



**THE VILLAGE OF HAWTHORN WOODS
SPECIAL VILLAGE BOARD MEETING
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
MONDAY, JULY 18, 2016
7:00 P.M.**

MINUTES

I. CALL TO ORDER AND ROLL CALL

Mayor Mancino called the meeting to order at 7:04 p.m. Roll call indicated the following members were present: Mayor Mancino, Trustees Ponzio, Riess, Morgan, DiMaggio and David. Absent was Trustee Corrigan.

Also present were Chief Operating Officer Pamela Newton, Chief Administrative Officer/Village Clerk Donna Lobaito, Chief Financial Officer Kristin Kazenas, Public Works Director and Village Engineer Erika Frable, Director of Parks and Recreation Brian Sullivan, Community Development Director Michael Cassata, Village Attorney Patrick Brankin, and Landscape Designer Brad Dethloff.

II. PLEDGE OF ALLEGIANCE

III. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None this month.

IV. CONTINUATION OF A PUBLIC HEARING

- A. Continuation of a Public Hearing for a Certain Third Amendment to a Certain Annexation Agreement—HDP Stonebridge LLC

Minutes of this portion of the public hearing were prepared by Joan M. Holub of Q & A Reporting, Inc., and are attached hereto as Exhibit "A".

Motion by Ponzio, second by DiMaggio to close the public hearing.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David

Nays: None

Abstain: None

Absent: Corrigan

Motion carried.

Item VI. B., Items for Separate Action, was moved forward on the agenda.

1. Approval of an Ordinance Adopting a Certain Third Amendment to a Certain Annexation Agreement—HDP Stonebridge LLC

Motion by Riess, second by David, to approve an Ordinance Adopting a Certain Third Amendment to a Certain Annexation Agreement—HDP Stonebridge LLC.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David, Mancino
Nays: None
Abstain: None
Absent: Corrigan
Motion carried.

2. Approval of an Ordinance Authorizing the Execution of the Stonebridge Amended Subdivision Improvement Agreement—HDP Stonebridge LLC

Motion by DiMaggio, second by Ponzio to approve an Ordinance Authorizing the Execution of the Stonebridge Amended Subdivision Improvement Agreement—HDP Stonebridge LLC.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David
Nays: None
Abstain: None
Absent: Corrigan
Motion carried.

V. MAYOR’S REPORT AND COMMITTEE REPORTS

- A. Mayor’s Report ----- Joseph Mancino, Mayor

Mayor Mancino welcomed Senator Dan McConchie. Senator McConchie spoke about the current affairs at the state level. He offered his assistance to the Village. Mayor Mancino asked Senator McConchie to send a letter of opposition to the governor regarding Route 53.

- B. Environmental Committee ----- John Bickley, Chair
Steve Riess, Trustee Liaison

Trustee Riess reported that the Environmental Committee is working on re-writing the tree ordinance.

- C. Zoning Board of Appeals ----- John Kosik, Chair
Dominick DiMaggio, Trustee Liaison

No report this month.

- D. Planning, Building and Zoning Commission ----- Jim Kaiser, Chair
Dominick DiMaggio, Trustee Liaison

No report this month.

- E. Finance Committee ----- Peter Ponzio, Chair
Kelly Corrigan, Trustee Liaison

Trustee Ponzio reported that the Village will be communicating with the SSA #4 bondholders regarding the status of the property tax payments. Ms. Kazenas noted that \$3 million is still due on SSA #4, and that the taxes on four PINs are in arrears. She will be speaking to the Village's financial advisor and Village Attorney regarding this issue. It was noted that the Village is not financially responsible for this obligation.

1. Approval of the May 2016 Financial Statements

Motion by Riess, second by DiMaggio to approve the May 2016 Financial Statements.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David
Nays: None
Abstain: None
Absent: Corrigan
Motion carried.

2. Approval of the June 2016 Financial Statements

Motion by Riess, second by DiMaggio to approve the June 2016 Financial Statements.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David
Nays: None
Abstain: None
Absent: Corrigan
Motion carried.

3. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods—Title 1, Section 1-6-3-A—Chief Operating Officer—Functions, Duties, Authority

Motion by Riess, second by Ponzio to approve an Ordinance Amending the Village Code of the Village of Hawthorn Woods—Title 1, Section 1-6-3-A—Chief Operating Officer—Functions, Duties, Authority.

Trustee Riess stressed his confidence in the current Chief Operating Officer, but did not want to grant the increases spending authority, because this position may be filled by someone different in the future. Ms. Newton stated the \$10,000 spending limit poses an issue 3 – 4 times per year. Ms. Kazenas noted that ten

comparable communities were surveyed, and the results indicated an increase in spending authority to \$20,000 was appropriate.

Roll call vote.

Ayes: Ponzio, Morgan, DiMaggio, David

Nays: Riess

Abstain: None

Absent: Corrigan

Motion carried.

The Board discussed the practice of fines being deducted from developer Draw Down Deposit Agreements.

4. Approval of a Fund Balance and Reserve Policy

Motion by DiMaggio, second by David to approve a Fund Balance and Reserve Policy.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David

Nays: None

Abstain: None

Absent: Corrigan

Motion carried.

5. Approval of an Ordinance Authorizing the Chief Operating Officer to Accept the Proposal for Professional Auditing Services the Fiscal Years Ended December 31, 2016, December 31, 2017, and December 31, 2018—Sikich, LLP

Motion by Riess, second by DiMaggio to approve an Ordinance Authorizing the Chief Operating Officer to Accept the Proposal for Professional Auditing Services the Fiscal Years Ended December 31, 2016, December 31, 2017, and December 31, 2018—Sikich, LLP.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David

Nays: None

Abstain: None

Absent: Corrigan

Motion carried.

VI. NEW BUSINESS

A. Consent Agenda

1. Approval of the June 20, 2016 Village Board Meeting Minutes
2. Approval of Paid Invoice List Dated July 2016

3. Approval of Bills List Dated July 2016
4. Approval of an Ordinance of the Village of Hawthorn Woods, Lake County, Illinois, Ascertain the Prevailing Rate of Wages for Laborers, Mechanics and Other Workers Employed on Public Works of Said Village
5. Approval of an Ordinance Authorizing the Donation of Personal Property Owned by the Village of Hawthorn Woods
6. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods—Title 11, Section 11-1-1.A.1 Barn Rental; and Title 11, Section 11-1-F.—General Fees and Charges
7. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods—Title 1, Section 1-5-2-A—Regular Meetings and 1-5-2-C.1—Notice of Meetings
8. Approval of the Revised 2016 Meeting Calendar
9. Approval of a Resolution Designating July as Parks and Recreation Month
10. Ratification of a Previously Executed Resolution in Support of the Federal Railroad Administration (FRA) Crew Size Rule
11. Approval of a Resolution Designating the Week of September 11-17, 2016 as Rail Safety Week
12. Acceptance of the Police Pension Municipal Compliance Report
13. Refund of \$10,000 Contingency Escrow to Hawthorn 45—Hawthorn Trails Subdivision

Items #6, #7 and #13 were removed from the Consent Agenda.

Motion by Ponzio, second by DiMaggio to approve the Consent Agenda with the exception of Items #6, #7 and #13.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David
Nays: None
Abstain: None
Absent: Corrigan

Motion carried.

Motion by Ponzio, second by Morgan to approve Consent Agenda Item #6, Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods—Title 11, Section 11-1-1.A.1 Barn Rental; and Title 11, Section 11-1-F.—General Fees and Charges.

Trustee David objected to the fees presented in this text amendment. Ms. Newton stated that the fees are to cover the cost of a paid attendant to run the equipment. She noted that the \$150 fee is to cover the use of the AV equipment and the attendant's time.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio
Nays: David

Abstain: None
Absent: Corrigan
Motion carried.

Motion by DiMaggio, second by David to approve Consent Agenda item #7, Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods—Title 1, Section 1-5-2-A—Regular Meetings and 1-5-2-C.1—Notice of Meetings.

Trustee David noted that he may have to miss some of the Village Board meetings if the meeting date is switched to the fourth Monday.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David
Nays: None
Abstain: None
Absent: Corrigan
Motion carried.

Motion by DiMaggio, second by Ponzio to approve Consent Agenda item #13, Refund of \$10,000 Contingency Escrow to Hawthorn 45—Hawthorn Trails Subdivision.

Trustee Morgan asked for clarification as to whose responsibility it will be to finish the improvements in this subdivision. Ms. Frable recapped the status of the subdivision improvements and the involvement Lexon and Hawthorn 45 have had with finalizing the Hawthorn Trails subdivision. She noted that Hawthorn 45's responsibilities under the settlement agreement are completed except for the replacement of some binder course. Peter Brennan of Hawthorn 45 indicated the Village could keep \$10,000 of his initial deposit to use for such repairs. Tonight's agenda item is to provide Hawthorn 45 a refund of the remaining deposit balance of \$10,000.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David
Nays: None
Abstain: None
Absent: Corrigan
Motion carried.

