

MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 26th DAY OF JUNE 2008

CALL TO ORDER Mayor Thomas P. Hyde called the meeting to order at 7:30 pm. Those present stood and pledged allegiance to the flag.

ROLL CALL Roll call indicated the following present: Trustees Garling, Herrmann, Mascillino, Ponio, Saville and Verciglio.

Also in attendance was: Village Attorney Julie Tappendorf Ancel Glink; Anthony Scarrione, Police Department and Kevin Sutherland, Baxter & Woodman.

Consent Agenda

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

Approval of monthly department reports:

1. Building, Zoning & Ordinance
2. Finance & Administrative
3. Police & Public Safety
4. Parks, Recreation & Education
5. Public Works
6. Economic Development

Trustee Saville asked that this be pulled from the last meeting due to the fact that he did not have all the department reports in his folder. He said there was no finance report, no economic development report and no Police Department report. He asked how the Board can vote and approve something if it's not in front of them. Sargeant Scarrione stated outloud that there is a report. Trustee Herrmann said that she was absent so she does not know if there was a finance and administration report. Trustee Garling said that he has nothing to report for economic developmnet. Clerk Kaczmarek stated that she, to date, does not have a Police Department report yet nor a finance and administration report. Trustee Garling replied that if there is no report, there's no report and that that's what the Board is approving – that there is no report if it's stated that there is no report. Trustee Saville said that it was not presented that way though last week at the meeting. He commented that he would still like to see monthly department reports read at Village Board meetings.

Motion by Trustee Herrmann, properly seconded to approve the Consent Agenda excluding number 3 and number 6..

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

Agenda

Mayor Hyde requested that an adjustment be made to the agenda this evening. He said that items number 11 and 12 are essentially the same thing and they belong too with items 1 and 2 on the agenda so he asked for 11 and 12 to actually be 2A and 2B.

Motion by Trustee Herrmann, properly seconded to amend the agenda as stated by Mayor Hyde.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

1. Consideration and approval of a Resolution Approving a Final Plat of Subdivision for Covered Bridge Farm Subdivision (Plan Commission recommended approval at its June 12th meeting)

Andy Teegan of IRL 44 LLC introduced himself and the members of the his team. He stated that Covered Bridge subdivision is at the corner of Dowell Road and Neville Roads and that they are now annexed into the Villlage and are named Covered Bridge. He said that packets have been provided to everyone. He announced that Kevin Sutherland is also here from Baxter & Woodman and that the Board has a copy of Mr. Sutherland's most recent letter as well. The subdivision is 44 acres with plans to be a 63 lot subdivision. They will be self imposed lots and they are zoned R3. Average lot size is 20,000 square feet and there are 90 foot lot frontages. Mr. Teegan next went over the road layout and how connection are made from Dowell Road. Dave Olson of Pierson, Brown and Associates was also present, the engineer for IRL 44 LLC. There will be invididual lot grading plans for each lot owner. Each lot owner will have to come back in and make sure that they are in compliance. Mr. Teegan reviewed the utility plan on page 9 with the Board which showed the sewers and water mains. He also touched on the tree preservation plan which is number 18. Mr. Teegan also discussed the bridge feature and the landscaping. He mentioned the pond feature, walking path and the access path out and onto the water. Mayor Hyde asked if Mr. Teegan has a time table in mind. Mr. Teegan replied that there business is market driven. He said that there are low lot numbers and they are in a great location and feels their location is favorable. He would like to start the infrastructure this year and hopefully homes will start being built next year. Trustee Herrmann commended Mr. Teegan and his team for their nice work, professionalism and for the nice subdivision they have designed. Trustee Ponio inquired about the cost of the homes. Mr. Teegan replied that they are selling finished lots to developers such as Brian Harris so they are not building the homes. Trustee Ponio asked if there are requirements in place though for these homes. Mr. Teegan stated that there is an architectural committee and guidelines. Ranches have to be a minimum of 2400 square feet and two stories have to be a minimum of 3200 square feet. All homes have to have a minimum of a 3 car garage. Mr. Teegan read the verbiage from the home specs that are required which coveres colors that blend with the environment, animal housing, pools, pet fences, etc. Play equipment must also blend. Mr. Teegan reported that that they will be maintaining the homeowners association until it is turned over as well as there is an architectural control committee. He said that homes will be \$550,000 + semi-custom to custom. Trustee Ponio questioned the access to the proposed water tower site. Mr. Teegan said that the only access into their subdivision is from Dowell Road. Trustee Ponio questioned if Mr. Teegan gave to the Village \$50,000 to \$55,000 to have that water tower moved. Mr. Teegan replied that they paid the Village \$55,000. Trustee Ponio stated that the Village is in the middle of a law suit right now regarding this water tower and the placement of it and he said that there may be false information out there. He is concerned with this lawsuit and the impact of it. He stated that the Village could loose their site and that the initial recommendation was actually on Mr. Teegan's site. Trustee Saville asked who will have a watchful eye on the grading as there have been issues before in other subdivisions with developers with regard to this. Mr. Teegan replied that there is a site grading plan and each lot owner will have to have a plan and that plan has to be reviewed. He said that the Village's engineer and staff will review and watch for compliance. He said that they are also out there for an extended period of time and that 80% has to be occupied before they can hand the subdivision over to the Village. Mr. Sutherland said that they are sensitive to this issue as well because of past issues and between Baxter & Woodman, Public Works and the Building Department, this should not be problem again. Trustee Ponio asked if Mr. Teegan is the owner of Walnut Glen and Mr. Teegan said no, RHA Homes owns Walnut Glen.

