

**MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 10<sup>th</sup> DAY OF APRIL 2008**

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**CALL TO ORDER** Mayor Thomas P. Hyde called the meeting to order at 7:35 pm. Those present stood and pledged allegiance to the flag.

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

Also in attendance was: Village Attorney Scott Puma, Ancel Glink; Captain Joseph Arrizzi; Sergeant Scarrione; and Connie Mascillino, EMA Director.

**Consent Agenda**

Consent Agenda Items: (Items under the Consent Agenda are considered routine and/or non-controversial and will be approved by one motion. If a board member wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.)

1. Approval to pay the bills
2. Approval of Minutes – March 6, 2008, March 13, 2008 and March 27, 2008
3. Approval of Committee Reports:
  1. Building, Zoning & Ordinance
  2. Finance & Administrative
  3. Police & Public Safety
  4. Parks, Recreation & Education
  5. Public Works
  6. Economic Development
4. Approval of Proclamation announcing May as National Preservation Month – Historical Society

Motion by Trustee Herrmann, properly seconded to approve the Consent Agenda.

Trustee Ponio questioned the payment to Bartnick in the amount of \$588. Trustee Saville explained that 2 public works employees were off/ill so they were short staffed during a major snow storm and needed assistance with snow removal. He said that this was last minute and Bartnick agreed to do it right away. Trustee Ponio commented that Bartnick is a personal friend of Mr. Kootstra. He suggested that public works keep a list on file of those that the Village can use for last minute snow removal assistance. Trustee Saville said that Bartnick is reliable and he has a very good track record with the Village.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

**Agenda**

1. Discussion of de-annexation of Northern Moraine Wastewater Reclamation District from the Village of Island Lake – Attorney Puma and Trustee Saville

Trustee Saville stated that he brought this matter up last week as other than the original paperwork received by Northern Moraine, the Village has heard nothing further. He said that Northern Moraine is most likely working on their legal defense and was wondering if Island Lake is taking a defense of some sort. He questioned if the Village is taking an aggressive stance or not so that everything is not left until the last minute. Attorney Puma explained that there is process to follow in this matter. He said that this is the first step and that there are no requirements for a public hearing.

