

**VILLAGE BOARD COMMITTEE MEETING**  
**THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE**  
**February 7, 2008 7:10 pm**

**CALL TO ORDER** Mayor Thomas P. Hyde called the meeting to order at 7:10 pm.

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

1. Call to order

Motion by Trustee Herrmann, properly seconded to go into Executive Session for personnel. All in favor except Trustee Saville.

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

**Agenda**

2. Discussion of expiring Letter of Credit – Mayor Hyde

Mayor Hyde said that he received an email acknowledging that one of the developer's letters of credit is expiring shortly. He feels it is a good idea for the Building Department to be involved in these. He feels the Building Department is the first line of activity with developers. Mayor Hyde noticed that not everyone was included on the email that was sent out. He verified that from the emails that it is his understanding then that the Building Department is not involved in letter of credit and it is handled by the Village Attorney, Village Engineer and Village Clerk. He did not realize that. Mayor Hyde however expressed that he does not understand why the Building Department though is not more involved with this matter as well as they are involved in many other aspects with developers. Mayor Hyde asked if the Board wanted to leave this then with the Village Engineers and Attorney to make the decisions or to also use and include the Building Department. Trustee Herrmann replied that the Clerks Office handles the Village letters of credit. She said that the Attorney and the Baxter & Woodman are very in tune with these as well. Clerk Kaczmarek replied that between 30 to 90 days before a letter of credit is to expire, she receives a letter from the bank. Then she turns it over to Baxter and Woodman and the Village Attorney for them to determine what the next step is. Unless the developer comes forward and asks for a reduction in the letter of credit, the Board does not have any involvement. Clerk Kaczmarek stated that otherwise, if there is no request for a reduction, then this is just standard operating procedure. Trustee Herrmann replied that Baxter & Woodman are the one's that are fully aware at what point a developer is at so they are the best one's to be involved along with the Village Attorney as well as she replied that the Clerks Office is the keeper of the records. Clerk Kaczmarek replied that she already notified the Village Attorney about this expiring letter of credit back in November. Kevin Sutherland also knew. Mayor Hyde said that the last expiring letter of credit was with Brian Harris of Pine Ridge. He felt it was a good thing for the building department to also be involved but stated too that the discussion this evening sounds good. Mayor Hyde said then that moving forward the Clerk will handle the letters of credit along with the Village Engineer and Attorney. Trustee Herrmann replied that the Building Department is overwhelmed already and to have to watch something this important, when everyone else is already in place and has the information, she does not feel is necessary for the Building Department to be any more involved. Mayor Hyde stated that in the future, they then will stay out of it and let the Attorneys, Engineer and Clerk handle it. Trustee Saville stated that he feels that it would be a good idea for Baxter & Woodman to be so involved is because they are involved in the developments and everyone in the office is so busy already. He added that Pine Ridge is a perfect example where the line of credit was pulled and no one in the Village knew about it and the Village is now stuck with repairs not being made by the developers. He feels too that it is too important of an item and that the Village Engineer, Attorney and Clerk should all be handling it. Trustee Ponio said that the Clerk already said that the Engineer and Attorney knew about this back in November. He is curious as to what is being done right now to make sure the letter of credit is renewed and in place. Clerk Kaczmarek replied that she is working with the Attorney and Engineer and the developer is aware as well and is working with the bank. She also spoke to Kevin Sutherland so he is aware and if there is no reduction in the letter of credit, that the letter of credit actually stands as is anyway if nothing is changing. It technically "rolls over".

