

**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 11th DAY OF SEPTEMBER 2008**

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**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 Julie Tappendorf of Ancel Glink; Police Chief Anthony Scarrionne; Captain Joseph Arrizzi and Willie Kootstra, Public Works.

*Pledge to the Flag*

*Correspondence - None for this evening.*

**Consent Agenda Items:**

*Items under the Consent Agenda are considered routine and/or non-controversial and will be approved by one motion. If anyone (board member, staff, or citizen) 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 Red Kettle Days for the Salvation Army*
3. *Approval of Minutes – August 7, August 14 and August 21, 2008 meeting minutes*
4. *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*

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

*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.*

**Agenda**

1. *Approval of Island Lake Lioness Club signs and approval to waive the fee and a temporary tent permit and approval to waive the tent permit fee for the Annual Plant, Book and Bake sale Friday, September 26th and 27th, 2008, at the Island Foods and Island Lake Hardware facilities parking lot*

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

*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. Discussion and approval of Police Dept. request for Fire & Police Commission to fill patrolman vacancy from current eligibility list – Trustee Mascillino

Trustee Mascillino stated that everyone received an email/letter from Chief Scarrionne detailing the need for another Officer for the Police Department. The first person on the list is already a part time Officer with the Village. Trustee Herrmann requested that this item be tabled and discussed in Executive Session.

Motion by Trustee Herrmann, properly seconded to table item number 2. until further discussion in Executive Session this evening.

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. Approval for CDBG 2007 pay request #2 to Elmwood Enterprises, Inc. in the amount of \$166,504.73.

Trustee Ponio inquired if Baxter & Woodman have reviewed this item and Trustee Saville said yes.

Motion by Trustee Saville, properly seconded to approve for CDBG 2007 pay request #2 to Elmwood Enterprises, Inc. in the amount of \$166,504.73.

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. Approval for engineering pay requests #2 from Rooney Consultants, Inc of the Nottingham Court Water Main Replacement for \$4500 and CDBG 2007 Water System Improvements for \$8860

Trustee Ponio asked if this was reviewed by Baxter & Woodman and Trustee Saville replied that this was reviewed by Neal DeYoung of the Water Department.

Motion by Trustee Saville, properly seconded to approve engineering pay requests #2 from Rooney Consultants, Inc of the Nottingham Court Water Main Replacement for \$4500 and CDBG 2007 Water System Improvements for \$8860.

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 to award to Midwest Mobile Washers the bid for pressure washing Fox Rover Shores tower in the amount of \$4945.60 and Westridge Tower in the amount of \$4945.60 and approval to add on an application of Bio Barrier in the amount of \$1298 for both the towers

Trustee Ponio asked if this is a budgeted item and Trustee Saville concurred. Trustee Ponio questioned how long a bio barrier will last. Trustee Saville said that he would double check with Neal DeYoung. Trustee Mascillino replied that the memo said about 2 years.

*Motion by Trustee Saville, properly seconded to approve to award to Midwest Mobile Washers the bid for pressure washing Fox Rover Shores tower in the amount of \$4945.60 and Westridge Tower in the amount of \$4945.60 and approval to add on an application of Bio Barrier in the amount of \$1298 for both the towers*

*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 to rescind American Community Painting, Inc bid per request and acceptance of Giant Maintenance & Restoration's bid for painting fire hydrants at \$112 per hydrant*

*Trustee Saville explained that American Community Painting was approved however they have since gone out of business. The second bidder on the list was Giant Maintenance. Trustee Ponio asked if anyone has asked Giant Maintenance to complete the job at \$100 per hydrant vs. \$112. Attorney Tappendorf explained that the Village should accept the bid as is otherwise, if the Village goes back and asks Giant Maintenance if they will complete this at \$100 per hydrant vs. \$112, the other bidders could come back and say that they were not offered the same option. She said if the Village wants to go with \$100 per hydrant, this project would have to go through the bidding process again.*

