

**MINUTES OF THE MEETING OF
THE VILLAGE OF PORT BARRINGTON BOARD OF TRUSTEES
LAKE AND MCHENRY COUNTIES, ILLINOIS**
June 17, 2020

President Yeaton called to order the regularly scheduled Meeting of the Board of Trustees at 7:00pm. 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 Vogeler motioned to approve the consent agenda including the Regular Board Meeting minutes from May 20, 2020 and the Treasurers Report from May 2020. Trustee Corrigan seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. The motion was approved.

President Yeaton asked the Board to move on Bills Payable through June 17, 2020. Trustee Corrigan motioned to approve the bills payable and it was seconded by Trustee Cillo. The Bills Payable were approved by roll call vote. Upon roll call, the vote was: 5 Ayes with, 0 Nays: Trustee Herstedt abstained, 0 Absent. Motion approved.

STREETS AND ROADS

Trustee Thomasson stated that the paving project for the parking lot would start soon.

A quote was received for 2 culvert repairs in the amount of \$5,840.00. President Yeaton asked if the original estimate of \$11,400.00 included culverts and were these 2 additional culverts. Donna Erfort clarified that the quote for \$5840.00 was for 3 additional culvert repairs.

Trustee Thomasson motioned to approve and accept the quote from Canyon Constructions. Trustee Vogeler seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. Motion approved.

HEALTH AND SAFETY

Trustee Grothendick stated that weed cutting in the channel was moved to this weekend.

Trustees sent information on COVID expenses and the Village is now over the threshold of \$3,300.00. Trustee Grothendick can now upload the information to FEMA.

The Village may receive a reimbursement from Lake County, also.

President Yeaton stated that if the Village collects from the Cares Act you cannot collect from FEMA also. Jim Bateman recommended accepting the first check received.

POLICE

Trustee Herstedt stated that the McHenry County schedule is set for July.

The Census is 2-3 months behind. All Village paperwork is up to date.

Trustee Herstedt stated that the last boundary map was from 2018 so he asked Manhard Engineering to update it to go with the 2020 Census. Donna Erfort stated that the current map is correct, since nothing was annexed since 2018. Property was acquired but not annexed. The island was always on the map. The Huddleston lots are also on the map. Trustee Herstedt stated he does not have a quote yet, but could still update the map with no changes.

Donna stated she received a call from McHenry County Sheriff's department asking for street names. They are organizing for overnight parking and vacation watches.

Trustee Vogeler asked if the contract with McHenry County Sheriff has gone to the Village Attorney for review. Jim Bateman did not receive. Trustee Herstedt stated there was no change to the contract.

President Yeaton stated that Administrative Adjudication was cancelled for June.

PARKS AND BEACHES

Trustee Cillo thanked Donna Erfort for design at Friendship Park and Nichols Parks and Ron and Judy Thelin for watering new plantings. The Tallgrass stabilization planting is complete. Regular maintenance will be performed monthly.

Fox Trail Park maintenance is required. The sign is covered by a large bush and other maintenance is needed there.

President Yeaton stated she is not sure which parks can open because of the need to sanitize. There is no port-o-potty at Fox Trail Park. LYAA usually pays for it. The Village could put that expense toward grant applications. President Yeaton asked which parks does Trustee Cillo want to open. Hermann and Nichols park are used most often right now.

President Yeaton stated that Phase 4 would allow the Village to rent out the Community Room and pavilion, but a cleaning fee would apply due to the need to sanitize. HOA's have meetings there. Private parties would be charged but not the HOA or non-profit groups meetings.

Trustee Cillo stated that Hermann and Nichol's parks would open June 26th unless the Executive Orders change.

BEE CITY

Donna Erfort stated that the Com Ed grant is usually awarded in late June, but could be pushed back.

FORESTRY

Donna stated that trees were received from the nursery.

FINANCE

No new scholarship applications were received.

The Fiscal 2020-2021 budget was before the Board. A spreadsheet showing changes including grants, Bee City, Com Ed matching grant and parking lot repairs that needed to be included.

