

**MINUTES OF A PUBLIC HEARING AND THEN THE REGULAR BOARD MEETING OF THE  
VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD  
ON THE 28th DAY OF AUGUST 2008**

---

---

**CALL TO ORDER** Mayor Thomas P. Hyde called the meeting to order at 7:30 pm. Those present stood and pledged allegiance to the flag.

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

Also in attendance was: Village Attorney Scott Puma Ancel Glink and Sergeant Anthony Scarrionne.

**Agenda**

1. Approval of Transfiguration Catholic Church for signage for their Fatima of the Rosary Road Rally to be held on October 11, 2008 - 4 11 X 17 signs off of 176 and Darrel Road to promote the event – Mayor Hyde

Motion by Trustee Garling, properly seconded to approve the Transfiguration Catholic Church for signage for their Fatima of the Rosary Road Rally to be held on October 11, 2008 - 4 11 X 17 signs off of 176 and Darrel Road to promote the event.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

2. Approval of a term loan with the 1<sup>st</sup> National Bank of McHenry in the amount of \$38,531.42 for the purchase of 2 Police Vehicles at a fixed rate of 3.75% - Trustee Herrmann

Motion by Trustee Herrmann, properly seconded to approve the term loan with the 1<sup>st</sup> National Bank of McHenry in the amount of \$38,531.42 for the purchase of 2 Police Vehicles at a fixed rate of 3.75%.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

3. Discussion and decision on liquidated damages with Maneval Construction for the CDBG 2006 – Trustee Saville

Trustee Saville explained that there was a memo from Attorney Puma on August 26<sup>th</sup> regarding damages being at \$67,150 for engineering, etc. The project is under budget therefore Attorney Puma recommended \$14,300 be collected for engineering damages then. Trustee Ponio suggested that legal expenses also be covered by the contractor. Attorney Puma replied that he can estimate those costs as well and add that in then.

Motion by Trustee Saville, properly seconded to approve Attorney Puma to contact Maneval Construction and to collect liquidated damages in the amount of \$14,300 for engineering and to add and collect for legal fees also.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

4. Discussion and reconsideration/rescind of previous approval to give a Class B liquor license to SAI Consulting & Technical Services, Inc. – Trustee Saville

Motion by Trustee Garling, properly seconded to table item number 4.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

5. Approval of the Senior Bus Agreement between the Village of Island Lake and Wauconda Township

Motion by Trustee Herrmann, properly seconded to approve the Senior Bus Agreement between the Village of Island Lake and Wauconda Township.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

6. Approval of Ordinance 1342-08 Repealing and Replacing Section 4-4-1 of the Village Code Regarding Public and Private Water Supply Connections – Trustee Herrmann

Trustee Herrmann explained that this ordinance was put together with the assistance of Neal DeYoung and Frank DeSort. There is one item pending consideration – in K. – with regard to businesses. Attorney Puma requested that the Board move on to the next item so he could further review the ordinance. All in favor.

7. Discussion and approval of Bulldog Youth Group contract for Water Tower Park – Trustee Verciglio

Legal has reviewed this contract. A copy of the insurance has been provided to the Village. Trustee Ponio expressed concern as he just received this contract tonight and is being asked to vote on it tonight. Trustee Verciglio replied that he received it from legal last week. Trustee Ponio stated that Board Members should be afforded time for review, especially with contracts, before having to vote on them.

Motion by Trustee Herrmann, properly seconded to approve Bulldog Youth Group contract for Water Tower Park.

Upon roll call, Trustees voted as follows:

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

*Motion was declared carried.*

8. *Waver to allow dogs in Converse Park parking lot for the Touch a Truck event from 10 to 12 on October 11, 2008 – Trustee Verciglio*

*Trustee Ponio inquired as to whom will be on feces control then as there is an ordinance in place keeping dogs out of the Village parks. Trustee Mascillino stated that the dog groomer is aware of this ordinance and she will take care of it. Trustee Ponio expressed concern because the initial vote being asked for is to allow for all dogs to be in the park, not just the groomer's dogs. Trustee Verciglio suggested possibly then only allowing the groomers dogs into the park then. Trustee Saville stated that this event is for children and the park is loaded with children that day. He stated that some kids are afraid of dogs which could cause some tension at the event. Trustee Verciglio replied that dogs do have to be leashed. Trustee Saville again stated that this is an event for children and he would hate to see children that are afraid of dogs be affected and not enjoy the event which is always so well attended and liked.*