*Motion by Trustee Saville, properly seconded to approve to rescind American Community Painting, Inc bid per request and acceptance of Giant Maintenance & Restoration's bid for painting fire hydrants at \$112 per hydrant.*

*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.*

7. *Approval of Ordinance # 1342-08 Repealing and Replacing Section 4-4-1 - Trustee Herrmann*

*Trustee Herrmann stated that everyone has received a copy of this ordinance. Trustee Saville questioned #B and asked how the water department is to have residents hook up to the water system. He questioned how the water department is supposed to survive without new customers hooking up and he questioned how the Village is to re-coop it's money then. Mayor Hyde replied that it is not \$300,000 out of pocket but rather that it is grant money. Trustee Saville questioned then, why use grant money and complete the work then if people do not have to hook up. Attorney Tappendorf replied that the ordinances provides that if there is a water main within 450 feet of a property line, the owner is to connect within 180 days of notice. She said there are exceptions however under #C for residential. She explained that if there is an existing well, the resident will not be required to hook up unless there is a property transfer or if that property is issued a building permit for an addition and/or if the current well needs to be replaced. Trustee Saville asked so, if you are within 180 feet, you are required to hook up within 180 days. Attorney Tappendorf replied no, if it's a residents, these exceptions apply. If the resident has a well, 1, 2 or 3 has to happen for them to be required to hook up. Trustee Saville next questioned why there is the addition, under K, of Governmental Service entity. Attorney Tappendorf said that this applied to governmental bodies such as Villages, counties, etc. Trustee Saville asked if the Sanitary District is a governmental body and Attorney Tappendorf said yes.*

*She added that for residents, immediate connection has exceptions but it has to come before the Board. Not for profits and/or governmental bodies have to come before the Board as well for a waiver. She reiterated that all waivers must come before the Board for approval or non-approval.*

*Motion by Trustee Herrmann, properly seconded to approve Ordinance # 1342-08 Repealing and Replacing Section 4-4-1 - Trustee Herrmann*

*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. Approval of raffle permit and to waive the raffle permit fee for the 2008 Island Lake Craft Fair – Trustee Verciglio*

*Motion by Trustee Saville, properly seconded to approve raffle permit and to waive the raffle permit fee for the 2008 Island Lake Craft Fair.*

*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.*

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

- Trustee Ponio asked to speak about the open meeting act violation from Friday, September 5<sup>th</sup> and asked if it can be discussed out in the open or in executive session. Trustee Ponio explained that he sent an email to Mayor Hyde and Attorney Puma and asked if a violation had occurred with the meeting with BCA on Friday. He added that Mayor Hyde made mention two meetings ago that a meeting with BCA was coming up in the first part of September. Trustee Ponio said that he requested that BCA only come to Board Committee meetings which fall on the first Thursdays of each month so that information would be shared with everyone and special meetings would not have to be posted. This was the agreement that Trustee Ponio made with BCA. BCA in turn told Trustee Ponio that Mayor Hyde wanted a meeting and scheduled a meeting for Friday, September 5<sup>th</sup>. Last Thursday, September 4<sup>th</sup>, Mayor Hyde sent an email to Trustee Ponio stating the meeting time for Friday with BCA at Village Hall. Trustee Ponio read the email from Mayor Hyde. Trustee Ponio stated that he need not coordinate this meeting whatsoever and that Mayor Hyde set it all up. Mayor Hyde questioned Trustee Ponio asking if he is the one who is supposed to be coordinating these meetings as he is supposed to be handling this project. Trustee Ponio replied once again that he had an agreement with BCA that they are to come before the Board with information and updates at the first Thursday meeting of any given month so everything can be presented to the Board at once and at a regular scheduled committee meeting. Mayor Hyde replied that he did not post the meeting and never thought about it, during the meeting, that there were 3 Board Members in the same room/same meeting. Mayor Hyde said that Trustee Ponio does not receive emails. Trustee Ponio replied that the architectural firm has his direct phone number and can call him too. He again reiterated that Mayor Hyde had set this meeting up. He added that these meetings with BCA are supposed to be at Board meetings so that this would never happen. Trustee Herrmann said that all meeting should be posted so that this does not happen. Trustee Ponio said that he replied that he would be at the meeting and then Trustee Verciglio showed up at the meeting as well. Trustee Saville stated that it is still an open meetings act violation. He stated that he sees too that there was a photo opportunity involved in this as well as it appeared in the newspaper. He questioned when the photo/journalistic opportunity was presented. Trustee Ponio said that the States Attorney has already been at the Village twice for open meetings act violations. Trustee Ponio said that he is wrong for attending and he should have said something. Trustee Herrmann replied that yes, someone should have said something and one Board*

