

MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 11th DAY OF OCTOBER 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 Garling, Herrmann, Ponio, Sadoski, Saville and Verciglio.

Also in attendance was: Village Attorney Scott Puma; Connie Mascillino, EMA Director; Sharon Hyde, Creative Playtime and Karen Luebbers, Recreation Department.

1. Approval of the minutes – September 6, 2007, September 13, 2007 and September 27, 2007

Motion by Trustee Herrmann, properly seconded to approve the meeting minutes from September 6, 2007, September 13, 2007 and September 27, 2007.

Upon roll call, Trustees voted as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

COMMITTEE REPORTS

1. BUILDING, ZONING AND ORDINANCE

Trustee Ponio summarized the BUILDING, ZONING AND ORDINANCE report for the month of September: Building fees were \$5542.00, water connection fees \$455.00 and total permits issued were 53. Electrical compliance inspections – there were 5 with a total of \$250.00 collected. 0 ordinance tickets were issued and there were 2 rental inspections with a total of \$75.99. Total fee for the month were: \$6322.00.

Motion by Trustee Verciglio, 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

Trustee Herrmann summarized the FINANCE AND ADMINISTRATION report for the month of September: 9 residents moved in and out of the Village in September, 39 residents have had their garbage pick up suspended as a result of non payment. Water bills have been sent out and are due November 1st. 25 red tags were posted, 3 were shut off, 1 turned on and the remainder paid and/or made arrangements. Water past due noticed have been sent for Section B residents.

Motion by Trustee Verciglio, properly seconded to approve the FINANCE AND ADMINISTRATION report as presented by Trustee Herrmann. Upon voice vote, motion was unanimously declared carried.

3. POLICE AND PUBLIC SAFETY

Trustee Sadoski summarized the POLICE AND PUBLIC SAFETY activity report for the month of September: Island Lake welcomed the opening of Matthews Middle School. The new Lake Patrol Boat has completed being outfitted and is now stationed at the Eastway boat dock. The department is proud to add its newest Officer, Vincent Pagliaro, to the department at the swearing in ceremony. He is at the Police Training Institute. In September, Lake County Department of Health met with the Police Department command staff to further review emergency planning for regional incidents. In Sept., the Police Department also deployed its newest squad car. Other events that the department participated in were: Touch a Truck, Wee Kids and Dance of the Decade. There were: 1422 Calls for Service, 73

criminal offenses, 6 criminal arrests, 64 ordinance violations, 1 ordinance arrest, 179 traffic citations issued, 13 accidents reports, 1 warrant served and 108 parking tickets issued along with 10 warning tickets were issued. Lake County Courts collected \$3085.49, McHenry County Courts collected \$8115.65, \$2,630.00 collected in parking tickets, \$61 in report copies, \$1039.00 in Miscellaneous, Police Vehicle Fee \$899.50 and Dispatch Fees \$3344.42. Total collected for the month of September: \$19,175.06. 36 Assist other police agencies, 37 fire department assists, 5 public works assists, 4 assists to other agencies, 14 house watches, 16 business checks, 6 activated alarms, 2 animal impounds and 10 other departmental services.

Motion by Trustee Herrmann, 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 September: Park and Recreation – enrollments include 20 guitar, 14 yoga, 18 ballroom dancing, 20 belly dancing, 70 dancers, 28 basketball and 5 in piano. Revenue collected \$46,772.00, expenses \$44,044.00 with a balance of \$2728.00. The Winter/Spring Recreation Guide is being worked on. Club Registrants are coming in daily. Jack Mead 5K “Run for a Cure” is at Eastway Park on Sunday, October 14th and the race begins at 7:30 am. LifeLine Screening is scheduled for December 19th. Creative Playtime has 138 enrolled with 38 openings. Signs have been posted on Hwy. 176 at both ends of Island Lake. October revenue: \$11,588.75. Expenses reported on 9/25/07 \$24,132.04.

Motion by Trustee Herrmann, 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 September: With assistance from IDOT, a sinkhole was repaired on Route 176. Installed speed limit signs and “Slow Children Playing” signs along Spruce Terrace. All village streets were swept. State salt bid was received and salt shed is being prepared for the season. Opened bids for the Southport Pond project. Upon review, it was decided that the work can be completed by Village Staff. The 1 received bid was approximately \$10,000 higher than anticipated. Water Department: Completed 119 JULIE located, flushed various dead end fire hydrants and at the 76th Annual Potable Water Supply Operators Association Conference in Springfield, Illinois, Neal DeYoung was presented with a Certificate of Commendation for perfect compliance in accordance with the Illinois Fluoridation Law on behalf of the Village. Trustee Saville commended Mr. DeYoung and the water department for their great work. He explained that there are 859 water supplies and of those, 70 received a certificate of commendation. This is the 12th year that Island Lake has received this award. Completed 99% of the CDBG 2008 application. Total gallons pumped: 21 million, average gallons per day: 700 thousand, peak day gallons: 830 thousand and total number of services: 2,876.

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

6. ECONOMIC DEVELOPMENT

Trustee Garling said reported that he is preparing for the ICSE show. He is developing a brochure. Mr. Garling is planning for an Uptown Improvement Committee meeting for Tuesday, October 16th at 7 pm in the Board Room. 5 are scheduled to attend. Clerk Kaczmarek has already posted the meeting. 2 of the committee members are grand writers. Trustee Garling stated that he saw in the newspaper today an article on how nice it is to open a business in Wauconda, Illinois. He hopes that Island Lake can have this too some day. Trustee Garling said that because of the political stuff going on Island Lake though, some people just don't want to do business here in Island Lake. He explained that he's been here for 18 years and that it is getting down right ridiculous. He said that there are games coming from all angles and that people see that. Trustee Garling said lets take that back, that the political stuff has got to stop and everyone needs to settle down and deal with issues that need to be dealt with and concentrate on what's best for Island Lake.

Trustee Garling said that many are acting like a child. If one keeps asking, one thinks one might just get it. Or, if one keep brining an item up, some how one might just change their mind. He said that this is not helping Island Lake nor the residents. Trustee Garling said that he will do his best to attract businesses to Island Lake at that tradeshow but that the Board has got to get their act together.

Motion by Trustee Herrmann, properly seconded to table the ECONOMIC DEVELOPMENT report as presented by Trustee Garling. Upon voice vote, motion was unanimously declared carried.

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*

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

Upon roll call, Trustees voted as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

Agenda Items:

1. *Discussion of Ordinance 1-6-4-6 Rules of Order*

Motion by Trustee Saville to enforce the rules against Chair participation and debate as presented in Roberts Rules which is in the Village official Ordinance Book titled Rules of Order, section 1-6-4-6, properly seconded.

Trustee Saville read Ordinance 1-6-4-6. He stated that the main responsibility of the Chair is to keep the meetings moving and when a speaker is speaking, not to interrupt him/her. Mayor Hyde pointed out the memo that Attorney Puma put together on this matter. Attorney Puma replied that he agrees with Trustee Saville that it does say that in Roberts Rules of Order, the Chair does not usually participate in debate. He said though, as elected officials, the Mayor does have the right to speak. Attorney Puma stated that it is his firms position, that this though puts form over substance and that they do not know of any other Village where the Mayor does not speak. He explained that the purpose of Roberts Rules of Order is give structure. He said that to change debate isn't in the best interests of the Village but that this is fully up to the Boards choice. Attorney Puma said that he is the Mayor, not the Chair, that he is an elected official and he has the right to speak. He added that a person that is voting has the right to speak. Trustee Garling replied that he thinks the intent is that the meetings should be run as efficiently as possible and that there is more control. He said that he too has interrupted others at times but that the person in control is the Mayor and that he has to keep control which is something that he is not doing. Trustee Garling said that the spirit of the Board is that it should do the best for our community and that the Mayor needs to run the meetings better and then items could better be accomplished. Trustee Saville stated that he consulted counsel himself on this matter and that the problem that he has is that within Roberts Rules of Order, the President can not enter into debate and he/she should be enforcing the rules. Trustee Saville pointed out that once again, a memo came from Ancel, Glink; however, it is all about what the Mayor is entitled to and not about what the Trustees are entitled to as well. He said that he is attempting to follow Roberts Rules of Order and in his motion, it is stated so that debate and participation from the Chair would be limited. Attorney Puma said that the Mayor does not have to ask for permission but if the Board wanted him to, Attorney Puma went through the hypothetical actions that would need to take place then. Mayor Hyde questioned if it is appropriate to be voting on this item this evening. Attorney Puma replied that it is because the public knew ahead of time that this matter was up for discussion.

