

December 5th, 2017 Regular Board Meeting Minutes

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Gerry Daley at 7:40 p.m.

Village Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Gerry Daley, Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Village Attorney Jim Rock and Village Engineer Greg Gruen

Establishment of quorum:

Agenda Approval:

Trustee George Duberstein moved, seconded by Trustee Derenoski to approve the agenda. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. - 6 Motion carried.

There were no public comments.

Consent Agenda

1. Approval of the November 14th, 2017 Regular Board Meeting Minutes
2. Approval to Ratify the November 21st, 2017 Bills Payable for \$3,376.64
3. Approval of the December 5th, 2017 Bills Payable for \$254,485.58
4. Approval of Payne & Dolan, Inc. Invoice for \$126,487.23 for the 2017 Street Resurfacing Program

Trustee Derenoski moved, seconded by Trustee Chynoweth to approve the Consent Agenda. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. – 6 Motion carried.

Reports and Communications from Mayor and other Officers:

Mayor

Mayor Daley passed out an addendum to his Mayor's Report. It included a FOIA from David Criz to find documentation showing that the Village was responsible for the care and replacement of the easement trees in Cranberry Lake North. The report and addendum are attached to the minutes.

Clerk

Village Clerk Kathy Metzler reported that she has been working on the text amendment and special use permit and another special use permit coming up in January or February's Board Meeting. Kathy, along with the Mayor and Trustees George and Georgeann Duberstein, attended the church's open house. A CTY call went out to all the single-family homes that Advanced Disposal has extended yard waste pickup December 6th and 13th. Leaves must be bagged.

Finance and Treasurer

Trustee Derenoski met with Kelly on the budget. Most requests are in and Kelly is entering it into the system. They also discussed switching the Board pay to match the staff pay. It saves the

Village \$260 a year. He also suggested processing payroll on the 1st and 15th or 15th and 30th with the hopes that cutting an additional pay date would save money. Kelly will contact ADP.

Treasurer Kelly Hensley stated that due to the early meeting in December, the November Financials will be presented in January and there will be another Bills Payable that will be mailed out for consensus and ratified in January. She will sit with John on the first draft of the budget before the Christmas holiday. She is also working on sewer only billing that the Village of Round Lake Park bills for water. There have been issues each month with non-payment. Mayor Daley met with Round Lake Park Mayor Lucassen to streamline. It was thought best to move the sewer only billing to Round Lake Park. There will need to be an ordinance and Board approval. There will be 29 addresses affected. These residents are on Round Lake Park sewer and water. At the last billing, we collected \$60 a month. She would like to move forward with an ordinance in January.

Public Works and Public Works Supervisor

Trustee Kriese read Mike DePouw's report. They have been working on next year's budget. A lot needs to be done. RH Witt installed a new gas furnace for the chlorine room in well house 1. Patten came in to repair the Public Works generator. They are waiting for a quote from Waukegan Roofing to replace the roof at well house 1. All the Christmas lights went up at the Village Hall. Three trees were cut at Antler Park for better flow for the storm water. If Dave Schultz can access the inlets and outlets, he could do most of them in the Village and they can be taken off of Native Restoration's services.

Community Events

Trustee George Duberstein stated that someone dropped off a large box of shoes. He will go through them to pass on to SWALCO. The Village gets some money back.

The Civil War Event will be on the 8th and 9th of September. He has contacted most of the principals and half have responded. He will get this on various calendars and give a heads up to the media.

Mayor Daley stated that Shop with a Cop will be at the Grayslake Police Department.

Wetlands and Great Age Club

Trustee Georgeann Duberstein met with Dave Coulter and Ryan Stanley, with Native Restoration, to go over items for the budget and they would be sending an update. She will mention to them that they do not need to clear the inlets and outlets. Also, there will be more burns done.

Great Age Club is having their Holiday Party on the 15th.

She wanted to remind everyone that there is a website for help in finding a ride, list of social service agency and townships and villages that offer some kind of transportation mostly for seniors and the disabled, go to: lakecountyil.gov/transportation. One can also call Catholic Charities and PACE.

Ad Hoc Committees

a. Tree Replacement

Trustee Chynoweth reached out to some surrounding communities to see how they handle right of way and easement tree replacement. Eight of those communities got back to him and 5 have a cost sharing program and 3 do not. One of the 3 only replaces a tree if the resident pays for

the tree; they plant them but resident pays. He attached his report and emails he received. His recommendation is some type of sharing program. The Mayor would like to meet with Jack to talk about this and then put something in writing.

