

1) PLEDGE OF ALLEGIANCE

The regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, May 18, 2009 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Kellermann called the meeting to order at 7:00pm. Village officials and guests recited the Pledge of Allegiance.

2) SWEARING IN OF NEWLY ELECTED OFFICIALS

Clerk Meyle swore in Robert Kellermann as Village President and Dale Sands, Keith Olson, and Joyce Trost as Village Trustees.

3) ROLL CALL AND DETERMINATION OF A QUORUM

Upon roll call, the following were present: President Kellermann, Trustees Pratscher, Kizior, Sands, Olson, and Trost. The following Village officials were absent: none. Other Village officials present were Administrator Connors, Clerk Meyle, Attorney Diamond, Permit Coordinator Doniec, Treasurer Stade, Police Chief Lilly, and Engineer Gordon. President Kellermann stated there is a quorum.

Teri Bridge and Pat Winkelman of the Vehe Farm Foundation; Attorney Richard Boykin of Barnes and Thornburg; Timothy Asta of Extenet Systems; Kathy Gabel, Sharon Martinez, Kerry Rosene, and Dicie Hansen of Smart Farm of Barrington; zoning variance petitioner Anita Zagraniczny of 20959 Ela Road; and Bill Kruckenberg of the Ela Township Highway Commission were also present.

4) APPROVAL OF AGENDA

MOTION: by Trustee Pratscher to approve the agenda. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0).
Motion carried 5/0

5) NOMINATION BY PRESIDENT KELLERMANN TO APPOINT RICHARD F. CHAY TO FILL THE VACANT TRUSTEE SEAT

MOTION: by Trustee Sands to confirm President Kellermann's nomination and recommendation to appoint Richard F. Chay to fill the vacant trustee seat. Upon roll call: YES: (2) Sands and Olson / NO: (3) Pratscher, Trost, and Kizior / ABSENT: (0).
Motion failed 2/3

6) PUBLIC HEARING AND CONSIDERATION OF THE FY2009-2010 APPROPRIATION ORDINANCE

MOTION: by Trustee Pratscher to open a public hearing for the purpose of considering the FY 2009-2010 Appropriation Ordinance. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0).
Motion carried 5/0

MOTION: by Trustee Pratscher to close the public hearing for the purpose of considering the FY 2009-2010 Appropriation Ordinance. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0).
Motion carried 5/0

MOTION: by Trustee Kizior to approve the Ordinance Making Appropriations for Corporate Purposes for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0).
Motion carried 5/0

7) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Pratscher to approve and release the minutes from the Board of Trustees Regular Meeting held April 20, 2009. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0).
Motion carried 5/0

8) PUBLIC COMMENTS

Joel Rotter of 23232 Fairview Drive addressed the Board regarding Village officials listening to residents.

Kathy Gabel, Sharon Martinez, Kerry Rosene, and Dicie Hansen of Smart Farm of Barrington addressed the Board regarding their pending agreement with the Village to use a portion of the Vehe Farm property for a community teaching garden; the three areas of concern were workers compensation insurance, environmental insurance and automobile liability insurance. The consensus of the Board was to re-address the issue later in the agenda under New Business.

Roger Hankin of 20856 Swansway addressed the Board regarding Richard Boykin and Mr. Boykin's reports to the Board.

Teri Bridge of 23675 Hedgeworth Court addressed the Board regarding President Kellermann's First-100-Days-Objectives as they apply to the Vehe Farm property.

Pat Winkelman of 21540 Inglenook Lane addressed the Board regarding the vacant trustee position and President Kellermann's First-100-Days-Objectives as they apply to moving the Village Office into the museum space in the barn.

Marla Kryska of 20555 Westpark Place addressed the Board regarding Westpark's fire suppression system and the walking path and fence along Long Grove Road.

