

VILLAGE OF BARRINGTON HILLS
Minutes of the Meeting of the Board of Trustees
Monday, March 30, 2015

President McLaughlin called the Meeting to order at 6:31 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

Rich Semelsberger, Chief
Joseph Colditz, Deputy Chief
Mary Dickson, Temporary Village Attorney
Robert Kosin, Village Administrator
Anna Paul, Deputy Village Clerk

Guests

Arnold Cernik
Brian Cecola
Mary Naumann
Michelle Mason
Paula Jacobsen
Barbara Kemp
Terry Groh
Jan Goss
Dede Wamberg
Joan & Dan Wolfgram
John Rosene
Bryan Croll
John Keady
Jean Maddrell
Pauline Boyle
Chet Perry
Linda Cools
Leslie Coolidge
Lou Anne Majewski
Kim Van Fosson
Kevin Colosia
Pat Hennelly
William Adair
Mary Beth Holsteen
Dan Strahan

PUBLIC SESSION

Pledge of Allegiance

Public Hearing

Trustee Gohl motioned to open the Public Hearing on the Appropriation Ordinance. Trustee Meroni seconded. All present said Aye.

Motion Approved

Legal notice stand as published in the Daily Herald.

Jan Goss made a comment during the public hearing.

Trustee Gohl motioned to close Public Hearing. Trustee Meroni seconded. All present said Aye.

Motion Approved

PUBLIC COMMENTS: Public Comments were given by the following:

Arnold Cernik
Barbara Kemp
Jan Goss

Kevin Colosia
Pat Hennelly
Jean Maddrell

Dan Wolfgram
Kim Van Fosson
Pauline Boyle

Audio on these comments can be located at the Village web site – www.vbhil.gov. Any written comments handed to the Village Clerk will be posted as an attachment to the Agenda.

APPROVAL OF MINUTES

Trustee Konicek motioned to approve the Minutes of the Regular Meeting of February 23, 2015. Trustee Selman seconded. All present said Aye.

Motion Approved

Trustee Messer motioned to approve the Minutes of the Executive Session of February 23, 2015. Trustee Meroni seconded. All present said Aye.

Motion Approved

Trustee Konicek motioned to approve the Minutes of the Special Meeting of March 9, 2015. Trustee Meroni seconded. All present said Aye.

Motion Approved

Trustee Gohl motioned to approve the Minutes of the Special Executive Session of March 9, 2015. 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 March, 2015. Trustee Harrington seconded. All present said Aye.

Motion Approved

Police Pension Board Report - Trustee Selman motioned to accept the Police Pension Board Report for March, 2015. Trustee Gohl seconded. All present said Aye.

Motion Approved

Overtime Reports - Trustee Selman made the motion to approve the Overtime Report from February 16, 2015 through March 15, 2015 totaling \$6,128.80. Trustee Meroni seconded. Roll Call.

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

Nays: 0

Absent: 0

Motion Approved

Bills for Approval - Trustee Selman motioned to approve the bills for the month of February, 2015 to March 15, 2015, totaling \$319,553.30. Trustee Meroni seconded.

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

Motion Denied

Trustee Harrington read into record a memo titled "10 Reasons Why I Vote to Not Pay Bond Dickson as Village Attorney" as attached to these minutes.

Trustee Selman motioned to approve the bills for the month of February 16, 2015 to March 15, 2015, totaling \$273,480.80. Trustee Meroni seconded. Roll Call.

Ayes: 5 (Harrington, Selman, Meroni, Messer, Gohl)
Nays: 2 (Konicek, McLaughlin)
Absent: 0

Motion Approved

2015 Appropriation Ordinance – Trustee Selman motioned to approve the 2015 Appropriation Ordinance. Trustee Meroni seconded. Roll Call.

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

Ordinance 15-04 Approved

ROADS & BRIDGES – Patty Meroni

Monthly Report

The Roads and Bridges Committee Meeting was held March 24, 2015. Several residents attended and spoke during public comment.

2015 ROAD PROGRAM

Plum Tree Road
Meadow Hill Road
Haeger's Bend Road

Bids have not been let and a schedule for a start date is not yet determined. Asphalt prices have not yet been posted which will delay final estimates for this year's road program.

2015 DRAINAGE PROGRAM

Merri Oaks Road - The Comcast cable has been moved to accommodate the new stormwater sewer. Due to the annual road posting effective March 16, Copenhaver removed their equipment and no further work will be done until the limits are lifted. Work is 25% complete

Paganica Drainage Project -A meeting was held with the owner, the Homeowner's Association, the developer and the Village to determine if the project will go forward. Additional study is required.