Trustee Kriese added that since there is little room between the sidewalk and the curb many trees are lifting the sidewalks. He thinks perhaps the Village is doing more harm than good by replacing the trees on the sidewalk side. Mayor Daley stated that in some instances they have told the resident that the tree would be planted in their front yard but if it died it would be their responsibility. The parkway contains sewer and power lines.

Mayor Daley asked Trustee Hein to contact him regarding doing some research.

Police Chief/Public Safety

Police Chief was not present.

Business

Mayor Daley moved #7 under Business to #1.

Consideration and Possible Action on An Ordinance Granting a Text Amendment and Special Use Permit at 103 E. Belvidere Road Pursuant to the Zoning Ordinance of the Village of Hainesville, Lake County, Illinois

Trustee Chynoweth moved, seconded by Trustee Kriese to approve the Consideration and Possible Action on an Ordinance Granting a Text Amendment and Special Use Permit at 103 E. Belvidere Road Pursuant to the Zoning Ordinance of the Village of Hainesville, Lake County, Illinois. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. -6 Motion carried. Ord. # 17-12-260

An Ordinance Adopting the Annual Tax Levy for Cranberry Lake Special Service Area Number One of the Village of Hainesville. After our discussion at the last Board meeting we decided to maintain the current level of \$21,000. This is the total; individual amounts are based upon individual home values.

Trustee Georgeann Duberstein moved, seconded by Trustee George Duberstein to approve an ordinance Adopting the Annual Tax Levy for Cranberry Lake Special Area Number One of the Village of Hainesville. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. -6 Motion carried. Ord. #17-12-261

Tax Levy Ordinance for the Tax Year 2017.

Kelly reviewed these figures at the last meeting. The percentage increase is below the amount that would require a public hearing.

Trustee George Duberstein moved, seconded by Trustee Kriese to approve the Tax Levy Ordinance for the Tax Year 2017. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. -6 Motion carried. Ord. #17-12-262

Approval of the Dunkin Donut Sales Contract for \$232,500.00. This contract is for the sale of the old Village Hall property. It also includes the agreement for the 50/50 split of cost for the title search and title insurance.

Trustee Kriese moved, seconded by Trustee Hein to approve the Dunkin Donut Sales Contract for \$232,500.00. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. - 6 Motion carried.

Approval of the Dunkin Donut Development Agreement. This agreement indicates that the Village will pay Dunkin Donut \$27,500.00 after they have been open for one year and an additional \$27,500.00 after they have been open for two years.

Trustee Derenoski moved, seconded by Trustee Georgeann Duberstein to approve the Dunkin Donut Development Agreement.

The \$27,500 was an incentive agreement that was worked out and was discussed at a prior Board Meeting.

Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. - 6 Motion carried.

A Resolution Authorizing a Waiver of Bidding for the 2018 Wetland Channelization Plan Agreement. A contract exceeding \$25,000 typically must go out for bid. However, there are exceptions. In this case, the services are so specialized that Robinson Engineering felt that there were no other qualified companies that would bid on our project.

Trustee Kriese moved, seconded by Trustee Derenoski to approve the Resolution Authorizing a Waiver of Bidding for the 2018 Wetland Channelization Plan Agreement. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth -6 Motion carried. Res. #R17-12-119

Approval of ILM 2018 Wetland Channelization Plan Agreement not to exceed \$60,100. This is the long talked about project to solve some of our flooding problems.

Trustee Chynoweth moved, seconded by Trustee Kriese to approve the ILM 2018 Wetland Channelization Plan Agreement not to exceed \$60,100.

Trustee Georgeann Duberstein would like to table this proposal because Dave Schultz might like to remove the muck and then the cost would decrease. The Mayor asked Mike to ask Dave if he would be using the muck but he had no answer. This current agreement has ILM taking the muck somewhere in the Village to dry and then hauling it away. Dave may be interested in taking some or all of it. If Dave is interested, the Village would be billed for the amount of tonnage that is hauled away by ILM. Greg stated that the proposal is itemized in two phases; first is the channelization where they will take it with their equipment and temporarily stockpile it to dry. It will dry for a week or two. If Dave is interested in taking it for less than \$30,000 then that amount will be taken out of the contract. The advantage of approving the agreement now is that it locks ILM in for the work. Village Attorney Jim Rock added that the agreement is listed as two separate items; channeling and hauling.

Trustee Chynoweth moved, seconded by Trustee Kriese to amend the motion to include that the Mayor will have discretion to award the hauling and dumping portion of the contract to another contractor if that option becomes available not to exceed \$60,100. Roll Call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth – 6 Motion carried.