Attorney Puma explained that if the Board votes yes to disconnect them, then the Board has to file a disconnection ordinance. If the Board votes no, that they stay in the Village, the next step for Northern Moraine is to bring court action and file a suit against the Village to disconnect. He said that there are four statutory factors that they would have to prove. Trustee Saville asked if it would be fair though for the Board to take a consensus in order to give legal an inkling of how they would like to proceed so legal know what to do. Attorney Puma said that if this gets to court, then yes, the Board will have to direct legal. He said at that time the Board will discuss its defense. Trustee Saville said that he also brought up a matter of Roberts Rules as every time representatives from Northern Moraine are present at the meeting, there is dialogue between the Mayor and the President of Northern Moraine and he questioned if it is okay for the Mayor to enter into debate like this. Trustee Saville said, that because Mr. Michaels was entertained in dialogue, the discussion suddenly went from plowing to a road coming into the Village as the Mayor and President of Northern Moraine were in discussion, not the Board. He feels that the Mayor should waive his seat in order to enter into debate. Attorney Puma stated that the Mayor has the right to voice his opinion. He said that the Mayor does not vote except for very particular reasons and in certain statutory situations. Mayor Hyde replied that he asked for the Boards approval for Mr. Michaels to speak and that he relayed certain questions to Mr. Michaels that were expressed to him. Trustee Saville replied that he does not feel that Mayor Hyde is unbiased and that not once since they have been sitting up there as a Board has he heard Mayor Hyde defend the Village. Mayor Hyde replied that he did defend the Village and said that the Village should continue the plowing of Timber Trail. Trustee Saville said that is not in defense of the Village as that is a private road. Mayor Hyde said again that he feels that the Village should be plowing the road. Trustee Saville commented that contracts prevail and that the Mayors debates changes and sway certain subjects. Mayor Hyde commented back to Trustee Saville that Trustee Saville has attempted in the past to try to stop him from speaking. He feels that his opinion should be heard just like everyone else's is heard. He said that if he has an opinion, everyone will hear it. Trustee Saville questioned Attorney Puma then if everything should basically wait then until April 24<sup>th</sup> and Attorney Puma replied that the Board Members have all received the letter from Northern Moraine and that there is nothing else to do at this time. Trustee Herrmann said that she would like to see Northern Moraine stay in the Village and Trustee Verciglio agreed as well as Trustee Saville. Trustee Herrmann feels that a heart to heart talk would be better with Northern Moraine. Trustee Ponio said that there is really no benefit to Northern Moraine leaving but who is to plow that road is still an issue. He commented that nothing was really ever resolved. Trustee Ponio said that if the paperwork says that Northern Moraine is to take care of that road, they should take care of their own road. He said if for years this was done differently and the Village was taking care of the road anyway that that does not make it right. Trustee Herrmann commented that all the paperwork did come forward for the Boards review and she said that they all have to talk and come up with a plan. She said that the neighbors too that live down that road never came back to the Board either. She added these issues should not revolve around a possible de-annexation. Trustee Ponio said that that's where it all started though and that this is probably their way of expressing their anger. He said the issues have to be revolved in order to carry forward. Mayor Hyde added a comment that Northern Moraine has also expressed an issue with hooking up to the water. Trustee Saville questioned if they are within 450 feet of a water main and that this is a Village ordinance and all need to be adhering to it. Mayor Hyde said that all of this is a result of pushing, antagonizing them, etc., and that this is now not a good situation. He said that Northern Moraine does not want to be part of the Village. Trustee Saville said that ordinances are ordinances and that everyone needs to follow them.

2. *Approval of Historical Society of Island Lake's recommendation to recognize Gate 3 stone monument for historic significance and allow the Historical Society to affix a bronze plaque to the monument acknowledging its historic significance – Historical Society*

Connie Mascillino announced that they are having a ceremony on May 24<sup>th</sup> to affix the plaque to Gate 3 at 2:30 pm and she welcomed the Board Members to attend. Trustee Saville asked if the wall is in good condition. Ms. Mascillino explained that a couple of years ago they had some restoration work done on it and they will continue to monitor it. She said it is in good condition at this time. Trustee Ponio suggested traffic enforcement the day of the event.

*Motion by Trustee Herrmann, properly seconded to approval the recognizing Gate 3 monument for historic significance and affixing a bronze plaque to it.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

3. *Approval of amendment to Pier ordinance to include aluminum pier posts along with aluminum piers Chapter 10, 8-10-4*

*Motion by Trustee Herrmann, properly seconded to approve the addition of aluminum pier posts and aluminum piers to Ordinance 8-10-4.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

4. *Approval of dispatch agreement with Port Barrington – Mayor Hyde*

*Motion by Trustee Herrmann, properly seconded to approve the dispatch agreement between Island Lake and Port Barrington.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

5. *Approval to sell personal watercraft currently located at the Police Department – Mayor Hyde*

*Motion by Trustee Herrmann, properly seconded to approve to see the personal watercraft currently located at the Police Department.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

6. *Approval of AT&T easement – Mayor Hyde*

*Mayor Hyde stated that he spoke to AT&T and they were supposed to get in touch with Trustee Ponio in order to answer his questions. Trustee Ponio has not spoken to them yet.*

*Motion by Trustee Herrmann, properly seconded to approve the AT&T easement.*

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

7. Discussion of SSA and the process for opting into the SSA – Attorney Scott Puma

Attorney Puma said that there is an assessment that appears on tax bills of those in the SSA. In order for these individuals to opt back in, they have to each have a public hearing. He said that the assessment appears on those individuals tax bills. Attorney Puma suggested having these individuals too that want to opt back in, be responsible for attorney fees as well so there is no cost to the Village. Trustee Ponio asked what the main purpose is for opting back in and Attorney Puma replied to be on the Village's public water system. Trustee Ponio questioned the attorney fees and Attorney Puma suggested that possibly several homeowners should get together and maybe go through this process at the same time and share the attorney fees to save money. Attorney Puma will investigate this further and send a memo to the Board.

