

September 24th, 2013 Regular Board Meeting Minutes

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Linda Soto at 7:05 p.m.

Mayor Linda Soto led the pledge of allegiance to the flag.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Linda Soto, Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Also present were: Village Clerk Kathy Metzler and Public Works Superintendent Jeff Gately

Absent: Village Attorney Jim Rock, Village Engineer Greg Gruen, Treasurer Kelly Hensley

Establishment of quorum

Agenda Approval:

Trustee Kriese motioned to approve the agenda as presented; seconded by Trustee Derenoski.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

Public comments:

Ted Mueller, 318 Katherine Drive – Mr. Mueller commented about the snow shoveling ordinance on the agenda. He does approve of shoveling sidewalks and he does shovel his sidewalk. There are over 10 miles of sidewalks in Hainesville it will be difficult to enforce an ordinance to shovel sidewalks. There is an ordinance regarding garbage cans and it is not being enforced. He saw six garbage cans in front of garages. If the Village can't enforce a simple ordinance like garbage cans how can it enforce a snow shoveling ordinance. He questioned who will enforce it. The burden cannot be put on police. He would like the Board to give it serious consideration.

Cara Horn, 115 Heritage – Ms. Horn stated that she shovels her sidewalk but does not believe an ordinance should be passed to shovel the sidewalks. She asked why it came up again. Mayor Soto stated that it becomes an issue when there is a significant snowfall or the people that have chosen not to shovel may be close to a bus stop or walkers. Trustee Daley added that it was discussed last year but it was never wrapped up. The Mayor stated that there were phone calls at the Village Hall and emails from both sides requesting people to shovel sidewalks. Ms. Horn asked if a survey was done comparing how many residents complained to how many residents it would effect. She asked if it was 10 residents that called to complain or did a majority of people call in to voice their opinion. Is the Board doing this because only 10 people

complained or 10 people wanted it? She asked if there were hard numbers to back up the fact that this is an issue. Mayor Soto stated that there is no draft ordinance it is only discussion. She tried to put the issue out at the town hall meeting and also in the summer. Ms. Horn stated that the issue was discussed because something happened she wants to know the initial item that got this pushed into this direction. Trustee Kriese noted that it was a safety concern for the residents that made the Board decide to look into the issue. The Mayor further stated that a resident, such as Ms. Horn, has a right to ask Mayor and Board to put an item on the agenda. The Mayor received comments from both sides. If it is decided to take this further down the road depending on how the discussion goes at this meeting the question will be whether to do a more formal survey. This may give Ms. Horn the numbers she is talking about. Ms. Horn expressed concern that this ordinance is not fully investigated. Trustee Daley stated that this is not a knee jerk reaction and there is no ordinance being proposed but it is being discussed. Mayor Soto stated that she told the Board that she would like to close this topic in October before snow season begins. At this point in the meeting is for Ms. Horn to make a comment. The comments and concerns are heard, when the discussion takes place there will be many factors brought up.

Ms. Horn is against the ordinance mainly because it affects only a portion of Hainesville residents and not all. Some people only have 15 feet of sidewalk and others have 45 feet so there is a discrepancy as to how much work, labor and money is involved. She lives on a corner with a bus stop for elementary school and the snow plow piles about 3 to 5 feet of snow on the sidewalk. Would she be responsible for plowing through all that snow when that was 3 to 5 feet of snow is not due to snow accumulation but by the snow plow. She asked if there was any discussion with the school districts or bus routes regarding where the stops are located. She suggested telling the snow plow not to pile snow at the bus stops. This would handle some anticipation that family's feel their child can't get to the bus stop. It is not just shoveling the sidewalk it has to do with the snow plows and how much snow they are piling on the sidewalk. If the Village decides to go with the snow fall and puts in an ordinance she would suggest that it not be 24 hours and at least 2 inches of snow. She does not see the importance of shoveling for one inch of snow fall. In the packet that was sent to her most Villages do not have ordinances but instead do what Hainesville currently does which is encourages the residents to remove the snow.

