

**Board of Trustees Meeting
Village of Kenilworth, Illinois
November 10, 2008**

The regular meeting of the Board of Trustees of the Village of Kenilworth, Illinois in the Village Hall was called to order by Village President T. Tolbert Chisum at 7:30 pm on November 10, 2008. Village Clerk Robert A. Hastings called the roll, as follows:

Present:	T. Tolbert Chisum	President
	Jacquelynn Bossu	Trustee
	James Hughes	Trustee
	Cristy Laier	Trustee
	Thomas Terrill	Trustee
	Katherine Dold White	Trustee
Absent:	Robert Smietana	Trustee

A quorum was present.

Others Recorded as in Attendance:

<i>Village Officials and Staff</i>	Bradly J. Burke	Manager, Deputy Clerk
	Barbara Adams	Legal Counsel
	Richard Cooper	Treasurer
	David Miller	Police Sergeant

<i>Signed in using Village Addresses</i>	Randy Barba	240 Woodstock Avenue
	Beth Baxter	546 Sterling Road
	Ned Bosler	562 Earlston Road
	Vicki Bosler	562 Earlston Road
	Carrie Callegari	523 Abbotsford Road
	Kristin Casas	234 Warwick Road
	Frank Cavalier	507 Kenilworth Avenue
	Diana Demeux	414 Warwick Road
	George Drake	143 Sheridan Road
	Peter Dyson	521 Roslyn Road
	William Folland	304 Melrose Avenue
	Barbara Gooden	533 Brier Street
	Margaret Hastings	366 Sterling Road
	Ted Heldring	328 Leicester Road
	William Holland	342 Sterling Road
	Cary Johnson	722 Roger Avenue
	Colby Kerr	304 Cumnor Road
	Ham Kerr	304 Cumnor Road
	Kelli Kobor	620 Abbotsford Road
	Audrey Lessinger	625 Brier Street
	Colleen McGinnis	539 Brier Street
	Scott McGowan	324 Cumnor Road
	Stuart Miller	515 Abbotsford Road
	Susan Nelson	614 Essex Road
	Rachel Noel	141 Kenilworth Avenue
	Christine Poggianti	517 Ridge Road
	Carol Pollock	145 Woodstock Avenue
	Jim Pollock	145 Woodstock Avenue
	Eleanor Prince	303 Richmond Road

Tom Prince	303 Richmond Road
John Roberts	521 Kenilworth Avenue
Susan Rohrman	520 Brier Street
Cammie Schumacher	616 Abbotsford Road
Richard Schumacher	616 Abbotsford Road
Jack Scott	100 Oxford Road
Bonnie Simonds	130 Winnetka Avenue
Richard Simonds	130 Winnetka Avenue
Grace Terrill	122 Woodstock Avenue
Lisa R. Thomas	530 Sterling Road
Antoinette Vigilante	140 Kenilworth Avenue
Bill Whitt	620 Abbotsford Road

Signed in as None
Non-residents

President Chisum announced the meeting was being video-recorded by a private individual. Any resident wishing to speak may request his/her remarks not be recorded, and in accordance with the Illinois Open Meetings Act the recorder must adhere to the request.

Trustee Bossu asked about the status of possible video-taping of the board meetings by the Village, and requested it be placed on the agenda for the December meeting. Following a brief discussion of the alternatives President Chisum said it would be on the December agenda.

Approval of Minutes

Approval of the draft *Minutes of the Board of Trustees Meeting of October 14, 2008* was requested by President Chisum.

Clerk Hastings noted the following changes had been requested by Trustee White:

On page 3 in the second paragraph under item b change the server from 901 to 911.

In the following third paragraph in the sixth line after Trustee White add "thanked Officer Tuckman and", and at the end of the paragraph add ", often in addition to their regular full time responsibilities."

On page 4 in the last paragraph remove "she believes" from the fifth line after "stating".

On page 6 in the next to last line of the first paragraph replace "said" with "clarified".

On page 7 at the beginning of the second paragraph before "Trustee white" add "In response to a question from President Chisum," and after "voted" in the first line add "2 to 1".

On page 8 in the last paragraph before the Committee Reports add "review" between "design" and "guidelines" in the second and next last lines.

Clerk Hastings also noted it was agreed to remove the two line paragraph at the bottom of page 7.

Trustee Hughes moved Approval of the Minutes as Amended, Trustee Bossu seconded, and the ***Amended Minutes of the October 14, 2008 Board of Trustees Meeting Were Approved by voice vote without dissent.***

Old Business

Report and Discussion of Unofficial Results of the November 4, 2008 Advisory Referendum on the Kenilworth National register District Nomination.

President Chisum noted a copy of a letter he sent to Bill Wheeler, Director of the Illinois Historic Preservation Agency, regarding the result of the November 4, 2008 referendum has been distributed to members of the Village Board for their information. President Chisum added Trustee Smietana had indicated he would be unable to attend the meeting, but had submitted a statement he asked be read, and requested Manager Burke to read the statement:

As you are aware, I am unable to attend Monday's Village Board meeting, as I will be out of the country visiting our daughter Amy who is studying abroad this semester. However, on the occasion of this important meeting I do want to make my thoughts known regarding the recent Advisory Referendum on the National Historic District issue.

