

These minutes are merely a summary and an attempt to reference comments that took place on the Board. The accurate official record is the recordings.

VILLAGE OF BARRINGTON HILLS

Minutes of the Meeting of the Board of Trustees Monday, June 23, 2014

President McLaughlin called the Meeting to order at 6:30 p.m. Roll Call.

Present

Martin J. McLaughlin, President
Fritz H. Gohl, President Pro Tem
Joseph S. Messer, Trustee
Karen S. Selman, Trustee (absent)
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

PUBLIC SESSION

Pledge of Allegiance

Guests

Laurie Abboud, resident
Sharon Meroni, resident
Benjamin LeCompte, resident
Margaret Stanton, resident
Richard Frankiewicz, resident
Abra Shapiro, resident
A. Robert Abboud, resident
Linda Cools, resident
Bonnie Duresa, resident
Mary Naumann, resident
Jean Maddrell, resident
Gretchen Hess, resident
John Rosene, resident
Leslie Coolidge, resident
Emily McHugh, resident
Pauline Boyle, resident
Sandra Boston, resident
Ann Aquino, resident
Gisela Baltensperger, resident
Darryl Peterson, resident
David Stieper, resident

PUBLIC COMMENTS: Public Comments were given by the following:

Linda Cools, 32 Little Bend Road
Benjamin LeCompte, 350 Bateman Road
Mary Naumann, 11241 Haeger's Bend Road
Bonnie Duresa, 1001 Plum Tree Road
Laurie Abboud, 20 Surrey Lane
Sharon Meroni, 1 W. Surrey Lane
Gretchen Hess, 592 Plum Tree Road

Sandra Boston, 18 Little Bend Road
Richard Frankiewicz, 36 Spring Lane
Jean Maddrell, 10 Ashbury Lane
Margaret Stanton, 71 Spring Creek Road
Pauline Boyle, 315 Ridge Road
Victor Meyer, 28 Spring Lane
Benjamin LeCompte, 350 Bateman Road

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 Harrington motioned to approve the Minutes of the Executive Special Meeting of April 30, 2014. Trustee Gohl seconded. All present said Aye.

Motion Approved

Trustee Gohl motioned to approve the Minutes of the Meeting of May 28, 2014 meeting. Trustee Meroni seconded. All present said Aye.

Motion Approved

Trustee Gohl motioned to approve the Minutes of the Executive Session of May 28, 2014. Trustee Meroni seconded. All present said Aye.

Motion Approved

FINANCE – Karen S. Selman, by Patty Meroni

Treasurer's Report - Trustee Meroni motioned to accept the Treasurer's Report for May, 2014. Trustee Gohl seconded. All present said Aye.

Motion Approved

Police Pension Board Report - Trustee Meroni motioned to accept the Police Pension Board Report for May, 2014. Trustee Gohl seconded. All present said Aye.

Motion Approved

Overtime Reports - Trustee Meroni made the motion to approve the Overtime Report from May 16, 2014 through June 15, 2014 totaling \$4,570.65. Trustee Gohl seconded. Roll Call.

Ayes: 6 (Harrington, Konicek, Meroni, Messer, Gohl, McLaughlin)

Nays: 0

Absent: 1 (Selman)

Motion Approved

Bills for Approval - Trustee Meroni motioned to approve the bills for the month of May 16, 2014 to June 15, 2014, totaling \$200,523.57. Trustee Gohl seconded.

Trustee Meroni questioned the May 28th travel time expense of 3-1/2 hours for Attorney Patrick Bond for to and from and attend the Village Board meeting for \$700.00. She stated that Burke Warren does not charge for travel time and felt that if they want to represent this Village, that it should be a condition of representation. She asked that this item be removed from the bills for approval and table this to review their terms of engagement.

Trustee Meroni motioned to withdraw her original motion and amend the Approval of Bills less the Bond/Dixon invoice. Trustee Gohl seconded. Roll Call.