Mayor Soto noted that regarding the bus stops at the beginning of the school years she contacts both school districts and ask for a list of bus stops and that goes to the snow plow contractor and Public Works Superintendent. They do make an effort to clear the bus stop areas. However, when there is a major storm and/or several snow falls in a row the Village is limited to where to put the snow. The Village would not expect a resident to be responsible for clearing that type of snow. The Mayor repeated that she encourages communication. If a resident is having an issue with a bus stop area she has sent the snow plow contractor or Public Works Superintendent out to relocate the snow.

The Mayor stated that in the Business section some of the concerns will be addressed.

Omnibus Vote Agenda

1. A Motion to Approve the September 10th, 2013 Regular Board Meeting Minutes
2. A Motion to Approve the September 2013 Bills Payable for \$161,826.56
3. A Motion to Approve the August 2013 Financial Statements
4. A Motion to Approve the Final Payment Request for Jetco for \$111,604.50

Trustee Kriese motioned to approve the Omnibus Vote Agenda as presented; seconded by Trustee Derenoski.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

Mayors Announcements

Mayor Linda Soto stated that Avon Township Clerk, Jeanne Kearby's husband, Kim passed away. He was an educator in the Round Lake area for 40 years. He retired in 2011 and served as President of the Teacher's Union for many years. He was also a member of Round Lake District 16 school board, volunteer and coach. His funeral will be this Friday. Memorials can be made to Education Association of Round Lake Kim Kearby Scholarship Fund. The Village will send their condolences.

The Mayor also reported that she has not received Fox Lake Sanitary Sewer power point presentation. It is really close to its completion. She hopes to show it at the October 8th Board meeting. There was an Advisory Committee Meeting after the Village Board meeting and the Mayor found out that the letter the county was to send out will actually come from the Village. The county will provide the letter but will be on our letterhead. She clarified that anyone that lives in the Fox lake Sanitary Sewer district; all of Cranberry Lake townhomes and single family homes, Union Square townhomes and the new Walgreens strip mall, will see a \$1.50 per month surcharge for the sanitary sewer improvements. It will be funded by a 15 or 30 year loan either through the IEPA or bonding.

The Mayor reported that she met with the Chief and new Commanders. There will be a substation at the Village Hall for the police department. The office occupied by the Building Official will now be converted to a mini substation. They have worked with Kelly and the IT people to set up access. They will not be there on a daily basis, however, if an incident occurs such as a multiple car accident with injuries and reports need to be taken they can use the Village Hall. Instead of traveling to the Grayslake PD they will come here and meet. Some of the concerns is that there is construction going on and next year Washington will be closed going East instead of West. It will be more complicated for the squad car to get in and out.

The Village of Grayslake started doing adjudication to address the nuisance tickets such as parking, garbage cans and if the Village did do snow shoveling those too would go to adjudication rather than Branch court. The Village is looking into this and will have more information at the next several meetings.

On September 16th the Mayor and Village Clerk attended a Legislative breakfast at the Condell Conference Center. They heard from Brad Schneider, Dan Duffy and Terry Link on problems they were aware of but no real solutions were offered. They are working on the problems and they were able to voice opinions.

The Mayor stated that the Groot Public Hearings started yesterday at the Round Lake Beach Civic Center for the application of the waste site transfer station. There were opening statements. There were handouts with the date and time of public comments can be heard. The hearing officer also announced that at the closing of the hearings there will be ample time for public comments. It was the Mayor's understanding that tomorrow at noon the traffic topic will be discussed. It will be presented by their experts. The Village will have someone there with Grayslake giving some testimony and she will have some public comments as well.

Mayor Soto stated that there are envelopes for the Trustees at the end of the meeting.

Standing Committee Announcements

Village Clerk – Kathy Metzler reported that she filed a challenge to the 2010 decennial census count. A letter was received from the census bureau with a new official count as of August 27th is 3,688. The population went up by 91 people. The housing count went up 30 houses with a new total of 1312 versus 1282. Treasurer Kelly Hensley broke down the state shared municipal revenue per person as follows: \$135 per person per month, General Fund is two line items: Income Tax \$95.40 per person and State Use Tax \$16.70 per person per month; Motor Fuel Tax is \$23.50 per person. Those figures multiplied by \$91 per month are a total of \$12,339.60 more each month.

