF Fund expenditures (contributions) increase from \$30,000 for FY '12 to \$68,000 is attributable to the increase in employer contribution rate because of market investment losses.

Police Pension Fund contribution remains at \$750,000.

The budget is in balance but subject to change as health insurance premiums have not yet been provided by the carrier(s).

Trustee Selman motioned to accept the FY 2013 Budget. Trustee Meroni seconded. All present said Aye. Trustee Ramesh voted Nay and asked the Village to reduce the Budget even further.

Motion Approved

ROADS & BRIDGES – Patty Meroni

Monthly Report

Cuba Road Bridge - The required Cuba Road Bridge Report has been approved by IDOT. Dan Strahan has a meeting with IDOT on December 4, 2012 which will lay out what Phase I Engineering has to include, as well as the requirements for a public meeting and notices.

Right of Way and Easement Dedication has been discussed and contacts with residents affected by this will begin within a few months, after several legal issues have been reviewed by Doug Wambach.

Longmeadow Parkway - On November 1, 2012 there were 10 residents who attended our meeting at the Village Hall to learn about the scope and timetable of the proposed project by Kane County Transportation. There were questions and concerns raised by these residents who are within the study area of the project.

Traffic Counts - The counts have been completed and the data is being compiled. Gewalt Hamilton also installed Miovision cameras by the railroad tracks at the Village Hall to obtain a train count.

2013 Road and Drainage Program - The Algonquin Township Road Department has not responded to our letter regarding cost sharing for Spring Creek Road and culverts. Topographic surveys are in progress for the 2013 projects. A drain tile survey is also scheduled to assess drainage issues.

Permits will be required by McHenry County and the U.S. Army Corps of Engineers to the Spring Creek Bridge as well as 2 or 3 smaller culverts further west on Spring Creek Road. As stated in last month's report, due to budget limitations, the 2013 Road and Drainage Program will include Spring Creek Road, Haeger's Bend road patching and Spring Creek Road and Creekside Lane Culverts.

2013 Preliminary Budget - The preliminary budget has been reworked and the scope of the 2013 Road Maintenance reduced to include Spring Creek Road, Haeger's Bend Road patching, and Spring Creek Road and Creekside Lane Culverts.

FOIA Requests - On Thursday, November 8, 2012, Trustee Meroni received an email advising of a FOIA request posted on the Village website for the proposed roads and bridges projects/works for 2013, followed by another email on Friday night again alluding to this "mysterious Roads and Bridges Report". Trustee Ramesh forwarded these emails to Robert Kosin, Doug Wambach and Robert Abboud with instructions to follow FOIA protocol in responding to these requests. Trustee Meroni addressed the document and the allegations of secrecy and refusal to supply information on 374 Ridge Road. The Roads and Bridges Report is a document submitted monthly for the Board of Trustees agenda. Due to the size of our Village and our limited budget for roads, the road program is not a "set in stone" document which is projected years in advance, but rather a regularly revised program based on existing conditions, and also unexpected emergencies. Unlike Chicago, Schaumburg, or other larger municipalities, the Village does not have a book with a prescribed program. In recent years, since Robert Abboud was Chairman of Roads and Bridges, in an attempt to project a planned improvement schedule, roads are evaluated by volume and conditions. While this provides a road map to planning for resurfacing, it is flexible in the nature to allow for the unexpected situations, budgeting constraints and emergencies. Sometimes projects are deferred, changed or cancelled.

As to grading observed on 374 Ridge Road, this was a private project. The Village, nor its Engineer had anything to do with it, nor was there any Village money used for it. The allegations of redirecting storm water flow and other drainage issues are all totally unfounded.

Civil War Monument - A thank you to Tom Gooch at Cuba Township Highway Department for supplying and spreading the mulch.

East Dundee IAA - Several meetings have occurred with E. Dundee both at BOT meetings and a separate meeting to try and resolve some of the issues. On Monday, November 19, 2012, IEPA, E. Dundee and IAA had a meeting in Springfield. IEPA has specified its requirements to IAA and we are awaiting a response. Barrington Hills has submitted a list of requirements that we would like to see added to the IAA contract.

At this time negotiations are ongoing and East Dundee postponed a vote scheduled for its November meeting.

PUBLIC SAFETY – FRITZ H. GOHL

Monthly Report – Trustee Gohl presented the monthly report.

Union Negotiations – Arbitrator has not yet submitted response.

President Abboud excused himself at 8:45 for a short absence and Pro-Tem Gohl took over the meeting.

Surplus Property Disposal Ordinance – Trustee Messer motioned to approved this ordinance. Trustee Gianopulos seconded. Roll Call.

