

CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, Sept. 18th, 2006, at Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake and Cook Counties, Illinois.

President Gifford called the meeting to order at 7:05 p.m. Board members and guests recited the Pledge of Allegiance. Upon roll call, the following were present: President Gifford, Trustees Dowell, Ekstrom, Kizior, Plautz and Thrun. Trustee Rotter was absent. Other Village Officials present were Administrator Connors, Clerk Pratscher, Treasurer Stade, Attorney Keller and Engineer Gordon.

AGENDA CHANGES AND ANNOUNCEMENTS

President Gifford stated that he misspoke at the June 19, 2006, Regular Board of Trustees meeting regarding comments made by Mike Werthman of KLOA, the Village's traffic consultant. He said that KLOA did not directly approve the proposed stop sign at Glenhurst Road and Deerpath Road. Rather, he said Mr. Werthman said the decision was up to the Board of Trustees. Attorney Keller suggested that an addendum be added to the June 19 minutes to reflect this change.

CONSENT AGENDA

A) Approval and Release of Minutes from the:

- i) Board of Trustees Regular Meeting held 8/21/2006
- ii) Zoning Board of Appeals Meeting held 8/28/2006

B) Approval but NOT release of Minutes from the:

Executive Session held 8/21/06

C) Village Engineer:

- i) Foxridge Subdivision—**Approval** of letter of credit reduction request for Carlyle Development in the amount of \$190,000
- ii) Hamilton Partners Deer Park Office Park – **Approval** of water suballocation of 5,138 gallons/day for Building E

Trustee Plautz stated that she would like to amend the Executive Session minutes.

MOTION: by Trustee Dowell to approve the Consent Agenda except item B, the Aug. 21, 2006, Executive Session minutes. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Thrun

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

PUBLIC COMMENT

Neil Arnberger of 22801 Glenhurst Road stated he was present to speak against requested zoning variance for a storage shed at 22889 Glenhurst Road. He said he did not think the petitioner had demonstrated any hardship that would necessitate such a variance. He said if the petitioner wants to use his garage for business purposes, that is his decision, but it doesn't justify a hardship. He also noted that the Board would be setting a bad precedent if it approved the variance. Finally, he stated that the petitioner's lot tends to drain into the street, causing ice to form in the winter, and erecting a shed on the property would only exacerbate the problem.

Lucinda Arnberger of 22801 Glenhurst stated she was concerned about property values and the total look of the neighborhood if the shed was approved. She said the subdivision has deed restrictions to keep the neighborhood looking the way it was intended to look. She also said she couldn't understand hardship in this case.

Mrs. Arnberger also stated that she opposed the speed humps that were to be discussed later in the evening. She said that stop signs were just installed on Deerpath Road and Glenhurst Road, and she doesn't think speed humps are necessary because it is such a small stretch of road.

David Pautler of 23009 Thornhill Court stated that in May his wife gave a report to the Board regarding drainage issues on their property. He said he had received a letter from the Village stating that a resolution to the issue was delayed by the resignation of former Village Attorney Hargadon. He asked when they could expect some action.

Attorney Keller replied that he had received a letter from Mr. Pautler's attorney and had begun reviewing the file and speaking to Village Engineer Gordon. He said he would respond as soon as time permits.

Randy Pinchot, a member of the Zoning Board of Appeals, stated he was not able to attend the ZBA meeting at which the shed variance was considered but that he had sent a letter in opposition to the petition prior to the meeting. He asked whether his vote should have been counted. He also questioned whether the subdivision covenants, which address the issue of sheds, should take precedence over Deer Park ordinances.

Mary Lahr of 201 Rue Touraine commended Attorney Keller for moving quickly to correct certain discrepancies in the Village's municipal code. She asked if he had reviewed all the Village ordinances and whether there are more to be amended. She also asked if the Village can be held accountable for violations regarding those discrepancies, since they existed for some time.

Mrs. Lahr also requested that the Board reject Vehe Farm Foundation's request to allow Mr. Keller to act as its counsel. She said that would eliminate any appearance of a conflict of interest.