Kathy Metzler asked the Census when the Village would get the money and she was directed to call the department that handles the taxes. This will be pursued.

Wetlands and Open Spaces – Trustee Duberstein reported that BEST is having a fundraising chili supper on Monday October 7th from 5:00 to 7:30 p.m. at the Round Lake Beach Cultural Center. There will be music from the Round Lake District 116 schools and all food items are \$1 each.

Trustee Duberstein noted that she will be talking about the Round Lake High School tutoring program on WRLR 98.3 FM Thursday, September 26th from 4:00 to 5:00 p.m.

Public Safety – Trustee Kriese reported that the Public Safety Committee Meetings have changed from the fourth Tuesday of the month to the second Tuesday of the month at 6:00 p.m.

Finance Committee – Trustee Daley noted that Treasurer Hensley reported that the audit will be presented to the board at the October 8th meeting. It has taken longer than normal because they have been rearranging some of their internal processes.

Trustee Daley met with Village Engineer Greg Gruen, Jeff Gately and Kelly Hensley to discuss starting a process in the Village to get a better handle on engineering costs prior to initiating projects. The two types of projects are either scheduled and in the budget and long term or unscheduled surprise projects. An example of an unscheduled project is after the meeting, Greg and Jeff went to look at a resident developing a sink hole. There will be a plan formulated to proceed with that project. In the past the Village would get the bill and it would be an amount. Now Greg will submit an estimate of cost to Jeff on the unscheduled projects, it will then go to the Mayor who will sign off on it. For the most part the Village will know upfront what the cost will be on the project. Trustee Daley stated that a number of municipalities that Manhard works with have developed a fund or line item for unplanned expenses. Greg will gather information on the last three fiscal year unplanned expenditures so a dollar figure can be set aside on an annual basis. They can be then budgeted for and not deplete savings. Mayor Soto added that the Village does have a buffer. Trustee Daley stated that the Village does have a reserve account in streets and general fund and public works. He would feel better if there was a set aside amount. Mayor Soto wanted the public to be clear that the Village has not had to go into the savings. Trustee Daley acknowledged it was a bad choice of words. An example of unscheduled expense is having to get a ladder for the water tower.

Trustee Duberstein asked if there would be a “not to exceed” amount. Trustee Daley stated that they did talk about it but will start without it. Mayor Soto added that it will be more formal on paper with Manhard now that the Village has a ball park figure and if that amount will be exceeded Greg would let the Village know. Trustee Daley felt Greg Gruen is glad that this is being done.

Business

Groot 9/23/13 Public Hearing Update

Mayor Soto stated that Trustee Barrett attended the Public Hearing earlier. Tomorrow is the first meeting of concern to Hainesville. At noon there will be the traffic presentation. Groot will present their traffic study and how they feel the traffic will impact the area. The Village has an expert from HDR hired by Hainesville and Grayslake that will give some counter testimony and additional comment.

The Mayor shared some points and concerns. Route 120 and Porter will be where the trucks go in and out. It is less than half a mile past the Hainesville border. Route 120 is a two lane principle arterial road that has a maximum volume of 2,050 vehicles per hour. The current peak hour volume is 2,448 vehicles per hour. These numbers indicate over capacity. The transfer station will add 170 truck trips daily to Route 120. Adding vehicles such as large trucks will be over capacity causing traffic delays. Hainesville Road is adjacent to residential areas. Based on the current high volume of

traffic it is being used as a regional route. It is a two lane minor arterial roadway that has a maximum hourly volume 1,050 vehicles per hour. The current peak hourly volume is 1,052. The transfer station projects to add 38 truck trips daily onto Hainesville Road. These will be large trucks and will make Hainesville Road over capacity with further traffic delays. Current delays on Hainesville Road are due to excess volume on Route 120. At certain times of the day there is traffic backup.

