

**SPECIAL VOTING COMMITTEE MEETING**  
**THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE**  
**June 21, 2007 7:30 pm**

**CALL TO ORDER** Mayor Thomas P. Hyde called the meeting to order at 6:30 pm.

**ROLL CALL** Roll call indicated the following present: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio.

Also in attendance was: Willie Kootstra, Public Works.

- 1 1. Call to order
- 2 2. Approval of Estate Werks payment

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1 Trustee Herrmann stated that the reason for the meeting was because a particular bill was held from the last meeting for payment. Certified payroll was to be received and a copy of the final inspection.

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1 Motion by Trustee Herrmann, properly seconded to approve the payment to Estate Werks.

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1 Trustee Ponio stated that an affidavit has still not been received which is required. The paperwork is incomplete and the Village could be in trouble for this with a Class A misdemeanor. Trustee Verciglio questioned what the form is to look like and Trustee Ponio provided a copy that he located right from the Department of Labor website. Trustee Herrmann questioned what Trustee Ponio was looking for exactly and why he pulled this bill. Trustee Ponio said that he was looking for a copy of the certified payrolls. Trustee Herrmann asked if Trustee Ponio had a copy in front of him and he replied, according to the act, there is supposed to be dates, addresses, social security numbers, days and hours worked, etc. Trustee Ponio received from Clerk Kaczmarek is Mr. Hazen's time cards. He said another paper showed up tonight that lists independent contractors. Trustee Ponio said that these individuals also have to submit certified payrolls if they were working on the seawall. He does not see these certified payrolls. Trustee Ponio said that Estate Werks is not a sole proprietor but rather is incorporated. Trustee Herrmann said that in reviewing Attorney Pumas email after his discussion with the Department of Labor, he nor Trustee Herrmann nor other spoken to, feel it is the Village's place to police who is hired, how they are hired, etc. The Village's contract is with Mr. Hazen and there is documentation on file with the Village and who are they, as a Board, to question who Mr. Hazen's employees are. Trustee Herrmann stated that the Department of Labor was already made aware of this situation by an outside source and they are to question this information, not the Board. The project has been approved by the Building Department. As far as the Board, she feels the Village is in compliance. Trustee Ponio read several excerpts from the Prevailing Wage Act to the Board. He said if the Village accepts all this, as full and accurate and complete, they can be guilty of a Class A misdemeanor. He said there is no certification piece of paper stating that Mr. Hazen agrees that the payroll records are all true and complete. Trustee Ponio does not agree that they are all complete as per the Prevailing Wage Act. Mr. Hazen said that he understood all this just today after speaking with John Little. He provided today, to Mr. Little, a piece of paper with a list of people that were working on the job. Trustee Ponio said that there must be though addresses, social security numbers, hours worked for each person, days worked for each person, hourly wages paid, etc.

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1 Mayor Hyde asked Trustee Ponio to review the list of requirements once again for certified payrolls. Trustee Saville stated that after speaking with Attorney Puma today, if Mr. Hazen is not a corporation, this wouldn't fall under the Prevailing Wage Act.

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1 It was stated that the contract with the Village appears to be a contract with an individual of Estate Werks. The Certificate of Insurance though says LLC. Steve Brody of Brody and Associates, Attorneys at Law, introduced himself and stated that Mr. Hazen is his client.

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1 Trustee Saville asked if Mr. Hazen filed for a permit with the Army Core of Engineers. Mr. Hazen said yes, that he did. Mr. Hazen explained that he applied for a permit on January 6, 2007 and that after 45 days, if one does not hear from the Army Core, it's okay to assume that this project is okay and that he is able to move forward. Kate Bliss was spoken to at the Army Core. Trustee Ponio said that when he called and spoke to Kate that she told him that she does not have anything on file for Mr. Hazen and Estate Werks.

