

VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting April 26, 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 Temp
Walter E. Smithe, Trustee
Steve Knoop, Trustee
Beth Mallen, Trustee
Elaine Ramesh, Trustee
Joseph Messer, Trustee

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

Guests

Dede Wanberg
Alford Zick, resident
Carol Kone, resident
Ramir Pradhan, resident
Jonathan Knight, resident
Carl Singer, resident
Jack Tensch, resident
Jim Canollo, resident
Rob Redmond, resident
Rosemary Ryba, Village Treasurer
Brian Imhoff, Auditor
Sid Diamond, resident
Thomas Patrick, resident
C. Cerniglia, resident
Chet and Eve Perry, residents
Jasper & Marian Sanfilippo, resident
Don & Zena Hackman, Residents
Dick Stephenson, resident
David & Karen Tone, residents
David and Lannie Antler, residents
Bud and Bev Watts, residents
Bob and Mary Fabrini, residents
Judith D. Mainiero, resident
Vincent Deligio, resident
Robert Trzaska, resident
Sam and Geralyn Cecola, residents
Paula Carllone, resident
Tom Kortendich, resident
Anne Cook, resident
Pat Taylor, resident
John Gigerich, resident
Sylvia O'Donnell, resident
Michael J. Millo, resident
W.W. King, resident
Matthew Maravis, resident
Jo Ann Seagren, resident
Karen Yaney, resident
David Stieper, resident

Trustee Gohl motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 6:45 p.m. Trustee Smithe seconded. Roll Call.

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

Nays: 0

Absent: 0

Meeting Adjourned

EXECUTIVE SESSION

PUBLIC SESSION

President Abboud called the Public Meeting to order at 7:48 p.m.

President Abboud introduced Jo Seagren of Barrington Area Conservation Trust, who explained that the Trust is interested in working with the Village on several issues. Ms. Seagren introduced the new executive director of the BCT, Karen Yancey, who outlined the BCT's mission and goals for 2010 land protection. Ms. Yancey stated that BCT will focus its efforts on the completion of Heritage Corridors within the Village and will continue its opposition to de-annexation.

Dede Wamberg, Homeowners Against The Lighting Ordinance, HALO, Chair, advised the Board that HALO is an Illinois Registered PAC, with 775 members – 383 signed an on-line petition presented to the Clerk, and has posted over 750 signs. Ms. Wamberg presented six complaints against the Village concerning the current proposed lighting ordinance along with exhibits presented to the Clerk.

- 1.) Failure of the Village to respect the rights of residents as demonstrated by the removal of HALO signs. Ms. Dede Wamberg reported the signs have disappeared, and that after speaking with IDOT, determined that IDOT had not removed any signs. Ms. Wamberg charged the Village with removing the signs and wants to prosecute anyone taking the signs. She demanded that the Village return the HALO signs.
- 2.) Accused the Village of spending residents' tax dollars to become a Dark Sky community. The Zoning Board of Appeals has spent \$5,000 on the survey to determine the impact of the ordinance on homeowners.
- 3.) Accused the Village of colluding with a group called Homeowners United To Preserve Our Character (HUTPOC) in a recent mailing by utilizing a village mailing list. Ms. Dede Wamberg asserted the mailing labels used in the HUTPOC bulletin were similar to the labels used by the Village for vehicle sticker renewals as they used the same font as the ones used by the village. She requested a full investigation and wanted the Village to inform her of who sent out the bulletin.

- 4.) Accused the Village President of name-calling. Ms. Dede Wamberg cited recent e-mails where the yellow HALO signs had been referred to as “Yellow Trash” and “Road Trash.” Ms. Wamberg presented to the Clerk, a letter she had written Bill O’Rielly of Fox News, asserting her claims about the Village President. See Exhibit A
- 5.) Accused Mr. Knight, Chairman of the ZBA, of misrepresenting the status of Illinois HR0884 which – “Expresses the support of the House of Representatives for improved night preservation practices in the State of Illinois and encourages municipalities and State agencies to research and adopt suitable outdoor lighting practices.” Ms. Dede Wamberg states that it is a resolution, not a Law, as stated by the chair of the ZBA and submitted two letters to the Clerk from State Representatives, Mark H. Beaubian Jr., and Michael W. Tryon stating that he supports personal property rights. See Exhibits B & C
- 6.) Accused the Plan Commission of following the lighting ordinance of Homer Glen, IL, a new green community that has relatively little in common with Barrington Hills.