9) REPORT FROM RICHARD BOYKIN OF BARNES AND THORNBURG ON FUNDING REQUESTS

Attorney Richard Boykin of Barnes and Thornburg addressed the Board regarding the status of his lobbying efforts on behalf of the Village with the following points being made:

- Although the original agreement focused on economic stimulus funds, Mr. Boykin has been representing the Village with regard to securing Transportation Appropriations for the 2009-2010 Road Program; all required paperwork has been submitted to Congresswoman Melissa Bean, Senator Burris, and Senator Durbin.
- Mr. Boykin submitted all necessary documents relative to the Drainage Program to State Representative Ed Sullivan and State Senator Dan Duffy.
- In March, Mr. Boykin traveled to Washington DC with President Gifford and Trustee Thrun to meet with Senator Burris, Congresswoman Melissa Bean, and the Project Director for Senator Durbin.
- In March, Mr. Boykin traveled to Springfield with President Gifford and Trustee Thrun to meet with Senator Dan Duffy, State Representative Ed Sullivan, two representatives from the Illinois Department of Transportation, Dick Smith from the Illinois Department of Transportation, and Governor Quinn's Chief of Staff.
- In April and May Mr. Boykin completed the paperwork for the requests being made for the 2009-2010 Road Program and the Drainage Program and submitted it to the respective State and Federal officials.
- Discussions on a Capital Bill are currently underway in Springfield with results being expected at the beginning of June.
- Results for the Federal Transportation Appropriations projects submitted will be available in October.
- The process for re-authorizing the 5-year the Transportation Program for the country is underway.
- Mr. Boykin met with Congresswoman Melissa Bean three times.
- Mr. Boykin met with Congresswoman Melissa Bean's staff person, Sam Holdus, three times.
- Mr. Boykin met with Senator Burris twice.
- Mr. Boykin met with Senator Burris' Chief of Staff, Brady King, three times.
- Mr. Boykin met with Senator Durbin one time.
- Mr. Boykin met with Senator Durbin's Project Director twice.
- Mr. Boykin spoke with the President of the State Senate one time.
- Mr. Boykin spoke with the Governor's Chief of Staff twice.
- Mr. Boykin acknowledged that changes have taken place at the Federal, State, and Local level and that because of these recent changes the Village may consider terminating their agreement him and pursuing funding on their own; he confirmed that if the Village chooses to terminate their agreement there will be no legal consequences from his firm.
- Mr. Boykin confirmed that no additional fee will be charged for pursuing funding opportunities outside the scope of his original agreement because of the changes President Obama made in the process of securing Federal economic stimulus funds.
- Mr. Boykin is pursuing all Federal and State funding opportunities available to the Village and relative to the identified Road and Drainage Projects as his overall goal is to ensure the Village sees a return on the agreement they made with him.
- Mr. Boykin confirmed the roads that may qualify for funding are Rainbow Road and Deerpath Road.

- Mr. Boykin confirmed he submitted several written and some oral reports to President Gifford with regard to his activity on behalf of the Village and admitted he had not fulfilled his commitment to the Village with regard to weekly written reports to the Board.
- The other six villages Mr. Boykin represents are outside Deer Park's district; all the meetings Mr. Boykin had with Deer Park's local representatives were specific to Deer Park.
- Mr. Boykin confirmed that, although his agreement with the Village calls for payment over 4-months, his work on behalf of the Village will continue past the fourth month at no additional cost until the process is complete.
- Mr. Boykin confirmed he is not involved in the allocation of Lake County funds, but he knew President Gifford attended Lake County Council of Mayors meetings on behalf of the Village to secure transportation stimulus funds for Deerpath Road from the Illinois Department of Transportation's allocation to Lake County.
- Mr. Boykin confirmed that Secretary LaHood has an additional \$1.5 billion in stimulus funds which he will distribute on a grant basis to communities with projects that create long-term jobs.
- Mr. Boykin confirmed that he will provide the Board with a written summary of all the meetings he has had, the contacts he has made, and documents he has submitted thus far on behalf of the Village.
- Mr. Boykin confirmed that because of President Obama's executive order, he is not submitting projects to President Obama's administration; he is working with state level officials who are not subject to the executive order.
- Mr. Boykin confirmed he will provide the Village Administrator with a list of the projects he submitted for funding on behalf of the Village.
- Mr. Boykin gave President Kellermann a copy of a survey he completed for Congresswoman Bean.
- Attorney Diamond recommended that the Board hold off making any additional payments to Mr. Boykin until it has decided if it will accept Mr. Boykin's proposal to terminate the agreement midway.
- Mr. Boykin is going to Washington DC tomorrow to meet with state officials on behalf of the Village.
- Mr. Boykin recommended the Village ask officials from the surrounding communities, the Chamber of Commerce, school district etc... to write letters supporting the Village's projects and submit those letters to Congresswoman Bean, Senator Burris, and Senator Durbin.
- Engineer Gordon confirmed the package submitted to Lake County Division of Transportation through the Lake County Council of Mayors was complete for the road projects.
- Mr. Boykin confirmed that Representative Ed Sullivan committed to himself and President Gifford that he would include Deer Park's projects on the list of priority projects he submits to Governor Quinn.
- Mr. Boykin confirmed that state officials do not need engineering documents and that a list with general descriptions of the road and drainage projects with costs is sufficient.

