

**MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE,  
LAKE AND MCHENRY COUNTIES, HELD ON THE 14<sup>th</sup> DAY OF JUNE 2007**

**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 Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio.

Also in attendance was: Village Attorney Scott Puma; Police Chief John Fellmann; Willie Kootstra, Public Works; Captain Joseph Arrizzi, Wauconda Fire Department; and Connie Mascillino, EMA Director.

1. Approval of the minutes – May 3, 2007, May 10, 2007 and May 24, 2007

Motion by Trustee Verciglio, properly seconded to approve the meeting minutes from May 3, 2007, May 10, 2007 and May 24, 2007.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio.

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

## **COMMITTEE REPORTS**

### **1. BUILDING, ZONING AND ORDINANCE**

Trustee Ponio read the building report for the month of May: Total building permit fees \$115,323.00, total water connection fees \$54,668.00, total permits issued 103, Electrical Compliance Inspections 18 and collected \$900.00. 25 ordinance violations and total of fees collected for the month of May, \$170,891.00.

Motion by Trustee Garling, properly seconded to approve the BUILDING, ZONING AND ORDINANCE report as presented by Trustee Ponio. Upon voice vote, motion was unanimously declared carried.

### **2. FINANCE AND ADMINISTRATIVE**

The Finance and Administration report was moved pending Trustee Herrmann's arrival.

### **3. POLICE AND PUBLIC SAFETY**

Trustee Sadoski summarized the POLICE AND PUBLIC SAFETY activity report for the month of May: 1659 Calls for Service, 56 criminal offenses, 11 criminal arrests, 144 ordinance violations, with 1 ordinance arrest, 185 traffic citations issued, 25 accidents reports, 6 warrants served, 151 parking tickets issued and 4 warning tickets issues. Lake County Courts collected \$4394.72, McHenry County Courts collected \$5842.39, Parking tickets issued \$3940.00, \$21 for report copies, \$513.97 Miscellaneous, Police Vehicle Fee \$3283.39 and Dispatch Fees \$3283.30. Total collected for the month of May \$19,025.47.

Motion by Trustee Garling, properly seconded to approve the POLICE AND PUBLIC SAFETY report as presented by Trustee Sadoski. Upon voice vote, motion was unanimously declared carried.

**4. PARKS, RECREATION AND EDUCATION**

Trustee Verciglio presented the report for the month of May: Creative Playtime: is off and closed for the Summer. The Classrooms have been cleaned. 1 room is being used for Camp. Sound quotes are coming in for music/sound for the 2007 LakeFest. Total revenue and expenses not reported. Park and Recreation Report for the month May: Enrollments are as follows – 22 for guitar, 50 for preschool, 18 ballroom dancers, 216 for t-ball and baseball, 6 for swim lessons and 16 for summer dance/cheer. Revenues: \$24,184.00. No expenses reported. Club has 55 Camp enrollments thus far. Street Dance/Lake Fest preparations are under way. T-ball/Baseball has begun. Recreation Department held CPR/AED training. The garage sale maps are being worked on. Summer camp has started and the babysitting class will be held on June 18<sup>th</sup>.

Motion by Trustee Garling, properly seconded to approve the PARKS, RECREATION AND EDUCATION reports as presented by Trustee Verciglio. Upon voice vote, motion was unanimously declared carried.

**5. PUBLIC WORKS**

Trustee Saville summarized the Public Works report for the month of May: 2007 Road Project has been approved by IDOT. Construction will take place on Cedar Terrace, Spruce Terrace from Hickory to Burnett, Pine Terrace, Oak Terrace, Ethel Terrace, Hickory Terrace and David Court. For Walnut Glen subdivision the roadway and curb installation continues. Prairie Woods provided the Board with information regarding a barrier device at the "Emergency Access" road. Covered Bridge Farm – reviewed a proposed culvert installation under Dowell Road. Road project should be near completion shortly. Public Works will begin then working on next years plans/projects. Public Works continues to maintain public properties as needed and numerous road, sidewalk and curb repairs are taking place.

Water Department: Completed 123 JULIE locates. Repaired water main break at 405 Forest Drive. Replaced or repaired 19 residential water meters. Completed a punch list of deficiencies for the Pine Ridge subdivision. Delivered several red tags for delinquent water bill payment. The red tags resulted in two water shut offs. Filled in two sink holes on Poplar Drive and replaced the fluoride and phosphate scales at both treatment plants. Completed quarterly meter readings in the original section of town. Attended preconstruction meetings for Walgreens and the CDBG 2006 water system improvement project. CDBG 2006 project is scheduled to begin on June 13<sup>th</sup>. 36 new "b" boxes were installed with a hookup deadline of September 15, 2007. 8 residences have completed new water service installations from the "b" box to into the homes. Baxter & Woodman have begun the design of the new well, treatment plant and elevated storage facility. Total gallons pumped: 20.1 million with average gallons per day 648 thousand and peak day gallons 826 thousand and total number of services 2,864.

Motion by Trustee Garling, properly seconded to approve the PUBLIC WORKS report as presented by Trustee Saville. Upon voice vote, motion was unanimously declared carried.