Sara Guarisco of 316 Briargate Lane stated that she is the captain of parks issues for the Deer Park Neighbors and wanted to begin a discussion with the Board regarding Village parks. She said she thinks the Village parks have limited access, difficult parking, and few benches or tables. She said she had spoken to Trustee Kizior specifically about the Town Center Park development plans, which call for an additional baseball field and two soccer fields, and was surprised to learn the Board never polled residents for ideas or suggestions prior to adopting the plans. She asked the Board to stop development until it surveys residents about the proposed uses. She suggested one potential use could be a sprinkler playground similar to one at Brookfield Zoo. She said that playground cost \$170,000 to build. She said such a playground could also include paths, benches and tables, which she said would get more use than play fields.

Kari Diesen-Dahl of 23710 Hearthside Drive read a statement regarding her years of service as the Village Administrator and events surrounding her resignation and final days. She thanked the Board for the opportunity to serve the residents of the Village and said she always tried to keep the office friendly and helpful. She said the roof caved in for her on Sept. 8 when President Gifford told her she would no longer be the Village Administrator when the new administrator started on Sept. 11. She said she could not understand why things had to happen the way they did and that she always gave the Village the best she could.

Bob Kellermann of 21601 Old Farm Road stated that at the June 27, 2006, Special Board of Trustees meeting Trustee Rotter asked for a closing statement from the sale of Village land to Red Seal Development Corp. He said everyone is still waiting to see that statement, which would outline the Village's actual cost of selling the land. He said it is highly probable that the property was sold below the Village's cost.

Deborah Barry of 412 Bramble Lane stated she feels the Board needs to address three issues that are very important to residents: the appointment of a Village Ethics Officer, the appointment of a permanent Emergency Management Coordinator, and updating the Village ordinance book. She said she understands that the state no longer requires that the Village have an ethics officer, but she asked the Village President to consider appointing one nonetheless.

Mrs. Barry also encouraged the Board to refuse to approve the waiver of a conflict of interest that would allow Attorney Keller to also represent the Vehe Farm Foundation.

She also stated that she had contacted President Gifford about two different issues recently but had not yet received a response. She asked how she could best reach him. President Gifford said that correspondence should be directed to the Village Office, and Administrator Connors will disseminate it appropriately.

VILLAGE ENGINEER'S REPORT:

A) Lake County Multi-Jurisdictional All Natural Hazards Mitigation Plan

Engineer Gordon recommended that the Board adopt the resolution at the request of Lake County. He said it would allow the Village to remain eligible for federal grants.

Trustee Kizior asked Attorney Keller to investigate whether there is a resolution regarding a mitigation plan for non-natural hazards.

MOTION: by Trustee Ekstrom to adopt the resolution for the Lake County Multi-Jurisdictional All Natural Hazards Mitigation Plan. Upon a voice vote:

YES: (5)
NO: (0)
ABSENT: (1)

Motion carried 5/0/1

B) Agreement to participate in EJ&E Quiet Corridor Study

Engineer Gordon stated that the Board discussed this agreement several months ago but tabled it so he could get clarification on the total Village cost. He said the entire study, which is already under way, will cost \$34,500; the Village's portion of that would be \$2,160.81 if all communities agree to participate. If some communities do not pay their portion, the total cost to the Village could be as high as \$3,500. Trustee Ekstrom asked if the costs were allocated proportionate to the number of railroad crossings within each village. Engineer Gordon said no, that the cost was split equally among all participating municipalities. Trustee Ekstrom said the Village's cost would be approximately \$500 if the costs were divided proportionately. Engineer Gordon added that actual construction costs have not yet been addressed or allocated to participating communities. He recommended that the Board approve the agreement in the amount of \$2,160.81.

MOTION: by Trustee Plautz to approve the agreement with other municipalities for a railroad quiet zone study not to exceed \$3,500. Upon roll call:

YES: (4) Dowell, Kizior, Plautz, Thrun
NO: (1) Ekstrom
ABSENT: (1)

Motion carried 4/1/1

C) Middlefork Road drainage project

Engineer Gordon stated that the Village received nine bids ranging from \$46,850 to \$94,134 for the Middlefork Road drainage project. The engineer's estimate was \$62,000, and the Board had budgeted \$60,000 for the project. He recommended that the Board award the bid to Neri Brothers in the amount of \$46,850.35, plus 10% for unforeseen conditions, a total of \$51,535.39. Engineer Gordon stated he has worked on two different projects with the company.

