

VILLAGE BOARD COMMITTEE MEETING
THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE
January 3, 2008 7:30 pm

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:30 pm.

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

1. Call to order
2. Discussion of Hillside Estates Annexation Agreement

Mayor Hyde stated that the Village Clerk handed out the latest version of the Hillside Estates annexation agreement which was forwarded to the Village by Attorney Julie Tappendorf. He stated that there are some items that are yet to be finalized.

Trustee Saville replied that he just received this agreement a half hour ago as well as he was late to the start of the last meeting. He questioned the Board Members, in reference to the additional fees that he has mentioned in several meetings, why Board Members are not in favor of the additional funds. Trustee Saville stated that no one has offered an explanation. He said that he has made a commitment to the public to do the best of his ability and will continue to do so. Trustee Saville stated that the extra \$3000 is important to him as increased builder fees will lighten the burden on residents. Mayor Hyde replied that these fees were not in part of any of the previous annexation agreements nor are they in any other annexation agreement with any other developer within the Village. He feels it is improper to ask the developer for more if he/she has clearly stated that he/she can not afford any more. Mayor Hyde stated that Mark Janeck has said that he can not afford the extra \$3000 and that it does not make sense to back Mr. Janeck into a corner especially when he has publicly admitted that he can not afford it. Trustee Sadoski replied that much of this happened before this Board. She said that she is not necessarily against the extra funds; however, this agreement is already well into the process plus he has already gone with the appropriate committees and commissions. She added that just about everything is in place and that this could push the developer out. Trustee Sadoski stated that this developer has already gone above and beyond. She said it is right to want to correct things but not to add to. Trustee Saville commented that he is bringing this up because someone had said to him 'we are not here to finance developers'. He said that Board Members were previously preaching getting back to basics. Trustee Sadoski stated that everything can't be fixed all at once and that's why this Board keeps locking horns. Trustee Verciglio commented that this project has already been going on for over a year and that it is not right, at this point, to ask for an extra \$3000. He agreed that changing fees and zoning items need to be worked on; however, in the future. He does not feel that it is proper to ask for this now.

Trustee Ponio questioned when Public Works and the Police Department take responsibility as well as begin taking care of the roads. He asked if this was in the agreement. Trustee Saville stated that it should be. Trustee Ponio commented that if the Board is not going to go after additional fees, maybe the developer should worry about these areas and items until everything is officially turned over to the Village. Trustee Ponio referred to page 7 and explained that there are school impact fees, etc. He said that Trustee Saville is suggesting something similar and that any extra monies could actually be collected and used for roads, police, etc. He added that possibly the homeowners association and/or developer should be responsible until everything is turned over and dedicated to the Village.

Trustee Saville reported that he had Clerk Kaczmarek survey the Village's throughout Illinois. 30 + Village's responded back and none of them take care of the roads, etc., until the developer turns the roads over to the Village. He said that all except one do not touch the roads until the roads are dedicated to the Village and the one Village that does touch the roads, bills the developer at a reasonable cost for the snowplowing. They also have in place an exact policy for this. Trustee Saville stated that plowing roads that are privately owned are a liability for the Village. Trustee Ponio questioned also when are the roads accepted, who reviews the roads, who is responsible to oversee the roads and the road improvements before they are turned over and accepted by the Village. Trustee Ponio also questioned if the fire department takes a look and does their own review so that emergency vehicles can get through okay as well as are able to turn their trucks and vehicles around.

Mayor Hyde reported that he knows that the fire department attends the TAC committee meetings and that they review the plats as well and provide input. He suggested that Trustee Ponio contact either Joe Schwarz and/or Joe Arrizzi from the Fire Department for any further questions. Trustee Saville explained that it was explained to him that the Village starts taking care of things, such as roads, when the residents starts paying taxes; however, the roads at that point are not necessarily owned by the Village quite yet. Trustee Garling replied that on page 11 to page 13 the agreement goes over meeting general standards. It states that the developer is responsible for engineering costs for the reviews. He reviewed Section 7 under improvements with the Board which goes over final approval, etc. Mayor Hyde stated that the police are already up in those areas already policing. He also reported that stuff happens during the construction phases including vandalism so policing is normally going on during all construction phases automatically. Mayor Hyde added that yes, in the past, the Village has always begun plowing the roads when residents start paying taxes. Trustee Saville and Trustee Ponio reported though that they are not saying to leave those residents on their own and to fend for themselves; however, the developer should be responsible until the roads are turned over. Trustee Garling feels that this is all covered within the agreement already. Mayor Hyde stated that the Village does not go in and do improvements, just provide plowing services. Trustee Garling reiterated then that Trustee Saville would like to see built into the agreement that if the roads are not yet approved and/or dedicated to the Village, up to that times, the developer will be responsible for maintenance including plowing of said roads. Trustee Saville agreed and Trustee Garling replied that he is not entirely disagreeing with this but, he feels, that the Board has the responsibility as people move in to make sure they have access to the roads especially if emergency vehicles need to get through. Trustee Garling also referred to page 15- K and L. He reiterated that it states that the developer is also responsible for Neville and Dowell Roads. He added that he also believes that Covered Bridge is also responsible for Neville Road in part of their annexation agreement. Trustee Garling stated that it seems that the Village has some roads already covered. Trustee Saville replied once again saying that it is still private property though and that the roads are not turned over to the Village yet. He said that the developer should take responsible for the people that are already living there. Trustee Garling replied that just so the Board considers that they have the responsibility and obligation to ensure roads are cleared for emergency vehicles to get through if need be. He added that possibly added to the agreement could be something like, as the Village sees fit, if they have to plow the developments roads, that the Village is then able to bill or charge the developer as a result. Trustee Ponio questioned at what point the plows go out. Rob, of the Public Works Department, stated that the Police Department notified Willie Kootstra and then Willie Kootstra notifies the Public Works employees. Trustee Garling commented that the roads were already salted last week, before there was even snow on the ground and when the snow was on its way. Rob replied that they were trying to get some of the work and salting done before going into overtime. Trustee Garling replied that he can appreciate what they were trying to do. Trustee Garling stated that the developer is required to maintain and keep streets safe. Trustee Saville replied that maintaining though and plowing are two different items. Trustee Ponio stated that he posed this question because he is wondering if they should consider putting into the agreement then that the developer is responsible for plowing after so many hours of snow fall or after so many inches are on the ground, etc, or the Village will just go in at an hourly rate. Trustee Sadoski said it's not a bad idea at all to add some of these minor changes to the agreement, and that the village should, but she does not agree necessarily with charging more and more. It was suggested then that wording be added regarding this matter to the agreement. Trustee Verciglio questioned then though, if a resident gets a permit, moves in and then has a problem, who is the resident supposed to call. What if the road is not plowed. Who are they supposed to call then. Trustee Ponio replied that that's when this clause would come into play. If the Village has to go out and plow, the developer will be charged for it. Trustee Garling stated that Trustee Verciglio is probably correct because a new resident will probably be inclined to call the Village, not the developer, and at that point it's the Village's responsibility to call the developer and let him/her know that there are complaints coming in.