Item 17 was addressed at this time - KILDEER POLICE REPORTS – APRIL 2009

Chief Lilly addressed the Board reporting the following:

- Six violations that occurred during the 28 alcohol compliance checks completed with liquor license holders between the two villages this week. The violators were all restaurants.
- He will send a Connect-CTY message pertaining to fireworks safety as he did last year.
- Commander Zujewski received a volunteerism award recognizing his efforts in organizing and training a Citizens Emergency Response Team to cover the southwest portion of Lake County; this project was funded with Federal monies; 50 people in the area (including some Deer Park residents) have been trained as citizen responders.

10) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS

A. Ferndale Phase III drainage improvement pay request #1 from Lenny Hoffman in the amount of \$132,410.30

MOTION: by Trustee Pratscher to approve Ferndale Phase III drainage improvement pay request #1 from Lenny Hoffman in the amount of \$132,410.30. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

B. Ferndale Phase III drainage improvement invoice #6826 from American Underground in the amount of \$1,856.25

MOTION: by Trustee Pratscher to approve Ferndale Phase III drainage improvement invoice #6826 from American Underground in the amount of \$1,856.25. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

C. Ela Township's Summer 2009 Maintenance Program proposal (storm sewer and culvert maintenance in the amount of \$8,000 / pond outfall structure maintenance in the amount of \$3,500)

MOTION: by Trustee Olson to approve Ela Township's Summer 2009 Maintenance Program proposal (storm sewer and culvert maintenance in the amount of \$8,000 / pond outfall structure maintenance in the amount of \$3,500). Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

D. Ela Township funding request for Oakridge/Redwing Place drainage improvement in the amount of \$15,000

MOTION: by Trustee Sands to approve Ela Township's funding request for the Oakridge/Redwing Place drainage improvement project in the amount of \$15,000. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

E. Wetland Maintenance-request for proposal authorization

MOTION: by Trustee Trost to authorize the Village Engineer to request proposals for wetland maintenance from qualified wetland maintenance contractors. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

F. 2009 Road Program Status

Engineer Gordon summarized the status of the 2009 Road Program making the following points:

- The road program is underway in the Ferndale Subdivision.
- Work on Wooded Ridge Road has been postponed until a joint project agreement can be coordinated with Kildeer; in the meantime, limited pavement patching will be performed.
- The funds originally allocated to Wooded Ridge could either be used to fund Lake Zurich Road or to fund additional patching throughout the Village.
- The results of the soil borings for Lake Zurich Road are pending.
- On March 19, 2009 Engineer Gordon submitted a Local Agency Pavement Preservation project stimulus fund request to the Lake County Council of Mayors for Deerpath Road.
- The Illinois Department of Transportation will be resurfacing a portion of Lake Cook Road this summer.
- The Board budgeted \$10,000 for crack sealing for the 2009-2010 fiscal year.