*Motion by Trustee Verciglio, properly seconded to approve only the dog groomer to allow their dogs in Converse Park for the Touch a Truck event from 10 to 12 on October 11, 2008.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

9. *A Resolution Repealing and Replacing Resolution 546-08 and Approving the Waiver of a Preliminary Subdivision Plat and Authorizing the approval and Execution of the Final Subdivision Plat of Sam Shiner Subdivision*

*Attorney Puma stated that Trustee Ponio is correct in his questioning of why the preliminary plat was also not presented and approved by the Board as this should have been done prior to approving the final plat. Attorney Puma expressed concern once again because the Village does not have a planner nor someone that makes sure and/or watches for complete compliance on all matters. He said that not everything obviously is getting done correctly and some things are falling through the cracks. Trustee Ponio stated that right in the paperwork it says that no work is to be performed before approval yet, work was started on the project. He stated that once again the Village ordinances are not being adhered to. He commented that the Village ordinances are in place to protect the Village and the residents yet they are not being followed. Trustee Ponio stated that this continues to happen over and over again and that it is getting very embarrassing to sit up here on this Board. He added that ordinances are being written to rewrite other ordinances and to protect the Board and certain people because of mistakes being made or inconsistencies happening. Trustee Ponio said that it's time the Board stops writing rules and ordinances around themselves. He is against moving ahead and wished that the Board Members would follow the ordinances that are in place. Trustee Ponio explained that the site was not properly inspected. He said that there is not proper frost protection on certain lines and it's been ignored. He would like to know what will happen now if something happens. He again reiterated that week after week rules and laws are being rewritten to protect certain people and situations.*

*Motion by Trustee Herrmann, properly seconded to approve A Resolution Repealing and Replacing Resolution 546-08 and Approving the Waiver of a Preliminary Subdivision Plat and Authorizing the approval and Execution of the Final Subdivision Plat of Sam Shiner Subdivision.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

*10. Discussion and approval of the Soccer Program Agreement – Trustee Verciglio*

*Trustee Verciglio stated that this is a field usage agreement and includes a couple of changes that the Village Attorney has made.*

*Motion by Trustee Herrmann, properly seconded to approve the Soccer Program Agreement.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Herrmann, Mascillino and Verciglio*

*NAYS: Trustee Ponio and Saville*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