Mayor Daley explained that Greg Gruen is analyzing the rest of the wetland problem. The new backhoe may help resolve some of the problem without going outside. On Deer Crossing, which has a retention pond, does not need storm water permits so Greg has given some ideas for channeling. They will have to review the rest of the flow but that is ongoing. Then it will need to be maintained.

Trustee George Duberstein moved, seconded by Trustee Hein to adjourn the December 5th, 2017 Regular Board Meeting. All in favor; motion carried.

The December 5th, 2017 Regular Board Meeting adjourned at 8:32 p.m.

Respectfully submitted,



Kathy Metzler, RMC, CMC
Village Clerk

Mayor's Report for 12/5/2017

1. Kathy and/or I have met with the owner of, and a real estate agent looking at the property on the east side of Hwy. 134 and north of Cranberry Lake Drive. As had a previous individual, they were looking for a truck parking lot and we discouraged the endeavor. I have steered another party in her direction.
2. After many ups and downs, if all goes well, you will be approving the Dunkin Donuts purchase of the old village hall property as well as a development agreement.
3. I am looking at the possibility of selling two village owned pieces of property (one north of the Village Hall and the other just east of the Public Works building). Nothing serious yet, just thinking.
4. I met with Greg Gruen today 11/30/17, and asked when the water tower was due for an interior inspection. He is checking on it. Most of you remember what happened that last time that the tower maintenance was not kept up to date.
5. I have submitted an offer to Mike Ellis of Grayslake regarding our contract with them, but dealing with our Glenview dispatch services. The percentages match those of the Police contract offer; freeze for 3 years and extend the contract for four more years. During the 4-year extension the increases would be 1%, 1.25%, 1.25% and 1.25%.
6. We will have another Planning and Zoning Commission meeting upcoming (possibly in January). An individual is looking to build a self-storage unit on Hwy 120 a bit east of the Groot building.

Mayor's Report for 12/05/2017 Addendum

This past summer the Village received a FOIA request from Dave Criz. I believe his goal was to find documentation that would show that the Village was responsible for the care and replacement of the easement trees in Cranberry Lake North. Dave and I met, looked over a variety of documents and then continued our research individually.

I spoke with Attorney Jim Rock and Engineer Greg Gruen. Greg reviewed the plats and Jim reviewed the development agreements and both were unable to find any documentation indicating that the village was responsible for the trees Mr. Criz referred to. I shared this information with Mr. Criz and indicated that based upon the past practice of the Village not caring for or replacing any trees located in any of the townhome subdivisions, that we would not begin that practice now. We exchanged additional emails with no change in his beliefs or my position.

On Sunday, 12/3/2017 I received another email from Mr. Criz in which he requested that I "re-examine my position" and that he "would like to see things codified by the full board in an open session" and that his "remarks (be) made a matter of public record."

In order to honor Mr. Criz' request, the packet you are receiving contains each of Mr. Criz' emails and my responses. I am providing a copy of this packet to the clerk so that it may be entered into the official meeting minutes and I wish to remind Mr. Criz that he is more than welcome to share his thoughts with us during the Citizen's Comments segment of any regular Board Meeting.

However, and I have shared this with Mr. Criz before, the Cranberry Lake Homeowners Association Board is the legal representatives for the townhomes and as of this time, have not contacted me or the Board concerning the trees. With that, unless the condo Board or a Village Board member brings to topic forward in the future, I consider the topic closed.

Mayor Gerry Daley

From:

Sent:

To:

Subject:

gerry.daley@sm>
Thursday, October 05, 2017 1:59 PM

Dear Mayor Daley,

I am writing to follow up on the two landscape issues I brought before the village earlier this summer with a FOIA request. The last I heard from anyone was that our village attorney was researching the matter but that there was no clear language in either the written documents or the recorded plats placing responsibility for the trees in the townhome complexes with the village. It was admitted that the trees were clearly on the public easement however. I am willing to bet that the language is not very clear in any of the documents for the deeding of the streets in any of the residential subdivisions either and especially since one builder was the developer yet the residential subdivisions have had a tree replacement program ongoing for a number of years already. I will make the necessary FOIA request if I have to in order to verify this! I recently also noticed that the dead or dying trees have been marked with a large white X and was wondering if this is a sign that the village has agreed to finally accept responsibility and take care of the replacement for all the village and not just single family homeowners!?

As to the second issue regarding median plantings I don't think it should be based on the whim and decision of one trustee and former mayor and is an abdication of village property maintenance and should be corrected. The cost of the few perennial plants necessary to bring it up to the same standard as the other medians is minimal and the planning can even be done by volunteers at no cost to the village! This is discrimination and unequal treatment of one group of residents in the village and unfair use of our tax dollars!!

