

MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 24th DAY OF JANUARY 2008

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:31 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: Attorney Julie Tappendorf, Ancel Glink

Mayor Hyde asked for consideration to move item number 12 to number 1 and then asked the Board to go into Executive Session to discuss litigation and the union contract. And then come back into the meeting and follow the agenda as is. Trustee Ponio questioned why Mayor Hyde did not let the public know this ahead of time and Mayor Hyde asked Trustee Ponio what he would have liked him to have done. Trustee Ponio replied though that all these people are here this evening. Mayor Hyde replied that he has asked the Board for consideration and they can vote on what they'd like to do. Trustee Saville inquired how long executive session would be and Mayor Hyde replied about 10 minutes.

Motion by Trustee Garling, properly seconded to change the agenda to item number 12 to be first and then for the Board to go into executive session.

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Herrmann, Sadoski, and Verciglio.

NAYS: Trustee Saville and Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

12. Approval of NPDES Phase II and payment for engineering fee/scope of services not to exceed \$12,200 to Baxter & Woodman

Trustee Saville stated that he invited Kevin Sutherland of Baxter & Woodman to be here as this subject was last discussed in December along with the fact that these monies are not in the budget. He wanted everyone to be clear on this matter. He added that this is mandated by the Government. Kevin Sutherland stated that this was presented to the Board in December. He said that it was asked if anything had changed with this matter and one item has – the form of the permit was not exactly known in December and they have since then discovered what it will look like and entail so, the fee is now \$12,200 which is a slight change from December. Mayor Hyde stated that Baxter & Woodman has assisted the Village in the past with this and that it has been found to be done for the best interests of the Village and the residents. Trustee Sadoski inquired about the costs and Trustee Saville replied that it is not in the budget but that John Little has been spoken to and again reminded the Board that this is mandated by the Government. Trustee Ponio inquired as to how long this has been on-going and Mr. Sutherland replied that the Village is at the end of the fifth year. The next cycle begins in March and that will be for another 5 year cycle.

Motion by Trustee Saville, properly seconded to approve the NPDES Phase II and payment for engineering fee/scope of services not to exceed \$12,200 to Baxter & Woodman.

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.

Motion by Trustee Herrmann, properly seconded to go into Executive Session for litigation and the union contract. All in favor.

Motion by Trustee Garling, properly seconded to close Executive Session and return to the Board meeting. All in favor.

Action on Executive Session items

1. Approval of Union Contract with Police Sergeants

Motion by Trustee Sadoski, properly seconded to approve the Union Contract with Police Sergeants

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.

- 1. Discussion and approval of implementation of procedures:
 - a. New and old business*
 - b. Limit debate to ½ hour*
 - c. Set adjournment times for meetings**

Trustee Saville stated that he has brought up Roberts Rules several times now and commented that the Village Board meeting are getting very lengthy. He explained that Trustee Verciglio brings up a list from time to time of unfinished business but too many items are going to the wayside still. Trustee Saville suggested added to the agenda old business and new business, to limit debate to stop getting off the track so much and then to end the meetings at a particular time. He stated that this may be a good practice for everyone as well as move the Village meetings along. Trustee Saville mentioned too, that often times a Trustee may put an agenda item on yet he/she is often times cut off and not able to speak about the item that he/she had placed on the agenda. He said that whoever placed the item on the agenda should be able to speak about that item first. Trustee Sadoski mentioned that the Board has talked about old and new business before and that they had discussed possibly keeping an on-going list in the Board Room so the Board can stay on track as well as the public is aware of pending and/or on-going items. Trustee Saville replied that controls are needed and order and hopefully this will assist in getting rid of the bickering.

Trustee Herrmann expressed that she likes the idea as well and that she had recommended this when the new Trustees first started. Trustee Ponio stated that he would like to see right on the agendas though old business items.

Motion by Trustee Saville, properly seconded to: place old and new business on agendas, limit debate to 20 minutes, Board Members will speak no more than twice on a specific subject area, the Chair recognizes up front the person who placed the item on the agenda and allow him/her to speak first and an adjournment time of 10 pm.

Trustee Herrmann expressed concern for the ongoing list of old and new business items as the list will get lengthy over time and who will be responsible for keeping that list. She feels that the Clerk has enough items to keep track of already and should not be responsible for this too. She suggested a master list that is kept in the Board Room instead. Mayor Hyde suggested that if a Trustee wants an old item on the agenda, he/she should be responsible for asking for it to be on the agenda then. Trustee Verciglio offered that it's a full time job in itself keeping track of old and new business items.

Motion by Trustee Saville, properly seconded to: list old and new business items on each agenda with the Trustees name in front of it whom placed it on the agenda, limited debate to 20 minutes, speak only twice on each specific item, chair will recognize the Trustee who placed the agenda item on the agenda and adjournment time for 10 pm.

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. Revisit Timber Trail matter: Discussion and approval of new facts

Trustee Saville stated that he received some further documents regarding Timber Trail and there is a whole new slew of facts to consider. At the last meeting a whole new twist was presented. The issue changed from not plowing private property to taking over Timber Trail. Trustee Sadoski made the motion, and to her I ask, what benefit does this dedication have to the Village taxpayers and where will the money come from for these repairs. He asked Trustee Garling, as Trustee Garling had stated that this issue is personal between Trustee Saville and the District, how did he arrive at this concept – by research and/or comments thrown around. Trustee Saville said that Mr. Michaels, President of the Sanitary District, attended the January 10th meeting and the Chair, Mr. Hyde, did not turn the Timber Trail item over to the Trustee that placed it on the agenda. Instead, Mayor Hyde and Mr. Michaels entered discussed on how Timber Trail should be dedicated to the Village and the Village should be responsible for maintenance and snowplowing. All the Trustees felt this was appropriate except for Trustee Saville. Trustee Saville further explained that on January 12th, he spoke with the owners of Timber Trail about this and received the real story. He questions why the big push for the dedication. About four weeks ago, Trustee Saville stated that the Water Dept. is aggressively proceeding forward to uphold the ordinance regarding the taping of

wells and hooking up to the water system. Trustee Saville has a deed which shows the northern ½ of Timber Trail is owned by Northern Moraine deed number 723422 filed on February 14, 1978, and the ownership runs from Roberts Road west to the gate area dividing Timber Trail into 1/3 ownership – 50% Northern Moraine, 40% Vivarido's and 10% to Dawson Family. The Sanitary District is within 450 of Island Lake's public water system and is required to hook up and cap their well per the Village ordinance. He asked why the Village would want to take over Timber Trail and loose this revenue. Trustee Saville stated that he has a idea which includes the Sanitary District bringing Timber Trail to 100% good condition, hook up to the Village public water system and then, the Village will agreed to dedicate, maintaining and keep Timber Trail as a thoroughfare. Trustee Saville stated again that Timber Trail is not 100% annexed into the Village and that the Village does not do private property.

Mayor Hyde replied that the Village has a number of roads in Island Lake that the Village does not own, the property owners extend into the roads, since the Village does not own these areas, he questioned if Trustee Saville is suggesting that the Village now plow these roads where total ownership is not by the Village. Trustee Saville said the Village does not do private property. Mayor Hyde replied that so in other words, there are roads in Island Lake that the Village does not technically own, and Trustee Saville agreed, and Mayor Hyde asked if the Village should be plowing them. Trustee Saville asked if the Village is plowing them now. Mayor Hyde stated that the Village is plowing them now, in the original part of town, and many of the roads in the original part of town are owned by the residents as far as their property extends into the road so he is asking Trustee Saville if the Village should not be plowing the roads to which the Village does not own. Trustee Saville replied that if they are within the Village limits and are taxpaying residents, then yes, they should receive the services. He said that Timber Trail is not annexed into the Village and that the Mayor is comparing apples and oranges. Trustee Saville said if the Board is brining Timber Trail into the Village, where they are going to come up with \$50,000 to \$100,000 to repair that road. Trustee Saville said again no, the Village should not plow private property. When Trustee Saville said he spoke with Attorney Puma, they talked about it being unnecessary to look into the dedication. Trustee Saville said the question is whether the Village will be plowing private property or not plowing private property. Mayor Hyde asked about the other areas in the Village that the Village does not own. Trustee Saville asked which roads. Trustee Ponio replied that the Village is plowing them because they are taxpaying residents. Mayor Hyde said Northern Moraine is within the Village limits and they are taxpayers to the Village, they are in the Village and that they have recently offered to de-annex from the Village so they must be in the Village. Trustee Saville said that according to Attorney Puma, once you are annexed in, you are annexed in. Mayor Hyde asked what is different about them over and above the residents in Island Lake in the original part of town and he wonders how to go back and correct that especially with all the roads in Island Lake. Trustee Saville stated that this is not a true comparison. He added that it is not a road completely owned by the Village though. He asked if the Board would mind if Mr. Vivarido and Mr. Bojan spoke this evening. Attorney Tappendorf stated that there is a policy decision to be made here. Attorney Puma has provided an analysis of this road and he has stated that Timber Trail is a private road but it has been annexed which are two different things. It does appear to be a private roadway. To plow it or not, is a policy decision. Or, the Village can negotiate having that road dedicated to the Village. Trustee Sadoski replied that that was the motion. Trustee Ponio questioned who owns the road again, if it's private, why the Village is plowing it, and so on. He said that Mr. Michaels has said that there will be substantial construction going on on that road and if their bond goes through and the road will basically be destroyed from all the construction, so who will pay for that road.

He questioned if it will be the Village's responsibility to repair that road then after they tear it up. Trustee Sadoski replied that it was her understanding from Mr. Michaels that they would be repairing and rebuilding the road. Trustee Ponio replied that he understood that the residents living on that road were going to be asked first if they want to be dedicated into the Village or not. He said that the Board is making assumptions and maybe they don't want to be dedicated into the Village. Trustee Garling said that they were supposed to go over there and ask if they wanted to dedicate the road to the Village of Island Lake, not if they wanted to be annexed into the Village.

All in favor to open the meeting to Mr. Bojan and Mr. Vivarido.

Tom Bojan, 114 Timber Trail: Mr. Bojan stated that he is here to find out what is going on after being in the area for 32 plus years. He said that the Village has plowed the road for 29 plus years and as a good neighbor, he's surprised that no one has come to them and told them. He stated that he is not here to find out about a dedication or not but rather he is here to get some information. Mr. Bojan said that the intent 29 years ago, Northern Moraine intended and planned to dedicate this road; however, one owner did not give permission. But, Northern Moraine needed a 60 foot easement; however, they did not get the last of it and the job was not finished. Mayor Hyde replied that Mr. Schell at a past meeting also stated that that was the intension. The road needs to be brought up to standard though after the new lines go in.

Attorney Tappendorf stated that there is confusion on ownership. She explained that it would be a plat of dedication in which a survey is drawn up, and shows the driveway, and states that that roadway is hereby dedicated to the Village of Island Lake so that strip of roadway is now owned by the Village and it's public right of way. It can be done by deed as well. It's a transfer of the property to the Village and road becomes public.

Trustee Garling commented that the Board agreed to 20 minutes of debate. He recommended that the Board vote to extend it. Trustee Herrmann replied that those who came this evening should be allowed to speak and that this does not really go into effect for 10 years. Trustee Garling said they could though go into the spirit of the decision and plan.

Mr. Bojan said the intent was there; however, the concern here really is drainage. The road caves in and there is flooding problems. He added that someone at that time approved the road so it got paved and because of being poorly built, it caves in. Mr. Bojan said that he is not even concerned with the road being plowed. He is concerned with drainage mainly. Mayor Hyde replied that one owner was willing to pay to fix it. He said that the Board is going in circles on this matter. He added that the decision was made previously to try to work with the owners to try to bring this road into Island Lake and try to fix this road and now the Board is going back to lets not do anything with it.

Jim and Carlene Vivarito, 113 Timber Trail: Mr. Vivarito said that the water from Timber Trail runs into his garage and floods it. He said that the road is used though by everyone in the area. He said there are 50 to 100 cars that go down that road. Mr. Vivarito said people in the area are the one's using it. Mayor Hyde asked if he would be willing to help fix this. Mr. Vivarito stated that there is not money to pay a professional contractor; however, between himself and Mr. Bojan they do own equipment and could try to

fix the road on their own. Mayor Hyde asked if the Board is okay then with getting this road repaired. Trustee Saville said that he brought this up again because the Village does not own the road. He questioned why the Sanitary District isn't here also tonight saying that they will help in assisting to fix the road especially because they own half of it. He said it should be a team effort. Trustee Saville said if the Village dedicated the road, the Village will be taking it over – Roberts Road to the gate, then it will be the Village's responsibility and it moves the Sanitary's property line to their gate. He said again that they will then be within the 450 feet and need to hook up to the Village water system. Trustee Garling said that there is still one unanswered question, if the residents will dedicate the road. Mr. Bojan and Mr. Vivarito replied that they need to speak to their individual attorneys. Trustee Sadoski replied that the Village Board was told by the Attorney that the intent was to dedicate but it was never done properly. She said it was suggested to them to speak to you, the owners, and see if you'd like to dedicate the road to the Village.

Motion by Trustee Garling, properly seconded to bring the meeting back to the Board. All in favor.

3. Revisit controls over use of legal, legal spending, expenses and services: Discussion and approval.

Trustee Saville stated that he went back and listened to the last meeting again and he missed some statements that were made that evening. He said that Mayor Hyde said "a request was made of him" to analyze the bills and he questioned who that exactly was. Trustee Saville said that he analyzed the bills himself as it was made to sound last week like someone was abusing legal and legal spending. He said that his name is on the list quite often; however, he deals with the Unions quite often as public works is union. Trustee Saville said out of \$64,000, he spent for MK, the unions, he spent 10 ¾ hours were spent on union discussions/labor issues and at \$175 an hour, in 7 months, he spent \$1088.25 on this. Over 7 months, regarding SAP which is Scott Puma, they were general questions on procedures. He spent 7 ¼ hours over 7 months with Attorney Puma at \$175, that's \$1268. Between the 2, Trustee Saville spent \$3150 in 7 months which is not even 5% of the \$64,000. The reason he is bringing this up this evening is because his name appears on the bill somewhat often. When it comes to contracts though, he questioned why his name only came up and not anyone else's. He suggested, instead of having the Mayor say "aye" or "nay" whether the Board can use legal or not. Trustee Saville questioned, if he only used less than 5% of the money, where did the rest of the money go. He said it is not quite clear on the bills. He believes if they really want to find out where all the money is going that the bill be further specific and more itemized. He said like for Clerk Kaczmarek, as the Clerk, she needs a lot of answers from legal. Trustee Saville said one example is, a letter suddenly appeared from legal regarding slander and when he looked at the bill, he did not see anyone's name on there as to who authorized the writing of that letter. He questioned why no one's name appeared after that letter on the itemized bill sheet. Trustee Saville said it should be more specific so they know who is using what. He went on to explain that for another example, he did not find out until Monday that there was a problem with Walgreen's when that falls under public works regarding the land swap. Two people are cc'd on the email; however, he was not and he did not find out about it until Monday. Yet Monday, there was an email going between Attorney Puma and the Mayor yet no one cc'd him on those emails. Trustee Saville does not feel that one person should be in control of this legal spending. He feels if an email comes out from legal, it should be more specific and state who requested it and why so it's easier to pin point the money. Trustee Ponio replied that when you look at correspondence, using it is Little, Willie, etc., and they are not limited to time but the Board Members are. He also does not feel the Trustees are abusing legal time and fees as well as the current Board isn't far off from the last Boards usage. Trustee Sadoski stated that she too is not much in favor of limits on the Board Members. She added that at times, longer periods of legal time and usage may be necessary. She stated that she agrees with Trustee Ponio and Saville. Trustee Herrmann added that several years ago an ordinance was put into place where no one Board Member would use legal in excess of \$500 without Board approval. She said the intent was to control spending and to make the Board aware of money being spent and on what subject areas. Trustee Herrmann stated though that she feels that certain people, such as the Village Clerk, Finance Director, Building Inspector, Public Works and the Water Department, do often times need legal more on a daily basis and they need to

contact legal in order to run the Village on a daily basis. Trustee Saville reminded the Board, for example, he did only use \$450 a month for 7 months.

Mayor Hyde replied that the Board had decided to put a 30 minute limit to it. He said that he does not make the decisions, the Board Members do. Mayor Hyde said what the Board agreed to was, if a subject area goes past 30 minutes, it comes to the Board and they make the decision. Trustee Saville replied that the motion was correct; however, when the Mayor stated the motion, the wording was changed. The motion was – 30 minutes, Mayor says yes or no, if no, comes back to the Board, and the Mayor and Clerk are to be copied on all these emails. The Mayor had left out of the motion however that the Clerk is to be copied so there is a record. It was suggested that the Board Members themselves, once they've reached thirty minutes, that they themselves should know enough, after a half hour, to bring it back to the Board for a decision. Trustee Verciglio questioned how it will be verified if the Clerk is receiving these emails. Trustee Herrmann stated that the Clerk needs to keep a copy of all the Village records. Trustee Garling mentioned that he does have an objection as he does not like the Board Members being monitored and/or watched but he does not mind a close eye. Trustee Saville stated that yes, he did spend some monies on legal; however, 60% of what goes on in the Village is Public Works and the Water Dept. and those two departments he deals with directly. Trustee Garling again stated that the whole budget needs to be controlled.

Trustee Saville withdrew his motion.

4. Approval to utilize \$100,000 of MFT funding and \$100,000 from the General Fund for the 2008-2009 Pavement Management Program

Trustee Saville explained there is \$100,000 of MFT funding and Public Works is seeking an extra \$100,000 from the General Fund so there is \$200,000 total for the 2008-2009 pavement management program. Trustee Ponio questioned why \$200,000 and Trustee Saville stated that after speaking with John Little, \$100,000 from the General Fund is the best that can be done with the budget the Village has to work with. Trustee Herrmann stated that it was estimated that the Board should be spending \$500,000 and Trustee Saville replied that the Village simply does not have the money. She further explained that a few years back there was an extensive study done of the Village roads and that the Board, to date, is not even touching what should be done let alone preserve certain areas. She added that this is a very bad situation and she has been ongoing concerned about this; however, the funds are just not there. Trustee Saville reminded the Board the monies come from the sale of the vehicle stickers as there is not an extra \$100,000 in the budget.

Motion by Trustee Saville, properly seconded to approve to utilize \$100,000 of MFT funding and \$100,000 from the General Fund for the 2008-2009 Pavement Management Program.

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. Discussion and non-approval of free Village Stickers

Trustee Saville stated that 7-2-1 is a Village ordinance and that the ordinance does not say with a vote or without a vote. He said that it was mentioned by the Mayor at the last meeting about Northern Moraine receiving free Village stickers. He stated that they have heavy equipment which requires the higher priced Village sticker. Trustee Garling agreed with Trustee Saville and reiterated that the Village can not give services away for free and that the ordinance does not say that the Village stickers can be given away for free. Trustee Garling said that this maybe seem minor; however, Trustee Saville is correct. He added that Village stickers can not be given away without Board approval and that the last situation was

corrected by the Mayor as the Mayor paid for the boat sticker that was given away in 2007. Trustee Garling said that the Board Members agreed to and aid that they will live by the rules. Trustee Saville added that if the Board Members decide to give away stickers that they should split the cost of the stickers to be given away and pay for them then themselves instead of expecting the Village to pay for something that is being given away. Mayor Hyde replied that the Village has given about 5 stickers away on a yearly basis and added that Northern Moraine has given the Village \$18,000 to \$20,000 of free hook-ups. Trustee Saville asked if Northern Moraine gives the Village a break when they bill the Village for their services. He suggested that the Board stick to what the ordinances says which states that everyone must purchase a Village sticker at a particular fee. Trustee Saville suggested sticking to the ordinance and to the subject of Village stickers. He questioned Mayor Hyde why he is so willing to give, give, give especially when they are out there with both hands already. Mayor Hyde stated that moving forward, Northern Moraine may not offer free connections in the future. Trustee Garling restated again that there is a Village ordinance and that stickers are not to be given away. He said that there is an ordinance and the way that the Board would have to do this is vote on this at the next voting meeting whether to give away stickers and that the Mayor can't decide what to give away or not. They need to come before the Board and ask for permission. Trustee Garling and Trustee Saville agreed that there is nothing to vote on because there is an ordinance in place. Attorney Tappendorf explained that items have to be listed on an agenda; however, they don't have to exactly say what the Board is doing. The public has to be aware of the discussion. Trustee Garling reexplained that what he had meant earlier was that if the Mayor would like to entertain the idea of the sanitary district having free Village stickers, that he needs to bring it to the Board which is at the next voting. Attorney Tappendorf stated that if relief is going to be granted, it does need to be voted on.

6. *Approval to accept NIMEC recommendation to obtain electric (for the Village Water Department)*

Motion by Trustee Saville, properly seconded to approve to accept NIMEC recommendation to obtain electric (for the Village Water Department).

Trustee Garling stepped out for several minutes and was not present to vote nor during roll call.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Sadoski, Saville and Verciglio.

NAYS: None

ABSENT: Trustee Garling

ABSTAIN: Trustee Ponio

Motion was declared carried.

7. *Approval of ordinance 1324-08 electronic attendance at meetings*

Attorney Tappendorf explained that this can only be done if an ordinance is in place. Trustee Ponio stated that he would like to see the ordinance and not on Thursday evening just before the meeting. He would like the Board to receive it ahead of time.

Motion by Trustee Ponio, properly seconded to continue ordinance 1324-08 electronic attendance at meetings.

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. Contract with Mitchell Studios for Portraits at the Daddy Daughter Dance Feb 2, 2008

Motion by Trustee Verciglio, properly seconded to approve the contract with Mitchell Studios for Portraits at the Daddy Daughter Dance Feb 2, 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.

9. Discussion and approval of Board Member paperwork requests and duplicating services

Trustee Herrmann state that there is just not the money there, nor is it in the budget, to provide all these copies and she feels that it is an inappropriate request. She stated that the copying would cost approximately \$8000. Mayor Hyde added that there is about 5 to 6 feet of documents. Trustee Garling questioned why Trustee Ponio needed a copy of everything. Trustee Herrmann stated to Trustee Ponio that more specific direction is needed from him. Trustee Ponio replied that he put his request in writing and that he is entitled to everything that he has asked for. He said that eventually he got \$300 worth of copies on well #10 after he requested the information a number of times. He said though that the Mayor's information appears to be missing from everything and he had asked for that information as well. Trustee Ponio replied that he is asking for Crystal Valley RV information because he wants to see and review the sales tax reimbursements. He stated that there are water and well hook up issues in the Village and he wants to review this paper to learn what happened with this matter and compare it so that same mistakes are not made on possible future similar matters. Trustee Ponio said that water was brought down 176; however, CVRB hooked up but they kept their private well also. He wants to make sure that good decisions were made or not. He wants to try to understand past situations in order to make informed decisions on upcoming matters. Trustee Ponio replied that he will continue to ask for what he is looking for and if money has to be spent on copies, before he votes, he wants the information so he can make an informed decision. He said that last time it took \$300 worth of copies to finally get 1 spread sheet. He wants to understand and see that sound financial decisions were and are being made especially since the engineering firm has said that the tower is not needed at this time. Trustee Ponio replied that if the Village doesn't know how to pay for roads that are badly in need of repair and upkeep how can the Board possible afford and vote on a water tower that is \$5 million. He added that Kevin Sutherland is shown in many emails that he has changed his mind several times on this matter. Trustee Herrmann replied that her issue is spending \$8000 on copying of documents when Trustee Ponio can come in and review the documents instead and \$8000 will not be spent.

Motion by Trustee Herrmann, properly seconded to approve Board Member paperwork requests and duplicating services.

Trustee Sadoski asked Trustee Ponio if he would be willing instead to come in and look over the materials. Trustee Ponio replied that that would be fine with him as long as he could make copies of what he would like to. He added that he is being shut out from information and Trustee Sadoski replied that she understands that but is looking for a way to save the Village money. Trustee Herrmann did not agree stating that no one has said that he can not have the documentation but rather the issue is the expense to copy everything. Trustee Ponio replied that he is given emails from other people because he wasn't necessarily included in on the first email that may have gone to everyone. He feels as though, because

of this, that he is not being told the whole story all the time. Trustee Ponio wants to review all the information so that as a Trustee for this Village, he is doing his job thoroughly.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

10. Discussion of new water tower service costs and payment plan/financing

Trustee Ponio stated that he is looking to review with everyone the financing of the well and water tower. He said that the permit application is not correct; however, the Village received a permit. He said though that a local piece of property, which is zoned AG, drains into that area and he is concerned with contaminated water. He stated that the Village engineer wrote up a paint spill issue document in the past in that same area. He said that there could be problems in this area and water could be contaminated. Trustee Saville replied that he feels that the cart is being once again put before the horse because the Village does not even own that property yet. Trustee Ponio stated that he feels that there is maneuvering going on in order to get around a lawsuit. Mayor Hyde replied that the engineer has provided cost estimates only, for about \$5.2 million, and that's all that he has. Trustee Ponio pointed out that all the houses have to be built in that area to recoup funds; however, the Village will still be behind and the homes going in still do not cover all the costs and expenses. He said that he is looking for open discussion on this matter. Trustee Herrmann replied that John Little is not done collecting all the information but he is working on it. She would like to give Mr. Little some more time to work on this and gather all the details. Trustee Ponio stated that he does not want this dropped on everyone's lap one day and a quick vote expected to take place. He wants time to review everything thoroughly and that the Board not be rushed into a decision and a vote. Before any more money is spent, Trustee Ponio said that the land has to be deeded over properly, etc., and the finances have to be thoroughly reviewed before a decision is made. Trustee Garling asked if the individual who is putting up the pig farm will still do so even if the water tower goes up there. Trustee Ponio replied that he is a farmer. Trustee Garling stated that he is painter. He questioned if suddenly the pig farm maybe won't go up. Trustee Ponio replied that that's why the Rodewalds gave \$5000 to move the well over to the new location because someone was willing to accept that deal. Trustee Ponio wants to know the cost of the tower and how the Village will be paying for it.

11. Discussion and approval of policy for writing up employees that do not respond to Board Member requests

Trustee Ponio stated that he is looking for a policy. Attorney Tappendorf stated that her and Scott have received a memo but they have not been instructed yet to prepare a policy. She said that this matter will take more than 30 minutes. Mayor Hyde stated that the employee(s) should be made aware that he/she is being written up and have the ability to respond. Trustee Ponio stated that he agreed with that. Mayor Hyde explained that Attorney Puma has said that a Board Member can't just make demands and that everything needs to be a Board decision. He said that Board Members can just "tell" employees that choose what to do. Trustee Garling suggested that possibly, to save attorney fees, that the Trustee who is requesting such a policy or item, conduct the research him/herself and write up the policy him/herself and then present it the Board.

13. Lions Club approval for Ice Fishing Derby for February 9, 2008 to include: 50/50 raffle permit and approval to waive the fee, approval of general raffle and waiving of the fee, use of Eastway Park and electric, plowing of Eastway Park parking areas if need be, use of Beach House and Veterans Park and arrangement of 2 porta-poties.

Trustee Garling inquired as to who pays for the porta-potties. Mayor Hyde replied that the Village has an agreement and that there is not expense for porta-potties.

Motion by Trustee Herrmann, properly seconded to approve Ice Fishing Derby for February 9, 2008 to include:

50/50 raffle permit and approval to waive the fee, approval of general raffle and waiving of the fee, use of Eastway Park and electric, plowing of Eastway Park parking areas if need be, use of Beach House and Veterans Park and arrangement of 2 porta-poties.

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.

It was suggested that the ice fishing regulations be posted during this event.

14. Update on property donation

Mayor Hyde stated that he has passed out information to the Board regarding a possible land donation to the Village located on Briar.

15. Approval of zoning ordinance changes

Motion by Trustee Garling, properly seconded to continue the approval of the zoning ordinance changes

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.

Items from the Clerk, Trustees and Departments Heads

- Trustee Herrmann stated that John Little is requesting approval to carry over 2 ½ vacation days from 2007.*
- Trustee Verciglio reported that a night guardian has been hired and she will begin on February 4th.*
- Trustee Saville is looking for a consensus from the Board regarding a memo from Neal DeYoung regarding the 2007 CDBG re: liquidated damages. It states that if they don't complete the work, it is \$850 a day. There is no expense to the Village. It does go down to \$425 per day. This is part of the agreement. Trustee Ponio offered that sometimes built within there is also a bonus clause that if they do finish the work ahead of time, there is a bonus in there for them. He stated that if you give contractors sometimes an incentive on the other side, the work may get done earlier and faster.*
- Trustee Saville asked Mayor Hyde if he met with Mark Janeck this week and he replied that he has not.*
- Trustee Saville discussed wells with the Board. He said that the water department is working on properly having wells sealed. A letter was received from Attorney Puma on this matter. He would like to get a consensus, on the Village ordinance 4-4-1, to make it more specific that if someone is on the public water system that it is prohibited to have a well and that it has to be properly sealed. Right now it is on a case by case basis. Mayor Hyde questioned why this wouldn't want to be looked at if a presentation could be made by an individual, such as CVRV, they received approval to keep their well*

for landscaping purposes. Trustee Saville said CVRV has a well because it was approved in their annexation agreement. The Church however, St. Johns Church, there is nothing but a verbal and they still have their well. He said they are trying to get consistency and something that is uniform within the Water Department to handle these situations with wells and not keep doing this on a person by person basis. Everyone should be getting the same treatment. He said that this is the health, safety and welfare of the residents and the public water system. Trustee Garling stated that this started with the gentleman that needs to cap his well and he's been sent letters regarding this matter. He added that it's the Board's responsibility to guarantee that the water is safe for consumption and they can't do that if people are not capping their wells off properly. Trustee Saville is looking to do this so there is no question whatsoever. Trustee Ponio questioned how this will apply to commercial properties. Trustee Saville stated that they would be under the same. He would like to see the ordinance changed for commercial properties though to read if they are within 1000 feet, that they have to hook up. Trustee Saville is looking for then within the ordinance, to change it to read: that if someone is hooked up to the water system, the well gets sealed completely, for homes that are within 450 feet of a main, they have to hook up and for commercial, if they are within 1000 feet they have to hook up and anyone that is on the SSA, if they sell their home, they have to hook up to the water system or if there is a deed transfer to a child, they have to go on the public water system. Trustee Saville suggested not giving away revenue if the Village does not have to. Trustee Ponio inquired how this would work with St. John's Church and Trustee Saville replied that they would have to have a previously signed document from the Village allowing them to keep their well however he does not believe such an agreement exists. Trustee Saville asked for permission for Trustee Saville to move forward and speak to the Attorney on this matter. Attorney Tappendorf said the bigger issue to work through would be those who are on the SSA. The other two won't be quite as costly to work on. Trustee would like by February to send out those notices to those individuals that still need to cap their wells properly and get that portion completed first.

Items from the Mayor

- Mayor Hyde mentioned again the Lake County Rabies control agreement that needs to be reviewed and voted on by the Board. The Village would receive a 50% reduction or the costs double.
- Mayor Hyde brought up the Piotrowski public hearing. Attorney Tappendorf stated that it was a split decision. ZBA denied 5 to 0 and the Plan Commission voted 3 to 1. This requires 4 votes for approval per the Village ordinance. There was a neutral or negative recommendation. The Attorney told Mr. Piotrowski at the meeting that a plat is needed.
- Mayor Hyde spoke to Greg Cottle who is the Senior Vice President of the American Legion. They would like to trade their trailer for the old bus that the Village has. The bus can no longer be used by the Village as it is unreliable.
- Mayor Hyde said the Village was contacted again by Relay For Life. They are asking Island Lake to be a supporter again as well as they are asking for a \$250 donation. Trustee Garling and Trustee Herrmann who have participated in the past in this event both strongly stated that this is a very worthwhile event.
- Mayor Hyde passed out the AT & T video/cable service information that has been received.
- Mayor Hyde said that bulletin board procedures are being worked on. This is being reviewed by Trustee Herrmann and John Little.

