

**REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE,
LAKE AND MCHENRY COUNTIES, HELD ON THE 23rd DAY OF APRIL 2009**

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, Mascillino, Ponio, Saville and Verciglio. Trustee Saville entered at 7:45 pm and Attorney Puma entered at 7:40 pm.

Also in attendance was: Village Attorney Scott Puma of Ancel Glink; Police Chief Anthony Scarrione

AGENDA

1. Approval of a temporary liquor license for the Lions Club to sell liquor at the Chamber of Commerce carnival May 14, 15, 16 and 17, 2009

Motion by Trustee Verciglio, properly seconded to approve a temporary liquor license for the Lions Club to sell liquor at the Chamber of Commerce carnival May 14, 15, 16 and 17, 2009.

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 for the City of Highwood to become a member of SWALCO

Motion by Trustee Herrmann, properly seconded to approve the City of Highwood to become a member of SWALCO.

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 of the ESA for construction engineering services by Baxter & Woodman on Well No. 9

Motion by Trustee Herrmann, properly seconded to approve the ESA for construction engineering services by Baxter & Woodman on Well No. 9

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 of ordinance 1352-09 authorizing the Village of Island Lake, Lake and McHenry Counties, Illinois, to borrow funds from the public water supply loan program – water main improvement

Motion by Trustee Garling, properly seconded to approve ordinance 1352-09 authorizing the Village of Island Lake, Lake and McHenry Counties, Illinois, to borrow funds from the public water supply loan program – water main improvement

Neal DeYoung of the water department explained that one project the Village received \$73,000 in CDBG money and that they are applying for additional relief through the stimulus package. They are concentrating on the water mains on the McHenry county side of the Village. There is a main problem on Nottingham Court. Jennifer Sorensen explained that as part of the stimulus package application, the Village has to pass an ordinance. Attorney Puma has added also IEPA language. This is a template ordinance with specifics relating to Island Lake. Attorney Puma followed up with IEPA to make sure everything was on track. Trustee Herrmann stated that John Little was unable to be here this evening. She explained that if the Village receives the entire amount, the Village will be responsible for \$122,000 per year. \$104,000 is available in the budget until 2020. Trustee Ponio questioned where else the Village is to go for money if the Village receives no monies from the stimulus package. Neal DeYoung replied that the water department generates funds and that they have been busy doing replacements for years. HE added that almost all of the Lake County side has been replaced already. Trustee Ponio questioned why go to the stimulus fund as the Village will have ties to the government then. Mr. DeYoung replied that 25% is a grant and that the Village is throwing their name in the hat in the hopes to receive some relief funds. Trustee Ponio questioned if a public hearing has to take place. Attorney Puma replied that there has to be a public notice and that a certain number of votes would have to be present in order to object. Trustee Saville mentioned that those in the Village that are not hooked up to the Village water system are currently not paying a penny towards the Village water system, only those who are hooked up. He questioned why anyone is able then to come to this hearing when they aren't contributing to the water system. Attorney Puma said that anyone can potentially become a user of the water system so they can voice their opinions/concerns.

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

5. Approval of ordinance 1353-09 authorizing the Village of Island Lake, Lake and McHenry Counties, Illinois, to borrow funds from the public water supply loan program – elevated water storage tank

Motion by Trustee Garling, properly seconded to approve ordinance 1352-09 authorizing the Village of Island Lake, Lake and McHenry Counties, Illinois, to borrow funds from the public water supply loan program – elevated water storage tank

Trustee Ponio questioned how the Village could be passing such an ordinance when this matter is still under litigation. He questioned how the Village can move forward on this until the lawsuit is done. Attorney Puma stated that he was in court today regarding this matter. He said that the plaintiff did not show nor did they call so it was continued to three weeks from now. He added that this matter does not preclude the Village to stop or proceed. He said if the Village wants to proceed, that they have the right to. Trustee Garling said that this is for the elevated storage tank, not the well. Trustee Ponio feels that at a public hearing that the Village will be challenged on this. He questioned where the \$1.6 million is coming from. Mayor Hyde replied that this is the water tower and that it has nothing to do with the elevated tank. He said that the engineer for the Village has already spoken to the Board about the need for more water storage for the Village. Trustee Ponio said this was proposed though as a whole project. He said that Kevin Sutherland has stated that the Village does not need the water though until the homes are all built. He said the developer will cause the need. He questioned again how the Village will obtain the money for all of this. Mr. DeYoung stated that this is an 18 month process. He said that the Village learned its lesson already in the past with Fox River Shores and suggested that the Village get ahead for a change and not play catch up. He added that connection fees coming in too will help off set the costs.

Motion by Trustee Garling, properly seconded to amend his motion. Motion by Trustee Garling, properly seconded to approve ordinance 1352-09 to reflect the changes presented by Attorney Scott Puma.

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

6. Discussion to establish a Committee to process requests from residents related to economic times – Trustee Mascillino

Trustee Mascillino offered some ideas regarding possibly starting a committee that would review resident requests due to having economic difficulties and not being able to pay their bills to the Village such as garbage, water, etc. Trustee Herrmann said that her heart goes out to these people but that the Village is not in the business of lending. She is concerned that this could get blown out of proportion. She does not feel that it is in the best judgment for the Village to get entangled in something like this.

7. Discussion Of Status of approved ordinances:
Ord 1344-08 Increase # of Class B Liquor License to (5)
3.2.6.3 Sanitary and Safety Conditions – Trustee Mascillino

Clerk Kaczmarek stated that this ordinance is in process and should be up on the Village website shortly.

8. Discussion Of Status of minutes for: Nov 13, 2008 - Dec 4, 2008 - Jan 15, 2009 - Jan 29, 2009 - Mar 12, 2009 - Mar 26, 2009 - Trustee Mascillino

Clerk Kaczmarek reviewed where the minutes are at. Two sets of minutes were already included in the Trustees folders this evening and are complete. Ancel Glink is working on the January 29 meeting minutes.

9. Approval of Ordinance 1354-09 to sell village property - 2002 Dodge Intrepid VIN 2B3HD46V52H222745 and 1994 Ford Crown Victoria VIN 2FALP71W5RX186367 – Trustee Mascillino

Motion by Trustee Mascillino, properly seconded to approve Ordinance 1354-09 to sell village property - 2002 Dodge Intrepid VIN 2B3HD46V52H222745 and 1994 Ford Crown Victoria VIN 2FALP71W5RX186367

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 Village Clerk, Trustees & Department Heads:

- Trustee Saville requested executive session for an update on litigation and the OSLAD grant matter.
- Trustee Saville mentioned that the Village email system has been receiving a lot of spam lately. Clerk Kaczmarek will make mention of this to Baxter & Woodman.
- Trustee Mascillino reported that she is receiving calls already for the 4th of July parade. She added that the only cost is generally a requested \$100 donation from the Village for the prizes/games. Upon voice vote, no one opposed to having the 4th of July parade.
- Trustee Mascillino requested executive session for land sale.

- *Trustee Verciglio announced that the supporting services contract with Baxter & Woodman expires on May 1, 2009.*
- *Trustee Verciglio requested an update from the Chief regarding the Board Room video/audio system. The Chief reported that it is in the evidence room.*
- *Trustee Verciglio requested the minutes from the budget meetings. Trustee Herrmann said that they are almost all completed.*
- *Trustee Verciglio stated that there are old newsletters on the Village website. Trustee Garling said though that they do not take up much space. Trustee Herrmann suggested leaving them on the website.*
- *Trustee Verciglio requested executive session for litigation.*

Items from the Mayor

- *Carolyn Neimers is here this evening. She is considering opening up a veterinarian hospital in Island Lake. She is looking at a space near Walgreens and a space in the Westridge Shopping Center. The Board Members then spoke with Ms. Neimers. She needs about a 1500 square foot space which will be sound proofed. There would be an area in the back for the animals "to do their business". There will be proper disposal of waste, needles, etc. Trustee Ponio asked if a special use permit is needed and Attorney Puma replied yes. Several Trustees expressed concern with parking and where customers will be walking their pets as well as where they will be "doing their business" so that this does not get out of control.*
- *Mr. Maneval of Maneval Construction addressed the Board regarding his final payment which he has not yet received. He stated that the Village owes him yet \$27,600. He added that this has dragged on for a year and a half now. Mr. Maneval stated that he never received any calls from the Village nor the Village attorney. Attorney Puma replied that he received one letter and that he called several times but did not receive a phone call back. He stated that Mr. Maneval is not telling the truth. Attorney Puma replied that he spoke to someone from Mr. Maneval's office and stated that it is not true that Mr. Maneval said that he has contacted me over 20 times. Mr. Maneval explained that there was one issue with his job and that was taken care of immediately. Trustee Saville stated that money was held due to irregularities on the job. He said that Baxter & Woodman had to double check constantly on this project and it cost the Village to have this done. Mr. Maneval said he never received a letter from Baxter & Woodman. He said that his work was done per the contract. He added that Mr. Kootstra as well as Baxter & Woodman walked with him, on the project/the job, and he fixed what they did not like. He also said that he came in \$33,000 under budget. Trustee Ponio asked if the job was finished on time and Mr. Maneval said yes. Trustee Ponio questioned why Mr. Maneval has not come forward to the Village sooner. Mr. Maneval replied that he has been trying to work through the Village Attorney and never thought he would have to come before the Board like this. Mayor Hyde stated that everyone received a packet. He pointed out in those documents what needed to be taken care of. Mr. Maneval replied that he re-did the concrete and fixed everything to Baxter & Woodman's liking. Mayor Hyde blamed Trustee Saville for the extra costs with Baxter & Woodman for this project. Trustee Saville stated that this was not true and that there were concerns by Mr. Kootstra when this project started and the Board reviewed this matter and agreed for Baxter & Woodman to oversee this project. He added again that there were many concerns with this company and the project. Trustee Ponio stated that he would like Kevin Sutherland and Willie Kootstra to explain this matter to the Board then and suggested that they as well as Mr. Maneval return together, at another meeting, so this can be discussed. Mayor Hyde stated that from the documents, it appears as though the work was complete. Attorney Puma pointed out the change order. Mr. Maneval replied that as of April 2007, the concrete matter was handled. Trustee Saville asked Ms. Sorenson of Baxter & Woodman to please have Kevin Sutherland email the Board with an explanation.*
- *Mayor Hyde mentioned the Burnett Road information that everyone received.*
- *Mayor Hyde mentioned that a decision is needed by the Board regarding the comprehensive program through the state re: gas taxes. The Board has to support it or not.*
- *Mayor Hyde mentioned the South Port Pond memo*
- *Mayor Hyde mentioned the memo regarding shoveling of sidewalks. Trustee Mascillino stated that she spoke with this person and that person did not realize the complexity of this issue and request.*
- *Mayor Hyde stated that SJN and Attorney Puma replied that his secretary has everything on her desk and a legal description is needed yet.*
- *Mayor Hyde passed out and read his memo vetoing the budget*

Village of Island Lake – Board Meeting – April 23, 2009 – page 5 of 5

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

Donna O'Malley: Ms. O'Malley stated to Trustee Saville that she is one of 9,000 residents and feels that Trustee Saville's behavior is awful. She said that he makes side comments and seems disinterested. She stated that the residents deserve respect. Trustee Saville replied that he will give Ms. O'Malley the respect that she deserves when she also takes office and is sitting up there with the rest of the Board.

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

Motion by Trustee Garling, properly seconded to reconsider ordinance 1352-09.

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

Motion by Trustee Garling, properly seconded to reconsider ordinance 1353-09.

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

Motion by Trustee Herrmann, properly seconded to go into executive session for personnel, litigation and land sale. All in favor.

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

Clerk Kaczmarek was excused from executive session at 9:55 pm.

Christine Kaczmarek, Village Clerk