

MINUTES OF THE MEETING OF  
THE VILLAGE OF PORT BARRINGTON BOARD OF TRUSTEES  
LAKE AND MCHENRY COUNTIES, ILLINOIS  
May 20, 2020

President Yeaton called to order the regularly scheduled Meeting of the Board of Trustees at 7:02pm. The following Trustees attended the meeting remotely: Thomasson, Grothendick, Herstedt, Cillo, Vogeler and Corrigan. Jim Batmen, Village Attorney, was also present remotely.

President Yeaton asked the Board to set the agenda affirming no conflicts of interest and Trustee Grothendick motioned to set the agenda. Trustee Cillo seconded and the motion was approved unanimously.

Trustee Grothendick motioned to approve the consent agenda excluding the February 19, 2020 Board Meeting and also the May 6, 2020 Special Board Meeting, but include the February Budget meetings dated 02/19/20, 02/24/20 and 02/26/20, the Executive Session minutes of May 6, 2020 and the Treasurers Report from April 2020. Trustee Vogeler seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. The motion was approved.

Trustee Grothendick stated there was an error on page 5 in the minutes from February 19, 2020 Board Meeting minutes where the vote precedes the motion.

With that correction in place Trustee Vogeler motioned to approve those minutes. Trustee Cillo seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 absent. Motion approved.

Trustee Grothendick stated there was an error in the minutes of the May 6 Special Board Meeting under Health and Safety. The amount accumulated towards the FEMA grant should read \$2,700.00 instead of \$4,700.00. With that correction included Trustee Grothendick motioned to approve those minutes. Trustee Cillo seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 absent. Motion approved.

President Yeaton asked the Board to move on Bills Payable through May 20, 2020. Trustee Cillo requested a change on page 10 regarding check #14700 for Tallgrass. A check for \$125.00 must be voided as it was billed in error. With that change included Trustee Cillo motioned to approve the bills payable and it was seconded by Trustee Vogeler. The Bills Payable were approved by roll call vote. Upon roll call, the vote was: 6 Ayes with, 0 Nays: 0 Abstain, 0 Absent. Motion approved.

#### STREETS AND ROADS

Trustee Thomasson stated that the parking lot paving project is on the schedule for Nunda Township. They are working ½ crews so it is taking longer than usual.

Rusty has about 60' of culvert to repair.

The speed sign was moved to Center Street after the curve. It will be moved again in future. Donna Erfort stated that the Village got a check for Streets & Roads from Rebuild Illinois grant fund for \$16,662.00 as installment #1, leading us to believe there may be more coming.

President Yeaton stated that, according to Manhard Engineering, based on the Village bond rating the Village should get \$20,000.00 per year for the next 5 years in addition to MFT funds we usually get. It must be spent during those 5 years.

## HEALTH AND SAFETY

Trustee Grothendick stated that water levels and weed growth mean the Village may need to alter the current schedule for weed cutting. The next date scheduled is June 6<sup>th</sup> & 7<sup>th</sup>. The schedule may change to the 20<sup>th</sup> & 21<sup>st</sup>. Jody Thelin agreed.

Trustee Grothendick stated that the Village must show an additional \$500.00 in Covid related expenses to qualify for a grant.

The Village clean-up was a success. 165 cubic yards of bulk waste was collected and a lot of electronic recycling.

Trustee Grothendick renegotiated the Prairieland contact for waste disposal. The annual rate of increase would now be 3.5% instead of 4%. The Village is now one of only 4 communities in the State with year round waste disposal included. Trustee Grothendick motioned to approve the contract. Trustee Vogeler seconded. Roll call was take; 5 Ayes, 0 Nays, Trustee Herstedt abstained. Motion approved. Jim Bateman will make the change to 3.5% and send the contract to Prairieland.

President Yeaton stated there were 100,418 Illinois cases of Covid-19 with 4,525 deaths to date.

