

These minutes are merely a summary and an attempt to reference comments that took place on the Board.

VILLAGE OF BARRINGTON HILLS

Minutes of the Special Meeting of the Board of Trustees
Tuesday, August 26, 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
Patty Meroni, Trustee
Colleen Konicek, Trustee
Michael Harrington, Trustee

Michael Murphy, Police Chief
Rich Semelsberger, Deputy Chief (absent)
Patrick Bond, Temp Village Attorney
Robert Kosin, Village Administrator
Dolores Trandel, Village Clerk

PUBLIC SESSION

Pledge of Allegiance

Guests

Laurie Abboud, resident
Sharon Meroni, resident
Joan Abboud, resident
Jack & Mary Beth Reich, residents
Benjamin LeCompte, resident
Chet & Eve Perry, residents
Ann Malinski, resident
Lou Flannery, resident
Bonnie Duresa, resident
Mary Naumann, resident
David Martin, resident
Jim O'Donnell, resident
Linda Cools, resident
Leslie Coolidge, resident
Gwynne & Susan Johnston, residents
Kim Van Fossan, resident
Jim Hammond, resident
Donna Hannay, resident
Marimarie Konicek, resident
Connie Uccetta, resident
David Stieper, resident
Davis Martin, resident
Dan Wolfgram, resident
Ralph Sesso, resident
Mark Lambert

PUBLIC COMMENTS: Public Comments were given by the following:

David Martin, 6 Acorn Lane	Jack Reich, 110 Brinker
Mary Naumann, 11241 Haeger's Bend	Anne Malinski, 3295 Spring Creek Rd.
Benjamin LeCompte, 350 Bateman	Sharon Meroni, 1 W. Surrey Lane
Ralph Sesso, 15 Moate Lane	Marimarie Konicek, 455 Oak Knoll
Donna Hanney, 591 Plum Tree	David Stieper, 10304 Braeburn Road
Bonnie Duresa, 1001 Plum Tree Rd.	Lou Flannery, 100 Brinker Road
Laurie Abboud, 20 Surrey Lane	Mark Lambert, 570 Merri Oaks Road
Kim Van Fossan, 5 Bow Lane	

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 Meroni motioned to approve the Minutes of the Meeting of July 28, 2014 meeting that are merely a summary and an attempt to reference comments that took place on the Board. Trustee Selman seconded. Trustees Gohl, Selman, Meroni, Konicek and Harrington said Aye. Trustee Messer and President McLaughlin abstained.

Motion Approved

The Minutes of the Executive Session of July 28, 2014 were tabled to the Executive Session. As Executive Session did not occur, these minutes will be approved at the September 22, 2014 meeting.

Motion Tabled

FINANCE – Karen S. Selman

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

Motion Approved

Overtime Reports - Trustee Selman made the motion to approve the Overtime Report from July 16, 2014 through August 15, 2014 totaling \$4,186.01. Trustee Meroni seconded. Roll Call.

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

Nays: 0

Absent: 1 (Gohl)

Motion Approved

Bills for Approval - Trustee Selman motioned to approve the bills for the month of July 16, 2014 to August 15, 2014, totaling \$297,090.59. Trustee Messer seconded. Roll Call.

Ayes: 5 (Harrington, Konicek, Selman, Meroni, Messer)

Nays: 0

Absent: 1 (Gohl)

Abstain: 1 (McLaughlin)

Motion Approved

Investment Policy Resolution - Trustee Selman motioned to approve a resolution authorizing the adoption of a revision of the 1999 Investment Policy in accordance with the local government Investment Policy Act. Trustee Meroni seconded. Roll Call.

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

Nays: 0

Absent: 1 (Gohl)

Resolution 14-17 Approved

ROADS & BRIDGES – Patty Meroni

Monthly Report

2014 Road Program - The 2014 road construction is expected in September/October. The Green Rail Bridge Repair construction is expected in late September/early October pending Board approval of the bid at the August 26 Board Meeting.