MOTION: by Trustee Pratscher to authorize the Village Engineer to request quotes for crack sealing for the 2009-2010 fiscal year. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

G. Deer Park Place – Request for maintenance cash bond release in the amount of \$15,350.00
Engineer Gordon reported the public improvements in Deer Park Place Subdivision are in acceptable condition and recommended the maintenance bond be released to United Land Development. A discussion ensued with regard to the earlier public comments made by Ms. Kryska pertaining to the jurisdiction of the fence along Long Grove Road.

MOTION: by Trustee Kizior to postpone the approval of United Land Development's request for the release of the maintenance bond in the amount of \$15,350.00 for one month. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

H. Deer Park Estates-request for letter of credit reduction and maintenance guarantee to \$216,191.18

MOTION: by Trustee Pratscher to approve Red Seal Development's request for a reduction of their letter of credit and maintenance guarantee to \$216,191.18 allocated as follows: \$192,896.88 to the letter of credit and \$23,294.32 to the maintenance guarantee and to approve the partial acceptance of public improvements as presented. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

I. Charles E. Brown Park pathway status report
Engineer Gordon reported that negotiations with the property owners on either side of the path are underway.

Addressed item 13 at this time - ZONING BOARD OF APPEALS (ZBA) RECOMMENDATION AND ORDINANCE REGARDING VARIANCE AT 20959 ELA ROAD

MOTION: by Trustee Pratscher to approve the Ordinance Granting a Zoning Variance for 20959 Ela Road. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0).

Motion carried 5/0

11) VEHE FARM FOUNDATION REPORT

Pat Winkelman addressed the Board regarding Vehe Foundation's monthly activities; a written report was also submitted regarding additional information and accounting.

President Kellermann requested that the Foundation provide an annual report of their income and itemized expenses for the 2008 calendar with regard to Village sourced monies within two weeks.

12) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS – no report

13) ZONING BOARD OF APPEALS (ZBA) RECOMMENDATION AND ORDINANCE REGARDING VARIANCE AT 20959 ELA ROAD – addressed earlier in the agenda

14) REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR, CLERK, AND TREASURER

A. President Kellermann:

i) General Information

President Kellermann reviewed the fourteen items on his First 100 Days agenda.

ii) Appointments to Board Committees

President Kellermann made appointments to the Board Committees as follows:

Finance - Olson

Roads and Public Utilities - Sands

Health and Sanitation - Pratscher

Planning and Zoning - Trost

Parks and Recreation - Vacant

Public Safety - Kizior

iii) Request from Flint Creek Watershed Partnership for an annual donation of \$2,500.00

MOTION: by Trustee Pratscher to approve the Flint Creek Watershed Partnership's request for an annual donation of \$2,500.00. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0).

Motion carried 5/0

B. Trustee Kizior

C. Trustee Olson

D. Trustee Pratscher

E. Trustee Sands

F. Trustee Trost

G. Trustee (vacant)

H. Administrator Connors:

- i) Request from Extenet regarding telecommunication permits

MOTION: by Trustee Pratscher to authorize the Village Attorney along with the Village Administrator to draft the amendment to the Permit to Construct Telecommunications Facilities In Lieu of a Telecommunications Franchise for the purpose of expanding the Distributed Antenna System as proposed contingent upon Extenet reimbursing the legal and administrative expenses incurred by the Village in the process of drafting the amendment. Upon voice vote:
YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

- ii) Report from Barrington Youth and Family Services (BYFS) on Deer Park residents' usage
Administrator Connors reported that BYFS served 74 residents last year.

- iii) Performance Bond for Foxridge subdivision
Administrator Connors reported the following two requests made by Carlyle Companies (the original developer for the Foxridge Subdivision):

1. The developer would like the Board to accept a performance bond and return the \$15,000 drawn from his letter of credit which expired April 1, 2009. Administrator Connors did not recommend accepting the bond because the bank that took ownership of the property informed him they have no intention of providing the public improvement (final road surface) the letter of credit was meant to guarantee. Administrator Connors advised the Board they should direct Engineer Gordon to solicit proposals for that road work.

