

MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 27th DAY OF SEPTEMBER 2007

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:30 pm. Those present stood and pledged allegiance to the flag.

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

Also in attendance was: Village Attorney Scott Puma; and Connie Mascillino, EMA Director.

Agenda Items:

Motion by Trustee Herrmann, properly seconded to move to the front of the agenda item number 7 and item number 11. All in favor.

7. *Piotrowski presentation and discussion of variance request*

Attorney Jim Kaiser introduced himself and Mr. Piotrowski and then stated that they have gone before the Zoning Board of Appeals and the Plan Commission. He stated though that there have been some changes. They are now only simply requesting only a simple variance of the front lot line from 35 feet to 25 feet on lots 11 and 12. Mr. Piotrowski would like to develop the lower half of the lot and move the garage. Attorney Kaiser presented to the Board similar situations that went before the Board and were approved from 2002 and 2003. Attorney Kaiser requested the Boards consideration in sending them back to the Zoning Board of Appeals and Plan Commission with the two items this time that they are looking for: one, lot size variance on both lots and two, front yard set back from 35 to 25. Trustee Herrmann stated to the Board that this is located in the original part of town which is unique in its structure. She said that many lots that are left are not built on and/or are less than 10,000 square feet which is stated now in the Village ordinance. She added that when the Board built this ordinance, it was built for the intent of future building and at that point, would require lot sizes to be larger. Trustee Herrmann stated that the ordinance does not really apply to the original section of town and is not what was intended to be done with the original sections of town. She stated that in the past, council advised their clients to use "hardship" as an argument. Lots sizes in the original section of town were originally made smaller as they were there more to accommodate cottage like living areas around the lake. Trustee Sadoski verified then that the newer ordinance in place was built more for new developments and not necessarily be applied to the original section of town. Trustee Ponio questioned Attorney Kaiser if the intention then is to build on lot 13 and Attorney Kaiser replied that yes, they would like to expand lot 13 by 10 feet to give a greater width to the lot. The lot line specifics were discussed. Mr. Piotrowski explained that it is much more cost effective for him to build both at the same time. Trustee Ponio asked if this would be for personal use or if these would become rental properties and Mr. Piotrowski replied that his intentions are to improve the properties and then sell both eventually. Attorney Kaiser reiterated that what they are asking for is for the Board to allow them to go back to the Zoning Board of Appeals and Plan Commission for a second review – they would like to withdraw their previous request, amend it and present what they are actually looking for now. Attorney Kaiser asked if they should notify the neighbors and publish the hearing once again and Attorney Puma replied that yes, he recommends a notice to go to the neighbors. Trustee Saville stated that because something like this was done in the past, doesn't make it right or correct. He is concerned with setting precedence. Attorney Kaiser agreed that this is an issue to think about by the Board; however, he pointed out that their case is not unusual at all and that the public hearings for Altman and Thorseck were similar situations where the builders brought these properties and then eventually sold them. Trustee Garling inquired about the size of the homes and Mr. Piotrowski replied that they will be about 1800 square feet. Trustee Sadoski inquired about the other houses in the area and Mr. Piotrowski replied that the other houses in the area were similar and/or about 2000 square feet. He added that the other lots though are about 7700 square feet and his will be 8400 square feet. The Board Members agreed that this matter is to return to the Zoning Board of Appeals and Plan Commission and that Mr. Kaiser and Mr. Piotrowski are to publish a notice as well as notify the neighbors.