**6. ECONOMIC DEVELOPMENT**

Economic Development report presented by Trustee Garling for the month of May: Trustee Garling request Executive Session this evening for sale of Village property.

Motion by Trustee Sadoski, properly seconded to accept the ECONOMIC DEVELOPMENT report. Upon voice vote, motion was unanimously declared carried.

**2. FINANCE AND ADMINISTRATIVE**

The Finance and Administration report was summarized by Trustee Herrmann for the month of May: 44 residents have their garbage service suspended for non-payment, 19 move outs for the month of May and Section B water bills were sent with discount that applies for Seniors. Garbage bills were due and late notices have been sent. The auditor was here May 18<sup>th</sup> to prepare the confirmation letters and to test some internal control procedures. AFLAC was here and met with employees. Willie and John attended a MCMRMA workshop to discuss the 07-08 renewal. 10 red tags were posted and one was shut off. Connie and John met with David Hoover from NIMEC to review several ComEd bills in question. There is a posting on the marquee for part time office help, applications are being accepted.

John has been working with the insurance brokers from Vantage Point regarding flexible spending accounts for employees. Also, to better stay on top of over time within the Village, Trustee Herrmann will be reviewing over time frequently and report this to the Board.

Motion by Trustee Sadoski, properly seconded to accept the FINANCE AND ADMINISTRATION report. Upon voice vote, motion was unanimously declared carried.

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**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.

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1. Approval to pay the bills
2. Approval to hold 4<sup>th</sup> of July picnic at Veteran's Park on Wednesday, July 4, 2007
3. Approval to waive sound ordinance for the 4<sup>th</sup> of July parade and picnic at Veteran's Park for Wednesday, July 4, 2007
4. Approval to post signs for the 4<sup>th</sup> of July parade and waiving of permit fee for these signs
5. Approval to waive sound ordinance for Village LakeFest/Hometown Hoedown July 14, 2007 from 8:00 am to 11:30 pm
6. Approval of temporary tents for July 14<sup>th</sup>, 2007 LakeFest/Hometown Hoedown
7. Approval to have golf cart deliveries for July 14, 2007 LakeFest/Hometown Hoedown
8. Approval of 50/50 raffle for July 14, 2007 LakeFest/Hometown Hoedown and waiving of the raffle permit fee
9. Approval to place LakeFest/Hometown Hoedown Fireworks donation jars in local businesses

Motion by Trustee Garling, properly seconded to approve the items in the Consent Agenda.

Trustee Ponio asked to take off the payment to Estate Werks. He would like to see the certified payrolls and the final inspection report before approval of this payment. The Board discussed the fact though that approval to pay this bill would occur after Trustee Ponio received these two items or proof of these items.

Motion by Trustee Garling, properly seconded to amend his motion to approve the Consent Agenda; however, removing the payment to Estate Werks until Trustee Ponio receives proof of the certified payrolls and the final inspection report.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

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**1 Agenda Items:**

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Trustee Garling requested to move agenda item 8 to after number 6 and keep Executive Session like it is normally listed on the agenda. All were in favor. Mayor Hyde announced that he has a presentation prepared for this evening that has to do with personnel and personal issues; however, if it's the Board's wishes then, he will do this in open session vs. executive session.

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**1 Agenda Items:**

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1. Presentation by Jerry DeLaurentis of Sideouts regarding Summer '07 events

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Mr. DeLaurentis stated that he is seeking approval for a music event/Battle of the Bands and XFO Ultimate Fight event. Trustee Garling asked for an explanation of an Ultimate Fight event. Mr. DeLaurentis replied that this has become very popular and the XFO