Trustee Saville brought up next page 19, payment for water connection fees. He stated that what's in the agreement now, that was changed, is that within one year after the approval of the financing of the Village water tower and well, they would pay a 1/3 and then two years after payment would be another 1/3 and then at three year, a 1/3 will be paid. Trustee Saville passed out water tap on fees information to the Board from John Little which states perhaps to collect 50% the first year, 25% the second year and 25% the third year. Trustee Saville stated that what he mentioned though was the developer coming up with 50% after the agreement is signed within 1 year and 1 year later receiving the other half. The reason is because the Village has to take a loan out for the water tower and if they don't stretch this out, the Village is looking at a million and a half. Trustee Saville said if the Village stretches this out after the second year, the Village is looking at 2 million 1, 2 million 2 just because of interest, etc.

Trustee Sadoski thought that that's what was discussed and that's what would be put into this agreement. Trustee Saville replied that it's not and suddenly in the agreement is appearing a 1/3, a 1/3 and a 1/3. Trustee Sadoski said that the Board discussed half and half. Trustee Saville said that the Village would financially save significantly going with 50% and 50%. Mayor Hyde questioned the figures being stated. Trustee Saville explained, if the Village takes out a bond for a million and a half, that if the Village takes half up front instead of in 1/3rds, that the Village is paying off the bond much quicker which will save the Village money. Mayor Hyde replied that that's maybe what Trustee Saville had suggested in a past meeting; however, he said that there was not a concurrence. Trustee Ponio questioned why it's tied to the Village financing the water tower and not tied to the annexation agreement. Mayor Hyde replied because the financing is what controls everything. He said if the Village is looking for money that it is more convenient to tie it to the financing instrument which guarantees the money on a stream rather than wondering what happens when the money comes in and when it'll come in as it relates to needs. Trustee Ponio stated that it seems that Mayor Hyde is very aware of the financing already and that discussions must be going on already. Mayor Hyde replied that he is not aware of anything that the Board does not already know. Trustee Ponio reiterated that Mayor Hyde stated in a past meeting that this financing would be done within 6 months. Mayor Hyde said the arrangements need to be completed and that he is not well aware of it. He said there is a time frame to consider. Trustee Ponio suggested that if this agreement is signed in January, that the Village would have money next January. If the Village does not go out for financing for another 6 months or so, the Village will not have the money maybe until the following June. Mayor Hyde hypothetically presented what if the developer states back to the Board that he simply can't do it and he may have to either go to another Village and/or the development will have to sit until the developer can meet the requirements that the Village has placed on him. Mayor Hyde said then the Village would have to come up with \$800,000. He said that this is all part of the equation for paying for the costs of a new water tower and well. Mayor Hyde said that the Village is looking at 4 1/2 to 5%. He would like to see triggering dates where the Village can see certain funds coming in. Mayor Hyde reported that it is a different time for developers right now. He would rather not back a developer into bankruptcy and would rather see a stream when things work both for the Village and the developer. He would rather the developer buy into this plan rather than just handing it to him. Mayor Hyde said if he can't afford it, the Village could be looking at absolutely nothing. Trustee Saville said that is a neutral or equal situation right now. Mayor Hyde said if you're at zero, and you have to come up with the fees, how's the Village going to pay for it. Trustee Ponio stated that the Village engineer has said that the Village does not need this water tower unless more developments go up. Trustee Saville said that if this development does not go up, the Village does not need the water tower so it will not get built as the water supply will not be needed. Mayor Hyde does not feel that that is correct. Trustee Ponio said that Mr. Sutherland stated that if this development does not go up, the water tower is not needed. Trustee Saville replied that this has to do with commitment. That the Village is making a commitment so the developer has to make commitments. Trustee Saville said if the Village gets the tap on fees up front, and the developer doesn't start for 10 years, that that is his/her issue and a decision that the developer has to make.

Trustee Ponio mentioned on page 19, E. He suggested adding \$5000 for each, not a, just in case down the road other cul du sacs are added. Trustee Ponio questioned if there are specs for the park yet which goes with page 8, A. He added that maximum should be changed to minimum. Mayor Hyde said that if there are any adjustments made with what was described in that paragraph, unless approved by the Board, it is not agreed to. It has to be approved by the Board. Trustee Garling stated that the paragraph states what will be in the park and if anything changes, the Board has to agree to it and he feels that that is there for the Village's protection. Trustee Saville added though that yes, it is there to protect the Village; however, the Board can change items too. Mayor Hyde said that the Board may come up with and want to add into this too down the road. He said that this sentence gives the Board the ability to approve the final template. Trustee Verciglio stated that when the Board discussed this last time, the main issue was that the Board would have final approval of that whole park before it is implemented. This is what this paragraph does. Trustee Ponio went on by referring to page 9 item 5 with the well house. He read what it states and pointed out how this verbiage is changing that sentence. Trustee Garling said this can be put into the bike path too if the Board would like. Trustee Sadoski said that the Village has a choice because it says "may". Mayor Hyde said the reason this went in because the Village Engineer told the Board that they may need another place for a well and this sentence gives the Village the opportunity. The purpose was to protect the Village if another well location needs to be sought out. Trustee Ponio said that this though again is or could change the use of the park. He wants to see the park designed properly, that it states what the Village is getting and what was agreed to; however, this allows the developer now to come back in, he could state that he can't afford this park at this time, etc., and ask the Board to let him slide on this.

Trustee Ponio pointed out that the verbiage “unless otherwise expressly approved by the Village Board, this allows the Board to change this. He said that the park concept is already at the discretion of the Board. Trustee Garling stated though that the best case scenario is that the Village may get the grandest park possible, a new water tower, etc. Trustee Ponio though questioned how all the other developments are really doing. Trustee Garling replied that homes are going up. He questioned how many permits there are already and Trustee Ponio stated that the other developments are not doing too well. Mayor Hyde said that they are selling 3 to 4 a month and that that’s what their schedule generally is this time of the year.

Under A, on page 8, maximum of 86 spaces. He asked why it states maximum vs. minimum. The Board did not see an issue of changing it to minimum vs. maximum then. Trustee Ponio also commented that the park is not designed. Mayor Hyde replied that it is and has been layed out by an architect. Mayor Hyde said the LYAA reviewed it as well. He said various groups put the park together and that it took almost 6 to 8 months to put it all together working with a previous Trustee. He said that the Board has seen the plan. He said they spent hours considering the sizes of the fields, which houses may be removed, where all the drainage has to go, that the fields would allow a soccer field to go next to it, where the bike trails and sidewalks go, that the parking was off the road, etc. Trustee Garling asked if there is a complete drawing and Mayor Hyde replied that there is. He said it was passed out in small form and Trustee Garling asked to see a larger version. Trustee Ponio said that was passed around was just a basic site plan. Trustee Saville reminded the Board that the attorney had said, at the final plat, that a final plan for the park will need to be there as well. Trustee Garling questioned the bike trail Mayor Hyde said it will all be asphalted through the whole subdivision. It connects into the other subdivision and then connects to the Grand Illinois bike trail system. Mayor Hyde said there is one bike trail that goes on the outer perimeters of this subdivision, which will be gravel and that’s because it can not be asphalted. The trail follows the same route as the sanitary district sewers. Trustee Garling questioned the asphalt and Mayor Hyde replied that it will have to pass the standards and that he will get those standards to Trustee Garling per his request.

Trustee Garling questioned when the Board might see a final annexation agreement and Mayor Hyde replied that items are still being negotiated. Trustee Garling wants everything run through legal of course too. Mayor Hyde recapped the items that were discussed about the agreement and the adjustments to be made: one, the developer will be responsible for plowing his road at his expense until the roads are turned over/dedicated to the Village and that if the Village has to do the plowing, the developer will be charged for salting and plowing, as well as how the Village will work with a charge to the Village, two, water connection fees to be half one year after the signing of the annexation agreement and the other half 12 months after that date, three, water tower, four, cul du sacs – each cul du sac vs. a cul du sac in case additional cul du sacs are added down the road, five, with regard to the parking spaces - use the word minimum vs. maximum, six, detailed drawing of the park along with the asto standards, seven, all the blanks to be filled in including dates on the exhibits. Mayor Hyde said there are about 12 items that were discussed and that not until the Board meets as a whole, then they will decide as a whole what will actually go into the agreement and be changed. Trustee Ponio stated and questioned what the neighborhood park standards are, who deals with this, what are the Village specs, with regard to the park – what type of top soil will be used, what kind of grass seed, etc., and he added that many counties have standards for parks. Trustee Garling questioned how soon after the park is built, does the Village acquire the park. Trustee Saville replied that the Village does not have a park district so the Board has to watch this very closely and that it is important to have specs for this reason for everyone to follow and review. Trustee Sadoski said, like Trustee Ponio is saying, let’s do it right the first time. Trustee Saville stated that the word District should be changed to Village then as well. Trustee Ponio also requested that there are dates on the exhibits before this goes to a vote.

Motion by Trustee Saville, properly seconded to move comments from the public to after Items from the Mayor.

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Ponio, Sadoski, Saville and Verciglio

NAYS: None

ABSENT: Trustee Herrmann

ABSTAIN: None

Motion was declared carried.

