

Village of Riverwoods
Board of Trustees
February 2, 2010

In Attendance:

William Kaplan, Mayor
Cheryl Chamberlain
Sherry Graditor
Michael Haber
Rich Koomjian
Bruce Masterson
William Svatik

Also Present:

Bruce Dayno, Police Chief
Mike Ford, Village Clerk
Patrick Glenn, Village Engineer
Bruce Huvad, Village Attorney
Russ Kraly, Director of Community Services
Charles Stewart, Village Forester
Jack Siegel, Village Attorney
Rob Ugaste, Assistant Fire Chief

Call to Order: 8:00 PM

1. Approval of Minutes

Trustee Chamberlain made a motion to approve the minutes from the January 19, 2010 Board of Trustees meeting. Trustee Graditor seconded the motion. Mayor Kaplan and Trustees Graditor, Koomjian and Chamberlain made text changes. Trustee Masterson made a motion to approve the minutes from the January 19, 2010 Board of Trustees meeting as amended. Trustee Koomjian seconded the motion. The motion passed unanimously.

2. Consultants

- Village Attorney

Village Attorney Bruce Huvad mentioned the Plan Commission would meet on Thursday February 2, 2010.

3. Police Department Report

Chief Dayno presented the police activity since the January 19, 2010 Board of Trustees meeting. There were two 911 hang ups, one abandoned automobile, eight accidents, 16 alarms, one complaint about animals, ten fire department assists, three assists with other agencies, two well being checks, five disabled automobiles, one domestic dispute, two driving complaints, one harassment, four vehicle or residential lock outs, one solicitor, six suspicious circumstances, one

theft, one threatening phone call, nine case reports and two crime prevention notices. There were 79 traffic stops with 58 citations issued to 50 people. There are currently 13 houses on the House Watch list that are regularly checked.

4. Fire Department Report

Assistant Chief Ugaste presented the report on the call volume within the Village of Riverwoods through January 31, 2010. There were six fire calls, two car accidents, 11 paramedic calls and four other calls for a total of 23 calls during the month of January 2010.

5. Comments from the President

- Mayor Kaplan's personal endorsement of a political candidate
Mayor Kaplan explained that he personally endorsed a political candidate, Carol Sente, for the first time in 15 years on the Board, and received some criticism for it. Mayor Kaplan stated that Ms. Sente called the Village twice to see if she could be of any service while her opponent thinks Riverwoods is a doormat to Buffalo Grove. Mayor Kaplan explained this was a personal endorsement, not a Village endorsement. Trustee Koomjian found it distressing because the document looks like an official Village of Riverwoods document. He stated it was done within the law, however. Trustee Chamberlain believes the Mayor acted within his rights by personally endorsing a candidate; it was the appearance of a letterhead that confused people.

- Mayor Kaplan noted he received a letter from Tom Hahn, Executive Director of the Lake County Forest Preserve, which turned down the request for gypsy moth traps in Ryerson Woods. Village Forester Chuck Stewart opined, however, that it was very important to obtain ongoing baseline information.

Mayor Kaplan does not believe the RRA is going to do anything about Clean Up Day this year. He would like to get some volunteers. Trustee Chamberlain will call the RRA President.

6. Discussion of New Police Building

Trustee Graditor made a motion to advance in the agenda the discussion regarding a new police building. Trustee Koomjian seconded the motion. The motion passed unanimously.

Chief Dayno explained that he had a discussion with the previous Board of Trustees regarding a new police building. He believes the department needs a new building for the following reasons:

- (a) Lobby – when someone comes into the Police Department they enter where the police officers work. There is not a lot of privacy. Chief Dayno explained the building was not designed as a police station and he would like to see a room off the lobby where the department can take reports from walk ins. Chief Dayno would also like a reception window for the protection of the records clerk.

- (b) Offices for Supervisors – in the current facility, the supervisors do not have an office. There is no records area; rather, there is just a desk. Chief Dayno stated there are security issues.
- (c) Conference, training or briefing room – there is no conference room in the existing facility. The police department must hold trainings, briefings and conferences in the Village Hall.
- (d) Storage – Although there is sufficient storage for evidence, there is no area with proper ventilation within which to process evidence.
- (e) Kitchen – there are no kitchen facilities in the existing police department.
- (f) Interview Area – there is no place to interview suspects in the existing facility.
- (g) Processing Area – there is no place to process prisoners. The police officers currently go to the Lincolnshire Police Department. Although the department is not looking to hold prisoners overnight, it would like a temporary holding area in which to hold prisoners until the department is ready to release them or transport them to the Lake County jail.
- (h) Rest Room – there is no public rest room in the current station. In any new facility Chief Dayno would like to see a public restroom in the lobby and an additional restroom in the prisoner processing area.
- (i) Locker Room – currently there is not enough locker room space, nor is there enough space for changing uniforms and other clothing.
- (j) Weapons and ammunition armory – there is no armory for weapons and ammunition.

Chief Dayno explained the existing building is 1,200 square feet. An architect was retained to do a space study for the Department, and to furnish a breakdown with respect to cost. The architect came up with a proposal for a 4,000 square foot building.

Mayor Kaplan asked Chief Dayno to discuss building code issues with respect to the existing building. Chief Dayno explained the second floor is not handicapped accessible, and that the building was not designed to be a police station. He then said that the architect would comment further on these issues.

Mark Bushhouse from Williams Architecture than presented his report and explained that the existing facility is not up to code for wind speeds and the second floor is not ADA compliant.

Mr. Bushhouse explained he discussed personnel and the functions of the staff and believes the department needs a straight-forward police facility, designed to code, with a reasonable level of security. The proposed building is 4050 square feet. Based on the Burr Ridge Police Department

facility built last year, Mr. Bushhouse provided a cost per square foot range of \$214 - \$233. Adding landscaping, site work and 15% for a general contractor, Mr. Bushhouse estimated the cost to be \$1.7 million - \$1.9 million. He explained that proposed the raw materials were good quality but were not extravagant, and provided the opportunity to be more environmentally friendly.

Mayor Kaplan stated the proposed police building would be on the agenda at the next meeting.