has had events also already in Lakemoor and at the Sears Center. Last summer Sideouts held this event at their facility. Ultimate Fighting is a combination of boxing, wrestling and martial arts. It is not fake, it is real boxing, that is conducted in an octagon cage and professional fighters are brought in. Sideouts hosts the event and they sell the tickets. This is in no way a backyard brawl but rather a professional fighting event. The co is fully insured and there is a general liability policy for the event for \$1 million dollars. 22 Security Guards from the company will be provided along with 5 of Sideouts bouncers as well as Sideouts plans to hire 5 Village Officers. The Fire Department and Paramedics are also hired and on-site. Mr. Joe Arrizi of the Wauconda Fire Department stated that he was at the event at Sideouts last year on behalf of the Fire Department. Only one person got injured last year and it was a minor injury. It is an orderly event. Trustee Herrmann asked how many tickets are generally sold and Mr. DeLaurentis stated in 2005 there were 1200 tickets sold, in 2006 1500 tickets sold and this year they project to sell about 1700. Mr. DeLaurentis stated that they can handle this amount of people without any problems. In 2 events, they have only had 1 arrest. The event is all outdoors. Mr. DeLaurentis was asked for his occupancy amounts and he replied that the bar is for 300, backroom is for 90 and gazebo hold 50 plus all the outdoor, open areas. The Fire Department has to complete an inspection for insurance reasons. Mr. DeLaurentis was asked how he provides enough bathroom facilities and pointed out where bathrooms are located within the business as well as they rent 10 porta-potties. Trustee Sadoski inquired as to how they handle enough chairs, tables, etc. for the event. Mr. DeLaurentis explained that they have 750 chairs and many 8 foot tables. They have a seating chart already available if the Board would like to see one. There are no bottles or cans allowed that evening, cups only. No bottled water will be sold either. Trustee Garling inquired if there would be bowling still that same evening and Mr. DeLaurentis said yes, but no volleyball. Trustee Ponio inquired about how Mr. DeLaurentis plans to handle all the parking. Mr. DeLaurentis stated that last year they contacted and used Culvers parking lot for the evening and plan to do the same. They have their own parking lot as well as parking across the street on the property that they own. They have also rented Martin Insurance space which they will do again also. Sideouts hires people to maintain all the parking. Trustee Ponio asked if there are liability issues for parking. Mr. DeLaurentis stated that last year not a single car was damaged. If something did happen to a vehicle, Sideouts would take care of the damage. Trustee Ponio inquired about the hiring of Village Police Officers. The Officers are off duty but Sideouts is invoiced for the over time. How can they be under Sergeant supervision but dedicated to the event. Chief Fellmann explained that these Officers are not on duty. The streets are still all patrolled by regularly scheduled Officers that are on duty. Officers hired are dedicated solely to the event. Trustee Saville inquired if one of the Officers though is knocked out and put on disability for example for 8 months. Attorney Puma explained that it's best if the Officers are uniformed. They should have full arrest powers as well. They need to be uniformed including wearing their normal items such as a gun, handcuffs, etc. Trustee Saville asked if there is a written agreement. Chief Fellmann said no, not at the present time. Attorney Puma stated that this would be a good idea to do. Trustee Saville next inquired if Mr. DeLaurentis held this same event at Sideouts and Mr. DeLaurentis replied, yes, that they held the event at Sideouts last year. Trustee Saville stated that in reviewing meeting minutes though, Mr. DeLaurentis never came before the Board in 2006 for approval or even discussion of these events. He asked who issued Mr. DeLaurentis the permit and approval for 2006 and Mr. DeLaurentis replied, the Mayor and Chief. Trustee Herrmann stated that Mr. DeLaurentis has events all the time. He is seeking a permit for noise, not for the fight event. Trustee Saville stated that he verified that the event had taken place last year at Sideouts as well as asked Attorney Puma is there is proper zoning in place in order to hold an event such as this. Attorney Puma explained that this appears to be a special event and like any other event within the Village, such as the Hometown Hoedown or CornFest, the Board approves all events. This is a different type of event, the fight, and should come before the Board for approval. He added that there is not presently an ordinance in the Village for special athletic events and he strongly suggested that an ordinance be worked on and passed by the Board in the future. Attorney Puma explained that the Board has the right to look at and consider all events taking place within the Village. Trustee Herrmann commented back though that there are events all the time all over the Village that have spectators such as baseball, little leaguer, etc. Trustee Garling replied that the email that went out, stated that Mr. DeLaurentis is seeking a variation of the sound ordinance. If there's a change in an ordinance, anyone and everyone should come before the Board then. Trustee Herrmann commented that the Battle of the Bands event in the past actually was instrumental in creating the sound ordinance that exists today.

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1Attorney Puma said that the current ordinance gives the Police Chief authority to approve this. He recommended that this be changed to read that events and variations such as this be brought before the Board and approved by the Village Board. The Ultimate Fight is scheduled for August 11<sup>th</sup>. The Battle of the Bands is scheduled for August 4<sup>th</sup> and 5<sup>th</sup>. Mr. DeLaurentis explained that he is seeking a variance in the noise ordinance for Saturday until 12 midnight and Sunday until 11 pm. He added that the announcer at the Ultimate Fight will probably only be heard, not the actual fight. The fight is not amplified.

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3Trustee Ponio stated that he is against an Ultimate Fight event. He feels it is barbaric and has no purpose in the Village. Mr. DeLaurentis explained that is mixed martial arts, they wear gloves and there are rules that the fighters have to follow. They can not even elbow nor kick knees. Trustee Ponio replied that he does not understand the purpose of such an event. He said that the event itself promotes violence and brings certain types of people. Trustee Herrmann replied that Trustee Ponio is generalizing and it is not fair. Mr. DeLaurentis replied that this is the largest event that they hold and other Villages are bidding to have such an event in their towns. He feels that this Village should want this event.

