

**CUBA TOWNSHIP**  
**REGULAR MEETING**  
**OF THE BOARD OF TRUSTEES**  
**28000 W. Cuba Road**  
Barrington, IL 60010  
June 8, 2023

**I. Call to order:**

Supervisor Karam called the meeting to order at 6:00 PM.

**II. Pledge of Allegiance**

Pledge of Allegiance was recited earlier at the Annual Town Hall meeting.

**III. Roll call**

Grant Born, Trustee; Tom Kusmerz, Trustee (absent); Tiffany Andreae, Trustee (absent-excused); Jill Talbot, Trustee; Chris Karam, Supervisor.

Also present: Heidi Shannon, Clerk; Nicole Knapik (assessor); Nancy Sgarbossa, Resident, Allison Murray; Resident (joined at 6:30), Elizabeth Gaffney; Resident (joined at 6:30).

**IV. Public Comment:**

Resident Nancy Sgarbossa provided the township with research she had compiled regarding red light cameras. She is vehemently opposed to cameras. A copy of her research is attached to these minutes.

**V. Discussion and potential action on approval of minutes:**

**A. May 11, 2023, Regular board meeting**

Trustee Born made a motion which was seconded by Trustee Talbot to approve the minutes of the May 11, 2023, regular board. The minutes were approved by unanimous voice vote.

**VI. Discussion and potential action on the following topics:**

**A. Payment of bills**

Trustee Talbot made a motion which was seconded by Trustee Born to approve the bills of 5/5/23-6/6/23 in the amount of \$354,307.90 check nos. 53985-54125.

Roll Call: Born-yes; Kusmerz-(absent); Andreae-(absent); Talbot-yes; Karam-yes. Motion Carried.

**VII. Items for Consideration and Adoption**

**A. Resolution 23-R-01: A Resolution Authorizing the Accumulation of Funds for Capital Improvements for the Township.**

Township Attorney Keri-Lynn Krafthefer joined the meeting via Zoom to explain this Resolution and the process for earmarking funds in the budget for capital improvements to the building. It was recommended to make this change during our next budget meeting. Supervisor Karam asked to table this Resolution for approval until next month.

**B. Create and Adopt a Decennial Committee**

Supervisor Karam and Keri-Lynn gave a brief overview of the statewide mandate to create a Decennial Committee and explain its purpose and goal.

Trustee Talbot made a motion which was seconded by Trustee born to approve township residents Marvin Hill, Allison Murray, and Elizabth Gaffney as representatives of the Decennial Committee.

Roll Call: Born-yes; Kusmerz-(absent); Andreae-(absent); Talbot-yes; Karam-yes. Motion Carried.

## **VIII. Reports**

### **A. Assessor's Report**

Knapik reported the assessors are in the process of closing out 2023. This should be completed by the July 15<sup>th</sup> deadline. Knapik also reported that the township has also been receiving an unusual amount of FOIA's.

### **B. Clerk's Report**

There was no Clerk's Report.

### **C. Highway Commissioner's Report**

There was no Highway Commissioner's report.

### **D. Supervisor's Report**

Karam reported that the July 2<sup>nd</sup> Land we Love race is coming along well. Registration is running ahead of last year at this time. Karam also reported that the township was able to secure another grant for an additional siren. That brings the total number to 3 that we can replace. This was made possible with help from Senator McConchie. The Senator helped secure the additional grant.

### **E. Attorney's Report**

There was no Attorney report.

## **IX. Old Business: Discussion and potential action of the follow topics:**

### **X. New Business**

#### **A. Discuss potential implementation of safety cameras in unincorporated Cuba Township.**

Supervisor Karam presented information and a map that was compiled when looking into safety cameras in Cuba Township. It was discovered that Lake County has a system implemented that is called Passage. The Passage system has multiple cameras interspersed throughout the township corresponding with existing traffic lights. These are not red-light cameras, but rather collect images and video that can assist with traffic and safety issues. As a result of this program, no further discussion regarding safety cameras in unincorporated Cuba Township is needed.

### **XI. Executive Sessions**

There was no executive session.

### **XII. Action on Executive Session**

There was no action on executive session.

### **XIII. Adjournment**

Trustee Talbot made a motion which was seconded by Trustee Born to adjourn the meeting. Meeting adjourned by unanimous voice vote.

This meeting was adjourned at 6:41 PM.

Respectfully submitted,



Heidi Shannon  
Township Clerk

Good Evening.

Nancy Scarbosa  
Joseph Scarbosa

I would like to provide comments regarding the new business topic of the potential implementation of safety cameras in unincorporated Cuba Township. My comments assume the safety cameras will be part of an automated speed enforcement system and/or red-light enforcement system.

