

PUBLIC COMMENTS

Public Comments are submitted by the public and are not reviewed or endorsed by the Village.

To: President McLaughlin and Village Board of Trustees

Dear President and Members of the Board of Trustees,

I will not be able to attend tonight's BOT meeting, but I wanted to submit this letter as part of the public record in reference to some of the myriad of questions and concerns mentioned regarding the MacArthur property, permits, and related/violations/including but not limited to the possible removal of Heritage trees. The three-minute public comment rule could simply not accommodate the following narrative.

Many of you might not be aware, my property's subdivision entrance is situated almost immediately from the subject property, and I live in a subdivision called Spring Creek Hills adjacent to the property since 2001. So I would like to shed some light into what has been said, suggested or intimated as to what physically occurred at the property. I believe that Mrs. Barbara MacArthur passed away, in the late Fall of 2016. Long before that time, the property itself slowly went in a state of visible, decline, and disrepair. There were many mature deciduous trees that lined the north frontage of the property, which were easily forty to fifty feet high. It is important to note that those trees were dead for some number of years prior to the removal. And the post and rail fencing deteriorated every subsequent season to such a degree that it became an eyesore for all residents in the area!

As to my personal recollection, the work to remove those trees was ongoing for two straight weeks prior to Memorial Day weekend. I became aware of the work initially because I could hear the noise from the distance, and frequently drove my golf cart to the access entrance to see where the noise and activity was being generated. A second point, the work performed at that location was never done in secret of the fact that they were actively working there on a daily basis. I saw workers consistently removing underbrush, fencing and tree branches with small utility trucks and bobcats that were frequently parked at the roadside clearing debris. I however, never was witness to any demolition of the house or whether overweight trucks were used in their removal.

The question as to how many and what type of trees were removed shouldn't be an outstanding issue after the post removal, because regardless of the arborist's report no one can attest to what was actually removed and the condition of the area at that precise time and the village has no documentation as I am aware to refute that claim. But, I can tell you with certainty that the trees I personally witnessed that were removed from the site were already dead.

The Village Clerk as I understand received "multiple calls" from village residents "who were concerned about the work being done on the property." The owner of the property did knowingly violate the TTP ordinance under section 4-6-3, and should be fined for not applying for the permit to facilitate the work order request through our building department. He also can be held in violation for not replacing the exact trees that were lost under TTP section 4-6-6 under our code. And in addition to the stop order/cease desist orders as well. As to the wishes of this board for recoument of additional fines, I won't comment on it only to suggest that the village isn't even certain of the number of actual days that elapsed from the time the owner was cited to be in violation. I ask how is that possible?

Now to the issue of our village arborist, Chuck Stewart, is this, the same individual who basically allowed the mature Ash trees on village property to succumb to the Emerald Ash borer disease stating, "the disease was an inevitability?" I spoke out very loudly of this issue while I was on the HEC committee, but it fell on deaf ears, and was told that it wasn't an issue for our committee to review." Additionally, another interesting angle surfaced regarding this individuals' demonstrated conflict of interest issues with the property in question. And it also appears that his professional approvals and/or analysis of what was done as far the status of removal of trees could make him complicit in the actual approval process. He also has contributed to the drafting and wording of the current ordinance that makes his rulings and judgments more sympathetic to the applicant's wishes than those of the village. There appears to be infinitely more than a conflict of interest present and he should be terminated from village payroll.

As to the physical replacement trees on the MacArthur property as of today, they are not suitable exact replacements as is mandated by the ordinance. The replacements are all evergreens and the lost trees were all deciduous. As to the diameter, I surmise they were all well over ten inches. The village also has incurred numerous replacement fees and costs for the new trees that were recently substituted for the dead Ash trees. Just \$2,000 was approved for the planting of three new Ohio buckeye trees on village grounds from the July bill approvals. That is but only a very partial amount of money spent to date by the village remove, plant and replace the old Ashes. If you review past monthly bills, you will see more related costs.

It seems that the village board has a somewhat naïve expectation that individuals wishing to remove trees will "voluntarily" come in and apply for the TTP permit. In most cases, they should, and they will, but not in all cases as we have seen of late. They figure it is almost impossible for the village to race their actions on their individual property, with many lots and activity not visible from the public way. You may recall awhile back a resident took the village to court regarding the removal of an untold number of trees without securing the proper approval. The court ruled against the village citing that the ordinance was not legally binding, hence the overhaul of the ordinance by our Plan commission to address these loopholes. The new ordinance now requires the establishment of an escrow account to cover the cost of the replacement trees. And although, you have a permit form that can be filed for this type of activity, you cannot legislate voluntary compliance and adherence, and it appears that the educational message of not removing trees before notification to the village has been secured has not been successfully communicated. In order for this new ordinance to have any statutory teeth, you must rely on the self-policing by residents to inform the village staff of these ongoing activities. The staff was not successful in executing things properly and in a timely manner. Higher performance standards need to be enacted based on the current scenario and less excuse making seems in order.

As to the accountability question, with respect to the applicant, and the municipality, the unilateral authority assigned by our President, to personnel who are salaried, from the Village Administrator on down through the building department should have been more than enough to curb any subsequent activity from commencing. And at one point, with respect to enforcement, I learned, that

“no one” was available from the village to go to the site the Friday before the long weekend to assess the ongoing infractions that were reported.

Our municipality appears now to want a do over, and exact multiple fines after the fact, but why can't any member of the staff who was present, specifically provide a timeline of dates/times as to how many days elapsed from the issuance date of the stop work order and removal of signage to now? It showcases a fuzzy enforcement framework in place that continually fails. The village also recently adopted a covered lid requirement for trash, an ordinance designed to reduce litter from open containers from scattering throughout our community. This ordinance only serves to entrap residents, and will further complicate the enforcement net within the village by diverting police department manpower from where it should be focused which is on policing, safety, and public welfare!

I will conclude by saying that the applicant erred at many different points, from applying for a permit, and failure to notify in advance of their intentions, that is clear; but so too did the village staff. And at some point, there is must be an acknowledgment to take full ownership and accountability for failing to properly enforce the village codes and take the appropriate action swiftly. This is a hard lesson, but one that will hopefully make the village exact better protocol, heighten staff expectations and outline specific steps when it comes down to real time enforcement.

My intention in drafting this letter is to give you a strong sense of the resident's perspective as how this village is approaching enforcement, and to see that in the future they can do a competent job of applying these standards to future problems that might arise. I chose to come forward and enlighten you as to what I witnessed, but we need to improve our overall execution for the future.

As to the MacArthur disconnection vote, I would simply ask you to reflect upon the prior disconnections that were authorized by prior administrations, and to consider whether in hindsight those decisions were good ones overall. As a resident who lives in the immediate area, pays taxes to this municipality for services, I would be uncomfortable having nearby properties managed under a different jurisdiction as I would worry about the immediate impact to all residents in the affected region. As our elected representatives, you have a mandate to represent all of us, not just those who supported you in a prior election. The question is, will this disconnection benefit the whole of Barrington Hills, by allowing another key property to be under the domain of another county? Would it be easier to allow it to pass, of course? Although the applicant isn't required to reveal their motivations for leaving, we as a community of one, should be! If the past is a predictor of the future, then those disconnections have proven to be deleterious to our community's future and have caused endless burdens. One only needs to look at the Plum Tree Farms development. Please think of not just the short-term resolution to the problem, but the possible long-term repercussions of letting this important parcel leave Barrington Hills for future generations. Thank you for your service, and for allowing me to contribute my insights to your deliberations.

Sincerely,

Linda H. Cools, Village Resident Advocate, August 28, 2017