



**THE VILLAGE OF HAWTHORN WOODS
SPECIAL VILLAGE BOARD MEETING
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
SEPTEMBER 29, 2010
7:00 P.M.**

MINUTES

I. CALL TO ORDER AND ROLL CALL

Mayor Mancino called the meeting to order at 7:10 p.m. Roll call indicated the following members were present: Mayor Mancino, Trustees Riess, Morgan, Wright, Weick and Corrigan. Trustee Ponzio was absent.

Also present were Chief Operating Officer Pam Newton, Chief Administrative Officer and Village Clerk Donna Lobaito, Public Works Director Jim Maiworm, Chief of Police Jennifer Paulus, Chief Financial Officer Kristin Kazenas, and Village Attorney Dan Shapiro.

II. PLEDGE OF ALLEGIANCE

**III. PUBLIC HEARING FOR THE CONSIDERATION OF A FOURTH
AMENDMENT TO THE HAWTHORN WOODS COUNTRY CLUB
ANNEXATION AGREEMENT – TOLL BROTHERS**

Motion by Riess, second by Wright to open the public hearing.

Hal Francke, attorney with DLA Piper, stated the original annexation agreement was executed in 2003. In 2005, there was an agreement signed between Toll Brothers and Hawthorn Woods relating to the park site development and the soccer fields with ongoing reviews of the settling of the soccer fields. Since that time the Village has indicated it is satisfied with the condition of the fields, thus prompting the fourth amendment to the annexation agreement. This agreement states the Village accepts the park and agrees to provide the ongoing maintenance of the park and soccer fields, and Toll Brothers will make a contribution of approximately \$17,000.00 to the Village for maintenance equipment.

Motion by Wright, second by Morgan to close the public hearing.

IV. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

There was no public comment.

V. NEW BUSINESS

A. Consent Agenda

1. Approval of the Minutes of the Village Board Meeting – Special Meeting, July 1, 2010 and July 19, 2010 and the Special Board Meeting – August 5, 2010
2. Approval of the Bill List Dated September 2010
3. Approval of the Paid Invoice Listing Dated September 2010
4. Approval of a Resolution for the Execution of Agreement with American Appraisal Associates Inc.
5. Approval of a Resolution Authorizing the Mayor and Village Clerk to Execute the Fourth Amendment to the Hawthorn Woods Country Club Annexation Agreement – Toll Brothers
6. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods – Title 2, Chapter 5, Section 2 – Public Safety and Judicial Committee; Section 5-2-5 Members and Terms
7. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods – Title 1, Section 1-4-4 – General Penalty; Section 1-4-4E, Settlement Amount Enumerated
8. Approval of a Resolution – Authorizing the Mayor and Village Clerk to Execute an Agreement with PMA Financial Network, Inc. and PMA Securities, Inc.
9. Approval of Investment Policy Amendment
10. Approval of Authorized Financial Institution List
11. Approval of Budget Transfers
12. Release of Surety Bond – Toll Brothers
13. Approval of Resolution Recognizing Fire Prevention Week October 3 – 9, 2010

Trustee Morgan asked that item 12 be removed from the Consent Agenda. Village Clerk Lobaito suggested item 5 should be removed from the agenda as the Mayor would need to vote on this item. Village Attorney Shapiro agreed.

Motion by Corrigan, second by Weick to approve the Consent Agenda with the exceptions of items number 5 and 12.

Roll call vote.

Ayes: Riess, Morgan, Wright, Weick, Corrigan
Nays: None

Abstentions: None
Absent: Ponzio
Motion carried.

Motion by Riess, second by Wright to approve Consent Agenda item 5. Trustee Wright commented that the fields were monitored and no outstanding issued were identified.

Roll call vote.
Ayes: Riess, Morgan, Wright, Weick, Corrigan, Mancino
Nays: None
Abstentions: None
Absent: Ponzio
Motion carried.

Motion by Riess, second by Morgan to approve Consent Agenda item 12. Trustee Morgan commented that this item had not yet gone through the Public Works Committee and requested the Village Engineer review the request. Mr. Francke commented that the Village accepted both Schwerman Road and Heritage Oaks Park a long time ago.

Roll call vote.
Ayes: Riess, Wright, Weick, Corrigan
Nays: Morgan
Abstentions: None
Absent: Ponzio
Motion carried.