Trustee Corrigan motioned to pass the Budget for 2020-2021. Trustee Cillo seconded. President Yeaton stated that she still has issues with the amounts. President Yeaton recapped the increased amounts she was looking for in revised budgets. Trustee Vogeler stated the budget is adding almost \$75,000 to the deficit. She responded that the budgets for the past 3 years included money reserves that were not used. She believes that during a pandemic the Village must fund the government. Trustee Vogeler responded that there is no guarantee that any money would be received from the State. Trustee Corrigan stated that the fear of making less income creates a challenge due to the pandemic. Trustees Grothendick and Cillo stated they were comfortable with the proposed budget. Jim Bateman stated that if the budget for tonight is different from the budget passed by the Board and vetoed by the Village President the Board could over-ride the veto or consider a different budget. However, a new budget is subject to a new veto process. Trustee Vogeler stated that he polled the Board and received consensus from all Board members except Trustee Herstedt, whose response was not received, and had 8 points in response to the 8 points made by President Yeaton when she vetoed the approved budget. He read aloud as follows:

Village Board's response to President Yeaton's veto of the budget dated 5/13/2020. But only 1st received as an email to all trustees on May 20th at 6:03 pm

6/17/2020

- 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

Board response: Typically Trustee Corrigan has a budget spreadsheet on our desks for review the night of the meeting. Not the 1 hour advanced notice we received on 2 prior meeting nights 4/15/2020 & 5/6/2020. This procedure has never been questioned before. The budget was reviewed line by line in its entirety at the 5/6/2020 meeting.

- 2) The FY21 Budget cuts funding to individual committees even though the projected loss of income does not justify such cuts.

Board response: Even with cuts to individual committees, but not including the typographical error, the passed budget of May 6th still had deficit spending of \$34,981.00

- 3) Despite clear instructions to the contrary given at the Committee of the Whole Meeting of March 4th, 2020 the budget presented on May 6th, 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.

Board response: NO additional budget meetings took place! All budget discussions after March 4th were done at our regular public meetings.

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

Board response: Cuts to the budget were dictated by the Village President in emails, phone calls and at public meetings; individually to Trustee's and to the Board as a whole. These were agreed to by all board members, except Trustee Herstedt, as prudent and fiscally responsible decisions to the health of the Village budget. Careful consideration was given to need versus want and also based off prior years actual expenditures.

- 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.

Board response: As of the date of your veto 5/13/2020 the Village's reserves were in fact \$927,450.00 (\$72,550.00 short of a million dollars) however on the 18th of May, due to a funds transfer authorized by President Yeaton, reserves were down to \$827,450.00.

- 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.

Board response: Each and every year the Village of Port Barrington requests a 4.99% increase; however this hasn't been awarded in 3 decades since the Village is a PTELL (Property Tax Extension Law Limit) controlled district. The rule for PTELL districts when it comes to tax levy and increases from year to year, is to use CPI (consumer price index or cost of living) or 4.99% whichever is lower. The CPI has been significantly lower over the past years. For 2019 the CPI was 1.9%. President Yeaton had not previously advocated for lowering the tax burden on the resident's during budget discussions. The fact is our current projected Village revenue's most likely will not cover our current projected expenditures.

- 7) There were several mistakes and omissions within the current version of the FY21 Budget

Board response: Correct, there was one typographical mistake which only ADDS to our budget short fall.

- 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 full five days offered to them.

Board response: FY21 Budget had been discussed at length at the 2 meetings prior to the May 6th meeting and again line by line the night of May 6th special meeting, when the Board members present, unanimously passed the FY21 Budget. All 5 Trustee's agreed to further discuss FY21 Budget at a public meeting, however not at 6 individual one on one meetings, as the Village President had requested.

This response is submitted by

Trustee Cillo

Trustee Corrigan

Trustee Grothendick

Trustee Thomasson

Trustee Vogeler

Please note: Trustee Herstedt, along with all Trustee's had been contacted by email for individual input in a response to the 8 veto points. Trustee Herstedt did not respond as of the writing of this document. 6/17/2020 11am.

Trustee Vogeler asked for roll call on the motion pending to pass the new budget that the Clerk created adding line items for special projects.

Jim Bateman reminded the Board of OMA rules. Trustee Vogeler assured him that all communication was in line with OMA rules. Trustee Herstedt asked if all communication on this matter could be made public. The clerk asked what forum would be used to present that information.

President Yeaton interjected that the Board must take responsibility for this budget.

Roll call was taken: Trustees Thomasson, Grothendick, Cillo, Corrigan and Vogeler voted aye.

Trustee Herstedt voted nay. Motion approved.

BUILDING AND ZONING

Trustee Vogeler had no new information from CRS.

Trustee Vogeler gave a timeline of the 215 Eastwood demo contract

04/15/20 Board Meeting the demo was discussed and had 3 bids. Jim Bateman asked if Serio's bid was including prevailing wage. His bid was dated 11/18/19. Trustee Vogeler needed to verify. It was also considered whether Rusty could perform demolition.

Met 04/16/20 with Frank DeSort – Frank said no to Rusty tearing down the house.

04/22/20 Frank communicated that the utilities were scheduled to be disconnected.

05/06/20 Frank dropped off the 3 bids.