3. *Walnut Glen reduction in letter of credit request – Mayor Hyde*

*Mayor Hyde stated that they are looking for a reduction down to \$684,948.75 and is recommended by the Village Engineers. This will be on next weeks agenda.*

4. *Discussion of CampFire USA Illinois Prairie Counsel request to fundraise with the Village – Mayor Hyde*

*Trustee Herrmann suggested, as she has already recommended in the past, since many of these are yearly fundraising events, to gather all the events and try to vote on them all at once if possible. She stated that that though would take notification to the Village ahead of time. Mayor Hyde took a consensus and the Board Members agreed that this was okay. This will have a formal vote at the next meeting.*

5. *Discussion of purchase of 2 2008 Ford F150s by the Public Works Department – Trustee Saville*

*Trustee Saville stated that he has spoke with Mr. Kootstra regarding this matter. The equipment in Public Works has seen a lot of miles and some need to be replaced. The Village trucks service the Village and the residents and they need to be reliable. Because of the work force also, this can be mentally as well as physically draining when using these vehicles and for the safety, health and welfare of the Village and employees, good equipment is becoming necessary. 2 are over 12 years old and have many miles on them and probably should be auctioned off. Each truck is \$41,652 with a total for two of \$83,304. Mr. Kootstra will go through the state program for vehicle purchases which will save the Village money. Trustee Saville received a phone call from Mr. Little asking where the money is coming from. Trustee Saville explained that this is a necessity, not a wish list item. The Village actually needs this equipment. Trustee Saville spoke to John Little again about several situations where he came up with ideas of how to obtain funds for such items say through developers that come in and that was not sufficient. He stated that maybe another department will have to take a little bit less of the budget this coming year so that Public Works can acquire these trucks. These trucks take 6 to 8 months to get. Trustee Saville asked for these to be in the budget, again, as these are a necessity. Trustee Herrmann said that past boards have tossed around the idea of a Village vehicle replacement program to implement and not keep waiting. If a small amount is put away every year for vehicle replacement, then the Village can better space these purchases out. She is already working with John Little on the upcoming budget as they prepare for the budget meetings. Trustee Garling replied that he agrees with Trustee Saville. Trustee Herrmann and Trustee Verciglio also agreed. Trustee Sadoski replied that maybe the Village could go on a program, put away money then and purchase these items one at a time due to the expense. Trustee Ponio said that even if only 1 can be purchased, due to the expense, at least one will be bought and the next one can be purchased the following year.*

6. *Discussion of Ordinance for ILLICIT Discharge and Connection – Trustee Saville*

*Trustee Saville stated that this has to do with the mandatory requirements for the State of Illinois. This is the first step that has to be done by or before March 1<sup>st</sup>. Trustee Ponio questioned section 7 and 8 and asked if this is a generic ordinance. He also inquired about the section on spraying houses and if houses then can only be sprayed with water or if soap can be used too. Trustee Ponio stated, the way that this is written, it would be an illicit discharge attached with a fine. Trustee Ponio pointed out on page 2 – connection. He questioned if throwing snow, when salt is present, is that an illicit discharge also. Trustee Ponio referred to the road debris that is also mentioned and questioned if that is illicit discharge too. On page 3, Trustee Ponio pointed out that in certain areas of the Village, such as in the older section, there are no curbs and gutters so if one is washing his/her house or say paint drips, can a person be fined if it goes into the road. Trustee Saville replied that the state is putting this forward in an attempt to help step run off. He will have to run these questions by Baxter & Woodman. Trustee Garling pointed out that this ordinance would also back the Village's Green Resolution that they passed several months ago. Trustee Saville will provide these questions to Baxter & Woodman and then report back to the Board. This will be on next weeks agenda for a vote.*

7. Discussion of Lake Management Committee's suggestion of ordinance change regarding buoy placement around Island Lake – Trustee Ponio