B. Items for Separate Action

1. Approval of an Ordinance Adopting a Certain Third Amendment to a Certain Annexation Agreement—HDP Stonebridge LLC
2. Approval of an Ordinance Authorizing the Execution of the Stonebridge Subdivision Improvement Agreement—HDP Stonebridge LLC

The Items for Separate Action were addressed previously.

VII. OLD BUSINESS

- A. None this month.

VIII. ADMINISTRATION REPORTS

- A. Report from the Chief Operating Officer – Pamela O. Newton, MSOL
1. Monthly Update—Village Operations

Ms. Newton reported that Value Penguin has bestowed the Illinois Safest City Award to Hawthorn Woods, and that Safewise has identified the Village as the #2 safest city in Illinois. She also noted that due to recent police stories in the news, many of our residents have brought treats to the police department to thank them for their service to the community.

The Board discussed the possibility of purchasing banners in support of our police department.

- B. Report from the Village Attorney

Mr. Brankin will provide his report in Executive Session.

- C. Reports from Department Heads

1. Chief Administrative Officer – Donna Lobaito
a. Chief Administrative Officer's Report
b. Village Clerk's Report

Ms. Lobaito reported on Aqua Illinois water and sewer bills.

2. CFO/Human Resources Director – Kristin N. Kazenas, CPA, MBA, CPFO
a. Finance Department Report
b. Human Resources Department Report
c. Risk Management Department Report
d. Business Continuity Work Group Report

Ms. Kazenas reported that the Joint Finance/Committee of the Whole meeting would be on October 24, 2016, and the tax levy public hearing would be held on November 28, 2016.

3. Chief of Police – Jennifer R. Paulus
a. Police Department Report

Chief Paulus' report is in the packet.

4. Director of Public Works/Village Engineer – Erika M. Frable, PE
a. Public Works Department Report

Ms. Frable's report is in the packet.

5. Director of Parks and Recreation – Brian J. Sullivan, MPA, CPSI, CPRP
 - a. Parks and Recreation Report

Mr. Sullivan reported that there will be a luau at the Aquatic Center on July 20, 2016, and the Fall Family Fun Fest will be held on September 10, 2016.

6. Director of Community Development – Michael Cassata, AICP
 - a. Community Development Department Report

Mr. Cassata reported that there will be a ribbon cutting for the Little Free Library at Acorn Acres on July 21, 2016.

Bob Lindley, 20 Rosewood – Mr. Lindley informed the Board that he participates on a competitive barbeque team, and that he is inviting all to attend an event at his home on August 5 – 7.

IX. EXECUTIVE SESSION

Personnel (5 ILCS 120/2(c) 1), Purchase of Property (5 ILCS 120/2(c) 5), Probable or Pending Litigation (5 ILCS 120/2(c) 11), and Discussion of Executive Session Minutes (5 ILCS 120/2(c) 21)

Mayor Mancino stated there will be no business conducted after Executive Session.

Motion by Ponzio, second by DiMaggio to enter into Executive Session.

Roll call vote.

Ayes: Ponzio, Riess, Morgan, DiMaggio, David

Nays: None

Abstain: None

Absent: Corrigan

Motion carried.

The Village Board entered into Executive Session at 9:33 p.m.

The regular session reconvened at 10:40 p.m.

X. ADJOURNMENT

Motion by David, second by DiMaggio to adjourn the regular meeting. Upon a voice vote, the motion carried and the meeting adjourned at 10:41 p.m.

Respectfully submitted,



Donna Lobaito
Village Clerk

IN THE MATTER OF
HDP STONEBRIDGE LLC FOR A
CERTAIN THIRD AMENDMENT TO A
CERTAIN THIRD ANNEXATION AGREEMENT
AND AN ORDINANCE AUTHORIZING THE
EXECUTION OF THE STONEBRIDGE
AMENDED SUBDIVISION IMPROVEMENT
AGREEMENT.

(Public hearing held before the
Village Board of Trustees on
Monday, July 18, 2016, at the
hour of 7:00 p.m.; held at
2 Lagoon Drive, Hawthorn Woods,
Illinois.

Q & A REPORTING, INC.
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Crystal Lake, IL 60014
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qareportinginc.com

1 PRESENT: JOSEPH MANCINO, MAYOR
2 MICHAEL DAVID
3 DOMINICK DIMAGGIO
4 NEIL MORGAN
5 PETER PONZIO
6 STEVE RIESS
7
8 VILLAGE STAFF:
9 DONNA LOBAITO, Village Administrator
10 PAMELA NEWTON, Chief Operating Officer
11 MICHAEL CASSATA, Community Development Director
12 ERIKA FRABLE, Village Engineer
13 KRISTIN KAZENAS, Chief Financial Officer
14 BRIAN SULLIVAN, Director of Parks and Recreation
15 BRAD DETHLOFF, Rolf C. Campbell & Associates

10 APPEARANCES:

11 SCHAIN, BANKS, KENNY & SCHWARZ, LTD, by
12 PATRICK T. BRANKIN,
13 On behalf of the Village of Hawthorn Woods;
14 ZANCK, COEN, WRIGHT & SALADIN, PC, by
15 THOMAS ZANCK,
16 On behalf of Petitioner, HDP Stonebridge LLC.

15 PETITIONER SPEAKERS:

16 NATE WYNSMA
17 GREG SAGEN

Exhibit "A"

(other Village business conducted.)

1 MAYOR MANCINO: Moving on, item 4 on our agenda is the
 2 continuation of a public hearing from a previous meeting, I
 3 think, two months ago.
 4 MR. BRANKIN: Yes.
 5 MAYOR MANCINO: And the meeting is open. There isn't any
 6 need to open the meeting. And I think there is a presentation
 7 that staff may have and possibly the Petitioner.
 8 No?
 9 MR. CASSATA: No. I can give a summary, if you'd like.
 10 MAYOR MANCINO: Yeah. I did read your summary memo. I
 11 don't know if the board did as well. I'm sure they did. But
 12 members of our public might like a little bit more.
 13 MR. CASSATA: So can everyone here me okay? I need to
 14 speak up.
 15 MAYOR MANCINO: Stay close to the mic.
 16 MR. CASSATA: So this is the Stonebridge subdivision off
 17 of Old McHenry, and you may be aware, they're out there moving
 18 earth right now.
 19 What we're here for tonight is a public
 20 hearing to amend the annexation agreement. It will be the
 21 third amendment to the annexation agreement, and the
 22 subdivision improvements agreement will allow for bonding
 23 instead of a letter of credit which is compliant with our
 24

1 recently updated code, which is also compliant with state
 2 statute.
 3 There are a couple of exhibits within the SIA
 4 that are updated. One is a sales trailer, which was not part
 5 of the original approval; and then also a construction trailer
 6 for Ryan, which is going to be located near the entrance off of
 7 Old McHenry. The dimensions are there. I think it's a
 8 10-by-20. That was not part of the original approval either.
 9 MAYOR MANCINO: I didn't hear that last part.
 10 MR. CASSATA: A construction trailer to store the
 11 earth-moving equipment. It's about 10-by-20, I believe, and it
 12 was just not part of the original approval.
 13 MAYOR MANCINO: You guys have any questions?
 14 Go ahead, Trustee Ponzio.
 15 TRUSTEE PONZIO: I had a question about the trees. There
 16 seems to be a little confusion about how many trees we're going
 17 to replace. Did we talk about that?
 18 MR. CASSATA: Sure. As mentioned in the staff memo, the
 19 Petitioner -- the developer took down a number of trees along
 20 the Acorn Acres subdivision line. 26 trees were taken down
 21 erroneously. Based on our tree-replacement schedule in our
 22 code, 74 replacement trees are required. The Petitioner did
 23 respond contesting that. They said they were not all quality
 24 trees. They came back with 28 to 36 depending on their

1 document they're referring to as the number that they would
2 like to replace.

3 What we've provided in the staff memo is
4 testimony during two of the public hearings, one at Planning
5 Commission and one at Village Board in 2014 and 2015, to the
6 effect that the Petitioner did state during both of those
7 hearings that they would preserve the entire tree line along
8 the Acorn Acres subdivision. The final landscape plan also
9 does denote that in several locations. So we feel that because
10 there was public testimony that those trees would be preserved,
11 that all the Acorn Acres residents strongly believed that the
12 process we went through was a valid process, that they should
13 replace those trees in kind.

14 TRUSTEE PONZIO: And how has the Petitioner responded to
15 our concerns?

16 MR. CASSATA: We have not received a response from the
17 Petitioner.

18 We did send that response to them making our
19 case on Friday.

20 TRUSTEE PONZIO: Okay. And are the Petitioners going to
21 speak to that tonight?

22 MR. CASSATA: I believe they would, yes.

23 MAYOR MANCINO: You believe they will?

24 MR. CASSATA: I believe they will.

1 MAYOR MANCINO: Step on up, Mr. Petitioner.

2 MR. WYNSMA: Hey, how are you. We have with us

3 MAYOR MANCINO: For the record, state your name.

4 MR. WYNSMA: Nate Wynsma, with William Ryan Homes.

5 We have with us tonight Greg Sagen from

6 Signature Design Group. Greg is the consultant who's done the
7 take-off analysis on what was cut down, analyzed that with
8 regard to your ordinance for replacement. And actually,
9 instead of just a unit count or a tree count on replacement,
10 he's done a plan. So we've got copies of that plan we could
11 hand out to you to take a look at, and he can address
12 specifically what the plan would be for replacement of those
13 trees.