The Mayor further stated that Hainesville Road and Route 120 current peak hourly volume of traffic is well over capacity. Combining the two numbers there will be an additional 208 truck trips daily to the intersection. In addition large trucks take time to make a turn at an intersection. The Mayor encouraged the public to attend the Public Hearings and if they can't, consider talking to neighbors. They should also call the Mayor with questions and to be informed. She will also keep everyone informed via Board meetings. The Mayor and Trustee Barrett will be meeting, sharing information and discussing items. The Mayor stressed that there are times posted where public comments can be made. If they are not discussing traffic public comments can still be expressed.

Trustee Duberstein stated that when she was at a Groot meeting it was stated that they were trying to limit the traffic to off peak hours and yet when she drove North on Alleghany there was a Groot truck turning on Route 120 at 5:00 p.m. They are not adhering to off peak hours.

Mayor Soto heard something during open statements that concerned her, Groot is stating that hours of operation will be 4:00 a.m. to 8:00 p.m. Monday through Friday and Saturday 4:00 a.m. to noon. This will mean they will be on the road during peak hours. The Mayor's other concern is that if the trucks get loaded and don't want to leave because it is peak rush hour there will be stacking places they can pull into. She counted 16 spaces. These trailers will be stacked until 7:00 or 7:30. This is a state of the art facility that the truck pulls into and waste is loaded and then tarped but if it does not leave immediately and parked outside in a parking space. If it is hot the Mayor questioned how the odor does not leave the area.

Trustee Barrett noted that it was discussed at the meeting that the facility may be run 24/7. Several attorneys from the surrounding communities questioned if the noise would travel in the evening as it does in the day. His concern is the volume of truck traffic coming through Hainesville to get to the transfer facility. Trustee Barrett would like to know how they will route the loaded semis out of the facility to the landfill. It was stated at the meeting that the trucks would go west on 120 to 59.

Trustee Daley asked who the final decision making body is in this issue. Mayor Soto understands that the hearing is a two tier process. They will have to show that they met all the criteria laid out in the state statute by the IEPA such as traffic study, property value impact and facility addressing odors. Experts will present and give testimony that due diligence was done and why they are certain it will work. There are also experts who will give counter testimony such as Grayslake and Hainesville. The

Round Lake Park Board is also at the hearing. Round Lake Park wants to enter into an agreement with Groot to have the facility although as they go through the process Round Lake Park can decide whether the benchmarks have been met. The Mayor stated this is not a done deal as far as the IEPA and Round Lake Park is concerned. Walter Willis the Director of SWALCO is also at the hearings to give testimony as to what is best served the Villages that are members of SWALCO.

Trustee Duberstein stated that when she visited the transfer station in Des Plaines she got the impression it does not run 24/7 or the quoted hours. She feels they could ask for the moon but settle for half.

Mayor Soto did not hear 24/7 but perhaps it could be a possibility later. Trustee Barrett added that it was explained at the meeting that business could double through that facility from 750 tons to double that amount. They were trying to nail down as many contingencies as possible.

Mayor Soto has heard through different parties that site transfer stations operate at moving 3,000 tons per day. This one is projected to move 750 tons per day. It is a smaller scale. However, it could double to 1500 which would make it a medium size station.

Trustee Daley noted that if they pass the IEPA checklist the final decision is Round Lake Park so Hainesville should be communicating with their board. Mayor Soto explained that she cannot talk to the Mayor of Round Lake Park because it cannot be discussed since it is in the formal public hearing time. The only way to have the Village's opinion heard is through expert testimony and Mayor Soto's comments during public comment. She may come back to the Village Board and decide if other action should be taken such as sending the Village Attorney or someone else to the panel. Trustee Daley stated that perhaps someone could go to the Round Lake Park Board meeting and make a comment. The Mayor stated that a comment could be made but it cannot be discussed so it would be better to make comments at the Public Hearing.