2014 Pavement Condition Study - The 2014 Pavement Condition Study and Proposed 2015/2019 Road Program has been completed by Gewalt Hamilton for review as the Village plans for the ongoing road program and with new emphasis on evaluating the roads for ongoing repair and reconstruction of Village roads. Executive Summary prepared by Gewalt Hamilton with, Option 1: To maintain existing road conditions; or, Option 2: Maintain the roads while attempting to reduce the backlog. In 2004 the decision was made to repair roads and have maintenance program without raising levy. However, we've not been able to maintain the roads with the funds levied. The analysis of exiting roughly 39 miles of road was undertaken and a pavement condition index was provided to give an indication of the condition of Village roads and prioritize roads based on worst condition. Given a 12 year road life assumption, the Village will need to conduct about 3.2 miles of resurfacing each year to keep pace. Option 1 was to maintain a 3.4 mile resurfacing to both keep pace and to reduce backlog by approximately 1 mile over 5 years. There is a current backlog of resurfacing of 4.8 miles. Over the last 8 years the Village has not met the recommended minimum 3.2 miles to maintain roads under the existing 10 year plan and the recommendation the Village Engineer. Despite the recommendation, the 3.2 mile minimum has not been met over the last 8 years and there has been no increase in the Roads & Bridges budget over that time period. The Village Engineer indicated that there had been a recommendation by his office to increase the budget for Roads & Bridges over the 8 year time period. President

McLaughlin asked why the Village has never reached the requested budgeted amount for Roads & Bridges over the past 8 years. The Village Engineer stated it was due to a desire to keep the levy flat. President McLaughlin pointed out that while the levy has been flat for the past 8 years, that spending was not flat, and that spending for the Village as a whole had increased by over 4.5 Million Dollars over the last 8 years, yet the budget remained the same for Roads & Bridges, despite a recommendation of the Village Engineer in each of those 8 years that the annual budget for Roads & Bridges be increased. President McLaughlin felt it was important for residents to be aware that budget requests by the Office of the Village Engineer during Roads & Bridges' meetings, was something different then what was actually determined to be requested of the Board of Trustees at the time of the budgeting meetings during those years. Trustee Meroni motioned to accept the 2014 Pavement Condition Study as presented without voting on acceptance of either of the Options posed by the study. Trustee Selman seconded. All present said Aye.

Motion Approved

Longmeadow Parkway Preliminary Plan Review - Kane County Department of Transportation has sent the preliminary plans for Section "C" west of the Fox River Bridge to east of Illinois Route 25 and Section "D", East of Illinois Route 25 to Route 62. This "C" Section is the smallest section and portion located in Barrington Hills. This portion is estimated at \$9 million.

There are some topics to address specific to the residents on Autumn Trail, Regan Blvd. and other residents in the immediate area. We have decided to have another meeting with the residents in the area to bring them up to date and get their additional input and comments.

Oak Lake Drainage Improvements - After a year of meetings with residents and the Lake County Storm Water Management Ordinance deadline for completion of the mandated draining from Ridge and Merri Oaks Road to Oak Lake approaching in order to receive the \$25,000 plus grant funds which were approved, the decision has been made to proceed using the existing easement in the original plat of subdivision. The property owner has rejected all the alternative solutions that the village engineers brought back to them at their request and the Village cannot let the grant terms expire. Trustee Meroni asked that the Board of Trustees approve to proceed with the Oak Lake Drainage Improvements as included in tonight's agenda to have bids let on September 16, and the project approved and awarded at the September 22, 2014 Board Meeting, as a grant for \$25,000.00 from Lake County Storm Water Management was set to expire prior to the next meeting. Trustees Messer and Harrington indicated a desire to visit the property before making a determination. Trustee Konicek indicated that she would like to visit the property and requested that an extension be requested from the Lake County Storm Water Management to extend the grant time. The Village Engineer indicated that he would request an extension. Trustee Konicek requested whether there was an issue with the use of the easement from a legal perspective. Temp. Village Attorney Bond indicated that in the event you are diverting water there would need to be some sort of negotiation

with the homeowner and the Village would need to follow a legal process for just compensation.

Trustee Meroni motioned to approve having the bid go out in the existing form as Village Engineer Dan Strahan has presented it, subject to change, and the response we get from the Lake County Storm Water Management about an extension and the fact that after review by other Trustees who want to see the property and discussion with the home owner if we can find a workable solution. Trustee Messer seconded. Trustees Harrington, Meroni, Selman and Messer said Aye. Trustee Konicek said Nay. Trustee Gohl was absent and President McLaughlin abstained.

Motion Approved

Functional Classification of Roadways - Pursuant to requests from residents to reclassify some Barrington Hills roads, a Memorandum was prepared by Dan Strahan at the request of the Board at the July 28, 2014 meeting. This Memorandum explains the history of the road classifications, the process to change a roadway functional classification, and a list of FAU Routes maintained by the Village and the jurisdiction of each road. Trustee Meroni stated that the only road classification that was changed as a result of a request by the Village through Roads & Bridges was that of Spring Creek Road for purposes of the then intended request for resurfacing of Haeger's Bend Road. The request for reclassification was made in March of 2013.