Ms. Wamberg reiterated the request that the public process be stopped due to HALO’s membership and the number of signs they have placed though out the village. She asked for any of the Trustees to put this to a vote to stop the public process of discussion of this proposed ordinance. See Exhibit D.

President Abboud responded to the stated complaints as follows:

- 1.) The Village did not remove any HALO signs. He reminded HALO that Route #62, Route #68, and Lake Cook Road are all under construction, and that IDOT has the authority to remove signage along these roads in the public rights of way. President Abboud directed Chief Murphy to have his department investigate the missing signs.
- 2.) The Impact Study was paid for out of Legal and Engineering funds and was an appropriate amount, in his opinion. He stated that residents in attendance at the ZBA Public Hearing offering public comment had requested this study, and the Village Board authorized it.
- 3.) The Village has no knowledge of the mailing labels used by HUTPOC. He directed the Police Chief and staff to investigate to determine if Village data was used.
- 4.) President Abboud stated that ordinances occur by vote of the Village Board, and that structure of the ordinance comes from the Zoning Board of Appeals. The ZBA will then make recommendation to the Village Board. He stated his agreement that some of the language in the proposed ordinance is overburdening, and that the Board wants everyone to speak on this issue.

- 5.) The issue for the Village is how it should adjudicate issues with neighbors. Adjudication should be done on a series of facts; otherwise there are legal liability issues.
- 6.) Regarding the model used for the draft lighting ordinance, Mr. Stieper, Chairman of the village Plan Commission stated that Homer Glen was not used as the model and that if any municipality was looked at more closely than others it was that of East Hampton, New York.

Mr. Vincent DeLigio, of 70 Dundee Road, asked when the hearings would be completed. President Abboud answered that tentatively within the next thirty days, with discussion in May and perhaps a vote in June. He explained that the lighting ordinance follows the same schedule as any other ordinance.

Mr. Thomas Patrick, 122 Brinker Road, raised concern regarding the need for the study. Trustee Messer responded that it was a good study and dollars well spent, in that it informed the ZBA with knowledge of how the ordinance would impact residents that already had lighting around their property.

Mr. Dave Berry of Tudor Oaks Farm complained that the study was inadequate because it did not include barns and did not estimate the cost of removing non-complying lighting structures. Further, he noted that references in the study to lumen levels were contradictory throughout the study.

President Abboud explained that the study was completed at the request of HALO. He authorized the ZBA to complete the study at a cost not to exceed \$5,000. When Ms Wamburg questioned his authority to do so, President Abboud explained that the Village President does with the consent of the Board to authorize expenditures.

ZBA Chair John Knight suggested that anyone with concerns over his remarks, ZBA decisions and discussions should review the transcript of the meeting, when available.

John Gigerich, 373 W. County line Road, spoke to the Impact Study suggesting that in his opinion, given the cost of the study, it failed to address the fixture removal costs and the cost of resident's original investments and thus it rendered the study as "half-baked," only causing a community "civil war" to become bigger. He contended that the cost to "police" 1400 homes for compliance and the ensuing lawsuits would be prohibitive, and he recommended the Board remove the ordinance consideration from the agenda.

Trustee Gohl questioned the charges that HUTPOC at Yahoo.com used Village labels for its mailings. Trustee Mallen questioned the reason for the allegation, and Ms Wamburg stated that the Attorney General's forensic department had determined that HUTPOC's labels had the same font and typeface as the Village mailing labels used for the annual sticker renewals sent to residents. Ms Wamburg stated there if it was found to be true that the Village participated in this mailing, there would be a lawsuit filed.

President Abboud reiterated that the Village would investigate and would make the resulting report public.

Ms. Wamberg additionally charged that the Plan Commission's draft Lighting Ordinance was copied from Homer Glen and its desire to be a Dark Sky community. Trustee Knoop, liaison to the Plan Commission, denied this allegation and referred to Mr. Stieper's remarks.

Village President Mr. Abboud reminded everyone that there are residents in favor of a stricter lighting ordinance. Ms. Wamberg asked for the village to identify those in favor of the lighting ordinance so that she could contact them.

Mr. Karl Singer, 43 Lakeview Lane, opined that the Village should be able to deal with twenty homes that might have lighting problems. President Abboud responded that it could not legislate behavior. Mr. Singer offered that there must be some way to get this done. Trustee Smithe said it will all be over one or two months from now.

President Abboud stated the next ZBA meeting is May 17th and that the ZBA will work on the ordinance and will vote. The Village should receive their report on May 24th. Chairman Knight responded by saying the ZBA should not be subject to undue time pressure from the Board. He stated the ZBA board had not begun discussion of the ordinance language, but assured they would finish the process in a reasonable time period. Trustee Messer asked if a special meeting was a possibility. Chairman Knight said that it was.