The entire region is to move to phase 3 on May 29, 2020. Many Mayors have complained that Cook County is part of the metric. Lake County has a 25.6% infection rate, which is higher than Cook County. If the Executive Order is not followed, insurance companies will not cover the municipalities and they could lose out on funding. A letter will be sent to the Governor's office from Lake County Mayors. There has been discussion of allowing McHenry County restaurants to serve in open spaces. There was new information today from the Governor's office allowing for outdoor seating.

## POLICE

Trustee Herstedt stated that 4 warnings were written for tall grass and weeds. Wauconda is still on a reduced hourly schedule. The schedule is set for June for both counties.

May Adjudication was cancelled. Trustee Herstedt wanted to clarify that 24/7 police coverage is available to the Village through 911.

Trustee Vogeler asked Trustee Herstedt if there is a minimum required number of shifts. Trustee Herstedt responded that Lake is contractual and McHenry is not. Trustee Vogeler stated that the Lake County contract stipulates 50 hours a month, but the Village would be billed for the actual hours worked. The McHenry County contract is expired. Trustee Herstedt stated that the McHenry County Board was not holding meetings due to Covid-19. There is a new contract

pending and Jim Bateman will review. Trustee Vogeler asked about the hourly rates. Trustee Herstedt responded that the hourly rate remains the same but could change with 60-day notice and the annual fee covers fuel and wear and tear on their vehicles. Administrative costs are \$5,000.00/year. Jim Bateman stated that Lake County has a minimum per month of \$3,043.00. Trustee Herstedt stated that Lake County increased their hourly rate to \$70.00/hour and is effective now. Trustee Vogeler stated that no minimum is stated for Lake County in the agreement. The only minimums stated is for a 2-hour shift or more. President Yeaton stated that she disagrees. Trustee Herstedt also disagreed.

## PARKS AND BEACHES

Trustee Cillo stated that Tall Grass seeding has been pushed back 10 days.

## BEE CITY/ POLLINATORS

There is no update on the grant. Pollinator's week is June 22-28 and they are asking for promotion. A proclamation was sent to the Trustees.

## FORESTRY

There was no new information on this subject.

## FINANCE

The Village scholarship was extended until June 30, 2020. There is 1 applicant, so far.

Trustee Corrigan stated that the Village has received 125 payments of the vehicle tax through e-pay totaling \$5,230.00. Past due amounts were paid by 27 residents. The Village received 150 payments at the Village Hall.

## BUILDING AND ZONING

Trustee Vogeler stated that the CRS rating of 7 earns the Village residents a 15% discount on flood insurance when renewed after 10/01/2020.

There is a 45-day extension for building permits that were issued and stalled due to the stay at home orders.

Trustee Vogeler stated that 3 proposals were received regarding demolition of 215 Eastwood. Modern Concrete was the most comprehensive at \$10,380. Grantham quoted \$10,000.00. Vince Serio quoted \$8,730.00 but didn't include the prevailing wage. Trustee Vogeler stated he spoke to Modern Concrete and they offered to lower their bid to \$10,000.00. The Village budgeted for \$12,000.00. The only additional expense is to cap the well. Trustee Vogeler motioned to award the work to Modern Concrete. Trustee Cillo seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. Motion approved. Trustee Vogeler asked about asbestos. Frank DeSort determined that was not a concern at this property.

A proposal letter from Bret Sherman was received 05/14/2020. He sent plans for a 2-phase project for a storage facility. The correspondence stated that, if not approved, he would use that property as collateral to build elsewhere and not be able to develop that land. The sketch received proposed 2 buildings at 30,000 sf and 200,050 sf. There would be one gated entrance and exit off of Rawson Bridge Road. It would be 60 – 69 feet away from the houses and have 41 parking spaces. President Yeaton asked to poll the Board. Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voted no as it is not a permitted use. President Yeaton stated that Mr. Sherman was advised he could send ideas to Trustee Vogeler and herself. Trustee Vogeler stated his opinion that a response should be sent to Mr. Sherman. President Yeaton will send correspondence to Jim Bateman for review and will then be sent to Mr. Sherman.

President Yeaton stated that Frank DeSort received paperwork from Chris Gheyson at Manhard Engineering about a permit for work in Riverwalk.

#### VILLAGE ATTORNEY

Jim Bateman stated that a memorandum for the process to over-ride the Village President's veto was sent to all Trustees.

A memo was sent regarding sidewalks and potential liability. Frank DeSort thought there was additional potential liability regarding ADA. A draft ordinance was distributed regarding mandatory snow removal from sidewalks. The Board was asked to review at Committee.

Trustee Vogeler asked if an email constitutes a written objection to a veto. Jim Bateman responded that yes it would.

President Yeaton stated there are protocols for contacting the Village Attorney requiring the Village President's approval prior, in order to not duplicate questions and use more attorney time. She stated she has never denied contact.

#### VILLAGE ENGINEER

President Yeaton stated she had been in contact with Village Engineers regarding grants. They are currently work from home.

#### TREASURER/ADMINISTRATION

Donna Erfort stated that masks and hand sanitizer were sent from McHenry County.

Larvicide was received from Lake County. Usually it is obtained from McHenry County and the Village may get that too. Donna reminded all that making sure there is no standing water on properties goes a long way to reduce the number of mosquitoes.

#### PUBLIC WORKS

President Yeaton stated there was a sand pile and bags available for residents who may need to sandbag.

PBWWC

Jody Thelin stated that the river should crest tomorrow.

#### VILLAGE PRESIDENT

President Yeaton stated that the Rebuild Illinois Grants offer a minimum of \$500,000.00 to a maximum of \$5 million with no matching fund requirement. A webinar tells what you can and cannot use the money for. Each project must total at least \$500,000.00. The only way to combine projects is if they are substantially similar. There was a mandatory webinar to attend.

The estimate for the bridge repair was quoted at \$560,000.00 to fix support beams.

The municipal garage estimate was \$343,434.00.

Road work within Fox River Valley Gardens and Deer Grove cost estimates were \$905,813.90.

Permeable pavers for Beach Park and boat launch were estimated at \$140,000.00.

The estimate to remove invasive trees and replant with native plants and stewardship on the island was quoted at \$758,425.00.

The non-motorized watercraft pier is estimated at the island at \$9,660.00.

Some of these projects could be linked under water mitigation to meet the \$500,000.00 minimum application.

President Yeaton got a quote for grant writing at \$15,500.00 to write a grant application for all categories. The cost estimate for just the bridge was \$4,000.00 for grant writing. Trustee Cillo asked how much time was available to spend the money. President Yeaton responded that construction must commence within 90 days. Trustee Corrigan asked how long it would take to create the grant applications for all of the work, since the grants are first come, first served. President Yeaton responded that they are aware of the June 15<sup>th</sup> deadline. She also stated that the amount in reserves factors into consideration for the grants so if the budget is requested separately the thought could be that the Village doesn't need or deserve grant money. President Yeaton stated that the budget must reflect every project to then qualify for grants. Special projects on the budget should show projects that the Village cannot pay for from the general fund. The Village Clerk asked Jim Bateman how to show the appropriated funds on the Tax Levy, since you cannot levy for more than 1.0499% over last year. The response is that it would not show on the Tax Levy. The property tax limitation act limits the increase to less than 5% on the Tax Levy, but not the Appropriation Ordinance. He stated that the Appropriation Ordinance should show anticipated grants and all that you might legally spend.