Ayes: 6 (Harrington, Konicek, Meroni, Messer, Gohl, McLaughlin)

Nays: 0

Absent: 1 (Selman)

Motion Approved

ROADS & BRIDGES – Patty Meroni

Monthly Report

Cuba Road Bridge - Engineering continues and discussions of design and architectural style continue.

2014 Program Update - IDOT review and approval will be held the week of June 23rd with bid advertisement Tuesday, July 8th and Bid Opening on Wednesday, July 23rd. Contract award will be at the July 28th BOT meeting. The Road Program Budget this year is \$810,000, which includes \$250,000 of MFT funds.

2014 Pavement Marking System - Pavement marking occurs every other year and the dates will coincide with the Road Program dates. Paint pavement marking will include Ridge Road, Plum Tree Road east of Ridge Road and Haeger's Bend.

2014 Drainage Program - The storm sewer route from Merri Oaks to Oak Lake was marked on Tuesday, June 17th. No response has been received from the property owner.

Green Rail Bridge Repair - Repair of spalling will be bid in August to enable repair before winter.

2014 Pavement Inventory - This work has been completed and a review will be undertaken.

Haeger's Bend Road - The STP application for Haeger's Bend Road will be submitted for the August 15 deadline. A public hearing will be held the week of July 14th, possibly on Wednesday, July 16th, for input by the residents on the bike path or no bike path, and removal of the island.

Longmeadow Parkway - IDOT has announced that the preliminary plan set is prepared and the Village is awaiting a copy. President McLaughlin stated that the Western Bypass is to be completed by the end of July.

Roadside Mowing - Will begin the week of June 23rd.

MFT 2014 Road Program Resolution – Trustee Meroni motioned to approve the 2014 bi-annual Motor Fuel Tax Road Program resolution to transfer \$250,000 from the MFT Fund into the Road Fund to cover the balance of the Road Program this year. Trustee Harrington seconded. All present said Aye.

Resolution 14-13

Healy Road Repairs - Bid advertisements appeared June 18th and bid open on July 2nd, work to be completed by August 8th.

Trustee Meroni motioned to move up the bids on Healy Road and to schedule a Special Meeting on July 7, 2014 for approval. Trustee Gohl seconded. All present said Aye.

Motion Approved

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Trustee Gohl presented the monthly report which was included in the Board of Trustees meeting packet. Chief Murphy added that eighty-six bicycle citations were issued since April 1, 2014. Six of those were warning tickets and eighty were C-Tickets and seventy-six of those have already been paid.

Trustee Konicek stated that many of the Single File signs for bicyclists are down. Trustee Meroni replied that after the Public Safety meeting in April and at the request to Deputy Chief Semelsberger, she has ordered signs stating Single File for the next, and the mileage of that road that needs to be followed.

Family Fitness Run Resolution - Trustee Gohl motioned to approve the Family Fitness Run Resolution to be held on July 4, 2014. Trustee Harrington seconded. All present said Aye.

Resolution 14-14 Approved

Surplus Property Ordinance - Trustee Gohl motioned to approved the Surplus Property Ordinance. Trustee Meroni seconded. Roll Call

Ayes: 6 (Harrington, Konicek, Meroni, Messer, Gohl, McLaughlin)

Nays: 0

Absent: 1 (Selman)

Ordinance 14-08 Approved

Competitive Race & Event Ordinance Discussion – Trustee Gohl presented a draft document with his ideas on creating a Competitive Race & Event Ordinance. He asked that the Board review this document and submit any ideas or changes to the Village Clerk for future discussion.

BUILDING AND ZONING – Joseph S. Messer

Permit Report – Sixteen building permits were issued in May, 2014.

Enforcement Report

3 Saville Row – Matter continued to July, 2014 due to only four voting members present.

335 Ridge Road Update – The revised plans relocating the septic were approved by the Village Engineer on June 15th. The Village Engineer spoke with the contractor who advised weather permitting, work to begin by June 30th.

261 Steeplechase Rd Update – Waiting for Koulouris to obtain possession of property before pursuing demolition order.

385 Spring Creek Road Update – Per the Village Engineer, the new owners surveyor has indicated that the building encroaches into the detention pond easement. Previous GHA field work shows the house being outside the easement. The Village Engineer is trying to schedule a meeting time next week to address this discrepancy.