Although an Illinois statute covers municipalities greater than 1 million, this guidance should be considered regarding safety cameras. As defined in the Illinois Statute Section 11-208.8 **Exhibit A**, this type of speed system are used in safety zones. The safety zone will be within 1/8th of a mile from a public or private elementary or secondary school, or school district property. The zone can be 1/8th of a mile from land owned by a park district used for recreational purposes. Also, the system will be composed of a photographic device, radar device, laser device, or other type of device installed in a safety zone. It will record the image of the vehicle, license plate, and violation. Illinois statute outlines the specific times that camera can be in use during school days and park openings. Penalties range from \$50 to \$100 with timely notices issued with a statement that a person can pay fine, contest at hearing, and a website to view violation. No penalty will be imposed for speeds 5 miles or less over limit. The net proceeds will be used for public safety initiatives, pedestrian and traffic safety, after school programs, and township infrastructure. The compensation paid for this system must be based on the value of the equipment or services provided and not on number of citations or revenue from system. Finally the township would be required to do an analysis as outlined in the statute which would be published.

The problems with this type of system includes the following:

- Punitive to the Poor and Lack of Reliable Data (**Exhibit B**) — As stated by Illinois Comptroller Susana Mendoza in January 2020, the state stopped collecting fines related to red light violations in the suburbs as of February 2020. Medoza said poor and minority motorists appear to be most affected by the \$100 tickets, which can double if not timely paid. She also noted a federal investigation between some communities and a red light vendor. She calls the system — a shady process that victimizes taxpayers. In 2019, the state collected \$11 million from 60 communities, keeping \$20 a ticket (\$1 million). Fines are collected from tax refunds. Mendoza stated the state never collected unpaid fines for Chicago due to lack of reliable data.
- Registered Owner is presumed to be the driver. There are some states that allow the owner to sign a declaration indicating they were not the driver. A clarification regarding how the citation will impact the owner's driving record. Overall, cameras can violate certain due process rights of owners. How does this impact the owner's insurance rates?
- Township would be responsible to ensure limitations are followed. These limitations may include not recording the speed of a motorist for purpose of issuing a ticket; not ticketing motorist who come to a complete stop at a red light prior to entering an intersection; malfunctioning system; and motorcyclists ticketed due to size of vehicle and misreading.

I ask that the township board discuss the following issues prior to making a decision:

- Cost versus benefit of system with the detailed costs including initial outlay, annual costs; timely maintenance to ensure accuracy of system, and timely analysis of system results (to improve safety). How can a township with limited staffing and less than 20,000 people be able to afford these systems?;
- What is the tolerable error rate for cameras;
- Expected Revenue and Net Proceeds from fines collected;
- Goals for safety;

- How to address stolen vehicles; funerals; and motorists moving thru red lights to make way for emergency vehicles;
- Impact to poor people traveling thru township and incurring fines;
- The possibility of the state of Illinois moving toward banning red-light cameras;
- How many cameras will be placed in the 25 square miles composing this township;
- Negative impact to drivers that may result in suspended license due to nonpayment of fines.

Finally, I am concerned that these cameras will only cause the residents, visitors, employers, and workers traveling thru the township to avoid this township.

#### WEATHER ALERT

There are 16 areas with 16 active weather alerts.

SIGN UP

AD-58

Illinois will stop collecting fines against drivers who are ticketed after cameras catch them violating red lights in the suburbs, Comptroller Susana Mendoza said Monday.

by: Associated Press, Dana Rehak  
Posted: Jan 6, 2020 / 10:12 AM CST  
Updated: Jan 6, 2020 / 10:12 AM CST

*This is an archived article and the information in the article may be outdated. Please look at the time stamp on the story to see when it was last updated.*

CHICAGO — The state of Illinois will stop collecting fines against drivers who are ticketed after cameras catch them violating red lights in the suburbs, Comptroller Susana Mendoza said Monday.

Mendoza said poor and minority motorists appear to be most affected by the \$100 tickets, which can double if not timely paid. She also noted a federal investigation of relationships between some communities and a red light vendor.

The new policy starts Feb. 6.

"This system is clearly broken," Mendoza said. "I am exercising the moral authority to prevent state resources being used to assist a shady process that victimizes taxpayers."

A 2012 state law allows local governments to use the comptroller's office to collect debts. Unpaid traffic tickets, for example, can be deducted from tax refunds.

Last year, the Comptroller's Office collected \$11 million from 60 communities, keeping \$20 a ticket, or about \$1 million. But Mendoza says it's not worth it.

"I think it's critical that the state's collection mechanisms should not be hijacked by political insiders to profit from an enforcement system whose integrity is now being seriously questioned," she said.

SafeSpeed LLC, which provides cameras, has denied wrongdoing.

"We don't pay people off," chief executive Nikki Zollar said in October.

Mendoza said the state has never collected unpaid fines from red light tickets issued in the city of Chicago because of a lack of reliable data.

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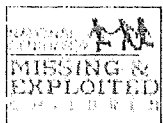
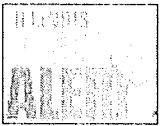
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(625 ILCS 5/11-208.8)

Sec. 11-208.8. Automated speed enforcement systems in safety zones.

(a) As used in this Section:

"Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices installed or utilized in a safety zone and designed to record the speed of a vehicle and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate or digital registration plate while the driver is violating Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

An automated speed enforcement system is a system, located in a safety zone which is under the jurisdiction of a municipality, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

"Owner" means the person or entity to whom the vehicle is registered.

"Recorded image" means images recorded by an automated speed enforcement system on:

- (1) 2 or more photographs;
- (2) 2 or more microphotographs;
- (3) 2 or more electronic images; or
- (4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

"Safety zone" means an area that is within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings. A safety zone also includes an area that is within one-eighth of a mile from the nearest property line of any facility, area, or land owned by a park district used for recreational purposes. However, if any

portion of a roadway is within either one-eighth mile radius, the safety zone also shall include the roadway extended to the furthest portion of the next furthest intersection. The term "safety zone" does not include any portion of the roadway known as Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.

(a-5) The automated speed enforcement system shall be operational and violations shall be recorded only at the following times:

(i) if the safety zone is based upon the property line of any facility, area, or land owned by a school district, only on school days and no earlier than 6 a.m. and no later than 8:30 p.m. if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday; and

(ii) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, no earlier than one hour prior to the time that the facility, area, or land is open to the public or other patrons, and no later than one hour after the facility, area, or land is closed to the public or other patrons.

(b) A municipality that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Notwithstanding any penalties for any other violations of this Code, the owner of a motor vehicle used in a traffic violation recorded by an automated speed enforcement system shall be subject to the following penalties:

(1) if the recorded speed is no less than 6 miles per hour and no more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding \$50, plus an additional penalty of not more than \$50 for failure to pay the original penalty in a timely manner; or

(2) if the recorded speed is more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding \$100, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner.

A penalty may not be imposed under this Section if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. A law enforcement officer is not required to be present or to witness the violation. No penalty may be imposed under this Section if the recorded speed of a vehicle is 5 miles per hour or less over the legal speed limit. The municipality may send, in the same manner that notices are sent under this Section, a speed violation warning notice where the violation involves a speed of 5 miles per hour or less above the legal speed limit.

(d) The net proceeds that a municipality receives from civil penalties imposed under an automated speed enforcement system, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be expended or obligated by the municipality for the following purposes:

(i) public safety initiatives to ensure safe

passage around schools, and to provide police protection and surveillance around schools and parks, including but not limited to: (1) personnel costs; and (2) non-personnel costs such as construction and maintenance of public safety infrastructure and equipment;

(ii) initiatives to improve pedestrian and traffic safety;

(iii) construction and maintenance of infrastructure within the municipality, including but not limited to roads and bridges; and

(iv) after school programs.

(e) For each violation of a provision of this Code or a local ordinance recorded by an automated speed enforcement system, the municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(f) The notice required under subsection (e) of this Section shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the date, time, and location where the violation occurred;

(5) a copy of the recorded image or images;

(6) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(7) a statement that recorded images are evidence of a violation of a speed restriction;

(8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;

(9) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(10) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(g) (Blank).

(h) Based on inspection of recorded images produced by an automated speed enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(i) Recorded images made by an automated speed enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(j) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or

digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system; and

(3) any other evidence or issues provided by municipal ordinance.

(k) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(l) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

(m) A roadway where a new automated speed enforcement system is installed shall be posted with signs providing 30 days notice of the use of a new automated speed enforcement system prior to the issuance of any citations through the automated speed enforcement system.

(n) The compensation paid for an automated speed enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.

Upon the provision of information by the lessor pursuant to this subsection, the municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) A municipality using an automated speed enforcement system must provide notice to drivers by publishing the locations of all safety zones where system equipment is installed on the website of the municipality.

(r) A municipality operating an automated speed enforcement system shall conduct a statistical analysis to assess the safety impact of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and

shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality.

(s) This Section applies only to municipalities with a population of 1,000,000 or more inhabitants.

(Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21; 102-905, eff. 1-1-23.)

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