Lakeview Lane Drainage - A meeting was held with residents on Lakeview Lane to see and discuss flooding problems and possible solutions. Further study is required.

Seasonal Road Posting -Seasonal road posting was effective March 16.

VILLAGE OF ALGONQUIN - Highland Avenue/Spring Creek Road.

An article in the Northwest Herald erroneously reported that the planned bike path extended all the way to Haeger's Bend Road. The widening and bike path ends at the Algonquin/ Village of Barrington Hills limits; as memo and map attached to report show.

Lake County DOT/ Hart Road - The Village of Barrington Hills objected to the portion of the proposed sidewalk on the west side of Hart Road to Route 14 from the Hart Road Office Building to Route 14 as the Village of Barrington Hills does not currently maintain any sidewalks or roadside paths of any kind within its corporate limits. Further conversations will take place on this issue which will severely impact two Barrington Hills properties.

Kane County DOT/ Longmeadow Parkway - Kane County has advised that plans are being finalized to provide a stormwater management design which will provide a 1.2 acre foot retention pond with a natural looking appearance at the western portion of the Longmeadow Parkway in an area zoned B-3 General Business District.

IDOT Response - FAU Reclassification Request - A letter has been received from McHenry County Council of Mayors.

Cuba Road Bridge - Right of way acquisition/ negotiations are in progress.

Engineering Fees - Additional engineering outside the scope of the original contract was required. IDOT has approved 80% of these fees in the reimbursement so the total additional cost to the village after IDOT reimbursement would be \$2750.

Signage - A revised estimate for single file only signs has been requested.

Multi Year Road Program - Trustee Meroni recommended this matter wait until the Board has a chance to review the recommendations for the road program.

2015 Road Program – MFT Improvement Resolution – Trustee Meroni motioned to approve the 2015 Road Program MFT Improvement resolution. Trustee Harrington seconded. Roll Call.

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

Nays: 0

Absent: 0

Resolution 15-03 Approved

Cuba Road Bridge – Phase II Engineering Local Agency Agreement – Trustee Meroni motioned to accept the Phase II Engineering Local Agency Agreement. Trustee Selman seconded. Roll Call.

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

Resolution 15-04 Approved

Cuba Road Bridge – Construction & Construction Engineering Local Agency Agreement Resolution – Trustee Meroni motioned to accept the Construction & Construction Engineering Local Agency Agreement. Trustee Selman seconded. Roll Call.

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

Resolution 15-11 Approved

Seasonal Road Posting Resolution – Trustee Meroni motioned to approve the Seasonal Road Posting Resolution that has an start date of March 16, 2015. Trustee Selman seconded. All present said Aye.

Resolution 15-05 Approved

PUBLIC SAFETY – Fritz H. Gohl

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

Dispatch Outsource Resolution – Trustee Gohl motioned to approve the Dispatch Outsource Resolution. Trustee Messer seconded.

Ayes: 2 (Konicek, Messer, Harrington, McLaughlin)
Nays: 4 (Selman, Meroni, Gohl)
Absent: 0

Resolution 15-06 Approved

Surplus Property Ordinance – Trustee Gohl motioned to authorize the disposal of personal property owned by the Village of Barrington Hills. Trustee Harrington seconded. Roll Call.

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

Ordinance 15-05 Approved

Contract with Complex Network Solutions Resolution – Trustee Gohl motioned to approve the contract with Complex Network Solutions for security camera network maintenance. Trustee Selman seconded. All present said Aye.

Resolution 15-07 Approved

Contract with Xerillion for IT, Support & Network – Trustee Selman motioned to approved this resolution with Xerillion for information technology support and network maintenance. Trustee Meroni seconded. All present said Aye.

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

Nays: 1 (Gohl)

Absent: 0

Resolution 15-02 Approved

BUILDING AND ZONING – Joseph S. Messer

Permit Report – Five building permits were issued in February, 2015.

Enforcement Report

3 Saville Row – Complaints being received once again regarding commercial activity at residence. Meeting being held on March 26, 2015 with Village staff and neighbors. Residents advised regarding evidence necessary to document home occupation violations.

316 Sutton Road – Received complaints regarding semi-tractor and trailer, usually an auto transport vehicle, parked on the residential property, both loaded and unloaded. After receiving certified letter of violations, owner requested additional time to allow tenant to find alternate location of residency or vehicle storage. Extension granted until June 7, 2015.