As you know, I have consistently supported the advisory Referendum as a solid method of gauging community sentiment on this issue. In the November 4th election, which produced the highest voter turnout in my memory, the results seem to indicate that over 64% of the voters are not in favor of the proposal. This margin of 2 to 1 indicates that this is a mandate by the community.

To the argument of voters versus property owners, I continue to stress that we as trustees need to listen to the citizens that have elected us. To ignore the will of the majority of the people is an arrogant and dangerous position which can further destroy the trust that the voters have placed with us.

I do not believe the argument that the referendum question was misleading. It may have been slightly inaccurate, but our community consists of very intelligent citizens who understand the real issue at hand. To think otherwise is insulting to them.

Since the referendum was advisory, the advice I have taken from this vote is that the majority of our village is not in favor of this nomination.

With that advice, I suggest we listen carefully and withdraw the application now and begin to refocus our time and resources on the more pressing issues that our community is facing in this very difficult economic time in our country. Then and only then can we begin to rebuild the trust and friendliness of our wonderful community.

Trustee Laier asked to read a statement she had prepared.

The Board voted to pursue a National Register Nomination because of the many benefits it would offer the Village, which are outlined in Village Newsletters and minutes of Board meetings. Valuable historic information about the Village was compiled during the nomination process.

Although the advisory referendum vote opposed proceeding, one of the main objectives of pursuing the nomination was achieved, which was to learn more about Kenilworth's historic significance and character. The nomination material is available online, and illuminates a lot about Kenilworth and its development, especially in relationship to what was happening regionally and nationally during the time we were becoming the village we enjoy today, from 1890 to World War II

Trustee Laier recommended doing two things so that current and future residents, and any others interested in the Village's history, would have access to the valuable historic information gathered in the creation of the nomination:

1. *The Village present the Kenilworth Historical Society with a copy of the nomination, with permission to publish and/or use the information for educational purposes.*
2. *Create a link from the Village history page of the Village website to the nomination's statement of significance, which gives detailed historic information, particularly about specific neighborhoods.*

During the past several years widespread concern over teardowns was shown on community surveys, at meetings and in numerous community discussions. The Ad Hoc committee and Village Board have studied the issue and worked to resolve the issue in a community way – to listen to everyone and incorporate a wide range of opinion and desires - knowing the majority usually wants the status quo. The National Register solution is closest to the status quo. When National Register related recommendations were made to the Village Board last fall, they were passed unanimously, because it seemingly was felt listing would be good for the community. It appeared to be a solution which considered the whole community, a compromise with the various perspectives being voiced. And when the Sears School Board requested more information, and later asked the School be excluded, the Village Board graciously honored the request.

It is my opinion that contrary to current local popular belief, listing on the National Register is not an extreme measure. It primarily says we are proud of and care about the place we call home. It was not suggested as a first step to restrictive preservation programs, which have never been recommended, but purely as a way to honor our community without restrictions or reviews for homeowners. For example, the CAGE area of Wilmette has had 16 teardowns since being listed on the National Register in 2005. The proposed nomination was a response to the recommendations of the Ad Hoc and Community Affairs Committees, created after years of study of this issue.

National Register listing is something communities usually rally around and rarely oppose because it usually is seen as being good for the community, good for property values, good for real estate sales, and good for community pride. The information I have seen indicates listing does not raise taxes any more than teardowns do, and taxing bodies may opt out of the tax freeze resulting in no effect. These factors help explain why there are 17 National Register districts on the North Shore alone, with more under development.

Regarding the argument the National Register would bring State and/or Federal scrutiny on our tiny Village, consider that if a construction project is supported by State or Federal funds, the funding entity is required by law to determine whether or not the project could damage historic properties. If it appears it could, the funding entity must give those property owners the opportunity to comment as part of the planning process.

The situation regarding a school is different. If a school board applies for state construction funding, a review to determine the school's historic significance is required. Contrary to residential structures, a school would not want to be found historic, because it could lead to an architectural review of the proposed work. Because the Kenilworth nomination stated Sears School was non-contributing, it would have provided Sears, and therefore we residents, the protection of not having to face an architectural review if state funding were requested. The nomination would have provided the school the designation of "non-historic".

The issues within the community which brought about the National Register effort have not gone away. Maintaining community character has been, and will continue to be, an ongoing interest of many Kenilworth residents. There are many examples, in the nomination and in the Village's history, of residents caring about and acting to enhance our community character. These concerns and actions seem to surface whenever Village character is being threatened, which I consider a good thing for the community and property values. Hinsdale has created two National Register historic districts over the past few years, after losing over 40% of its historic structures. Glencoe currently is considering its first historic district after redevelopment of much of its east side.

The phrasing of the Referendum question, which asked if “all lands within the village of Kenilworth regardless of public or private ownership” should be nominated to the National Register, may have led voters to think Sears School was included in the district. However, the Board had excluded Sears School and some other properties. As a result the Referendum vote is less clear. Does a yes vote mean the voter wants a district with the school included, or a no vote mean the voter doesn’t want a district or simply doesn’t want the school excluded? This confusion may have been intentional, since the group who placed the question on the ballot had over two months to clarify the phrasing after the school was removed and used the school as a reason to not vote for the district.

The Board now must decide how to respond to the Referendum result despite the flawed question. From the negative letters and emails circulating within the community, it is obvious there is some level of discomfort with, and continued misinformation about, a National Register listing. The Board is prohibited from advocating a position on a referendum issue, and was unable to respond to some of the questionable last minute assertions, so there clearly should be clarification for the community. It therefore is appropriate to add a third and fourth recommendation, as follows:

3. *Request the Illinois Historic Sites Advisory Council (IHSAC) to withdraw the nomination from consideration.*
4. *A letter be written to the community to notify residents of the request for withdrawal of the nomination and to address recent misinformation.”*

President Chisum asked Trustee Laier if she intended to move the four items, to which she replied affirmatively. Trustee Hughes said he would second the motion. President Chisum said he would like to open the meeting up to comments, and then address the four items individually.

Trustee Bossu said she agreed with Trustee Laier’s recommendations and wished to read a statement of her own.

Given the uncertainty of the viability of the proposed district due to its irregular boundary, and the results of the advisory Referendum, she agrees with Trustee Laier there should be a request to IHSAC the National Register nomination be withdrawn. As Trustees, it is important for us to consider all the facts when making decisions, which is what the Board has done consistently and methodically in its decision-making regarding all issues. It would be difficult to not pay attention to the voters’ response to the advisory question, which seems to make clear several things they do not want -

- higher property taxes
- lower property values
- undue restrictions on their properties
- Sears School to be adversely impacted

However, none of those things apply to a National Register district. Had there not been so much misinformation given to residents in a campaign to malign a National Register district, it would be easy to interpret the ballot results. While I do not think the nomination was defeated on the merits of the National Register, the Trustees cannot ignore the high percentage of people who said they do not want the nomination.

The Village Board had unanimously felt a nomination would be a good thing for the village and unanimously supported hiring consultants to research and write the nomination. It is important the Village correct the misinformation in the following two information pieces given to residents at the last minute before the election – giving no time for the Village to respond.

1. A "Vote No" letter signed by former Village Board members; and
2. A bright orange flier handed to every voter on Election Day as they walked into the polls.

These two pieces both contained information which:

- Was not correct
- Was misleading due to lack of full information or distorted information
- Was irrelevant to the National Register nomination
- Encouraged ill will and divisiveness – as evidenced by two anonymous derogatory emails, copies of which were included in the Board packets.

Several current Village Board members did not receive the letter, further delaying any opportunity for the Village to clarify misinterpretations. Some people may oppose having the Village honored as a National Register District, possibly due to a personal concern if residents value what is here, the community may at some time want to add protections. However, one would hope that a letter signed by former Trustees would have kept the arguments to the facts in trying to convince others of their position. Their arguments should have been on the merits or lack thereof of the National Register listing, rather than by omitting pertinent information and using unrealistic assumptions.

Residents were done a disservice, and the Village has a responsibility to correct the misinformation by sending a letter to residents which:

- Provides factual data on the issues
- Defuses the false alarm which was created
- Separates those issues which relate to National Register listing from those that do not
- Makes clear the reasoning behind the proposed nomination.

It is important to send such a letter because it is the right thing to do to provide accurate information regarding the statements in the letter from former Trustees.

LETTER. *"Placing the Village on the National Register will have social and economic repercussions on each and every one of us for the following reasons":*

1. *"Increases Property Taxes"*, stating 42 property owners who remodeled their homes during the period 1999-2006 were eligible to take the assessment freeze.

FACTS. The impression given by the statement and its accompanying chart is FALSE, implying the only qualification for the tax incentive is spending 25% of the house's assessed market value on a construction project. Many other factors come into play, such as:

- Not all of these homes may be eligible for the program
- The freeze is only for the increase in assessed value. The property owner continues to pay taxes, and the taxes still go up per the tax rate etc.
- A small percentage, or sometimes none of the eligible property owners, actually take advantage of the freeze.
- Relatively few people have applied for the freeze since the program's inception in the early 1980's because most people want to do whatever they want with their projects. As examples, two homes in Kenilworth, George Maher's

residence and the Root Badger house, which are both listed on the National Register, have been extensively renovated, but neither owner applied for the tax freeze.

Why would an owner not apply for the tax freeze?

- There are parameters for qualifying which keep most rehab projects from complying.
- The application requires filling out a complex form describing the project, and sending in proof the necessary amount of money has been spent.
- The Secretary of the Interior's Standards for Rehabilitation for both the exterior and interior must be complied with, and the project reviewed by the State.
- Original material in the house must be saved, where possible, and the integrity of the house preserved.
- Merely putting on an addition will not qualify.

What is inaccurate about the chart that was sent out by former trustees?

- The freeze ceases if the home is sold before the eight year period is up.
- Commercial properties, which are taxed at three times the residential rate, were not factored into the "tax share" chart.
- Cook County gives an automatic four year exemption for any rehab project over \$75,000 – that exemption should have been deducted from each of the examples given in the letter, reducing the total dollar amount "shared" by other taxpayers due to NR freeze.
- Most importantly, there is an "opt-out" provision for all taxing bodies, preventing "assessment sharing" by properties. This enables local communities to control the program. Riverside is analogous to Kenilworth, in that the whole village is part of a historic district. The two largest taxing bodies, the Village and the School, have opted out of the assessment freeze program.
- Lastly, when looking at a potential temporary tax redistribution, we should also compare it to the situation where a house is torn down and the property sits vacant for a period of time. In this case, the redistribution is much larger and over a shorter period of time, versus the National Register freeze which would be smaller and over a longer period of time.

2. *"Layers of Review and Restrictions ... a means must be created by which state and federal guidelines are followed ... [and] the means is inevitably the passage of a historic preservation ordinance".*

FACTS. This is FALSE, because if State or Federal funding is involved their guidelines must be followed whether or not there is a National Register district or a local district, and there is no cause and effect between a National Register historic district and a local preservation ordinance. You can have one without the other.

- State and federal guidelines do not require local preservation ordinances.
- The National Register was specifically recommended because it does not and cannot create local restrictions.
- A local preservation ordinance is never inevitable. As any of the 60+ Illinois communities that have local preservation ordinances will attest, they take much time, thought and discussion in the community.

- Local ordinances pass only if they generally reflect the values and political comfort of the community.
 - Local preservation ordinances vary widely in what they charge a commission to do.
 - Are they purely educational?
 - Do participants volunteer their homes for consideration (as is done in Wilmette)?
 - Does the commission review changes to buildings, and if so, are reviews advisory or mandatory?
- Finally, a local preservation ordinance has not been recommended by any Kenilworth Village study, commission, or the Village Board
- Since there are so many National Register Districts in Illinois, and every North Shore community except Kenilworth has one, why is there an effort to create a frenzy in Kenilworth?

3. *“Sears School Opposition”*

FACTS. The school was removed from the nomination

- Consultation with state and national officials confirmed that even if Sears School were included, there would be no adverse impact. Actually the contrary is true - the School would benefit by being categorized as non-contributing.
- The former trustees' letter created confusion among voters about the School's inclusion given the wording of the referendum question – “all structures and lands ... nominated, whether public or private”
- The School technically is owned by the community, not the school board, and therefore has no formal say on the district, but the Village Board honored their request to be excluded.
- The Sears School reaction is very unusual, given there are 122+ schools in Illinois on the National Register and proudly displaying their status on their website, many of which sought individual listing.
- The Sears School Board was given a biased, negative presentation by two individuals opposed to the nomination, a decision supposedly based on a North Shore Barrington Association of Realtors (NSBAR) analysis that neither the School Board nor the Village Board were given the opportunity to see, because NSBAR would not release it.
- The former trustees' letter gives a negative spin, “once such a designation is in place, it cannot be undone”, which implies restrictions and begs the question as to why residents would want an honor “undone”?
- There are 17 National Register historic districts on the North Shore alone, many containing schools, and some of these districts have been in place for 30 years
- There are thousands of districts and millions of properties listed nationwide, schools included.

The Election Day Flier opposing the National Register nomination made several points:

1. *“Increases Property Taxes”* -- covered above
2. *“Unfairly Restricts Property Rights – Design Review is Next”*

FACTS:

- There is no local regulatory body associated with the National Register. Therefore there are no restrictions or regulations on homes listed.
 - There is no design review associated with the National Register. Communities can and do have design review without being listed on the National Register – the two are not related.
3. *“Drains Village Budget and Personnel – turned projected budget surplus into a \$500K deficit”.*

FACTS:

- There is **NO cost** to being on the National Register and NO responsibility for village personnel once a village is listed – it is just an “honor roll” with no regulations or administration
 - Consulting fees for nomination were \$15,000
 - The projected deficit (which is less than \$500K) has NOTHING to do with a potential National Register district – it has been growing for years, before any current trustee was elected
 - Financial concerns were raised four years ago by those of us who ran for office
 - A deficit was never officially recognized until the long-range financial plan was developed
 - Deferred maintenance has gone on for many years – as it is being addressed, expenses are being incurred
 - Comprehensive Plan and Green Bay Road planning had been neglected – the 1999 referendum promised voters a comprehensive plan, but it was never implemented
 - Salaries, benefits and pension plan expenses continue to increase – NOT related to the National Register
4. *“Hurts Property Values –potential buyers don’t want onerous design restrictions”*

FACTS.

- There are NO “onerous design restrictions” or any restrictions at all.
 - There are no studies that show property values are hurt; just the contrary is true – studies show property values increase
 - *“Process is Unfair – owners shouldn’t have to file letters to object”*
 - All owners have an opportunity to express concurrence or objection.
 - A National Register District has no regulations, restrictions, or review. However, for zoning related matters that do have regulations and restrictions, a property owner’s only option for impacting the process is to object (i.e. Zoning Board of Appeals meetings, public hearings, etc.)
5. *“Developers benefit – can pass on 8+ year tax freeze to buyers”*

FACTS.

- In order for a developer to qualify for the assessment freeze, he must meet the standards and pass the reviews for historically restoring/rehabbing the house. The assessment freeze is an incentive to do so. A carefully restored house benefits the community, especially other homes on the block.
 - The freeze can be passed on to the first buyer, but if the first buyer sells the property before the 8 years is up, the assessment freeze ends.
6. *“District overreaches – 100+ homes share the cost but don’t qualify for the tax freeze”*

FACTS

- All homes benefit from being recognized as part of a community that is listed on the National Register, whether they are old or new.
- All homes benefit from increased value of carefully renovated homes on their block.
- All homes share current exemptions for senior citizens, the Cook County rehabilitation credit, lower taxes for vacant lots, and new homes before they go on the Assessor's tax role.
- All homes (old and new) benefit from increased property values shown for historic districts. Note real estate adds that market historic homes and new homes in districts.

Trustee Bossu concluded, stating she supported making a request to the Illinois Historic Sites Advisory Council to withdraw the nomination, sending a letter to the community correcting misinformation disseminated prior to the election, adding a link to the history page of the website, and providing a copy of the nomination to the Kenilworth Historical Society.

Trustee Hughes indicated he concurred with withdrawing the National Register nomination. He said it seems clear Village voters do not want any possible impact on their taxes or restrictions, although this has nothing to do with the National Register nomination, but he thinks the vote should be honored. However, the information is good historical data, and could be valuable if there should be a desire to reconsider a nomination in the future.

Trustee Terrill said he supports the proposals made, and would particularly like to take exception to the statement in the orange sheet that the board "turned a projected budget surplus into a \$500K deficit". He noted the current deficit is being funded by reserves of approximately \$394K, which leaves 5-1/2 to 6 months of reserves intact. Prior boards have used the one year bonding method to cover similar deficits related to capital infrastructure needs. However, this board chose the alternative of using reserves in order to eliminate the added cost of a bond issue and the resulting subsequent increase in real estate taxes. The statement in the orange sheet therefore is untrue and very misleading.

Trustee White read a statement indicating she has consistently believed the board should wait for the Referendum results before submitting the National Register nomination, as follows:

I have consistently believed and stated that we should have waited to send the nomination of our Village to the National Register until after the Advisory Referendum on the issue. Throughout the discussions and meetings, people have repeatedly asked this Board, "How do you know how the people feel about being on the National Register?" We honestly did not know.

In this election we had one of the largest turnouts in memory. Our residents voted almost two to one against having our Village be a National Register District. The people have spoken. I do not believe the wording of the question was an issue. People voted on the big picture question of being part of the National Register or not. As a Village we have talked about the great lengths of communication we have provided. Our residents are bright and educated. For us to argue that they did not understand the issue at hand is not right.

I concur with the perspective Trustee Smietana has voiced in the past that we can confidently listen to the voters, the same people who elected us to serve on this Board.

On this Board, we have different perspectives on this issue. At this time there is no need to restate information. It is time to agree to disagree.

In response to the results of the referendum in which people questioned the financial impact, there is a problem. There have been Trustees who have described the process of the tax freeze for properties that meet the criteria as a large benefit of the program when "selling the program" to the Village, but the minute a problem or question arises they say tonight that it is a difficult process and imply that very few people would take advantage of it - most would opt out. If this is the case, then one cannot argue that it matters but then say that it does not matter. You can not have it both ways.

We need to rebuild the trust of our residents in their Village Board. In this process, this Board talked about benefits only. When any question was raised about a possible negative impact or downside, the questioner was verbally attacked and told they were wrong. There are pros and cons for every issue. The fact that the majority of this Board would not acknowledge another perspective, added to the distrust we feel now. The fact that residents received close to a dozen letters in favor of this nomination but are consistently told that this is only an honorary designation does not add up. Why the extreme behavior?

We need to listen to our residents and withdraw this nomination. I believe we should end the conversation on this topic and agree to disagree. We need to move forward with the many issues we face at this challenging time in our country and in our community. It is time the Village Board works to regain the trust of the people and refocus our attention on the matters of efficiently and effectively running our Village.

Trustee Hughes said he believed the board had taken everything into consideration, and expressed his opinion all of the decisions have really been made with what is in the best interest of the community in mind. Looking at the number of other districts approved in this area, he wondered why there was such objection.

An extensive discussion followed regarding whether to proceed with the recommendations made by Trustee Laier, and if so how they would be activated and the timing. Several residents expressed their opinions, including whether and if so how they should be implemented, whether there should be a decision regarding any future consideration of re-submitting a nomination, and how the board would respond if anyone else should submit a nomination. President Chisum noted the Board cannot stop an individual action to submit a nomination, but in an earlier situation individuals submitted a copy of the Village's National Register nomination, those involved were contacted and the nomination was stopped.

Trustee White asked for clarification of Trustee Laier's motion, and Trustee Laier reread the four recommendations. Trustee White indicated she would support sharing the Village nomination document with the Kenilworth Historical Society with the understanding the document could only be used for research purposes. A discussion regarding the Kenilworth Historical Society's use of the Kenilworth Historic District nomination followed. Trustee White expressed her opinion it is important for the Historical Society to know the nomination document remains the property of the Village. Trustee Bossu indicated housing a copy of the nomination with the Historical Society is a logical place for the document to be stored.

President Chisum called for a roll call vote on the first recommendation regarding *Presenting the Kenilworth Historical Society with a Copy of the Nomination*.

For: Laier, Hughes, Bossu, Terrill, White

Opposed: None
Abstain: None

Clerk Hastings announced the **vote *The Village present the Kenilworth Historical Society with a Copy of the Nomination, with Permission to Publish and/or Use the Information for Educational Purposes, was five for and none opposed.*** President Chisum declared the motion passed.

President Chisum called for a voice vote on the second recommendation, to ***Create a Link from the Village History Page of the Village Website to the Nomination's Statement of Significance, Which Gives Detailed Historic Information, Particularly About Specific Neighborhoods, and the motion was passed without dissent.***

President Chisum called for a voice vote on the third recommendation, to ***Request the Illinois Historic Sites Advisory Council (IHSAC) to Withdraw the Nomination from Consideration, and the motion was passed without dissent.***

President Chisum called for a voice vote on the fourth recommendation, that ***A Letter be Written to the Community to Notify Residents of the Request for Withdrawal of the Nomination and to Address Recent Misinformation.*** Trustee White again stated her opinion another letter was not needed.

Following further discussion of the need for a prompt communication, there was consensus to split the letter into a brief letter to go out quickly to notify residents of the board's action to request withdrawal of the nomination, with a detailed letter clarifying the facts regarding the nomination to be considered at and sent after the December board meeting. President Chisum said he would work with Manager Burke to get the initial letter done, and to define the "truth".

To clarify the position of the Board, Trustee Terrill moved ***No Future National Register Nomination be Submitted by this Village Board Without First Taking the Question to the Voters in an Advisory Referendum,*** seconded by Trustee White. A voice vote was taken, and ***the motion passed without dissent.***

President Chisum noted the preceding vote could not bind future Village Boards.

A discussion followed regarding the potential for a third party or private individuals to submit a Kenilworth National Register District nomination. President Chisum noted anyone can submit a nomination. However, if a private citizen or group were to take it upon themselves to submit a nomination using the Village's copyrighted materials the Village would act swiftly, as was done in the past, to prevent such a nomination from proceeding.

Action Items – New Business

- a. *Consideration of a Raffle Request for the Juvenile Protective Association - Thursday, November 13, 2008.*

Manager Burke reminded the trustees the Juvenile Protective Association (JPA) request to hold a raffle in conjunction with their annual benefit on November 13 had been discussed at the last meeting. Proceeds from this event fund the comprehensive programs and services to highly stressed families struggling with child abuse and neglect in their lives. An approval has been granted to JPA in the past, and it was agreed at last month's meeting to advise them their request would be formally approved at this meeting.

Trustee White moved to *Approve the Raffle Request*, Trustee Laier seconded, and the **Raffle Request for the Juvenile Protective Association - Thursday, November 13, 2008, was Approved by voice vote without dissent.**

b. *Consideration of a Resolution Estimating the Amounts to be Raised by Ad Valorem Taxes.*
Manager Burke stated the Village is required to estimate the funds to be raised from taxes on real property in the Village prior to the adoption of the actual levy. This estimate does not limit the board's ability to levy a different amount, provided it is in compliance with the Truth in Taxation Law and all applicable notice and hearing provisions. The 2008-2009 estimated property tax levy is \$3,052,981.00, which is approximately 4.9% higher than the previous year's actual levy. The 2008 tax levy ordinance will be included on the December 8 Village Board agenda.

Trustee Terrill moved to *Approve the Proposed Resolution*, Trustee Hughes seconded, and a roll call vote was taken.

For:	Terrill, Hughes, Bossu, Laier, White
Opposed:	None
Abstain:	None

Clerk Hastings announced the **vote to Approve Resolution 2008-11 Estimating the Amounts to be Raised by Ad Valorem Taxes was five for and none opposed.** President Chisum declared the motion passed.

c. *Consideration of a Resolution Approving the Northeastern Illinois Mutual Aid Network (NEIMAN) Public Works Emergency Mutual Aid Intergovernmental Service Agreement.*

Manager Burke said an Emergency Operations Plan (EOP) for the Village has been under development for several years, led by Police Lt. Phil Brunell with input from other Village staff. The project has been discussed at Public Safety meetings, and once adopted the EOP will help the Village prepare for, respond to and recover from critical incidents affecting the community. Having an EOP in place is a requirement of the National Incident Management System (NIMS), a consistent nationwide approach for federal, state, tribal and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size or complexity.

The National Incident Management System requires the Village to participate in mutual aid agreements with other area municipalities for various emergency response services. While the Village is a party to mutual aid agreements for public safety functions, Kenilworth has never entered into a mutual aid agreement for public works functions. The various Chicago-metropolitan councils of government have developed a mutual aid system for area Public Works Departments which has been in place since 2001. If Kenilworth joins this system it would permit Public Works personnel to request assistance from participating communities in the event of an emergency, and vice versa. The mutual aid agreement does not mandate a response, but rather allows each participating entity to determine if the resources and staff are available to provide requested support.

Manager Burke added that while no formal agreement was in place, Wilmette and Winnetka provided assistance last fall when trees were felled by high winds.

Trustee Hughes moved to *Approve the Proposed Resolution*, Trustee Terrill seconded, and the **vote to Approve Resolution 2008-12 Approving the Northeastern Illinois Mutual Aid Network (NEIMAN) Public Works Emergency Mutual Aid Intergovernmental Service Agreement was five for and none opposed.** President Chisum declared the motion passed.

d. *Review and Authorize Payment of \$975,227.20 in October, 2008 Accounts Payable.*

Trustee Terrill noted October payables are unusually high because they include three large bond payments. Two of \$210,741.25 and \$250,388.75 are to the Bank of New York for principal and interest on the 2006B water refinancing bond and principal and interest on the 2007 refinancing bond, respectively. The third is \$280,500.00 to Harris Bank for the principal and interest on the 2007 General Obligation bond (for capital expenses). Trustee Terrill mentioned other non-recurring items of \$1,000 or more, including larger items of \$22,014.77 for the sidewalk replacement program, \$16,261.86 for two invoices from American Underground for catch basin and sewer work, \$8,300.00 to Christine Poggianti for legal fees related to the updating and filing of the Plat of Re-Subdivision of the Clausen Subdivision which was not filed in 1989, and \$38 refunds of Escrow fees in the amount of \$57,322.65.

Trustee Terrill moved to *Authorize Payment of the 2008 Accounts Payable*, Trustee Hughes seconded, and a roll call vote was taken.

For:	Terrill, Hughes, Bossu, Laier, White
Opposed:	None
Abstain:	None

Clerk Hastings announced the ***vote to Authorize Payment of \$975,227.20 in October, 2008 Accounts Payable was five for and none opposed.*** President Chisum declared the motion passed.

Committee Reports

Building, Planning and Zoning – Jackie Bossu, Chair

Trustee Bossu referred the Trustees to the Community Development Department report indicating 25 permits were issued in October, with a total cost of improvements of \$319,900.58 and fees of \$8,027.48. The current fiscal year to date cost of improvements remains above the two prior years.

Trustee Bossu said she feels the Board should look into generator rules, as an increasing number are being installed and there have been a number of resident complaints. Several residents and trustees noted they had experienced extremely loud generator operations, and acceptable noise levels, location and screening should be considered.

Water and Electricity – Robert Smietana, Chair (Plan Commission)

In the absence of Trustee Smietana, Manager Burke referred to the Water Department report, which indicates finished water pumped into the distribution system in October, 2008 was 11.419 million gallons, or an average of 368,000 gallons per day, versus the 522,000 in October of 2007.

Manager Burke added installation of the new remote readable meters began today. He also noted inclusion of the comments on street lighting is because responsibility for street lighting is a Commonwealth Edison issue, unlike in most communities, and the Village is dealing with a new ComEd staff person to address current outage situations.

Streets, Drainage and Public Works – James Hughes, Chair

Trustee Hughes referred to the Public works report prepared by Superintendent Fiorentino. The department has mainly dealt with every day issues in October. He referred to item 4 in the report regarding preparations for winter, and noted some concerns had been raised last year about sidewalk plowing not getting down to the base and leaving them slippery. Trustee Hughes also mentioned the street sweeper was continuing to experience problems and may need to be replaced soon.

Trustee Bossu asked about the status of the review of parkway plantings. Manager Burke replied the Village Intern has surveyed the parkway plantings, looking mainly at those with a height of more than 2-1/2 feet. Trustee Hughes said his committee will be reviewing the report at its next meeting. The committee also is trying to hold a meeting to cover solid waste disposal and different approaches to recycling. Trustee Bossu asked that the next Newsletter remind residents of appropriate items to recycle.

Police and Fire - Katie Dold White, Chair (Newsletter)

Trustee White referred Board members to Chief Petersen's report covering police activity in the month of October, 2008. There were 565 Calls for Service, with 1 Part I Crime, a Theft valued at under \$300. There also were 6 Part II offenses reported, including 1 Criminal Trespass, 4 Deceptive Practices, and 1 Narcotics offense. Officers also made 5 arrests for traffic misdemeanors.

In addition, the Police Department responded to 16 Fire and Ambulance calls, 15 Burglar Alarms, 6 Construction Complaints, 22 Animal Calls, 1 Domestic Trouble, located a Missing Person, and Aided Outside Agencies on 8 occasions. Patrol officers investigated 12 Suspicious Persons/ Circumstances and responded to 4 Non-injury Traffic Crashes.

The police department sent out two information bulletins. All residents are encouraged to submit their email addresses in order to receive such information. Trustee White also noted the next Newsletter will include a notice the police department will dispose of unwanted firearms and ammunition for residents.

A Police and Fire Committee meeting was held on Monday, October 20. Trustee White displayed a copy of the new Emergency Operations Plan (EOP) which was discussed. The 3 ring binder format will facilitate making updates as needed. The Committee consensus was to request a committee-of-the-whole meeting to facilitate the implementation of the EOP.

The committee also confirmed the intent to have the Police and Public Works departments pick up much of the animal control activities which had been subcontracted to Wilmette until their animal control officer retired and was not replaced. The police will respond to complaints involving pets and emergency calls involving nuisance wildlife, and Public Works will remove dead wildlife from public property. The intent is to identify an outside firm to handle the limited number of specialized services needed such as trapping, relocation, euthanasia, exclusionary techniques, etc. The Village will not cover removal of wildlife indigenous to the area unless they represent a danger to humans, or removal of deceased or nuisance wildlife from private property.

Trustee Terrill noted the Wilmette animal control agreement cost the Village \$420 per month, and wondered about the expected costs under the new arrangements. Trustee White responded the expectation is the new arrangement will reduce the expense, as there are relatively few instances in which the outside company should be needed when the police department does not have the expertise, and residents will be paying for some of the private property assistance.

Cook County is offering to provide about \$150,000 of camera and installation costs in order for Kenilworth to participate in the countywide homeland security initiative Project Gold Shield (PGS). A demonstration of PGS equipment worked well, with a next step agreement on a site evaluation prior to installation.

Finance – Thomas Terrill, Chair

Trustee Terrill had nothing more to add.

Community Affairs – Cristy Laier, Chair

Trustee Laier also said there was nothing more to add.

Village President – T. Tolbert Chisum

President Chisum said he intended to include an ordinance on the December meeting agenda to formalize the Board's vote earlier in this meeting to withdraw the National Register nomination.

Village Treasurer – Richard Cooper

Treasurer Cooper indicated there was nothing more to say.

Village Legal Counsel – Barbara A. Adams

Counsel Adams referred the trustees to the salt article included in the packets. As reported, the Illinois Attorney General's office now is looking into this year's salt pricing, which is what it had been hoped would occur.

Trustee Terrill asked whether an order should be placed soon for next year to avoid even higher salt pricing. Manager Burke responded the Village has limited storage capacity, so it could not handle an additional delivery now. However, it could be considered at the end of the winter.

Village Manager – Bradly Burke

Manager Burke reported the Village has received a disaster notice from the County regarding last fall's storm. The Village will work with FEMA regarding the tree removal on Warwick and the Woodstock and Raleigh parkway clean-up. Residents who received damage may apply until December 2 for assistance with private property damage.

The staff is researching video taping of board meetings. Considerations include whether simple taping, rebroadcasting or streaming is desired, and whether there is adequate bandwidth for inclusion on the website. President Chisum said the staff should report on the expected costs of the alternatives. Trustee Terrill noted another consideration was the impact on the Clerk's activities if video taping is done. Counsel Adams said the minutes of the meetings could be reduced to a brief summary and the votes.

Trustee Hughes asked about the progress of the Revenue and Expenditure Study Committee (RESC). Manager Burke said there had been a discussion of some initial thoughts at the recent meeting. The RESC is off the original time line a month or two. At the next meeting it is intended to review the benchmarking results. The data is being scrubbed to try to assure the comparisons are apples to apples. It appears Kenilworth is in the middle on costs, and on the bottom on cost relative to size of the community.

Resident Hughes noted the Village is getting the equivalent value of some high priced consulting. Manager Burke added the RESC members are putting in considerable time and effort to try to develop a strategic vision for the future. However, it is likely the budget proposals for the upcoming year will be mainly on a "stay the course" basis, since the recommendations of the RESC will not be made by the time the budget cycle commences. Trustee Terrill said RESC Co-Chair Steingraber may update the Finance Committee at its December 2 meeting at 5 pm.

There being no further business, Trustee Laier moved to adjourn the meeting, Trustee Hughes seconded, and the meeting was concluded by voice vote at 9:27 pm.

Respectfully submitted,

Robert A. Hastings
Clerk

Bradly J. Burke
Deputy Clerk

BOARD COMMITTEE COMPOSITION

BUILDING, PLANNING & ZONING: Trustee Jacquelynn Bossu, Chair; Trustees Hughes & Smietana

COMMUNITY AFFAIRS: Trustee Cristy Laier, Chair; Trustees Terrill & White

FINANCE: Trustee Thomas Terrill, Chair; Trustees Laier & White

POLICE & FIRE: Trustee Katherine White, Chair; Trustees Smietana & Terrill

STREETS, DRAINAGE & PUBLIC WORKS: Trustee James Hughes, Chair; Trustees Bossu & Laier

WATER & ELECTRICITY: Trustee Robert Smietana, Chair; Trustees Bossu & Hughes