Trustee Meroni motioned for the Board of Trustees' approval to put in a request to the McHenry County Council of Mayors for reclassification of Spring Creek Road to its original classification.

Trustee Meroni asked the Board of Trustees for approval to proceed to contact the McHenry County Council of Mayors regarding the reclassification of:

Algonquin/River Road
Haeger's Bend Road
Merri Oaks/Cuba Road

Plum Tree Road
Ridge Road
Helm Road

Trustee Harrington seconded. All present said Aye.

Motion Approved

Trustee Meroni asked if anyone wants to add to this request to create any specific bike routes or paths on Village roads and that there is no longer support for this from the Roads & Bridges chair. Discussion was held on whether a specific motion could be brought relative to restricting the building or construction of bike paths or lanes on Village roads. It was determined that the Roads & Bridges chair would research with the Village Engineer and Administrator Kosin what type of resolution could be put forth that met any restrictions the Village would need to adhere to due to the fact that these are public roads and that they would put together a resolution for the September agenda.

2014 Green Rail Bridge Repairs Bid Resolution – Trustee Meroni motioned to approve the recommendation of the Village Engineer and awarding the 2014 Green Rail Bridge Repairs work package to Industria Inc. in the amount of \$16,300.00. Trustee Selman seconded. Roll Call:

Ayes: 6 (Harrington, Konicek, Selman, Meroni, Messer, McLaughlin)
Nays: 0
Absent: 1 (Gohl)

Resolution 14-18 Approved

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Village Administrator, Robert Kosin presented the monthly report which was included in the Board of Trustees meeting packet. Chief Murphy advised that 101 C Tickets for bicycles were issued since April, 2014 and over \$4,500 has been collected in fines. Also, 92 tickets were issued this year for cell phone use in vehicles.

Surplus Property Ordinance - Trustee Selman motioned to approve the Surplus Property Ordinance. Trustee Harrington seconded. All present said Aye.

Ordinance 14-12 Approved

Message Sec. 8-2-25 Amended Ordinance - Trustee Harrington motioned to approve amending Section 8-2-25 of the Village Code. Trustee Meroni seconded. Roll Call.

Ayes: 6 (Harrington, Konicek, Selman, Meroni, Messer, McLaughlin)
Nays: 0
Absent: 1 (Gohl)

Ordinance 14-13 Approved

BUILDING AND ZONING – Joseph S. Messer

Permit Report – Ten building permits were issued in July, 2014.

Enforcement Report

3 Saville Row – At the August 18, 2014 meeting, the Zoning Board of Appeals scheduled the hearing on this matter for September 10, 2014.

335 Ridge Road Update – As-built drawings were received on August 18th and are awaiting Village Engineer's review.

261 Steeplechase Rd Update – Title search has been ordered and when received, notice will be sent to all parties with an interest in the property of the Village's intention to proceed to demolition. Possession of property is still unclear and probably with Mr. Saltourous as the eviction was dismissed. Pursuant to previous posting, the house is not

approved for occupancy and the Police Department is aware that no one can occupy the residence.

385 Spring Creek Road Update – No change. Trustee Messer requests compliance demand letter be sent to new owners.

551-553 Cuba Road Update – Inspection for compliance scheduled October 29th.

8 Jennifer Court Update – On August 4th, the judge continued the case to September 3rd due to resident not present. Continuance issued over Village Prosecutor's objections, but resident is in substantial compliance, but work has not been completed. Resident's attorney also not present and has a pending notice to withdraw.

ZBA Report – The Zoning Board of Appeals held its meeting on August 18, 2014 on the issue of horse boarding. The ZBA has received four text amendments from Messrs. LeCompte, Elders, Hammond and Drury. Special meetings have been called on September 9th to review the Drury and Hammond text amendments. On September 10th for the Gopin Home Occupation Appeal and on September 11th for continuance on all four text amendments. The next regular meeting of the ZBA will be on September 15th. There is nothing on the agenda as of now, but will keep it open.

Building Code Permit Window and Generator Ordinance – No action taken.

ZBA Membership Discussion – Trustee Messer stated that there was a question as to whether Bruce Pfaff is properly sitting on the ZBA, because he was appointed at a time that there was an allegation of an Open Meetings Act violation on the Attorney General's letter of June 10, 2014. He referred to a letter from Attorney George Lynch where it was Burke, Warner, MacKay and Serritella's decision that Bruce Pfaff has good standing on the ZBA and properly seated. Attorney Patrick Bond disagreed and stated that Mr. Pfaff is not properly seated.