11. *Discussion of Hillside Estates annexation agreement*

Trustee Saville questioned on page 2 and 6 of the annexation agreement exhibit J. Attorney Puma explained that a developer can make a land donation or cash donation in lieu of a land donation. He added that Mr. Janeck has proposed a fully developed park including ball fields, pavilion, parking, etc., basically, a turn key park. Trustee Saville questioned the impact fee and Attorney Puma replied that the Village is getting a fully completed park. Trustee Saville asked what the impact fees can be used for and Attorney Puma explained that the money can only be used for impact unless it is otherwise stated in the annexation agreement. Attorney Puma explained that a cash donation is designed to be used to acquire land or capitol improvements. He said, for example, the money can not be used to buy a Village truck unless the developer agrees to it ahead of time and it's in the annexation agreement. The park is approximately 7.5 acres. Trustee Saville inquired if all 7.5 has to be used for a park and he brought up the fact that Public Works needs an area for example for a future site for a salt shed, etc. Trustee Saville pointed out that with the last annexation agreement, park and recreation got \$5000 per house and he would like to see other departments get monies as well that are very much so needed. Attorney Puma explained that it would be a good idea for the Board to have a general discussion on impact fees. He said that some Villages have charged an impact fee for a new Village Hall for example. He added that developers tend to not like these fees as it drives up the house fees; however, it is something that the Board can do. Trustee Ponio inquired if the park will be developed before the houses are built and Mr. Janeck replied that he is to turn the park over to the Village a year and a half after they break ground. He added that final engineering needs to be complete yet and that he plans to hopefully break ground early or late Spring of next year. Trustee Ponio commented that the park could be a good two years away from being completed and then questioned if the park is for the entire Village and Mr. Janeck replied yes, it's for the entire Village's use. Trustee Ponio stated that the neighboring developer gave the Village \$50,000 to make the water tower go away. With regard to the water improvements, this fee will be paid upfront by the developer for each lot which will amount to around \$800,000. This money is designated for water and water improvements. This is in addition, Mayor Hyde said. Trustee Ponio questioned the housing market and Mr. Janeck replied that currently it is slow; however, by next summer it should be much better.

Attorney Puma explained that the annexation agreement needs a public hearing yet with the Board. The public hearing requires a 15 to 30 notice in advance of the hearing. The Township also has to be notified. The Board agreed to a public hearing for October 25th. The proper notices will be sent out and the meeting will begin at 7 pm vs. 7:30 pm so the public hearing can be held first. Mr. Janeck asked the Village Attorney to please handle the notices and publication and that he would pay for the Village to do so.

1. *Approval of Amendment #3 to the Sprint/Nextel contract*

Motion by Trustee Saville, properly seconded to approve Amendment #3 to the Sprint/Nextel contract. Trustee Saville stated that Sprint/Nextel is responsible for the inspection and cost which will be completed by Vixen Engineering.

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio
NAYS: None
ABSENT: None
ABSTAIN: None

Motion was declared carried.

2. *Approval of 403 E. Burnett Road extension to June 2008 to hook up to the Village water system*

Trustee Saville stated that he spoke to Mr. Cody located at 403 E. Burnett and he is here this evening to speak to the Board. Mr. Cody explained the circumstances, who he spoke to such as Neal DeYoung and Trustee Saville, etc. He explained that this is a very low area and has major drainage issues. He has already gone through 2 architects. Mr. Cody is in the process of remodeling. He received notice from the Village and the water hook up will be re-located and near the new foundation; however, the new foundation is not in yet and he is asking for an extension. Trustee Saville stated that he spoke with Neal DeYoung.

It was explained to him that the 15th is the policy and once the deadline is here, Mr. DeYoung starts the water shut offs approximately 10 days after for those who have not complied. Mr. Cody stated that he is on Village water now; however, the old line needs to be abandoned and he needs to be hooked up to the new line. Trustee Herrmann commented, and Trustee Ponio concurred, that this gentleman is working towards something that is positive and is in process for remodeling so she sees no issue in granting him an extension.

Motion by Trustee Ponio, properly seconded to 403 E. Burnett Road extension to June 2008 to hook up to the Village water system. Motion by Trustee Ponio, properly seconded to amend his motion to include an extension to June 6, 2008.

Upon roll call, Trustees voted as follows:

*AYES: Trustees Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio
NAYS: None
ABSENT: None
ABSTAIN: None*

Motion was declared carried.