Motion by Trustee Herrmann, properly seconded to table items 8 through 14. She stated that these items could take more than 2 hours and there are many people in the audience this evening that would also like to address the Board as well as the Board agreed to try to end meetings by 10 pm.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

Items from the Village Clerk, Trustees and Department Heads

- Trustee Ponio commented to Trustee Herrmann that he feels that that was a very political move on Trustee Herrmann's part to table all of Trustee Ponio's items on the agenda. The items were moved to the next meeting.
- Trustee Ponio explained that he contact Frank DeSort and that Mr. DeSort is telling Mr. Ponio that he is not entitled to the plats, etc. He stated that as a Trustee he is entitled to see everything. Trustee Ponio said that Mayor Hyde has said that no project will go through unless everything is in place including all the proper paperwork. Mayor Hyde stated to Trustee Ponio that he needs to find a way to get along with his department. Trustee Ponio stated that all he asked for was to see the drawings and they were refused. HE said that he is the Chair and he wants to review the drawings to make sure that they need all the Village ordinances. Trustee Herrmann commented that this subject is a very fine line as it is personnel and should probably be discussed in executive session instead.
- Trustee Ponio asked why Old Business and New Business is not on the agenda. Trustee Herrmann said that she thought that hat was for the working meeting once a month, not the voting meetings. She also explained that former Trustee Sadoski was supposed to be handling the list for under each category but that no one has since taken that over.
- Trustee Herrmann scheduled a budget meting for Monday, April 14<sup>th</sup> at 7 pm at Village Hall.
- Trustee Herrmann mentioned the Village fireworks. She said that several residents have called her and they are committed to actively seeking donations so that the Village can still have the Fireworks this year. She would like to further discuss this at the budget meeting on Monday with the Board Members.
- Trustee Verciglio requested executive session for litigation.

- *Trustee Verciglio questioned a past ordinance change that was never taken care of regarding items that needed to be listed on park signs. Trustee Ponio replied that he turned it over to legal and he does not hear back from legal ever so he's not sure where Attorney Puma is at with this matter. Attorney Puma replied that he does not recall this matter. Trustee Ponio suggested that Trustee Verciglio handle this as it has to do with parks and he can possibly work with Attorney Puma. Trustee Verciglio said that residents are having issues with dogs. Trustee Ponio replied that Attorney Tappendorf pointed out at that same meeting that there is a general provision within the Village ordinance that allows for a fine to be placed on this matter of an ordinance violation.*
- *Trustee Saville reported that there is a lot of flooding in the area due to the rain. Back in August, Baxter & Woodman talked about a beaver dam but it was never completed and the matter appears to be getting worse. He said that this is an every business item and that he will have Public Works look into this matter. Trustee Saville stated that he has been accused of causing problems with some of the employees in the Village and if items that come up are every day items, he will have public works just take care of them. He commented though that the employees are paranoid it seems to take any action without everyone's approval first. Trustee Saville said that something like beaver dams, and/or any other every day business items, should not have to come before the Board every single time. He will speak with Willie Kootstra and Kevin Sutherland about the beaver dam issue. Trustee Saville said that he was told by the Board that public works should do their job and get the work done so, they will continue to do their jobs and get the every day items accomplished.*
- *Trustee Saville mentioned an email today that was received regarding liquor licenses. He commented that there is not a solid property program in place. Mayor Hyde said that there seems to be. Trustee Saville asked who distributed the last liquor license application and Mayor Hyde replied that he did. Trustee Saville suggested that someone get with the Village Clerk and set up a standard and procedure so there is no more confusion. He commented that it's not good that there is not a proper application, a blank application, on file within the Village Office.*
- *Trustee Saville requested executive session for litigation and personnel.*
- *Trustee Saville questioned the Pine Ridge matter and Attorney Puma suggested executive session for that matter as well.*
- *Connie Mascillino reported that EMA met with Wauconda's EMA in an effort to work on coordinating efforts in the event of an emergency.*
- *Ms. Mascillino mentioned that in May there will be the Gate 3 ceremony and she will keep in touch with the Board about this event.*

