



VILLAGE OF
DEER PARK
EST. 1957
MINUTES

**VILLAGE OF DEER PARK
SPECIAL BOARD OF TRUSTEES MEETING**

November 1, 2010 • 7:00 p.m.

Deer Park Vehe Barn

23570 W. Cuba Road, Deer Park Illinois 60010

1) Pledge of Allegiance

A Special Meeting of the Board of Trustees of the Village of Deer Park was held on Monday, November 1, 2010, at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Kellermann called the meeting to order at 7:00 p.m. Village Officials and guests recited the Pledge of Allegiance.

2) Roll Call and Determination of a Quorum

Upon Roll Call, the following were present: President Kellermann, Trustees Olson, Sands, Pratscher and Kizior. Trustee Evans entered at 7:47 p.m.

Other Village Officials present were Village Administrator Connors, Clerk Schroeder and Attorney Bateman. President Kellermann stated that there was a quorum.

3) Approval of Agenda

Motion: Trustee Sands moved, seconded by Trustee Olson, to approve the Agenda as presented.

Upon Roll Call – Voice Vote – 5 Ayes/ 0 Nays/1 Absent – Motion Carried. 5/0

4) Reports from President, Trustees, Administrator, Treasurer, and Clerk

A. President Kellermann

i. Canadian National RR Report*

President Kellermann introduced Canadian National Representative, Mr. Eric Jakubowski, Director of Strategy.

Mr. Jakubowski provided the Board his credentials. Mr. Jakubowski noted that there is a pending offer with the Village of Deer Park. He indicated that Deer Park was contacted several years ago but the Village did not have any interest at that time.

Mr. Jakubowski indicated that the \$200,000 offered from GTC for noise mitigation was negotiated with President Kellermann and Village Administrator Connors. Mr. Jakubowski mentioned that Lake Zurich has accepted an agreement and is not able to discuss other municipal agreements.

Mr. Jakubowski highlighted the language and provisions as outlined in the proposed agreement between CN and Deer Park. Mr. Jakubowski pointed out the local fire and other emergency agencies are given important training. Mr. Jakobowski asked if the Board had any questions.

23680 W. Cuba Road, Deer Park, Illinois 60010-2490

President Kellermann noted that 3300 linear feet of tracks run along about 15-19 homes and are impacted in the BACOG area. Currently 9-10 trains run on those tracks with a maximum of 20 trains for the maximum length of 1 ½ miles at the speed of 40 miles per hour. President Kellermann asked if CN would fund sound barring walls for sound proofing those homes.

Mr. Jakubowski noted that CN will not fund walls for Deer Park.

President Kellermann asked if CN would fund a sound wall. Mr. Jakubowski noted that CN will not fund sound walls for Deer Park based on the mitigation results.

President Kellermann asked about how CN would address idling trains and pointed out that trains stop at Cuba Road that back up on Hunter's Lane. Mr. Jakubowski mention the double track project that starts in Mundelein to Gilmer Road will impact Deer Park by taking limiting the idling trains.

President Kellermann asked what could CN help deafen the train sounds. Mr. Jakubowski noted that CN is not involved, but know that some communities that have an agreement with CN have used the funds to purchase sound windows, privacy fences for example help with sound concerns.

President Kellermann asked if the village accepted the CN Agreement, the Village would get the funds and be responsible to disburse of funds. Mr. Jakubowski agreed that it would be the responsibility of the village to disburse the funds.

Trustee Pratscher asked if CN used a formula to determine the \$200,000 amount. Mr. Jakubowski noted that there is a formula and that it was an amount negotiated with the Village. Mr. Jakubowski noted that the amount granted is very little audited by CN. Although the agreement does require a use plan for the money received from CN.

President Kellermann asked what if the Village doesn't spend the \$200,000. Mr. Jakubowski noted that the fund was meant for the use of mitigation.

Trustee Sands asked about the 90 day turnaround to submit a specific plan for the use of the funds. Mr. Jakubowski explained the process and noted that an objection will be issued or CN will allow more time if needed.

Trustee Kizior asked if Village staff or the Board looked at the projection of funding for a sound proof wall. President Kellermann noted that a wall would cost approximately \$1.3M not to mention the cost for landscaping. There was general discussion regarding the difference elevations and how would there areas be impacted.