Motion by Trustee Herrmann, properly seconded to approve Resolution 543-08 Approving a Final Plat of Subdivision for Covered Bridge Farm Subdivision.

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

2. Consideration and approval of Grant of a Water Main Utility Easement-Covered Bridge Farm Subdivision

Trustee Ponio commented that the Village is putting out money to put in infrastructure and Mr. Teegan will have recapture fees. Mr. Teegan said yes. Attorney Tappendorf stated that this is for water distribution service. Mr. Teegan reviewed the water pressure, booter valve, etc.

Motion by Trustee Garling, properly seconded to approve to grant Water Main Utility Easement-Covered Bridge Farm Subdivision

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

2A. and 2B. (formerly items number 11 and 12) –

Approval of Recapture Agreement between the Village of Island Lake and ILR 44, LLC./Covered Bridge Farm Subdivision and Approval of ordinance 1332-08 approving execution of a recapture agreement for the water distribution system improvements relation to Covered Bridge Farm subdivision.

Attorney Tappendorf stated that this can be one item and will be ordinance 1332-08 with one motion.

Motion by Trustee Herrmann, properly seconded to approve Ordinance 1332-08.

Upon roll call, Trustees voted as follows:

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

NAYS: Trustee Ponio

ABSENT: None

ABSTAIN: None

Motion was declared carried.

3. Consideration and approval of an Ordinance Amending the Island Lake Zoning Code Regarding Special Use Permits (Plan Commission recommended approval at its June 12th meeting)

Attorney Tappendorf explained that this came about because who is supposed to hear special uses. The zoning code clears up the codes and clarified it is the Plan Commission. This ordinance cleans up the language.

Motion by Trustee Herrmann, properly seconded to approve ordinance 1333-08 Ordinance Amending the Island Lake Zoning Code Regarding Special Use Permits.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

4. Consideration and approval of an Ordinance Amending Section 9-1-6 of the Island Lake Zoning Code (Voting Requirements) (Plan Commission recommended approval at its June 12th meeting)

Attorney Tappendorf explained that there are inconsistencies regarding the Village Boards requirements to vote. 2 provisions are found to be void and illegal due to state statute and case law. She said that the Village can only require voting only that which is set by state statute. She explained that if the Plan Commission offers a negative recommendation, it only requires a majority vote. Attorney Tappendorf explained that the Board can not exceed state statute. Another provision is with the $\frac{3}{4}$ vote if a neighboring property comes forward with a protest. Trustee Ponio asked if the Mayor is able to vote and if that is acceptable. Attorney Tappendorf replied that yes, the Mayor can vote and that this is consistent with state statute.