Trustee Harrington asked that more information on potential board members be available rather than short biographies.

PLANNING – Colleen Konicek

The August 18, 2014 meeting was cancelled.

INSURANCE – Michael Harrington

Monthly Report – Trustee Harrington advised that a Special Meeting of the Insurance Committee is set for Wednesday, September 10th to discuss up-coming renewals and wellness programs.

HEALTH, ENVIRONMENT, BUILDINGS & GROUNDS – Michael Harrington

Monthly Report

Village Hall: Geary Electric conducted the thermo scan recommended by Scottsdale Insurance after Hartford Steam Boiler's inspection of the main electrical distribution system at the Village Hall.

Village Hall grounds: Irrigation system repairs have been completed due to Nicor damage and broken coupler in the rear of the barn. The landscape restoration work will be completed in September.

Fire Station: Kings Contracting is scheduled to complete the recommended repairs to the Fire Station roof on Friday, August 22nd, weather permitting.

Blockhouse: Preventative maintenance of the HVAC system conducted by EHMS, the company responsible for all other Village units.

Tractor: The Village service contractor, Buck Brothers, has taken the tractor for evaluation in preparation of the consideration of a Lend-Lease IGA with Barrington Hills Park District.

Board of Health Report – The Board of Health meeting of August 12th was cancelled.

ATTORNEY –

Pending Litigation – Updates included in Board of Trustees packet.

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

ADMINISTRATION – President McLaughlin

Voluntary Separation Plan Resolution – Trustee Konicek motioned to approve the Voluntary Separation Plan for employees, as written. Trustee Messer seconded. All present said Aye.

Resolution 14-19 Approved

Collective Bargain Negotiations Report – President McLaughlin officially advised the community that he received documents from MAP with their desire to initiate collective bargaining with our Police Department with a contract start date of January 1, 2014, and with a September 15th date to begin negotiations. Ted Clark's firm will be labor counsel. The Village needs to determine how to proceed in appointing a negotiator for the Village as it should not be the Village President or any Trustee. We will be looking for a qualified resident who hopefully has labor experience or a legal background.

The Hills are Alive Report – Deputy Clerk, Anna Paul, gave a brief update on the Hills are Alive which will take place on Saturday, October 25, 2014. The Event is rain or shine as there is a large indoor venue if necessary. The Village is continuing to use donations to fund this Festival, and is looking for more volunteers.

Trustee Messer stated that we should not be collecting donations from any law firms as the Village is in the process of selecting a new corporate counsel.

Appointments – President McLaughlin stated that at this time, it is the Chair's intention to nominate Dan Wolfgram to replace Nancy Masterson, who has resigned from the Board. She has been made aware that she is technically still serving on the ZBA. She has provide on August 13th to the Village President and Village Administrator that she has decided not to return and abandoned the post. The Chair would entertain a motion to nominate Dan Wolfgram . Trustee Konicek motioned to appoint Dan Wolfgram to the abandoned seat of Nancy Masterson of the ZBA. Trustee Harrington seconded. Roll Call.

Ayes: 3 (Harrington, Konicek, McLaughlin)

Nays: 3 (Meroni, Selman, Messer)

Absent: 1 (Gohl)

As the vote is a tie, in that regard, at this time to fill the vacancy, President McLaughlin is seeking to appoint Dan Wolfgram, as a qualified person having lived in the Village for over 27 years, served 13 years on the Village Plan Commission and was Chairman for at least 5 years, he therefore moved to appoint Dan Wolfgram to fill the vacancy of Nancy Masterson of the Zoning Board of Appeals pursuant to Illinois Municipal Codes, Section 2-4-1 of the Village Code. Members of the ZBA shall serve for a term of 5 years or until the respective successors are appointed accordingly, barring the appointment of a successor member, Ms. Masterson would continue to serve on the Zoning Board of Appeals. In this regard, Ms. Masterson has informed that she would not return to serve on the ZBA, thus the position is abandoned and in that instance, due to the abandonment of the office, under the Illinois Municipal Code 65ILCS5-3.1-30-5. The Presidents exercised his power to appoint a temporary successor officer to fill the vacancy on the ZBA. He appointed Daniel Wolfgram whose service will commence immediately, and he will continue to serve in a temporary capacity, until another individual is duly appointed.