*Items from the Mayor*

- *Mayor Hyde passed out a memo from Scott Wilson regarding a right turn in and a right turn out possibility for a new business area across from the Walgreens. He stated that if the Board is willing to approve this, they will be moving forward with a bank in that location. Mayor Hyde asked if the Board is willing to consider this. Trustee Saville asked who owns the access road. Mayor Hyde replied that probably Ms. Smith owns Kora Lane. Trustee Saville asked if someone has checked with her. Mayor Hyde said there is an agreement for the access road but that is not an agreement that anyone at this time will go along with. Trustee Saville said that Kora Smith nor the bank that is there right now, neither one has access off of 176 right now. Mayor Hyde said it should help the movement of traffic if it is placed there. Trustee Saville disagreed stating that getting out on 176 at this point is like trying to get out onto 176 from Lakeview Drive. Mayor Hyde said it's a right turn in and a right turn out. Trustee Saville that anyone coming down west will have to go down Newport Court and come in the access road anyway. Mayor Hyde said that that was correct and that this is the same situation as across the street. Mayor Hyde said there too is a right turn in and a right turn out – the location between Walgreens and McDonalds. He said this would be the same thing. He said that this works very well with traffic flow. Trustee Ponio said that the access road by the day care center and the bank as it is right now is very narrow and he feels that the road should be reviewed and brought up to code because there is a substantial amount of traffic on that access road already. He said that the road is barely wide enough as it is right now. Mayor Hyde said that Mr. Wilson is seeking Board endorsement before they will do anything. Trustee Ponio feels it is okay but that they should be responsible for improving the road. Trustee Saville concurred. Mayor Hyde took a consensus with the matter as is, as it is presented, and Trustees Ponio, Saville and Verciglio do not agree to the right turn in/right turn out unless the access road is agreed to be improved by the developer and appropriately widened. Trustee Herrmann agreed to the matter presented. She feels there is no reason not to allow this.*
- *Mayor Hyde reported that Trustee Garling is moving forward with the distribution of the free light bulbs.*

- *Mayor Hyde reported that Jose Rojas is interested in purchasing the Grape Vine restaurant.*

*Public Comment Any person wishing to address the Village Board must be recognized by the Mayor and provide their name and address for the record.*

*Motion by Trustee Herrmann, properly seconded to open the meeting to the floor. Upon voice tone, motion was unanimously declared carried.*

*Laurie Rabattini, 4702 Southhampton: Ms. Rabattini questioned ordinance 1327. She asked to paraphrase it to make sure that she has it right – the Village spend about \$200,000 thousand, give or take, for engineering, discussed ordinance amendment with the Plan Commission, the Plan Commission voted against it so, the Board passed 1327 but yet Trustee Ponio questioned the ordinance and then state law came forward which supposedly over rides the Village ordinance. Ms. Rabattini asked if a re-vote is planned for then. Attorney Puma replied that there is no reason for a re-vote. He explained that the Board voted on the ordinance and the ordinance is void, the ordinance set a higher threshold of authority so there is not reason for a re-vote. Ms. Rabattini asked why there isn't a re-vote because the Board voted on the basis on that ordinance. Attorney Puma asked Mr. Rabattini what her authority is. She stated that she did not understand what Attorney Puma was asking and he rephrased the question asking Ms. Rabattini who her legal representation is. Ms. Rabattini questioned the case law presented by Attorney Puma. Attorney Puma commented that he does not agree with Ms. Rabattini and that ordinance 1327 is valid. Ms. Rabattini asked Sergeant Scarrione a question – she asked if he knows the policy on police reports. She asked if someone is in a car accident and they request a report, if they are to receive the report and Sergeant Scarrione replied yes. Mayor Hyde added though, if the person is not directly involved, he/she needs to fill out a FOIA request.*

