

**MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF
ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 22nd DAY OF MAY 2008**

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:07 pm.

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

Also in attendance was: Attorney Scott Puma, Ancel Glink and Sergeant Scarrione.

AGENDA

Call to Order

Appropriation Hearing

Trustee Herrmann presented the appropriation to the Board.

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

No comments.

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

Motion by Trustee Herrmann, properly seconded to approve ordinance 1328-08 appropriation ordinance.

Upon roll call, Trustees voted as follows:

AYES: Trustees Garling, Herrmann and Verciglio

NAYS: Trustee Ponio and Saville

ABSENT: None

ABSTAIN: None

Motion was declared carried

Adjourn Appropriation Hearing

Motion by Trustee Herrmann, properly seconded to adjourn the appropriation hearing. All in favor.

Appropriation hearing ended at 7:12 pm.

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

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

Also in attendance was: Attorney Scott Puma, Ancel Glink and Sergeant Scarrione.

Agenda

1. Approval of Engineering Services Agreement for Fen View Circle PRV/Booster Pump Station project with Baxter & Woodman in the amount of \$19,800 – Baxter & Woodman/Trustee Saville

The \$19,8000 is coming out of the developer escrow account. Trustee Ponio asked where Fen View is and the cost for the project. Kevin Sutherland of Baxter & Woodman replied that the estimated total is about \$140,000. It was stated that the Fire Department knows about occupancy and they are the ultimate say and could allow less of a flow. They are looking for 1000.

Trustee Garling questioned the life of the pump and Mr. Sutherland replied about 20 years. He also questioned the maintenance costs and Mr. Sutherland replied that he hasn't completed the cost estimate as of yet.

Motion by Trustee Saville, properly seconded, to approve the Engineering Services Agreement for Fen View Circle PRV/Booster Pump Station project with Baxter & Woodman in the amount of \$19,800.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 2. Approval to accept Rooney Consulting proposal for full time observation for the CDBG 2007 Construction Engineering in the amount of \$30,000 – Neal DeYoung/Trustee Saville*

There is \$41,00 actually in the budget for this project. Rooney Consulting will oversee the project on a full time basis for \$30,000. Trustee Ponio questioned why Baxter & Woodman is not handling this and Trustee Saville replied that their bid was higher. Mr. Sutherland showed on the map the project area.

Motion by Trustee Saville, properly seconded, to approve to accept the Rooney Consulting proposal for full time observation for the CDBG 2007 Construction Engineering in the amount of \$30,000.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 3. Approval to accept the bid from Elmwood Enterprises, Inc. in the amount of \$524,947.25 for the 2007 CDBG Water System Improvements – Baxter & Woodman*

Motion by Trustee Saville, properly seconded, to approve to accept the bid from Elmwood Enterprises, Inc. in the amount of \$524,947.25 for the 2007 CDBG Water System Improvements.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 4. Approval of signs and to waive the permit fee for: Creative Playtime Enrollment May 26th to June 13th, Village Wide Garage Sale June 20th to June 22nd, 4th of July Picnic on the 4th of July – Trustee Verciglio*

Trustee Garling asked that the blocking of intersections though be watched out for with these signs so this does not happen and cause a hazard.

Motion by Trustee Verciglio, properly seconded, to approve to signs and to waive the permit fee for: Creative Playtime Enrollment May 26th to June 13th, Village Wide Garage Sale June 20th to June 22nd, 4th of July Picnic on the 4th of July.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 5. Approval to waive the garage sale permit fees for the Village Wide Garage Sale June 20th to June 22nd*

Motion by Trustee Herrmann, properly seconded, to approve to waive the garage sale permit fees for the Village Wide Garage Sale June 20th to June 22nd

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 6. Approval to post CarpFest signs in the Village and to waive the sign permit fee*

Trustee Saville asked that item 6 and 7 be pulled from the agenda as CarpFest is cancelled for 2008.