551-553 Cuba Road Update – In court on June 9, 2014, case dismissed to allow for compliance as resident submitted. If resident not in compliance by October 29th, new citations to be issued.

8 Jennifer Court Update – Due in court on June 23rd for status. Permit issued May 27th, although no inspections have been conducted to date. Village Prosecutor spoke with residents attorney who advised a construction contract is on file with a July 31st completion date.

ZBA Report – The Zoning Board of Appeals held two meetings, June 16 and June 18, 2014 . The actions as occurred are as follows:

9500 Church Road [Scarnechia] A variance to permit an increase to the Floor Area Ratio of the cumulative value on an existing improved lot to permit the renovation of an existing residence. The ZBA did not grant the variance.

170 Old Sutton Road [Lauder/Passions for Polo] An amendment of an existing Special Use Res. 13-18 to permit changes to the location of the polo field and accessory building. Recommend approval with conditions.

54 Brinker Road [Lyons] An amendment for a Special Use Permit Res. 00-06 to permit renovations and alterations to an existing boathouse. Recommend approval with conditions.

The actions of the ZBA on both matters is not presented for the consideration of the Board of Trustees until the availability of the findings of fact and resolution.

Tree Preservation Appeal Amendment Ordinance – Trustee Messer stated that he did not have the opportunity to review this amendment to the ordinance and asked that it be tabled to the July 28, 2014 meeting.

Trustee Messer referred to the Attorney General's letter dated June 10, 2014 where the Attorney General determined that the appointments made at the April 22, 2013 meeting were improper and directs our Board to remedy that violation. We are supposed to reconsider and re-vote. President McLaughlin asked that this be discussed under Administration and Trustee Messer stated this matter is not properly specified on the Agenda. President McLaughlin said it was an Agenda item 9.3 under OMA.

PLANNING – Colleen Konicek

Monthly Report – Trustee Konicek stated that the Plan Commission has heard many negative comments from residents regarding the bicycle planning in the Village. We have one plan where CMAP is investigating the possibility of connecting Cook County with Kane County connecting Crabtree Nature Center to Busse Woods to the Fox River Trail. This is only to put a plan in place and not for implementation.

President McLaughlin stated that CMAP came to a BACOG meeting last month and made a presentation on bike planning and he suggested that residents that want to have input to CMAP, that they should be attending those meetings.

Bicycle Count Proposal – Village Engineer Dan Strahan presented this proposal. At the past several Plan Commission meetings the topic of Bicycle Planning has been an agenda item that has garnered great interest. Much of the discussion has centered upon the volume of bicycle traffic, especially competitive bicycle enthusiasts, currently utilizing Village roads. While the Village has gathered substantial vehicular traffic volume data, no such data exists to quantify the bicycle traffic currently in the Village.

A proposal was made to utilize Miovision cameras at various intersections to assess the current volume of bike traffic on the local roadway network. By positioning the cameras at the 11 intersections listed we can get a good indication of the volume of bicycle traffic on most of the roadway segments in the Village. Miovision cameras have been utilized on two occasions previously in the Village, gathering traffic data for the Cuba Road Bridge project and at County Line & Haeger's Bend Road, both instances occurring in 2012.

As we don't anticipate any bicycle traffic during the overnight hours, we would propose a 16-hour count (6 AM - 10 PM). The cost for the 11 intersections indicated would be \$7,500. Alternatively, we could conduct 24 hour counts at these locations for \$11,200. While we can also gather vehicular traffic volumes through these cameras, please note that they would not reflect typical weekday vehicle traffic conditions since the counts will be scheduled for a Saturday when bicycle traffic is at its peak.

There was discussion among the Board to the value of this proposal. Trustee Meroni said that on May 18th, there was a race that she was called about. She found that this is a club that has been doing this for the past six years and this is their biggest fund raiser. She spoke to the Assistant Principal at the Barrington High School on May 19th and found that there are 633 parking spots at the High School campus, all filled, which she presumes are being used for bicyclists coming into the Village. They use a room at the school for registration where District 220 charges a fee and they require a \$1,000,000 liability insurance, just for the parking lot. This gives us some kind of an idea of some of the numbers we are dealing with. Officer Parada has sent out letters to these bicycle clubs and along with the signs we have ordered, and the issue is being addressed.

Trustee Harrington motioned to vote on accepting this proposal. Trustee Messer seconded. Roll Call.

Ayes: 0

Nays: 6 (Harrington, Konicek, Meroni, Messer, Gohl, McLaughlin)

Absent: 1 (Selman)

Motion Failed

INSURANCE – Michael Harrington

Monthly Report – Nothing new to report.

HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Michael Harrington

Monthly Report

Village Hall: Geary Electric has installed two USB outlets each in the Building Department office and training room.

Village Hall: Woodland Landscape Contractors has planted the west entrance flower beds under the direction of H.E.C. and has added mulch to all planting beds around the Village Hall building.

Fire Station: Geary Electric has conducted the end of season check of the Fire Station ice melt system, has made repairs as noted in the annual roof inspection report and installed a lockout on the ice melt circuit breaker.

Kings Contracting has been provided with the annual inspection report and will submit a proposal for repairs on June 23, 2014.

Property Landscape Bioswale – A proposal has been received from Trillium Native Landscapes, Inc. to convert the vegetation – grass – in the existing drainage ditches on the Village Hall property which receives and conveys off site storm water from the parking lots on the Village Hall with plants that would ameliorate the quality of the water. This is a best management practice recommended in the storm water regulations applied or consulted by the Village. If this system was constructed today rather than 1994, this would be the standards for landscaping those ditches. The cost of this proposal would be \$1,695.00 in 2015, \$1,805.00 in 2016 and \$1,330.00 in 2017. There was discussion among the Board if there could be a less expensive option such as having some high-school students or boy scouts work on the project, and it was decided that since chemicals would be used, it would not be a good idea. Trustee Konicek suggested that we look to Citizens for Conservation for a possible Grant.

Trustee Messer motioned to accept the bid from Trillium Native Landscapes for the Barrington Hills Bioswale rain garden natural area project . Trustee Konicek seconded. All present said Aye.

Motion Approved

ATTORNEY – George Lynch

Pending Litigation – Updates included in Board of Trustees packet.

Pending OMA/FOIA Pack – Updates included in the Trustees packet.

Attorney Lynch referred to the Attorney General's letter of June 10, 2014 after a letter of complaint requesting documentation from the Village, the Attorney General issued an opinion and the opinion found that the PAC determined that the Village's public comment time limitation does not violate the Open Meetings Act. The PAC also determined that the Village had complied with the notice and agenda requirements of the ACT. The PAC further determined that there was "insufficient evidence to support the allegation a majority of a quorum of the Board held a secret meeting or meetings concerning the appointments prior to the April 22, 2013 meeting." With respect to Mr. Reich's complaint that the agenda item relating to committee appointments was not sufficiently described, the PAC concluded that "the agenda failed to satisfy the requirements of section 2.02(c) of OMA. To remedy that violation, the Board is directed to reconsider and re-vote on the April 22, 2013 committee appointments at a properly noticed meeting for which the agenda specifically references the nature of the appointments." The PAC also found that Mr. Reich's argument that the appointments were made for political purposes was not an issue within the PAC's limited jurisdiction. The PAC further stated that it determined that "resolution of this matter does not require the issuance of a binding opinion."

Trustee Messer asked when are we going to reconsider the June 22, 2013 appointments as instructed to do by the Attorney General's office. President McLaughlin asked if that reconsideration is of the same three people. Trustee Messer said yes. President McLaughlin stated he did not interpret it the same way. Trustee Messer then stated that he would take it up with the Attorney General's office. President McLaughlin stated that he may do so with any issue brought before the Board.

President McLaughlin asked Attorney Lynch for his opinion. Attorney Lynch replied that the Board has to make the decision. As he sees it, this is a non-binding opinion. The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion.