Mr. Karl Singer asked if the public would be invited. President Abboud reiterated that all meetings are open to the public.

Mr. Bud Watts, 384 Old Sutton, raised his concern regarding the ordinance's impact on security lighting.

Trustee Gohl stated his reluctance to discuss the proposed ordinance, since the Board had yet to receive it.

Mr. Jack Tennisch, 44 Lakeview Lane, said he did not oppose the Lighting Ordinance, but that he does oppose the dark sky designation and does not believe the Village should be part of it.

Mr. Robert Trzaska, 98 Meadow Hill, described his fear when would-be robbers knocked on his door. He expressed his concern should the lighting ordinance eliminate security lighting. President Abboud assured him this would not happen.

Mr. Sam Cecola, 45 Lakeview Lane, asked if the ZBA votes against the Ordinance, will the Board vote against the ZBA? President Abboud explained that each individual Trustee will vote, but each will be influenced by the ZBA, and that about three-quarters of the time the Trustees follow the vote of the ZBA. He added that there could be a motion for a new text amendment, which could pass by a simple majority.

Mr. Ramir Pradhan, 381 County Line Road, questioned the sincerity of the Village's denial of pursuit of the Dark Sky designation. He asked for clarification of criteria for the Village to consider an issue and wondered how the Village gets complaints. President Abboud answered that complaints generally come through the Police Department. President Abboud also mentioned the Goose Lake case within the Village. The developer who built a home in that area put in large outdoor lights, which caused neighbors to complain to the Village. Upon investigation, the Village noted that its Nuisance Ordinance was insufficient to address the issue.

Dave Stieper, Chairman of the Plan Commission, explained that the directive to the Plan Commission was to draft an ordinance consistent with the Comprehensive Plan. President Abboud reiterated that the Nuisance Ordinance was sent to the Plan Commission for improved language, and that the proposed Lighting Ordinance is the result.

Mr. Pradhan asked who filed the complaints, and President Abboud said that he could file a Freedom of Information Act (FOIA) request. Trustee Gohl said he knew of a few homes in the Village with excessive lighting, but that five years from now, if we do nothing, there may be more homes.

Mr. Sanfilippo, 789 Plum Tree, stated that between the policing and lawsuits, \$5 million could be spent by the Village. President Abboud responded that the Village spends dollars according to needs and that it levees for those dollars. Trustee Smithe added that the residents will see benefits when the Trustees vote.

Trustee Knoop spoke of his experiences during the Duda de-annexation, as well as the Iatorolla de-annexation and the importance of the Comprehensive Plan. He explained that one of the reasons Duda won his case, as stated by Judge Sullivan, was the lack of consistent planning in relation to the Village's Comprehensive Plan. Further he stated that the current proposed ordinance was not only the result of a weak Nuisance Ordinance and resident complaints, but also to continue to protect and buttress the Comprehensive Plan which defines the village character. Any trend that contradicts the Village character also jeopardizes the Zoning Ordinance.

Separately, a question regarding the recent break-ins in the Village was brought up, and President Abboud noted that the crime rate has not increased and that resident safety is primary for the Village. It was also noted that most of the break-ins were during the daylight hours. Trustee Gohl added that security will always be the number one issue. President Abboud requested that anyone with any safety concern call the police for a security check. He added that he would never vote to impact safety and security.

Mr. Dick Duchossois stated he thought the issue was splitting the Village. He urged the Board to speed the process because June or July is a very long time away. President Abboud responded that everyone must be patient with the process and invited Mr. Duchossois to join him in resolving the perceived split.

Trustee Knoop added that there is no Trustee who is not concerned with resident's safety. He again reminded the audience of the importance of the Comprehensive Plan in regards to zoning and de-annexation and cited the example of the Ponticus property across the street from Hill and Dale Farm. The developer threatened de-annexation and increased density development, threatening to break the five-acre zoning. Mr. Duchossois responded by charging that he was there to unite, but that the Trustees are dividing the Village. Trustee Knoop reiterated that it was necessary to follow the process.

Ms. Wamberg charged the Village with holding secret meetings.

Mr. Gigerich said he thought the proposed Lighting Ordinance should have been vetted more in public during the Plan Commission discussion of the topic. Trustee Knoop objected to this statement stating that every meeting that the Plan Commission held was done so with adequate notice and all meetings were open to the public with public comment invited. Mr. Gigerich responded that he had misspoken. Mr. Gigerich said the situation is getting out of control, and that he wants a resolution.