Motion by Trustee Garling, properly seconded to pull agenda item number 6 and 7 from the agenda.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 7. For CarpFest June 28th and 29th - approval of 50/50 raffle permit and approval to waive the fee, approval to use Eastway Park, and approval of temporary tent permit and approval to waive the fee – see above*

- 8. Approval of Appropriation Ordinance 1328-08*

Motion by Trustee Herrmann, properly seconded to approve Appropriation Ordinance 1328-08.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

- 9. Recommendation and approval of Connie Mascillino to be appointed to the vacant Trustee position – Mayor Hyde*

Motion by Trustee Herrmann, properly seconded to approve the appointment of Connie Mascillino to the vacant Trustee seat.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

10. Request for variance to allow for private well usage for Sant Baba Daljit Singh Sikh Mission at 217 W. State Road – Trustee Garling

Trustee Garling stated that Baba Singh had given him a letter regarding the well and asked to have both – to keep his well as well a hook up to the Village water system. Baba Singh is asking to keep the well to water the grass/landscaping as well as for religious ceremonies, Trustee Garling said. The Board opened up the meeting to Baba Singh. Baba Singh explained that he would like to keep his well in order to water the grass, flowers, etc., and for religious functions. They have to use ground water for certain religious services. Mayor Hyde said that the business on Bassler Drive ran the water main and the main is now located near the Church so the Church will need to hook up. Trustee Saville replied that he is opposed to this. He stated that in 2006, the Sikh Mission had the same request but it was denied and they were to hook up to the Village water system. He explained that the Sikh Mission, along with 15 others, received a letter to hook up. On May 3, 2008, at 12:27 pm, a message was left for Neal DeYoung from Baba Singh. Mr. DeYoung called Baba Singh back on May 8th and Baba Singh explained that they will be hooking up to the water system but that they would like an extension. Baba Singh was instructed to speak with Trustee Saville about this matter; however, Trustee Saville never received a phone call. Trustee Saville explained that hooking up is a long and tedious process. He said it is a difficult project but the water department is working hard on it. Trustee Saville reminded the Board that there is a Superintendent of Water, that's Neal DeYoung, and he is to be making these decisions. He questioned why this was taken out of Mr. DeYoung's hands and when is the Village going to stop such actions when there are ordinances in place with regard to hooking up to the Village water system and that they are to be followed. He said that businesses should hook up first and then come in with a request for consideration to keep their well. Trustee Saville said that Baba Singh was working with Neal DeYoung up to May 8th and then suddenly a letter appears from Trustee Garling on May 14th from the Sikh Mission. He stated that this matter should have gone directly to Neal DeYoung and he reminded Trustee Garling that he too said in a past meeting that "the water department should do their jobs". Trustee Garling stated that he is taking personal offense to this. He said that Baba Singh is following the ordinances by submitting a letter. Trustee Saville replied that Trustee Garling is circumventing this matter and questioned why Department Heads are not being gone to. Trustee Garling replied that in some cases, some people can choose to just come before the Board. Trustee Saville said again that there has not been one word mentioned to Mr. DeYoung about the Sikh Mission keeping their well. Baba Singh replied that he has to make the request to the Board, not to Mr. DeYoung. Trustee Saville reminded Baba Singh that he is way past the deadline for hooking up to the water system. Trustee Ponio agreed with Trustee Saville. He said that he too would like his well back in his yard, and so would his neighbor; however, they had to close their wells. He stated that some people in this Village are receiving favors and some are not. Trustee Ponio said that everyone should be hooked up per the Village ordinance.

Motion by Trustee Garling, properly seconded to approve the request for variance to allow for private well usage for Sant Baba Daljit Singh Sikh Mission at 217 W. State Road.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

11. *Referral to Plan Commission of proposed amendment to repeal 9-1-6C of the Zoning Code – Attorney Puma*

Attorney Puma stated that this is just for a referral to the Plan Commission. This will come back to the Board eventually for a vote. The meeting is set for June 12th.

