

## VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting of the Board of Trustees  
Monday, August 26, 2013

President McLaughlin called the Regular Meeting to order at 6:36 p.m. Roll Call.

### Present

Martin J. McLaughlin, President  
Fritz H. Gohl, President Pro Tem  
Joseph S. Messer, Trustee  
Karen S. Selman, Trustee  
Patty Meroni, Trustee  
Colleen Konicek, Trustee  
Michael Harrington, Trustee  
  
Michael Murphy, Police Chief  
Rich Semelsberger, Deputy Chief  
George Lynch, Village Attorney  
Robert Kosin, Village Administrator  
Dolores Trandel, Village Clerk

### Guests

Jack Reich, resident  
Jim O'Donnell, resident  
Jean Mandrell, resident  
David Stieper, resident  
Jon Knight, resident  
Benjamin LeCompte, resident  
Brian Cressey, resident  
Lynn Topping, resident  
Sally Robinson, resident  
Bill & Linda Adair, resident  
Mike Zachar, resident  
P.K. Johnson, resident  
Cheryl Cook, resident  
Michael Hannigan, resident  
Mark Konicek, visitor  
Dan Strahan, Village Engineer

Trustee Selman motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 6:37 p.m. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman Messer, Gohl, McLaughlin)

Nays: 0

Absent: 0

**Meeting Adjourned**

### **EXECUTIVE SESSION**

### **PUBLIC SESSION**

President McLaughlin called the Public Meeting to order at 7:50 p.m.

Pledge of Allegiance

## **PUBLIC COMMENTS:**

Lynn Topping, 117 Brinker Road – Asked that the Board think about having all bicycles in the Village be licensed.

Barry LeCompte, 350 Bateman Road – asked about Estate Planning, He has 130 acres and would like one parcel for his home and the other acres put in Trust for his children. The problem is the farm land is where the barn is and where he boards horses under the Home Occupation Ordinance. Legally, the primary purpose of the parcel has to be for residential use. If you own two continuous pieces of property and you have the Home Occupation on one, as long as the ownership is both, you can do it. He was advised through Robert Kosin, that it has to be the same legal entities. He has five different parcels and if a separate land trust owns them even though you control them, that is not compliant. He would like the Village to consider having a text amendment where it would say “if both parcels are controlled by the same person rather than have legal ownership”.

He also stated he received notice about a vote to come up, be separate rather than combined, for David Stieper and Kelly Mazeski or it might be a legal issue.

Mike Zachar, 157M Helm Road – He realized that with the new Board, there are going to be new appointments. He has concerns of potential conflict of interest regarding the new administration and new appointments.

## **APPROVAL OF MINUTES**

Trustee Messer motioned to approve the Minutes of the July 22, 2013 meeting. Trustee Gohl seconded. Trustee Konicek requested some changes. All present said Aye. President McLaughlin abstained.

**Motion Approved**

Trustee Messer motioned to approve the Executive Minutes of the July 22, 2013 meeting. Trustee Selman seconded. All present said Aye.

**Motion Approved**

Trustee Meroni motioned to postpone the disposal of Executive Session Meeting Recordings of September 26, 2011, October 24, 2011 and November 21, 201. Trustee Konicek seconded. Items were postponed until further discussion from Counsel. All present said Aye.

**Motion Approved**

Trustee Selman motioned to approve the Ascension the Executive Minutes through May 23, 2013. Trustee Meroni seconded. All present said Aye

**Motion Approved**

**FINANCE – Karen S. Selman**

Treasurer's Report - Trustee Selman motioned to accept the Treasurer's Report for July, 2013. Trustee Meroni seconded. All present said Aye.

**Motion Approved**

Police Pension Board Report - Trustee Selman motioned to accept the Police Pension Board Report for July, 2013. Trustee Meroni seconded. All present said Aye.

**Motion Approved**

Overtime Reports - Trustee Selman made the motion to approve the Overtime Report from July 16, 2013 through August 15, 2013 totaling \$5,689.23. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl, McLaughlin)

Nays: 0

Absent: 0

**Motion Approved**

Bills for Approval - Trustee Selman motioned to approve the bills for the month of July 16, 2013 to August 15, 2013, totaling \$198,140.74. Trustee Harrington seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl, McLaughlin)

Nays: 0

Absent: 0

**Motion Approved**

**ROADS & BRIDGES – Patty Meroni**

2013 Road Program - The resurfacing on Spring Creek Road is being completed with driveways and should be finished by September 10<sup>th</sup>. Patching will recommence in early September for a number of other roads.

