

**MINUTES OF A REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF  
ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 8<sup>th</sup> DAY OF MAY 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, Ponio, Saville and Verciglio.

Also in attendance was: Village Attorney Julie Tappendorf Ancel Glink; Connie Mascillino, EMA Director; and John Little, Finance Director.

**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.)

1. Approval to pay the bills
2. Approval of Minutes – April 3, 2008 and April 10, 2008
3. Approval of Committee Reports:
  1. Building, Zoning & Ordinance
  2. Finance & Administrative
  3. Police & Public Safety
  4. Parks, Recreation & Education
  5. Public Works
  6. Economic Development

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

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

**Agenda**

Mayor Hyde requested to remove item number 4 from the agenda as it is the same as item number 7. Trustee Ponio pointed out that the 2 agenda items are not exact duplicates of one another.

Motion by Trustee Garling, properly seconded to remove item number 4 from the agenda.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

1. Approval to waive the temporary tent permit fee for the Sideouts/3D Bowl event on April 26<sup>th</sup> and 27<sup>th</sup> – Trustee Herrmann

Motion by Trustee Herrmann, properly seconded to table item number 1 due to the wording.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

2. Discussion and approval to waive St. Johns Church from having to abandon their private well – Mayor Hyde

Motion by Trustee Herrmann, properly seconded to permit Mr. Steve Magnuson from St. John's Church to speak. All in favor upon voice vote.

Mr. Magnuson read the letter from St. John's Church to the Mayor and Board of Trustees. He stated also that a backflow preventor has been installed per statute and it is properly tested. Mr. Magnuson stated that the well is used for watering as well as for fund raising events where water is needed. He said that it would create a hardship for the church if they were forced to abandon their well especially with the higher sanitary bill then that they would incur.

Motion by Trustee Herrmann properly seconded to waive St. Johns Church from having to abandon their private well/approval to not have to cap their well.

Trustee Garling questioned how this situation is different from the situation two years ago with resident Muligano. He said that the Board did not allow this with Mr. Muligano and he had to cap his private well. Mr. Muligano also wanted his well to water. Trustee Garling stated that rules have to be evenly applied to all. Trustee Herrmann replied that she understands that they are hooked up but that they would like to continue to use the well to water landscaping and for special fund raising events. Mayor Hyde stated that St. John's was given a verbal approval when they first hooked up. Trustee Saville stated that he has an issue with this matter and said that he placed in everyone's folder a copy of the November 9, 2006 meeting minutes. He pointed to number 5 and explained that the Sikh Mission asked for basically the same thing; however, the request was denied by the Board. Trustee Saville said that the church has to be looked at as a commercial building and the Village has to look at the good as the Village as a whole. He explained that the Pastor services his congregation like the Village Board services the residents. Trustee Saville explained that the Sikh Mission's request was denied so policy was set back then. He said that the Church is asking the Village Board now to relieve them of their obligations and that the complaint really should be with the Sanitary District. Trustee Saville replied that what the Board can do is relieve the Church for fund raising events if the Board votes in favor of this action. He again stated that policy was already set in 2006 when the Village Board denied the same request to the Sikh's. Mayor Hyde asked Trustee Saville if he is aware that the Sikh's have not abandoned their well yet. Trustee Saville replied that yes, he does know that, and he is addressing this matter with the Water Department. He said that this matter fell through the cracks but that it is being addressed now. Trustee Herrmann stated that there was a gentleman's agreement with the Board back then to allow St. John's Church to keep their well. She feels that each matter should be looked at separately and independent of one another. Trustee Herrmann said that the Sikh matter was completely different. Trustee Saville replied that he disagrees and that after speaking to Attorney Puma today, that Attorney Puma said that the Board has already set precedence by a prior vote, that there is no documentation of this agreement with St. John's Church and that there is nothing that the Board can do. Trustee Saville said that there is nothing in writing and nothing in meeting minutes. He pointed out that that's the Village's problem – these gentleman's agreements – as those are the exact items that keep coming back and biting the Village. Trustee Ponio replied that Mr. Mulligano had the same type of verbal agreement. Trustee Herrmann replied that Mr. Mulligano did not. Trustee Ponio questioned Trustee Saville as to how many hook up letters have gone out, when the rest will be mailed, what the process is that they are following for this, etc. Trustee Saville reported that 15 letters have been sent out thus far and that they are doing this in phases as there is a lot of paperwork involved.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

3. Approval of the 2008-2009 Budget – Trustee Herrmann

Trustee Ponio questioned the dollar figures over the next couple of years that the Village will be in the hole for. He also stated that there is no money in the budget if the Board so desires to hire a Police Chief. John Little replied that there is monies in the budget for a Chief for 2008-2009.