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5Mayor Hyde explained that there were some sound concerns in the past with the Battle of the Bands. It was analyzed and the Village passed an ordinance. Last year there were no sound issues nor complaints. He stated that Mr. DeLaurentis did a good job correcting the complaints. Mayor Hyde said that neighboring Village's want this event, that this Village has had this event before and questioned if the Board would want to loose the revenues from such an event to neighboring Village's. Trustee Saville replied that he does

not mind such an event but again, questioned if this is what the Board wants for the Village. Trustee Sadoski said that patrons from all over come and attend this event. She has no personal problems with this event. Mr. DeLaurentis stated that the tickets are pricey so it tends to draw a good crowd as well as they take every precaution necessary to have solid security, etc. Trustee Herrmann questioned what exactly was applied for then and Chief Fellmann stated that he has already approved and released the sound ordinance variance for these two events. Trustee Herrmann verified with the Village Attorney that the Chief make the decision per the Village ordinance and Attorney Puma concurred. He added that it would be good and proper to give the Chief direction though. Trustees Saville, Verciglio, Herrmann, Sadoski and Garling have no problem with this event. Trustee Ponio stated that he does have a problem with such an event but that he is outnumbered. Chief Fellmann reported that only one person has come forward from last year and is anxious about this event. He said that the Police Department will pay close attention to these events. Attorney Puma will put together the agreement then between the Village and businesses such as Sideouts for such events in the future. It is not a contract, but rather more administrative and it's what they will do for the Village. This agreement would be for anyone, not just Sideouts.

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1 2. Approval of \$75 donation to EMA for the 4<sup>th</sup> of July parade/games

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Motion by Trustee Garling, properly seconded to approve a \$75 donation to EMA for the 4<sup>th</sup> of July parade/games.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

1 3. Approval of Resolution 537-07 Opposing Rezoning of property commonly known as 2020 Route 176, Crystal Lake, Illinois (property generally located across from Prairie Isle Golf Course)

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Motion by Trustee Garling, properly seconded to approve a Resolution 537-07 Opposing Rezoning of property commonly known as 2020 Route 176, Crystal Lake, Illinois.

Upon roll call, Trustees voted as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: Trustee Ponio

Motion was declared carried.

1 4. Approval of Ordinance 1312-07 Prevailing Wage Ordinance

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2 Trustee Ponio mentioned that Island Lake is in Lake County and McHenry County; however, he does not see the McHenry county rates attached to the Ordinance. Attorney Puma stated that he will make sure that everyone receives a copy of the McHenry County rates. Trustee Garling inquired as to how the figures come about and Attorney Puma explained that the Department of Labor posts the rates.

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2 Motion by Trustee Garling, properly seconded to approve Ordinance 1312-07 Prevailing Wage Ordinance

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

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- 1 5. Approval of funding for Senior Bus per set in the budget

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1 Motion by Trustee Verciglio, properly seconded to funding for Senior Bus per set in the budget

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

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- 1 6. Approval of Polling Place Agreement for the February 5, 2008 Primary Election and November 4, 2008 General Election

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2 Trustee Herrmann expressed concern for when voting days take place as there are children in the building.

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1 Motion by Trustee Garling, properly seconded to approve Polling Place Agreement for the February 5, 2008 Primary Election and November 4, 2008 General Election

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Garling, Ponio, Sadoski, Saville and Verciglio

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

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7. Reconsideration of the veto for ordinance 1311-07 Interim Police Chief

Mayor Hyde stated that he has 15 areas to discuss with the Board. He brought along and put up a flip chart with information on it pertaining to the areas that he will be discussing this evening. He felt that it is important for the Trustees to hear and go everything because all but one were on the Board before and have not heard all this information. The Chief is also present to answer any questions. Mayor Hyde explained that a major subject to this is Interim vs. Full Time. He said that the Board started out with comments being made by a Trustee talking about the fact that an Interim Chief is second class, that the position shouldn't necessarily be treated as a regular employee, etc. Mayor Hyde asked Chief Fellmann to continue to move forward, to fix deficiencies in the Police Department, improve handling of things, productivity, training needs which are critically important, developing alliances which have been done, etc. Improvement of morale was to be worked on as well. Mayor Hyde does not feel that Chief Fellmann has changed his stature since being a full time Police Chief. He said that the only reason he has been put in this position is when former Trustee Guido requested that, or rather when the Board did not approve a contract, how do you pay someone. This town would have no Police Chief and no way to pay for it if I didn't put in an Interim Police Chief. Mayor Hyde said an agreement was put together and it got worse and worse and worse. On 5/10, "I do not think it's proper to balance the budget on one person's salary", was my quote. This does not sound right, does it. When you talk about the Village, one employee is the only one not to get a raise and that's the Chief of Police. Mayor Hyde pointed out that there was a \$23,000 positive difference when the Chief did not take insurance as part of his contract. The costs went down. Mayor Hyde said that he knows Village employees are not making decisions on a regular basis that they should be making because they are afraid of the decision and a Trustee saying to them in return and asking if that was a good decision. Mayor Hyde said it's not right to walk in every day and have to face the employees wondering if you have your job the next day. He said it doesn't fit very well and says something very strong. Communication is very important and it's been discussed at length. He said they talked about people properly communicating. Mayor Hyde said the Police Committee had three meetings since the Police Chief came into being, after being appointed, the first meeting was on May 16<sup>th</sup>, the second on June 27<sup>th</sup> and the third meeting on November 1<sup>st</sup>. He said that the Lake County States Attorney has made it very clear that the Village has illegal meetings, under the Open Meetings Act. Mayor Hyde said the first two are simple. You have to write the agenda of the meeting and this was not done. The last one is very serious and in fact, at the end of the month, the attorney will be in, during the Village meeting, to give the Board training so that they understand how to do it. The meeting at the end derives supposedly the understanding of the committee on moving forward. It was an illegal meeting and if this