President McLaughlin stated that he does not find it an acceptable position for the Village to continue to refuse the Attorney General. He finds it offensive that we would take a recommendation for the Attorney General and we would thumb our nose at it, and say it is non-binding so we would play the legal role here. He agrees with Trustee Messer that the Village should reconsider the nominations. Trustee Messer stated that his interpretation of the Village Ordinance is the President can nominate for the Plan Commission, but he does not specifically have the power to nominate for the ZBA. Trustee Konicek stated that the State gives him that power and we cannot change a state ordinance without a referendum and we have never had a referendum on this.

Trustee Harrington felt that the Village has an obligation to these nominees, who in good faith, said they would volunteer for these positions, have served and he thinks it is insulting to these people not to re-nominate them based upon a non-binding technicality.

Trustee Konicek said she thought it was insulting to the voters of this Village, that the April 22, 2013 were even allowed to take place in violation of the OMA and that we, in good faith, owed it to them to allow the President that they elected to make the appointments.

Trustee Harrington asked Attorney Lynch how to resolve the issue and Attorney Lynch stated in his interpretation of case law the Village could take one of three actions (1) redo the nominations, (2) have someone move to ratify the 4/22/13 appointments, or (3) do nothing as the Attorney General can take no action against the Village.

Trustee Messer moved to ratify the 4/22/13 appointments which was not voted on as the matter was not on the Agenda. Trustee Messer stated that he wanted the motion to ratify the 4/22/13 appointments on his agenda for the next meeting and, when President McLaughlin requested if this would be before or after obtaining clarification from the Attorney General, Trustee Messer stated he gets to ignore the Attorney General.

President McLaughlin tabled any appointments until the Board gets clarification from counsel as to who gets to nominate appointments to the ZBA and whether the opinion of the Attorney General of June 10, 2014 required a nomination of new appointees or a ratification of existing appointees from April 22, 2013.

ADMINISTRATION – President McLaughlin

President McLaughlin tabled any discussion on appointments.

Personnel Manual – Trustee Konicek said that the only issue is the longevity pay, whether or not it was still needed, and could be put into the manual as discretionary as opposed to absolute.

Chief Murphy had researched the surrounding communities and some do not offer it, some offer it at a milestone, 5 years, 10 years and so on, and many did not offer it at the rate that we do. On the other hand, in his opinion, this is the reason the Village does not have employees leaving. It is because of the benefits and the salary that the Village provides them.

The subject was brought up whether to make the longevity pay discretionary based on the supervisor and that would make it a management right that would be enforceable or not. Chief Murphy said that if the Village makes it discretionary, you would open yourself up to subjective criticism of how and which employees get it.

Trustee Gohl brought up the increased health club reimbursement . Trustee Konicek replied that the criteria remains the same, only the amount was increased from \$240.00 to \$300.

Trustee Harrington motioned to accept the Personnel Manual. Trustee Gohl seconded.

President McLaughlin stated the only issue is whether the Board is going to make longevity pay discretionary based upon managerial review. The Board gave their opinions and agreed to make Longevity pay certain.

Trustee Harrington amended his motion to accept the Personnel Manual removing the alternate language regarding the Longevity Pay. Trustee Gohl seconded. All present said Aye.

Motion Approved

Voluntary Separation Plan Discussion – President McLaughlin stated that the Village does not have a specific plan for employees who would like to retire early. Chief Murphy went over the highlights of this plan which was included in the Board Package. He asked the Board to review the plan and give him feedback on how to improve the plan or if the Board is even interested in it.

President McLaughlin stated that he received a request from the Village of South Barrington that we would consider a joint meeting on July 2nd.

Trustee Messer motioned to enter Executive Session to discuss pending litigation and matters of personnel at 9:20 p.m. Trustee Meroni seconded.

Meeting Adjourned

EXECUTIVE SESSION

President McLaughlin opened the second Public Session at 10:14 p.m.

Trustee Messer motioned to adjourn the second Public Session at 10:15. Trustee Meroni seconded. All present said Aye.

Meeting Adjourned

Approved _____