3. Approval of Ordinance # 1317-07 to sell the Village postal truck

Motion by Trustee Garling, properly seconded to approve Ordinance # 1317-07 to sell the Village postal truck.

Upon roll call, Trustees voted as follows:

*AYES: Trustees Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio
NAYS: None
ABSENT: None
ABSTAIN: None*

Motion was declared carried.

4. Approval of Resolution # 538-07 to apply for the CDBG 2008

Motion by Trustee Saville, properly seconded to approve Resolution # 538-07 to apply for the CDBG 2008

Upon roll call, Trustees voted as follows:

*AYES: Trustees Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio
NAYS: None
ABSENT: None
ABSTAIN: None*

Motion was declared carried.

5. Approval of temporary tent and waiving of the sound ordinance for Sideouts OctoberFest event October 13, 2007 from 7 pm to 12 am

Trustee Ponio commented that his understanding was that waiving of the sound ordinance was really only for Village functions, not-for-profit events, etc. Trustee Herrmann explained that the ordinance was designed for residents too if they are to exceed the normal decibel/noise level such as music, loud cars, loud motorcycles, etc. Trustee Ponio commented that he would rather see that the 11 pm sound ordinance be stuck to.

Motion by Trustee Herrmann, properly seconded to approve a temporary tent and waiving of the sound ordinance for Sideouts OctoberFest event October 13, 2007 from 7 pm to 12 am

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio
NAYS: None
ABSENT: None
ABSTAIN: None

Motion was declared carried.

6. Approval of Island Lake Lioness Club temporary tent and waiving of the fees for their Annual Fall Plant and Book Sale, Friday, September 28, Saturday, September 29 and Sunday, September 30 in the True Value parking lot

Motion by Trustee Herrmann, properly seconded to approve the Island Lake Lioness Club temporary tent and waiving of the fees for their Annual Fall Plant and Book Sale, Friday, September 28, Saturday, September 29 and Sunday, September 30 in the True Value parking lot.

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio
NAYS: None
ABSENT: None
ABSTAIN: None

Motion was declared carried.

8. Discussion of 3118 Pine Terrace

Trustee Saville stated that he spoke with Frank DeSort regarding ordinance 8-1-9 Residential Driveways. There is nothing within the ordinance about parking spaces. Mr. DeSort explained that there is no driveway and no garage, only parking area. Due to the ordinance, it is okay for freshen up the gravel as long as it is not larger than the perimeter.

9. Discussion of memorandum of understanding between the Village of Island Lake and Northern Moraine Wastewater Reclamation District

Connie Mascillino explained that this agreement is for in the case of a major event. She indicated that there could be serious ramifications if items are not written down and agreed to ahead of time. Trustee Saville questioned section 4 under roles and responsibility and the word "expeditious manner" as a timeline or deadline can't be given. He also questioned on the last page, number 7, regarding benefits and stated that added to the paragraph should be Superintendent of Water for Island Lake. Trustee Garling questioned if other communities or counties already have something like this in existence. Ms. Mascillino explained that no, there has not been a formal agreement entered into yet.

10. Discussion of review process for Executive Session meeting minutes

Mayor Hyde explained that State Statute states that Executive Session meeting minutes be reviewed twice a year by the Board and Clerk Kaczmarek would like the Board to do so in October. Trustee Garling recommended that Attorney Puma review the minutes and make a recommendation to the Board. Trustee Herrmann commented though that she strongly recommends that each Board Member take the time, at some point, to actually review the minutes individually so that they can see some of the discussions and events that took place and have a clear understanding of some of these items.

12. Approval of offer to current Interim Police Chief a formal contract as Chief of Police

Trustee Sadoski stated that she needs to clarify the matter. She stated that she is asking from the Board to consider drafting a contract, not grant a contract. She added that in front of everyone is a copy of a contract that Scott Puma had put together back in the middle of the summer. Trustee Sadoski stated that the Board has to decide if they even want to offer a contract.