Cuba Road Bridge Status - We are still waiting to hear from IDOT.

Ridge Road/Merri Oaks Road Drainage - A meeting with a resident down Merri Oaks Road is scheduled for this week to discuss possible solutions utilizing an easement across his property to Oak Lake. Lake County has offered to participate in the funding process.

BACT - Due to vacation schedules no meeting was held in August. One will be scheduled in September to discuss their programs.

Pavement Condition Inventory - The last pavement condition inventory was performed in 2005 and based on the condition of a number of roads, some of which have been deferred because of budget limitations, more detailed information is needed to accurately assess the pavement most in need of attention. The survey will be done in early fall.

2014 Road Program - We have prepared a preliminary schedule of roads for resurfacing next year and will finalize the decision after the pavement condition inventory is completed.

Traffic Signal Updates - The traffic signals at Routes 59 and 68 are scheduled to be replaced with LED signals by IDOT.

Paganica Lift Station Replacement - The lift station at Paganica will be replaced by Barrington this Fall. Trucks will use the Old Hart/ Oak Knoll route to access and VBH will charge standard overweight for each load.

Penny Road Jurisdictional Transfer Proposal - We have correspondence from Kane County Transportation and had a preliminary discussion at last week's Roads and Bridges meeting regarding the Village's interest of obtain jurisdiction of Penny Road from Cook County line to Bateman Road, a total of about .22 miles, if approved by the Village of Barrington Hills. We will contact Kane and Cook Counties to explore this further.

### **PUBLIC SAFETY – Fritz H. Gohl**

Monthly Report – Trustee Gohl presented the monthly report which was included in the Board of Trustees meeting packet.

Surplus Property Ordinance – Trustee Messer motioned to approve the Surplus Property Ordinance. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl, McLaughlin)

Nays: 0

Absent: 0

**Ordinance 13-13 Approved**

IGA with South Barrington Resolution – Trustee Gohl motioned to approve the IGA with the Village of South Barrington to allow South Barrington to use the Barrington Hills police department facilities to process arrestees during their construction. Trustee Meroni seconded. All present said Aye.

**Resolution 13-12 Approved**

Barrington Honor Ride & Run Resolution - Trustee Gohl motioned to approve the Annual Barrington Honor Ride and Run Resolution. Trustee Meroni seconded. Trustee Meroni asked about the Route. Deputy Chief Semelsberger stated the Map is the one rejected in 2011 for safety reasons. The Map the riders should be following is the one used in 2011. Mark Konicek and Mike Tobin answered questions from the Board. Trustee Messer stated he is uncomfortable with Section 2 of the Resolution in reference to the Villages liability. Robert Kosin will investigate further. It was the sense of the Board for the planning of the Event could proceed, but wording on the Resolution will be further looked into. It was also agreed to change the time to 8:30 a.m. from 10:00 a.m. and Trustee Messer asked to increase the number of riders from 150 to 250. President McLaughlin agreed. Trustee Gohl withdrew his motion and Trustee Meroni asked to table the resolution to the September 23<sup>rd</sup> meeting.

**Resolution Tabled**

### **BUILDING AND ZONING - Joseph S. Messer**

Monthly Report – Eleven building permits were issued in July, 2013.

2230 Chapel Road - Building Department confirmed a complaint regarding an above ground pool. Property owner advised pool installed temporarily for a party and will be removed during the week of August 26<sup>th</sup>.

809 Magnuson Court - Citation issued for an above ground pool with an August 22<sup>nd</sup> court date. Judge fined owner \$750.00 with a one-year supervision. Fine to be vacated unless owners violate the supervision. Property owner advised in 2012 of code violation and erected pool again this year.

14 Hart Hills Road - Resident had previously engaged in grading improvements without a site development. Resident met with Village Engineer on May 3<sup>rd</sup> and agreed to restore grading to previously existing condition. Village Engineer met with resident on August 7<sup>th</sup> and found grading acceptable and resident will complete restoration.