*Ms. Mayer 3718 Lynden Drive: re: the retention pond in Southport Village. The resident spoke to the residents in her immediately area and put together a petition/signatures for Mayor Hyde. She said that Hale Lane is now under water and that this situation is bad and wanted to know where the Village is at with this matter. Trustee Saville replied that yes, the water is up to Hale Drive as there is currently a lot of run off water. He said that Public Works plans to pump the water out again on Friday. Trustee Saville stated that he would like to remind this resident, as he already had explained to her on the phone earlier, that Public Works did take care of that pond in the past; however, this was a “good feeling” type of situation and that no one had gone over the legal documents in the past. This was recently done and the Village discovered that Southport pond is a private pond, not a pond the Village is responsible for. He stated that this is in the annexation agreement, that the homeowners of Southport are to take care of their car, not the Village. He said it is private property and the responsibility of the homeowners association. Trustee Saville said that Mr. Kootstra called him and that yes, Public Works will do its part and pump out the water. He said that he explained to Jean on the phone that the association will be billed for this matter. He said that it is not his intent for people to flood it's just that there is a situation here, because of a contract or annexation agreement which has laws within it, that the Village has to follow. Trustee Saville said that the Village is bound by such contracts/annexation agreements and what is within them.*

*Ms. Michelle Berthold, 108 Janet Drive: Michelle said that she had heard that the fireworks were cancelled this year and she offered to be of help in order to help make the fireworks happen. Trustee Herrmann offered for Michelle to call her next week and they will put a plan together and a group of people and start working on donations. Trustee Herrmann explained that the Village has to live under a balanced budget and right now there are issues. She said that the Board is responsible to the residents and that the budget needs to be balanced. Mayor Hyde mentioned that some residents have even asked if the fireworks could be downsized vs. being completely cancelled.*

*Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek reiterated that Mayor Hyde feels that it is okay to plow Timber Trail even though Trustee Saville brought paperwork forward that directly states that they are responsible for their own road. He said that now there is a water hook up issue and Northern Moraine now does not want to hook up to the Village water system. Mr. Kaczmarek said that these are just two reasons as to why the Villages funds are so slim. He added that the Village should not be taking care of items to which the Village is not responsible for. He questioned why the Village did not know that they were not responsible in the past as it has cost the Village a lot of money over the years.*

*Mr. Kaczmarek stated that Northern Moraine should be held to the Village ordinances just like everyone else but Mayor Hyde projected an attitude and appears to not be happy when everyone does not necessarily agree with him completely. Mr. Kaczmarek stated that he would like to have a well on his property to water the grass but, he can't per the Village ordinances. He said that he hunts too but he is not allowed to hunt on his property as that is the Village ordinance too. Mayor Hyde replied that Northern Moraine is not happy and that the pressure is there for them. He added that the road is there's; maybe the Village shouldn't plow it. Mayor Hyde stated that there are roads in the original part of town too that the Village does not own yet the Village plows those roads. He said that the Village should continue to plow all these areas. Mr. Kaczmarek commented though, that Northern Moraine bills the Village and the Village pays their bills to them. Mayor Hyde replied that the Village receives discounted billing though and that could now change. Mr. Kaczmarek added that it's odd too that the same attorneys represent both the Village and Northern Moraine.*

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

*Motion by Trustee Herrmann, properly seconded to go into Executive Session for personnel and litigation. All in favor.*

*Clerk Kaczmarek was excused from Executive Session and changed tapes at 9:50 pm.*

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*Christine Kaczmarek, Village Clerk*