- *Mayor Hyde said that Lake Management is seeking work on the Village ordinance that covers buoys. Trustee Saville stated that he is still waiting for the information from Jeff Block. The committee would like to work on the buoy locations.*
- *Mayor Hyde mentioned the Historical Preservation ordinance that Connie Mascillino has brought forward. Trustee Herrmann replied that she has suggested in the past that possibly this be placed in resolution form vs. ordinance form.*
- *Trustee Ponio asked for Executive Session for litigation.*

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

Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek stated that he has sat through many meetings and has listened to all the discussion regarding Timber Trail. He said that he has witnessed a lot of arguing. Mr. Kaczmarek stated that Mayor Hyde mentioned the roads through the original part of town; however, those roads are an intricate part of the Village vs. Timber Trail which is a driveway. Mr. Kaczmarek stated that he went down Timber Trail for the first last this past week and stated that the road is only 17 to 18 foot wide and that a normal road is 28 foot wide. He said that in order for a truck to turn around, it will be a multiple point turn around and is not something that is easy to maneuver. Mr. Kaczmarek stated that because this is not an easy task, being a good neighbor" would be them using their own plows and plowing that driveway themselves which could be taken care of in two passes. Mr. Kaczmarek stated that with regarding to the discussion over the Village stickers, that it sounds like there are trade offs being made instead of the Village ordinance being followed. He said that the Village pays the sanitary district about \$36,000 a year already so why should they receive free Village stickers. Mr. Kaczmarek questioned Mayor Hyde as to what the Village would gain by accepting a road dedication of Timber Trail. He questioned why, if the village is always so strapped for cash, should the Village take on yet another expensive like fixing Timber Trail which will cost quite a bit. Especially when the Sanitary District could easily plow their own driveway with as little as two passes plus, they could hook up to the Village water system and be earning the Village good revenue like the Village does by paying the Sanitary District for the services that the Village uses on a monthly basis. He questioned why do private property?!

Laurie Rabattini, 4702 S. Hampton: Ms. Rabattini stated to Trustee Herrmann that she has no reason to believe anything that Trustee Herrmann says. She stated that Trustee Herrmann is very unprofessional especially with her smirking and laughing. Ms. Rabattini stated that she has never received an answer from Trustee Herrmann regarding her FOIA request as well as no letter has appeared. She also stated that Trustee Herrmann's numbers are exaggerated as well as she is inflating the numbers especially when it comes to the costs for duplicating. Ms. Rabattini stated to Mayor Hyde that it's the Department Heads and himself spending the money on legal, not the Trustees. Ms. Rabattini asked who put item number 15 on the agenda. Trustee Herrmann replied that she did, the Attorney and the Mayor. Mayor Hyde replied that they are following process. That this goes from one group to the next. That this subject went to the Plan Commission so now it comes to the Board next. She asked how the information was given and Mayor Hyde replied that it was given to the Plan Commission from the Board. Ms. Rabattini stated that she has heard no discussion of this matter in meeting. Mayor Hyde and Trustee Herrmann replied that this was discussed in Executive Session on November 29th. Ms. Rabattini stated that that though is not an executive session discussion item. Mayor Hyde replied that yes it is.

Cassie Martin, 1923 Tall Grass Court: Ms. Martin asked, regarding number 15, what amendments the Board is seeking. Mayor Hyde said it's the amendments that were presented to the Plan Commission. He does not have those in front of him this evening he said. Ms. Martin questioned why Mayor Hyde does not know what the amendments are when this was an item on the agenda to be discussed and voted on. Mayor Hyde replied that you have to look at the whole package and that it is a document that was built thorough the legal department. She questioned what it was about though. Mayor Hyde replied that it has to do with zoning and infrastructure for the Village. Ms. Martin asked if there is a specific area. Mayor Hyde replied that it has to do with the ability for the Village to put in infrastructure in different zoning areas.

Motion by Trustee Herrmann, 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 and litigation. Upon voice vote, motion was unanimously declared carried.

Clerk Kaczmarek was excused from Executive Session at 11:30 pm and was not asked to return to the meeting.

Christy Kaczmarek, Village Clerk