14 MAYOR MANCINO: I think we can cut to the chase real
15 quick. Are you guys gonna abide by what staff has asked for in
16 regards to the trees, or is your guy about to give us a
17 different plan?

18 MR. WYNSMA: Well, what was asked for was just 74 trees
19 and with a directive to contact the president of the homeowners
20 association and plant those trees, at least my understanding
21 was plant those trees on private property-owners' property, and
22 we're not in agreement with that. I think the analysis that
23 we've done takes the ordinance of the village, you know,
24 whether the species of the tree is called out in your

1 ordinance. It then determines that caliper of tree that has to
 2 be replaced. And actually it's a physical plan that shows
 3 where those trees are to be placed so that we're not just
 4 planting trees but we're actually identifying for approval by
 5 staff at the village where those trees are to be planted.

6 MAYOR MANCINO: So you're saying that what staff
 7 recommended you're going to recommend something else here.

8 MR. WYNSMA: Yes.

9 MAYOR MANCINO: Okay. That's what I was trying to find
 10 out. That's what I was trying to find out. Okay.

11 MR. WYNSMA: If you'd like to see that specific plan.

12 MAYOR MANCINO: Yeah.

13 TRUSTEE PONZIO: Yes.

14 MR. SAGEN: Good evening, Mayor and Board. I was not
 15 sworn in previously.

16 (Whereupon the witness was sworn.)

17 Good evening. Again, my name is Greg Sagen.

18 I'm a landscape architect and was the landscape architect on
 19 the project. I'm president of Signature Design Group with
 20 offices in Naperville, Illinois.

21 As Nate mentioned, and just briefly -- I'll
 22 be brief. The exhibit he's handing out, we were asked to take
 23 a look at the areas that trees were cleared. Unfortunately,
 24 trees were cleared along the south property line that were

1 intended to be preserved. So with their request, we looked at
 2 those trees that were removed, a summary provided by your
 3 consultant Brad with Rolf Campbell and Associates sitting back
 4 here behind me, and then we took the tree list and applied it
 5 to the ordinance. Now, your ordinance has certain tree species
 6 identified as desirable trees, undesirable trees, and there's a
 7 threshold for tree replacement at six inches in caliper.

8 Rolf Campbell when they did their analysis just looked at every
 9 tree or site and consequently are suggesting replacement trees.

10 And the reason we're replacing 37 trees is we're replacing

11 trees for buckthorn, replacing trees for ash, boxelder and

12 trees under your threshold of six inches in caliper. In

13 Rolf Campbell's defense, the trees were already cut down. They
 14 just went out and measured the base at the stump at the ground.

15 Recognizing your ordinance provides for sizing trees deviation

16 one-half feet above the ground because trees flare at the root,

17 so typically smaller trees, 10-inches caliper or smaller, you

18 can have about an inch differential. The tree is going to be

19 about an inch smaller caliper deviation than it is at the

20 ground. Larger trees in excess of 10-inch have larger

21 vasoflares (phonetic spelling) and typically is going to be two
 22 inches larger.

23 So all we did is looked at the tree list in

24 the summary provided by Brad at Rolf Campbell. We took out

1 those trees that are identified as weedy or undesirable, and
2 then we resized them based on the extrapolation of what the
3 stump size was to what that deviation would be. It's not an
4 exact science, but I would suggest it's probably fairly
5 accurate. In doing that then, we came up with 28 replacement
6 trees per your ordinance. Now, those trees need to replace the
7 function. Your tree preservation ordinance is intended to
8 place function of trees removed. So we looked at those trees
9 along the south property line that provided valuable screening
10 from the neighbors to our subdivision and our neighbors looking
11 back. So we prepared this sketch plan, this preliminary plan,
12 on how best can we take 28 trees or tree equivalents, spread
13 them along that properly line to provide screening for the
14 neighbors and for our residents to replace the function of the
15 trees removed. So then in our calculations, we're suggesting
16 and provided 12 shade trees to fill in the gap of the shade
17 trees that were cut down, because most of the trees cut down
18 weren't -- would ultimately grow out to be shade trees, a tree
19 that's going to grow 30, 40 feet tall. Then we proposed a
20 number of ornamental trees. Your ordinance requires us to
21 replace ornamental trees at a two-to-one ratio, so that's why
22 while our requirement is 28 trees we're actually planting 37
23 trees because the ornamental trees are at a two-to-one ratio.
24 And then they also added nine evergreen trees because your

1 neighbors, our neighbors have a series of evergreen walls,
2 buffers across the property line. There are noticeable gaps or
3 holes in those evergreens, and while none of the trees removed
4 are evergreens, we're proposing replacing nine evergreen trees
5 as part of this to carefully try to fill those holes, and they
6 are the size, 8-foot, which is equal to a replacement tree
7 requirement in the village. So while it's not the 73 trees
8 suggested by Rolf Campbell, we feel it is a fair use of your
9 ordinance and interpretation of your ordinance to give
10 everybody really what they want here, and that's really an
11 effective screen, and in my mind might actually be better than
12 the buckthorns and some of the undesirable trees, the green
13 ash --
14 MAYOR MANCINO: I'm trying to understand. There's two
15 issues really. There's trees that needed to be put in pursuant
16 to the plan, trees that were going to be cleared, and then
17 there's replacement trees based on the fact that you took down
18 trees that you weren't supposed to in the first place; is that
19 correct?
20 MR. CASSATA: Yes.
21 MAYOR MANCINO: So there's two issues here. Are you
22 addressing the trees accidentally taken down, what you're going
23 to replace, or the trees that were going to come down to allow
24 you to develop your property?

1 MR. SAGEN: I believe I'm speaking to the trees that were
2 inadvertently cut down that was the subject of the
3 Rolf Campbell review and analysis.

4 MAYOR MANCINO: Okay.

5 MR. SAGEN: Pam, am I speaking correctly there?

6 MS. NEWTON: Yes.

7 MAYOR MANCINO: If you were referring to our ordinance
8 and what it calls for, those trees, some of them were very
9 large and were taken down. So the ordinance, whether it
10 applies, they shouldn't have gone down in the first place.

11 I'm a little confused why you just wouldn't
12 take our recommendation. Because this was a major screw up;
13 right?

14 MR. SAGEN: It eliminated some screening along the south
15 property line. Recognize that. I guess -- there weren't a lot
16 of real large trees --

17 MR. WYNSMA: Well, it certainly was not something that
18 was clear between us and the Village.

19 MAYOR MANCINO: Your plan is a still not clear. You're
20 plan's not completed. It's still not clear. We went out and
21 checked it. Your plan didn't even match the trees that were
22 actually out there.

23 So I'm wondering why you're not here saying
24 we're sorry, we cut the trees down, we're going to do exactly

1 what your staff has suggested. That's what I thought I would
2 be hearing.

3 MR. WYNSMA: Because the direction I got from your staff
4 was plant 73 trees, plant them on someone else's property. We
5 don't know where, just have the president of the HOA direct you
6 on whose property to plant it on and where, and I don't
7 think that's --

8 MR. CASSATA: I need to interrupt. So that's not an
9 accurate depiction of our conversation.

10 What we suggested was that if the trees are
11 better placed and better served to be on the private property
12 then you would need to work that out with those residents;
13 otherwise, put them all on your property, that's fine.

14 MR. WYNSMA: Well, the trees that were removed were all
15 on our property. I want to make that clear. We didn't
16 erroneously go onto someone else's property. We have since
17 realized that the trees that were taken down were within a
18 certain distance of the property line. It's clear from the
19 approved grading plan, from the soil -- the tree protection
20 plan and erosion fencing plan that those trees are outside of
21 what would be the protected area. I think some of the
22 confusion is that those trees weren't identified on any tree
23 survey going back to 2006 when there was a previous petition
24 for the property, for development of the property. So I think

1 that's where the confusion comes from. Those trees were never
2 identified on a tree survey, but clearly in the field you can
3 see -- we could see that what was staged for protective fence
4 to protect that tree line along the property line, everything
5 that was cleared was outside of that protected fence line, and
6 per the approved grading plan, some of those trees were well
7 within a swale, a drainage swale area, so obviously to build
8 the subdivision to the approved plans they would have had to
9 have been cleared, and they were.

10 What wasn't clear I think to either party was
11 that those trees weren't shown on a plan. The interpretation
12 of staff was that any tree along the south property line
13 regardless of whether it was 10 feet, 12 feet into our property
14 would be retained, and that just wasn't the case.

15 So we are here, you know, basically saying
16 we're sorry that those trees -- it wasn't clear. We're sorry
17 those trees were taken down. Some of them, I think, were maybe
18 close enough to the line of what would have to be a swale for
19 drainage that maybe we could have gone back and agreed with
20 staff on altering the grading plans somewhat to save some of
21 those trees, but the trees we're talking about were not -- they
22 were not large, high-standard or high-species hardwood trees.
23 They were not high-quality trees. The trees that were cut were
24 still stacked that weren't ground, but they were still stacked

1 there on the ground 15 feet from where they were cut. So we
2 could and Greg did go out and identify what species were those
3 trees, what size were they, what quality were they. And I'm
4 not saying there weren't trees that if we had been on the same
5 page couldn't have stayed up and been preserved.