266 Steeplechase – Preservation company advised of property condition and has secured property. Residence remains on vacant house watch.

261 Steeplechase Rd Update – On March 11, 2015, complaint received regarding activity at the property. Upon investigation, it was discovered a tarp was being installed on the roof. Citation issued to owner for work without a permit, court date is April 10, 2015. And status date for order demolition is April 30, 2015.

385 Spring Creek Road Update – Village Engineer has submitted information to Lake County Stormwater Management for wetland permit application. Plan revisions have been completed by residents engineer and are pending application for wetland exemption from Lake County. Provided Lake County approves exemption, resident will file with ZBA for an amendment to the original Special Use permit.

ZBA Report – The Zoning Board of Appeals meeting was held on March 16, 2015

2015 Official Zoning Map Resolution – Trustee Messer motioned to approve the 2015 Zoning Map. Trustee Gohl seconded. All present said Aye.

Resolution 15-08 Approved

Amendment Special Use, Polo Club Resolution – Trustee Meroni motioned to approve the amendment for Special Use for the Polo Club. Trustee Gohl seconded. All present said Aye.

Ordinance 15-09 Approved

PLANNING – Colleen Konicek

The Plan Commission meeting of March 9, 2015 was cancelled.

INSURANCE – Michael Harrington

Monthly Report – Trustee Harrington stated there were no action items on insurance.

HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Michael Harrington

Monthly Report - As received.

Heritage & Environs Roadside Clean-up – Trustee Harrington stated that HEC is holding their roadside clean-up on April 25th and stated they are looking for volunteers.

Board of Health Report – Trustee Harrington stated that there was no meeting of the Board of Health but they are seeking a new member.

Buildings & Grounds - As received

Fire Station: On March 15, 2015 Kipp Plumbing was contacted to rod the septic line and located a blockage at 60', which was cleared and system running properly.

On March 18th, the Fire Department advised of another blockage. Kipp Plumbing cleared another blockage at 75' but rodded to 90' to insure operation and ran the water in the Fire Station to flush the line.

Lake-Cook Trenching was also contacted on March 18th, because the drop box that was replaced in January was not distributing the water properly. It was discovered that the irrigation system line was bored through the septic line and over the years a blockage built up around the break made by the irrigation line. The broken section of septic pipe was replaced and the irrigation line placed over the septic line. System was tested and everything is running smoothly and as designed.

Safety-Kleen is scheduled to pump out the apparatus bay oil and water separator floor basins on April 1st.

After Safety-Kleen has pumped out the tanks, Kipp Plumbing will rod and televise apparatus bay trench drain system. Kipp Plumbing is also scheduled to televise the septic and water softening systems to identify any issues and discharge locations

BACOG Lease Extension – Trustee Harrington introduced Janet Agnoletti whom spoke to the board asking them to consider extending BACOG Lease.

ATTORNEY – Temporary, Mary Dickson

Pending Litigation – No report.

Pending OMA/FOIA Pack – No report.

ADMINISTRATION – President McLaughlin

Collective Bargain Negotiations Report – President stated that this item will be moved to Executive Session as we are in active negotiations and it would not be appropriate to discuss in Public Session.

PACE Dial-A-Ride Program IGA – Trustee Meroni motioned to approve the 2015 Pace Dial-A-Ride program IGA with VBH, Cuba Township and Barrington Township at a rate of \$2,500.00. Trustee Harrington seconded. All present said Aye.

Resolution 15-10 Approved

Trustee Messer motioned to recess into executive session at 10:56pm to discuss executive minutes, pending litigation and Collective Bargaining under 5 ILCS 120/2(c)11 & 5 ILCS 120/2(c) 2. Trustee Gohl seconded. All said aye.

President McLaughlin called the second Public Session to order at 11:45 p.m.

Trustee Selman motioned to adjourn the second Public Session at 11:49 p.m. Trustee Konicek seconded. All present said Aye.