261 Steeplechase Rd - Power still not restored per ComEd. Spoke with property owner, Tom Koulouris, advised him of citation and court date of September 25<sup>th</sup>. Mr. Koulouris stated he is having difficulty removing tenants, but he will appear in court. He was advised to contact Lake County Courthouse for eviction information.

109 Remington Drive Update - Preliminary site plan submitted August 21<sup>st</sup>.

358 Bateman Circle South Update - Zoning Board of Appeals approved petition for variance on August 19<sup>th</sup> and Building Department advised owner to obtain a site development permit.

385 Spring Creek Road Update - Certified letter sent to attorney for Wells Fargo on August 15<sup>th</sup> requesting timetable and work completed by May 15, 2014.

551-553 Cuba Road Update - Awaiting September 25, 2013 court date.

8 Jennifer Court Update - No plans submitted. New citation to be issued.

ZBA Monthly Report – The Variance for berm height to seven feet where five feet is required for 358 Bateman Circle South was approved and Mr. Ahern was told to contact the Building Department for a building permit.

Stormwater Management & Flood Plain Regulations Ordinance – Trustee Messer motioned to approve the Stormwater Management and Flood Plain Regulations. Trustee Meroni seconded. All present said Aye.

### **Ordinance 13-14 Approved**

#### **PLANNING – Colleen Konicek**

Monthly Report: The Plan Commission met July 12, 2013 to discuss the following.

Heritage Corridor Program (BACT) - BACT is actively working with residents on some of the area's most scenic rural byways to expand a network of conservations easements to ensure the permanent protection of these heritage corridors from becoming four lane highways. BACT spoke to the Plan Commission last month on some of the roads that have been considered for those purposes.

The Village is aware that the Duda property is back on the market and watching for any publicly reported sales.

East Dundee lost their case to keep Walmart in East Dundee and it appears that Carpentersville is Walmart's destination.

Citizens for Conservation would like to put rainwater gardens at the Village Hall for which a presentation is scheduled for the Plan Commission.

President McLaughlin added that the CFC has erosion services for residents and wants to make our residents aware of some financial support they can get for their properties from any damage that occurred in the Spring. The grants are not full coverage, but will help towards restoration of the walls and sides of creeks. Trustee Konicek added they helped with plants at the Paganica subdivision and they did a beautiful job.

President McLaughlin stated that the Heritage Corridor that was discussed was for Lake Cook Road and the Village of Barrington initiated the subject, so BACT also approached our Village specific to Lake Cook Road.

### **INSURANCE – Michael Harrington**

Monthly Report – Meeting is set for next week to speak with insurance brokers.

### **HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Michael Harrington**

Village Hall generator: Alternate Power has replaced the generator's radiator as quoted and it is operating without leaks. Monthly exercise and load test was conducted on 08/06/13 and the governor controller was replaced. Operating as should be.

Village Hall generator insurance claim: Payment from Scottsdale Insurance has been received to reimburse the Village for all expenses, (less the deductible), related to the generator failure of March 26, 2013 with one exception. On March 27, 2013, the Village purchased forty-eight Tripp-Lite surge protectors at a cost of \$2,632.72. In April, the manufacturer then replaced the damaged units under warranty. In order to retain the manufacturer's replacement units as backups, a 50% adjustment of \$1,316.36 was deducted from the total payment.

Village Hall fire sprinkler system: The inspection of the well feed and reservoir tank system of the fire sprinklers was conducted 07/02/13 and the system passed inspection.

Trustee Harrington advised that the Emerald Ash Borer is on Village property and has affected eleven trees. The arborist has recommended removal of the trees. The Garden Club has given suggestions on planting varying trees so not to spread any particular problem. No meeting occurred for the Board of Health or Heritage & Environs committees this month.

Trustee Selman wanted to further discuss the Emerald Ash Borer and stated that injections are effective and more affordable than replacing trees. President McLaughlin stated the injections are between \$100.00 and \$150.00 per injection, as he has the same issue on his property. Trustee Selman said she received a quote for \$75.00 an injection and will give information on her quote to anyone who needs it.

Trustee Harrington stated that Trustee Konicek received a report of West Nile Virus in Barrington Hills, however, this was not confirmed by the CDC.

**ATTORNEY – George Lynch**

Pending Litigation – Updates included in Board of Trustees packet.

Meeting Recording Policy – Trustee Messer motioned to dispose of the recordings of the Executive Session Minutes. Trustee Gohl seconded. Roll Call.