President Kellermann pointed out the different communities in which CN provided sound walls on CN property. President Kellermann asked if CN would consider putting in sound

walls and/or appropriate berming or landscaping. Mr. Jakubowski noted that in those communities there were different situations that were handled differently in those times. Mr. Jakubowski noted that the \$200,000 was the most CN would agree with, and mentioned that is an aggressive amount considering the location. Trustee Sands asked Mr. Jakubowski the width of the CN right-of-way. Mr. Jakubowski replied 100' of width.

Trustee Pratscher asked if Lake Zurich will be putting a sound wall around the Bryn Mawr Subdivision.

Mr. Jakubowski indicated that he has not seen any plans, but suggested contacting Lake Zurich. Mr. Jakubowski noted that Lake Zurich has presented the plan but has not seen the funds for that project.

Trustee Kizior asked if there are future plans for any other locations for the trains to idle and/or stop. Mr. Jakubowski noted that there are operating plans with STB to build a double track that will impact Deer Park by essentially having the trains move to a different location.

Jeff Michalski of 24455 Hunters Lane expressed his concerns about the noise. Mr. Jakubowski pointed out that in the agreement the Village cannot go to STB. Mr. Jakubowski indicated that slower trains are not quieter, although CN does agree and complies with community "quiet zones". Mr. Jakubowski did mention that train horns are required at every crossing by Federal law unless there is a quiet zone. Mr. Jakubowski noted that locomotives are very loud and are being replaced with high efficiency trains which are generally less noisy.

Dinah Mephram of 24479 W. Hunters Lane expressed her concerns with the proposal.

Tom Benjamin of 20366 Lea Road pointed out the last train incident was a "pull-a-part" where the train blocked all crossings. Mr. Benjamin expressed his concerns about future incidents happening more often.

President Kellermann did point out that Cuba Road was not blocked and noted that CN did take corrective action on that incident.

Trustee Evans entered the meeting at 7:47 p.m.

Keith Hedman of 21975 N. Green Forest Road asked the Board what other options are there. It was noted that the Board would agree or not to agree with the proposed agreement.

Rita Finley of 21900 Green Forest Road asked several questions about "quiet zones". Mr. Jakubowski explained this process.

Mrs. Finley asked why CN would limit the agreement to 10 years. Mr. Jakubowski noted it was the economics.

Mrs. Finley asked if CN would reconsider the amount. Mr. Jakubowski replied no.

Mrs. Finley asked about the emergency training. Mr. Jakubowski noted that there has been training with Lake Zurich and noted that there is training available for other emergency agencies that are with the agreement. Mrs. Finley asked if something happened would Deer Park be responsible. Mr. Jakubowski replied the process.

Mrs. Finley asked about the recent article in the paper about the Village of Hoffman Estates. Mr. Jakubowski noted that it was regarding an easement matter that happened after the fact with their agreement.

Mrs. Finley asked why the agreement requires a "gag order". Mr. Jakubowski noted that there is no gag order but a requirement to be kept confidential.

Mrs. Finley asked if the Village obtained a railroad attorney would CN fund their services. Mr. Jakubowski replied it would not be funded.

Mrs. Finley had questions regarding the Village of Lake Zurich's agreement that may impact the Village of Deer Park. Mr. Jakubowski recommended contacting the Village of Lake Zurich with questions regarding their agreement.

Deborah Barry 412 Bramble Lane expressed her concerns that the Village doesn't have an emergency plan or communication with the police and fire agencies. She suggested putting village funds into an escrow until the village knows how to use the funds.

Mrs. Barry also pointed out that the landscaping trees are good in the summer but in the winter there are no leaves. She noted that she doesn't understand the hurry for the agreement.

Mrs. Barry further suggested getting clarification on the reports of slow-downs and stoppages from supports such as TRAC.

Mrs. Barry suggested contacting the emergency agencies (fire, police, hospitals) and meet with a more diverse group to create a solution for an emergency plan.

Sandy Rushkoski of 21865 Old Farm Road noted that she seconds Mrs. Barry's comments and asked the Board not to vote for the agreement and feels there is nothing to gain.

An unidentified resident asked what options does the village have, it sounds like take the money or not. He noted that he doesn't want it. President Kellermann noted that action on this matter will be taken at the November 15th Board of Trustees meeting.

Jennifer Arne of 22160 Old Farm Road asked if the Board did not approve the agreement with CN. President Kellermann addressed her questions and pointed out the other sources to support the Village such as TRAC.

Attorney Bateman noted that if the village approves the agreement then the village would have to withdraw their relationship and/or not make further submissions with STB and TRAC as part of a condition of the agreement. If the village doesn't approve the agreement then nothing happens other than losing the \$200,000 offer from CN. Attorney Bateman explained the status of the lawsuit filed by Barrington and Will County.