Trustee Ponio stated that Jeff Block, Chair of Lake Management, has presented this amendment to him as the buoys appear to creeping further and further out. The ordinance would also make changes to pier posts. Trustee Ponio explained that the buoys appear to be creeping out further and further and they are asking to amend the ordinance and move the buoys back. Lake Management asked the Board to look at this. Mayor Hyde asked if there is wording available with regard to the amendment being requested. Trustee Ponio replied that it is listed on the sheet that he passed out and there are pin numbers on the back. Mayor Hyde asked if the Board would like to vote on the adjustments at a following meeting and no one objected. Trustee Ponio suggested that if anyone had questions or needed more information to contact Jeff Block. Trustee Ponio stated that they are asking for one further ordinance amendment request. The pier posts for all docks to be galvanized or stainless steel only so there would be no more wooden posts. Trustee Verciglio asked if copies will be provided then with the changes to the ordinances and who will prepare the paperwork. Trustee Ponio replied that Scott can look at these as well as he pointed out that from what he handed out he marked already in a different color what the changes would be. Trustee Herrmann asked about the change in buoy placement and Trustee Ponio reviewed the new placement being requested which is located more where the lake narrows vs. out in the middle of the water. It is difficult for the boats to turn around. They are no wake buoys.

Old Business

1. Items to be voted on at the next weeks meeting – Mayor Hyde

Mayor Hyde said that Clerk Kaczmarek passed out a preliminary list to the Board. Mayor Hyde also stated that he has asked Trustee Ponio for a template for the Plan Commission and Zoning Board matter for next weeks meeting as they have been invited to attend. Mayor Hyde read off the list. Nothing further was stated to add to the list for next week.

Motion by Trustee Garling, properly seconded to open the meeting to the floor. All in favor.

No comments from the public.

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

Items from the Village Clerk, Trustees and Department Heads

- Trustee Saville pointed out that the Board agreed to have public comment after Items from the Mayor. This will be changed accordingly.
- Trustee Saville passed out to the Board Members a disciplinary form. This form is approved by and used already by Public Works. Trustee Garling asked if this is a sample and Trustee Saville replied that it is already being used. Trustee Saville replied that it is a basic form. Trustee Garling questioned if the Board should be approving a form to use. Trustee Herrmann stated that the Board has to decide yet who is allowed to write people up.
- Trustee Saville stated that he ran for office for policy and procedures that he felt were not properly in place and were different depending upon who the person was. On the 10<sup>th</sup> of January, Trustee Saville said that Mr. Michaels from the Sanitary District came to the meeting and stated that he wanted to speak about Timber Trail and that it is legally a road in the Village and that the Village has a right and obligation to the Sanitary District. Mr. Michaels also stated that ownership is irrelevant. He said too that the Sanitary District owns half the road and the adjacent property owners on the road own the other half of Timber Trail. Mr. Michaels said if there was an intent to surrender and/or to dedicate the road for public use. He said too if the actions of the people were to make a road public and the Village accepts the responsibility, it becomes a public road. Trustee Saville said that Trustee Garling had said in a previous meeting "that the Village has set precedence and once one is set, it is difficult to get away from and Trustee Ponio then questioned what about the maintenance of the road to the Mayor as one of the owners of the road has offered to pay for it". Trustee Saville said all of this controversy has come about due to plowing private property. He questioned what type of policy the Village is setting by plowing private property. Trustee Saville said in the conversations the Board has had, Mayor Hyde stated at the prior meeting, that down in the older part of town, there is private property that extends over and into various roads. He brought out an old plat of the Village