President Yeaton stated she had a telephone conference with Lauren Underwood and if the Heroe's Grant passed with municipal funding intact Port Barrington would get \$700,000.00 within 30 days. It is supposed to cover Covid-19 related losses. President Yeaton stated that the Village must consider policy ways to sue the money. A scholarship could be created for businesses to help them recover. Regarding the grant writing proposal the Village must show funding and have a meeting with a public notice to meet requirements of the grant. The Board

was polled to whether to focus on a specific project or all projects. Trustee Vogeler stated he thinks we are behind other Villages and aren't likely to get any money. Also, the bridge inspection company overstated the cost of their proposal to repair the bridge. He believes the Village must focus on the garage and roads. Trustee Herstedt disagreed, since there is a scoring system and if the budget reflected necessary expenses it would qualify. President Yeaton stated that the bridge report has phrases like "complete structural failure within 10 years" and believes that it is very possible the Village would qualify based on points. Trustee Corrigan suggested combining roads and bridge repair to apply for a grant. MFT funds are not sufficient to keep up with the needed repairs. Trustee Vogeler stated he believes it is too late to qualify and the Board should slow down and interview grant writers and be ready for the next round of grant opportunities. Trustee Cillo asked if the 80 points would be achievable on projects prior to paying for grant writing. Trustee Corrigan asked how points are scored and does the Village have to provide information about contractors to fulfill requirements for woman or minority owned businesses to earn points. Trustee Thomasson looked up the point categories and things the money would go to are bigger projects than the Village has planned so the grant writing would be a waste of money. The points offered are 25 for capacity to complete the project and 30 points for community need. Job creation and project quality goes to minority inclusion. Trustee Corrigan agreed it would be hard to get to 80 points. Trustee Thomasson, Cillo, Corrigan and Vogeler voted to not pursue. Trustees Grothendick and Herstedt voted to pursue. Trustee Corrigan stated that the Village should get ready for the next round of grants. Trustee Vogeler agreed. President Yeaton will contact the grant writers to interview. Work will be put in folders for future grant opportunities.

President Yeaton stated she sent emails asking for further budget discussions. The only Trustee that responded was Trustee Herstedt. Because no questions were answered she is vetoing the current budget. A letter was mailed to the Village Hall and copies were mailed via USPS on Monday to all trustees and the Village Clerk. Signed, stamped and dated. The content of that correspondence is included here, as requested:

May 13, 2020

Re:

Expenditure of Village Funds

Subject:

Budget FY21

Village Board Members,

Pursuant to 65ILCS 5/3. 1-40-45 I, as Village President, am vetoing the budget passed by the Village Board on May 6, 2020. These are unprecedented times, and the information coming from the State and Federal Government are changing rapidly. It is my belief that further budget discussions are warranted to better serve the residents of Port Barrington. It is my hope that we can all work together to come to a different result. I am requesting an in-person meeting take place with all the trustees, the Village Administrator, and myself before our next meeting for the purposes of revising the FY21 Budget. I am vetoing the FY21 budget for the following reasons:

1.

The budget was presented for review and passage less than one hour prior to the scheduled Board meeting containing significant changes, not allowing Board members adequate time to review the budget in its entirety.

2.

The FY21 Budget cuts funding to individual committees even though the projected loss of

income does not justify such cuts.

3.

Despite clear instructions to the contrary given at the Committee of the Whole Meeting of March 4, 2020 the budget presented on May 6, 2020 at 6pm clearly indicated that additional budget meetings took place. These meetings were held without my knowledge or presence, and without notice to the public.

4.

The cuts to essential services are too substantial and lack reason (Streets & Roads, Health & Safety, and Police).

5.

The municipality has nearly one million dollars in reserves, which creates ample cushion for any short fall of income due to Covid-19 income loss.

6.

The Village Board raised taxes on the residents of Port Barrington by the maximum amount allowable by law, but the FY21 Budget cuts essential services and Parks whilst continuing to take the tax payer money and without any intention of lowering the taxpayer burden.

7.

There are severe mistakes and omissions within the current version of the FY21 Budget.

8.

When presented with an opportunity to discuss the FY21 Budget in further detail with myself and the Village Administrator, five of the six trustees either refused to meet or were unavailable in the five full days offered to them.