Trustee Kizior asked if the unused portion of the Middlefork drainage budget could be allocated to another project. President Gifford said the legality of that would have to be investigated because the funds for this project came from the proceeds of the land sale to Red Seal. He said the unused portion might have to be used to pay down the Village's debt.

MOTION: by Trustee Ekstrom to approve the contract with Neri Brothers for \$46,850.35, with the allocation of a 10% contingency fund. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Thrun
NO: (0)
ABSENT: (1)

Motion carried 5/0/1

D) Status report on Quentin Road widening/bike path options

Engineer Gordon presented a draft letter from the Village to Cook County Highway Department regarding bike path improvements along Quentin Road, south of Lake-Cook Road. The letter reflects the Board's consensus on the project, recommending that the County proceed with Option 1, which calls for building the bike path through Deer Grove Forest Preserve at no cost to the Village.

President Gifford asked whether that option included signaling at Quentin Road and Lake-Cook Road. Engineer Gordon said the signal improvements would be separate, but the letter asks Cook County to include a pedestrian crossing at the intersection, at the county's cost. He said the letter also asks the county to consider installing sidewalks along Quentin Road.

The consensus of the Board was that Engineer Gordon could send the letter as written.

REQUEST FOR A ZONING VARIANCE AT 22889 GLENHURST ROAD

Attorney Keller stated that he was given a copy of the covenants for Foxcroft Subdivision, which includes the petitioner's home at 22889 Glenhurst Road. He said the covenants, which were recorded in 1991 in Lake County, contain a clause stating accessory buildings only may be erected after approval from Scheel Construction Co. Attorney Keller said the Village doesn't have the authority to enforce private covenants, but it is his view that it would be futile for the Village to grant a zoning variance at this point because the petitioner cannot build a shed unless he gets a waiver of the covenants. He recommended that the petitioner, Robert Plachy, approach the other property owners in the subdivision to request a covenant waiver. If he obtains such a waiver, then the Board could consider the variance, he said.

MOTION: by Trustee Ekstrom to table the variance request until the covenant issue is resolved. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

VEHE FARM FOUNDATION

A) Donation of crushed granite for ADA path

Teri Bridge stated that an anonymous donor has offered the Foundation 22 tons of crushed granite for the paths to be installed at Vehe Farm. She said Jim Peterson thinks the material would satisfy ADA accessibility requirements as long as a strong base was installed. Mrs. Bridge said the base would have to be installed regardless of which top material is used, and the donation is worth \$2,600-\$2,700. She said the Village has applied for an OSLAD grant to help pay for the paths, so the installation cannot begin until the Village learns whether it has received the grant or not, but the donor is ready to make the donation within the next couple of weeks. She asked for permission to accept the donation and a place to store the granite temporarily.

Trustee Kizior stated that the Village has used crushed limestone on some park paths and found that it deteriorated very quickly. Parts of the paths washed away, and weeds sprouted in others parts, he said. He said he has found that asphalt paths are virtually maintenance-free for 15-20 if installed properly.

Mrs. Bridge stated that the crushed granite would be used primarily on the portion of the path that goes through the prairie, where the Foundation wants a more natural look. She said the Foundation is very much opposed to asphalt on those portions of the path. In addition, she said the granite would not leach into surrounding plants as limestone does.

Trustee Ekstrom questioned if the path would truly be accessible to someone in a wheelchair, saying her mother cannot maneuver on any material that is crushed. She also inquired how much it would cost to install the granite and where it would be stored until the base is ready.

Tom Benjamin stated that installation probably would be less than \$10,000. He said that because additional grading needs to be done around the Barn, the granite would have to be stored near the front of the Barn, close to where the dumpster and some dirt piles currently are located.

Trustee Kizior asked for list of places where crushed granite has been used so he could see how well it holds up. President Gifford suggested that Mr. Peterson would be able to supply Trustee Kizior with that information.

MOTION: by Trustee Ekstrom to allow Trustee Kizior 10 days to investigate the cost of the base, the ADA compliancy and the maintenance issue of the crushed granite, and, based on his recommendation, he will advise Vehe Farm if they should accept or deny the donation.