6 MAYOR MANCINO: You understand what we're facing? You
7 remember your meetings. We talked for a hundred hours about
8 trees --

9 MR. WYNSMA: But I think we pointed out --

10 MAYOR MANCINO: -- and our residents came away thinking
11 that that tree line was going to be preserved, and now 70 -- 26
12 trees were removed. You can imagine what we're facing --

13 MR. WYNSMA: I understand.

14 MAYOR MANCINO: -- and it will be more scrutiny on you as
15 well from those residents to this board and staff and then on
16 to you.

17 So I'm suggesting to you that since staff
18 came up with a plan, you should seriously consider the staff
19 plan and work with them.

20 MR. WYNSMA: But we don't have a plan from staff. We
21 have a plan from Greg Sagen to plant 36 trees that are a
22 combination of species and size, that are evergreen, ornamental
23 shade trees, specifically planted in the areas where we have
24 walked the property line and determined here is a gap, here is

1 where there's visual opacity between the property lines that
 2 was either here to begin with or was created by the removal of
 3 some of these trees, and our plan is specific to filling those
 4 gaps with appropriate trees. And I think if you walk -- if any
 5 one of you walk that property line you are not going to see
 6 gaps in that property line. The one area where there were
 7 trees cut on our property where there were none planted on the
 8 neighbors' property is Acorn lot 23, which is two lots east of
 9 the emergency access. And I think you could probably see on
 10 that plan there's a gap there.

11 Now, on our side of the fence well within the
 12 area in most cases of what would have to be a drainage swale on
 13 the grading plan that was approved there were trees there. So
 14 no question that had those trees stayed there wouldn't be a gap
 15 there. So Greg's plan shows 8-foot evergreen trees planted in
 16 that area. That is really the only area where there is a gap,
 17 a serious gap that was created by the removal of trees, in my
 18 opinion.

19 But I think what we've come up with is a
 20 plan, not just a count, not just let's handle this down the
 21 road and figure out where to plant these trees. And the idea
 22 of entering onto property, private property to plant trees on
 23 somebody's land and dig in their private property, I'm
 24 completely opposed to that.

1 MAYOR MANCINO: It's been done before. But I understand
 2 you're opposed to it.

3 MR. WYNSMA: We've got dog fences and who knows what else
 4 is buried, and I just didn't think that was appropriate.

5 But I think what we have come up with is a
 6 compromise that we think has real merit to it and addresses
 7 what is the issue, and the issue is that trees were removed.
 8 Somebody could interpret that as there's been gaps created by
 9 the removal of those trees, so we are planting trees specific
 10 to address those gaps.

11 MAYOR MANCINO: The only way I interpret it is you took
 12 trees down you weren't supposed to. I don't care about gaps.
 13 Trees are trees. It's not just about --

14 MR. WYNSMA: They were never on a plan.

15 MAYOR MANCINO: -- you took trees down you weren't
 16 supposed to. Trees are important to everybody in this town.

17 MR. WYNSMA: We're talking about buckthorns, mulberries,
 18 choke cherries, trees that some people refer to as garbage
 19 trees.

20 MAYOR MANCINO: I understand that part.

21 MR. WYNSMA: And I think your engineer would agree that
 22 some of those trees were in areas that could not have been
 23 preserved given the drainage plan, given -- and what we're
 24 talking about is testimony going back to 2014 and '15 that some

1 of which was at a preliminary level. When we do the final
 2 grading plan and some of which is dictated by the Village, when
 3 that plan gets implemented and approved and stamped, it may
 4 conflict with testimony that was given in 2014.

5 MAYOR MANCINO: Trustee Riess.

6 TRUSTEE RIESS: So my thought in this process is I'm
 7 unclear as to how a tree could not be on the tree survey when
 8 it as part of the approval process the developer is required to
 9 submit a tree survey and the tree survey is dictated to include
 10 absolutely every tree standing on the property. So I
 11 understand how they say that as far as they could tell the
 12 trees were not in the tree inventory that was done for the tree
 13 survey, but there is another failure. There's supposed to have
 14 been and it's supposed to be their tree survey that they've
 15 submitted to us that is supposed to include absolutely every
 16 tree.

17 Now, I had stated previously in a
 18 conversation with P and Z that I believe that the tree survey
 19 was not a hundred percent accurate after visiting the site
 20 myself with the tree survey that they had originally submitted,
 21 and it's my understanding that a subsequent tree survey or
 22 updated tree survey was then submitted, and so we now have two
 23 tree surveys that didn't include the trees that supposedly were
 24 supposed to be on the plan but nobody kept track of. A tree

1 survey, my understanding is, it doesn't matter whether it's
 2 buckthorn or whatever else it is. If it stands on the property
 3 that's looking to be developed, it supposed to be part of the
 4 tree survey. So I'm a little lost as to how it could not have
 5 been part of the tree survey.

6 The second question I have is I'd like -- if
 7 they've done an inventory, if they accomplished an inventory of
 8 the trees cut down, I'd like to see that inventory presented on
 9 a list, not so much, you know, that it was a buckthorn but
 10 anything that they found that was a tree or within that
 11 protected species list. I think we should have that inventory
 12 as well.

13 And then I'd like to take a look at the tree
 14 inventory or the tree survey that we do have, faulted as it
 15 might be, and see how that inventory that they produced from
 16 what was cut down compares to what we have on the tree survey
 17 because I'm suspecting it won't be one-for-one.

18 MR. CASSATA: Trustee Riess, if you look at attachment E
 19 to my staff memo.

20 TRUSTEE RIESS: Say that again.

21 MR. CASSATA: If you look at attachment E.

22 MAYOR MANCINO: It's Micheal and Erika's memo.

23 TRUSTEE RIESS: I didn't see that in my stuff.

24 MR. CASSATA: So if you look up at the left-hand corner,

1 there is a list of the trees, the 26 that were taken town, and
 2 the ones in blue -- I believe there's blue highlights on your
 3 copy -- are the non-quality trees such as buckthorn, green ash,
 4 boxelder.

5 So in coming up with their number, they did
 6 not include those in a replacement count, and they would not be
 7 required to per the code.

8 MAYOR MANCINO: Can you repeat that last part?

9 TRUSTEE RIESS: What am I looking at? What is this
 10 inventory on?

11 MR. CASSATA: That is the inventory of the 26 trees that
 12 were taken down.

13 MAYOR MANCINO: See that list in the upper left?

14 MR. CASSATA: And the ones highlighted in blue are the
 15 non-quality trees that would not be required to be replaced per
 16 our tree schedule. However, staff believes because of the
 17 testimony during the public hearings and because of the final
 18 landscape plan that consideration should be given to the full
 19 replacement.

20 TRUSTEE RIESS: Okay. I stand corrected.

21 MR. WYNSMA: I guess what I would say is this: I
 22 think -- we felt like the 36-tree plan addressed -- maybe it
 23 didn't fully address the replacement of 26 trees regardless of
 24 species, but what it did address, we believe, is what would be

1 the ultimate concern, and that is screening for the existing
 2 homeowners. In addition to that, we've been out there
 3 onsite --

4 MAYOR MANCINO: And that's our problem, because it's
 5 more than just screening. You understand? We love our trees
 6 in Hawthorn Woods. We are a Tree City. We love our trees.
 7 It's not just about screening. You got to get that out of your
 8 mind.

9 MR. WYNSMA: But I don't think you --

10 MAYOR MANCINO: You cut down a tree --

11 MR. WYNSMA: But I don't think you love buckthorn and
 12 boxelder and green ash.

13 MAYOR MANCINO: No. But you just made a comment. You
 14 keep saying you're doing less trees than what staff is
 15 suggesting because you think it's about gaps in the visual site
 16 lines, and that's not what it's about.

17 MR. WYNSMA: But it's about good planning, and if you
 18 look at what's being planted along that south property line, I
 19 mean, at some point too many trees is just going to be bad for
 20 the long-term growth of that area. I mean, trees too close
 21 together are bad for the long-term; too many trees planted in
 22 one area are bad. So we've tried to address what we think is
 23 the major issue, maybe not just screening but actual quality of
 24 the trees and species that we're going to plant. But I think,

1 you know, what I would say is this is -- and I think Greg Sagen
 2 would agree -- this is a preliminary plan. This is a proposal
 3 that if acceptable to the board we would continue to work with
 4 staff to address a final plan that we think not only meets some
 5 replacement threshold that's acceptable but also addresses
 6 screening.