Motion by Trustee Sadoski, properly seconded to draft a contract to move the Interim Police Chief to Chief of Police.

Trustee Saville stated that this is a dilemma. He said that the last contract spoken about was turned down by the past Board. He said that Attorney Puma has said that the Chief can be an at will employee but that Mayor Hyde made the appointment and he questioned why then a contract is needed. Trustee Saville said that John Fellmann was appointed by the Mayor and he won't be released by the Mayor. Trustee Saville questioned, if something happens and he is terminated, then he's interim chief again as the Mayor will appoint him anyway. Trustee Saville stated that he is not necessarily opposed to someone having a contract; however, he does not really know who John Fellmann is. He does not know the man's background even, why he left his past job, etc. Trustee Saville stated that he would most likely agree to a contract if Mayor Hyde would sign an affidavit that he would not appoint an interim police chief for the rest of his term as Mayor. Mayor Hyde replied that he will not sign anything. Trustee Ponio explained that the reason he did not agree to the other interim police chief ordinance was because this man has been working for our Village for some time already. He said that once a contract is signed, at that time, he would then agree to such an interim police chief ordinance for the next person. Trustee Sadoski replied that if they offer the Chief a contract, that hopefully the Board can rework the interim chief ordinance. Trustee Saville asked for a pitch on why the Board should consider this contract and Attorney Puma replied that that could be discussed in Executive Session. Trustee Garling stated that he is against giving John Fellmann a contract whatsoever and that he should move on. Mayor Hyde stated that he is not sure that that is something that belongs in open session. Trustee Garling replied that Mayor Hyde, in the past, came out in open session many times stating what and why and various other specifics as to why he thought Mr. Fellmann should have a contract. Mayor Hyde said yes, he was presenting something, but questioned if they really all wanted to sit and discuss all this in open session. Trustee Herrmann stated that she does not want to talk about this at all. She said that this has been discussed for more than 10 months already and that everyone should be well aware of all the pieces to the puzzle and if a Board Members hasn't seen them, than hat person has not done his/her homework. She said this should not even be on the table. Trustee Sadoski replied that she is asking for the Board to consider working on a contract. Trustee Saville replied that there are too many situations that are still open. He said that these items need to be taken care before there's a contract to consider.

Upon roll call, Trustees voted as follows:

*AYES: Trustees Ponio, Sadoski and Verciglio and Mayor Hyde
NAYS: Trustee Garling, Herrmann and Saville
ABSENT: None
ABSTAIN: None*

Motion was declared carried.

Items from the Clerk, Department Heads and Trustees

- Trustee Saville mentioned the sidewalk and parking situation at 3114 Debra where the individual is receiving tickets for his/her parked car over the sidewalk. Trustee Saville explained that the right of way is only two feet and the sidewalk is on private property so, it's an association issue, not a Village issue. Trustee Saville said that there are several properties over there with this issue. He said that the Village ordinance states that the Police have the authority to write tickets and feels that possibly the Board should consider changing the ordinance to accommodate such subdivisions as this and situations such as this especially since it is actually private property. Attorney Puma said he needs to review the original plat of that subdivision. Mayor Hyde replied then that possibly the ordinance could then be amended and exclude that particular subdivision from the ordinance.*
- Trustee Saville reported that the Southport Pond restrictor project went out for bid and the bid came in at \$26,000. He would like a consensus to reject this bid as there is not enough money in the budget for the project at this cost. Instead, Trustee Saville would like the Public Works Department to handle the project themselves. Trustee Saville stated that the water comes off the streets of Island Lake and goes into the pond so, it is the Village's responsibility to handle this matter. Trustee Saville stated that Baxter & Woodman can do the engineering, Public Works will do the work and the equipment to be used can be leased. He said that this is daily work Public Works can do. Trustee Garling inquired as to the costs for this project and requested that Trustee Saville get back to him on these figures.*