*Items from the Village Clerk, Trustees and Department Heads*

- Trustee Ponio suggested that the Village pass an ordinance stating that all Village ordinances might as well be null and void since in the meantime they are not being followed anyway nor adhered to. Trustee Garling stated that he believes there is money in budget for the ordinances to be reviewed and worked on. Trustee Ponio replied that he was not afforded the amount of money that is necessary and needed in order to work on this type of extensive project.*
- Trustee Ponio requested, because his Village email is still not working that all emails be printed and placed in his mailbox in the interim.*
- Trustee Ponio requested executive session for litigation.*
- Trustee Mascillino reported that Office Jim Gaynor has been called up for duty at the Republican National Convention for 6 days for security. There is a \$50 million dollar grant that will provide funds for security expenses and the Village will be reimbursed.*
- Trustee Mascillino requested executive session for personnel.*
- Trustee Verciglio requested executive session for personnel and litigation.*
- Trustee Verciglio reported that they met regarding the Jack Mead 5K this past week. Minutes will be prepared and provided to everyone.*
- Trustee Saville reported that an email has been out from Willie Kootstra regarding a pavement issue. \$6000 was budgeted and the project has gone over \$849. John Little reviewed this matter and monies are available for increased expense. Trustee Herrmann replied that the budget is an estimate. She stated that \$849 is not an outrageous number and that this can easily be worked with. She said that there are + and – expenses all the time. Trustee Herrmann said that this is a matter of public safety and should be tended to immediately with no delay. She does not feel that this needs a vote. Trustee Saville replied that Mr. Kootstra is looking for approval from the Board. Trustee Mascillino and Garling stated out loud to go ahead with the project. Trustee Saville suggested that a procedure be worked on so that Department Heads know what exactly to do and that they don't have to go through this time and time again.*
- Trustee Saville brought up the liquor license that was approved to go to SAI Corporation. He stated that he brought up to the Board at the meeting that everything within the Village ordinances were not being followed yet the Board allowed this company to proceed without everything being in place. Trustee Saville said that there is a school right there in the same mall which is against the Village ordinances. A school can not be within 100 feet of a business that is selling alcohol. He stated that he left Clerk Kaczmarek a message at 6:30 am and had asked, for the agenda, for the liquor license to be rescinded. Frank DeSort measured and there is only 67 feet between the school and the business to which the liquor license was given to. Trustee Saville reported that he contacted Attorney Tappendorf. He said that he spoke to District 118 as well and they do send students to this school. Trustee Saville stated then, this evening, this item was tabled before it could even be discussed by the Board and after he had asked for it to be on the agenda. Trustee Saville said that Attorney Puma said that it is not good to have a liquor license open and just sitting on the books. He added that the liquor license paperwork is not all in to date and now there is an open license just sitting there. Trustee Saville asked Mayor Hyde, in reference to his email, when he had requested a legal opinion on this matter and who he spoke with. Mayor Hyde replied that he requested legal opinion himself, not the liquor commission.*

*Trustee Saville said that he started the ball rolling by speaking to legal in an attempt to get a handle on this matter, that Mayor Hyde was told about it and then proceeded to send out an email in an attempt to shove the matter off.*

*Items from the Mayor*

- *Mayor Hyde stated that a check was received from AT & T for landscaping in the amount of \$13,500. The monies are to screen the areas where AT & T put in new boxes. Mayor Hyde asked Trustee Saville to ask Mr. Kootstra for a list of needs.*
- *Mayor Hyde stated the Jack Mead Race for a Cure is planned for October 19<sup>th</sup>.*
- *Mayor Hyde reported that Matthews Middle School requested a 5K in the Village also for October 25<sup>th</sup> and that everything is in place and that they are okay to go ahead and proceed.*
- *Mayor Hyde stated that he has had many requests for assistance from the Salvation Army. McHenry County now has some funding available too.*
- *Mayor Hyde reported that there is a meeting with BCA fro Friday, September 5<sup>th</sup> at 8 am to look over the preliminary thoughts on Village Hall.*
- *Mayor Hyde said there is a SWALCO meeting for trash services on September 3<sup>d</sup> at 7 pm in Wauconda.*

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

*Mike Herrick, 615 Longacre: Mr. Herrick reported that Castle Gardens is about to begin removing the trees in Westridge. 36 trees were included in the contract, they found 5 more to be removed and Castle Gardens has agreed to include those 5 trees in the contract. 19 new trees are being planted and it is being taken care of by each homeowner.*

*203 Hillside – the resident reported that there is a vacant lot next to her and she is interested in possibly purchasing some land. Mayor Hyde replied that the Village Attorney is working on this matter and that Mr. Puma will get back to her.*

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

*Motion by Trustee Garling, properly seconded to table item number 6. All in favor.*

*Motion by Trustee Garling, properly seconded to go into Executive Session for personnel, pending and/or potential litigation and land sale and/or litigation.*

**ROLL CALL** *Roll call indicated the following present: Trustees Garling, Herrmann, Mascillino, Ponio, Saville and Verciglio. 8:30 pm. Attorney Puma was present and Mayor Hyde.*

*Motion by Trustee Garling, properly seconded to come out of executive session and return to the Board meeting. All in favor.*

**ROLL CALL** *Roll call indicated the following present: Trustees Garling, Herrmann, Mascillino, Ponio, Saville and Verciglio. Attorney Puma was present and Mayor Hyde.*

*Being that no further business was discussed, motion by Trustee Garling, properly seconded to adjourn the Board meeting. All in favor. The meeting adjourned at 9:10 pm.*