Serio bid \$8,750.00 dated 11/18/19.

Grantham Excavation bid \$10,000.000 dated 03/16/20

Modern Concrete bid \$10,383.00 dated 04/23/20

Trustee Vogeler asked for a recommendation from Frank DeSort. He endorsed Modern Concrete as they had done other work in the Village and also included the most backfill in their proposal.

Vince Serio's bid did not include prevailing wage. Not much was known about Grantham.

05/06/20 Meeting - the Board agreed upon discussion under Old Business, but it was not on the agenda for approval. It was delayed until the following Board Meeting.

05/17/20 an email was received from Dawn Cillo about 121 Center Street with videos of water issues.

05/18/20 Trustee Vogeler met with Frank DeSort who would contact the homeowner. The homeowner was unwilling to do anything. Frank provided the name and phone number of Brett at Modern Concrete.

05/19/20 Brett offered to look at the situation. He called from the Dax residence with a one-time possible fix. It involved installing a drain tile the length of the driveway. Trustee Vogeler asked if Mr. Dax was paying him. He responded no. He runs into this issue often. Best way is to just handle it with no cost to either party, as a one-time fix ,and wasn't sure it would fix it completely Trustee Vogeler asked if there was approval from Mr. Dax. Brett did say he got verbal approval.

05/20/20 Called Modern Concrete to offer approval and confirmed no cost to either party. Brett did confirm that. On the 20th at the Board Meeting the contract from the original bid to demolish 215 Eastwood was approved.

Trustee Vogeler called to tell them about approval. After that a phone call was received saying that Mr. Dax was threatening to sue the Village. The contract would then be delayed until it could be discussed at a public meeting. President Yeaton asked when Trustee Vogeler first spoke to Modern Concrete. Trustee Vogeler responded that the contact information was provided to him on the 19th of May. Prior to that all contact was through Frank DeSort.

President Yeaton stated that the discrepancies in the bids were because there was not a bid package. Nothing went out as a standard form about the project details.

The Village received an email from Mr. Dax stating he had an issue with Dawn Cillo and wanted her precluded from the vote on the contract. President Yeaton asked Trustee Cillo whether she benefited from the contract with Modern Concrete. She responded no, that she did not receive any benefit from Modern Concrete. President Yeaton stated that next time a written bid or RFP would be necessary. President Yeaton asked Trustee Vogeler if there was discussion of the pending contract when talking to Brett about the other issue. He responded no.

Trustee Vogeler motioned to accept and approve the bid from Modern Concrete in the amount of \$10,000.00. Trustee Corrigan seconded. Trustees Thomasson, Grothendick, Cillo, Vogeler and

Corrigan voted Aye. Trustee Herstedt voted Nay. Motion approved. Trustee Vogeler will ask for a modified contract for the reduced amount of \$10,000.00.

VILLAGE ATTORNEY

Jim Bateman forwarded the code amendment for snow/ice removal and vegetation.

Trustee Vogeler asked a question about grass encroaching on sidewalks. He thinks the word grass should be specified instead of plants. Bateman will include and alter. Trustee Vogeler motioned, with that change included, to approve Ordinance 2020-06-01. Trustee Grothendick seconded. Roll call was taken. 6 Ayes, 0 Nays, 0 Absent. Motion approved.

ENGINEERING

President Yeaton stated that the Riverwalk HOA must pay for and pick up the permit to clean out the rills in phases 3 & 4.

The Village is waiting for a quote on an updated boundary map.

ADMINISTRATION

IML risk management renewal forms for coverage were received.

PLANNING COMMISSION

Donna Erfort stated she had a report from them. They discussed objectives for the Comprehensive Plan and updated flood plain maps.

President Yeaton stated that a resident asked about allowing golf carts and she would ask the Planning Committee to consider.

Jim Bateman sent provisions of the Illinois vehicle code and would send again.

PBWWC

Jody Thelin stated that residents on Eastwood requested no wake.

PBERT

Still seeking a chair person.

VILLAGE PRESIDENT

President Yeaton stated she has a list of State approved grant writers. There is only one in the Chicago area. Some are in the suburbs. A couple will be chosen to consider for when they are needed. Trustee Grothendick agreed with securing a grant writer before the need. He suggested that a down-state grant writer could identify with a small town.

The meeting was open to the floor at 9:17 pm.

No questions or comments were heard.

Trustee Cillo motioned to adjourn. Trustee Thomasson seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. Motion approved. The meeting was adjourned at 9:17 pm.

Respectfully Submitted,

Nancy Bachal, Village Clerk

AYES 6

NAYS 0

ABSENT 0

ABSTAIN 0

APPROVED July 15, 2020