Motion by Trustee Garling, properly seconded to approve the referral to the Plan Commission of proposed amendment to repeal 9-1-6C of the Zoning Code.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

12. *Referral to Plan Commission of proposed amendment to provisions of the Zoning Code concerning special use permit procedures – Attorney Puma*

Motion by Trustee Garling, properly seconded to approve the referral to the Plan Commission of proposed amendment to provisions of the Zoning Code concerning special use permit procedures .

Upon roll call, Trustees voted as follows:

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

Motion was declared carried

Items from the Clerk, Trustees and Departments Heads

- *Trustee Ponio requested executive session for land sale.*
- *Trustee Ponio discussed the parking issue outside of Village Hall. He stated that the Board meeting should taken precedence. He commented too that parking tickets were being issued by the PD. Sargeant Scarrione replied that he spoke with the Officers and they are taking care of the tickets. Mayor Hyde replied that yes, there is a parking problem, as there is a baseball game going on at the same time. Trustee Ponio suggested that maybe the baseball teams could alter their schedules and not have games the same nights as Board meetings. Mayor Hyde replied that Board meetings only effect a small portion of the parking situation. He said that the baseball games have as much priority as he Board meetings do. He said they pay taxes too and have rights. Trustee Ponio asked if LYAA is based in Island Lake and Mayor Hyde replied that he does not know. Mayor Hyde added that they pay taxes too as well as the Village endorses this group. Trustee Ponio replied that families who attend meetings also have rights too, to be here for Village meetings if they choose to be.*
- *Trustee Garling referred to the email re: the Intergovernmental Agreement with the 9-1-1 service. He said that the Village receives \$25,000 a year from this contract. Attorney Puma replied that he has not seen the contract. Sargeant Scarrione said that this is an on-going contract. Trustee Garling is asking this evening if it is okay for the Clerk and Mayor to sign the contract. Attorney*

- *Puma explained that it is state statute and there is formal procedure to be followed by the Board when voting on intergovernmental agreements. The Board members agreed to an extension of this contract based a formal vote at the next meeting.*
- *Trustee Herrmann reported that a group of residents are handing out fireworks donation flyers in the hopes of assisting with raising money.*
- *Trustee Verciglio questioned if the caller ID service on the PD end is corrected yet. Mayor Hyde replied that yes, in the majority of the 911 calls, the name and address does come through now. The system is somewhat limited. Trustee Garling reported that when he dials 911, he gets McHenry and then Wauconda and then Island Lake. Sargeatn Scarrione explained that that's the way that the system works unfortunately.*
- *Trustee Saville stated that the Water Department is in need of a part time person in the office. It is not in the budget; however, the Water Deparmtent does have funds available. Some of the work and projects are becoming overbearing and they need a part time helper. Trustee Garling inquired as to how many hours are needed and Trustee Saville said 15 to 20 a week. Trustee Herrmann asked if John Little was spoken to yet. Trustee Saville said that him and Neal DeYoung talked about this and now it's in front of the Board. He said that help is needed especially with the enforcement of the ordinances and the water hook up project. Mayor Hyde asked how many letters have gone out and Trustee Saville said 15 so far. He explained that this is being done in phases as there is a lot of work with this project. Trustee HErrman replied that she does not discount Neal DeYoung and the Water Deparment finances; however, she would like to see John Little spoken to too.*
- *Trustee Saville said that it was stated this evening that contracts, per state statute, have to be voted on by the Board. He said that they have been on the Board for a year now and that the Mayor has signed 4 or 5 contracts without the Board's vote. He signed several contracts without the Boards approval. Trustee Saville said that he brought this up already on June 14, 2007. He said that in the minutes from June 14th, Mayor Hyde stated that he will not approve any contracts nor sign any contracts without the Board seeing them and knowing about them. Trustee SAVilel said that the Mayor has now signed a contract with District 118 for room rental and there are funds attached to this contract. He questioned why this did not come to the Board for approval. Mayor Hyde replied that it is just for use of their facilities. Trustee Saville replied that the Mayor has already signed it and once again, there are funds attached to the contract. He said that this was just another example of something not being brought to the Board for their approval. He wants this contract recinded and brought back to the Board for a decision. Mayor Hyde replied that the facility is needed on a Saturday and that a large room is needed and that the Village has to apply for approval from District 118 in order to get on the list to hopefully get a room. Mayor Hyde said that it is just a request to use the facility. Trustee Saville said that this is a contract and there are monies attached to it and that it is not just an application. Trustee Herrmann replied that this is a building useage request, not a contract. She said it is an application and that District 118 has not accepted it as of yet. She said again it is not a contract.*
- *Trustee Saville discussed the previous liquor license issue with the Board. He stated that there is no liquor license available for Jerry DeLaurentis Jr. as the Board gave the license to Jerry DeLaurentis III. HE stated that the Board agreed to a new license to go to Jerry DeLaurentis III. Trustee Savilel said that the Village Clerk prepared the liquor license, to go to Jerry DeLaurentis III, as the Board had approved, and that there was not renewal available for Jerry DeLaurentis Jr. and questioned how it is though, that Jerry DeLaurnetis Jr. received a renewal license. Trustee*