7. Old Business

- Final Deer Count

Village Forrester Chuck Stewart was asked to do a deer count for the Village. Trustee Koomjian also went along. Their intent was to continue to develop a database and integrate existing information. Mr. Stewart prepared a chart, in conjunction with the Lake County Forest Preserve District, which shows the comparisons in various areas including Ryerson Woods, the Lake County Forest Preserve District north of Lake Cook Road, Potawatomie Woods south of Lake Cook Road and a buffer area. They counted the actual number of deer, and assumed they saw 75 percent of the deer in those areas. Mr. Stewart explained they counted 99 deer on January 20, 2010. They took an average of the two counts and estimated 75 deer. Since 1995 there has been a 53 percent decline in the number of deer per square mile. Mr. Stewart explained the data shows there has been a general reduction in the deer population.

Trustee Chamberlain asked if Mr. Stewart had a theory about how to reconcile what appears to be a decline in the deer population but an increase in deer fences. Mr. Stewart explained that the Village was looking at a very small area, and further explained what happens to the deer as the available forage decreases.

Trustee Koomjian also presented a report. He stated that, with respect to literature searches, there were several studies that examine the accuracy of deer counts. The literature shows that as a general proposition, approximately 75 percent of the deer are counted. Trustee Koomjian believes that must be taken into consideration. The first day, he counted 54 deer and 99 on the second day. Trustee Koomjian questioned the difference. He also questioned the discrepancy between the Lake County count and the Riverwoods count.

Trustee Koomjian stated that one of his objectives was to see if there was a "hot spot" of deer in the Riverwoods area. He found there were no deer in Meadowlake, Thorngate or near Discover, and that there were more deer in the wooded areas.

Mayor Kaplan explained the Village would do another deer count next year.

- Ordinance amending the Village Code to prescribe regulations concerning fences –
Second Reading.

Mr. Huvad stated that he revised the proposed Ordinance and also drafted a proposed ordinance to establish a moratorium on the enforcement of provisions in the Village Code which prohibit fences in excess of 6 feet. He also amended the definition of a deer fence.

Trustee Svatik provided a drawing which he asserted would give more flexibility with respect to the placement of fences. Trustee Svatik explained that his proposal is designed to allow residents to have ten percent flexibility with respect to where they place their fences, and also allows residents to make a choice between a “flexibility” concept and a “screening” concept. Mayor Kaplan announced that Trustee Svatik’s concept should be included in the draft for the next meeting.

Trustee Koomjian also made recommendations for the Board to consider. He explained that one of the motivations of the fence Ordinance was to prevent blocking the views from corridors. He also believes unpainted and/or galvanized fences should be painted to become less obtrusive. Trustee Haber noted that the Village does not restrict what homes should look like, and does not believe aesthetics should be legislated.

Trustee Koomjian moved to strike the last sentence of Section 8-9-6 of the proposed Ordinance Amending the Village Code to Prescribe Regulations concerning Fences, which sentence reads “the foregoing color restriction shall not apply to untreated metallic surfaces of iron, steel or aluminum fences, chain link fences, welded wire fences or woven wire fences but is specifically applicable to deer fences”.

Trustee Chamberlain seconded the motion. The Motion failed to pass on a Roll Call vote:

AYES: Chamberlain, Koomjian

NAYS: Graditor, Haber, Masterson, Svatik

Trustee Chamberlain then asked if Trustee Svatik’s proposal would work for residents with oddly shaped properties. Trustee Svatik stated that he has not looked into specific properties but believes his proposal should work on oddly shaped properties as well.

Trustee Graditor moved to table the Second Reading of the Ordinance. Trustee Chamberlain seconded the motion. The motion passed unanimously on a voice vote.

8. Visitors Wishing to Address the Board

Mr. Roger Simonson, 725 Juneberry Road, stated that he would like to add another perspective to the proposed fence Ordinance. He has a fence but has never called it a deer fence. It is a woodland protection fence. He would like everyone to begin calling their fences “woodland protection fences”.

Mr. Joe McGowan, 716 Ringland, raised the issue of residents nailing fences to trees. He believes there is a compelling case to strike that from the grandfathering section of the proposed Ordinance. Mr. Stewart explained that trees grow in two ways; larger and taller. Trees have a tendency to eat nails that are driven into them, and anything attached to a tree than cannot be eaten by the tree can cause potential problems for the tree.

Mayor Kaplan stated that if Mr. McGowan was allowed to have his fence nailed to a tree, the Village would have to allow everyone to have their fences nailed to trees.

Mr. McGowan stated that the evidence states that only copper nails injure trees. Mr. Stewart explained that the problem is not the nail; rather, it is what the nail is holding to the tree. He explained that most Village Ordinances prohibit the attachment of signs or anything else on trees. Trustee Graditor stated that attaching things to trees is not good for trees. If the purpose of a fence is to protect the woodlands, it does not make sense to harm the tree with a nail. Mr. Stewart stated he would meet with Mr. McGowan to further discuss these issues.

9. New Business

- Consideration of a Sprinkler Ordinance

Assistant Chief Ugaste explained that until this spring he thought smoke detectors were sufficient in residences. Then he attended an executive fire officer program for two weeks and discovered that residential sprinklers save lives. Assistant Chief Ugaste mentioned the side-by-side burn demonstration showed what happens to residences and people. When you have a fire, things happen quickly. Eight out of ten people who die in a fire die in a home. Of the eight people, 80 percent would have lived if they were in a residence that was sprinkled.

Assistant Chief Ugaste explained that the cost of adding sprinklers in new construction is approximately \$1.50 per square foot. The cost with respect to a rehab will vary. Villages that have adopted residential sprinkler ordinances that address rehabs often use 50% as the cutoff. Trustee Svatik asked what the cost would be to use well water instead of city water. Assistant Chief Ugaste explained that residences on well water would need a pressure tank and pump which would increase the cost by an estimated \$2,000.

Mayor Kaplan announced that this issue will be brought before the Board again at a future date.

- Funding request from Deerfield High School for donation for Prom After Party

Mayor Kaplan said the Village has participated by donating \$1000 for the past two years. Trustee Svatik made a motion to approve the funding request. Trustee Masterson seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

- Proposed Ordinance Establishing a Moratorium on the Enforcement of Provisions in the Village Code which Prohibit Fences in Excess of 6 Feet - Ordinance No. 10-2-1.

Trustee Masterson made a motion to waive the first reading of the Ordinance. Trustee Svatik seconded the motion. The motion carried unanimously on a voice vote.

Trustee Svatik moved for a 2d reading and approval of the proposed ordinance. Trustee Masterson seconded the motion.

The motion passed by the following roll call vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)
NAYS: None (0)

- 2010 Motor Fuel Tax Resolution – Resolution No. R10-2-1

Village Engineer Patrick Glenn explained that his office prepared a resolution for the Village to appropriate \$220,000 in Motor Fuel Tax funds for roadway projects in 2010. \$120,000 is for the local share of the Saunders Road resurfacing, which represents 30% of the bid price plus ten percent, and \$100,000 is for resurfacing Woodland Lane North and Dawson Court, which are scheduled for rehabilitation this year per the ten-year plan. It was noted that, while the Resolution appropriates funds, it does not obligate the Village to spend them.

Trustee Chamberlain made a motion to adopt the 2010 MFT Resolution. Trustee Svatik seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)
NAYS: None (0)

- Ordinance Adding Provisions to the Village Code concerning the Offense of Obstructing Identification – Ordinance No. 10-2-2.

Chief Dayno explained that the State of Illinois enacted a statute, effective January 1, 2010, that allows police to charge someone who gives false information to police officers. He would like the option to charge it as a local ordinance.

Trustee Graditor moved to waive the First Reading of the Ordinance. Trustee Svatik seconded the motion. The motion passed unanimously.

Trustee Graditor made a motion for a Second Reading and adoption of the Ordinance. Trustee Koomjian seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)
NAYS: None (0)

10. Committee Reports

Building/Zoning – Trustee Graditor presented the building department report for the month of January. In 2009 the total construction value was \$463,500, generating fees of \$8,294. Most of the construction comprised of commercial renovation and remodeling projects. In January 2010, there was one sewer tap on repair with a total construction value of \$2200 generating fees of \$100.

Finance/Soil and Water Conservation – Trustee Svatik mentioned that he is working on the Appropriations Ordinance for the current year and should bring it to the Board within 45 days.

Roads/Bike Path/Parks/Forestry/NSSRA – Trustee Chamberlain received comments from Trustees Svatik, Graditor and Koomjian about forestry and plans to meet with Mr. Stewart in the morning to discuss forestry programs. She explained that an issue came up with the NSSRA. The director called her with a concern from a Riverwoods resident who stated the adult day program at the Center for Enriched Learning was full, and that the resident was not receiving priority over non-residents. Trustee Chamberlain explained that the NSSRA has a cooperative agreement with the Center for Enriched Living, which has a first-come, first-serve policy. NSSRA has a policy which gives registration priority to its residents. NSSRA and the Center negotiated a compromise that non-residents would be charged extra. The NSSRA Board would discuss it again at their next meeting. If the NSSRA insists that its policy must be enforced, it may be a deal breaker for the cooperative agreement with the Center for Enriched Living. Trustee Chamberlain also stated that the NSSRA would have a fundraiser on March 6, 2010.

Trustee Chamberlain received more comments about the bike path but has not heard from at least half the people who received letters. She stated two more residents were opposed to the path. One was very cordial but thought it would be a distraction to drivers and make it less safe. Most of the comments, however, were in favor of the bike path. She received some comments about specific properties, fences and trees. Trustee Chamberlain will prepare a report.

11. Adjournment

There being no further business or discussion, Trustee Haber made a motion to adjourn the meeting. Trustee Chamberlain seconded the motion. The motion passed unanimously. The meeting adjourned at 10:15 PM.

The next regular meeting of the Board of Trustees will take place on Tuesday February 16, 2010 at 8:00 PM.

Respectfully submitted,

Jeri Cotton

In Attendance:

William Kaplan, Mayor
Cheryl Chamberlain
Sherry Graditor
Michael Haber
Rich Koomjian
Bruce Masterson
William Svatik

Also Present:

Bruce Dayno, Police Chief
Mike Ford, Village Clerk
Patrick Glenn, Village Engineer
Bruce Huvad, Village Attorney
Charles Stewart, Village Forester
Rob Ugaste, Assistant Fire Chief
Hal Roseth, Village Treasurer

Call to Order: 8:02 PM

1. Approval of Minutes

Trustee Svatik made a motion to approve the minutes of the January 5, 2010 Board of Trustees meeting. Trustee Koomjian seconded the motion. The trustees made text corrections to the minutes. Trustee Graditor made a motion to approve the minutes of the January 5, 2010 Board of Trustees meeting as amended. Trustee Koomjian seconded the motion. The motion passed on a unanimous voice vote.

2. Engineer's Report

Village Engineer Patrick Glenn discussed the Saunders Road resurfacing project. He stated that bids were opened for the project on January 15, 2010 and the low bid was \$362,489.33 from Peter Baker & Son. Mr. Glenn stated that his estimate for the work, based on similar projects bid in 2009, was \$473,000. He explained this project would receive 70% Federal funding, so the Village's portion would be approximately \$109,000, which can be paid from the Motor Fuel Tax (MFT) fund, meaning no out-of-pocket expense for construction. Mr. Glen's office will coordinate the necessary paperwork.

3. Treasurer's Report

Village Treasurer Hal Roseth presented his report, which indicates that as of the end of 2009 the General Fund held in total \$12,177,812 (rounded), the Police Fund was

negative \$56,476 and the MFT fund held \$705,192. The total amount of cash and investments by funds held by the Village at year end was \$15,184,554. The average rate of return on the Village's Money Market Funds for December, 2009 was 0.121%.

4. Urban Forest Management

Village Forrester Chuck Stewart discussed prescribed burns. He explained that the existing Ordinance already provides for controlled burns. Neighbors within 1000 feet of the area would be notified and the burn needs to stay within 1000 feet of the property line.

5. Police Report

Police Chief Bruce Dayno presented his report with regard to police activity since the January 5, 2010 Board of Trustees meeting. He also showed the comparison from 2009 to 2010 for the same time period. In 2010 there was one battery, there were 15 accidents, five alarms, three complaints about animals, 10 fire assists, six disabled automobiles, one fingerprinting, four vehicle or residential lock outs, one missing person, ten suspicious circumstances, five case reports and four crime prevention notices. There were 65 traffic stops with 57 citations issued to 51 people. There are currently 15 houses on the House Watch list that are checked regularly.

6. Fire Department Report

Assistant Chief Ugaste presented the call volume within the Village of Riverwoods through January 15, 2010. There were five fire calls, one car accident and eight paramedic calls for a total of 14 calls year to date.

7. Village Attorney Report

Village Attorney Bruce Huvad noted he was working with the Village Clerk to comply with the new requirements imposed by the recent amendments to FOIA. He also published a notice for a Public Hearing for the next Plan Commission meeting with respect to text amendments to the Zoning Ordinance. One proposed text amendment would provide for a transitional overlay district for the properties on Milwaukee Avenue north of Deerfield Road. The other proposed text amendment describes how the Village would potentially zone the Estonian House. He explained the amendments envision a business compatible district which would allow single family uses as a special use. Mr. Huvad explained that the Plan Commission would not deal with specific proposals of applicants/petitioners; the Plan Commission would only discuss the text amendments.

8. Comments by the President

Mayor Kaplan explained that Trustee Koomjian was present at the deer count today. In Potawatomie Woods, Urban Forest Management (UFM) and Trustee Koomjian each counted 26 deer; in the Village UFM counted 16 deer and Trustee Koomjian counted 19; in the Lake County Forest Preserve immediately southwest of the Village UFM and Trustee Koomjian each counted

9 deer, and in Ryerson Woods no deer were counted by either. Trustee Koomjian then explained that Lake County considered part of the Village as a buffer to the Ryerson Preservation District and counted 23 deer on January 11th and 28 on January 12th. There were 20 and 21 on the southwest corner of the Village on those dates, respectively.

Trustee Koomjian stated that the warm, sunny weather made it difficult to count accurately. Trustee Haber thought the plan was to count the deer after a snowfall. Mr. Stewart explained the time to look for deer is when there is snow on the ground. There were a number of deer beds as well as a lot of shadows and deer. Mr. Stewart explained most deer were bedded down and few were moving. He presented a quick summary for the years of 1995 – 2000. The high number in a four square mile area was 14.5 deer per square mile. In 2008 and 2009, the average number was 14.25 per square mile. Trustee Koomjian explained he was interested in doing a deer count this season to see if there were any hot spots.

Mayor Kaplan next commented that he has asked Mr. Huvad to investigate possibilities with respect to Riverwoods residents that do not have municipal water. He explained that SSA 12 would be completed this year and he was concerned about Lake Michigan water allocation issues. Trustee Chamberlain stated that she would like to explore ways to get the information on the availability of municipal water to residents. Mayor Kaplan stated that, in an effort to be proactive, he would like to speak with the residents in Vernon Woods to see if they would like to petition for municipal water. Trustee Svatik then asked about the Village's annual Lake Michigan water allocations. Mr. Glenn explained the Village's allocations have been spot on with the usage in the Village. He explained that communities that exceed their allocation can get it adjusted if they can prove they are not wasting water. Mayor Kaplan explained the Village has 1,200 homes and 680 have a water connection. If there is an SSA, water would be available in front of residences, but the residents have the option of whether or not to connect. Residents have expressed concern because an SSA can create a sizeable inequity, in that charges are generally assessed on an *Ad Valorem* basis. Mayor Kaplan explained the Village wants to have a level field and is still investigating how best to do it.

9. Approval of Bills

Trustee Graditor made a motion to approve the bills. Trustee Svatik seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

Trustee Chamberlain stated she sent out a letter to notify residents on the south side of Deerfield Road about the bicycle plan proposal. She and Leslie Reichenboch called residents but only received a few return calls. They will send out a letter to residents and if anyone had questions or concerns, she would be happy to answer their questions or listen to their concerns.

10. Old Business

- An Ordinance Amending the Village Code to Prescribe Regulations concerning Fences.

Trustee Graditor made a motion for a First Reading of the Ordinance. Trustee Masterson seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

Mayor Kaplan stated he had received written suggestions with respect to the proposed ordinance from Trustees Chamberlain, Koomjian and Svatik. Trustee Haber also had comments but did not send them in writing. Trustee Haber questioned the deer fence definition because the definition of a 'typically installed' deer fence is unclear. Mr. Huvad suggested that the definition could be moved to the construction methods section to make it clearer.

Trustee Haber questioned whether every deer fence falls within the definition listed in the proposed Ordinance. If not, the Ordinance would be unenforceable. Trustee Haber asked if the proposed Ordinance disallows current deer fences that are not in compliance. Mayor Kaplan explained the proposed Ordinance allows deer fences to be installed within the setbacks.

Trustee Koomjian summarized that he has heard three justifications for a modification of the current Ordinance. He commented that the predominant concern seems to be aesthetics, concerns about what the Village looks like from Village thoroughfares. The Ordinance, as written, does not address the primary aesthetic concern of fences along those thoroughfares. The second concern is channeling deer and inhibiting the movement of deer from one point to another. Trustee Koomjian cited Marty Jones as saying that if deer want to go from here to there, they will find a way to get there, but if you have contiguous fences that push deer onto roads, that could become a safety hazard to motorists. There was, however, according to Trustee Koomjian, no data stating channeling was real. It was just an assumption that channeling is not desirable. Some people have stated that if a resident builds a fence, more deer would come onto neighboring properties, but Trustee Koomjian stated that there is no scientific research to support that contention.

Lastly, according to Trustee Koomjian, there is ample evidence from residents, the Urban Forest Management study of 1996, Ryerson Woods, Chicago Wilderness, etc. that deer degrade a natural woodland environment. Some residents have tried to restore natural woodland environments, and the proposed Ordinance diminishes the rights of the residents in that regard, and makes more difficult their restoration efforts. The proposed Ordinance was not crafted in a way to permit the Village to modify only that which is visible from public thoroughfares. Trustee Koomjian thinks the Village should step back and hire a wildlife expert to explore the various options.

Mayor Kaplan commented that no other Village allows deer fences. The proposed Ordinance does not prohibit deer fences; rather, it states that non-conforming deer fences can be maintained until the property is sold, and also provides that permanent deer fences can be put up at the building envelope.

Trustee Graditor commented that if specific areas are fenced, there would be more deer in the areas that are not fenced. Under the current Ordinance, deer fences are illegal. The reason for the proposed Ordinance, according to Trustee Graditor, is that people have contacted the Village to complain about the increasing number of deer on their property. Aesthetics were brought up, but Trustee Graditor believes that residents were not complaining about aesthetics, they were complaining about herding. The proposed Ordinance allows existing fences to stay until the property is sold, and residents can put up new fences within the stated guidelines. Trustee Graditor believes it is a compromise.

Trustee Chamberlain believes there are a number of questions that need to be answered before the Village considers an Ordinance. She stated people put up fences for privacy and security. Deer fences are put up for different reasons, however. She questioned why there are so many deer fences and whether there were problems with deer browse. Trustee Chamberlain explained the Comprehensive Plan discusses protecting both wildlife and the woodlands. If the Village values the health of the woodlands, how can that be reconciled with valuing wildlife. Trustee Chamberlain believes the Village needs to count deer and the number of deer fences, look at when the deer fences were installed, etc. She believes the Village should hear from DNR experts and look at various deer control options. Trustee Chamberlain believes that perhaps south Riverwoods should be treated differently and that there should be a workable solution for everyone.

Trustee Svatik does not believe the Village has zeroed in on the problem. The Trustees are trying to make everyone happy, but no one is in agreement with what the problem is. He wondered if people truly were surprised that there are deer in Riverwoods. Trustee Svatik believes there needs to be a happy medium. He believes there needs to be further compromise on the amount of allowed fenced area and proposes reducing the side and rear yard setbacks. The proposed Ordinance states that deer fences can be installed at the setback lines; however, Trustee Svatik suggests allowing deer fences half way between the setback and the property line.

Trustee Haber stated that the Village is not enforcing the existing Ordinance. He believes something needs to be done to address deer fences. The Trustees have an obligation to the Village and need to consider making changes that work or putting a moratorium on enforcing the existing Ordinance. Trustee Graditor explained that if the Village puts a moratorium on enforcement, they would be in effect encouraging residents to install them. She stated that those residents that have come to the meetings either have deer fences and/or are involved with gardening and want landscape protection. She questioned how to get through to the other residents in Riverwoods. Mayor Kaplan directed Mr. Huvard to draft a 90-day moratorium with respect to the proposed Ordinance.

Mr. Stewart commented that everyone's aesthetic value is different. When looking at deer management, there are two opinions. One is to manage the deer for the benefit of the deer; the other is to manage them to benefit people. There are some basic factors that need to be thought about. Further, Mr. Stewart's main issue with deer fences is how they are constructed. He would like to see something from Ryerson about the numbers they are culling. He believes the Village needs to determine the real goals of a deer management program. There are a number of

factors to consider when looking at the health of woodlands. Deer are just one aspect. Trustee Graditor added that herding was also one issue.

Trustee Koomjian quoted from the RPC minutes. He toured around the Village and counted 33 non-deer fences. He stated that no one has commented about the effect non-deer fences have on deer.

11. New Business

- Discussions of additions to the Forest Program

Mr. Stewart spoke about the issues of the general forestry program including the Gypsy Moth control, Emerald Ash Borer, resident consultations, the new 2010 tree planting initiative, the Riverwoods reforestation tree planting program, the Dutch elm disease control program and the hazard tree identification program.

- Funding for Applied Ecological Services, Inc.

Trustee Koomjian explained that this request was an outgrowth of conversations when the RPC submitted its Woodland Health Study. At that time the conversations turned to deer. There are many things, however, that affect woodland health and he suggested doing a study to understand those factors, including canopy thinning. The concept would be, according to Trustee Koomjian, to gather data to understand the thinning of the under story. He proposed that the Village provide funding in the amount of \$3400 to Applied Ecological Services (AES) for the development of a "Restoration Plan" with respect to the Rivenbergh property within the Village.

Trustee Svatik commented that he believes that this project would be an expensive undertaking. He questioned what the Village would receive for the \$3400 expense.

Mr. Stewart explained that previous studies have identified three woodland types in Riverwoods. Mr. Stewart also questioned what information would be different and what the Village would learn that it does not already know. Mr. Stewart believes the problem is not scientific; rather it is fragmented ownership. Mr. Stewart feels the Village has taken important steps by developing and implementing programs that are geared toward protecting the woodlands. He thinks people know what to do but need to do it.

Trustee Koomjian stated that the issue of the deer is a contentious issue in the Village and he wants quantitative evidence for canopy thinning versus deer. Trustee Graditor explained that when the RPC did their study, they counted the number of properties with ground understory and trees on properties with and without deer fences. She believes thinning canopies and burning are different issues. Trustee Graditor believes that the Village has seen what fencing does, and the Village should now discuss canopy thinning and prescribed burning. She believes properties which have had canopy thinned or on which a prescribed burn have been done need to be observed without incurring additional expenses to the Village. Mr. Stewart suggested getting

residents to volunteer their properties and the Village could go through the steps to identify the difference between fenced versus non-fenced properties. Trustee Koomjian suggested that he would not accept that data. Trustee Chamberlain then stated that she believes the Village should find out what has the most significant negative impact on the woodlands and what has the most significant positive impact on the woodlands. Trustee Svatik explained that information is already known. The issues that affect the woodlands are deer, the canopy, the water table and people. Trustee Haber explained that the information is already available and another study would not change the information.

Trustee Koomjian moved that the Village provide funding in the amount of \$3400 to Applied Ecological Services (AES) for the development of a "Restoration Plan" with respect to the Rivenbergh property within the Village. Trustee Chamberlain seconded the motion. The motion failed of passage by the following vote:

AYES: Chamberlain, Koomjian (2)

NAYS: Graditor, Haber, Masterson, Svatik (4)

12. Adjournment

There being no further business to discuss, Trustee Haber made a motion to adjourn the meeting. Trustee Graditor seconded the motion. The meeting was adjourned at 10:40 pm. The next Board of Trustees meeting will take place on February 2, 2010 at 8:00 pm.

Village of Riverwoods
Board of Trustees
January 5, 2010

In Attendance:

William Kaplan, Mayor
Cheryl Chamberlain
Sherry Graditor
Michael Haber
Rich Koomjian
Bruce Masterson
William Svatik

Also Present:

Bruce Dayno, Police Chief
Mike Ford, Village Clerk
Bruce Huvad, Village Attorney
Russ Kraly, Director of Community Services
David Niedelman, Plan Commission Chairman
Jack Siegel, Village Attorney
Rob Ugaste, Assistant Fire Chief

Call to Order: 8:00 PM

1. Approval of Minutes

Trustee Masterson made a motion to approve the minutes of the December 15, 2009 Board of Trustees meeting. Trustee Graditor seconded the motion. The Trustees made some text changes. The motion to approve the minutes as amended passed unanimously with Trustee Haber abstaining.

2. Consultants

• Director of Community Services

Director of Community Services, Russ Kraly, stated he put a rough draft copy of the Wind Energy proposal and a copy of the Wind Energy Resource Guide in the Trustees boxes for their review. The Wind Energy Task Force plans to have a few additional meetings.

Mr. Kraly explained that the Badger Meter System is outdated and would have to be replaced. He put together some numbers, but whether or not the system is compatible with Riverwood's billing system still needs to be determined. Mr. Kraly believes the changeover would take approximately four to six months. Trustee Chamberlain asked if there would be any downtime. Mr. Kraly said there should not be downtime.

- Plan Commission

Chairman David Niedelman noted that at the last Plan Commission meeting, the Commissioners heard testimony about the annexation of certain properties along Milwaukee Avenue. All the parties were present and spoke about why they wanted to come into Riverwoods. That meeting brought the Commissioners up to speed on what has been going on in committee over the past few months. There will be a meeting on Thursday to continue discussions about the proposed annexations.

3. Police Report

Chief Dayno compared the total activity from 2009 to the total activity in 2008 and found things to be relatively similar. There were fewer accidents and the number of arrests is up. However, the Village purchased a new records management system in October of 2008, so he is not as confident in the 2008 numbers. Chief Dayno stated the department is not writing as many tickets as before but believes that is a reflection on driving habits.

Chief Dayno made reference to the Uniform Crime Report, which catalogs the major crimes that are reported to the state. This report shows that thefts have more than doubled, but the number of arrests has also increased.

4. Fire Department Report

Assistant Fire Chief Ugaste presented the fire department call volume within the Village of Riverwoods for the month of December 2009. There were 10 fire calls, three car accidents, 27 paramedic calls and nine other calls for a total of 49 calls during the month of December. There were 483 calls for the year 2009. Assistant Chief Ugaste stated there were 520 calls in 2008 and that is similar to what is seen district wide.

Assistant Chief Ugaste stressed the need to make sure driveways are cleared and streets are kept clear. There was a fire in Lake Forest a few days ago and the driveway was treacherous. The first two engines ended up off the road and the ambulance also had difficulty, which hampered their efforts.

Trustee Graditor asked about the road closing when the bicycle bridge is put in over Deerfield Road. Assistant Chief Ugaste explained Patrick Glenn followed up on this and there will be one emergency lane left open.

5. Comments from the President

- Northbrook Water Comparison

Mayor Kaplan presented the Northbrook Water Comparison. The Village has saved \$406,000 since inception on its purchases of Northbrook water.

6. Old Business

- Discussion of an Ordinance amending the Village Code to prescribe regulations concerning fences

Village Attorney Bruce Huvad discussed his email of November 30, 2009, which made suggestions on how to grandfather existing fences. Trustee Graditor stated her belief that if there is a grandfather clause in the Ordinance, every person who has an existing deer fence would need to come forward to the Village and the fence would need to be inspected to ensure it is not nailed to a tree or blocking flowage. Every fence would need to be noted and recorded and residents would need to come in for a permit. Trustee Graditor wants inspection to be part of the permitting process. If existing fences are grandfathered, Mayor Kaplan would want to ensure disclosure. When a property goes up for sale, there must be disclosure that the fence must come into compliance.

Trustee Koomjian thanked Chairman Niedelman and the Plan Commission for their exhaustive job. As the Chairman of the Ecology Committee, he has a different approach; namely, the health of the woodlands. The Ecology Committee drafted a white paper about how deer have a substantial impact on woodland environments. Studies have been completed internationally, nationally, regionally and locally. In addition, Urban Forest Management wrote a white paper in 1996 which cataloged deer browse problems in the Village. Trustee Koomjian believes Ryerson Woods manages the problem well. When Marty Jones came to the Plan Commission, he also came up with the same conclusion. He was asked about the consequences if deer fences were taken down and did not believe that would improve the woodlands where deer fences don't currently exist. Mr. Jones believes the currently fenced properties would look like the currently unfenced properties if the enclosures were removed. Trustee Koomjian stated the Village needs to recognize that deer and healthy woodlands oppose each other and the Village needs to come up with a management program.

Trustee Koomjian expressed concern about the proposed fence ordinance because there is no recognition that there is value to the Village in preserving the woodlands. Those residents that put up barriers are doing something to benefit the Village. Residents have paid out of their own pockets to put up deer fences and he thinks the Village needs to grandfather the fences for the foreseeable future. Although grandfathering is an improvement to the proposed Ordinance, it is not the heart of the issue. The Comprehensive Plan recognizes the value of a woodland environment. The Woodland Protection Ordinance also recognizes the value of preserving the woodland environment. The proposed fence Ordinance, however, does not recognize the value of a woodland environment.

Trustee Koomjian attended the Plan Commission meetings and heard three arguments. One was aesthetic. The others dealt with herding the deer. Although there is no evidence, the residents stated that the deer crowd on non-fenced properties. Trustee Koomjian explained that professional studies discuss deer density. If less browse was available, the population would change and reduce over time. There is no evidence to indicate herding is real, but it is an argument for bringing down deer fences. Trustee Koomjian asked why the Village doesn't encourage deer fences until they can find a way to manage deer that allows both the woodlands and deer to coexist.

Trustee Graditor stated that many residents came to the Village because they like the woodland environment while others like the wildlife. If 25% of the deer in Riverwoods were eliminated, other deer would come into Riverwoods. Trustee Graditor explained that in the RPC report, there was little difference in the plant life found in fenced yards versus the plant life in unfenced yards. Trustee Graditor believes the impact of man on the woods is as critical as the impact of deer on the woods. Both are degrading the woods. Trustee Graditor stated that under the existing village ordinance, deer fences have always been illegal. The maximum height has always been six feet. The proposed ordinance gives a pass to residents who have chosen to protect the woods by installing fences. Trustee Graditor would not want to make Riverwoods a village of fences.

Trustee Svatik asked if anyone was surprised that Riverwoods has deer. Trustee Haber explained that people could know there are deer, but may not have understood what deer can do to properties. He does not believe the problem is fences; rather, the problem is the deer. Trustee Haber does not believe residents put up deer fences for privacy; rather, they put them up to protect their properties from the deer. He explained that some residents put up fences while others do not like deer fences. Trustee Haber stated the residents need to respect everyone's interest. He questioned why some residents can put up illegal deer fences while others cannot have deer fences. Trustee Haber would like to find a solution to address the deer problem without culling but still help residents with fences realize that removing the fences would not be harmful. He believes the problem is the deer; however, the Village is addressing fences. Trustee Haber would not be comfortable passing an ordinance when the real issue is not agreed upon.

Trustee Chamberlain believes that jumping to a fence ordinance would be taking things out of order. If there are a lot of fences, there is an underlying reason for the fences. Trustee Chamberlain would prefer to make people not need to put up fences. She recognizes there are some choices to make but thinks the Village needs to approach the problem head-on. Trustee Chamberlain recognized that the Plan Commission was asked to consider an issue that was specifically directed toward fences and they did a good job. She believes, however, that the Board of Trustees should have looked at the problem first, and then moved to an exploration of available options.

Mayor Kaplan stated the proposed Ordinance was a compromise to allow residents with nice gardens to keep the fences up. He believes that people who have put up deer fences within the past two years should remove them. Mayor Kaplan explained that 95% of deer fences are not within the guidelines of the Ordinance and are in south Riverwoods.

Trustee Koomjian noted that the Village addressed the deer issue in 1995-1996, and 15 years later they are still here, and Trustee Koomjian believes that the Board should not act in haste.

Robert Kaul, 2975 Arrowwood Trail, is a 25 year resident of Riverwoods. He fell in love with the deer in Riverwoods but has a deer fence because he feels there needs to be a balance. Mr. Kaul believes polarization is not good and would like to find a balance.

Ch. Niedelman explained the Plan Commission felt the compromise was not the elimination of the woodland protection fences; rather, it was the pullback. The Commission believes that pathways are necessary so deer can move through properties.

Mayor Kaplan stated the proposal would not eliminate fences, but would regulate the location. He stated that residents could still add planting materials so deer could not jump over the fences.

Trustee Koomjian believes the main argument about fences was generally aesthetic. He believes it may be more appropriate to look at fences by determining what is seen from the thoroughfares in the Village. Trustee Koomjian suggested restricting fences seen from these public thoroughfares as a way to compromise.

Plan Commissioner Lisa Peckler explained that when she moved to Riverwoods, she did not know what living with deer meant. She believes the issue is deer, not fences. Dr. Peckler drove up and down the streets in Riverwoods and saw a number of fences. She believes, however, that there are other alternatives to managing deer. Dr. Peckler stated she would be in favor of culling deer if they could feed the hungry by providing food for those who would benefit from deer meat. Mayor Kaplan explained that culling deer cost approximately \$750 per deer and the deer meat is packaged and sent to food pantries. It is expensive, however.

Mayor Kaplan explained the Board would continue with discussions, but he would like the Trustees to come up with written recommendations. He believes the discussions could go on for several months, but he would like to come up with a resolution. Mayor Kaplan stated that half the Board is against culling deer while half the Board is for culling deer. The issue for the moment, however, is deer fences.

7. New Business

- Providing funding for a deer count in Riverwoods

Mayor Kaplan explained he would not have a problem paying for a deer count in Riverwoods. Trustee Koomjian believes the Board should pay for the entire deer count and not be subsidized by the RPC. Of the bids received, Urban Forest Management provided the lowest. It was for a one-time flyover, however, to cover the Riverwoods village limits, Ryerson Woods, Potawatomie Woods, and the Lake County Forest Preserve property north of Lake Cook Road southwest of the Village limits. Mayor Kaplan explained that although deer migrate, there would be a minimal difference in the number. He read an excerpt of the minutes from the February 11, 2000 Board of Trustees meeting which provided the deer count.

Trustee Koomjian would be interested in getting an objective count of deer by an unbiased source. He believes the deer should be counted on two successive days to increase accuracy. Trustee Koomjian explained that when Mr. Jones spoke at the Plan Commission, he stated that deer typically stay within one square mile. One migration study stated that 75% of deer stay within 1/3 square mile for the season. He does not believe all areas in Riverwoods are the same and would like to test the hot spot theory. Trustee Koomjian believes the cost should be the sole responsibility of the Village. Trustee Haber suggested spending the extra money to count the

deer on two successive days so the study would not be suspect to some members of the Board. Trustee Graditor added that the Village should find out when Ryerson would be culling deer as well as the number of deer that will be culled, to increase accuracy in the numbers. She explained that the Ryerson herd was part of the Riverwoods herd and if Ryerson was going to eradicate a number of deer, that number should be subtracted from the count if culling had not yet occurred.

Trustee Haber made a motion to provide funding for a deer count over two consecutive days by Urban Forest Management, Mayor Kaplan to negotiate an appropriate fee with UFM. Trustee Koomjian seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

- Request for Sponsorship – One Book, One Zip Code 2010

Mayor Kaplan believes this is a worthwhile cause and would like the Village to be a sponsor. He asked the Trustees to determine the amount of sponsorship from \$500 - \$2500. Trustee Chamberlain explained the program is set up in the library and there are a number of copies of the book available. The purpose is to have a lot of people within the zip code read the book so they could have discussions. Trustee Haber asked how residents would learn about the program. Mayor Kaplan explained it could be put in the Village Voice. Trustee Graditor added there would be events and guest speakers. Mayor Kaplan explained that sponsorship means that Riverwoods promotes reading within the zip code.

Trustee Haber made a motion to become a silver sponsor of the One Book, One Zip Code 2010 program at a cost not to exceed \$500. Trustee Graditor seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

- Formal Designation of FOIA Officials

Village Attorney Jack Siegel explained this was one of the requirements of the amendments for the Freedom of Information Act. Mayor Kaplan designated Village Clerk Mike Ford, Police Chief Bruce Dayno, Director of Community Services Russ Kraly, and Kim Powitz as FOIA officials.

Trustee Haber made a motion for the formal designation of the foregoing 4 individuals as FOIA officials. Trustee Svatik seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

- Approval of an Email Archival Program

Trustee Masterson explained the Village uses the Zimbra system for email within the Village. An archive system can be added for a reasonable cost. Trustee Masterson met with Mark Snyder from Highland Solutions and believes this is the most cost effective and least intrusive system to archive all the email that is sent. Trustee Haber asked if everything would be archived, even if it does not need to be. Mr. Siegel explained that the email is a public record as defined in FOIA. Trustee Haber stated that unnecessary email could be deleted. Mr. Huvard stated that the volume of email that would be considered a public record is small. The issue is the manpower needed to purge the records. The search function is so strong that it would be more efficient to do a search of all the records than to have staff sort and purge unnecessary records.

Mr. Huvard explained that most of the time, records go with a property. He suggested having a folder for every property because 95% of what people look for would be stored in the digital property file.

Trustee Koomjian asked who would do the purging and believes there could be a potential for mischief. Trustee Masterson explained there could be a charge of tampering with records. The question is volume versus workload. Chief Dayno noted he gets sensitive email from other law enforcement agencies that should not be shared with the public. Mr. Huvard explained the archival server is in a protected facility and has a protected, remote backup. Trustee Masterson explained the cost is \$7 per email address per month plus a start-up cost. He explained the Village needs to comply with FOIA and this is not an option.

Ch. Niedelman explained that if the Village gets into a lawsuit, the cost of two lawyers sitting and verifying emails that are pertinent to a case could be very large. If the Village does not find a way to purge documents, there could be a very big liability.

Trustee Haber made a motion to approve the email archival system through Zimbra. Trustee Koomjian seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

- Board meeting dates for 2010

Mayor Kaplan designated the first and third Tuesday of every month as a Board of Trustees meeting date in the Village of Riverwoods.

8. Standing Committee Reports

- Roads/Parks/Bike/NSSRA/Forestry

Trustee Chamberlain conducted bike path interviews but does not have much to report at this time. She would report at a later date.

- Building/Zoning

Trustee Graditor explained that during the month of December 2008, there was one single family addition with a total construction value of \$150,000, generating fees of \$3396. In December

2009, there were four small, miscellaneous projects with a total construction value of \$42,554, generating fees of \$3315.

For the year 2008, the total construction value was \$8,292,391 generating fees of \$97,079. In 2009, the total construction value was \$3,400,087 generating fees of \$44,141. In 2008 there were four new houses built while in 2009 only one new home was constructed.

- Drain/Solid Waste/Environment

Trustee Koomjian explained he would speak with Plight Ecological Service to determine the cost of coming up with a plan for woodland forest management.

Mayor Kaplan asked if SWALCO planned to build an incinerator. Trustee Koomjian explained that SWALCO comes out with a plan update every five years. In the update, they attempt to look into the future and anticipate the needs for solid waste management and determine how those needs can be met. It would be very difficult to create a new landfill in Lake County and Wisconsin has already increased their prices so SWALCO is looking into incineration. The Lake County Board chose to delete that as part of their long range plans but the current SWALCO plan update included investigating incinerators. Trustee Koomjian noted the Lake County Board would review the proposed plan update.

- Finance/Soil/Water

Trustee Svatik inquired if the Village's Tax Levy Ordinance and any necessary supporting documentation had been transmitted to the County Clerk. Village Clerk Mike Ford stated that he had done so in a timely fashion, and that he had already received a confirmation from Lake County.

9. Executive Session

Trustee Graditor made a motion to go into Executive Session to discuss personnel. Trustee Haber seconded the motion. The motion passed at the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Masterson, Svatik (6)

NAYS: None (0)

The meeting moved into Executive Session at 9:47 PM.

10. Reconvene

In Attendance:

William Kaplan, Mayor

Cheryl Chamberlain

Sherry Graditor

Michael Haber

Rich Koomjian

Bruce Masterson

William Svatik

Also Present:

Mike Ford, Village Clerk

Jeri Cotton, Recorder

The meeting was reconvened at 10:34 PM.

Trustee Haber made a motion to accept the recommendation made in Executive Session for the following salary increases:

Accounting Administrator /Office Manager Susie Crohn, six percent. Director of Community Services Russell Kraly, five percent. Police Chief Bruce Dayno, five percent. Cheryl Hadley, four percent. Joyce Fromm, four percent. Kim Powitz, four percent. Helene Brodsky, four percent.

Trustee Graditor seconded the motion. The motion passed by the following vote:

AYES: Chamberlain, Graditor, Haber, Koomjian, Svatik (5)

NAYS: Masterson (1)

11. Adjournment

There being no further business to discuss, Trustee Haber made a motion to adjourn the meeting. Trustee Graditor seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:38 PM. The next Board of Trustees meeting will be held on January 18, 2010 at 8:00 pm.

Respectfully submitted,

Jeri Cotton