2. The developer also asked the Board to return the \$15,895 being held in escrow for the construction of a sidewalk to be built only if CUSD 95 builds the portion that would connect to Isaac Fox School. Administrator Connors expects to have a response from the school district regarding their interest in funding this project by the June Board meeting.

- iv) Notice from Ela Township regarding their rate increase for miscellaneous public work services
Administrator Connors reported that Ela Township gave him notice of a rate increase for the services they provide as a part of the Intergovernmental Agreement for Maintenance and Repair of Roads, Rights-of Way, and Culverts will go into effective July 6, 2009.

Administrator Connors reported that Lake County will be removing dead trees within their right-of-way along the Vehe property and Cuba Road this week and has offered the Village the woodchips.

I. Treasurer Stade - Report on status of FY 2008-2009 Audit

Treasurer Stade provided the Board with Sikich's schedule for the 2008-2009 financial audit.

J. Clerk Meyle

15) APPROVAL OF INVESTMENT HELD REPORT – APRIL 2009

MOTION: by Trustee Olson to approve the Investments Held Report dated April 30, 2009 in the amount of \$1,865,487.77. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

16) CASH DISBURSEMENTS

MOTION: by Trustee Olson to approve accounts payable dated May 18, 2009 as amended to postpone the payment to Barnes and Thornburg in the amount of \$15,000 for one month. The amended accounts payable total \$335,613.40 (expenditures in the amount of \$316,470.05, plus payroll in the amount of \$19,143.35). Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

17) KILDEER POLICE REPORTS – APRIL 2009 – addressed earlier in the agenda

Materials were provided in the agenda packet regarding STEP locations, citations by location, comparison of arrests, comparison of activity, and summary of criminal offenses.

18) NEW BUSINESS

As discussed earlier in the agenda, Kathy Gabel, Sharon Martinez, Kerry Rosene, and Dicie Hansen of Smart Farm of Barrington addressed the Board regarding their pending agreement with the Village to use a portion of the Vehe Farm property for a community teaching garden; the three areas of concern were workers compensation insurance, environmental insurance and automobile liability insurance.

Attorney Diamond confirmed that workers compensation insurance should not be required if Smart Farm does not have employees. Smart Farm representatives confirmed they are able to meet the \$2-million auto insurance requirement, but they cannot afford the \$3,000 environmental insurance. Smart Farm confirmed that the harshest chemical they will be using is Round-Up which will be used only during the initial preparation of the ground for planting; they will be using organic gardening methods from then on.

Attorney Diamond reminded the Board that since this item is not on the agenda; the Board can discuss it, but cannot take action on it. Attorney Diamond recommended that the Smart Farm agreement be amended removing the environmental insurance requirement contingent on Smart Farm providing a list of the chemicals they will be using on the property so the Board can consider it for approval next month.

19) CLOSED SESSION TO DISCUSS PENDING LITIGATION AND CLOSED SESSION MINUTES FOR JULY 16, 2007, AUGUST 20, 2007, SEPTEMBER 17, 2007, AUGUST 18, 2008, DECEMBER 15, 2008, and JANUARY 19, 2009

MOTION: by Trustee Pratscher to close the regular meeting for the purpose of going into an Executive Session to discuss pending litigation and Executive Session minutes dated July 16, 2007, August 20, 2007, September 17, 2007, August 18, 2008, December 15, 2008, and January 19, 2009. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Sands, and Olson / NO: (0) / ABSENT: (0). Motion carried 5/0

MOTION: by Trustee Olson to re-open the regular meeting. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

Attorney Diamond confirmed that the Board discussed their agreement with Richard Boykin during the Executive Session along with the other items on the agenda.

20) ADJOURNMENT

MOTION: by Trustee Sands to adjourn. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (0). Motion carried 5/0

The Regular Board of Trustees Meeting was adjourned at 12:45pm.

Robert Kellermann, Village President

Susan Meyle, Village Clerk