VI. ADMINISTRATION REPORTS

A. Report from the Chief Operating Officer

1. Monthly Update – Village Operations

Ms. Newton reported staff has been busy working on the budget. She commented on the Fall Family Fun Fest, which was a great success again this year. She said staff and Mayor Mancino hosted an informational meeting with the property owners in Countryside Glen subdivision for an update on the grading work being conducted on the Kappos site, as well as future development of the site.

She indicated that Kemper Sports Management is looking to expand the clubhouse at the Hawthorn Woods Country Club. She also reported the Village will be receiving an additional \$32,000.00 MFT funds, which is money being released by Governor Quinn. Ms. Newton also reported staff

is reviewing a water supply agreement from the County for water service to Forest Lake.

Ms. Newton updated the Board on options available to the Village to utilize the money donated by Canadian National for sound/sight mitigation efforts. She said staff will walk the area again in the fall when the leaves drop, and will report to the Board in November. Trustee Riess asked Ms. Newton to post any Power Point presentation she may prepare on the website. Two residents in the audience spoke and said the trains are now longer and thus louder.

2. Economic Development

Ms. Newton reported on economic development progress.

3. Parks and Recreation

Ms. Newton reported the proposed field agreement with Ela Soccer runs through the end of November 2010.

Motion by Riess, second by Corrigan authorizing staff to enter into an agreement with Ela Soccer for ten weeks.

Roll call vote.

Ayes: Riess, Morgan, Wright, Weick, Corrigan

Nays: None

Abstentions: None

Absent: Ponzio

Motion carried.

4. Presentation of Energy Audit at the Aquatic Center by Village Intern David Fitzgerald

Village Intern David Fitzgerald presented an energy audit that was prepared for the Aquatic Center. The audit looked at how much energy we could save by implementing certain measures. These measures indicated the Village could realize a \$5,719.00 cost savings annually in energy bills. One such recommendation was lowering the pool temperature by a few degrees would save approximately \$3,000.00 annually. Intern Fitzgerald said he is now looking into the costs associated with implementing these savings measures, and will be researching grant opportunities.

B. Reports from Department Heads

1. Director of Building Department/Chief Administrative Officer – Donna Lobaito

a. Department Report

Ms. Lobaito noted that building permits continue to track higher than the months of July and August 2009.

1. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods – Title 11, Section 11-1-2 – Draw Down Deposit Agreement

Ms. Lobaito noted the fees section of the Village Code was amended several months ago and in that amendment the deposit amount for this agreement was increased so that the deposit for the anticipated costs of moving a project through the development process would be sufficient so that billing of the applicant would no longer be necessary. She stated this amendment tonight provided for the language change in the agreement. She noted CFO Kazenas also reviewed the document. Trustee Corrigan mentioned this amendment was discussed in the Finance Committee several months ago. Ms. Kazenas noted the developer would still receive a monthly accounting report.

2. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods – Title 1, Sections 1-4-4C.1, 1-4-4C.4, and Section 1-4-5 – General Penalty, Code Enforcement Officer

Ms. Lobaito stated this code amendment establishes the position of the Code Enforcement Officer and provides for that position to be able to write citations.

3. Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods – Title 11, Section 11-1-1H.2 – Residential Plan Review Fees

Ms. Lobaito noted this fee is to cover the cost associated with the Village Engineer reviewing spotted surveys on new homes.

4. Approval of an Ordinance Imposing a Moratorium on the Construction and Establishment of Wind Energy or Solar Energy Devices in the Village of Hawthorn Woods

Ms. Lobaito reported that staff was ready to move forward with research on wind and solar energy devices and recommended the passage of a moratorium to allow proper time to bring a draft ordinance to the Planning, Building and Zoning Commission for consideration. Ms. Lobaito noted this moratorium did not include geothermal energy.

Motion by Corrigan, second by Morgan to approve items 1, 2 and 3 presented by Ms. Lobaito under an omnibus vote.

Roll call vote.

Ayes: Riess, Morgan, Wright, Weick, Corrigan

Nays: None

Abstentions: None

Absent: Ponzio

Motion carried.

Motion by Weick, second by Riess to approve item 4 presented by Ms. Lobaito.

One minor wording amendment was made to Section 3.

Approval of an Ordinance Imposing a Moratorium on the Construction and Establishment of Wind Energy or Solar Energy Devices in the Village of Hawthorn Woods.

Roll call vote.

Ayes: Riess, Morgan, Wright, Weick, Corrigan

Nays: None

Abstentions: None

Absent: Ponzio

Motion carried.