Motion by Trustee Herrmann, properly seconded to approve the 2008-2009 budget.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

4. Approval to eliminate ordinance 2-6-1 to 2-6-5 – Mayor Hyde

Removed item from the agenda due to being a duplicate of number 7.

5. Approval of Committee Appointments – Mayor Hyde

Trustee Herrmann thanked the Committee member for their continued service to the Village.

**Planning Commission**

Tom Baur - 2 year extension to May 2010

Wolfgang Neumeier - 2 year extension to May 2010

**Zoning Board of Appeals**

Thomas Heath - 4 year extension to May 2012

Joe Zinez – 4 year extension to May 2012

**Police Pension Board**

Tom Baur – 2 year extension to May 2010

**Liquor Commission**

John Meehan – 2 year extension to May 2010

**Police Commission**

Raymond Rhode – 3 year extension to May 2011

**EMA**

Connie Mascillino – 2 year extension to May 2010

*Motion by Trustee Garling, properly seconded to approve the committee appointments as presented by Mayor Hyde.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

*6. Approval to move McHenry County court prosecution to Ancel Glink, Diamond, Bush, DiCianni & Rolek – Mayor Hyde*

*Trustee Ponio questioned the costs between the two legal firms and why the Mayor is asking for such a change. Mayor Hyde stated that he reviewed this already with the Board. Trustee Ponio replied though that the costs have been totally reviewed yet with the Board. He added that he just saw the bill for Ancel Glink for this past month and that it is once again very high. He stated that he would like to see a cost explanation so the Board Members are fully aware. Trustee Herrmann replied that this was an executive session discussion. Trustee Ponio replied that it's out in the public now and the public has a right to know.*

*Motion by Trustee Garling, properly seconded to approve to move McHenry County court prosecution to Ancel Glink, Diamond, Bush, DiCianni & Rolek.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

*6. Refer to Plan Commission the repeal of ordinance 9-6-5 – Trustee Garling*

*Motion by Trustee Garling, properly seconded to refer to the Plan Commission the repeal of ordinance 9-6-5 for a public hearing.*

*Trustee Garling stated that businesses coming into the Village are in need of these right in's and right out's in order to succeed. Trustee Verciglio commented that this is a 1976 ordinance. Trustee Ponio asked Trustee Verciglio when he was born and Trustee Verciglio replied 1939.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

*7. Approval to repeal Ordinance 2-6-1 Architectural Commission, 2-6-2 Powers and Duties and 2-6-3 Architectural Standards – Mayor Hyde*

*Trustee Saville stated that this was presented to the Board last week that this commission was a failure as it was set up. Mayor Hyde said that Trustee Ponio wished to take all commercial development and run it through this type of commission and he explained that the commission back then was set up for a much different time for Island Lake which at the time was focusing on cottage style. Trustee Saville questioned, especially after reading through these ordinance for this commission, why it would be a failure and not longer necessary when the way the ordinances are*

written, it is a solid commission. Trustee Herrmann said that this commission has been replaced by TAC. Trustee Saville replied that he asked Attorney Puma what an architectural committee can do and after speaking with Attorney Puma, there is nothing that should make this commission a failure the way that it is written. He said that there are good points in this ordinance and that the Village Board is missing the boat by not refreshing themselves with the ordinances that are already in place. Trustee Saville said that this commission may not be a failure if given a chance. He said that the principle is very sound that's behind this ordinance. He added that the ordinance actually matches too what Attorney Puma has explained verbally. Trustee Saville said that standards are set here in the ordinance and how will the Village change if they don't want to apply the things that are already in place and are sound. He questioned why Island Lake can't be like a Lake Forest. Trustee Garling replied that Island Lake has its own distinct style as well as TAC is in place. He commented that this ordinance is a duplication and that it is just not needed. He said that TAC is already doing this. Trustee Ponio commented that TAC started after this ordinance was put into place. He questioned then that isn't TAC actually a duplication of this commission and ordinance not the other way around. He added that TAC could be part of this commission. He feels that the ordinance should be maintained and implemented by Mayor Hyde.

*Motion by Trustee Herrmann, properly seconded to repeal Ordinance 2-6-1 Architectural Commission, 2-6-2 Powers and Duties and 2-6-3 Architectural Standards.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

*8. Approval for B&W to design Fen View Circle PRV/Booster Pump Station for the developer of Covered Bridge Subdivision for \$19,800*

*Motion by Trustee Saville, properly seconded to table item number 8.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

*9. Approval of MFT Resolution for 2008*

*Motion by Trustee Saville, properly seconded to approve the MFT Resolution for 2008.*

*Upon roll call, