

**MINUTES
of the
REGULAR BOARD MEETING
OF THE BOARD OF TRUSTEES
VILLAGE OF NORTHFIELD
Tuesday, May 15, 2007 - 7:00 p.m.**

The Board of Trustees of the Village of Northfield met in the Council Chambers of the Village Hall for the Regular Board Meeting on Tuesday, May 15, 2007. The meeting was called to order at 7:00 p.m. by President John Birkinbine. The Village Clerk called the roll which was as follows:

PRESENT:	President Trustees	John Birkinbine, Jr. Frank Charhut Terry Gottlieb Ted Greene Evan Karnes Bobbie Moore
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ABSENT:	Ruth Lucchesi
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OTHERS PRESENT:	Board Elect:	John Chapin Joan Frazier Fred Teichert
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Village Clerk Administers Oath of Office to New Village Trustees

ADJOURNMENT

Trustee Karnes made a motion, seconded by Trustee Charhut to adjourn the meeting at 7:10 p.m. Upon the following roll call vote, the motion was approved.

AYES:	Charhut Karnes Greene Gottlieb Moore	NAYS: 0	ABSTAIN: 0	ABSENT: Lucchesi
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NEW BOARD RECONVENES AT 7:10 PM

The meeting was reconvened with the new Trustees at 7:10 p.m. The Village Clerk called the roll which was as follows:

PRESENT:	President Trustees	John Birkinbine, Jr. Frank Charhut Terry Gottlieb Ted Greene John Chapin Joan Frazier Fred Teichert
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Presentation of Service Plaques to Outgoing Board Members

APPROVAL OF CONSENT AGENDA ITEMS:

Trustee Gottlieb made a motion, seconded by Trustee Greene, to approve Consent Agenda items 1 through 3.

1. Approve the Minutes of the April 17, 2007 Village Board meeting.
2. Approve the Bills and Disbursements from 4/14/07 to 5/7/07 in the amount of \$136,001.94.
3. Approve the re-appointment of Ronald Johnson to the Electrical Commission as Chair for a four year term beginning May 1, 2007 and ending May 1, 2011.

Upon the following roll call vote, the motion was approved.

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: 0
	Chapin			
	Greene			
	Gottlieb			
	Frazier			
	Teichert			

CONSIDERATION TO APPROVE A SPECIAL USE ORDINANCE FOR 310 HAPP ROAD

Trustee Charhut made a motion, seconded by Trustee Chapin to grant a special use ordinance allowing a medical practice in shared office space located at 310 Happ Road.

Upon the following roll call vote, the motion was approved.

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: 0
	Chapin			
	Greene			
	Gottlieb			
	Frazier			
	Teichert			

CONSIDERATION TO APPROVE A SPECIAL USE ORDINANCE FOR 211 WAUKEGAN ROAD

Trustee Greene made a motion, seconded by Trustee Chapin to grant a special use ordinance allowing a Family Hear Care Center to operate a medical practice at 211 Waukegan Road. Upon the following roll call vote, the motion was approved.

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: 0
	Chapin			
	Greene			
	Gottlieb			
	Frazier			
	Teichert			

CONSIDERATION TO APPROVE AN ORDINANCE AMENDING THE VILLAGE CODE, CHAPTER 16, SEC. 16-2, ALCOHOLIC LIQUOR, AND APPENDIX D

Trustee Chapin made a motion, seconded by Trustee Gottlieb to approve an ordinance amending the Village Code, Chapter 16, Sec. 16-2, Alcoholic Liquor, to amend Class L and Appendix D, Fees and Bond Amounts, to allow for the retail sale of wine by half or full case by a Club for consumption off the premises up to two (2) times within a twelve (12) month period.

Upon the following roll call vote, the motion was approved.

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: 0
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Chapin
Greene
Gottlieb
Frazier
Teichert

Village Manager Sigman noted that under the commitment made to Sunset Ridge Country Club when they annexed to the Village, they would be able to continue to have all the activities that they had previously. Under their current Liquor License the sale of wine in cases is not permitted so this change would allow them to continue to hold this event as they had in the past.

CONSIDERATION TO APPROVE AN ORDINANCE ALLOWING FOR COMPETITIVE VIDEO SERVICE OVER AN INTERNET PROTOCOL-ENABLED BROADBAND NETWORK

Following discussion, Trustee Gottlieb made a motion, seconded by Trustee Greene to approve an ordinance allowing for competitive video service over an Internet protocol-enabled broadband network.

Trustee Charhut asked for clarification on questions regarding what work AT&T will actually be doing. He asked if AT&T will be digging up streets - would work be done underground or up on the poles? Attorney Hill referred his questions to Marc Blakeman of AT&T.

Marc Blakeman, Regional Vice President of AT&T, responded to questions regarding what the company would actually do to install their system in the Village. He noted that they would be using existing equipment cabinets but that additional cabinets may need to be installed in the right of way. Also, they may be replacing some wires/cables with fiber for existing conduit. This goes under the street. Broadband would be available through the existing wires or upgraded wires. They will not need a new wire from pole to house. The same wire that provides DSL service will provide HD (high definition).

President Birkinbine asked whether AT&T is working with the Village to shield some of the large cabinets with shrubbery since their size is what the majority of residents are complaining about.

Trustee Frazier asked for clarification about what constitutes "right of way."

Village Manager Sigman defined it as the public rights of way as opposed to private utility easements. She added that cabinets would be placed in the public rights of way. AT&T has currently installed 12 cabinets in the community.

Trustee Frazier noted that four of these cabinets were installed at Graemere and there is currently no landscaping. She noted that they make a loud noise and are adjacent to a home. She asked that since the cabinets are already there, what authority would the Village Board be giving AT&T that they don't already have?

Attorney Hill responded that although AT&T obtained their permits according to the current Village requirements, the expanded size of the cabinets then came to the Village's attention. Complaints by residents prompted the Village to look further into what AT&T was doing. The Village

found that their permits noted that they were only upgrading existing service but did not specify or address the new service and the extent of the work which includes larger cabinets and more cabinets in the right of way.

Trustee Frazier asked Village Attorney Hill what would happen if the Board did not approve the ordinance to permit competitive video service. He responded that municipalities that refused to do this are now in litigation with AT&T. The Village would then do everything in its power to protect what is put in the right of way.

Trustee Frazier continued, noting that the cabinets are just unsightly and the equipment in them makes noise. She wondered why this technology could not be put underground.

Trustee Charhut commented that it is really retroactive. AT&T has already put in the cabinets. However, it was noted that AT&T has the right to work in the State and County right of ways. Municipalities cannot prevent them from upgrading their equipment. With the changes and updates customers would now be able to turn on the video portion of their services.

Village Manager Sigman responded that current legislation is pending in Springfield that would set parameters. The basis for this agreement is that the Village can enter into an agreement with AT&T or wait for House Bill 1500 to set the parameters.

Attorney Hill expressed that the Village can adopt its own agreement at this time and if the State's is more agreeable when it is finalized then the Village could act per those terms. The agreement before the Board gives the Village some flexibility in offering video service.

Trustee Frazier asked if the services offered by AT&T are regulated by the FCC. The AT&T representative responded that they are not since they are not considered a Cable Company that is franchised. He went on to describe how their services would operate.

Trustee Greene inquired whether the Village would be bound by the terms of this agreement before them tonight if they sign off on it. When legislation is approved, if the State agreement is more favorable, the Village could switch to that.

Trustee Charhut asked about the equipment boxes that would be used for the Village and whether they exist? It was noted they do. He further questioned whether anything could be done to quiet the noise from them if some residents found them objectionable?

President Birkinbine noted the reason he made the point earlier was to get on the record that landscaping would be provided by AT&T in the Village to help shield the boxes and make them quieter.

Trustee Charhut asked Village Attorney Hill if he felt the Identify clause at the back of the agreement would protect the Village? Attorney Hill responded that he felt comfortable that it will protect the Village because of AT&T's activities in the right of way.

Trustee Frasier, asked about a statement in the agreement dealing with video competition.

Attorney Hill explained that the ordinance governs any competitive video provider while the agreement is specific to AT&T. Attorney Hill also noted that AT&T has agreed to enhance its "most favorite nation" clause to include the revenue stream re PEG but also the entire agreement.

Trustee Charhut asked whether the service that will be provided by AT&T is a series of channels similar to what residents now get through Comcast. AT&T noted they will not be broadcasting like cable channels do but will offer all the same channels. Trustee Charhut also asked if AT&T will be raising their rates like the current cable provider. AT&T responded that the reason the cable company has been able to raise their rates so much is that there has been no competition. He also noted that the market will dictate the costs. Trustee Charhut also asked if AT&T would be able to be competitive in offering internet service. AT&T noted that the upgrade in their service would allow them to be more competitive in internet speed.

Trustee Gottlieb asked whether the 12 boxes AT&T currently has in Northfield will be sufficient even if AT&T is widely successful in selling their service to residents. The answer was "yes." He also wanted to know the Village's rights with regard to maintenance of the boxes and equipment. Attorney Hill noted that the agreement and the ordinance require AT&T to maintain their equipment and these documents would have to be enforced.

Trustee Charhut asked whether there should be a renewal clause. Attorney Hill noted that there is a 10 year renewal by agreement.

Trustee Frazier asked the locations of the cabinets in Northfield. The AT&T spokesman noted there are two outside Village Hall on Happ Road, one each on Winnetka Road, Hibbard Road, Crooked Creek, Wagner Road, Old Willow, Willow Road, Drury Lane, and Old Willow and two on Sunset Ridge Road. Trustee Frazier also asked if the same type of cabinets were being installed in other communities. She was told that they are.

Trustee Tiechert noted that AT&T provides free video service to schools and municipal facilities but that the Hyde Day school was not on the list for getting free service.

AT&T noted that it had worked with the Village on developing the list and that school could be added.

Attorney Hill asked the AT&T representative whether language concerning the screening of the cabinets would be provided in a side letter. The AT&T rep noted it could also be put in AT&T's Construction Guidelines. The AT&T representative agreed to have this included in the Agreement.

There was discussion about how much AT&T would pay the Village for programming. It was noted that the terms in the agreement equal what is currently being paid the cable company which is 5%. As customers who have satellites switch to AT&T, this would increase revenues for the Village since satellite users do not pay these fees.

Dan Maloney, Government Affairs Manager of Comcast showed pictures of the AT&T cabinets, he also addressed the issue of prices stating that they will not go down due to competition

Trustee Charhut asked Mr. Maloney why he thought the Board is doing favors for AT&T? Mr. Maloney responded that the franchise agreement Comcast is bound by is more restrictive than what AT&T will enjoy.

There was no further discussion. Trustee Charhut then asked that the original motion be amended to include wording or a legal letter that would be included spelling out that landscaping and

screening around AT&T cabinets is required. Attorney Hill noted that this wording would be put in the ordinance allowing for Competitive Video Service.

Trustee Chapin after discussion with the Village Attorney recused himself from voting on this matter since he formerly worked for the company seeking the ordinance and has some financial interest in the organization (AT&T).

Upon the following roll call vote, the motion was approved.

AYES: Charhut NAYS: Frazier RECUSE: Chapin ABSENT: 0
 Greene
 Gottlieb
 Teichert

CONSIDERATION TO APPROVE AN AGREEMENT WITH AT&T FOR COMPETITIVE VIDEO SERVICE

Trustee Greene made a motion, seconded by Trustee Teichert to approve an agreement with AT&T allowing for Competitive Video Service over an Internet Protocol-Enabled Broadband Network.

Trustee Gottlieb asked whether this Agreement is for 5 years and whether after 5 years it would have to be renegotiated? It was noted that there is no guarantee for the future as to whether the revenue stream would continue.

Attorney Hill responded that House Bill 1500 is currently being considered and could have an impact on future negotiations. It was noted by Attorney Hill that previous agreements could be grandfathered per the House bill.

Upon the following roll call vote, the motion was approved.

AYES: Charhut NAYS: Frazier RECUSE: Chapin ABSENT: 0
 Greene
 Gottlieb
 Teichert

CONSIDERATION TO APPROVE A COMMON INTEREST AND JOINT DEFENSE AGREEMENT WITH AT&T

Trustee Gottlieb made a motion, seconded by Trustee Greene to approve a Common Interest and Joint Defense agreement with AT&T.

Trustee Gottlieb asked for clarification of what this agreement is and does.

Attorney Hill responded that the agreement states that if either the Village or AT&T is sued on account of the ordinance or agreement, the Village will cooperate in defending it and that AT&T will pick up costs for that defense. He noted that AT&T insists on the confidentiality of this indemnity document.

Trustee Gottlieb asked if AT&T would be willing to put in a clause that if this agreement becomes public for any reason, AT&T will not use that as a defense against the Village's ability to enforce the agreement.

President Birkinbine suggested that wording be added to the motion, that the approval of

the agreement is subject to Attorney Hill receiving appropriate wording from AT&T.

Trustee Gottlieb amended his motion, seconded by Trustee Greene to approve a Common Interest and Joint Defense Agreement with AT&T subject to receiving a letter from AT&T agreeing not to penalize the Village if information in the agreement is made public.

Upon the following roll call vote, the motion was approved.

AYES: Charhut NAYS: Frazier RECUSE: Chapin ABSENT: 0
 Greene
 Gottlieb
 Teichert

CONSIDERATION TO APPROVE OF A LETTER OF UNDERSTANDING WITH THE VILLAGE OF WINNETKA AND ILLINOIS SENATOR JEFFREY SCHOENBERG FOR THE DEVELOPMENT OF A REGIONAL WILLOW ROAD PLAN

Trustee Chapin made a motion, seconded by Trustee Frazier to approve signing a Letter of Understanding with the Village of Winnetka and Illinois Senator Jeffrey Schoenberg for the Development of a Regional Willow Road Plan

President Birkinbine updated the Board on a past meeting with Village of Winnetka President Ed Woodbury and Senator Jeff Schoenberg noting that they met with Scott Freres of The Lakota Group. It was determined that the Villages would have a letter of understanding of how they would be interacting with The Lakota Group and letters from the Villages would be used to apply for State funding. While Senator Schoenberg noted there are no guarantees with regard to State funding, as Manager of Appropriations, his signature means a greater chance of approval in Springfield. President Birkinbine noted that Northfield would be the agent for getting the money from the State and paying the bills for the plan. The total amount is agreed to be split with Northfield paying 60% for a Willow Road plan from Sunset Ridge to Forestway and Winnetka paying 40% for the portion from Forestway to Provident.

Village Manager Sigman added that the Village of Winnetka is considering a similar letter of understanding at their Board meeting tonight and both are subject to each Village signing the letter.

Trustee Chapin asked what the targeted completion date is for developing a plan if both Villages sign the letter tonight?

President Birkinbine responded that it would be difficult to determine what the exact date would be since the beginning process of the project would encompass information gathering with the schools and park districts of the two communities. He added that Senator Schoenberg has shifted his regional approach to focus on Winnetka and Northfield versus Glenview and Northbrook.

Attorney Hill noted that there is no specific date when Lakota would develop a plan. The company estimates six months. Since there is a list of tasks the Lakota Group has to complete that includes many public meetings, it would be difficult to determine a specific date for completion.

Trustee Chapin recommended that the plan be targeted to be completed in 2007.

President Birkinbine agreed that it is important to keep the group focused and moving along in a timely manner.

Upon the following roll call vote, the motion was approved.

AYES: Charhut NAYS: 0 ABSTAIN: 0 ABSENT: 0
 Chapin
 Greene
 Gottlieb
 Frazier
 Teichert

President Birkinbine also noted that at the last meeting with Winnetka and Senator Schoenberg, he informed them that he could not give any guarantees if there would be an agreement to a specific plan since the Park and School Board representatives would have to agree. Scott Freres of the Lakota Group responded that he felt a plan could be developed that would meet the safety requirements that are so important to residents, the schools and park districts.

Discussion of Board Update Information

Village Manager Sigman provided a brief update on Willow Road noting that she had received a letter today from IDOT indicating that they would resurface Willow Road this summer. It is scheduled for a June letting with construction planned to start in August and be completed by November 2007.

Manager Sigman went on to note that Anne Kane would be meeting with the Village Center Task Force tomorrow. The group will be interviewing various consultants for the development of design ideas for the Village Center.

Trustee Charhut expressed his appreciation for the packet Anne Kane had put out on the past meeting minutes and the progress of the group. He noted that he has a better idea of what the group has been dealing with and the progress made. He commented on the seeming importance of home rule in determining the outcome of the plan as well as on the use of eminent domain.

Attorney Hill added that while home rule is not particularly significant in terms of eminent domain it can be to financing.

There was no further discussion or updates.

ADJOURNMENT

There being no further business to come before the Board, Trustee Chapin made a motion, seconded by Trustee Gottlieb to adjourn the meeting at 8:30 p.m.

Upon the following roll call vote, the motion was approved.

AYES: Charhut NAYS: 0 ABSTAIN: 0 ABSENT: 0
 Chapin
 Greene

Gottlieb
Frazier
Teichert