doesn't scream at you, something is wrong. He asked how you can take an illegal meeting and come forward and make a resolution and move forward with that. He said it's not right and you don't. Mayor Hyde said if it's illegal it's illegal. Mayor Hyde said the first two meetings that took place, the Chief never got invited. He asked if this sounded right to the Board. He asked if this tells you that there might be a problem there. Trustee Ponio asked what the meeting was for and Mayor Hyde said there are no minutes. Trustee Garling asked if the meeting was posted and Mayor Hyde replied that it was and he can provide a copy. Trustee Garling asked if Mayor Hyde attended any of these meeting and he replied no, he was not invited. Trustee Ponio said though that the Mayor knew about the meetings as they were posted. Mayor Hyde said that he does not go to every committee and he has no idea what is going on with some committees until they are reported on. Trustee Ponio said whether or not someone was invited or not, it was posted and anyone can attend. Mayor Hyde said it is appropriate to invite individuals to meetings. Trustee Garling said yes, it's polite, but not necessary. Trustee Ponio asked if candidates were placed before the Police Commission once former Chief Bero left. Mayor Hyde replied no, that he had interviewed all of them and that he went through 6 candidates. He said that he interviewed many of the candidates 3 and 4 times. Many he took to lunch to better understand them. Mayor Hyde felt that Chief Fellmann was the best candidate. He said most of the candidates did not hold prior supervisory positions. The training level of those candidates had no comparison to Chief Fellmann nor the experience plus the recommendations that came in on Chief Fellmann. Trustee Ponio commented though that the focus tonight is not really in direct to Chief Fellmann. Mayor Hyde said no, that it does affect him directly. Trustee Ponio said this pertains to any Interim Chief. Mayor Hyde said he wants though to review these items with the Board and feels he should the opportunity to do so. Trustee Saville said that what the Mayor is talking about now everyone has heard in the past and if there is something new, he feels that would be more appropriate. Mayor Hyde feels this is important and should be reviewed. Trustee Saville said this has been reviewed already several times and he would like to get to some new information instead otherwise, he'd like to call for a vote. Mayor Hyde stated that he is not finished. Trustee Saville said that Roberts Rules states that only new information is to be brought up at this point. Mayor Hyde said each one is new. He questioned if Trustee Saville has talked about communication and Trustee Saville replied yes, the Board did, in executive session.

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Mayor Hyde went on to discuss communication between the Chief and the Board and Village employees. There are vehicle reports too, property suspension reports, mission statements, vacation, resolution, fee schedules, and much more, that's given to each Board Member. He explained there is a complete different packet that he receives, as the Mayor, from the Chief daily. He gets approximately 5 to 10 minutes a day of a verbal report from the Chief. He mentioned that the Board Members received emails today. Trustee Garling questioned though that these emails are relatively new and Mayor Hyde said that yes, they are, but wanted to make sure they were received. Trustee Garling questioned why though the past Board Members were not given these emails. Mayor Hyde said the emails were given to them. He has a list, as well as the Chief has a list, of emails. He said there are regular updates via email from the Chief. Mayor Hyde said that Trustee Sadoski has looked at the emails just between Mayor Hyde and the Chief. Mayor Hyde said he wanted pointed out the difference between year long correspondences vs. meetings. Trustee Garling said that the list that was provided by Mayor Hyde of Chief Fellmann's accomplishments, that many of them are ordinary business items that should be occurring. Mayor Hyde said though that communication was strongly pointed out by former Trustee Guido. Trustee Saville said that former Trustee Guido though is no longer here and to keep it to the current Board if possible. Trustee Garling said that he had poor communication with the Chief in the past as well but they talked it through and worked it out. He pointed out that former Trustee Guido was not the only one experiencing poor communication with the Chief. He stated that he is readily available and still had issues. Mayor Hyde said there are serious communications out there no matter how you look at it. He said that there are questions too regarding the review that he completed on the Chief. He said that he is contracted to do a review and is obligated to do it and he did it. Mayor Hyde said it is an intensive review. He wanted a comprehensive review.

There are 28 areas that were reviewed. Mayor Hyde said that the former Board did not like all the areas in the review. After 90 days, Mayor Hyde felt something needed to be done so he gave the review to the Chief. He said there are four areas within there that he too expressed concern for. Trustee Verciglio asked when the review was done and Mayor Hyde said the review was done on January 2, 2007. He was appointed on the year end deadline. Mayor Hyde mentioned that the previous Board did not want to do anything with the review. Mayor Hyde asked Clerk Kaczmarek to make a copy for everyone. Trustee Saville stated that he is very uncomfortable with this, this evening, and feels a dangerous game is being played by the Mayor. He asked how they are supposed to sort out what is executive session, what isn't, etc. To Trustee Saville, this is very uncomfortable. He explained that this should only be about the ordinance and that it has nothing to do with anyone personally. However, Trustee Saville said the ordinance affects all of us. This ordinance does not have a name attached to it. He explained that Mayor Hyde is making this personal, attaching a name to it and he is offended by this. Trustee Saville said the ordinance is for anyone that may be placed in that position now or in the future and it's being done to protect the residents of Island Lake. Mayor Hyde asked to finish and Trustee Saville called for a vote. Attorney Puma said that everyone would be going into a questionable situation if they start prohibiting debate or trying to prohibit debate on a topic and Trustee Saville stated that he does not want to do that but expressed concern as well as confusion for the Board Members as what now is executive session and what is not. Attorney Puma explained executive session in more legal terms for the Board. He said that most Boards, take the approved items into executive session, as they could potentially harm a situation. He added that it's purely the Boards prerogative as to what to discuss out in the open session. Trustee Herrmann explained that she had requested that the Board, before making any decision, listen to the executive session minutes of the past so they have a better handle on what occurred and happened before they move forward. She is the only one that has been through it all thus far and she feels that there is a lot of confusion especially since much was previously discussed in Executive Session. For the Board to bring up that information, is bringing up information that has not been released by the Board. Trustee Herrmann is reluctant to respond therefore. Mayor Hyde said that is why

he set up the agenda as such so the Board could talk about these items in Executive Session and there would be no liabilities tonight. Trustee Herrmann replied that Mayor Hyde not be receiving her participation this evening because she does not want the States Attorney coming after her. Attorney Puma does not prosecute for Executive Session. As long as items are true, there are no liabilities. Trustee Saville clarified, that as long as facts as discussed, the Board is on firm ground and Attorney Puma agreed. Trustee Herrmann replied she does though have an issue with Mayor Hyde's personal allegations against one former Trustee. Mayor Hyde replied that the allegations are that there was a disagreement. Trustee Herrmann said that that is not a true statement because Mayor Hyde has mentioned former Trustee Guido several times. Trustee Herrmann asked Mayor Hyde, as when she was Clerk for 4 year and Mayor Hyde was back then a Trustee, she questioned how many meeting minutes Mayor Hyde neglected to turn in himself. Mayor Hyde said he couldn't say how many. Trustee Herrmann said that Trustee Huff was also

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mentioned by Mayor Hyde and she'd like to know why he was only mentioned and not the other 50 newspaper quotes that maybe didn't sound quite like the quote that Mayor Hyde stated. She said that this session sounds like a sales presentation and it's incorrect. Trustee Saville said that there's a list of a number of questions that to date have not been answered. He asked if those questions could be answered too. Mayor Hyde asked to finish this first though. Trustee Garling said that the biggest issues being discussed here tonight are completely separate from the ordinance that's on the agenda to be voted on this evening. Many of the Board Members agreed. Mayor Hyde did not agree. Trustee Garling stated that they are not tied together. Trustee Verciglio stated that he too is very uncomfortable this evening. He said that tonight the vote is for the ordinance. Mayor Hyde said that this is the only way though that he can review this information with the Board. Mayor Hyde stated that many individuals had said positive things about the Chief including Nicole Owens from the McHenry County Office from the serious truck accident that occurred in Island Lake. Dan Coles, Superintendent, has spoken positively to the Mayor about the Chief. Joe, from Sheltering Oaks, has had positive comments along with Culver's, the liquor store in town, etc., have all had positive comments. Mayor Hyde said Bobba G and Pastor Hoffman have had positive things to say. Several developers, as it relates to security, have had good things to say also. Mayor Hyde stated that the salary in the ordinance is the lowest. There is one other municipality, which is smaller than Island Lake, is the only one with a lower salary. Trustee Verciglio stated that the Board though is not talking salary or contract, they are talking ordinance. Mayor Hyde said the ordinance puts the salary into effect though as well as it talks about a vehicle. Trustee Verciglio stated that the Interim Chief will not have those items if the ordinance does pass. He said everyone understands that. He added that this is not a contract but rather an ordinance. Mayor Hyde said if you look at an interim position, who would take it in the Police Department. He questioned why a sergeant would give up his/her current position for an interim position. Mayor Hyde said that the Attorneys could not believe the first version and Trustee Herrmann said yes, and that one wasn't approved. She added that three different contracts were worked on. Mayor Hyde said that this was never approved legally and it's not a good contract. The Board Members stated once again that this is not a contract and asked Mayor Hyde to not refer to this ordinance anymore as a contract. Mayor Hyde replied that it acts as a contract. Mayor Hyde asked the attorney, if another person were brought in under the same interim position, would he/she be obligated to the same thing. The Board agreed. Trustee Garling replied, that even if Chief Fellmann retired and left the Village, the Village would need to have someone take his position and this interim police chief ordinance covers this. Mayor Hyde questioned how you would get someone to actually accept this ordinance. Trustee Saville said that the Board is not opposed to a Chief but that they'd like to see some competition. Mayor Hyde said that if the Board wants to take a team of candidates and review them, the Board can do that; however, Trustee Sadoski has taken a proper look already at how a proper contract should be done for our Police Chief and that's the way it should be handled. He said this is not the right way to handle it. Mayor Hyde stated that the Board reviewed the current Chiefs contract from the past year. He added that there was a contract along with an addendum. Chief Fellmann stated that the first contract was dated January 1 and it had to re-dated, re-done, and was dated then appropriately to January 5<sup>th</sup>. Mayor Hyde said with regard to the Village vehicle, when you look at this situation and taking a car away from the Chief, you are basically putting our town into a liability when you look at where he has to come from. He added that the previous Police Chief paid mileage at 48 cents per mile. Trustee Verciglio stated again though that the Board is not talking about a contract but rather about an ordinance. Mayor Hyde and Trustee Verciglio agreed that the ordinance, once in place, has to be abided by. Mayor Hyde said it's a contract for him though. Trustee Verciglio stated that he disagrees and asked Attorney Puma. Attorney Puma replied that it's the terms of employment. Trustee Sadoski said that there are many personality conflicts all around. She said that she is somewhat ashamed of the last Board in some respects because this has gone on too long. She said that this is just an ordinance. Trustee Sadoski said that maybe the Chief did some procedural things wrong in the past but this ordinance is for any interim police chief. She said that he is a good Chief and suggested everyone see the good that he has done. She would like to see some changes though such as the differences between a Chief and Interim Police Chief, etc. Trustee Sadoski would like this to go to the committee, discussion of a contract. She stated that she does not have an issue with the Chief. She added that she knows nothing about being a Police Chief and that he is doing a good job and is doing what he's supposed to be doing. Trustee Sadoski said that she is not going to go in there daily and tell him how to be a Police Chief. She said this needs to be settled tonight and talk of a contract needs to go to the committee. Trustee Saville said that Chief Fellmann is an interim chief, he is not an employee, but rather an appointed person by the Mayor. Trustee Herrmann said that the Board agreed on a contract previously and the one that Trustee Schmidt wrote was agreed to be presented to the Chief. Attorney Puma explained that Chief Fellmann declined it and made a counter offer. Trustee Saville asked what this has to do with the veto. Trustee Garling said it doesn't have anything to do with it. Trustee Verciglio

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commented that the original contract, signed by the Chief, it was clearly stated that he was an interim chief, not a chief. Attorney Puma agreed and said that was correct.

Trustee Herrmann reiterated that there is no name attached to the interim police chief ordinance. Trustee Saville commented that the veto should be discussed as that's what's on the agenda.

Trustee Sadoski asked Chief Fellmann, if the Board overrides the veto tonight and the ordinance passes, would Chief Fellmann agree to stay on in the interim while the committee reviews a contract for the Chief. Chief Fellmann said that he would stay. Trustee Saville asked if the Chief would be opposed to competition and Chief Fellmann asked what he would be competing for. Trustee Saville explained for a Chief contract, not an interim chief. Trustee Verciglio asked who would review the candidates and Trustee Sadoski said that the committee would. As far as going through qualifications though, he questioned if this committee is actually qualified to judge all these candidates. Trustee Ponio said, qualified or not, they were all elected to be up there. Trustee Verciglio recommended guidance though as they go through the process. Trustee Ponio said that a gentleman that he works with, in the town of Burlington, they hired an outside service to find qualified people to be a Chief and then presented them. Attorney Puma said it costs about \$15,000 to \$20,000 typically to do this. Trustee Garling questioned how much time and money has already been spent.

Trustee Garling stated that he would like to call the question. He said point of order, the question has been called.

Motion by Trustee Garling, properly seconded to approve reconsideration of the veto for ordinance 1311-07 Interim Police Chief.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried. The veto was overridden.

Items from the Clerk, Department Heads and Trustees

- The Village newsletter is complete and will be out in the mail to everyone Wednesday or Thursday.
- Trustee Garling said that the Bill Dugan stickers have all been removed and a bill has been sent to Mr. Dugan.
- Trustee Garling questioned the May 31<sup>st</sup> letter from the Attorney General. He asked what this is about. Trustee Saville said that a letter was sent to Lisa Madigan expressing concern over the price increase from Northern Moraine.
- Trustee Saville pointed out contracts that were signed by Mayor Hyde with regard to waiving of fees, rate increase approval, McHenry analytical, etc. Mayor Hyde said that this relates to groups that the Village gives free service to for various events held in town. Trustee Saville said that he spoke to Mr. Kootstra and they discussed protocol and procedures. The contract that has to do with North American Salt – the rate was increased for salt. He questioned why it never came before the Board for approval along with the other contracts. Mayor Hyde asked who signed it and Trustee Saville said that Mayor Hyde did. He provided the Mayor with a copy of these signed contracts. Mayor Hyde said it has to do with services and it's an on-going program. Trustee Saville asked why it didn't come before the Board though or even brought up to the Board. Mayor

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Hyde said nothing will be approved nor signed here on out that he knows of until the Board approves it.

- Trustee Saville said that Mr. Kootstra is the Director of Public Works. Mr. DeYoung reports to Mr. Kootstra so if anyone has anything for the Water Department, it should be filtered through Mr. Kootstra. Mr. DeYoung is in the union and Mr. Kootstra is the Director and Supervisor.
- Don Verciglio said that last weekend Island Lake participated in the Relay for Life in Lake Zurich. The Village was present with a plaque. They have received over 8 million in donations and the Village has been a supporter for several years.
- Trustee Ponio questioned the emergency CTY message that went out at 2:38 pm when the storm did not hit until after 11 pm. He said that he is concerned about the time frame and that several businesses closed, due to this warning, when the storm

*didn't even take place until around 11 pm. There was a loss for these businesses. He feels that if such a warning is put out that it should be done so that it's much closer to the actual storm. After being asked, Mr. Arrizzi replied that Wauconda had not put a warning out. Trustee Ponio is worried about the cry wolf syndrome. He's concerned that if this happens too often, people will begin to ignore the warning. Mayor Hyde said the call made to me and that they knew the storm was on its way. Trustee Ponio said that there are people now being investigated by the FBI for falsely warning people and falsely claiming storm damage. He questioned where the Village's weather information comes from. Chief Fellmann replied that it comes from McHenry County EMA and Lake County EMA. Once the alerts are received, real time, and once a warning is received, if it stands out and a dangerous system is approaching, he then telephones the Mayor. There is a script then that the Chief records. He contacted Connie Mascillino of EMA next and everyone agreed that this message should go out in a timely fashion. EMA has trained weather professionals watching for storms and then they alert everyone.*

- Trustee Ponio said that he received information on Spray Specialists and questioned what this was about. Trustee Herrmann stated that she asked for everyone to receive a copy as it's an item that is still pending. It has been left open ended. Trustee Ponio said that it looks like the Board spent \$3000 to have the EPA say that there is no fine to be issued. Trustee Herrmann said that the EPA said that it wasn't high enough on their list to take action, not that there was no violation. Trustee Ponio said on one of the reports, it states there were no fines and he questioned who authorized who to spend this money. He said that someone just spilled something on the ground. Trustee Herrmann questioned, after looking at the attached photos, that that was just a spill on the ground. Trustee Ponio said there was something there. Trustee Herrmann said there are also photos from years ago. Trustee Ponio said the property in question, there's been discussion between the Village Board and the owner, regarding placement of a water tower near the property and the water tower was designed to go onto another piece of property at a lesser cost to our Village. He said the gentleman paid money to relocate that tower on that piece of property so there was some arguing going back and forth. Then, he doesn't even live in our Village, he's washing out a latex paint can, and the water went over and down his driveway and across the ditch. The Village spent \$3000 then to get him Trustee Ponio said. Trustee Herrmann said that is not true. Trustee Ponio said the EPA would have done that on their own and paid the costs. Trustee Verciglio said if there's a spill, it has to be investigated. Trustee Ponio said how about let's take another place in town like Sharp Auto Body. He said*

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*there are permeable soils where all the wrecked cars are placed and the oil and transmission fluid is spilling out and onto the gravel. He questioned why that isn't looked into. He asked why Willie wasn't over there, with Baxter & Woodman, taking soil samples of the gravel to make sure that's not permeating our soil. He asked if this is acceptable. Trustee Garling said that no, it's not acceptable anywhere. Trustee Saville said that he would not let Mr. Kootstra go over there and that it would need to be handled to someone else. Trustee Ponio said that he is talking about when a tow comes in, most companies have impervious pavement and a triple basin so when they wash oils down, they go through the various basins properly. Trustee Ponio said the tone of the letters that he read, it appeared to be more of a witch hunt than anything. Trustee Herrmann said that the reason she gave everyone the information, is that everyone wanted to be filled in regarding items that were still pending.*

- Trustee Ponio said that he would like a list of all Village pending lawsuits.*
- Chief Fellmann said that on Saturday am there is a charity walk where several officers will receive special plaques and he invited the Board to attend. It is at 8:30 am at Bonner and Highway 12.*
- Connie Mascillino pointed out the new posted sign in the Board Room regarding Tornado drill. There is also a sign now in each department. In Village Hall, the two safest places are the kitchen in the Senior Room and in the basement.*
- Connie Mascillino stated that there is \$180 of missing AED materials missing from the Board Room. It was in a box in the closed cabinet where the mailboxes are located.*

- *Trustee Garling reported that he participated in the CPA class this past week through the Park and Rec Department. He said that actions have changed and there are now 200 compressions per minute. He encouraged others to attend this training in the future.*

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

*Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek questioned that the Village had to pay Baxter & Woodman for the pollution monitoring and Trustee Ponio replied that yes, Baxter & Woodman was paid by the Village. He stated that that should be submitted to the state as they pay for it. Trustee Ponio said that Mr. Kootstra had ordered Baxter & Woodman to come out.*

*Motion by Trustee Garling, properly to bring the meeting back to the board. Upon voice vote, motion was unanimously declared carried.*

*Mayor Hyde said that there is Executive Session this evening for land sale and litigation.*

*Motion by Trustee Garling, properly seconded to go into Executive Session. All in favor.*

*Motion by Trustee Herrmann, properly seconded to adjourn Executive Session and return to the Board meeting. All in favor. Motion by Trustee Garling, properly seconded to adjourn the Board meeting. Being that no further business was discussed, the meeting adjourned at 10:30 pm.*

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*Clerk Christy Kaczmarek*