Items from the Village Clerk, Trustees and Department Heads

- Trustee Saville stated that everyone received a memo from Attorney Puma that was received this evening regarding Timber Trail and the snow plowing. He stated that he knows that everyone is tired of hearing about it; however, it is not going to just go away. It is a real problem and it needs to be resolved. Trustee Saville would like once again to address the fellow Board Members and Mayor with the facts. The Attorneys, Mr. Puma and Ms. Tappendorf, both stated that the Village has no obligation to plow Timber Trail. The sanitary district and property owners on Timber Trail are not tax payers to Island Lake. Timber Trail is privately owned and an easement was given to the sanitary district. It is their responsibility for maintenance and snow plowing. Trustee Saville said that the Village has private roads which are not snow plowed with tax dollars yet the property owners contribute to the tax base of Island Lake. Mayor Hyde issued an email to the Public Works Director to continue plowing Timber Trail and the Public Works Director is doing so under duress. He knows this procedure is wrong but continues to follow orders. Mayor Hyde said that is not what he said today. Trustee Saville stated that Mayor Hyde is once again getting him off track. Trustee Saville said the procedure is wrong but orders are being followed. This was brought to Mayor Hyde's attention back in April of 2007. The Village also gives free vehicle stickers to the sanitary district and asked why, who authorized this and stated that they are not part of the municipal fleet. At the last meeting, Mayor Hyde gave every reason under the sun why the Village should continue service to Timber Trail and that he even put a new twist on it, stating this is bad PR. Trustee Saville asked what PR has to do with this situation. He said that the Village is continuing to spend tax dollars on private property and the Board seems to agree. Trustee Saville has compiled a list of private roads in the Village which are not maintained by the Village and he asked why there is not plowing then of their roads too. He used Kora Lane as an example and stated that the Village does not plow Kora Lane which is a private road but yet, Island Lake residents do actually use that lane to get to the school to drop their children off at the school. Trustee Saville said it is the health, safety and welfare of that school to make sure that that lane is maintained so it's safe because it is private property and not maintained by the Village. Timber Trail is not different and it is the responsibility of the sanitary district to plow Timber Trail as they are the ones with the easements to that drive. Trustee Saville stated that they have a responsibility to the tax payers of the Village of Island Lake and there is not ordinance, resolution nor annexation agreement that requires the Village to proceed further. Being a good neighbor is one thing but allowing the Village to be used as a good neighbor is something else. Trustee Saville took a survey of some individuals and he asked them how they would feel about plowing private roads by the Village. They all replied that private property should be taken care of by its owners. He used the example of Timber Trail and many said that they did not realize that that was not part of the Village. Trustee Saville stated that he explained to them that it is not part of the Village and that it is owned by the residents that live on that drive and that an easement was given to the sanitary district so that they could get their trucks in and out. They cut a deal with the owners down there and told them that they would take care of the road. Trustee Saville said, for whatever reason – good faith, tradition, good will – the Village has been doing the plowing down there yet they are not tax payers to the Village. Trustee Saville said that the Board needs to do this right. He referred to an email that Mayor Hyde sent to Mr. Kootstra. In that email, Mayor Hyde stated "a final resolution has to come to a decision as to ownership or responsibility of the road". Trustee Saville said the Village know who owns the road, per the Village Attorney, he is asking the Board to make a decision and if they agree to do private road and private property, he would like everyone on the list to be contacted and told that Public Works will be plowing their private drives. Trustee Sadoski asked if they provide a service to Island Lake and Trustee Saville said they serve other municipalities as well. There are 2 or 3 other municipalities that they serve. Trustee Saville said that they are performing a service for other people as well and, like the school that has to take care of their drive, it's the sanitary districts responsibility to take care of Timber Trail. He said that this came up well before this Board's time and that this came up because a resident who lives off of Timber Trail came in and wanted the Village to maintain that road because they are having drainage issues. Mayor Hyde asked if Trustee Saville was told that that resident was glad to pay for any repairs done if needed. He said that resident spoke to Mr. Kootstra and mentioned that he would be glad to pay for whatever the costs are and he was looking to make sure that the Village would not sue him for working on the Village's road. Trustee Saville replied that that's not the Village's road. Mayor Hyde stated that the owner though does not know totally who's road it is. Trustee Saville said it is in the packet of information that he handed out and Mayor Hyde said that he does not recall getting a packet and Trustee Saville said that that's because the Mayor has said that he knows everything that is going on. He said again that the Mayor has continued to explain to the Board as to why the Village should be plowing that road and never why the Village maybe should not be plowing that road.

Mayor Hyde replied that he does not feel that the Village should not not be doing it. Mayor Hyde questioned if the Sanitary District is in the Village. Trustee Saville replied that according to the ordinances that were passed, there is an ordinance of the annexation. Mayor Hyde questioned how it got into the Village. Trustee Saville stated that he thinks it is questionable because they are not touching the Village. Mayor Hyde explained that that road allowed it to connect to the Village and Trustee Saville questioned how the Mayor figured that as the road is not touching anything annexed into the Village. Mayor Hyde stated that Trustee Saville was here when Mr. Schall described the wishes of the Boards predecessors. Trustee Saville said it's all questionable. He said that it was all never subdivided properly. Whether it's annexed in or not, it is not the Village's road as it was not subdivided. Trustee Saville said it is improper for the Village to be plowing private property. Just because it's always been done does not make it right.

Trustee Ponio replied that he feels the Village should find out if it is the Village's or not. He stated that they should spend the money. Trustee Sadoski said that they have to find out if the Village owns the road or it will be an endless discussion. She said that the Board is divided on this issue. Mayor Hyde said there is quite a bit of legal expense already spent on this issue. Trustee Ponio said much time, money and effort has already been spent on this and the Village should find out if they do or do not own this road. Trustee Garling questioned the cost to plow. He asked if it costs \$1500 to \$2500 in a 10 year period to plow that road. He said it's probably not much for this road. He added that this is a good neighborhood policy whether it's privately owned or not. Trustee Garling said the Village has been plowing this for years and it's important what is at the end of that road and that it is a valuable item for the Village. He added too that the Sanitary District perhaps does nice things for the Village too once in awhile. Trustee Ponio replied that that has nothing to do with this but rather the issue is who owns it. Mayor Hyde added that they used to do a lot for the Village, that it may be less now, but that they did stuff for the Village in the past such as they have let the Village use their Gator at events, let the Village use their equipment, etc. Trustee Ponio replied that that has nothing to do with who owns the road. Trustee Garling said to finish it off and just plow the road and questioned what the big deal is. Mayor Hyde said the Board has a big bill on this already. Trustee Garling blamed the Board saying you are the one's that have spent \$5000, that you're the ones asking the questions." Trustee Saville said that being a good neighbor has nothing to do with what's right and what's wrong. Trustee Sadoski questioned how all this started and Trustee Saville replied that it is all in the packet that he handed out to everyone. Trustee Saville briefly went through the packet that he handed out once again. Trustee Sadoski stated that the Village has been plowing the road for a long time and that it's probably not a great expense. She said it could cost the Board more to find out who owns the road than what it costs to just plow it. She asked if the Village is being sued. Trustee Saville said that this is discriminatory activity. Trustee Sadoski said that small issues sometimes are becoming huge issues and costing the Village money. Trustee Saville again stated that this situation could make for a real big problem though in the future. Trustee Garling questioned if there is an intergovernmental agreement and Trustee Saville replied that the Board agreed for him to handle this situation long ago. Trustee Garling stated that Trustee Saville is taking this personal and that it is very obvious. Trustee Saville asked the Board to decide on a resolution to this matter. Trustee Ponio replied that the Board should find out who owns the road. Trustee Garling said it is historical precedence. Trustee Saville again asked why they are getting free Village stickers. Mayor Hyde replied that the Village has not paid for some sewer connections. He stated that he does not know why they are getting free stickers and that he didn't even know that it was done. Mayor Hyde asked how many years it has been done. Trustee Verciglio replied that they are getting free stickers and that this needs to be investigated and find out why they are getting these stickers for free. Mayor Hyde stated that John Little can look into and said that it is in the minutes now and to be forwarded on to Mr. Little.

- Trustee Ponio stated that he would like to see a link put onto the Village's website fro cbgil.com as they are videoing the Village meetings and putting them up on this website. He feels it would be nice to let the public know and see the Village meetings. Mayor Hyde said that he would like to see some information on this website, who owns and runs, etc. He said the Board needs a full understanding of what they represent. Trustee Ponio asked for this website to be advertised in the Village newsletter also. He will report back to the Board.
- Trustee Ponio asked who the members are on the Ethic's Committee. Mayor Hyde replied that he did not have the list of the members with him. Mayor Hyde said if Trustee Ponio is planning to contact the Ethic's Committee that the Board, ahead of time, should have an understanding his conversations with them and where he is going and what his intension. That's why Trustee Ponio is asking for their names. Mayor Hyde stated that he does not believe that Trustee Ponio has the authority to turn over anything to the Ethic's Committee. The Board makes the decision as to what goes to the Ethic's Committee.

Items from the Mayor

- *Mayor Hyde spoke with Steve Schwarz who used to work with Walgreens and the Shiner Group. They need to finalize paperwork for the land transfer.*
- *Mayor Hyde reported that the smoke ban went into effect January 1st. The Chief contacted 3 of the 4 businesses and the last businesses was not contacted as they were not open. A copy of the new ordinance was distributed. The police department staff also received a copy of the new ordinance.*
- *Mayor Hyde stated that an email was received from Jeff Block regarding an ordinance on the no wake buoys. Trustee Saville stated that they are asking for changes. Trustee Ponio asked for him to be shown what they are looking for to change and he will work on it.*
- *Mayor Hyde passed out information on the CMS which is a joint purchase program for purchasing vehicles, etc. It is a state purchase program. The Police Department and Public Works Department also utilizes this program.*
- *Mayor Hyde asked Trustee Ponio if he has spoken to any of the individuals who made presentation in the past on Village Hall. Trustee Ponio stated that he has not yet but will begin working on it now.*
- *Mayor Hyde requested executive session for personnel and Trustee Garling requested executive session for purchase of property*

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

Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek stated that he is nauseated this evening. He knows that Board Members do not like when the audience is referred to as being in the cheap seats; however, this evening, Mr. Kaczmarek feels like he is in the cheap seats regarding the continuous discussions over Timber Trail. He said that it is apparent that the Village Attorneys have said that it is not the Villages road and that it is a private road. Mr. Kaczmarek stated that he pays his taxes, he pays his sanitary bill, he pays his water bills and pays any other bill he is responsible for. He does not see where he has gotten anything from the Village that would be extra or some sort of favoritism such as what the sanitary district appears to be receiving from Island Lake with this plowing. He said that it's been mentioned that this is about being a good neighbor. Mr. Kaczmarek pointed to the others in the audience and stated that he hopes that the Village could consider everyone here also is a good neighbor. But, what do they get, he asked, in addition. Mr. Kaczmarek heard that the sanitary district gave tables so, therefore, should the Village give something and then the Village would get something back. He explained that at the end of his street, it used to be a turn around for any emergency vehicles and it used to get plowed by the Village – it was his property but an easement that he had to give for this hammerhead until the road was extended. The road was plowed but as soon as the road went through, the Village stopped plowing it. Mr. Kaczmarek stated that this makes up probably 55% of his driveway and it sure would be nice if the Village today would still be plowing that section that they used to use. But he does not think that that would be right as that is now private property and he would never expect the Village to do such a thing. Mr. Kaczmarek stated to Trustee Garling that he said that ignorance is not an excuse. He heard from Trustee Sadoski that ignorance is not an excuse. Mr. Kaczmarek said if it's private property, it's private property. He heard "it's not a huge expense". He asked why the Board doesn't take a precedence and decide not to be in the business of doing private property. Mr. Kaczmarek questioned why the Board has wasted so much of everyone's time over private property. He asked if the Village plows the roads to the schools and since the Village is not, why the Village isn't just doing those as well too. He said that he pays a bill to the sanitary district and questioned if they have a profit and if they have a budget. Mr. Kaczmarek said it's his understanding that the Village goes to Mobil to fuel the Village trucks and asked then, as a favor, should the Village be plowing their parking lot as well. He asked if the Village should plow Kora Lane too. Mr. Kaczmarek asked when does it stop and why not set a precedence, starting today, and stop doing private property. He commented that the Board sounds like a bunch of idiots and that this is ridiculous. He asked for how long, how many things have been done wrong and when it's going to change and when the Board is going to finally say 'let's not do it'. Mr. Kaczmarek stated that when it comes to a vote, and any Board Member who votes in favor of plowing Timber Trail, must have some sort of in with them or is in the business of doing favoritism. Trustee Ponio replied that the Board does not for sure who owns this road and that is why he is saying that he would like to finish this and find out for sure who actually owns this road. Mr. Kaczmarek said that he went on an aerial view of that area and that driveway is a driveway. Trustee Ponio stated that as a Board Member though he wants to know for sure. Mr. Kaczmarek said that the Board has already spent x amount of dollars and it's not about the money or what was spent but rather the issue is about what actions the Board Members are taking.

He does not understand because there are other private roads within the Village and the Village is not plowing theirs so why not just put an end to it and not do any private roads. He said that spending the money unwisely to continue this and find out who owns the road is fine; however, this is out of hand and when the Board finds out that they do not own the road and it is private property that they just should not do it. Trustee Sadoski said that she agrees. Mr. Kaczmarek replied that with his business, if he pushed the snow into the road, he would receive a fine. Trustee Sadoski said that they do not have all the documents and the documents that they do have are not clear. Mr. Kaczmarek said that the Village Attorney has stated that it is a private road. Trustee Sadoski said that the Attorney is not even sure and that the Village Board does not have all the facts and they need to find out. Mr. Kaczmarek stated that Trustee Sadoski is backtracking as a second ago she was trying to negotiate. He said that the Board is appearing to be wishy washy. He said that he hopes that when the Board finds out, that they do the right thing and his tax money is not going to private roads.

Greg Kachka, 3621 Hyacinth Terrace: Mr. Kachka stated that the Village might as well spend the money as they've spent so much thus far already. He said that the Board will keep spending money and keep talking about this over and over again and he suggested that they get it done. He said who owns that property will tell it all. Mr. Kachka questioned Mayor Hyde as to why he was questioning Trustee Ponio so much on his questions about the Ethic's Committee. He asked if the Mayor thinks his ethics are on the line here. Mayor Hyde replied no. He questioned rather Trustee Ponio turning something over to a committee that he does not have the ability to do. He said anything that goes to the ethic's committee comes from the Board as a whole, not Trustee Ponio directly. Mr. Kachka asked Mayor Hyde if he is worried about something. Mayor Hyde said no but that he thinks it is improper for someone to jump the procedures and take something away that is the right of the board.

Laurie Rabattini: 4702 Southhampton: Ms. Rabattini questioned if the Board will be putting into effect any ramifications or consequences if employees break the new smoking ban or abuse the ban especially in Village vehicles and/or while standing outside the buildings. Mayor Hyde replied that there is a new ordinance in place and that the Chief has taken away awhile back the ability to smoke in Village vehicles as this is a state statute already. Mayor Hyde does not know if there are individual penalties in place for violations of this code. He said that they fit into the Illinois penalty. As for enforcement, Mayor Hyde said that the Village is easing into it just as the State is. Trustee Saville said that there is a law in place for smoking near buildings already and Trustee Ponio added that that goes for Village vehicles as well. Ms. Rabattini stated that where she works, if someone breaks this law, that employee faces risk of answering to the company that he/she works for as well as to the Village the business is in. Trustee Saville commented that these are good questions and should be looked into.

Ms. Rabattini stated to Trustee Garling and asked what his rush is with regard to annexation agreements. She wants to know what the rush is especially when the market is how it is now and she said the Village has not negotiated one dollar more. She stated that maybe \$3000 is a bit excessive however it could be negotiated. Ms. Rabattini stated that Trustee Garling said "I don't believe he should have to pay that" and she questioned who Trustee Garling works for. Ms. Rabattini asked if Trustee Garling works for the Village residents or for the developers. She said that he sounds like a cheerleader for developers along with Trustee Verciglio. Trustee Garling stated back and asked what is the rush and how she thinks he is rushing. Ms. Rabattini replied that Trustee Garling is not negotiating and in terms of being thorough, he just responds with 'in this section, it already says....'. Trustee Garling asked again why Ms. Rabattini thinks they are not being thorough. Ms. Rabattini replied that Trustee Garling is not being thorough and that she just gave an example. Trustee Garling questioned again why Ms. Rabattini thinks he is not being thorough. Ms. Rabattini said because the wording is vague. Trustee Garling said so Ms. Rabattini would like to see working more specific and she replied yes. Trustee Garling is concerned though with tying the Village's hands where they can't do anything if something comes up and/or changes. Instead of being in a hurry, Trustee Garling said they take their time and look at the working and review each other's suggestions. Ms. Rabattini said Trustee Sadoski has said too that the previous Board worked on this already for a long time and that the Board should just go with it. Trustee Garling still questioned why Ms. Rabattini thinks he is in a rush. He does not see where he is in a hurry. Ms. Rabattini stated that the Village Departments are under staffed already and another annexation will be adding to the work load. She suggested making sure that the Village leaves the responsibility of the roads with the developer until they turn the roads over to the Village as it will relieve expenses and workloads on the Village. She said the wording is vague with the word maintain. Trustee Garling questioned if Ms. Rabattini wanted the Board to get as specific as to how they do it then. Ms. Rabattini stated that it's the same with Timber Trail, the Village plows that road but they do not maintain that road.

She added that there is a sink hole in that road. Trustee Garling replied that last time he went down that road he did not recall going deep into anything. Ms. Rabattini said that the post office does not even deliver to Walnut Glen yet. Trustee Garling replied that they are not asking anyone from the staff to plow those roads because the builder has to maintain those roads and the only one's going up there are the police. The agreement itself says that they need to maintain the roads. Trustee Garling said that no one else goes up there. The Police are up that way because there are some homes already up that way. Trustee Saville said that there is a subdivision already up there and the Village is already plowing those roads which is what could happen with this next agreement also. He is concerned once again. Trustee Saville said there is a difference between maintaining and snowplowing. Trustee Garling said there is no difference. Trustee Saville disagreed. Mayor Hyde said that he does not think the Village should stop plowing these areas. Trustee Garling said maintenance of a road is maintenance of a road.

Dwayne Schall, 4029 Roberts Road: Mr. Schall inquired if the developer of Hillside Estates is also going to be the developer of the homes that go in or if he is selling those lots off. Mayor Hyde replied that that development is being built by the developer or someone he sells the lots off to and that it has not been finalized yet. Mr. Schall said then that this annexation agreement needs to be dealt with carefully just like with Pine Ridge and Brian Harris. He needs to be made responsible before everything is turned over to the Village. Mayor Hyde said that the developer has said that he may have to sell off the development due to the perimeters that may be placed on him. Mayor Hyde said his intension is to develop the subdivision and that is why he would like the parks in there, etc., as that's what helps sell the homes. Trustee Saville said that the Village did have a problem with Pine Ridge because the developer sold homes and he took no responsibility. Some things were wrong and he has yet to take responsibility. Trustee Saville has the same concerns with the Hillside Estates annexation agreement especially is this builder too sells off the lots to individual builders. He added that he should be responsible for everything and any damages. Trustee Ponio said that he would need to be held responsible that all those lots conform to the annexation agreement even if he sells lots off. Mayor Hyde said the annexation agreement is what controls the development no matter who comes in. Trustee Saville said though that that's not what happened with Pine Ridge. Lots were sold and the owner changed the drainage and there's now issues. Trustee Saville said he was told to handle this with the Village Engineer, and he did so, then suddenly this developer was put on defense and that's when Mayor Hyde said that the Board was being too rough on this developer. Mayor Hyde said that he still does not understand what Trustee Saville is looking for. The Mayor feels that if lots are sold off, that the new developer who takes and purchases the lots, is under the same annexation agreement that is there. Mr. Schall stated that with regard to the sanitary district, that when that was annexed in, they used the Alcaya property in order to get the sanitary district. The intent was there but it was never done. He said that the Board will most likely find out that the road is owned by several individuals and that there are a variety of easements there. He said they annexed in the Alcaya property to get to the sanitary district. Mayor Hyde said he knows that it has to be contiguous in one fashion or another and he knows they did the strip annexation back then.

Rob Rekosewicz 4702 Southhampton: Mr. Rekosewicz stated that it was commented earlier that the Board would like to get all the facts before making a decision and he addressed this comment to Trustee Sadoski. Trustee Sadoski replied that she is trying to do that now and do that much more now. Mr. Rekosewicz questioned again the plowing of the private roads. He asked, if the Village is plowing the road and does some damage to the road, how are they covered. Mayor Hyde said if the Village gets into an accident, they are covered there. Mr. Kaczmarek questioned though what if they are on private property. Mayor Hyde replied that it is the Village's responsibility if the Village is at fault. Trustee Saville replied that if the Village asks an employee to plow private property, they will be covered by the Village.

Mr. Rekosewicz stated to Trustee Saville that he has been speaking with the Board about trying to get additional money. He asked if they could instead maybe ask these developers to pay for equipment, vehicles, employee salaries, etc. Trustee Saville replied that that is something to consider as well. Mr. Kaczmarek questioned how much of the impact money is going to Public Works and the Police Department. Mayor Hyde replied that there are certain amounts that come in and go into different categories. He believes there is \$2500 that comes back to the Village and the Village has to decide where to put that money. Mayor Hyde said it is not specifically earmarked and it goes into the general fund. He said certain money is earmarked, such as monies to go to parks, but the remaining money goes into the general fund and the Village makes the decision as to what to do with that money. The money can pay for fees for employees, it can go for infrastructure or it could go back into roads, etc. Mr. Kaczmarek stated that this is what he does understand. He said that Mr. Janeck originally came in and was offering the Board a plain open space of land with a few nets on it then suddenly there's this

elaborate park coming in. Mr. Kaczmarek said that Mayor Hyde said himself that there will be paved trails, etc.

Mayor Hyde said that is correct as he was involved in that process. Mr. Kaczmarek said that there has been so much talk over these parks yet you hear very little about what types of homes are coming in, the square footage, but yet, when he hears impact fees it's supposed to be about how these developments will impact the Village and use the Village's resources like public works and the police department. Mr. Kaczmarek stated that he asked Mayor Hyde at one of those Saturday meeting if he liked the way Village Hall looks when he walks in every day and Mayor Hyde replied not particularly. Mayor Hyde said that he feels that it is totally unsafe. Mr. Kaczmarek said that he looks at the Village trucks, sees how rusted out they area and how it's a poor representation of our Village. Mayor Hyde said they need to be painted and he's asked that to be done. He said that he has asked for the water tower in water tower park to be painted as the entire bottom is mold and it has not been done either. He said it was put into the budget to be cleaned and sprayed and it has yet to be done. Mayor Hyde stated that there is a whole lot of upkeep and maintenance that is not being done. Mr. Kaczmarek replied that Mayor Hyde is correct and then questioned why so much time and money has been spent talking about parks when the infrastructure has been forgotten about. Mayor Hyde replied that it has not been forgotten about but rather that it is not being done. He said the department has to be asked and if it's in the budget. Mr. Kaczmarek said that Trustee Saville is here asking for \$3000 for Public Works and for the Police Department and he asked if there is money set aside for extra plows and extra police vehicles, etc. Mayor Hyde said they got that money - \$2500 times 200 homes. Mr. Kaczmarek replied though that Mayor Hyde stated that it goes into the general fund. Mayor Hyde no, it's not earmarked but that the Village has to decide what and where the money is spent on. He said that the money comes in as the homes come in for permits. Mayor Hyde said it is up to the Board to spend it wisely and not frivolously on improper things. Mr. Kaczmarek asked Trustee Sadoski what kinds of funds the Village has to work with for the Police Department. Trustee Sadoski said that she is trying to answer the question saying that this Board is coming into a budgetary process that they have not been involved in the past. She said that they want to take some of these vital departments and put them back up here where they need to be and move others around. She said that in her opinion the police department and public works have been put on a lower level in the past and that she feels that that needs to be changed. Trustee Sadoski said that these are two of the most important departments in our Village and they need to be put at a higher level. As new developments come in, hopefully as they go thru the budget process, they will place this money properly. Mr. Kaczmarek asked then if this subdivision should be placed on hold temporarily until the Board goes through this budgetary process. Trustee Sadoski said that she does not want to rush this subdivision. Mr. Kaczmarek replied that that was not the question he asked and he specifically asked how much of a budget the police department has to work with each year. Trustee Sadoski replied that she can not answer that. Mr. Kaczmarek stated that Trustee Sadoski has been in Office for over 6 months already and she can't answer what the police department's budget is like. He said that what Trustee Sadoski could do, like Trustee Saville is trying to do, is get more money for these two departments and specifically set it aside. Trustee Sadoski replied that she would like to do that in the budget process this year. Mr. Kaczmarek stated that Trustee Sadoski can not state what the police departments budget it nor what comes in each year but that she is willing to take the \$2500 impact fee, throw it in the general fund, it could disappear, but you and some other Board Members are working diligently on this park which no one knows what will cost to maintain it, what police cars will be needed, Village Hall is dilapidated yet this Board is talking about putting in another theme park and the Village has to maintain it. Trustee Sadoski asked Mr. Kaczmarek if he would like then for some items to be placed on hold or would he rather that the Board multi task and work on several things at a time. She said that they are trying to keep their ducks in a row. It's not whether you can afford to build that park because the Village is not building it, it whether or not the Village can afford to maintain it. Mr. Kaczmarek asked again if this development should be put on hold until the budgetary process has been gone through and all the Board Members understand the budget in their departments.

Rob stating that someone mentioned rusty trucks this evening and he asked if it was in the budget. Mayor Hyde said it was in the budget two years ago. Mayor Hyde said it never got done and for Rob to speak to the head of Public Works. Rob questioned the roads next in Prairie Woods and Walnut Glen and stated that they are not finished. The storm basins are sticking up and he mentioned that they have busted several plows in the process and it is costing Public Works to fix these. Mayor Hyde said that is something that needs to be looked at then and told Trustee Saville to look into this matter and how public works can possibly collect on these broken plows on those streets. Trustee Saville replied that the Village can't because it's not in the annexation agreement and the Village took the liability on by going on and plowing on private roads when we shouldn't be. Trustee Saville stated that that's why he had Clerk

Kaczmarek survey many Illinois Villages to see how they handle new developments and the majority came back stating that they do not touch private property nor private roads until they are officially turned over to their Village's so that things like this do not happen.

The reason that they do not plow these subdivisions until they are turned over is exactly why which Rob is pointing out this evening. Trustee Saville said that this is a perfect example. It's not the fact that you want to do it or you don't want to do it. Trustee Saville said that no one will be reimbursing the Village because it was always done that way in the past and you can't go back and ask when we're agreeing to be on private property. He said if you listen to people, and talk to people and residents, there's a lot to be learned and shared. Trustee Saville said in the long run it costs the Village money and it needs to stop here but who is going to do it.

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

Motion by Trustee Garling, properly seconded to go into executive session for personnel and land sale/acquisition. All in favor.

Motion by Trustee Garling, properly seconded to come out of Executive Session and return to the committee meeting.

Motion by Trustee Garling, properly seconded to adjourn the committee meeting. Being that no further business was discussed, the meeting adjourned at 11:13 pm. All in favor.

Christine Kaczmarek, Village Clerk