I look forward to your reply!

Sincerely,

David

Hainesville, IL 60073-4724

10/6/17

Mr. Criz,

We have found no information or documentation to support the proposition that the Village is responsible for the care of the trees in Cranberry North. The fact that some of the trees are within the easement does not mean they are the Village's responsibility. An easement is a nonpossessory property interest that allows the holder of the easement to use property that he or she does not own or possess. The Village, as well as the various utility companies, may use the easement for the common good.

So lacking documentation to the contrary, the Village will continue to honor the longstanding past practice of Cranberry North, Holiday Lane, and Union Square caring for the trees within the developments.

Furthermore, you should communicate with your homeowners association because they, not the Village, have hired an outside contractor to remove the marked trees.

Concerning the median plantings. The Village placed plants in the Cranberry North median one time several years ago and as you know the plants were removed by the Association's landscaper. If your homeowners association wishes to have a different arrangement regarding care of the medians they should feel free to contact me.

Dave, as a resident of the Village you certainly have the right to share your thoughts on how you believe things should be handled. However, please remember that the Association Board members are the elected representatives of the Cranberry North neighborhood and, as such, should be the body dealing with your concerns over the care of the property.

Respectfully,

Mayor Gerry Daley
Village of Hainesville
mayordaley@hainesville.org
847-223-2032



From: David S. Criz
Sent: Thursday, October 05, 2017 1:59 PM
To: Mayor Gerry Daley <mayordaley@hainesville.org>
Subject: Parkway Trees & Entrance Median

Dear Mayor Daley,

Mayor Gerry Daley

From: David S. Criz
Sent: Wednesday, October 11, 2017 12:28 PM
To: Mayor Gerry Daley
Cc:
Subject: Re: Parkway Trees & Entrance Median

Mr. Daley,

I am not surprised that you have not found anything to support the village's responsibility for maintaining trees within the right of way for a public street (that I understand to have been deeded to the village and not granted as an easement). Maybe all the village streets are easements? I am also more than certain that you have no such documentation or responsibility for maintaining, removal and replacement of dead or diseased trees on any other village streets either (in front of detached residences on parkways). I am sure the language in those documents will be just as vague as it is in the townhome documents! This fact can be verified by examining the written and platted documents for all residential subdivisions through a FOIA request but I have been reluctant to put our overworked staff through this burden.

As far as our association hiring someone to do what essentially should be a village responsibility I am strongly urging them and the other associations to fight what I feel is inherently an attempt to evade the cost and treat different property owners within the village in a discriminatory manner! We (Cranberry North) to my understanding have not signed that contract yet. We will be hiring him I think to remove trees that are clearly on association property.

Regarding the median plantings I am well aware of the history and think it was handled improperly at the time but also feel that it will be very easy and not very costly to correct and clarify as to who is responsible for planting and ongoing maintenance. I think it is relevant to mention here that for sometime now the village has coveted and been pressuring our association to give the 3.67A that is in the NW corner next to Cranberry Lake SSA to the village for "restoration"! If the village can't even accept the responsibility and cost of stewardship on the property currently in it's possession how can we expect them to properly manage another large parcel that needs so much work!!

Lastly I don't appreciate the patronizing tone of your e-mail's first and last paragraphs in particular. I was in real estate sales for about 35 years and know what easements and community associations and their operations and responsibilities are! I served on a condo board as treasurer for 12 years. I also know my rights as a taxpayer and village resident! Maybe you need to be reminded that you represent ALL the village residents and not only certain ones. The reason I directed this matter to the village in the first place and not my association is that I don't feel this is about association property!

I look forward to a just and satisfactory resolution to this issue.

Respectfully,

David

From: Mayor Gerry Daley <mayordaley@hainesville.org>
To: David S. Criz
Cc:
Sent: Friday, October 6, 2017 8:50 PM
Subject: RE: Parkway Trees & Entrance Median

David S. Criz

Hainesville, IL 60073-4724

From: Mayor Gerry Daley <mayordaley@hainesville.org>
To: David S. Criz <dscriz@hainesville.org>
Sent: Wednesday, October 11, 2017 3:14 PM
Subject: RE: Parkway Trees & Entrance Median

The trees are in the easement but as noted in the previous email easement does not mean ownership.

Mayor Gerry Daley
Village of Hainesville
mayordaley@hainesville.org
847-223-2032



From: David S. Criz <dscriz@hainesville.org>
Sent: Wednesday, October 11, 2017 2:24 PM
To: Mayor Gerry Daley <mayordaley@hainesville.org>
Cc: kath@hainesville.org
Subject: Re: Parkway Trees & Entrance Median

One thing I forgot to mention in my earlier email is that on two previous occasions one of which was when I was at the village hall looking at the documents from my original FOIA request you personally concurred with me that the trees in question (along the streetscape) were in fact on the village right of way and NOT on association property ! Does that mean you have changed your position on that or that you just think that even though they are you still think the village is not required to do anything and if so for what reason ?