Mayor replied that before, for example, the Board wasn't allowed to vote on a vehicle. Attorney Puma explained that the ordinance in that instance was short one vehicle on the list so the public was not made aware; however, with this matter, the public was made aware of the subject and were notified. It was explained that the Board is not taking away the right for the Mayor to speak but rather just changing the process. Mayor Hyde said that politics was mentioned earlier in the meeting and that by doing this this evening, a gag order is being put on him. He added that he can't believe he's not supposed to have an opinion and that this is the only Village the Village's law firm would have like this. Mayor Hyde said that he does not agree with Trustee Saville in most areas; however, this is his attempt to quiet him but that it's Trustee Saville's prerogative to do so. Trustee Herrmann clarified if this vote then is a consent to follow the ordinance that is already in place and Trustee Saville replied that in essence, yes, but that they are voting on one particular area of Roberts Rules. Trustee Herrmann stated that the Village ordinance, since 1952, states that the Board is to follow Roberts Rules and questioned why the Board is not following this then. She said that this is on page one of the Village's ordinance book and she does not understand why everyone is not just following Roberts Rules like it stated in the ordinance. Mayor Hyde stated that he does not understand Trustee Saville and that he does not understand the motion. Trustee Saville explained that the Chair should assist with the meetings and that participation in meetings is for him to correct, keep everything on an even keel and move the Board forward positively.

Motion by Trustee Garling to amend the motion and motion to table the suggested change to Ordinance 1-6-4-6 Rules of Order, properly seconded.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

2. Approval of Intergovernmental Agreement between the Village of Island Lake and Solid Waste Agency of Lake County for the residential electronics collection program

Motion by Trustee Herrmann, properly seconded to approve the Intergovernmental Agreement between the Village of Island Lake and Solid Waste Agency of Lake County for the residential electronics collection program.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

3. Approval to waive the sound ordinance for the Jack Mead 5K "Race for a Cure" at Eastway Park from 6:30 am to 12 noon Sunday, October 14, 2007.

Motion by Trustee Verciglio, properly seconded to waive the sound ordinance for the Jack Mead 5K "Race for a Cure" at Eastway Park from 6:30 am to 12 noon Sunday, October 14, 2007.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

4. Discussion and approval of funds for the Governors Hometown Awards Luncheon in Springfield Nov 27, 2007.

Trustee Verciglio stated that at the awards luncheon, the Village representatives will be presented with signs for the award. He is seeking approval for 2 over night stays – 2 rooms for 3 people. The cost is \$154 per person for two nights. Trustee Herrmann inquired as to whom is going to Springfield and Trustee Verciglio replied that himself, Mayor Hyde and Joe Munson of Wauconda Township are all going. Joe Munson is representing the American Legion and he will re-pay the Village for the room cost. Trustee Herrmann asked what budget or ASN this is coming out of and Trustee Verciglio replied that he is not certain what particular ASN but that he had spoke to John Little and Mr. Little said that there are funds available.

Motion by Trustee Verciglio, properly seconded to approve the funds for the Governors Hometown Award Luncheon in Springfield November 27, 2007 for Trustee Verciglio and Mayor Hyde and the Village will be reimbursed by Mr. Joe Munson.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

5. Discussion on Ordinance of a fine if a person in attendance at a closed session released information that was discussed.

Attorney Puma stated that he believes that there is a misunderstanding by Trustee Verciglio about this issue and an attorney from Ancel, Glink who made a presentation. The States Attorney was already called also by the media on this matter. Attorney Puma reported that the opinion of the Attorney General is that the Village does not have the power to sanction its Board Members. There is a municipal code provision that Board Members can be punished and there is a court case where a Trustee was censured and it was suspended. Attorney Puma stated that he is advising that a fine not be contemplated but that it could be done if the Board so wishes. Trustee Garling inquired as why this was brought up Trustee Verciglio. Trustee Verciglio replied that it is his understanding that the closed session exists so that Board Members are able to speak freely and he was wondering if a penalty should be applied if the information is shared outside of closed session but that the attorney who spoke on this matter, was not completely correct. Attorney Puma said that if there's a fine, there would need to be proof of the violation. There would have to be a hearing process, a result and then an action but that this could be done if the Board wishes. Trustee Ponio questioned then, if something is said in executive session and if after the meeting a Trustee wants to ask that specific person a question on the matter that was brought up to obtain the other side of the story, that would not be able to be done then without incurring a fine. He said what if I need to ask questions. Trustee Herrmann replied that one can carefully obtain the other side of the story without disclosing though the Boards discussion in executive session. Trustee Saville asked Attorney Puma then what if someone is trying to verify information yet the other Board Member will not provide the information that is being requested. He stated that what if we are asked to make a decision yet we can't the information in order to make an information decision. Attorney Puma replied that he can not think of a way to get someone to be compelled to answer Trustee Saville. He said that it is fair then to say, in a meeting, that you asked that Board Member however, you were not provided with the information that you had requested. He suggested calling that person out in a meeting and ask him/her.

6. Discussion and approval of immunizations

Trustee Sadoski explained that the Chief came forward and asked about immunizations for the Police Department. It is a budgeted item for this year. Trustee Herrmann explained that she did not receive the email and that Clerk Kaczmarek had just shared the email with her and she is quickly reading the information over. Trustee Herrmann stated that the Chief needs to be made aware, once again, that he needs to email the entire Board on matters such as this. She said that the Village no longer has 3 person committees so all correspondence should go to all the Board Members. Attorney Puma said that a consensus is needed on the family issue. Discussion took place over whether this should be offered just

to employees and/or family members also or if family members should be offered the immunization as well but that they would have to pay for it on their own.

Motion by Trustee Sadoski, properly seconded to approve immunizations and to allow spouses to also receive the immunizations but at their own expense.

Upon roll call, Trustees voted as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

Items from the Clerk, Trustees and Department Heads

- Trustee Sadoski stated that only 2 Board Members are attending the IML conference now and she would like to stay over for two nights. She said that she knows that the Board had approved one night but she has found a less expensive hotel and asked if two nights could be approved by the Board. Trustee Garling replied that he is okay with it. Trustee Herrmann replied that the Board only approved 1 night per person and to go back and change what was voted on it would be changing this unofficially which is not really the correct action.
- Trustee Herrmann reported that John Little has received 7 applicants for the Code Enforcement Office position. He will begin interviews next week.
- Regarding economic development, Trustee Herrmann spoke with Frank DeSort and there is a health good moving into Island Lake. It will be located near Culvers and is going to be called Health Island. Trustee Herrmann reported that Hallmark is closing. The store is about 40-50% empty. There are two new dentists moving into town. One is moving in near AnyKut and the other one into the Westridge strip mall. There is also a hot dog stand looking at the space that is currently being used by the Historical Society.
- Trustee Verciglio inquired about security for Village Hall as reports were recently received from Willie Kootstra. Trustee Sadoski stated that she has two more phone calls out there in order to obtain two more quotes. She is concerned as two of the companies in Mr. Kootstra's report appear to be more business hype than actual quotes. She would like to see two more actual quotes.
- Trustee Verciglio asked for an update on the status of the letter to the Attorney General and the complaint. Trustee Saville replied that the Attorney General sent a letter back saying that all correspondence has been forwarded to Northern Morraine and a response is being waiting on.
- Trustee Saville asked Mayor Hyde for a list of applicants that he spoke to and interviewed for the Chief's position after former Chief Bero retired from the Village. Mayor Hyde had already prepared a list of individuals and passed it out to the Board Members. He stated that the Board Members should be able to obtain phone numbers, etc., to these people on their own.
- Kevin Sutherland of Baxter and Woodman reported that the water tower has been delayed somewhat as it has been moved somewhat further north. Discussions are still taking place with the developer. The well is on schedule though. He anticipates a permit on the well to arrive in about a week or so. The water treatment plant is less far along. It is not behind, but rather it is just in process and with the design engineers.
- Trustee Herrmann asked Mr. Sutherland to elaborate on the speed study that was conducted by Lake County on Dowell Road. Mr. Sutherland explained that the Township does not have the resources to conduct such a study on their own. The Township is responsible still for a portion of Dowell Road, which is not the Village's. The County did the study for the Township and that portion is at 45 mph. The Village's portion is at 35 mph. So, part of the Dowell is 35, then it goes up to 45 and then goes back down to 35 mph. The Village did not post a sign on the Township side so the Township posted their own signs. Mr. Sutherland stated that as the Village annexes more and more into the Village, more of Dowell Road will become the Village's. Trustee Garling asked Mr. Sutherland to show the Board, on a map, the exact areas he was just speaking on. Trustee Garling verified then that the Township owns about 100 feet or so and Mr. Sutherland replied that it would behoove the Village to speak with the Township on this matter. Mayor Hyde stated that he obtained a copy of that speed study completed by Lake County from Joe Munson today who came into Village Hall to speak with him.