from the late 50s. The plat shows that the Village has a right of way on the roads and that they are not private property. He asked Mayor Hyde to show him and the Board where the private property is. He said that Mayor Hyde also said that the Sanitary District is a tax base for our Village. Trustee Saville stated that this is incorrect and they do not pay taxes, no one on Timber Trail, pays taxes to the Village. He gave an example – Kora Lane and Timber Trail – Timber Trail is a substandard road and not wide enough and is in bad need of repair. In conversation, there has been talk about taking this road over and Trustee Saville would like to know why being that it's a substandard road and they are not taxpayers on that road. He said Kora Lane meets the Village standards and that it is a brand new road as well as it services the bank yet the Village does not plow Kora Lane and she is also paying taxes to the Village. Trustee Saville does not understand still why the Village wants to plow Timber Trail because this was done in the past. He wants to know what it would take, to show this Board, that this road is not the Village's responsibility. Trustee Garling suggested looking at the past minutes of the past meetings where the Board has consistently has asked for proof – they have seen documents from the Sanitary District, with the Village seal on it too, that the Village did annex them into the Village. He said if it was not done properly, they should then ask for it to be done properly. Trustee Garling mentioned also about speaking to the owners along the road about them considering having the road dedicated to the Village. He said that everyone is looking to an answer to this problem. Trustee Ponio stated that at the last meeting it was his understanding that the Board had decided to have the Attorney look into this matter and see who actually owns this road. Trustee Herrmann stated that at the last meeting she understood that the residents along Timber Trail would be discussing this matter with their own attorneys and each other how they would like to handle this matter. She feels it is in those residents' hands at this time until they get back to the Board. Trustee Sadoski agreed with Trustee Herrmann. Trustee Saville replied that again annexation and plowing private driveways are still two different things. He said that one can be annexed into the Village and still have private property. Trustee Saville stated that the Sanitary District has said that the main intent was to have the road dedicated to the Village way back when. Trustee Saville handed the Clerk, for the records, as well as handed Trustee Garling a copy, of a document from the sanitation district – Trustee Garling read exhibit B 716885 additional terms and conditions. The exhibit stated that the Sanitary District will have the sole responsibility to maintain said roadway including seal coating and snow plowing. Trustee Garling said though that this document does not say anything about Timber Trail, Northern Moraine, the Village, etc. Trustee Saville stated that he has in his possession 3 easement agreements for the three addresses on Timber Trail. He offered to make a copy for any of the Board Members if they would like one. Trustee Saville said these are public documents and all have been filed with McHenry County. All 3 easements, which are the same, that the intent of the Sanitary District was to get the easements and that they would take care of the area and road. Trustee Saville again stated that the Village does not do private property.

Mayor Hyde said the map shown this evening doesn't show though where the properties run and where they run into the roadways. He said the stakes have to be looked at and that in some cases, the Village road runs right in the middle of someone's front yard. Mayor Hyde said that the Village does not own all the roads here in the Village. He said that if the Village does now plow private roads, this is a serious problem especially with the original part of town. Trustee Saville stated that this has nothing to do with private property. Mayor Hyde said though they are also talking about the plowing private roads this evening. Trustee Ponio stated that he has one issue – the last sentence in item 1. He questioned when the Village decided that it was their responsibility to take care of Timber Trail when within the agreement, it is the Sanitary Districts responsibility. He would like to know when the decision was made and who made the decision. Trustee Garling replied that this was a matter that was decided by some other Board and has nothing to do with this group making a decision that is sitting up here today.

Trustee Saville pointed out too that all the documents pertaining to this matter were filed by Mr. Diamond in a matter of 4 days. He questioned the fact that Mr. Diamond represented the Village and also represented the Sanitary District. He stated that he is wondering what financial interest Mr. Diamond had with the Sanitary District besides being their attorney. He stated that he would really like to understand all of this. Trustee Garling stated that it sounds like an accusation. Trustee Saville replied that it is not and that he is merely asking a question. Trustee Garling suggested that Trustee Saville be careful as this is a public meeting. Trustee Saville again stated that he is only asking a question. Trustee Ponio asked again who decided to plow Timber Trail on the Villages behalf. Trustee Sadoski stated that they have already asked the residents that live down that road to see if they would consider dedicating their road to the Village and that the Board should wait for their answer. Trustee Herrmann expressed her frustration stating that she is tired of hearing the same questions asked over and over and over again when

necessarily like the answer that they are getting. Trustee Saville replied that they are here as Board Members to make and set policy. Trustee Herrmann would also like to wait and see what those residents would like to do.