There was a question why Lake Zurich has a 1.9 million dollar settlement and asked what's the rational with the Village of Hoffman Estates getting a sound wall. Mr. Jakubowski explained there are different criteria and circumstances with each contracted municipality based on the number of household impact formula.

President Kellermann noted that Deer Park has one acre lots. Mr. Jakubowski noted that is not the determining factor.

Deborah Barry of 412 Ramble Lane asked about legal options. It was noted about the pending case in Federal court that Attorney Bateman discussed earlier in the meeting. Mrs. Barry expressed concern about future environmental problems. Attorney Bateman noted that the IEPA will be regulating any damage and noted that he is not sure if there is any remedy and if so, it would be a Federal case.

Trustee Kizior asked for the costs for sound proofing. Mr. Jakubowski noted that he doesn't know.

Ed Newtor of 22148 Old Farm Road noted that CN has not demonstrated any cooperation with Deer Park.

Mr. Jakubowski excused himself from the meeting. President Kellermann thanked Mr. Jakubowski for coming to the meeting.

Trustee Sands asked how many of the homeowners abutting the track are in attendance tonight and how many of them voiced their comments. Trustee Sands suggested polling the homeowners on whether or not they are in favor of the agreement or not. President Kellermann asked for a show of hands from the present homeowners in the audience that want to reject the CN agreement offer. There were a total of ten homeowners that are in favor of rejecting the CN offer.

There was general discussion between the Board and the audience regarding the proposed CN Agreement.

A resident pointed out their concerns about back up traffic and through traffic in neighborhoods.

Trustee Evans noted that the consensus of the homeowners does not support the proposed agreement.

President Kellermann noted that this will be voted on at the November 15th Board of Trustee Meeting. President Kellermann noted if the CN makes a counter offer, the homeowners will be notified.

Trustee Evans informed the residents to be aware that although rejecting the agreement, and any potential and/or pending litigation may end up with less than the \$200,000 CN offer.

Bob Mephram of 24479 W. Hunters Lane expressed that the CN offer of \$200,000 is not going to make a difference.

Trustee Sands noted that it would be a shame not to take the CN offer of \$200,000 then not to be aggressive about this case.

Attorney Bateman pointed out that the pending litigation with Barrington is in the appellate court and there is no opportunity for Deer Park to join that case.

Mrs. Barry of 412 Bramble Lane asked the Village Board to put together an Emergency Plan. President Kellermann noted that the Lake Zurich Fire District has already attended the CN emergency training.

President Kellermann noted to put Emergency Planning on the next Village Board meeting agenda.

Mrs. Finley of 21900 Green Forest read comments from a resident, **Bob Paolella of 24423 Hunters Lane**, opposing the CN offer.

Mrs. Finley asked about the Lake Zurich Bryn Mawr matter. Village Administrator Connors noted that the Village could contact Lake Zurich with their concerns.

Village Administrator Connors noted that there are nineteen properties that abut the train line. Connors indicated that Village staff can do a record search on all the properties to identify the property owners.

President Kellermann noted that he has a meeting with the Mayor of Lake Zurich tomorrow.

Rita Finley of 21900 Green Forest suggested drafting a letter to Lake Zurich regarding Deer Park's concerns with the Bryn Mawr Subdivision in Lake Zurich.

Larry Winkelman of 21540 Inglenook noted that if Bryn Mawr subdivision in Lake Zurich doesn't qualify for a sound wall, he doesn't know what does.

President Kellermann thanked the audience for their comments and reminded everyone about the November 15th Board of Trustee Meeting.

B. Trustee Olson-Vehe Barn & EDC

i. Vision Internet Survey – Finalize Initial Survey Response*

Trustee Olson highlighted the material as presented in the agenda packet and asked the Board for their feedback.

Trustee Pratscher noted that she doesn't agree with the whole proposal. She expressed that she prefers a topic format on the main page and/or have a combination with home navigation format.

Trustee Evans noted that she doesn't want a committee issue, but she expressed that she doesn't like the user group format.

Discussion ensued. In an effort to resolve differences on the proposed website material, Attorney Bateman suggested that Trustee Olson make a motion to vote on his proposed material then other Trustees can make another motion and vote on their recommendation.

Trustee Czarnik asked if the proposed website will be presented before the board for review and/or comments. Trustee Olson noted that a draft will be presented to the Board for feedback prior to being finalized. Trustee Olson noted that once the website is completed, if there are major changes, it would be subject to additional cost.