Mrs. Bridge said she would rather rely on someone who knows ADA rules to make the technical determination about the appropriateness of the material. In addition, she said the donor is waiting for an answer and she didn't think it would be appropriate to accept a donation and then decide that the material would not be used. If that were to be the case, she would prefer that the Village refuse the donation.

Trustee Dowell stated that he is in favor of the crushed granite and, if it is deemed inadequate in five to seven years, then the Board could make the decision to install an asphalt path. He said the cost at that time would most likely be less because the base would already be in place.

Trustee Ekstrom stated that trustees received nothing in writing from Mr. Peterson about the appropriateness of the granite, and her concern remains that the material will not be usable and the Village will be stuck with a large pile of crushed granite.

Upon roll call:

YES: (2) Ekstrom, Kizior

NO: (3) Dowell, Plautz, Thrun

ABSENT: (1)

Motion failed 2/3/1

MOTION: by Trustee Plautz to accept donation of crushed granite. Upon roll call:

YES: (3) Dowell, Plautz, Thrun

NO: (2) Ekstrom, Kizior

ABSENT: (1)

Motion carried 3/2/1

MOTION: by Trustee Ekstrom that the meeting minutes capture that path is ADA compliant, that base will cost less than \$10,000 and the maintenance will not be prohibitive. Upon roll call:

YES: (3) Ekstrom, Kizior, Plautz

NO: (2) Dowell, Thrun

ABSENT: (1)

Motion carries 3/2/1

B) Payment request for R&W Clark in the amount of \$7,674.21

Trustee Kizior stated that he was concerned about the slow pace of work on the Barn. In addition, he said he had received a phone call from a subcontractor who said he had been paid only a portion of the money he is owed. Trustee Kizior recommended approving the current pay request from R&W Clark only with the contingency that the subcontractor he spoke with is paid the approximately \$23,000 he is owed by the end of the week and only after that payment clears the bank.

Mr. Benjamin gave a brief status report on work that had recently been completed, including the installation of restroom tiles and fixtures and the application of a primer coat of paint, but said the Barn would not be finished by November. Two polling precincts are scheduled to be housed in the Barn for the General Election on Nov. 7.

MOTION: by Trustee Kizior to approve payment to R&W Clark in the amount of \$7,674.21, contingent upon delivery of a check in the amount \$23,000 from R.W. Clark to Metropolitan Fire and the clearing of that check by end of this week; otherwise the Village would call in the performance bond. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Thrun

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

C) OSLAD grant update

Mr. Benjamin stated that he and President Gifford attended the OSLAD grant hearing in Springfield last week. He said there were 85 other applicants for money, and the average request was around \$200,000. He said the Village should hear in January whether it will receive the grant.

D) Health World partnership

President Gifford stated that he has started discussions with Health World, the Barrington-based children's health museum, about housing some of the organization's outdoor programs at Vehe Farm. Health World would cover all program costs and might consider donating some of its exhibits to the Barn if an agreement is reached. President Gifford said no Board action was required at this point.

E) Illinois Geologic Survey well hole drilling

Mrs. Bridge said the drilling reached 70 feet today, and the Geologic Survey employees will be at the Vehe Farm for the rest of the week. She said they will help put together exhibits of core samples they have extracted that can be displayed in the Barn. President Gifford said the state also is filming its work and will put together video.

F) Update on other items

Pat Winkelman stated that she and Mr. Benjamin recently met with a longtime resident who lived on the land that is being developed as Deer Park Town Center Promenade. She shared her knowledge about the history and growth of the Village and has agreed to donate the old stone pillars on her property to the Village.

VILLAGE ATTORNEY'S REPORT:

A) Illinois Municipal League Risk Management Association (IMLRMA) Intergovernmental Cooperation Contract Renewal

Attorney Keller stated that this renewal was discussed at the last Board meeting, and trustees had questioned whether the Village would be committing to another year of membership by signing the contract. He said he talked to a representative at IMLRMA who told him this contract is just a re-execution of the original agreement signed by the Village in 1987. He said he added a sentence to the contract to clarify that, so the Village still can withdraw its membership on 60 days notice.