7 We've also been out there. As we've cleared
 8 the trees, we've gone to the neighbors. If you walk that
 9 property line, you'll see that on private property on some of
 10 the neighbors' properties there are several dead trees that,
 11 you know, for our own benefit we'd rather not see those dead
 12 trees. We have gone to some of those neighbors and offered
 13 just as a good neighbor to say, look, we've got the people and
 14 equipment here, we would be happy to remove these dead trees
 15 for you if it's agreeable. They've signed off on it in some
 16 cases, and we've done that. So we're trying to compromise.
 17 We're trying to address everyone's concerns along the property
 18 line there, and we do what we think is right. There will be
 19 more of that, I think, as we get into winter when some of these
 20 people see how the development is shaping up. We've agreed
 21 with staff that we are going to go -- once the ground is frozen
 22 in the winter, we're going to go into some of these outlot
 23 areas and trim dead wood and do some pruning and, you know,
 24 removal of scrub that -- we're not going to do it now. We want

1 to keep it intact. We're going to come back and do further
 2 pruning and clearing there. That's really just part of an
 3 overall maintenance plan that would be ongoing for the next two
 4 or three years, I'm sure.

5 So we are talking to these neighbors. We are
 6 not just -- you know, we're not just talking about planting
 7 more trees, but we're talking about really making a better,
 8 healthier fence line there on both sides of the fence.

9 TRUSTEE MORGAN: I've got a question for Michael.

10 Actually two questions.

11 The first question is, what do you feel about
 12 this plan and this approach to addressing the issue of the
 13 trees?

14 Is seems reasonable that they came back with
 15 a plan rather than we're just going to dump a whole bunch of
 16 trees out there and not approach it without a very specific
 17 plan.

18 How do you feel about the quality and style
 19 of the trees and the layout?

20 MR. CASSATA: Well, the quality and the style that they
 21 came back with, we're pleased with that. It's just the number.
 22 And based on the testimony -- because again, we go back to what
 23 all those residents were told, what they heard, what we hear
 24 from them now. And so we have to come to some sort of

1 compromise. We have to please both sides. They understand
 2 they took down the trees they shouldn't have. We understand
 3 that they came back with a plan to replace those. This
 4 supplements the final plan. So there is going to be additional
 5 planting, and that is a good thing in the long run. Yes, there
 6 could be some compromises that staff would be open to, but
 7 again, they did state publically that they would keep that tree
 8 line.

9 TRUSTEE MORGAN: There is obviously disconnect between,
 10 you know, what they had anticipated versus what the public
 11 stated, and that wasn't followed through very thoroughly. But
 12 that aside, coming in, replacing trees, obviously the buckthorn
 13 and some of the other trees that are scrub trees out there,
 14 replacing them with something better is nicer.

15 Can we get the quantity up and the size of
 16 the trees up if we're replacing them?
 17 I don't know how big some of those trees
 18 were. If they were 20-foot trees and they put in an 8-foot
 19 tree, that's a huge difference. It's going to take 10 years
 20 before the tree adds value back to compensate for what the
 21 residents have lost.

22 MAYOR MANCINO: There was like a black locust with a
 23 21-inch caliper. There was some choke cherries with 9-inch;
 24 some others with 22-inch.

1 Do you understand what I'm saying?

2 He's saying bigger trees and now you put in a
 3 little tree --

4 TRUSTEE MORGAN: A 3-inch caliper tree to replace a
 5 21-inch caliper, that's a huge variation.

6 MR. WYNSMA: We've gone into that southeast corner with
 7 the mature oaks, and I think if you recall some of the
 8 testimony there, a lot of it's unhealthy. A lot of it is in
 9 need of pruning; a lot of dead trees. And we went into that
 10 area, and when we walked it, there are at least two 48-inch,
 11 50-inch oak trees on the tree survey that we all agree those
 12 trees are dead. They're in an outlot. They're not onto the
 13 neighbors' property. They're not in a private lot that we're
 14 developing. But we're going in there and clearing those trees.
 15 We're going to take those trees down at great expense. I mean,
 16 to take down a 48-inch 300-year-old dead oak tree, that wasn't
 17 in our budget because we just expected that it's buried in the
 18 woods, all those trees are staying.

19 You know, as we've kind of talked through
 20 this, maybe there's more than just what shows up on the
 21 engineering or landscape plan we need to address here, and what
 22 we've taken down, we're -- I think we're going -- we're trying
 23 to go above and beyond in some areas to say for the health of
 24 this forest, for the health of -- for the safety of our future

1 residents and the existing residents we're going to come in and
 2 take these trees down because they're dead. If they're in an
 3 outlot, they could stay. But we wouldn't need to spend the
 4 \$6,000 it's going to take to remove trees of that size, but
 5 we're doing it because it's the right thing to do.

6 So I guess what I'm saying is it's not just
 7 taking the number that staff gave us. We are compromising.
 8 We're pushing back on that. We want to come to a plan that
 9 makes sense, that I think addresses everybody's concerns. So I
 10 guess what I would say is, like I said before, this is a
 11 preliminary plan. I think if it's acceptable to the board that
 12 we continue to work with staff to come to a final plan that
 13 we're willing to keep looking at this and come up with
 14 something that makes sense.

15 TRUSTEE MORGAN: I think for me personally I like the
 16 approach of having a plan versus just finding a place to stuff
 17 74 trees. I don't know if 74 trees would necessarily work back
 18 there. I encourage you to work with staff. I don't know how
 19 the rest of the board feels about it. But again, the size of
 20 the trees is important.

21 MAYOR MANCINO: The way I see the ordinance, though, as
 22 far as trees go it doesn't mean you cut one tree down and
 23 you've got to put it back. That's getting into the visual and
 24 the gap again. We want trees for all the other environmental

1 benefits. So that's how I look at our ordinance. I know this
 2 is a weird situation that we're looking at, but you say, yeah,
 3 74 trees may not fit here. If somebody wanted to clear-cut an
 4 acre to build homes, they're not going to put them all on the
 5 acre. They might not fit. They'd have to place them somewhere
 6 in the village.

7 TRUSTEE DAVID: How did staff come up with 74 trees?

8 MAYOR MANCINO: Based on our ordinance.

9 MR. CASSATA: The tree replacement schedule in our
 10 ordinance calls for based on the caliper that was removed, how
 11 many replacement trees based on the type of tree.

12 MAYOR MANCINO: The discrepancy is that many of the trees
 13 removed on accident were bad trees that we wouldn't normally
 14 have to replace, mitigate. But I was at those meetings, hiding
 15 in the back of the room, and they talked for days about these
 16 trees, and the residents that live there left with the
 17 impression and there's detailed testimony that that entire tree
 18 line was going to be preserved.

19 TRUSTEE DAVID: What is the benefit? What benefit would
 20 there be to you to take those trees out? Is there better
 21 visibility?

22 I'm just thinking as a resident and if they
 23 feel they're lied to

24 MAYOR MANCINO: It was an error. It was just an error.

1 TRUSTEE DAVID: So it was just a mistake.

2 MR. WYNSMA: The disconnect was, if you look at the

3 engineering plan it shows -- in some areas it shows a drainage

4 swale. There might be a tree that was in the slope or

5 partially into that swale and the protective fence plan shows

6 protective fence starting here. The tree sits here.

7 TRUSTEE DAVID: It sucks for everybody. There's not a

8 benefit. It's not like you have higher visibility. It's not

9 like the public feels tricked that you said you were going to

10 keep these and now these trees are gone so you can sell your

11 houses. It doesn't fall into that.

12 MR. WYNSMA: No. There was no --

13 MAYOR MANCINO: Their approach to me is that they don't

14 know what they're doing. That's what I'm getting from the

15 residents.

16 Just so you know.

17 MR. WYNSMA: Sure.

18 TRUSTEE DAVID: And 74 trees is like the worst-case

19 scenario? That includes the trees that were -- and we said

20 that 36 trees were actually taken out?

21 MR. WYNSMA: 26.

22 TRUSTEE DAVID: 26? And you're proposing 36, but you're

23 willing to still work with us.

24 MR. WYNSMA: Yes.

1 MAYOR MANCINO: By the way, approval of this tree

2 discussion is not on our agenda tonight.

3 You guys know that; right?

4 TRUSTEE RLESS: Right.

5 MR. WYNSMA: One of the things we did, and some of you

6 might recall, in that wooded area in the southeast where there

7 isn't a lot of unhealthy trees in that oak grove, a lot of

8 trees that are coming to their end of their life, we did -- I

9 don't remember.

10 Do you remember how many trees we reforested

11 with?

12 MR. SAGEN: 25.

13 MR. WYNSMA: Inch-and-a-half caliper?

14 MR. SAGEN: Yes.

15 MR. WYNSMA: So they're hardwoods. You go to the quality

16 and the long-term, we're planting 25 inch-and-a-half oaks,

17 hickories spread within that forest area so that as the older

18 trees die off we've get a new forest that will grow in the same

19 area. I don't know if some of that type of treatment along

20 that property line is appropriate. I'll let the experts figure

21 that out.

22 But suffice to say, we're looking at this as

23 a preliminary plan. We're willing to continue to work towards

24 a logical conclusion on what should be planted there.

1 MS. LOBAITO: Mr. Wynsma, I have to interrupt because you
 2 keep referring to a preliminary plan, and I'm looking at the
 3 final planting plan here, and it states -- it's in your packet
 4 as well; it's attachment G. It says existing tree line is to
 5 be preserved. It's in three locations here.

6 MR. WYNSMA: I'm referring to Greg's plan as a
 7 preliminary plan.

8 MS. LOBAITO: Okay. Very good.

9 So Mayor Mancino, if I could just comment.

10 MAYOR MANCINO: Please do.

11 MS. LOBAITO: One of the most concerning things to me
 12 regarding this process, it goes back to the very first evening
 13 of the public hearing before Planning, Building and Zoning and
 14 it was October 28th, 2014, and besides the legal requirement to
 15 hold this public hearing for the consideration of a PUD, it
 16 also gives the public the opportunity to comment on the
 17 testimony of the experts. And Mr. Sagen commented at that
 18 meeting -- and I know you have this in your packet so I won't
 19 read it in detail -- but one specific line he did say or
 20 sentence he commented on, the tree line along there --
 21 referring to the south property line -- is going to be
 22 preserved in its entirety as part of your development. And
 23 later on in that evening, Mr. Liepa, who we all know was a very
 24 outspoken resident at that time, that testimony by Mr. Sagen

1 seemed to quiet Mr. Liepa's voice, because he goes on to say:
 2 the subject, his subject that he was going to discuss is
 3 preserving the trees to the south and the east, I think having
 4 seen the plans this evening it appears that the trees to the
 5 south are pretty well covered. And then he moves on to the
 6 trees that are in the east and southeastern corner there.
 7 I think it's important to respect the
 8 process. And they testified that these trees were going to
 9 remain, and it quieted Mr. Liepa, and I have a feeling he would
 10 have had a lot to say that evening if he felt they were going
 11 to be removing trees in the tree line.

12 I do agree with Michael Cassata. I think
 13 there is an obligation to replace 74 trees, and maybe it's not
 14 along the property line but elsewhere on the property. I think
 15 there's an obligation there.

16 MR. WYNSMA: Well, I would say that that testimony --
 17 what year did you say that testimony was given?

18 MS. LOBAITO: It was 2014.

19 MR. WYNSMA: Okay. So that's to say in a vacuum that
 20 nothing transpired from 2014 to 2016, including final engineer
 21 design that mandated whether a drain swale was there. If you
 22 recall, we oversized a storm sewer in that southeast corner,
 23 and we agreed to extend it to Mr. Sambor's property. We walked
 24 the property that required some trees to be cleared in that

1 southeast corner. And to say that what was said in 2014, had
 2 nothing changed between now and then, it's unrealistic that
 3 preliminary review at the Plan Commission doesn't change at
 4 some point with final engineering plans that were stamped
 5 approved by the village's engineer.

6 MS. FRABLE: So those final engineering plans that were
 7 stamped and approved by the village's engineer shows the
 8 grading, shows the swale, but it also --
 9 MR. WYNSMA: The protective fence. And where the
 10 protective fence would go.

11 MS. FRABLE: And there are portions of the plan that
 12 shows that the tree line is going to remain on that south
 13 boundary. And then there is also a plan that shows what
 14 appears to be a tree survey, and it shows Xs on the trees that
 15 are going to be removed. And I was out there with the plan
 16 that looks most like the tree --

17 MR. WYNSMA: Which, remember, referring to the dates back
 18 to 2014 was a preliminary plan, a tree survey plan.

19 MS. FRABLE: I could not tell you for sure.

20 MR. WYNSMA: Well, it was dated 2014.

21 MS. FRABLE: Okay. I could not tell you for sure. I
 22 don't recall.

23 But what I'm saying is is that there was not
 24 one person onsite that day that had anything that showed tree

1 removal. All they had was this construction fence line and
 2 this silt fence line and everything from where that point was
 3 on the engineer plans must be removed, and that was it.

4 I just have to say that if there's such a
 5 discrepancy, pick up the phone. We're easy to talk to. We
 6 want to be involved. We want to make the right calls. So talk
 7 with us and say that this grading and the swales and these
 8 things that are out there -- you keep going back to the grading
 9 plan, but the grading plan doesn't depict what trees are going
 10 to be removed.

11 MR. WYNSMA: You talk about the landscape plan like it is
 12 the engineer plan we build to, and it is not.

13 MS. FRABLE: I talk about the landscaping plan is what
 14 it's going to look like when it's done, and it says preserved
 15 tree line, and that tree line is gone. I'm telling you they've
 16 got to sync.

17 MR. WYNSMA: I agree. That's why we've gone around and
 18 around with this. We agree there was discrepancy, and it never
 19 should have gotten to this. But I think that there's fault on
 20 both sides. What we're trying to do is get to a reasonable
 21 compromise that makes sense.

22 MAYOR MANCINO: Does Mr. Liepa have your cell phone or
 23 Mr. Sagen's cell phone?

24 MR. WYNSMA: Sure. Yes.

1 MAYOR MANCINO: They do? Okay. Because they had mine.

2 MS. FRABLE: I don't think that they know about this.

3 MAYOR MANCINO: You have to understand, they walk away
4 from that meeting -- this is what we're facing -- nothing's
5 going to happen to that tree line.

6 MR. WYNSMA: They're not here tonight, and it doesn't --
7 the people that are impacted -- we've talked to some of them,
8 the people that are impacted. Because it's more -- I think the
9 area is really more to the west of where Arnie Liepa lives, and
10 we -- like I said, we've gone to them and offered to cut down
11 some of their dead trees. And I, personally -- the people
12 we've spoken to onsite and who are land development manager
13 we've spoken to onsite, they have not brought this up.

14 MAYOR MANCINO: They're just yelling at us, Cassata?
15 MR. WYNSMA: I don't think Arnie Liepa has anything to do
16 with what we're talking about here. In the area he lives in, I
17 don't think he has seen any negative impact to what was on the
18 plan.

19 MS. FRABLE: I believe -- and I'm not certain -- Acorn
20 Acres was one of the most organized neighborhoods we've seen at
21 a meeting, and I think each individual spoke on behalf of the
22 Acorn Acres HOA on something that the whole HOA was concerned
23 about. So I believe Arnie was speaking about what the whole
24 group collectively felt, the southern boundary as well as the

1 eastern, southeastern boundary. When he heard that was all to
2 be preserved, he said to himself my fellow HOA are going to be
3 okay with this because then it's being preserved.

4 MR. WYNSMA: But I don't think anyone is out there saying
5 that buckthorn and that boxelder and that green ash and these
6 trees, you know, that black locust or whatever it's called --
7 I've got one of those in my yard, and I'd like to chop it
8 down, it's a dirty tree -- they're not -- we've not heard from
9 anyone specifically that those trees should never have been cut
10 down and the outrage over that. We haven't heard it.

11 MR. CASSATA: Well, that's because we haven't given them
12 your cell phone number.

13 MAYOR MANCINO: Do these people have your cell phone
14 number?

15 Because you'd be singing a different tune.

16 I'm being facetious. I'm being facetious here. But we're
17 hearing it from the residents. We're hearing it that you don't
18 know what you're doing; hence, we don't know what we're doing.

19 You follow that?

20 MR. WYNSMA: Yeah.

21 MAYOR MANCINO: That's how that works.

22 MR. WYNSMA: I understand.

23 MAYOR MANCINO: We're trying to be -- that's why my first
24 question to you is why aren't you here saying I'm going to do

1 exactly what your staff wants me to do to solve this tree
 2 issue? Which is my suggestion, is for you to continue to work
 3 with staff.

4 MR. WYNSMA: I don't think it's reasonable. I think what
 5 we have come up with is a -- maybe it's not a hundred percent,
 6 but I think it's a reasonable compromise. And what we got from
 7 staff stating 73 trees, which, look at the plan, I don't know
 8 where you plant 73 trees, and to let -- to contact the HOA of
 9 Acorn Acres and have them tell us where they want the trees
 10 planted, to me that was a non-starter.

11 TRUSTEE DAVID: Did it ever occur to you it may be
 12 unreasonable what you're doing. It's a request to go above and
 13 beyond the minimum ordinance amount to compensate for the
 14 mistake that was made. You keep saying it's not reasonable,
 15 that's not reasonable. Yeah, it's not reasonable. But what it
 16 is is --

17 MR. WYNSMA: I hear you.

18 TRUSTEE DAVID: -- it's above and beyond. It's a
 19 response. That's what we're looking for, and we're not getting
 20 it. Would you agree with that?

21 MR. WYNSMA: No. I think that's -- I think that's
 22 staff's interpretation. We're looking at this as a tree --
 23 from the perspective of your tree replacement ordinance.
 24 That's true.

1 TRUSTEE DAVID: We want to say to our residents on your
 2 behalf, yeah, we have the testimony, this is how it went; boy,
 3 these guys busted it to get it done, they went above and
 4 beyond, they didn't just go to the minimum, they saw that this
 5 was a screw up, they saw that this was a terrible circumstance
 6 that had gone through and they busted it to get it done.

7 Can we tell them that?

8 MR. WYNSMA: Honestly, yeah, I think you can. Because I
 9 think what's going to end up built there and planted there is
 10 going to be far greater than even the approved landscape plan,
 11 and I think it's going to be far greater than what existed
 12 there. And if any one of these people -- and you can give them
 13 my cell phone number. They can call me any time -- if they are
 14 upset and outraged over what's been done there, because I think
 15 some of them in talking with them, we'd like to help you cut
 16 down your dead trees, they haven't said what the hell are you
 17 going to do about the three trees over on your property you cut
 18 down. I think if the end product is so much better than what
 19 was there and existing, yeah, I really do think we're going
 20 above and beyond. That's not to say we're drawing a line in
 21 the sand saying these 36 trees are it. We want to just put
 22 this behind us. We want a reasonable compromise.