Ayes: 3 (Harrington, Selman, Gohl)  
Nays: 4 (Konicek, Meroni, Messer, McLaughlin)  
Absent: 0

**Motion Not Approved**

Arbitration Representative – Trustee Gohl motioned to dismiss our current Arbitrator, who is former President Abboud. Trustee Konicek seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl, McLaughlin)  
Nays: 0  
Absent: 0

**Motion Approved**

**ADMINISTRATION – President McLaughlin**

Appointments – Trustee Gohl motioned to appoint David Stieper to the Zoning Board of Appeals to a complete the term of Dara Valin expiring April, 2015. Trustee Konicek seconded. Trustee Gohl stated that he has a question for Mr. Stieper. “What would your definition of a contract be?” Mr. Stieper replied, “offer, acceptance and consideration, that’s the legal definition”. Trustee Gohl asked again, what his definition was and Mr. Stieper stated the same.

President McLaughlin at this time to read the following statement.

“As President of the Village of Barrington Hills, I certainly expect that all appointees made today and in the future committee men or women, trustees and employees of the Village, will conduct themselves in a manner where the best interest of the Village of Barrington Hills are protected and promoted during their time serving or while officially discharging their duties in office. Also, I expect that all committees, commissions and board meetings , occur in a courteous and respectful manner at all times and follow the Robert Rules of Order. Citizens, neighbors and appointed members to our various boards will be allowed to state their positions in an atmosphere free of slander, threats of violence, intimidation, or use as a forum for political agendas.

In addition, each person serving our community has the responsibility to keep information, strategy, tactics and other issued confidential from all executive session meetings so as not to jeopardize the right of privilege.”

At this time, Roll Call was made.

Ayes: 3 (Konicek, Gohl, McLaughlin)  
Nays: 4 (Harrington, Meroni, Selman, Messer)  
Absent: 0

**Motion Denied**

President McLaughlin addressed the Board and stated that as the vote didn’t pass, he as President will use his authority pursuant to 65 ILCS 5/3.1-30, make a temporary appointment to the Zoning Board of Appeals, which does not require consent of the Board where if an appointed municipal

officer ceases to perform his duties to hold the office for any reason, abandonment of office, the Mayor or President may appoint a temporary successor to the position and will therefore, appoint David Stieper to the ZBA at this time.

Trustee Konicek motioned to appoint Kelly Mazeski to the Plan Commission to a three year term expiring April, 2015. Trustee Selman seconded. Roll call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl, McLaughlin)  
Nays: 0  
Absent: 0

**Motion Approved**

BACOG Alternate – Trustee Meroni motioned to appoint Trustee Gohl as an alternate to BACOG. Trustee Harrington seconded. All present said Aye. Trustee Gohl abstained.

**Motion Approved**

Trustee Gohl motioned to appoint Anna Paul as a Member of the Water Resource Board for BACOG. Trustee Konicek seconded. Trustee Selman asked if this was a paid position and would the Village be paying her overtime. President McLaughlin replied no, it is a volunteer position. Trustee Harrington asked for verification. President McLaughlin stated he would get that for him. Trustee Selman mentioned that past Trustee Ramesh worked hard on the Spring Creek Watershed so she might also be interested in this position. Trustee Gohl motioned to table his motion. Trustee Selman seconded. All present said Aye.

**Motion Tabled**

Cannon Scanner Lease Resolution – Trustee Selman motioned to approve the acceptance of this lease agreement. Trustee Meroni seconded. Roll Call.

Ayes: 7 (Harrington, Konicek, Meroni, Selman, Messer, Gohl, McLaughlin)  
Nays: 0  
Absent: 0

**Resolution 13-13 Approved**

Comcast Franchise Report – This ten year, non exclusive franchise provides 5% fee to the Village and is brought forward upon the expiration of the prior franchise.

Trustee Selman made the motion to adjourn the Public Session and return to Executive Session at 9:18 p.m. Trustee Meroni seconded. All present voted Aye:

**Meeting Adjourned**

President McLaughlin called the second Public Session to order at 10:28 p.m.

Trustee Meroni made the motion to adjourn the second Public Session at 10:29 p.m. Trustee Selman seconded. All present voted Aye:

**Meeting Adjourned**

Approved \_\_\_\_\_