Regards,

Shannon Yeaton, Village President

cc: Village Board, Village Clerk

President Yeaton requested a meeting with each Trustee to review budgets prior to the next meeting. She stated that she is vetoing the budget because the Village has nearly \$1million in reserves and believes the budget is not funding essential services for tax payers. She stated Police service cannot be cut and does not think there should be cuts to Streets & Roads or Health & Safety. Trustee Vogeler stated the budget meeting sheet was passed around in February and that President Yeaton had an opportunity to attend every meeting. April 1<sup>st</sup> at the Committee meeting Trustee Corrigan discussed budget items and talked about decreased revenue, so Committees were expected to decrease spending. Trustee Vogeler stated that prior to the April 15<sup>th</sup> meeting a call was received from the Village President to encourage reduced spending in all categories. Trustee Vogeler stated that at the April 15<sup>th</sup> meeting President Yeaton stated that a 2.7 billion dollar deficit is coming to Illinois. All non-essential purchases were reviewed by request and the statement was made that “the Board must consider shortfalls in income”, followed up the next day with an email thanking Trustees for minimizing spending wherever possible. The Board did what was asked. President Yeaton asked that all non-essential services be considered. Trustee Vogeler stated he was confused because the Village President asked the Board to consider and cut spending and each did that. The Board passed a healthy, lean and sustainable budget and asked what the motivation was to change it. President Yeaton stated she was not invited to the budget meetings. President Yeaton responded that the email from the 16<sup>th</sup> also stated that money could be taken out of the general fund if needed for essential items and offered an option to send additional needs for consideration. President Yeaton stated she was not included in the budget meetings. She stated that May 6<sup>th</sup>, less than a ½ hour before the meeting, the entire budget changed with no consultation and no contact with herself. The Police budget was reduced from \$92,000.00 down to \$75,000.00. There were more cuts to Parks, Streets & Roads and Health &

Safety also. She reiterated there is nearly a million dollars in the bank that would make up for any shortfall. Trustee Vogeler stated that last year the Police budgeted \$102,000.00 but spent \$73,000.00. President Yeaton stated that the budget from April was a work in progress and had the Police budget at \$92,200.00. She stated that all the numbers changed from then to May 6<sup>th</sup>. President Yeaton stated that the tax payers deserve to have services their tax dollars pay for. There was no funding for Bee City or the parking lot repair or the Com Ed grant match in the budget that was passed. There is no income line item for MFT funding on the budget that was passed. President Yeaton stated that she is requesting a meeting where the Board has a budget workshop together. Trustee Vogeler stated that the current budget has a shortfall of \$46,000.00 and that the Police budget was not submitted until May 6<sup>th</sup> just prior to the meeting. Based on last year's spending the budget does not cut the Police budget, since the expense was \$73,000.00. Trustee Cillo stated that her budget changed because President Yeaton changed it, saying that items were not needed. President Yeaton stated that her comments were relative to last year's expenditures at the end of the fiscal year. Trustee Cillo stated that it was not clear that the gazebo, that was already approved, could be added back into the new budget. President Yeaton stated that no conversation occurred. Trustee Cillo believed her directive was to remove any non-essential items from the budget. President Yeaton stated that the Board must look at the numbers again collectively.

President Yeaton stated she has decided to move people to different Committees. She stated she wants to have quarterly budget meetings to see how each Committee is on track in spending. New assignments will be made at the June Committee meeting.

OLD/NEW

A Riverwalk resident asked via email if they could have a food truck come into the Village.

Trustee Vogeler asked how the bills get paid since the budget has been vetoed. President Yeaton responded that it's an administrative document and a picture of income and expense. It's not the Appropriation Ordinance.

The meeting was open to the floor at 10:20 pm.

Jack Motley commented regarding increased police protection. He believes that 24/7 coverage is not necessary.

Trustee Vogeler motioned to adjourn. Trustee Cillo seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. Motion approved. The meeting was adjourned at 10:27 pm.

Respectfully Submitted,

---

Nancy Bachal, Village Clerk

AYES   6  

NAYS   0  

ABSENT   0  

ABSTAIN   0  

APPROVED           June 17, 2020