- Trustee Herrmann reported that she would like to begin the budget process. As done in the past, she would like to give each Department Head a half an hour to 45 minutes. Two budget meetings are scheduled: February 25<sup>th</sup> and 26<sup>th</sup> at 7:30 pm.
- Trustee Saville requested executive session for personnel. Trustee Garling requested executive session for land sale. Trustee Sadoski requested executive session for contracts.
- Trustee Ponio reported that he has spoken to Sente Architects. They would like an hour of the Boards time for a presentation regarding Village Hall. There are 4 total companies that would like to present to the Board.
- Trustee Ponio met with Frank DeSort and Kevin Sutherland regarding Village ordinances. Mr. Sutherland will work on a proposal for the Village regarding the ordinance book for around February 26<sup>th</sup>. He also has to speak with the Village Attorney. There were monies in the budget last year for this.
- Trustee Ponio mentioned the topic of condemning private property. He said that this was briefly spoken about last week and the comment Trustee Ponio would like to make is that he does not want the board to forget nor drag their feet on this matter. He has asked about this previously, even before becoming a Trustee, about the access to the new water tower and where it comes from. Trustee Ponio said, in the emails he has reviewed, he read a couple of lines from various emails. He said that Mayor Hyde has said that he is not aware of discussions about condemning property. Mayor Hyde replied that no, he does not think the Village has any intention of condemning because it is an easement by perpetual use that the Village obtains. He said that the Village obtained the easement and as developments are looked at, the road will still be there as a rear exit from the developments. He does not anticipate in any point or time vacating that road in its entirety. Trustee Ponio replied that the drawings show this, when the road gets realigned towards Fisher Road, that Dowell Road when it comes around the sharp end, gets cut off. He said that there are two property owners on Dowell Road, Mr. Wargaski and the nursery owners. They both own that property/Darrell/Dowell Road. Both are private property owners. Trustee Ponio stated that in order for the Village to have access, they are going to have to condemn private property in order to do this and he does not feel that this is fair and is not the right thing to do. He will be making the emails available to the public for their view. He would like the public to read them and ask questions.

#### Items from the Mayor

- Mayor Hyde mentioned the material received from Organics which is the Crown Farm recycling program which is expanding. Legal services and increasing costs was also distributed to the Board Members.
- Mayor Hyde met with Frank and Willie regarding Village Hall concepts. Each contractor in the past met with both of them to review the building. He is not sure if all the departments were met with though. Trustee Ponio replied that they probably can too speak with each Department Head on the phone. Mayor Hyde said that they spent extensive time with the PD and John Little at one point. They also had calculations that they came up with for space needs.
- Mayor Hyde passed out a letter received from Fundraising Recycling Clothes Now. There are Village restrictions however per our ordinances. St. John church has one in the back of their building. They are requesting to put two in the Village. Trustee Herrmann replied that she believes too that the Village has restrictions and/or prohibits these.

Motion by Trustee Garling, properly seconded to open the meeting to the floor. All in favor.

Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek stated that there was a red flag raised earlier in term of finances when discussing the idea of purchasing two truck for Public Works which are much needed items. He said once again he is hearing that the budget is tight. Mr. Kaczmarek said that this goes back to impact fees. He said that the Village is already struggling to maintain what it has and is having difficulties coming up with monies for purchasing much needed items and now there are new subdivisions being proposed which need to be taken care of also so, there are financial strains. He stated that again, there are no impact fees that are going to the police department nor public works. Mr. Kaczmarek said the Board should be asking themselves again too why they are taking care of Timber Trail which is another financial strain. It's a road that the Village can't afford to maintain let alone repair. Mr. Kaczmarek addressed Trustee Sadoski stating that she keeps brining up the word intent.

*He does not understand the word intent because there are contractual agreements and it doesn't matter what the intent is. He said there are many homes even being foreclosed on now and those people probably didn't intend for this to happen but it is. The contractual agreement though says that if you don't pay for it, you loose it. Mr. Kaczmarek said he is tired of hearing about intent.*

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

*Motion by Trustee Garling, properly seconded to go into Executive Session. All in favor.*

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

*Motion by Trustee Garling, properly seconded to adjourn the committee meeting. Being that no further business was discussed, the meeting adjourned at 10:49 pm. All in favor.*

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*Christine Kaczmarek, Village Clerk*