Meeting Adjourned

_____ **Approved**

ATTACHMENTS

10 Reasons Why I Vote to Not Pay Bond Dickson as Village Attorney

Trustee Mike Harrington

March 30, 2015

1. I do not approve of the way President McLaughlin unilaterally fired our former Village Attorneys, Burke Warren (BW). BW served our village loyally and competently for 30 years. This President, barely a year into office, decided on his own to fire BW. He did this: A) Without any advance notice or discussion with the village board of any legitimate grounds for summary dismissal; B) Without advance consultation with legal counsel as to the legality, risks or advisability of his one-man approach; C) Without providing a long-term vendor with the professional courtesy of proper notice and a reasonable opportunity to cure purported transgressions; and D) Recklessly threatening a reputable and resourceful law firm, in writing, with *"an unnecessarily expensive spectacle, and possible embarrassment to your firm."*
2. I do not approve of the way President McLaughlin avoided a check and balance to the authority of the office of President by denying the Board of Trustees their legal right to potentially overturn the firing of the Village Attorney by re-characterizing the termination as a resignation, despite the fact that he sent BW a "removal letter" dated August 21, 2014, in which he clearly states, *"please consider this written notice of your removal from office."*
3. I do not approve of the way the President again re-characterized the firing of BW from a resignation to an "abandonment of office" in order to deny the village government the legal right to have BW continue to serve as Village Attorney until the President and Board could select a permanent successor. The rules say that a resigned officer, such as the Village Attorney, would remain in office until the President, by and with the consent of the board of trustees, select a successor following normal procedures (see 65 ILCS 5/3.1-30-5 (a) and (d). Additionally, "If an appointed officer resigns, he or she shall continue in office until a successor has been chosen and has qualified."
4. I do not approve of the way President McLaughlin stepped beyond his authority to appoint special counsel by installing his hand-picked special counsel, Bond Dickson, as permanent Village Attorney. This maneuver denied the board of its legal right of advice and consent in the proper selection of a Village Attorney. The framers of our village code did not intend for the special counsel appointment privilege to extend to providing the village president with the ability to unilaterally appoint special counsel to permanently fill the essential office of Village Attorney and instead requires the advice and consent of the board of trustees.
5. I do not approve of this President's appointment of Bond Dickson as special counsel because it was done unilaterally, without RFP, without public notice, without bid, without a formal interview process, without the involvement of this board, and outside the purview of the public. No reputable business or organization would make such a critical decision in such a haphazard manner.

6. I do not approve of Bond Dickson's opinion that the process used by President McLaughlin to oust the Village Attorney and install themselves as Village Attorney was legal and proper. As the legal firm that clearly stood to financially benefit from this process, I believe Bond Dickson was clearly conflicted and should have recused themselves from providing an opinion on this matter.
7. I do not approve of the way President McLaughlin has continually avoided his responsibility to appoint a mutually agreeable and duly appointed Village Attorney. Despite his, and the board's, unanimous agreement to conduct a well-structured and transparent process for selecting a new Village Attorney, and despite the considerable amount of expense and good faith work that went into the implementation of this process by this board, the village staff, and many prospective firms and attorneys, this President chose to ignore the process and continued to insist that his hand-picked attorney is the only attorney qualified to fill the important position of Village Attorney.
8. This President has continually attempted to justify his unilateral firing of the previous Village Attorney as being strictly for financial purposes (e.g. to be able to hire counsel with a lower hourly rate). If this is the case, why did this President choose to ignore a flat fee proposal provided to him by BW and why did he not share or discuss this proposal with the board at any time?
9. I believe Bond Dickson is a sophisticated law firm that has fully recognized the complexity, complications, and commensurate risk associated with their role in this undertaking, and they entered into dealings with President McLaughlin and the Village with their eyes wide open. Their un-coerced decision to continue working for the village without pay is a calculated, business risk they assumed with full knowledge. I remind this board, that when another Trustee initially motioned to deny Bond Dickson payment, I voted against the motion. It was only after I recognized that this President has no intention of working with this board in good faith to find a mutually agreeable Village Attorney via a defined and reasonable process, that I voted to not pay Bond Dickson.
10. I believe the Village Attorney should represent the village and not be beholden exclusively to the village president. Trust and confidence are essential to a healthy, productive relationship with an attorney. The way that Burke Warren was fired, the way that Bond Dickson was hired, Bond Dickson's willingness to opine that it was all proper, this President's refusal to honor an agreed-upon, well-defined and transparent selection process, this President's continued refusal to consider any alternative solutions for appointing a mutually agreeable Village Attorney, makes it very difficult, if not impossible, for me to develop the level of trust and confidence in Bond Dickson that are essential to a productive relationship. I have asked President McLaughlin before, and I will ask again: Why are you so loyal to this vendor? In a metro area where there are hundreds or more qualified municipal attorneys, why do you continue to insist that there is only one vendor that is suitable for this village?