- *Trustee Saville reported that several weeks ago a resident came into the Village meeting and claimed that there was toxic waste by the Public Works building. He stated that this matter has been taken care and that it was not toxic waste and that the majority of the pile was not from sweepings at all. Trustee Garling questioned though that the EPA was here looking at the Village's street sweepings. Trustee Saville replied that they were here due to the sweepings, yes, and a dumpster for these sweepings is in place; however, the pile out by Public Works has been there for 10+ years and it's basically a pile of dirt. Trustee Saville stated that the person who brought this up and said that it is toxic waste, had unfounded information.*
- *Trustee Saville stated that two weeks ago, when everyone stood up to pledge to the flag, that two individuals in the audience had their hats on. He requested that Mayor Hyde ask that individuals please remove their hats before the pledge. Mayor Hyde agreed to do so.*
- *Trustee Verciglio reported that Linda Wagner has once again requested the use of the Village for a musical festival. She has done this in the past and has her own security. There will be 3 to 4 bands and everything will be held inside. There will also be a concession stand at the event. The event will be December 1st from 6:30 pm to 11:00 pm.*
- *Trustee Saville stated that Mr. Willie Kootstra has been working on security quotes for the Village. They have been given over to Trustee Sadoski for the Police Department to handle this matter moving forward.*
- *Trustee Ponio questioned who can place items on the agenda. Mayor Hyde replied that Trustees and Department Heads can place items on the agenda. Trustee Herrmann suggested though that items be worded and placed on the agenda first, to discuss, then to go to a vote. Trustee Ponio stated that if someone places an item on the agenda, that they should be present to discuss the matter. He too agrees that items should have discussion first, then a vote. Trustee Garling feels that Trustees should set the agenda, not department heads. Trustee Herrmann questioned that if the Board receives items and the agenda on Tuesdays, do they really have enough time before voting. She added that some items should not have gone to a vote already and that tonight was a good example of this. Trustee Garling agreed and stated that maybe items need to be discussed twice and then voted in. He said that not too many items are an emergency. Trustee Saville added that like tonight, there was a contract for the Chief vs. private property with regard to sidewalks. The Chief issue was not really discussed vs. the sidewalks were. He said that this was planned this evening and that it was political. He said one person has control. Trustee Herrmann added that it would be nice to have Departments Heads at meetings again too. Attorney Puma replied that employees need to be communicated to and he too agreed that they should possibly be at meetings where an item comes up and pertains to their department. Trustee Herrmann said that employees are no longer attending as they can not deal with the personal attacks any longer. Trustee Saville said that it has become too stressful for the employees to attend meetings.*
- *Trustee Ponio mentioned the Attorney General and her concern for FOIAs not being answered. She has said that the general population is not always getting the information that they are requesting. Trustee Ponio replied that he understands this from personal experience as he too has not always received everything that he has requested. Trustee Herrmann commented though that detail on these FOIAs is a huge factor. She said that the person needs to be clear in what he/she is requesting and that it is fully as well as properly worded.*

Items from the Mayor

- *Mayor Hyde passed around the Island Lake ad in the Wauconda Bulldogs program.*
- *Mayor Hyde stated that the Wauconda Homecoming parade is this coming Saturday and that he has planned to be in it.*
- *Mayor Hyde reported that he received a letter from Covered Bridge Farm regarding the concern over the cattle at Daisy Bacon's farm. Everything has been negotiated by Jim Kirby and the developer and that the matter has been fully satisfied by all involved.*
- *Mayor Hyde reported that Lake Management has submitted a recommendation for appointment. He gave this over to Trustee Saville.*
- *Mayor Hyde reported that the handicap ramp in front of Cotton Creek School has been questioned and reminded everyone that Mr. Kootstra sent an email to everyone recapping the matter and what was completed.*
- *Mayor Hyde presented and read a certificate of appreciation to the Board from the Lion's Club.*

Motion by Trustee Garling, properly seconded to open the meeting to the floor. Upon voice vote, motion was unanimously declared carried.