Items from the Mayor

- *Mayor Hyde mentioned the issues with Village Hall that have come up once again. The Police Department is having serious electrical issues and new computers are not functioning as they should be due to not enough power getting to them. The gym lights are also becoming an issue. He said that the Board needs to fully understand the issues with the building.*
- *Mayor Hyde stated that there was a serious crash at Eastway today.*
- *Mayor Hyde reported that a bobcat was stolen from a construction site but that it was found today in a far away location.*
- *Mayor Hyde mentioned the Leadership seminar for October 15th put on by Melissa Bean.*

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

Bob Carpenter, 3310 Highland Drive: On August 9th, Mr. Carpenter submitted a FOIA requesting information on Baxter and Woodman billing the Village for the drainage at Veteran's Park, the Beach House as well as he requested the cost for Berger Construction to do the excavating. In 2003, there was concern expressed about the brick pavers being used. In the later part of October, Mr. Carpenter stated that Mr. Kootstra had responded that the drainage is working and that the grades had been shot and the water is flowing around the building as it always has. Baxter & Woodman though said that they did not shoot the grades in 2003. Mr. Sutherland replied that he would have to check the records. Mr. Carpenter passed out pictures for the Board review of the drainage at the Beach House. He stated that in 2006, tax dollars and state dollars were used to correct the situation yet, on August 2nd and 8th of 2007, the same area had the same washout and problems. Mr. Carpenter questioned how and why the money was spent and if the money was spent wisely if there's still a drainage problem. Mr. Carpenter commented on the recent signs placed on Hwy. 176 and that they looked tacky. He also reported, that in the past, when they went down to Springfield to accept Hometown Governors Awards, that they did not use tax payers money and did not stay overnight but rather drove down there and came back on the same day.

Dwaine Schall: Mr. Schall inquired if Sideouts obtained approval for their large tent and Trustee Herrmann replied that yes, the Board approved the tent for the weekend event. Mr. Schall questioned how the parking was going to be handled. He said that 50 cars were on the road at the last event. Mayor Hyde replied that the Board was told last time that Mr. Schall had stated that he could not get out of his driveway due to cars being in the way. Mr. Schall replied that parking on the road is a hazard and that adequate off street parking is part of the permit. Mayor Hyde replied that he does not recall cars being parked on the asphalt at the last event. Trustee Saville replied that there were a lot of cars at the last event and that they can be a hazard. He suggested that the Village ordinances be followed and enforced along with the parking ordinances. He suggested that Sideouts make other arrangements if necessary for overflow parking. Trustee Garling added that parking has to be better enforced at these events or people need to park elsewhere. He said that the Police Department should go over there and ticket accordingly if they need to in order to follow the ordinances. Trustee Garling supports these events; however, parking and safety will need to be better enforced. It was stated that the Police Department should enforce the law and if they have to, ticket everyone that is in violation. It was suggested that a warning be given if cars are not parked properly and if they are not moved, they will be ticketed. Mayor Hyde asked Trustee Sadoski to review this matter with the Chief.

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

Motion by Trustee Garling, properly seconded to adjourn to Executive Session for personnel, property and to review the closed session meeting minutes. All in favor.

Motion by Trustee Garling, properly seconded to come out of Executive Session and return to the Board Meeting. All in favor.

Action on Executive Session items

1. *Approval of Resolution 539-07 Executive Session meeting minutes*

Motion by Trustee Herrmann, properly seconded to approve Resolution 539-07 Executive Session meeting minutes.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

2. *Motion by Trustee Saville, properly seconded to approve that John Fellmann is to answer all 25 questions, not including 4, 5, 10, 14 and 17 as they were answered already, in the same manner that those 5 questions were answered by the Chief on July 11th, and this is to be done so by or before October 22nd and turned into the Village Clerk for distribution to the Board.*

Motion was not seconded. Motion failed.

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 10:20 pm.

Christy Kaczmarek, Village Clerk