Motion by Trustee Garling, properly seconded to approve ordinance 1334-08 Ordinance Amending Section 9-1-6 of the Island Lake Zoning Code.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

5. Consideration and approval of an Ordinance Repealing Section 9-6-5 of the Village Code Regarding Access to Route 176

Attorney Tappendorf stated that the Plan Commission recommended approval.

Motion by Trustee Garling, properly seconded to approve Ordinance 1335-08 Ordinance Repealing Section 9-6-5 of the Village Code Regarding Access to Route 176.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

6. Approval of Contract to use Matthews Middle School July 12th to conduct testing for Police Department eligibility list and approval to pay \$135 to District 118 for weekend janitorial services – Trustee Mascillino

Motion by Trustee Herrmann, properly seconded to approve the contract to use Matthews Middle School July 12th to conduct testing for Police Department eligibility list and approval to pay \$135 to District 118 for weekend janitorial services

Trustee Mascillino stated that they waived all the other fees. They need monies only to pay for janitorial services. They also requested a liability insurance certificate from the Village.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

7. Approval of fireworks contract – Trustee Herrmann

Trustee Herrmann reported that there are 9 businesses in town collecting money in collection boxes and that all the pizza places in town are placing flyers on their pizza boxes. She said that there has been a nice rally from the businesses and residents.

Motion by Trustee Herrmann, properly seconded to approve the fireworks contract for July 12th.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

Trustee Ponio asked how much money has been raised and Trustee Herrmann said well over \$2000. She said that they plan to do collection boxes the day of the fireworks also. She said the contract is for \$10,000 - \$8000 for the fireworks and \$2000 for the barges.

8. Approval to pay bill listed on General Fund bill pay sheet dated 6/11/08 13.17.04 ref #84 ASN #41817 - Trustee Verciglio

Trustee Verciglio stated that this is for services already performed. The Park and Rec Department had a recital and this person provided the music. Trustee Ponio asked if this is a supply or a service. Trustee Verciglio replied it was a service. It was stated that a supply is tangible. A service is rented. And that it should say service not supplies. Trustee Ponio commented that it is typical though for Brady Hyde to do these events for the Village. Trustee Verciglio said that he provided the music for the event, yes. Trustee Ponio asked if anyone else was asked and Trustee Verciglio said no and Trustee Ponio replied, so it was a given. Trustee Garling said that last year the music was bid out. Trustee Saville stated that Brady Hyde did provide a service and he should be paid for it; however, he feels that it is important to watch using family members because it looks bad, is all, to the public eye. He said that Brady should be paid but that the Board Members should be careful. Trustee Saville said that he's been approached before and people have asked him to help them get a job at the Village but he will not do it/he will not do that. Trustee Herrmann said that Brady Hyde is dependable and he is cheap. She told Trustee Saville to take his opinions out of it. Trustee Ponio said the word is nepotism. Trustee Herrmann said that Trustee Saville has a vendetta against the Hyde family and that he should keep his opinions to himself. Trustee Saville replied that that is an inaccurate statement, that he did not pull this item from last week's agenda and that as he said before, this person should be paid because he provided the service but that the Village Board Members should be careful about using family members and having them get paid.

Motion by Trustee Verciglio, properly seconded to pay the bill listed on General Fund bill pay sheet dated 6/11/08 13.17.04 ref #84 ASN #41817 to Brady Hyde in the amount of \$200.00.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

9. *Approval of ordinance 1331-08 sale of village property-boat lift – Trustee Saville*