23 I do not think that us going to the HOA of
 24 Acorn Acres and having them tell us where to plant trees on

1 people's yards is reasonable, and it's not something I'm
2 willing to expose my company to and have that kind of liability
3 for. So dealing on our side of the fence, we're trying to come
4 up with what we think is a fair way to address it.

5 TRUSTEE DI MAGGIO: I'll tell you what bothers me more
6 than anything -- and I think I can speak for almost everybody
7 on this board -- when we give our word and make a promise to
8 our residents and they leave this meeting and they've heard
9 from us, heard from you, this tree line is not going to be cut
10 down, we stand by our word. Unlike some people in our federal
11 government who are lying to citizens, we don't. When we give
12 them our word, we stick by it, and we expect you to and will
13 hold you to that word, too.

14 So you seem really annoyed by this
15 proceeding. That's the impression I'm getting. It's really
16 pissing me off. So if you want to draw a line in the sand,
17 you'll lose that.

18 MR. WYNSMA: No. I'm sorry I give you that impression.
19 I think that the frustration, if anything, is, you know,
20 there's this demarkation of 74 trees that aren't on a plan --
21 or 73 trees, I don't recall the number. And the plan we've
22 presented as a preliminary plan for 36 replacement trees
23 that -- to just sit here tonight and say we'll double that,
24 we'll just make it 72 trees instead of 36, that's not a plan.

1 I mean, we're happy to develop this plan further, whether it's
2 size of the trees, species of the trees, placement of the
3 trees. We're willing to work to come up with something that we
4 think works. I don't think to say 73 three-inch trees planted
5 on the property line is a final plan. That's kind of the unit
6 count they're starting with, and this is a preliminary plan we
7 think is addressing the issue.

8 MS. LOBAITO: Can you find other locations in the
9 property there to plant the 74 trees?

10 MR. WYNSMA: I'd have to -- I mean, this landscape plan
11 is extensive. It's all of the outlets, which every house in
12 the project basically backs to open space, backs to outlets.
13 So we've already got a landscape plan for the outlets; we've
14 got a landscape plan for the parks. I don't know. That's a
15 good question for Greg.

16 Can we find more, different places? Yes, I'm
17 sure we could. Could there be some -- is there an appropriate
18 place on the site to do more reforestation plantings like we
19 did in the oak forest? Maybe there are. All those things are
20 on the table. And you know, I'm willing to look at all of it
21 and talk about all of it. I think, you know, I think the idea
22 that I step up here and fall on my sword and say 74 trees
23 planted wherever you want, I don't think that really addresses
24 the overall issue and is an intentioned plan to address

1 replacement of these trees.

2 MAYOR MANCINO: Rolf Campbell is here.

3 What do you think of their plan?

4 MR. DETHLOFF: Well, when I first came up with this
5 plan, it was just to document every single tree that had been
6 cut down. That's what I did, I documented everything and kind
7 of made it to the -- whatever the tree replacement was
8 according to the ordinance.

9 Basically what they have there, I did a
10 review of this plan and sent it. I liked kind of like where
11 they placed the trees, but I also said there may be some gaps,
12 some other areas where trees can be filled. I did mention
13 that, you know, it's really up to the Village's discretion on
14 how many trees they want to replace it with. So based on the
15 replacement schedule I had over here, on the -- was it
16 attachment E?

17 MAYOR MANCINO: Yeah, I saw the attachment E.

18 Now, take out -- I'm sorry, I forgot your
19 name.

20 MR. DETHLOFF: Brad.

21 MAYOR MANCINO: Take out the scrub trees that were taken
22 down inadvertently. What does our ordinance call for?

23 I'm sure you're curious. You guys came up
24 with 74 trees. We're not trying to decide what number. I'm

1 just asking a question.

2 MR. DETHLOFF: It would be 40 because they actually
3 decreased the size of the trees based on the DVH which was
4 4 1/2 feet where you should measure the DVH. But since they
5 were all cut down, we had to measure around the base because
6 that's all we had to go with because there's no real way unless
7 you had found the trees that had been cut down and measured
8 that way.

9 MAYOR MANCINO: Yes.

10 MS. NEWTON: I just wanted to let the board know that I
11 know Michael and Donna have been working on this extensively,
12 and when they queried me, I also supported that we hold the
13 Petitioner to the highest extent of the law. Now, the law as
14 was clearly stated does not usually or typically include those
15 scrub trees, but in this particular case the testimony was also
16 the law that it would remain. So I supported that higher
17 number. But if there's a compromise number, there may be.
18 What I wanted the board to know is that it
19 didn't just stop with the requirement of the caliber inch of
20 the trees. We also issued this developer a fine. I know
21 Michael brought it to me, and we issued a \$1,000 fine to the
22 Petitioner and notified them that we would be taking it from
23 their draw-down deposit. So I just wanted you to know I
24 assigned that fine that was brought to me from the community

1 development department immediately upon hearing this. So it's
 2 not just replacing of trees that's a penalty. It's also cost
 3 them a significant amount of money they hadn't planned for. We
 4 treat any infraction of our ordinance with trees, landscaping
 5 to the highest extent of the law, and that's why it's before
 6 you.

7 MAYOR MANCINO: I appreciate that. I'd rather see a fine
 8 come out of a fine than a draw-down deposit --
 9 MS. NEWTON: We had the money at hand.

10 MAYOR MANCINO: -- I don't think that's good policy.

11 MS. FRABLE: Can I make a suggestion? There are trees
 12 that, like Nate indicated, that the large-diameter old oaks
 13 that are being removed that we didn't really know were going to
 14 be removed at the time that this got approved. Could we look
 15 at putting some -- and they backed right up to the east there,
 16 to George Sambor's property, and we were concerned that the
 17 screening is going to be eliminated if those trees are taken
 18 down. There's leaves on the trees, but still, they're
 19 huge-diameter trees with a canopy but the branches that maybe
 20 there's a spot to look at some of these trees. I'm not saying
 21 all 72 or whatever, but that's a place where I see that there's
 22 going to be a gap because the trees are coming down and we
 23 didn't know it at the time.

24 MR. WYNSMA: Yeah. I think as we go back to that area

1 and take those trees out and do pruning of dead wood because
 2 there are dead limbs that are hanging and we go back and do
 3 that kind of detailed pruning and clearing, I think it may be
 4 logical to say those areas that maybe now don't have either a
 5 canopy of branches or trees that we extend that reforestation
 6 plan. Like I said, that reforestation, I mean, it doesn't
 7 necessarily have to be oaks and hickories and hardwoods if it's
 8 not appropriate, but even that type of treatment along the west
 9 of that south property line, and/or looking at, as
 10 Trustee Morgan said, if the 8-foot evergreens where there's a
 11 more noticeable gap and those should be 12-foot evergreens or
 12 there's a sizing that should be more appropriate than maybe
 13 what's on that plan from Greg. I guess I think there's a
 14 logical approach where this plan could go from a preliminary
 15 plan to a final plan; that maybe it's not 73 three-inch trees,
 16 but it's a combination of species and size and appropriateness
 17 of where to plant these whether it's a reforestation 1 1/2-inch
 18 trees where old oaks are dying off or it's larger evergreen
 19 trees in a gap area. I think there's -- between Rolf Campbell
 20 and Signature Design Group, I think they can come up with a
 21 plan that addresses everybody's concerns.

22 MAYOR MANCINO: Michael, do you want to see a solution to
 23 a number of trees tonight before we move forward? Do you feel
 24 comfortable working with these guys?

1 MR. CASSATA: I feel comfortable working with them.

2 MAYOR MANCINO: Have you heard the message from this

3 board?

4 MR. WYNSMA: Loud and clear.

5 MAYOR MANCINO: Okay.

6 TRUSTEE PONZIO: When do you propose to come back to us

7 with what you're calling a final plan?

8 MR. WYNSMA: I think within the next week or two we could

9 have a plan in place that we would then date and incorporate

10 into the documents of the communities so when we implement our

11 landscape plan that that becomes an addendum to the landscape

12 plan.

13 MR. CASSATA: Trustee Ponzio, that actually is not

14 required per the approvals, the original approvals. We can

15 approve that at staff level. However, if you wanted to come

16 back, that's your discretion. It's not necessary.

17 TRUSTEE RIESS: I'm okay with that, with staff.

18 MAYOR MANCINO: When staff is happy, the board is happy.

19 That's generally how, you know, we operate. We can cut right

20 to the chase without the overheads.

21 MR. WYNSMA: Okay.

22 MR. CASSATA: Are we okay on that issue?

23 There is one more issue with Stonebridge,

24 and that is the bridge. We have an update for you based on

1 conversation at the PUD approval. They have updated the bridge

2 sign to incorporate some of your comments and conditions at PUD

3 approval, and these are also AASHTO approved. I'll let Nate

4 explain the reason why the wall size or height has increased.