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1 Trustee Ponio reiterated that there is no affidavit here filled out and signed by Mr. Hazen. Trustee Ponio passed out pictures of individuals, other than Mr. Hazen, that were working on the job site. He saw approximately 5 different people working on this job site. Trustee Herrmann questioned why there was a picture of the license plate and the work truck. Trustee Ponio replied that this truck was parking outside of his house and he wanted to know who it was.

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*I Trustee Garling stated that he is not relying on Trustee Ponio's opinion or rather no one's opinion and/or interpretation of the Prevailing Wage other than legal. He feels that legal is needed with regard to this matter.*

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*I Attorney Brody verified, that if Mr. Hazen files an affidavit on Friday or Monday, with all the correct information and the form fully completed, that this could be exchanged then for the payment.*

*I*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Herrmann, Garling, Sadoski, Saville and Verciglio*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: Trustee Ponio*

*Motion was declared carried.*

*All in favor to open the meeting to the floor.*

*I Robert of 2806 Lauderdale Lakes said that he is a resident of Lake County. He said that yes, Mr. Hazen needs some help running his business; however, he feels the Village owes Mr. Hazen an apology as well as the Village owes him his attorney fees for all this. He stated that Mr. Hazen does good, honest, proper work. He pointed to Trustee Ponio and said that Trustee Ponio has an ulterior motive to not pay Mr. Hazen.*

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*I Trustee Garling stated that while Mr. Ponio's questions were legitimate questions, the way the emails came across and the way the Village Clerk is being treated, like she's just some common secretary at our beck and call, was uncalled for. He feels that for some strange reason someone feels paranoid now that someone is coming after him. None of this should have occurred the way that it did. He said that yes, the Village needs to fix some things; however, to go at it in an attack mode, like a witch hunt which was the verbiage that Mr. Ponio had used at the last meeting, that he was bound to find something wrong here and not come up with a solution to help solve this problem. Trustee Garling said this is not good for the Village of Island Lake. He said that if anyone is owed an apology, it's Clerk Kaczmarek who does nothing but bend over backwards for this Board and Village. Trustee Ponio stated that he does not owe Clerk Kaczmarek an apology as she's done everything he has asked her to do and that she is doing a good job.*

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*I Trustee Saville said that this seawall is not the first problem seawall in our Village. Mr. Kootstra will be checking now with the Army Core of Engineers and they will be making sure that all seawalls have been permitted. Being that this came up, it has opened up a can of worms. All seawalls will be checked from a boat.*

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*I Trustee Verciglio said that in speaking with Frank today, his predecessor, never made mention of getting that permit from the Army Core.*

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*I Trustee Ponio said that when he did his seawall, he was issued a permit from the Village. He was not asked for an Army Core of Engineers permit and was not aware that one was needed. He said that if Estate Werks repairs seawalls for a living, that they are well aware that the Army Core needs a permit applied for.*

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*I Trustee Herrmann stated that when the Board had a meeting initially, she asked that the slate be cleared and that everyone leave their personal feelings out of this Board room and do what's right for the Village. Trustee Ponio replied that he refuses to sit here and be scolded. Trustee Herrmann said that nothing positive seems to be coming out of this. Trustee Ponio said that what's positive is that now Mr. Kootstra is working to make sure that contracts are done properly as well as is looking into prevailing wage*

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*I handling, he's watching over the Village money, etc.*

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*I Trustee Verciglio stated that the Board made a lesson and changes do need to take place. He said though, that saying in an email that you are now in the control seat because other people tried to get rid of you, is not a necessary statement. Trustee Ponio said it's true. Trustee Herrmann said though it's not necessary to make these statements. Trustee Ponio said that he has a letter from Mayor Hyde stating that he made this gentleman aware of Prevailing Wage yet he comes in here saying he was never made aware of it. Mayor Hyde asked for a copy of this letter as he does not have a copy.*

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*Motion by Trustee Herrmann, properly seconded to adjourn the special voting committee meeting. Being that no further business was discussed, the meeting adjourned at 7:30 pm. All in favor.*

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*Christine Kaczmarek, Village Clerk*