Member should have gotten up and left. Trustee Saville explained that last year, in a Westridge Homeowners Association meeting, both himself, Trustee Verciglio and Mayor Hyde showed up for the same meeting and they new well enough that time that one needed to leave so one Board Member got up and left so he questioned why, if they knew this before, didn't someone get up and leave the meeting. Attorney Tappendorf explained that two things should occur – one, to disclose the meeting and situation and two, prepare a proper summary/meeting minutes and vote on them and incorporate them into the Village meeting minutes so everything is on record. Trustee Saville questioned how much this is costing the Village to have Ancel Glink, once again, clear up a matter where everyone should have known better especially by now. Trustee Garling suggested that all 3 should attend an open meetings act class too. The 3 violated it again and should go to class. Trustee Ponio suggested that the person that is holding/coordinating a meeting should be responsible for posting the meeting. Trustee Verciglio replied that the Clerk will post meetings when she is properly asked to but, someone has to tell her. Trustee Garling said that each Board Member should be responsible and double check that a meeting is posted and if not, one person should leave. Trustee Ponio will report back to the Board with a proper summary. Trustee Herrmann questioned if Trustee Ponio has spoken with John Little regarding financing for such a project. Trustee Ponio stated that the costs are still unsure yet. He is first trying to find out if the existing building can still be utilized and that he has asked BCA for final numbers in November.

- Trustee Mascillino stated that Officer Juanita is graduating today from the academy. She will now undergo field training for 10 to 12 weeks.
- Trustee Garling stated that there was an Economic Development committee meeting last week. They discussed the Sidewalk Program at length. This program will also work with the children and teach them how to properly as well as safely cross roads, ride their bikes, etc. They are seeking the free advice of Baxter & Woodman on grant writing. Trustee Garling said that sidewalks will help make the roads safer as well as encourage people and children to get out an exercise.
- Trustee Herrmann requested executive session for personnel.
- Trustee Herrmann said that there are no final numbers yet regarding working on the Village Code Book. Frank DeSort is gathering quotes.
- Trustee Herrmann mentioned business registration which has been discussed over the years. The Island Lake Chamber has expressed that they are unhappy with the Village's record keeping of businesses and she suggested looking at the idea once again of having business registrations in the Village. Frank DeSort is also looking into this once again and what surrounding Villages do. Trustee Garling said that there was a letter to the editor in the newspaper regarding this matter. HE stated that it implied that he is a webmaster for the Village and gets paid for it. Trustee Garling stated that he does not get paid as a webmaster. The Village pays minimally for posting services and that is it. He added that was stated in that letter to the editor was untrue, not factual and there's not proof. Trustee Garling said he updates the Village website for free.
- Trustee Verciglio requested executive session for personnel and litigation.
- Attorney Tappendorf requested executive session for land sale/acquisition.
- Willie Kootstra reported that he has sent emails regarding the sidewalk at 176 and Eastway and that the costs will be going over \$500. Trustee Mascillino reported that Mr. Kootstra handled this matter in the most logical manner until something could be done. Mr. Kootstra said he is seeking approval because he is unaware of any policies and/or procedures that when a price goes up on a project, what are department heads supposed to do. He said that they have been criticized in the past; however, there are no policies and/or procedures to be followed. Trustee Garling replied that this is not a large expense/increase so it should be okay for department heads to take care of such matters. Trustee Herrmann agreed and added too that this is a matter of public safety. Mayor Hyde replied that the department heads should speak with their Trustee and that it is not appropriate to place a contractor on notice. Trustee Saville replied that himself and Mr. Kootstra did speak about this matter; however, a policy is needed. He added that he is not approving funds unless they are in the budget. He said that he made the mistake once and he was corrected on it and he will not do it again. Trustee Saville said that Mr. Kootstra can call each Board Member then and seek their approval. He sent an email to the entire Board; however, no one answered with a yes. Trustee Herrmann said that she spoke with John Little and that he is the one to go through.
- Captain Joe Arrizzi announced the Fire Departments Open House for October 4<sup>th</sup> from 10 am to 2 pm.

- Mr. Kootstra reported that he presented the pavement management report to the Board awhile back. He said that the Village roads are on a 40 year turn around cycle yet the roads can not last 40 years. He said that funding needs to be addressed and worked on. Mr. Kootstra reminded the Board that the proper funding really needs to go from \$200,000 to \$300,000. He said that he has sent reminders to the Board that this needs to be worked on and that him and his department need direction. There are 36 miles of roads to be maintained by public works and the Board needs to be proactive with a plan and funding. Mr. Kootstra once again requested the Board assistance.

*Items from the Mayor*

- *Mayor Hyde reported on the email received from Kevin Sutherland of Baxter & Woodman regarding Southport Pond. He said that the Board needs to move forward on this matter.*
- *Mayor Hyde reported that the ZBA and Plan Commission are attending a seminar on September 13<sup>th</sup> and September 27<sup>th</sup> held by CMAP.*
- *Mayor Hyde spoke to Sheltering Oaks. They are giving the Village the easements between them and the shopping center for sidewalks. A survey is being waited on. They have agreed on a perpetual agreement.*
- *Mayor Hyde stated that Clerk Kaczmarek has requested review of the Executive Session meeting minutes as they are to be reviewed by the Board twice a year per state statute. Clerk Kaczmarek explained the process in the past and asked for Board approval on following the same process. Ancel Glink will review the meeting minutes and prepare a recommendation and report back to the Board.*
- *Mayor Hyde presented the IEPA request for a posting at Village Hall. The Board approved for this to be posted for the required 30 days.*
- *Mayor Hyde reported that the removal of trees project in Westridge is almost complete. The homeowners association filled in the holes and seeded those areas. Mayor Hyde will give Mike Herrick the check in order to pay Castle Gardens. Trustee Ponio requested a release.*

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

*Elizabeth Tucker, 33509 Highland Avenue – Ms. Tucker stated that the William B. Anderson trust is expiring this evening and she is seeking direction from the Board. Mayor Hyde replied that the Board will discuss this matter in executive session and get back to Ms. Tucker after the meeting.*

*Tom Kaczmarek, 703 Fox Trail – Mr. Kaczmarek addressed that common sense decisions were discussed at this evenings meeting. He said that all the sudden though, with this Village and Board, common sense decisions turn into major ordeals. He stated that if he was a department head, he wouldn't do a thing without Board approval because everything appears to turn into an ordeal of some sort. Mr. Kaczmarek said that department heads are obviously afraid to make decisions without Board approval because they are not supported and/or it comes back to haunt them.*

*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 for personnel, pending and/or potential litigation and land sale and/or acquisition.*

**ROLL CALL** *Roll call indicated the following present: Trustees Garling, Herrmann, Mascillino, Ponio, Saville and Verciglio. Attorney Tappendorf 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 Tappendorf 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 9:25 pm.*