5 MR. WYNSMA: Okay. The first page you have is kind of a

6 cut and paste that we did. If you recall at the final approval

7 it was pointed out quite appropriately that the bridge was a

8 concrete span bridge, that the landscape plan had shown pillars

9 on that bridge that were stone; there were no pillars on the

10 engineering plan. I think what happened was the span design

11 from the structural engineer was incorporated with the final

12 engineering plans, and it showed what you see on the bottom

13 here, just a concrete span bridge. We kind of took that a step

14 further then in the final design and came back to staff with a

15 bridge that had all stone treatment, which this is called a

16 formliner, so the concrete is all imprinted with a stone facade

17 and with pillars. Then the evolution was that Burke's office

18 felt that that wouldn't meet a certain crash rating standard

19 with the ornamental fence, so the plan we have tonight before

20 you and we're in design now to provide all the structural

21 details to Burke's office is the bridge on top of that 11-by-17

22 page, and that is a stone head-wall stone structure which is

23 the head wall, the face of that bridge would be carried all the

24 way up to a railing height and still a little ornamental

1 railing detail at either end with pillars on the ends. So
 2 that's the plan for the formliner appearance of the bridge so
 3 it's more of a true stone bridge for the community.

4 Then the next two pages, the first one is a
 5 finished bridge. You see that it's landscaped. This is
 6 actually in Naperville, Main Street, part of their Riverwalk.
 7 The reason I gave you these two sheets is really it goes to
 8 color. The second sheet, the top picture is of natural
 9 limestone. That's real stone. The bottom picture is of a
 10 bridge very similar to -- although bigger, very similar to the
 11 bridge we're going to build, the style and design. You can see
 12 in the far right of that picture there's still wood applied to
 13 the facade of the bridge. That's because all the formliner
 14 hasn't been peeled off yet. That is what it looks like in its
 15 natural concrete, finished state. So you can see it's very
 16 similar to natural limestone. And then that picture of the
 17 bridge in Naperville on the Riverwalk, that has not been
 18 painted or stained or treated. That is the natural concrete
 19 color which we're hoping would most appear like a limestone.

20 We've gone over this with our contractor
 21 looking at multiple color wheels, multiple vendors that provide
 22 paint or stain for concrete, and we haven't come up with
 23 anything we really like that doesn't make it -- it doesn't
 24 start to look unnatural or it looks cartoonish or contrived

1 that when you try to make it a grey stone bridge or a
 2 gold-brown-yellowish limestone bridge it starts to look
 3 painted. So that is really -- the formliner is what's shown on
 4 the 11-by-17 plan, and this is just examples of how we think
 5 the finished product will look.

6 MAYOR MANCINO: It looks great. I know that was a
 7 concern. I hope this gets through engineering.

8 Basically if you sbrink the span of the
 9 guardrail, is that going to get you through?

10 MR. WYNSMA: Yeah. That's basically a continuation of
 11 that head wall all the way up, 18 inches thick.

12 MAYOR MANCINO: Is the handrail still going to be on the
 13 other side of the wall?

14 MR. WYNSMA: No. The wall is at a 3 1/2-foot handrail
 15 height.

16 MAYOR MANCINO: Gotcha.

17 MR. WYNSMA: But, yeah, we've been assured by Contech,
 18 the engineer, that it does meet the crash standards. They're
 19 compiling all the paperwork we're required to submit for
 20 review.

21 MAYOR MANCINO: Looks great. I'm sure you'll select a
 22 great color.

23 MR. WYNSMA: I think it's going to make a statement.

24 MAYOR MANCINO: I agree.

1 We don't have any action to take on that.

2 No.

3 Do you guys have questions about the bridge?

4 (No response.)

5 MAYOR MANCINO: Terrific.

6 I think we're good moving forward. You're
7 going to continue to work with staff on this tree issue; right?

8 MR. WYNSMA: Yes.

9 MAYOR MANCINO: Michael will communicate to us the final
10 plan. He'll get it to the board so we can communicate with our
11 residents that we feel they lived up to what they hired us to
12 do.

13 MR. WYNSMA: I appreciate that. Thank you.

14 MAYOR MANCINO: Yeah. Any other questions for

15 Mr. Wynsma?

16 TRUSTEE RIESS: No, sir.

17 MAYOR MANCINO: That's right. Yeah. Is there any public
18 comment?

19 Because we are in a public hearing. Is there
20 any public comment for any of the annexation items?

21 (No response.)

22 No, there isn't.

23 Then the Chair seeks a motion to close the
24 public hearing.

1 TRUSTEE PONZIO: So moved.

2 TRUSTEE DI MAGGIO: Second.

3 MAYOR MANCINO: Ms. Lobaito, will you please take the
4 roll on that.

5 TRUSTEE PONZIO: Yes.

6 TRUSTEE RIESS: Yes.

7 TRUSTEE MORGAN: Yes.

8 TRUSTEE DI MAGGIO: Yes.

9 TRUSTEE DAVID: Yes.

10 MAYOR MANCINO: Thank you. That public hearing is

11 closed.

12 The Chair would just like to take a leave of
13 the order of our agenda this evening. We do have two items
14 that are related to Stonebridge here. They are under B, Items
15 for Separate Action. If the board is in agreement, I'd just
16 like to move those up in the agenda. If there's concurrence on
17 those.

18 TRUSTEE RIESS: I'm okay with that.

19 TRUSTEE DI MAGGIO: No problem.

20 TRUSTEE DAVID: Okay.

21 MAYOR MANCINO: So we can get this moving.

22 So the Chair seeks a motion for the approval
23 of an ordinance adopting a certain third amendment to a certain
24 annexation agreement-HDP Stonebridge LLC.

1 Is there a motion for approval?

2 TRUSTEE RIESS: So moved.

3 TRUSTEE DAVID: Second.

4 MAYOR MANCINO: Any discussion on that particular item or
5 questions?

6 (No response.)

7 Ms. Lobaito, will you please take the roll.

8 TRUSTEE PONZIO: Yes.

9 TRUSTEE RIESS: Yes.

10 TRUSTEE MORGAN: Yes.

11 TRUSTEE DI MAGGIO: Yes.

12 TRUSTEE DAVID: Yes.

13 MR. BRANKIN: The Mayor also votes.

14 MAYOR MANCINO: Yes.

15 That motion carries.

16 The Chair seeks a motion for an approval of
17 an ordinance authorizing the execution of Stonebridge amended

18 subdivision improvement agreement-HDP Stonebridge LLC.

19 TRUSTEE DI MAGGIO: So moved.

20 TRUSTEE PONZIO: Second.

21 MAYOR MANCINO: Thank you.

22 Any discussion or questions on that?

23 TRUSTEE PONZIO: I had a question, Mr. Mayor.

24 We're changing from a letter of credit to, I

1 believe, a performance bond.

2 MAYOR MANCINO: Correct.

3 TRUSTEE PONZIO: That's a significant savings, isn't it?

4 MR. WYNSMA: Actually, the cost of the bond versus letter
5 of credit is a little bit higher.

6 TRUSTEE PONZIO: Really?

7 MR. WYNSMA: What the difference is for us is really from
8 an operating capital standpoint --

9 TRUSTEE PONZIO: Cash flow.

10 MR. WYNSMA: -- the way letters of credit are treated is
11 the same as cash.

12 TRUSTEE PONZIO: I know.

13 MR. WYNSMA: It takes away our working capital and cash
14 flow.

15 TRUSTEE PONZIO: So your working capital does improve
16 though.

17 MR. WYNSMA: Yes.

18 TRUSTEE PONZIO: And since working capital is important
19 and cash flow is important, you will free up some funds, I
20 believe.

21 MR. WYNSMA: Yeah.

22 TRUSTEE PONZIO: So maybe you can work a little harder on
23 that tree thing.

24 MR. WYNSMA: I hear you. I was picking up on that

1 before. I wanted to make you go a little further.

2 (laughter.)

3 TRUSTEE PONZIO: Okay. That was my only question. Thank
4 you.

5 MAYOR MANCINO: Thank you, Mr. Wynona.

6 Thank you, Trustee Ponzio.

7 TRUSTEE PONZIO: You're welcome.

8 MAYOR MANCINO: Any other questions on this item?

9 (No response.)

10 Ms. Lobaito, will you please take the roll.

11 TRUSTEE PONZIO: Yes.

12 TRUSTEE RIESS: Yes.

13 TRUSTEE MORGANI: Yes.

14 TRUSTEE DI MAGGIO: Yes.

15 TRUSTEE DAVID: Yes.

16 MAYOR MANCINO: Me? Oh, right. Not me.

17 That motion carries. Thank you.

18 Thanks for being here.

19 (Further Village business conducted.)

20 * * * *

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1 STATE OF ILLINOIS)
2 COUNTY OF MCHENRY)

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4
5 I hereby certify that I reported in
6
7 shorthand the proceedings at the above-entitled public
8 hearing and that the foregoing reported proceedings,
9 consisting of pages 3 through 51, inclusive, is a true,
10 correct, and complete transcript of my shorthand notes
11 so taken at the time and place aforesaid.



Joan M. Holub

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