2. Chief Financial Officer – Kristin Kazenas

a. Department Report

Ms. Kazenas stated that she, Ms. Newton and Ms. Lobaito thoroughly reviewed the budget with all department heads. The budget will be reviewed by all committees in conjunction with the Finance Committee next week. The document will be presented to the Village Board at the October meeting. Ms. Newton noted that last year approximately 70 to 80 committee members were a part of the review process. Ms. Kazenas noted that she is considering

holding one joint budget meeting with all committees on a Saturday in October in 2011.

3. Chief of Police

a. Department Report

Chief Paulus noted her report was in the packet.

b. Vehicle Weight Enforcement Ordinance Recommendation

Chief Paulus outlined the difficulties the Police Department has had with the enforcement of the weight restriction ordinance and the several modifications that have already taken place. Since the implementation of the ordinance the Village has collected \$1,085.00 on 18 permits with many resident complaints because the cost is being passed on to them. She said the septic haulers are one group that is passing the cost on to the consumer.

Chief Paulus said her staff has looked at other municipalities ordinances, and after much research could not come up with a fair way of writing an ordinance.

After much discussion about various options, the Board decided the Police Department should enforce the state overweight limits and repeal our current ordinance. It was noted that the ordinance will need to be repealed in the future.

4. Public Works Director – Jim Maiworm

Mr. Maiworm reported the SSA #4 sewer project is proceeding. He noted an OSHA inspection temporarily shut the job down for a day, but the issue was quickly mitigated. Trustee Corrigan asked how the YES program with the County worked out. Mr. Maiworm responded the Village did not receive any workers this summer and that the geographical location was the problem. Mr. Maiworm also reported he is seeking competitive prices for videoing the Bent Tree line.

VII. OLD BUSINESS

None this month.

VIII. MAYORS REPORT AND COMMITTEE REPORTS

A. Mayors Report-----Joseph Mancino, Mayor

1. Appointment of Paul Sedlacek, John Kosik, Ginger Bohac, Jeff Johnston and Harry Schildkraut to the Zoning Board of Appeals
2. Appointment of Tom Chmela to the Parks and Recreation Committee
3. Appointment of Surinderpal Singh Kalra to the Public Safety and Judicial Committee

Motion by Corrigan, second by Weick to approve items 1, 2 and 3 presented by Mayor Mancino under an omnibus vote.

Voice vote. All ayes, motion carried.

Mayor Mancino mentioned that each Village Board member received a letter from Karin Gasero regarding her request to amend the Village Code to regulate residential deliveries in the middle of the night. Ms. Lobaito mentioned staff conducted research of four communities and found none of them regulate residential deliveries. The Board discussed the enforcement difficulties of a residential delivery prohibition as it pertains to newspaper deliveries. Mayor Mancino referred to Ms. Gasero's letter in which she references Lake Forest's code.

After much discussion, the Board was not in favor of amending the Village Code at this time and asked Ms. Lobaito to contact Ms. Gasero informing her of this decision.

- B. Public Safety and Judicial -----Harry Benstein, Chair
Neil Morgan, Trustee Liaison

Trustee Morgan stated the committee is looking into a safety issue at the aquatic center with respects to the right turn lane. He also stated Chief Paulus is heading up the EOP plan and will be in charge of re-writing the manual, which will be reviewed by the EOP committee.

- C. Parks and Recreation-----Terry Ditsch, Chair
Neil Morgan, Trustee Liaison

Trustee Weick stated the committee is working on the Park Master Plan update and is hopeful this will be completed by the end of this year.

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

Trustee Riess reported that the Environmental Committee did not meet this month; however, he did report that the committee will not be conducting bulb

planting this fall. He stated the committee will be conducting their Adopt-A-Highway pick up on October 16, 2010, and that he coordinated all Adopt-A-Highway groups along Old McHenry Road from Route 12 to Route 22 for a pick up on the same day.

Trustee Riess asked that the consideration of the burning ordinance be tabled to a future date as more work on this ordinance was needed. Motion by Riess, second by Weick to table Approval of an Ordinance Amending the Village Code of the Village of Hawthorn Woods, Title 4, Chapter 7, Open and Contained Burning, Landscape Waste Composting.

Voice vote. All ayes, motion carried.

Ms. Newton asked the Board members to review the ordinance and forward to her and Steve Riess any suggestions/concerns they may have. She informed the Board the ordinance has gone through legal review.

- E. Zoning Board of Appeals-----Susy Rein, Chair
Trustee Liaison, Vacant

No report.

- F. Plan Commission ----- Susy Rein, Chair
Trustee Liaison, Vacant

No report.

Motion by Reiss, second by Wright to move item H before item G.

Voice vote. All ayes, motion carried.

- H. Public Works Committee-----

Dan McConkie, committee member, reported that the committee is looking into pricing to video the Bent Tree line looking for obstructions. He said the Village Engineer has provided several options for consideration by the Board. A 50/50 grant is available from Lake County for this work; however, it expires this year, but can be extended. He noted that the affected residents have said the flooding of their property was never a problem until the improvements were made at the Brierwoods/Bridlewoods Park as a part of the SSA work.

Mr. McConkie stated the committee is still monitoring the progress of the Lake Michigan water opportunity. He also reported the Public Works budget will be reviewed next week along with the Finance Committee. He stated that he and Mr. Maiworm met with residents along James Drive and discussed the possibilities of a 50/50 program regarding their drainage issues in the public right-of-ways in the

front ditch lines. He said it was a very positive meeting. Mr. Maiworm said that in order for this program to proceed, a stormwater study would be necessary to determine where the water would go and what affect it would have.

G. Finance Committee-----Pete Ponzio, Chair
Trustees Corrigan, Trustee Liaison

1. Approval of the June 2010 Financial Statements
2. Approval of the July 2010 Financial Statements

Ms. Kazenas reported that the June and July 2010 financial statements have been reviewed by the Finance Committee. She also reported that the State has improved their timeliness with remittance of the Income Tax, and is now three months in arrears as opposed to six months. The State presently owes the Village of Hawthorn Woods \$150,000.00. She mentioned that by June 2009, \$395,000.00 in Income Tax had been remitted to Hawthorn Woods, and by July 2010, only \$275,000.00 had been remitted.

Motion by Corrigan, second by Weick to approve the June 2010 and July 2010 Financial Statements as presented.

Roll call vote.

Ayes: Riess, Morgan, Wright, Weick, Corrigan
Nays: None
Abstentions: None
Absent: Ponzio
Motion carried.

3. Approval of a Resolution Authorizing the Execution of an Agreement with Wells Capital Management Incorporated to Sell the Village of Hawthorn Woods \$2,805,000.00 Revenue Bonds (Aquatic Center Project) Series 2007.

Ms. Kazenas reminded the Board that she and Trustee Ponzio presented a Power Point presentation at last month's meeting regarding the aquatic center bonds and the proposed utility tax. It was noted last month that the present revenue bonds were a 10 year debt issue with a balloon payment due at the end. She stated the pledged funding source, developer donations, has not transpired, which has left the Village with indebtedness without the ability to pay. As a result, the Village looked at a sustainable revenue source and passed the utility tax after much consideration.

Tonight's resolution is an agreement with Wells Fargo, the bond holder, to allow the Village to purchase the bonds at par value and waive the pre-payment penalty clause. She indicated the Finance Committee made a

unanimous recommendation to accept the offer. She said the Village will get a more favorable interest rate when refinancing and the clause giving access to other Village funds will be removed.

Mr. Chris Donovan, expressed concern about the trains having an impact on the pool and suggested an impact analysis be conducted to ensure the pool will remain structurally sound. Mayor Mancino stated that irregardless, this does not change the fact that the Village still owed money right now and we do not have a viable funding source. Trustee Corrigan acknowledged Mr. Donovan's concern and stated that it is important to match the useful life of the asset with the lending, which did not happen initially.

Trustee Ponzio arrived at 9:45 p.m.

Motion by Riess, second by Corrigan to approve a Resolution Authorizing the Execution of an Agreement with Wells Capital Management Incorporated to Sell the Village of Hawthorn Woods \$2,805,000.00 Revenue Bonds (Aquatic Center Project) Series 2007, with an engineering impact analysis.

Roll call vote.

Ayes: Riess, Ponzio, Morgan, Wright, Weick, Corrigan
Nays: None
Abstentions: None
Absent: None
Motion carried.

IX. EXECUTIVE SESSION

- A. Executive Session Minutes
- B. Discussion of Personnel and Possible or Pending Litigation

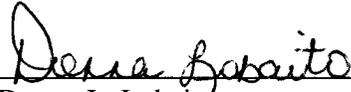
Motion by Corrigan, second by Morgan to enter into Executive Session for the approval of Executive Session minutes as well as for personnel matters and possible or pending litigation. Mayor Mancino announced no business would be conducted after Executive Session.

Voice vote. All ayes, motion carried.

X. ADJOURNMENT

There being no further business, the special meeting adjourned to Executive Session at 9:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Donna L. Lobaito", written over a horizontal line.

Donna L. Lobaito
Village Clerk