The public comment period ended at 9:30 p. m.

MINUTES

Trustee Knoop motioned to approve the minutes of the Regular Meeting of March 22, 2010. Trustee Smithe seconded. All present said Aye

Motion Approved

Trustee Mallen motioned to approve the minutes of the Executive Session of March 22, 2010. Trustee Knoop seconded. All present said aye.

Motion Approved

Trustee Smithe motioned to dispose of the recording of the Executive Session of July 28, 2008. Per state law, these records have been kept for eighteen months. Trustee Mallen seconded. All present said aye.

Motion Approved

FINANCE - Walter E. Smithe

Village Treasurer's Report - Trustee Smithe motioned to accept the Treasurer's Report for the month of March, 2010. Trustee Knoop seconded. All present said aye.

Motion Approved

Police Pension Board Report - Trustee Smithe motioned to accept the Police Pension Board's Report dated March 31, 2010. Trustee Mallen seconded. All present said aye.

Overtime Reports – Trustee Smithe motioned to approve \$1,467.77 in overtime expenses from March 16 through March 31, 2010. Trustee Mallen seconded. Roll call

Ayes – 7 (Messer, Mallen, Ramesh, Knoop, Smithe, Gohl, Abboud)

Nays – 0

Absent – 0

Motion Approved

Presentation of Bills – Trustee Smithe motioned to approve payment of the bills for the month of March 31st to date for \$245,634.40. Trustee Mallen seconded. Roll call:

Ayes – 7 (Messer, Ramesh, Mallen, Knoop, Smithe, Gohl, Abboud)

Nays - 0

Absent -0

Audit Fiscal Year 2009 – Brian Imhoff present, as the Village Auditor, the audit report for Fiscal Year 2009. Trustee Smithe asked about the financial condition of the Village and was informed the Village compares favorably or better with other municipalities for whom they audit. Trustee Smithe motioned to accept and approve the Fiscal Year 2009 Audit. Trustee Mallen seconded. All present said aye.

Motion Approved

ROADS AND BRIDGES – Elaine M. Ramesh

Monthly Report:

Trustee Ramesh reported that the next Private Road Homeowner’s meeting will be held on Thursday evening, April 29th, for residents of Berron Lane, Eagle Point Drive, Fernwood Drive, and Juliano Court. So far, no one on these roads has responded that they plan to attend. The Paganica and Abbey Woods subdivisions will receive invitations to meet with us on Thursday, May 27th.

New Drainage Maintenance Program: In May, area culverts will be surveyed by Gewalt Hamilton. Culverts requiring cleaning will be serviced by Cuba Township in June.

2010 Drainage Project: The second half of the project for drainage improvement along Three Lakes Road should be completed next month.

2010 Resurfacing Program: Six bids were received for the 2.65 miles of resurfacing work on Hawley Woods Road, Round Barn Road, Old Dundee Road and Old Bartlett Road, with Arrow Construction Company submitting the lowest bid. Dan Strahan, Village Engineer, recommended the Board accept the Arrow Construction bid. Several trustees remembered problems in the past with this company when it worked for the Village in 2006-2007, and several Trustees also raised questions regarding the dollar amount allocated by Arrow Construction in its bid on item number 28, traffic control and protection.

After discussion, Trustee Ramesh motioned to accept the bid of Chicagoland Paving. Trustee Mallen seconded. Several trustees spoke of positive experiences with Chicagoland Paving. Roll Call:

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

Motion Approved

Resident Correspondence: Trustee Ramesh reported there have been resident complaints regarding drainage issue on both Braeburn Lane and Oak Knoll Road.

There is a request for additional signage prohibiting heavy trucks on Helm Road. A letter requesting bike lanes in the Village has been received. President Abboud will respond to this request.

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Trustee Gohl reported that a letter to the editor of the Daily Herald reminds everyone that tornado season is here.

United States Census 2010 – May 1st the Census Enumerators will be coming into the Village to go door-to-door to enumerate those residents who have not mailed their Census forms. Residents will be asked the same questions as on the form.

A resident complaint has been received regarding fishing on Otis Road bridge.

Mr. Robert Kauffman, L.C.S.W., gave a presentation on The American Institute of Learning & Cognitive Development, which is proposing a ten-week training program for the leaders of the Barrington Hills Police Department to enhance communication skills and leadership abilities, in consideration of changes within the department. The Board will review the materials and discuss, if requested, at the next meeting.

BUILDING AND ZONING – Joseph S. Messer

Monthly Report – Trustee Messer reported that there were two building permits issued in March.