Motion: Trustee Olson moved, seconded by Trustee Kizior, to approve to adopt the proposed ordinance as presented.

Ayes: Sands, Olson and Czarnik

Nays: Evans and Pratscher

Abstain: Kizior

Motion Carried. 3/2/1

Trustee Pratscher asked Trustee Olson about the video that he is circulating if whether or not it is going on the website. Trustee Olson stated no.

Trustee Pratscher asked Attorney Bateman if permission is needed for homes that are in the video. Attorney Bateman noted there is no obligation to use an image of a house as long as no address is shown, but suggested getting permission if the address is shown.

ii. Reconsideration of Ordinance Amending the Deer Park Municipal Code by Adding Chapter 31.2 "Tourism Committee"*

Trustee Olson explained the reason for this item coming back to the Board meeting and asked for the Board's feedback.

Motion: Trustee Pratscher moved, seconded by Trustee Kizior, to reconsider the original ordinance approved at the October 18, 2010 Village Board Meeting.

Ayes: Czarnik, Kizior, Olson, Sands, Pratscher and Evans

Nays: None

Motion Carried. 6/0

Motion: Trustee Pratscher moved, seconded by Trustee Kizior, to adopt the draft ordinance with Section 31.207 amended to change all the references to "tourism" to EDC/Tourism".

Ayes: Evans, Pratscher, Olson, Sands, Kizior and Czarnik

Nays: None

Motion Carried. 6/0

iii. Status Report on Outbuildings*

Trustee Olson asked about the mystery donor of the outbuildings. It was noted that Trustee Kizior installed safety fencing around the corncrib to allow the donor more time to approach the Board with the donation for the outbuildings.

Trustee Pratscher pointed out to the Board an opportunity to apply for an OSLAD Grant for parks and recreations. She recommended that the Village apply for this grant and noted the deadline is November 29th.

There was general discussion regarding the beam structure of the chicken coop building. Trustee Pratscher pointed out that the beams are not structural beams and indicated that area in question is where the chicken bins were located for the chicken eggs.

Village Administrator Connors noted that the "cut-off" beams were inspected by B&F Technical and recommended that pillars be put in to give the beams support.

Trustee Kizior suggested getting more information from a structural engineer to determine whether or not something needs to be done. Village Administrator Connors mentioned again that the Board has staff (B&F) that has given their professional recommendation on the beam conditions of the chicken coop.

Trustee Evans suggested completing a feasibility study on the outbuildings for future use.

Trustee Evans noted that the Scout will repaint the hayrack once a final location is determined. Trustee Evans asked the Board what building could the hayrack be stored in.

Trustee Kizior noted that there are no funds in the budget for the outbuildings.

C. Trustee Sands – Roads & Drainage

Review and Approval of the Glenhurst Drainage Project Cost Proposal.*

Trustee Sands provided the Board with an update on the current conditions of Glenhurst.

Motion: Trustee Sands moved, seconded by Trustee Pratscher, to approve the Glenhurst Drainage Project in an amount of \$6,480.00 with Bartnick, Inc, McHenry, IL.

Discussion:

Trustee Sands explained the reason for the big cost difference between the bidders and noted that this project is in the budget.

Ayes: Evans, Pratscher, Sands, Olson, Czarnik and Kizior

Nays: None

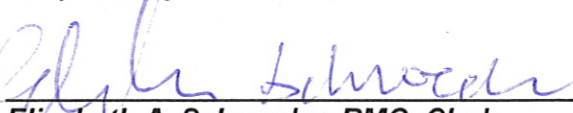
Motion Carried. 6/0

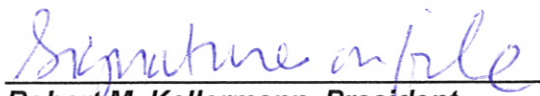
5) Adjournment

Motion to adjourn was moved by Trustee Evans, seconded by Trustee Olson, to adjourn at 10:29 p.m.

Upon Roll Call – Voice Vote – 6 Ayes/0 Nays – Motion Carried. 6/0

Respectfully Submitted,


Elizabeth A. Schroeder, RMC, Clerk


Robert M. Kellermann, President

(*) Indicates that back-up material is enclosed in meeting agenda packet

The Village of Deer Park is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, are requested to contact the Village's ADA Coordinator at (847) 726-1648 promptly to allow the Village to make reasonable accommodations for those persons.