President's Report of Removal of Douglas Wambach, George Lynch and Burke, Warren, MacKay & Serritella, P.C. as Village Attorney/Corporation Counsel and President's Appointment of Bond, Dickson & Associates, P.C. as temporary successor to the Office of Village Attorney/Corporation Counsel - President McLaughlin announced that there is a vacancy in the office of Corporation Counsel as a result of the resignation of Burke, Warren, MacKay & Serritella, which he has accepted. In order to protect the best interest of the Village, he believes it is necessary to appoint Counsel to serve as Corporate Counsel, in a temporary capacity, until this position can be filled. To fill that vacancy, he appointed Bond, Dickson & Associates, P.C. as Corporate Counsel.

Trustees Messer and Harrington disagree on the process President McLaughlin used to accept Burke, Warren, MacKay & Serritella resignation and the process used to appoint Bond, Dickson & Associates as Corporate Counsel and claimed that the President does not have the authority to do so.

President McLaughlin asked Attorney Bond to provide the legal basis for the President appointing a temporary successor to the Office of Village Attorney and Attorney Bond provided the following:

Pursuant to Section 3.1-30-5 of the Illinois Municipal Code ("IMC"), the Village President possesses the authority to appoint a temporary successor to the Office of Village Attorney, without the advice and consent of the Village Board, as a result of the former Village Attorneys having resigned from and abandoned the Office of Village Attorney. 65 ILCS 5/3.1-30-5.

Trustee Messer accused Village President McLaughlin of not having the legal Authority to make a temporary appointment of the Village attorney. He cited statute for elected officials. He also stated that a notarized letter of resignation was required from BW.

Temporary Attorney Bond reminded the Board that the Village Attorney is NOT an ELECTED office. He further explained that the statute which applies is for appointed officials which did allow for this action.

President McLaughlin seated Bond Dickson as Temporary Attorney. Also Bond cited statute which does not require notarization

Trustee Messer stated that the Municipal Code 65 ILCS 5/3.1-10-50 holds that Burke, Warren, MacKay & Serritella remain the Village Attorney because the Municipal Code requires that a resignation of a Village Officer is not effective until signed and notarized and that because the resignation letter of Burke, Warren, MacKay & Serritella was not notarized it was not effective, and, as such Burke, Warren, MacKay & Serritella remains the Village Attorney. He further stated that under the Municipal Code 65 ILCS 5/3.1-3-5(b) the Village President did not have authority to supplant Burke, Warren, MacKay & Serritella as Village Attorney and that they continued as Village Attorney until a successor is chosen and qualified. Trustee Messer further indicated that he would not vote to approve the bills of Bond, Dickson & Associates for the current meeting.

Trustee Konicek stated that Burke, Warren, MacKay & Serritella was not present at the meeting and if they were currently still the Village Attorney why they did not know Municipal Law well enough to know that they are still Officers of the Village and why they were not present at the meeting. Administrator Kosin read the resignation letter of Burke, Warren, MacKay & Serritella to demonstrate why they were not in attendance and Trustee Messer requested whether the letter was notarized. Administrator Kosin stated that it was not. Trustee Messer reiterated that a notarized letter of resignation was required by the Municipal Code under 65 ILCS 5/3.1-10-50 for the resignation of a

Village Officer to be effective and since the letter was not notarized that Burke, Warren, MacKay & Serritella remained the Village Attorney.

Trustee Meroni said that it was unfortunate that the President not only did not call to advise the Trustees what he was doing, to discuss this, he placed the Village and the functionality of the Village at jeopardy.

Trustee Selman stated she received a call from Attorney Lynch regarding the letter sent by President McLaughlin asking if the allegations in that letter were her experiences. She replied no, because they were not and she wants to be on the record that she had nothing to do with writing the letter of August 21, 2014.

Trustee Messer motioned that the Board hold a special meeting as soon as possible to approve a FRP procedure in order to solicit qualified proposals to serve as Village Attorneys for the Village of Barrington Hills.

Trustee Konicek stated that Trustee Messer cannot make a motion on an item that is not on the agenda.

Trustee Meroni motioned to table this entire discussion until we have a special meeting to review it, where it is on the agenda and we can vote on it. Trustee Messer seconded.

Trustee Konicek motioned to have Patrick Bond to act as temporary Counsel until we take a vote at the special meeting.

President McLaughlin appointed Patrick Bond in the role of temporary assignment as Counsel.

Trustee Messer asked to schedule a special meeting for Thursday, September 4, 2014 after it was determined that date was available to the Trustees.

Trustee Konicek motioned to adjourn Public at 11:30 p.m. Trustee Meroni seconded. All present said Aye.

Meeting Adjourned

Approved _____