Trustee Messer reported that the proposed Lighting Ordinance survey of 7 well lighted homes was completed and he advised the Board to read the report. Of the seven homes surveyed, all but one failed the criteria of the proposed ordinance. It should be noted that all seven homes were volunteered by the residents.

Discussion followed regarding the aspects of safety lighting components of the survey, with Trustee Messer reporting that the Police consultant to the Plan Commission had said that “dark is better.” Trustee Messer voiced that it was important to get everyone’s input. Trustee Smithe urged Trustee Messer to have the ZBA have something to the Board by the next meeting.

Stormwater Management Policy - Cook County wants to regulate Stormwater. Lake County has their own process in place, and McHenry County has agreed to accept the Lake County requirements. Discussion followed with Trustee Messer recommending the Village ask Cook County to dismiss the Village and develop its own storm water management plan. President Abboud will discuss this with Commissioner Goslin and the Metropolitan Water Reclamation District.

Trustee Messer reported on the 2009 International Building Code's requirement for sprinkling new, single-family residences. Municipalities must update their building codes to comply. Discussion followed regarding reduced demand on the Fire Department and whether or not tax credits were available to meet this requirement? Director Kosin will check on this information.

Trustee Messer reported on the issue of residents out of compliance with Village ordinances who have failed to pay the assessed fines. Both Attorneys Wambach and Clarke are investigating this issue.

PLANNING – Steven E. Knoop

Trustee Knoop announced that the proposed amendments made by Trustee Ramesh & Mallen to the McHenry 2030 Land Use Plan were accepted by McHenry County by a 19 to 3 vote. Although estate designation is still lacking in the Plan, the low-density issue was addressed and equestrian-type farmettes were included examples. President Abboud acknowledged both Trustee Ramesh's and Trustee Mallen's work on the process and requested that thanks also be sent to BACOG and to McCOG.

Trustee Ramesh suggested that Bull Valley be invited to the Plan Commission meetings. She reported that Teska and Associates were helpful with the McHenry Plan Commission.

Trustee Knoop asked Bob Kosin if the Village of Barrington Hills has filed an application for Dark Sky designation, as has been rumored. Mr. Kosin responded that no such application has been filed.

President Abboud asked about the attitude on the Plan Commission, recognizing the personal criticism they have received while working on issues of importance to the Village, the proposed Lighting Ordinance and now the Commercial Boarding issue. President Abboud and Trustee Knoop will meet with Mr. Stieper of the Plan Commission.

INSURANCE – Walter E. Smithe

No report

HEALTH, ENVIRONMENT, BUILDING & GROUNDS - Beth Mallen

Trustee Mallen reported that the U.S. Census Bureau is using the Village Hall meeting rooms to provide enumerator trainings which began April 22nd.

Earth Day – Trustee Mallen reported that two replacement trees were planted on the Village property on April 22nd, Earth Day.

Health Department looked at the issue of horse manure and its effect on ground water, as concern was raised by a resident. Dr. Kurt Thompson reviewed the issue and said that there was no reported adverse effect of manure on ground water.

Trustee Mallen and Director Kosin met with Groot Industries in their interest to review solid waste management within the Village.

Trustee Mallen and Trustee Ramesh discussed their concerns with the proposed resolution before the Trustees regarding the elimination of phosphorus within fertilizer and dish detergents. Trustee Ramesh voiced her concern with eliminating phosphorus from fertilizer since phosphorus is a natural plant nutrient. President Abboud suggested that surface water is the issue with phosphorus in fertilizer. Trustee Smithe noted that the proposed ordinance has no enforcement suggestions. Trustee Mallen said the ordinance would send the residents a message that the Village is aware and interested in being a green community. President Abboud reported that BACOG chose not to pursue a resolution supporting the ordinance. Trustee Knoop motioned to table the ordinance. Trustee Gohl seconded. All present voted aye.

Motion Approved

ATTORNEY – George Lynch

Prairie Pointe Center - Attorney Lynch reported that McShane is struggling to meet the May deadline agreed to by Attorney Wambach, and that he is advising the Board to extend the deadline to June 15th. Roll call:

Ayes – 6 (Messer, Mallen, Knoop, Smithe, Gohl, Abboud)

Nays – 1 (Ramesh)

Absent – 0

Resolution 10-06 Approved

ADMINISTRATION – President Abboud

Trustee Gohl motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 10:50 p.m. 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 Meeting to order at 12:15 a.m.

Trustee Gohl motioned to adjourn the Public Session at 12:16 a.m. Trustee Knoop seconded.
All present said Aye.

Meeting Adjourned

Approved