Greg Guido, 3340 Hale Lane: Mr. Guido asked the Board to look at the money in the budget for working towards a new Village Hall some day. He suggested that they check the past paperwork and presentations and plans that were already brought forward to the Board. He added that the presentations were good and worth looking into. Mr. Guido brought up Hillside Estates. He said that \$500 per home was agreed to, etc., along with the park. He suggested that the Trustees contact Mr. Janeck directly and talk to him. He suggested that this is closely looked at and reviewed by the Board as former Trustee Schmidt was working very hard as well as closely with the Board and Mr. Janeck. Mr. Guido questioned, with regard to water mains and hooking up properly, why some properties on State Road have not hooked up. He said that it's been a very long time and grant money was spent. He said that a lot of money was spent yet there are individuals that have never hooked up and should be. Mr. Guido said that fees should be re-cooped by the Village and that there was no personal gain. Mr. Guido reported that he has had many calls regarding the Police Department. He said that first of all, he was not arrested at Blarney's Island as it has been stated. He said that the Chief was not ambushed at a meeting. He was just asked if he knew that particular individual. The Trustees were all there and would agree. With regarding to police vehicles and village vehicles, Mr. Guido said that Gurnee for example at the time was eliminating vehicles for Department Heads to save money. He said it was a money issue and that the Village was doing too much carte blanche and that's why the car was removed from being taken home. Mr. Guido said that the ID cards were an issue. An individual was given permission, spent the money and it wasn't in the budget nor preapproved by the Board. He suggested that the Board talk to those who were involved. Mr. Guido reminded the Board that they have to go out for bid on items that are \$20,000 plus. As for setting agendas, Mr. Guido recommended that there be communication with Department Heads; however, the Trustees should set their own agenda. Mr. Guido stated that the Mayor can not sell Village vehicles, equipment, etc. He stated that more police cars were recently sold. Some were sold last year without approval and now it happened again this year. Mr. Guido said that with regard to vacation time, that here is a vacation policy in the employee handbook. Vacation time roll over needs to have Board approval. Mr. Guido recommended that the Board speak with the members of the Police Commission with regard to overtime, dollar amounts, time frames, etc. as well as speak to Ms. Kreiling about the hiring process and the issues there. Mr. Guido said that he spoke to the Mayor and to the Chief regarding training and specifically the training in Boston. He was going, then he was not going. Mr. Guido said he spoke to the Mayor on this matter more than once. He stated that Mayor Hyde gave Chief Fellmann approval to go and no one told the Board nor was the expenditure approved by the Board. He said that he called the State Police and they have training classes in the area, etc., and offer much more cost effective means of training. He questioned how the Chief attended several classes as they were offered at the same time and how is it that he possibly went to both. Mr. Guido stated that the past Board spoke several times and Mayor Hyde appointed Chief Fellmann anyway. He said that stuff is being spread all over the place and there are many lies out there, allegations, etc., and suggested that if statement are made, in writing, that that person should be made to sign it. He said that the former Board already spent a lot of time on this issue and it's happening again to this Board. Mr. Guido said there are lies out there and slanderous statements and that he is tired of his name being put out there and that he is wrongly being accused and talked out. He suggested speaking with the past Trustees as there were many group efforts made.

Motion by Trustee Garling, properly seconded to bring the meeting back to the Board. Upon voice vote, motion was unanimously declared carried.

Motion by Trustee Garling, properly seconded to adjourn to Executive Session for personnel, litigation and land sale. All in favor.

Motion by Trustee Garling, properly seconded to come out of Executive Session and return to the Board Meeting. All in favor.

Motion by Trustee Garling, properly seconded to adjourn the Board meeting. All in favor. Being that no further business was discussed, the meeting adjourned at 11:42 pm.