The request, is that you please share your findings with your townhome association and then they can decide how they would like to proceed on the matter.

Thank you,

Mayor Gerry Daley
Village of Hainesville
mayordaley@hainesville.org
847-223-2032



From: David S. Criz [redacted]
Sent: Sunday, December 03, 2017 4:01 PM
To: Mayor Gerry Daley <mayordaley@hainesville.org>
Subject: Re: Parkway Trees & Entrance Median

Dear Mayor Daley,

In light of your previous position regarding the removal & replacement of diseased trees some new information has come to light through my research of county documents. I discovered that all properties in Cranberry Lake and Cranberry Lake North Subdivision Phases 1,2, 3 & 4 whether part of the original townhomes or the single family homes or my townhome complex and all the respective streets were in fact created by the same document ! In each of the first three phases some townhomes and some detached homes were built as evidenced by their legal descriptions. Cranberry Lake North was the final phase and equal to the others in how it was created. Because all the streets were created by the same document there should be no difference in their legal status or how trees in their right of way (or what you are calling "easement") are treated with respect to removal and replacement whether on Holiday Lane or West Big Horn or Triumph Ct. vs Tall Oak or Centennial Dr. or Cranberry Lake Dr. ! To do so constitutes unequal and unfair treatment of one group of taxpayer/voters over another.

I recognize the fact that you are worried about costs here for the village but the actual replacement cost/per resident is lower in the more densely zoned townhome communities. Also in light of the more costly new landscape improvements planned for the area north of the village hall at the meadow area and around the pond I see that the village is not afraid to spend money for beautification when it deems it appropriate. I request that you re-examine your position on this issue which I don't see how you can justify in light of these new facts. I also would like to see things codified by the full board in an open session and my remarks made a matter of public record.

Thanks for your attention to this matter !!

Sincerely,

Mayor Gerry Daley

From: David S. Criz
Sent: Sunday, December 03, 2017 9:42 PM
To: Mayor Gerry Daley
Cc: Jim Rock; Dena Hein; George Duberstein; Georgeann Duberstein; Jack Chynoweth; John Derenoski; Walter Kriese; Kathy Metzler; Kelly Hensley; Roseann Stark
Subject: Re: Parkway Trees & Entrance Median

Gerry et al,

I fully understand the correction and in fact was actually in favor of the Hainesville Meadow improvement which would have greatly enhanced our village core. Maybe it will come to fruition one day !

As to your request I have already shared all this information with both my own as well as the original Cranberry Lake Townhome Association and others prior to my bringing it to your attention now. I (like you however) do not wait for or depend on others to take action when I can on my own. I know boards have procedures to follow and can be sometimes slow to act. I feel that the facts in this case stand on their own legally and logically and are valid no matter who brings the issue to the attention of our elected representatives ! I should be able to raise them on my own due to my standing as a resident, taxpayer and registered voter with my elected officials at any time. I hope you are not suggesting that I have no legal standing or need to *only* proceed through my association --- are you ?

I know every meeting has a preset agenda and I am aware that this coming Tuesday's meeting may not be the time to discuss this matter but I feel that it should be taken up and resolved before any further work is done in the future in other areas of the village.

Respectfully,

David

From: Mayor Gerry Daley <mavordaley@hainesville.org>
To: David S. Criz
Cc: "Jim Rock"; Dena Hein <trusteehein@hainesville.org>; George Duberstein <trusteegeorgeduberstein@hainesville.org>; Georgeann Duberstein <georgeann@hainesville.org>; Jack Chynoweth <trusteechynoweth@hainesville.org>; John Derenoski <johnderenoski@hainesville.org>; Walter Kriese <trusteekriese@hainesville.org>; Kathy Metzler <kathymetzler@hainesville.org>; Kelly Hensley <kellyhensley@hainesville.org>; Roseann Stark <roseannstark@hainesville.org>
Sent: Sunday, December 3, 2017 4:13 PM
Subject: RE: Parkway Trees & Entrance Median

Dave,

One correction and then a request. The correction is that I did, in fact, look into a major improvement of the property north of the Village Hall that is referred to as Hainesville Meadow. Georgeann and I took the concept to the Round Lake Area Park District to solicit financing. The Park District chose not to finance the project, so it has been shelved due to lack of funds.