Trustee Saville said that this was recommended by Frank DeSort and Lake Management. They are suggesting selling this lift with Captain Ron. There is no room to store this lift nor is it being used. Trustee Saville read an explanation email from Frank DeSort. This lift, which is sitting on shore at Eastway Park, is becoming a liability as children can climb on it, whether it's in the water or on the shore, as well as it is not ADA compliant, Trustee Saville pointed out. Trustee Saville said that the Police Department has been spoken to about placing the boat in the water when need be and they are okay with this and the boat can be obtained and launched into the water within about 10 minutes. Trustee Herrmann stated that she appreciates Frank DeSorts concerns and that they are real; however, the Lake Management committee is in transition, that the Village had good reasons for purchasing that boat lift and that in the future, more volunteers may come forward with such matters. She sees the concerns but is concerned about selling the lift due to a lack of volunteerism. Trustee Garling questioned Sargeant Scarrione. Sargeant Scarrione stated that Bob Carpenter always had the boat before at his pier. He said for the fireworks this year, two officers will be there and there is someone qualified to man the boat. Trustee Herrmann said that it could be difficult to find the boat though if it isn't on the lift. Sargeant Scarrione replied that all the Officers know where the boat is located. Trustee Saville replied that Lake Management is not putting the boat in the water and that Trustee Mascillino brought up to him, more than once, her concerns about liabilities with this lift being in the water as well as on shore. Trustee Ponio commented that he has been told in the past not to micromanage Frank DeSort and his department; however, he questioned that isn't that what the Board is actually doing to Mr. DeSort right now with this matter. He said the Board is not micromanaging him.

Motion by Trustee Saville, properly seconded to approve ordinance 1331-08 sale of village property-boat lift.

Upon roll call, Trustees voted as follows:

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

Motion was declared denied.

10. *Approval for Village to execute documents concurring residential development west of the Fox River – Mayor Hyde*

*Motion by Trustee Herrmann, properly seconded to approve the Village to execute documents concurring residential development west of the Fox River.
Motion by Trustee Verciglio, properly seconded to pay the bill listed on General Fund bill pay sheet dated 6/11/08 13.17.04 ref #84 ASN #41817 to Brady Hyde in the amount of \$200.00.*

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

11. *Discussion and approval of Municipal Facility Master Plan – Trustee Ponio*

Motion by Trustee Ponio, properly seconded to approval the Municipal Facility Master Plan with BCA.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

12. Presentation by Westridge Homeowners Association

Mike Herrick, 615 Longacre and Candy 710 Woodcreek made a presentation to the Board. Candy reported that there are currently 31 trees that are infected with blackknaw disease in Westridge. She said it is a fungal infection and that it is a long, slow disease. She said that this is happening to the choke cherry trees. The association had an arborist come out and look over these trees. Candy stated that the 31 infected trees are on the Village parkways. They received a quote of \$135 per home to remove, stump and haul away each tree. It would cost a total of \$4000. Replanting and care would be \$18,000 approximately. Mr. Herrick reported that they are concerned about the children in the neighborhood as they climb on these trees. He said that this disease attacks the knuckles of these trees and then weakens the trees making them unsafe. Candy said that if a child gets hurt, we are responsible. She said that they are looking to inform the Board and they are looking for direction. She stated that they are trying to be proactive, that they've done the leg work already and they want to work with the Village. Mr. Herrick questioned whose trees these are, whose liability is it, etc. HE said that the best way to handle this matter is to cut down the trees, have them hauled away and burned. If the spores come off the trees, the disease will spread. Trustee Herrmann stated that if the trees are in the parkways, the Village is liable. She feels the Board should work with Westridge and remedy this matter.

Items from the Village Clerk, Trustees and Department Heads

- Attorney Tappendorf reviewed with the Board Members the Attorney General's opinion/letter regarding open meetings act. She said that a complaint was issued to the Attorney General and the matter dealt with the zoning code discussed in executive session. There was a complaint about the November 29, 2007 and February 14, 2008 executive sessions. Attorney Tappendorf explained that this matter was in executive session as it is pending litigation which is now filed litigation. The letter points out areas of caution and the Attorney General recommended that the Village Board receive training. They also noted that in the minutes, it should be clearly noted as to why the Board is going into executive session. Roll call must also be taken. Attorney Tappendorf explained that there is no violation from the Attorney General but rather cautions. Mayor Hyde asked Ms. Tappendorf to work on scheduling the training for the Board. Trustee Ponio pointed out that that's the third time through such training. He also clarified that the letter had actually said that the Attorney General "requested" that the Board go through training, not just "recommended" it. Trustee Herrmann replied that in the past, the training came from the States Attorney, not the Attorney General.
- Trustee Ponio stated that he had requested information from Attorney Puma as well as he placed a call to Attorney Puma; however, he has not received anything. Mayor Hyde said that it emailed to all the Board Members. Trustee Ponio commented that the Boards use of email is out of hand as stated in the Attorney Generals letter too. Attorney Tappendorf replied that they are also trying to obtain clarification on that comment. She added though, that the Village Board is good about mostly distributing information through email, not discussions.
- Trustee Ponio stated that in the March 13th meeting minutes, Mr. Kachka's comments were left out. Clerk Kaczmarek replied that she would check the meeting minutes to make sure that Mr. Kachka was recognized at the meeting.
- Trustee Garling stated that the Board agreed to have a committee in order to find a Police Chief. He has not received any return phone calls yet from Attorney Kostopolous. He would like to see local Chiefs get involved in helping the Board as well. Trustee Garling has received 2 letters of interest thus far.
- Trustee Saville mentioned that there is a storage container between the PD and Village Hall and that it is sinking into the ground. Trustee Garling replied that he would speak with Sergeant Scarrione.

Items from the Mayor

- Mayor Hyde reported that he has a comprehensive report from ComEd if anyone is interested in reviewing it regarding the study of power outages, causes, etc.
- Mayor Hyde reported that the broken pole at Burnett and River Road will be replaced.
- Mayor Hyde reported that he passed along to Department Heads a special contact for emergencies in the area with regard to weather. He asked the Department Heads to please keep this number handy.
- Mayor Hyde passed out information on the "Going Green" program put on by ComEd and invited Board Members and Department Heads to attend.

- Mayor Hyde invited all to participate in the Wauconda Memorial Day parade.
- Mayor Hyde will be at Cotton Creek on June 5th as the students will be receiving Health Fitness awards.
- Mayor Hyde reported on the special corridor group that he is part of in which they work on efforts regarding 176 and accidents. There is a meeting at Prairie Isle Golf Club on May 13th.

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- Mayor Hyde reported on the email received from Ken Michaels regarding his well. Trustee Saville replied that he has an issue with this matter as the Board can not approve a 90 day extension to Mr. Michaels as an outside agency is now involved as well as they have spoken to Mr. Michaels already. Trustee Saville said that the Board has no authority to grant extensions as that would be overriding this agency. Mayor Hyde said that Mr. Michaels is asking for a 90 day extension in order for him to work on his home improvements as well as coordinate this matter with the work being done. He recommended allowing the 90 day extension to Mr. Michaels. Trustee Saville said that the Board can not as there is an outside agency now involved. Mayor Hyde replied that the Village warned Mr. Michaels that he could incur fees so the Village can give him an extension if they agree to. Trustee Saville said that all 15 received the same letter and that Mr. Michaels once again was not singled out even though he states and feels that he has been singled out. Trustee Saville said that out of the 15 letters, there have only been two complaints – St. Johns Church and Mr. Michaels. Mayor Hyde stated that he has received several other complaints as well. Trustee Saville asked Mayor Hyde to please excuse himself and go and get the complaints for the Board to see them. Mayor Hyde stated that he was not getting up right now to go and get them. Trustee Ponio asked if Spruce Terrace and Rolling Oaks are getting letters too. Trustee Saville explained that the Water Department is doing this in phases so that they can handle all the paperwork appropriately that comes along with this type of project. Trustee Ponio stated that it appears as though people are being singled out. Trustee Saville again replied that this is being done in phases and that no one is being singled out. He said that the next phase will most likely be in August. Trustee Garling inquired as to who the outside agency is now that is involved. Trustee Saville replied that they are out of McHenry County but that he does not have that person's name and information with him at this moment. Trustee Saville said that Mr. Michaels has a well that is not sealed properly and that it is located in his garage.

Motion by Trustee Herrmann, properly seconded to permit Mr. Michaels to address the Board.

Mr. Michaels said that he is not sure who "she is" and that that's a separate issue. He said that he received the threatening letter from the Water Department and he immediately contacted Snelton. He commented that if this was an urgent matter, he would have expected Neal DeYoung to not have waited so long on notices. Mr. Michaels reported that he spoke to McHenry Co. Department of Health and they questioned why the Village would be threatening with fines. Mr. Michaels explained that he does not have a deep well but rather a point well. Mr. Michaels feels that it is the right of the County to fine, not the Village. He said that all he is asking for is a 90 day extension. Trustee Ponio, Herrmann, Garling and Verciglio stated that they did not have a problem with a 90 day extension.

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

Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek inquired if he would then be able to ask to put a well in his yard. Mayor Hyde replied that there is no reason that Mr. Kaczmarek can't ask. Mr. Kaczmarek asked if it would be favorable though by the Board. Trustee Garling replied "probably not if there's water right there". Mr. Kaczmarek stated that his house permits were in excess of \$13,000 to the Village and \$7000 went to hook up to the Village water system. He stated that he pays his bills and he supports the Village. Mr. Kaczmarek stated that the Village Board could have stood up this evening instead and upheld a Village ordinance but instead they granted a waiver to a church who would like to keep their well to water their lawn. He said that watering is hardly a hardship. Mr. Kaczmarek stated that he too would like that privilege, to have a well to water his landscaping. Mr. Kaczmarek stated that what disturbs him most this evening is that the Mayor made a deciding vote and questioned if the Mayor feels that he voted in good conscious and if his vote was a morale thing to do. He said that Mayor Hyde is a members of that Church as well as he has blood/family ties to that church yet he voting on this matter this evening. Mayor Hyde replied that the Church has a whole congregation. He said that they use the well as needed. He feels that the water is being used appropriately. Mr. Kaczmarek asked again if he could get the same consideration to have a well. Mayor Hyde suggested that Mr. Kaczmarek present his request to the Board. Mr. Kaczmarek asked Attorney Tappendorf if Mayor Hyde made a morally as well as legally correct vote this evening. Attorney Tappendorf replied

that legally, there is not a conflict unless the Mayor has a financial interest. She said that the Mayor would have to receive a financial benefit to be a conflict. Ms. Tappendorf stated that she provides legal opinion for the Board, not moral opinion. Ms. Tappendorf said that the moral question is more a question that Mr. Kaczmarek should be asking the people around him. Mr. Kaczmarek asked the people around him then if they felt that this was a morally conscious that the Mayor voted tonight on **Board Meeting, May 8, 2008 – Page 8 of 8**

his Church. Many agreed that it was not. Mayor Hyde stated that that was inappropriate of Mr. Kaczmarek and Mr. Kaczmarek replied that the Attorney though had told him to ask the individuals around him that question so he did.

Laurie Rabbattinni: Ms. Rabbattini asked Trustee Saville is there would be spraying again this year for mosquitoes. Trustee Saville replied yes but that it was up to the Board as to when and how much will be spent. Ms. Rabbattini inquired about the grass cutting for the Village for the summer. Trustee Saville reported that they are currently looking to hire and that there is an ad already up on the Village marquee. Ms. Rabbattini asked if the plans for LakeFest were tabled. It was reported that LakeFest was approved in the budget this evening. Ms. Rabbattini inquired if the Sikh Church was able to sue the Village now because the Board allowed a different Church to keep their well. Attorney Tappendorf stated that was from two years ago and that was a final action so it is what it is so they can not re-open it at this time. The Board decided to not approve it at that time. She stated that anyone can file suit but that it was a final action that can not be reopened.

Connie Mascillino stated that she is already receiving inquired about the 4th of July parade. Mayor Hyde stated that he was also informed that a group would like to do the picnic again at Veterans Park after the parade. She mentioned that Saturday, May 24th at 2:30 in the afternoon will be the dedication of Gate 3 and welcomed all to attend.

Gus 500 Lake Avenue in Woodstock: Gus reported that he was drawn to Island Lake after hearing about Mr. Kachka's situation. He asked if meetings are recorded and stated that he had noticed a sign out front that says the room is "monitored" and suggested that the Board ask the Village Attorney if the Board needs to give notice to residents that are present whether or not meetings are recorded. He said that some Village's put this at the top of their agenda's. Second, he commented about the use of executive sessions. He said the change of law firms and the costs of comparisons was mentioned earlier in the meeting and he would like the Board to ask the Village Attorney if that was appropriate for executive session. He said that doesn't fit any of three items for executive session. Third, regarding the Mr. Kachka situation, he referred to the Village code. He commented that a "person commits disorderly conduct when he knowingly does any act in such in reasonable manner in order to alarm or disturb another and to provide a breach of the peace". He stated that the Board is going to spend a lot of money on this case and other cases. Mayor Hyde said it's the States Attorney that is handling this case. He said the Village will still spend some money. Gus would like the Village Board to look at whether there really was a violation of the law in all cases. And if there wasn't, how far does one push it. Gus also mentioned the handshake agreements that were brought up this evening. He said they are basically worthless and that Mr. Michaels walked out of here this evening with a handshake agreement which means absolutely nothing. Gus said maybe this should have been an agenda item instead. Gus said that the Board has a thankless job and applauds the Board Members for doing the job that they do. It said it is a tuff job and commended the Board for doing their job and suggested that Board Members always take the high road.

Motion by Trustee Herrmann, properly seconded to bring the meeting back to the Board. All in favor.

Motion by Trustee Garling, properly seconded to go into Executive Session for land sale and litigation. Trustee Herrmann – no, Trustee Verciglio – yes, Trustee Saville – no, Trustee Ponio-no and Trustee Garling – no. Motion was declared denied.

Being that no further business was discussed, motion by Trustee Garling, properly seconded to adjourn the meeting. All in favor. Meeting adjourned at 9:15 pm.

Call to Order

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

Agenda

5. *Consideration and approval of a Resolution Approving a Final Plat of Subdivision for Covered Bridge Farm Subdivision (Plan Commission recommended approval at its June 12th meeting)*
6. *Consideration and approval of Grant of a Water Main Utility Easement-Covered Bridge Farm Subdivision*
7. *Consideration and approval of an Ordinance Amending the Island Lake Zoning Code Regarding Special Use Permits (Plan Commission recommended approval at its June 12th meeting)*
8. *Consideration and approval of an Ordinance Amending Section 9-1-6 of the Island Lake Zoning Code (Voting Requirements) (Plan Commission recommended approval at its June 12th meeting)*
5. *Consideration and approval of an Ordinance Repealing Section 9-6-5 of the Village Code Regarding Access to Route 176*
6. *Approval of Contract to use Matthews Middle School July 12th to conduct testing for Police Department eligibility list and approval to pay \$135 to District 118 for weekend janitorial services – Trustee Mascillino*
7. *Approval of fireworks contact – Trustee Herrmann*
8. *Approval to pay bill listed on General Fund bill pay sheet dated 6/11/08 13.17.04 ref #84 ASN #41817 Trustee Verciglio*
13. *Approval of ordinance 1331-08 sale of village property-boat lift – Trustee Saville*
14. *Approval for Village to execute documents concurring residential development west of the Fox River – Mayor Hyde*
15. *Approval of Recapture Agreement between the Village of Island Lake and ILR 44, LLC./Covered Bridge Farm Subdivision*
16. *Approval of ordinance 1332-08 approving execution of a recapture agreement for the water distribution system improvements relation to Covered Bridge Farm subdivision*
17. *Discussion and approval of Municipal Facility Master Plan – Trustee Ponio*
18. *Presentation by Westridge Homeowners Association*

Items from the Village Clerk, Trustees and Department Heads

Items from the Mayor

Public Comment *Any person wishing to address the Village Board must be recognized by the Mayor and provide their name and address for the record.*

Adjournment to Executive Session

- *Personnel*
- *Land sale and/or acquisition*
- *Pending litigation*