Trustee Plautz stated that the Village needs to begin its investigation of alternative insurance plans, because the current plan through IMLRMA expires at the end of December. She stated she would meet with Administrator Connors to begin the process.

MOTION: by Trustee Dowell to execute the IMLRMA Intergovernmental Cooperation Contract. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

B) Consideration of representation of Vehe Farm Foundation

Attorney Keller stated that he had a request from the Vehe Farm Foundation to become its attorney. He said it is his impression that the Village and Foundation work so closely together that there is not likely to be any legal dispute between the two entities. He added, however, that they are two separate organizations, so it is possible there could be a conflict.

Attorney Keller said the rules of ethics prevent him from engaging to represent a client if there could be a conflict of interest for an existing client, and it is up to that existing client to decide. He asked the Board if it would be willing to allow him to accept the engagement. He said if there ever were an actual conflict, he would have to withdraw his representation from the Foundation because his first responsibility is to the Village.

Trustee Dowell stated that the Foundation has few needs for legal counsel, so it would be unlikely that a conflict would occur.

Trustee Ekstrom asked if former Village Attorney Hargadon also represented the Foundation, and, if so, how was he paid. Trustee Dowell replied that Attorney Hargadon's law firm did perform work for the Foundation, and the work was billed separately from the Village.

Trustee Thrun said he could almost guarantee that the Foundation's legal expenses would be greater if it is required to engage a different lawyer, because Attorney Keller would be much more familiar with the Foundation because of his work in the Village. Trustee Dowell agreed, adding that once the Barn is operational, the Village would become the signing party to any contracts, not the Foundation.

MOTION: by Trustee Kizior to waive a conflict of interest to allow the Village Attorney to represent both the Village and Vehe Farm Foundation, knowing that if a conflict arises, Attorney Keller will withdraw from representation of the Foundation. Upon roll call:

YES: (4) Dowell, Kizior, Plautz, Thrun

NO: (1) Ekstrom

ABSENT: (1)

Motion carried 4/1/1

C) Consideration of ordinances amending the municipal code regarding Gift Ban Act, Electricity Tax and notices for Public Hearings

Attorney Keller stated that in the course of reviewing the existing municipal code, three issues jumped out at him as needing attention. He said there may be others that he will bring forward as he goes through the code in more detail.

The first amendment he said the Board should consider is the provision dealing with the gift ban act. He said the current code picks up language of from a state law which has since been repealed and replaced with a new provision. He said he has drafted an ordinance which amends the Village code to adopt the provisions of the current state law.

Next, Attorney Keller said the provisions for an electricity tax are included within two different sections in the code. He said he found this confusing. He recommended eliminating one of the sections.

The third issue has to do with notices of public hearings, Attorney Keller said. The current code requires in zoning cases that notice be mailed to owners within 500 feet of the subject property, whereas the state only requires that notice be published in the newspaper, not mailed. He said he assumes the Village has also been publishing notice, but he suggested amending the Village code to align with state requirements.

Attorney Keller stated that if the Board wants to go forward with his recommendation concerning public hearings, it should be forwarded to the Plan Commission for consideration. The consensus of the Board was that notice should be mailed and published. Attorney Keller said the Plan Commission could consider all options.

MOTION: by Trustee Ekstrom to adopt the ordinance amending the municipal code to correct a scrivener's error. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Thrun

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

MOTION: by Trustee Ekstrom to send the proposed ordinance regarding notice of public hearings to the Plan Commission with the Board's recommendation that notice be mailed and published. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR:

A) President Gifford:

i) Amendment No. 1 to agreement with Groot

President Gifford stated that he had just received some additional information from Groot within the past two days. He said he would table this item until next month.

ii) IMLRMA award

President Gifford stated that the Village had earned a safety award for 2005 from the Illinois Municipal League Risk Management Association, which will be presented at the organization's conference in Chicago in September.

iii) Proclamation of Fire Prevention Week.

As there were no objections from the Board, President Gifford proclaimed Oct. 8-14 Fire Prevention Week in the Village of Deer Park.

B) Trustee Dowell—Finance

i) 2005 audit review

Trustee Dowell stated that he thinks the Village continues to receive a good value for its auditing fees. He said the turnaround time improved this year, and Sikich's representatives were easy for Treasurer Stade to work with.

Trustee Dowell said the Village received an unqualified opinion from Sikich, which is the highest level of assurance for a client. The only qualification the audit notes is that the Village uses a modified cash basis and recommends a change to an accrual basis. Trustee Dowell said the Village most likely will make that change when it upgrades its software systems.

Trustee Dowell highlighted various sections of the audit that he thought trustees should read, particularly the Management Discussion and Analysis section. In response to a question whether he thinks the Village's financial position has improved in the past year, Trustee Dowell stated that no one on the Board should be surprised by anything in the audit. He added that the Board made the decision to put some cash assets into property assets, specifically the Vehe Farm Barn, but it is a matter of opinion whether that position is better or worse.

Trustee Dowell said both audit books, the Financial Statements and the Management Letter, are now subject to Freedom of Information Act requests because they were presented at a public meeting.

Trustee Dowell stated that the Management Letter notes issues that are worthy of bringing to the client's attention. He said the only item noted this year was that a \$1million deposit exceeded the Village's ceiling of collateralization at Harris Bank. He said the Village should have called Harris, but procedures are now in place to ensure that such an incident does not recur. The Management Letter also revisited items noted in last year's audit, namely the lack of segregation of duties relating to Village finances, the recommendation to move to an accrual based financial statement and the recommendation to purchase a software platform that has accrual based accounting.

President Gifford asked Trustee Dowell for a cost estimate for converting to an accrual system. Trustee Dowell replied that the software itself could be anywhere from \$5,000 to \$30,000, and training costs would probably double those amounts.

MOTION: by Trustee Dowell to accept the auditor's report and the management letter from Sikich. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

ii) Account review

Trustee Dowell said the revenue account to be reviewed this month was income tax receipts. He said this is the Village's portion of tax collected by the state, and it has remained rather static in recent years.

On the expense side, Trustee Dowell presented three line items: debt principal and interest, contributions, and dues and insurance. He said debt P&I expenditures have exceeded budget this year because a portion of the Village's loan was prepaid. He said the other two line items are somewhat minor percentages of the budget, and both are fairly predictable.

C) Ekstrom – Roads & Public Utilities

i) Petition from residents in support of installing a speed hump on Deerpath Road

Alison Furlong of 27 Deerpath Road presented the Board with a letter and petition for speed humps to be installed on Deerpath Road between Long Grove Road and Lake Cook Road. She displayed photographs of the road, showing that a crest in the road makes it dangerous for pedestrians. She noted that the road experiences a lot of cut-through traffic and that drivers often far exceed the 25 mph speed limit because they are coming from Lake Cook Road where the speed limit is 50 mph. She also thanked President Gifford for agreeing to speak with her about approaching the county to lower the speed limit on Lake Cook Road.

Trustee Ekstrom stated that the Village probably already has traffic counts for this stretch of road as part of its traffic study for the north section of Deerpath Road. She said she would verify that those counts were done. She noted, however, that the Board only allocated money for one additional speed hump in the Village, which is slated to be installed on Deerpath Road north of Long Grove Road, if the first speed hump proves effective.

President Gifford stated that the Village has always found the money if it is a safety issue for residents. He requested Trustee Ekstrom to work with Administrator Connors to write a letter to Cook County requesting that the county reduce the speed limit on the portion of Lake Cook Road near Deerpath Road to 35 mph.

ii) Road and drainage projects update

Trustee Ekstrom reported that the new stop sign on Deerpath Road at Glenhurst Road had been vandalized with spray paint, but Elia Township had already cleaned it. She also stated that a fallen tree on Lake Cook Road had been removed. Also, the road resurfacing program was complete, she said, and shoulder restoration had begun.

D) Trustee Plautz—Health & Sanitation

i) SWALCO discussion

Trustee Plautz stated that SWALCO does not endorse Lake Zurich's electronic recycling program because the computers and peripherals collected are shipped to Asia for disposal as opposed to being recycled in the United States. She said SWALCO is trying to persuade Lake Zurich find an alternative recycling company.

ii) Discussion of possible smoking ban

Trustee Plautz stated that she recently attended a presentation by the Lake County Health Department regarding smoking bans within the county. She said it was up to the Board to decide if it wants Deer Park to be a tobacco-free community. She presented results of an informal survey she took regarding smoking policies at current business establishments within the Village. She said most businesses try to limit the area where smoking is permitted.

Trustee Plautz said eight communities in Lake County have instituted smoking bans, and she noted that one of the charges of government is to protect the public health. She said if the Village waits for the state to take action, influential lobbyists could water down any legislation. She asked trustees for their feelings on the subject.

President Gifford stated that he would talk to other BACOG representatives to see what their communities are doing and report back to the Board.

Trustee Dowell stated that he would feel more comfortable if businesses took their own initiative. He said he would rather wait to see what happens throughout Lake County before taking any action. Other trustees concurred.

E) Trustee Kizior—Parks & Recreation:

Quote to repair fence at Michael D'Angelo Park, not to exceed \$1,300

Trustee Kizior stated that the fence at Michael D'Angelo Park had been in disrepair for number of years. He said he would not recommend replacing it at this point in light of future road plans in the area. Rather, he said he sought repair estimates from three companies and recommended the Board accept the low quote of \$840 from Aspen Fence Co. In addition, he said it might be necessary to pay the Village's mowing contractor to move some plants away from the fence.

MOTION: by Trustee Kizior to accept the bid from Aspen Fence in the amount of \$840 to repair the fence at Michael D'Angelo Park and to allocate \$150 to the mowing contractor to move plantings away from the fence. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Thrun

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

Trustee Kizior also noted that he has received positive feedback about the landscape cleanup work that was done at Charlie Brown Park. He said he will work with John Wagner of Citizens for Conservation to come up with a landscape plan that includes natural prairie grasses and native trees such as hickories, oaks and cypresses. This year, non-native grass along the lake will be removed.

F) Administrator Connors:

i) Plan Commission 9/11/06 meeting report—Crème de la Crème

Administrator Connors reported that the Plan Commission voted unanimously not to approve the petition by Crème de la Crème to amend the Village's Special Use Ordinance to allow an early learning center as a permitted use. He said the commissioners' objections were to the requested use in that specific location and the desire to have a revenue producing business on that side of the Town Center. He said the petitioner still wants to make a presentation to the Board and likely will be at the October Board meeting.

ii) Election space at Village Office

President Gifford stated that when Lake County election officials contacted the Village about moving some polling places to the Barn, it was thought that the Barn might be complete by that time. Now that voter registration cards have been mailed listing the Barn as a polling place, it is too late to change the location, he said. President Gifford said the plan is to erect a large, heated tent on the soccer field at Vehe Farm to accommodate voters and election judges. He added that Lake County will pay for all expenses incurred.

Trustee Ekstrom suggested that, in light of the less than optimal location, the Village should send notices to residents to encouraging them to vote early.

TREASURER'S INFORMATION

Trustee Kizior temporarily left the room at this point.

MOTION: by Trustee Dowell to approve the Investments Held report dated August 31, 2006, in the amount of \$1,976,455.78. Upon a voice vote:

YES: (4)

NO: (0)

ABSENT: (2)

Motion carried 4/0/2

CASH DISBURSEMENTS

MOTION: by Trustee Dowell to approve cash disbursements for the month Aug. 22-Sept. 18, 2006, in the amount of \$170,606.09. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Thrun

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

EXECUTIVE SESSION

MOTION: by Trustee Plautz to temporarily adjourn the regular meeting of the Board of Trustees and to go into executive session to discuss personnel. Upon roll call:

YES: (4) Dowell, Kizior, Plautz, Thrun

NO: (1) Ekstrom

ABSENT: (1)

Motion carried 4/1/1

MOTION: by Trustee Thrun to reopen the regular meeting of the Board of Trustees. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

The Regular Board of Trustees Meeting was reopened at 11:25 p.m.

ADJOURNMENT

MOTION: by Trustee Thrun to adjourn. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

The Regular Board of Trustees Meeting was adjourned at 11:25 p.m.

H. Scott Gifford, Village President

Maureen Pratscher, Village Clerk