Ayes: 6 (Gianopulos, Selman, Meroni, Messer, Ramesh, & Gohl)

Nays: 0

Absent: 1 (Abboud)

Ordinance 12-09 Approved

President Abboud returned at 8:50.

LexusNexus Agreement Resolution - Trustee Gianopulos motioned to approved this resolution. Trustee Meroni seconded. All present said Aye. Chief Murphy will work on final components of the contract and it will be reviewed at the December meeting.

Resolution 12-28 Approved

BUILDING AND ZONING - Joseph S. Messer

Monthly Report – Trustee Messer reported that nine building permits were issued from October 16th to November 15th.

ZBA Report – Trustee Messer reported that the Side yard Setback Variance for 107 County Line Road was approved by the Zoning Board. The ZBA also reviewed the Rules of the Zoning Board of Appeals, however, no decision was made, but the ZBA will be recommending text changes.

2 Tricia Lane: Property with two (2) barn structures, the existence of which caused the property to violate F.A.R. requirements. During the June 6th court hearing Mr. Patel told the Court that he had a contract to remove the smaller of the two barns and would seek a F.A.R. variance from the ZBA to allow the larger barn to remain. He has since removed the smaller barn. Mr. Patel appeared before the ZBA on September 17th and his request for a variance was denied.

Update: Mr. Patel appeared in court on November 20th and the demolition has been completed, but he failed to obtain a demolition permit. The next status date is December 27th for demo permit.

363 Bateman Cir S: Police Department served Ms. Marie Stallone (daughter who signed contract to have trees removed) for August 24th court date re: mitigation. Ms. Stallone failed to appear in Court. Next status hearing September 27th. Village provided an affidavit of service on Ms. Stallone. Attorney Busch will ask the Court to enter an Order requiring Ms. Stallone to mitigate the damage by re-planting and a fine of \$750 per day for each day that she fails to comply with the Order. ComEd has cut service to this property. The Village Arborist provided the replacement cost of the removed trees (\$82,320.00 includes 3 year guarantee as required by code), per the Court's request.

Update: Village given leave to file amended complaint, Mr. Terry Atkiels has also been requested to appear (property owner dispute) and Village to provide affidavit of Village Arborist on replacement cost on the status date of December 6th. Trustee Messer stated there are still four horses housed on the property that are constantly escaping, because the fence is in bad repair. He advised that there is a Statute for Municipalities to notify property owners to give them the opportunity to correct the situation. It also allows the Village to turn over the horses to anyone who would maintain them. President Abboud asked Robert Kosin to make the property owner aware of the Statute.

8 Jennifer Court: Landscape contractor submitted plans to correct septic problem July 25th. GHA reviewed plans and responded via letter on August 6th. GHA had five issues with the plan. No response to date (no deadline for response given). Owner needs to disconnect downspouts from extending over the property to prevent flooding to neighbor's property. Village Engineer or Building Department as of October 19th.

Update: Mailed certified letter on November 20th advising two weeks to comply or matter will be referred to Village Attorney.

551-553 Cuba Road: Home Occupation violation (mulch pile & landscaping) letter sent July 20th with 45 day response date (09/04/12). Dave Myers provided a letter to the Building Department August 29th stating he is currently working on cleaning up the property. He plans to be in compliance within the next 60 days (10/23/12).

Update: Property checked for compliance November 26th and equipment still visible and mulch pile, while reduced still exists.

385 Spring Creek Road: Expired pond permit (issued 08/07/06). Final notice letter requiring work to be completed and an "as built" drawing filed with the Village sent to property owner (Roman Udzielak) on July 20th with 45 day response date (09/04/12).

Update: Don Schuman spoke with the owner's daughter who advised the owners do not have the money to complete the work and the home was sold back to the bank October 22nd, with a confirmation date of January 23, 2013, which was confirmed with the bank's attorney. Daughter was advised another letter would be sent advising requirements to complete work and she stated she would forward to their attorney.

594 Plum Tree Road: Roads were started and property has become a dumping ground, although no further complaints since stop work order was posted. Realtor advised the Village the property is occupied by the owner. In March 2012, the Village attempted to hand deliver a letter requiring the owner to file a site development plan for the property based on the excess amount of material brought onto the property. All attempts to contact property owner have failed to result in any response from owner.

Update: BACT advises owners information is confidential.

11-12 Rolling Hills Drive: Tenants at 12 Rolling Hills built dirt bike track crossing ravine and Al Zick's property at 11 Rolling Hills in multiple locations. Ravine filled and blocked with debris. This will cause flooding and standing water. Documentation provided to Attorney Busch to pursue restoration in Housing court. Attorney Busch filed a petition for declaration of premises as public nuisance and other relief and a summons was issued for both property owner and tenants.

Update: Dan Strahan reviewed the properties on November 5th and the drainage and Mr. Zick's property have been restored to his satisfaction.

1313 Plum Tree Road: Building permit issued August 31, 2006 for an addition and alteration. Rough inspections were made, last ones being completed in 2008, but the permit remains uncompleted. Property owner is in litigation with contractors. Don Schuman sending certified letter advising the Village to close expired permit and any further work will require property owner to obtain new building permit to complete work.

NEW COMPLAINTS

74 Brinker Road: On October 18th the Building Department was made aware the resident has constructed a canopy/shelter over an outdoor hockey rink without a permit. Property owner was

notified by certified letter on November 6th and has submitted plans for review.

189 Old Sutton Road: Received complaints from neighbors regarding burning violations and construction of a barn lean-to without a permit. Stop work order was posted October 31st and certified letter sent to property owner. Residence and barn are leased to separate tenants. Property owner and barn tenant are working with Building Department to resolve.

358 Bateman Circle South: Resident was regrading property without a site development permit and a stop work order was posted November 1st. Resident is working with an engineer and Dan Strahan to provide necessary documents for site development permit. Dan Strahan advised the contractor could remove soil from right-of-way while awaiting building permit.

Old Dundee Road: Building Department contacted regarding conditions at this abandoned property and we are attempting to contact responsible party for this property.

Old Hart Road – There is a very large sign for a property for sale on the east side of Old Hart Road north of County Line Road.

Building Permit Gov QA System – Trustee Messer advised that this system allows the Building department to track permits and create enforcement reports. The initial cost is \$2,500 for set-up and \$350.00 per month subscription cost.

PLANNING – Elaine M. Ramesh

Monthly Report – Trustee Ramesh advised that the October Plan Commission meeting was cancelled.

VBH Planning Focus Area – Chairman Kenneth Bosworth has requested that the Village Board provide approval for the Plan Commission to begin a project for more definitive planning for one of the Focus Areas identified in the Village's Comprehensive Plan. The Comprehensive Plan currently identifies ten focus areas and provides suggested plans for two of them (Focus Areas 7 & 9). The request is that the Plan Commission be allowed to begin the project, with guidance on which of the eight remaining Focus Areas should be the first to receive consideration.

Trustee Ramesh suggested that if the Plan Commission receives approval for such a project, that Focus Area 3 be looked at first, especially in light of the recent activity in East Dundee. At this time, no funds for an outside Planning Consultant would be utilized. Rather, the Plan Commission would work on developing a conceptual plan on their own.

Trustee Messer motioned that the Village Board recommend to the Plan Commission to work on Planning Area 3. Trustee Meroni Seconded. All present said Aye.

Motion Approved

INSURANCE – Harold Gianopulos

Monthly Report – Trustee Gianopulos advised that employees have been requested to fill out a survey for Humana and we are awaiting their proposal.

Property Risk Management Lundstrom – The Board was provided with an Insurance Risk Management Review prepared by Lundstrom Insurance.

HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Harold Gianopulos

Monthly Report – Countryside School has requested that the Village prohibit burning in the Village during school hours. This issue will be referred to the Board of Health for consideration.

Trustee Ramesh advised that the recent trash pick-up was a successful event. She brought up some issues on County Line Road such as signs and guardrails being replaced and old ones left in the ditches. Village Engineer Dan Strahan will do a full sweep of the area.

ATTORNEY – Doug Wambach

Pending Litigation - Covered in Executive Session.

Personnel – No report.

ADMINISTRATION – President Abboud

AT&T E911 Telephone Purchase Resolution – Trustee Gianopulos motioned to approve this resolution. Trustee Meroni seconded. Trustee Gohl questioned some of the prices on the purchase order. President Abboud asked to table this resolution to the December meeting to give the Board time to review. Trustee Selman moved to table this resolution. Trustee Meroni seconded. All present said Aye. Trustee Gohl voted Nay.

Motion Tabled

2013 Meeting Calendar – The meeting schedule was distributed to all Board and Committee members to be voted on at the December meeting.

Barrington Countryside Fire Protection District - Tom Rowan, President of the BCFPD and Paul Heinze addressed the Board with their concerns with their IGA with the Village of Barrington. They distributed informational documents to the Board.

PUBLIC COMMENTS:

Pauline Boyle, 315 Ridge – requested that the Police Department have a “Toys for Tots” donation box in the foyer.

Trustee Selman made the motion to adjourn the Public Session at 10:15 p.m. Trustee Meroni seconded. All present voted Aye:

Meeting Adjourned

Approved