Saville said that Clerk Kaczmarek was out of town when this took place and he wants to know what occurred. He explained that the license was whited-out by Mayor Hyde and fixed until the Clerk returned. He said that Mayor Hyde took a license and changed it and gave it to another business. Trustee Saville said again, that Clerk Kaczmarek was out of town and she did not sign the renewal license. He said that her name was used and is on that license yet the license was altered, by Mayor Hyde, without the Clerks knowledge. Trustee Saville said that this was incorrect to do and that the Mayor had not right to do this. He said that Mayor Hyde has broken the law. Trustee Saville stated that he will be calling every agency possible on Friday to see what can be done about this. Trustee Saville asked if a fine was issued by the Liquor Commission to Sideouts/3D Bowl for selling liquor without a proper liquor license. Mayor Hyde said no. Trustee Saville recapped his statement saying – while Clerk Kaczmarek was out of town, Mayor Hyde went into her office, took a liquor license, changed it and issued it to another business. Trustee Saville asked if the Mayor had John Little do it. Mayor Hyde replied that John Little went into Clerk Kaczmarek's office and got the license for him. He explained that Clerk Kaczmarek sent the Board an email on May 5th telling the Board that Sideouts/3D Bowl was selling liquor without a license for 5 days already. He said that he had no knowledge of this nor was the Board informed of this until May 5th. Trustee Saville said that the Clerk's signature is on that license and that the Mayor took it upon himself to take the license, without her knowledge and white it out and change the information on the license and then issued it to someone else. He said there is not renewal license available to go to Jerry DeLaurentis Jr. Trustee Saville said that the Mayor had not right to go into the Clerks office, and take something, without her approval and/or knowledge. He said that this can not be right. Mayor Hyde replied to Trustee Saville stating that he is so off balance with this. Trustee Ponio stated that Jerry DeLaurentis stated too, in a past meeting, that there would be no license being renewed. He said the current license expired. Mayor Hyde replied that Trustee Ponio and Saville do not understand this matter. It was stated that the Board approved a license to go to Jerry DeLaurentis III, not to Jerry DeLaurentis Jr. Mayor Hyde questioned how he is supposed to know. Trustee Saville replied that Mayor Hyde is the Liquor Commissioner for the Village.

Items from the Mayor

- Mayor Hyde reported that a thank you letter was received from Johnsborg regarding the support and passing of the resolution.
- Mayor Hyde mentioned the Attorney Generals request for training with the Village Board. They are available to come out Mondays through Fridays from 8:45 am to 5 pm. Trustee Ponio replied that if the meeting is set up at 4 or 5 pm, he can make it. Many of the other Board Members can not make it during the day time hours as well due to work commitments. Trustee Garling stated that the Board has already had training by the States Attorneys office.
- Mayor Hyde reported that the Board has received a request from AT&T to settle on the landscaping.
- Mayor Hyde passed out a request from Betty N. of the Ethics Committee. June 6th from 9 am to 5 pm looking for volunteers to help in Hebron, IL.

- Mayor Hyde mentioned the Plan Commission and ZBA meeting planned for June 12th. He requested to move the Village Board meeting then to June 11th.
- Trustee Garling attended a meeting along with Mayor Hyde in Priaire Grove regarding an issue about trying to get everyone along the river to sign on to their master plan which takes on a riverfront plan and riverfront corridor plan. He said that Island Lake was not invited to attend however they attended anyway. He said that land could be condemned as well. Trustee Garling replied that everyone should be working together on this so that everyone benefits and that all the surrounding communities benefit.
- Mayor Hyde reported that there is a Memorial Day parade in Wauconda and invited all to attend.

Trustee Saville stated that some time has now passed since he brought up the liquor license issue earlier in the meeting. He said that from the research he has done already and from the calls he has made, that the current license issued to Jerry DeLaurentis Jr. is not valid and that they are selling liquor without a license. He asked if the Board is comfortable with this. Trustee Ponio asked who is responsible for this. Trustee Saville stated that there is also no meeting minutes yet either from the Liquor Commission meeting regarding the selling of liquor for 5 days without a liquor license. He questioned the minutes and the results from that meeting as last time, minutes were available almost immediately from the Mayor. Trustee Saville stated that liquor licenses are very valuable and that this matter has put a business in town in danger because of what was done. Trustee Ponio again questioned who enforces this matter, who is responsible for this matter, etc. Trustee Garling replied that first of all, the Board needs to get all the facts, no opinions and that he wants all the facts. Trustee Saville said that the facts are all there already and that everyone has received all the emails. Trustee Garling said that he needs the information that Trustee Saville has in order to make a decision. Trustee Ponio again asked who enforces the law if someone does not have a proper liquor license. Mayor Hyde said the Police Department. Attorney Puma replied the Liquor Control Board. Trustee Saville again repeated that Mayor Hyde issued a renewal license that was not available to give. Mayor Hyde said that the transfer of the business did not take place yet. Trustee Ponio commented that the person who enforces the liquor license laws is the person who gave this improper liquor license out. He said that Mayor Hyde has put Mr. DeLaurentis in a very precarious situation now.

Mayor Hyde swore in Connie Mascilliino as a Village Trustee.

Motion by Trustee Herrmann, properly seconded to open the meeting to the floor.

Laurie Rabattini, 4702 S. Hampton –

Peggy Raynor, 3502 Woodlawn Circle South –

Tom Kaczmarek, 703 Fox Trail – Mr. Kaczmarek asked who Jerry DeLaurentis Jr. is and Jerry DeLaurentis III is. Mayor Hyde replied that Jerry DeLaurentis III is the son and Jerry DeLaurentis Jr. is the Father. Mr. Kaczmarek asked who owns the property now called Sideouts/3D Bowl. Mayor Hyde replied the Father, Jerry DeLaurentis Jr.

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

Motion by Trustee Garling, properly seconded to adjourn to Executive Session. Upon voice vote, motion was unanimously declared carried.

Roll Call – present for Executive Session – Trustees Herrmann, Garling, Ponio, Saville, Verciglio and Mascillino.

Motion by Trustee Herrmann, properly seconded to adjourn executive session and return to the Board meeting. All in favor.

Beg that no further business was discussed, motion by Trustee Garling, properly seconded

Clerk Kaczmarek was adjourned from executive session at 10:40 pm.

Christy Kaczmarek, Village Clerk