

MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 13th DAY OF DECEMBER 2007

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:31 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: Captain Joe Arizzi and Connie Mascillino, EMA Director.

1. Approval of the minutes – November 1, 2007, November 8, 2007 and November 29, 2007

Motion by Trustee Herrmann, properly seconded to approve the meeting minutes from November 1, 2007, November 8, 2007 and November 29, 2007.

Upon roll call, Trustees voted as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: Trustee Ponio

Motion was declared carried.

Motion by Trustee Herrmann, properly seconded to move the Committee Reports to the Consent Agenda. Trustee Verciglio asked for this to be a permanent change. Clerk Kaczmarek stated that she believes though that the ordinance would have to be amended. Trustee Ponio stated that he is against doing this as he feels that the public wants to know as well as has the right to know what is going on in the Village. He commented that if these reports are not read, only the Trustees know then what is going on within the Village. Mayor Hyde added that if Trustees want to cover anything, they can do so in the Items from the Trustees. Trustee Saville also did not agree with this.

Consent Agenda Items:

Items under the Consent Agenda are considered routine and/or non-controversial and will be approved by one motion. If anyone (board member, staff, or citizen) wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.

1. Approval to pay the bills
2. Approval of Committee Reports:
 1. Building, Zoning and Ordinance
 2. Finance & Administration
 3. Police & Public Safety
 4. Parks, Recreation & Education
 5. Public Works
 6. Economic Development
3. Approval of Sybaquay Council 2008 cookie sales January 5, 2008 to January 29, 2008 and February 22, 2008 to March 30, 3008
4. Approval of Holiday Store signs for Cotton Creek School along highway 176

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, Sadoski, Saville and Verciglio

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

Agenda Item:

1. *Approval of Ordinance 1320-07 FOIA Policy and Ordinance*

Motion by Trustee Herrmann, properly seconded to approve Ordinance 1320-07.

Clerk Kaczmarek reported that last week the Board had asked her to speak with Chief Fellmann and have him review the FOIA ordinance and policy as well and obtain any input he might have. Clerk Kaczmarek did not and added a few minor additions that Chief Fellmann had suggested. The Attorney made the minor changes. The ordinance and policy are basically the same that were presented to the Board over the past few weeks.

Motion by Trustee Herrmann, properly seconded to approve Ordinance 1320-07.

Trustee Ponio asked if this was going to be presented and Mayor Hyde replied that it is already presented in the form that it is in, in writing. He added that the Trustees spoke last week about being exempt from having to FOIA as well as he stated that he does not know what the changes are. He said that nothing was presented here tonight. Clerk Kaczmarek questioned if everyone had received all the emails from the Attorney which had gone over the minor changes plus the Clerk had already emailed over several days ago the Chief comments and suggested changes. Trustee Ponio would like, if there is a vote on an ordinance, that he would like a new copy the day that the Board is voting on this. Trustee Herrmann stated that emails are legal documents and that the Clerk had already emailed to everyone days prior the changes as well as the Chiefs comments. Mayor Hyde asked if Trustee Ponio had a copy and he replied that he did not. Clerk Kaczmarek said that she emailed a new, updated copy to everyone on Tuesday and wasn't made aware that a copy would also be needed for tonight's meeting. Trustee Ponio would like the hard copy in their folders prior to voting. It was questioned if Trustees were put into the FOIA policy. Mayor Hyde replied that it was the attorney's opinion, last week, that the Trustees should not have to FOIA and he felt there was a general consensus on this. Trustee Ponio feels this should have been in the policy and ordinance. Trustee Garling questioned if there was a reason to have this pass this evening and Trustee Herrmann replied, yes, due to the amount of FOIAs coming into the Village office. She added that if the Board Members no longer want updates, etc., via, email that information will then not be received quite as quickly. She said that the changes were given to everyone very quickly and if there was an issue at that point, someone should have spoken up already plus, she did not feel it was necessary to print this document again due to the size when everyone had a copy last week and the minor changes were submitted via email days ago. Trustee Ponio stated that he has questions. Trustee Garling replied that Trustee Ponio had 3 days to ask questions. Trustee Ponio stated that he is not opposed to the ordinance and that the Clerk did a good job on the policy and ordinance; however, he would like a hard copy the day of the voting.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

2. Approval of Ordinance 1321-07 Tax Levy

Trustee Herrmann stated that this too was emailed earlier in the week to everyone already for their review.

Motion by Trustee Herrmann, properly seconded to approve Ordinance 1321-07 Tax Levy.

Trustee Ponio stated that he has questions and doesn't feel it is good practice to send items out such as these several days before a vote and then it quickly comes to a vote. Mayor Hyde asked if Trustee Ponio looked at it and if he spoke to John Little. Trustee Ponio said he did not speak with Mr. Little but he has briefly looked it over. Trustee Ponio stated that he has never voted on a tax levy before and that it would be nice to discuss it as a group before going right to a vote – the purpose, how it has changed from last year, etc. Trustee Ponio asked when the money gets paid to the Village, etc., and Trustee Herrmann replied that this is a tax levy. Trustee Ponio asked why this is funny. Trustee Herrmann replied that if Trustee Ponio had opened up his email prior to the meeting, and had a question, he could have contacted John Little or emailed him, etc. She does not understand the question. Trustee Garling commented that he thought that Trustee Ponio would have figured all this out before he ran for office. Trustee Ponio asked if Trustee Garling really has it all figured out and Trustee Garling replied that no, he does not have everything figured out; however, he stated that he does know what a tax levy is and what an appropriation is. Trustee Herrmann said that these are items in our budget so they have been reviewed. Trustee Ponio asked when it is paid out. Mayor Hyde said that the budget is paid out monthly. He added that taxes come in on a quarterly basis generally. Trustee Ponio replied that this is important and it helps to discuss it so that people understand how the Village operates, not it's just an email and lets vote on it. He feels it is important that people understand. Trustee Garling said that Trustee Ponio has had 3 days to ask his questions.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

3. Approval of final payment to Chicagoland Paving in the amount of \$20,959.84 for the 2007 MFT Maintenance Program

Motion by Trustee Saville, properly seconded to approve final payment to Chicagoland Paving in the amount of \$20,959.84 for the 2007 MFT Maintenance 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.

4. Approval of Intergovernmental Agreement regarding Timber Trail with Nunda Township Highway Commissioner

Clerk Kaczmarek stated that the document was not received by the Village from the Attorney. Nunda Township is looking for an agreement for them to take care of Timber Trail. Trustee Saville explained the Village does not repair private property. This agreement was supposed to give Nunda Township the permission to take care of Timber Trail. Trustee Sadoski asked if the property was annexed into the Village Trustee Saville replied that it is not. There is paperwork that says that it is annexed it; however, it really is not. Trustee Sadoski stated that they have received documents though that it is. Trustee Saville said it is not annexed into the Village. Mayor Hyde said that a member from the zoning board was here last week and acknowledged that they did annex into the Village. Whether it was correct or not, Mayor

Hyde said they went through the process. It said that was the intent of the Board and Committee at that time.

Mayor Hyde said there was an obvious attempt at one time to bring this in. Trustee Saville said it was not done properly though and the Attorney, if he was here, could further explain this. Trustee Garling said that since they only have a copy in front of them that states that the ordinance passed, and no evidence that it was not annexed in, he wants to see something that shows that they were not properly annexed in and that the Village should continue services on Timber Trail until the Board sees just that. Trustee Saville replied what ever the Board decides to do. Trustee Garling wants to see evidence that it is not within the Village and asked Trustee Saville for absolute proof. Trustee Saville said that everyone has received information on this and it proved this point. He asked Trustee Garling if he understands the whole process how something is annexed into the Village as he himself was ignorant to this process until he asked. He explained that something has to be touching Village limits in order to be annexed and there is nothing in that sanitary property touching the Village. Trustee Garling explained that Chicago reached out to get O'Hare airport and that this is a similar situation. Whether it is a correct way to do it or not, is questionable, but until there's a different ordinance, he feels it is part of the Village. Trustee Saville asked for a consensus from the Board whether or not to continue taking care of Timber Trail until this matter is worked out. Trustee Garling and Sadoski stated out loud that they would like to continue the Village services over there

Mayor Hyde added, and was voted on January 10, 2008, "Mayor Hyde agreed to contact the Sanitary District and to instruct Public Works".

Motion by Trustee Garling, properly seconded to table the approval of the Intergovernmental Agreement regarding Timber Trail with Nunda Township Highway Commissioner.

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

- Clerk Kaczmarek announced that she went over to Cotton Creek earlier today and presented the awards and prizes to the students who won the Village boat and vehicle sticker contest. Each winner was given a free savings account from First National Bank of McHenry along with \$50. Mayor Hyde stated that John Little also attended.
- Trustee Ponio stated that there was previous conversation as well as the Board agreed to move forward on possibly combining the ZBA and Plan Commission. Trustee Garling said that all agreed with the concept but thought a sub committee would be put together to look at this. Mayor Hyde would like, before a decision is made, an opportunity to talk to the committee members. He said that there needs to be action by the Board to bring the two together as well as nominate the members and he needs to speak to the members and the chairs. He feels it is important to maintain a good rapport with those that have served on these committees and wants to make sure that they understand why the Board is moving forward in this direction. Mayor Hyde said an architectural board creation has been talked about as well and possibly moving some of these members over to that committee. Trustee Ponio suggested inviting them to a meeting so they could all speak with them. Mayor Hyde said that this should be looked at for next year as well as there are pending items that they are currently working on. Trustee Sadoski further explained that she too would like their input, their

ideas, etc. She would like too the Board to speak to all the committee members. Trustee Garling said the ordinances have to be changed as well. Trustee Ponio reported that he has been working on the Village codes and ordinances. He has spoke to Baxter & Woodman also. He would like to get together with Frank DeSort, Baxter & Woodman, etc. and start working on this. He would like to see this process going on by June or July of 2008. Kevin Sutherland of Baxter & Woodman will provide Trustee Ponio with some pricing so that this can be discussed and included in the next budget. Mayor Hyde asked if Trustee Ponio would really be ready to early January to bring the ZBA and Plan Commission and be prepared to speak with them. Trustee Ponio replied that he would like this for the January 3rd meeting. Trustee Herrmann reminded the Board that many of those members have served on these committees for many years. She would like to see a personal approach to this mater. Mayor Hyde questioned if it would be better to figure this all out first and then go to both Boards and speak to them then. Trustee Ponio replied that he is looking though for their input. Mayor Hyde stated that he would like to speak to the Chairs of the committees first. He personally does not feel that the Board is ready to take this step. He said that he framework should be worked out first and then present it to them. He added that the Plan Commission members are not too seasoned. Trustee Ponio replied that he will do a general outline. He stated that they already do a lot of the same things. He feels that having 8 members, is better than 16, and then have the architectural committee started. Trustee Ponio replied that for example like with Walgreens, the Plan Commission, ZBA and architectural committee should have reviewed the façade and then report back to the Board.

- Trustee Ponio reported that he still would like to see security with the Board Member mailboxes as well as he would like to see an Officer and/or security guard at Village Board meetings. He would like to consider the costs for this.
- Trustee Sadoski reported that there was an email sent to her regarding purchasing a camera for the police department. They are asking for \$39 over what is budgeted. The Lyons' donated \$500 earlier in the year and they would like to spend \$39 more.
- Trustee Sadoski would like for the next meeting a discussion and vote on the village security system. Each company came through the building and made recommendations.
- Trustee Garling asked for executive session for property.
- Trustee Garling said that the Uptown Improvement Committee met Tuesday. Michelle analyzed the Village sign codes as well as looked at surrounding communities and their sign codes.
- Trustee Garling sent 42 letters to businesses and asked them to get involved in the Village Holiday lighting contest. He received a letter back. Jennifer asked the Village to follow their own request and set an example first such as decorating the light poles throughout the Village for the Holidays, etc. Trustee Garling replied that he responded to her letting her know that the Village does not have money appropriated for this in order to decorate the entire town.
- Trustee Saville asked if there is going to be a meeting to discuss the Hillside Estates annexation agreement or if it is going straight to a vote.
- Trustee Saville gave everyone a copy of a letter from Jennifer Sorenson of Baxter & Woodman regarding Southport Village. He said that there is controversy around this due to private property. He said that the Village has no easement and that it is all private property. He said that the Village has not authority to go over there. Trustee Saville said that possibly the Board should have the Attorney handle this, review it and get back to the Board as to how to resolve this. He asked if he could send this to Attorney Puma.

Trustee Garling stated that this issue needs to be resolved in a positive manner. He said that this affects a lot of properties because of the purpose that this serves. He added that this serves the greater good. He added that the public streets too will be affected if the restrictor does not work properly.

Trustee Ponio asked if they would agree to an easement for the Village. Trustee Garling replied that he would think that they would. Trustee Ponio replied that the Village should not be on private property unless the Village receives approval and obtains an easement. Trustee Saville stated that the restrictor is just one small portion of this entire situation. He added that in area 1 and 3, there are no easements of any sort for the Village. It would therefore be awkward then to even repair a water main break. Mayor Hyde replied that the Board should turn this over to the Attorney so that he can come up with the appropriate answers and so that everyone understands this. He said that this matter needs further explanation. Trustee Ponio said that Southport also needs to let the Village know if they would even grant the Village an easement. Trustee Sadoski suggested that Southport be spoken to then about these easements. Trustee Saville added though that it is more than just about the easements. He asked the Board what they would like him to do as the Village can not work on private property. Trustee Ponio replied that this situation should stay the way that it is. Trustee Garling said that the legal entities need to be asked about easements. It was suggested that the Attorney review this information and matter.

- Trustee Saville requested that Mayor Hyde handle Timber Trail then from this point. He asked Mayor Hyde to speak to Willie Kootstra as well as Ken Michaels and notify them as to what they are supposed to do with Timber Trail until the Board makes a decision.
- Trustee Verciglio reported that the Village had the judging for the decorating contest. There were 7 judges that went out. Trustee Garling asked why this was not part of Winder wonderland like usual and Trustee Verciglio reported that they could not coordinate due to the judging and scheduling.

Items from the Mayor

- Mayor Hyde reported that he chaired the Executive meeting. Island Lake is being recommended for grants such as \$75,000 for the CDBG.
- Mayor Hyde furnished the Board with information on street lighting. He invited the Board and the Uptown Improvement committee to take a look at the Village lighting down 176 and what options might be available.
- Mayor Hyde passed out a memo from Baxter & Woodman
- Mayor Hyde passed out a letter from Michael Bouska and requested the Park and Recreation department look into this matter.
- Trustee Verciglio inquired about the Smoke Free ordinance. Clerk Kaczmarek reported that Attorney Puma is still working on the ordinance. Trustee Ponio reported that there is question as to whom gets to collect the funds for this fines related to this. The State is currently requesting half. Mayor Hyde said that he gave to John Little a packet on the rules and laws. Trustee Herrmann asked if businesses will be given a packet on this too. Mayor Hyde replied that they probably should.

Connie Mascillino reported that ADPs are required on all outdoor activity facilities including ball fields, etc. It can be in the building as long as the building is within 300 feet of the ballfield or activity area. Signage must be visible though. If there is not an ADP within 300 feet, the person supervising the activity has to

make sure an ADP is available. The Police Department in Island Lake has one. Trustee Verciglio was tasked with finding out a plan to secure ADPs and who will be handling them appropriately. Ms. Mascillino presented the Board with a draft Historical Society ordinance. She said that most create a commission.

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

Dwayne Schall, 4029 Roberts Road: Mr. Schall questioned who owns Timber Trail and who they pay taxes to. Trustee Saville replied not the Village of Island Lake. He said that the road is actually a driveway. Mr. Schall said then it should be dedicated to the township or something.

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 land sale/acquisition and litigation. Upon voice vote, motion was unanimously declared carried.

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

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 10:27 pm.

Christy Kaczmarek, Village Clerk