Trustee Kriese asked if the transfer station wants to increase capacity would they need to have another hearing and ask the community. The Mayor understood that they are asking for a maximum volume so if they want to increase it they would have to go through a new permitting process. She is unclear if it 1500 or 1200. Trustee Kriese also asked how big the building is compared to Glenview. Mayor Soto thought it was slightly better. Trustee Kriese stated that the Glenview facility was so big the stacking semis could be stored in the building. Mayor Soto would send a text or email to Walter so when she gets to the meeting they could talk about this issue on the side.

Residential Snow Shoveling Ordinance Feasibility Discussion

Mayor Soto stated that there was not as much formal feedback as was hoped. Residents will stop her to discuss a topic, but when they want the Board to take action the Mayor asks that an email or letter be sent. One of the memos on snow shoveling

the Trustees have is from 2000 when this topic was raised. The Mayor was shocked this year when she did a community outreach call which was an appeal to have residents shovel after a major snow. She did not want seniors getting hurt but interestingly they were the ones who shoveled. They are also the ones that contact her about residents that don't shovel. She also hears from parents concerned about children getting to and from bus stops.

Adjudication could help if tickets are written. The Mayor would not like to write tickets and enforce this issue.

The Mayor brought up a great idea of Trustee Barrett's. After a major snow event occurs residents that refuse or can't hire someone would be able to have a list of students seeking community service hours. They would be National Honor Society Students or athletes. This would be at no cost and as long as they are willing to sign a waiver not holding the student or village responsible if something happens to their lawn. Trustee Kriese asked what would happen if a student was hurt shoveling. It was the Mayor's understanding that they would be covered as if they volunteer for a Village event. The Village is indemnified because they are a volunteer. Trustee Daley likes the idea but feels it will be abused but he does not feel it is reason not to try.

Trustee Duberstein feels the idea has merit but the problem is residents who just don't want their sidewalks done. It would be worth trying it for a season to show that the Village is making an effort to look at ways to solve the problem without putting ordinances on the books.

The Mayor stated that the National Honor students have not been contacted; she wanted to ask the Board first. She spoke to Attorney Jim Rock also.

Trustee Barrett stated that he or the Mayor would have to talk to the Athletic Director at Central and see if the athletes can do this. The Mayor stated that the upper classmen do need a certain amount of community service hours and the Village can go to Round Lake High School.

Trustee Derenoski asked who owns the sidewalks. Mayor Soto stated that the Village owns the sidewalks and does repairs but shoveling is the resident's responsibility. That is why the State of Illinois has a Snow and Ice Removal Act which was in the newsletter. Residents are afraid to shovel because they fear that they will be sued if someone falls. This is not true in Illinois. If a reasonable attempt is made to shovel, a lawsuit would not be held up in court.

The Mayor added that if an ordinance is passed there are common sidewalks which the Village would be obligated to clear. Jeff Gately stated that there is under 600 feet of common area in the Village. They are all in different areas however. Snow blowers would need to be moved from one area to another. It took him 45 minutes to measure. He estimated an hour to do each section if there was a snowfall. The streets are a priority when there is snow. If an ordinance is passed or National Honor students are

sent out, a different margin could be set. Most children can walk to bus in 2 to 3 inches of snow.

Cara Horn stated that her problem with this issue is that only half of the residents have sidewalks so why can't Hainesville allow any resident to shovel any sidewalk. The Mayor stated that it is that way now.

Trustee Walkington asked when would the National Honor Students get called. The Mayor answered that it would be good to set a limit such as 4 or 6 inches.

George Duberstein understands that people are afraid of being sued but are there other reasons. Mayor Soto replied that she had two people last year yell at her for suggesting they shovel because they felt they didn't have to shovel.

Mayor Soto added that people who had young children and they had a bus stop on their block they would shovel however when their children got older they stopped shoveling. They don't care about the rest of the community. Everyone has a different take on this issue. The Village does not have a homeowner's association so they can't shovel everyone's snow. The townhome sidewalks are shoveled because they have a homeowner's association.

Trustee Daley stated that the bottom line is there is a small number of people who do not shovel their walk. Mayor Soto stated that in the last snow event there were more than 20. She recommended that the Village lets the issue ride but introduce the volunteer program only if it becomes an issue. The other recommendation is do a CTY call and ask if a snow shoveling ordinance is needed. It would be a yes or no answer. If this is done the Board needs to be prepared to take some action when the numbers come back. It would be stated in the CTY call that it is not a guarantee that the ordinance be adopted.

Trustee Duberstein suggested that after a major snow fall any Trustee not working could go around after 48 hours and see how many sidewalks are not shoveled.

Trustee Daley does not like the survey idea because only a small percent answer. He does not feel there are enough complaints to justify the development of an ordinance. He does not support an ordinance because if someone is sick or gone does the Village give them a ticket. He suggested to a resident that complained last year why she didn't shovel it which was not well received. The Mayor thought it was a good point.

Trustee Duberstein asked if something could be put in the newsletter to be neighborly and shovel. The Mayor stated that it has been done but she can do it again. Not many residents read the newsletter. The Mayor has tried putting it on the website and CTY calls also. The staff and Mayor get the bulk of the complaints. She would like to be able to say that this issue has been revisited and knows the figures. Residents have an obligation to let the Village know if a bus stop has been plowed. The Mayor also questioned if a CTY call with a survey should only be done to residents with a

sidewalk. Trustee Walkington added that if an ordinance was passed only about 500 residents would be affected.

Jeff Gately noted that whether an ordinance is passed or students are used the Village should be doing the Village owned sidewalks and open areas. The Mayor stated that the sidewalks have never been cleared but should they be shoveled. Even though the bike path is County, Public Works clears it because it improves quality of life for residents.

The Mayor polled the Trustees regarding a snow shoveling ordinance;

Trustee Derenoski	No
Trustee Kriese	No
Trustee Duberstein	Unsure
Trustee Walkington	No
Trustee Barrett	No
Trustee Daley	No

The Mayor polled the Trustees regarding using students to shovel:

Trustee Derenoski	Yes
Trustee Kriese	Yes
Trustee Duberstein	Yes
Trustee Walkington	No
Trustee Barrett	Yes
Trustee Daley	Undecided leaning toward No

Jeff Gately added that the Senior Plow list would be a good place to start. There are about 30 on the list.

Mayor Soto stated that with the help of Trustee Barrett and Trustee Duberstein she will contact the schools and talk with Village Attorney Jim Rock to come up with approval and policy and bring it back to the Board. Trustee Barrett added he can contact the Athletic Director after homecoming. Mayor Soto added that the ordinance is dead.

Mayor Soto stated that the clearing the common area sidewalks was not budgeted for this year. She asked the Board if this should be done this year or discuss it for next year's budget to set an example for snow shoveling; does the Village want to look into clearing certain areas that are common sidewalk areas. Trustee Duberstein noted that Jeff is busy plowing during a big storm so he would not be doing the sidewalk. She asked if the Village has people that can do the sidewalk or is it part of Dave's crew. Jeff stated that he could have manpower available to do the shoveling but the Village would have to buy a snow blower. Trustee Duberstein asked if Jeff has any idea what the cost would be for one snowfall of 6 or 12 inches. Jeff stated that if it was 12 inches it would be a solid day of clearing. A decent snow blower would be about \$1000. It would be 8 hours for one person to clear. Trustee Walkington asked if a plow can be put on the gator.

The Mayor polled the Board as to whether they want to investigate into clearing common sidewalk areas. All Trustees answered yes.

Trustee Kriese stated that a Bobcat would work to clean the sidewalks. Jeff Gately will look into the Bobcat.

Mayor Soto summarized that the Board is in agreement to check into the common areas sidewalks for clearing,

Trustee Derenoski motioned to adjourn the September 24th, 2013 Regular Board Meeting; seconded by Trustee Walkington.

All in favor say aye, motion carried.

The September 24, 2013 Regular Board Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC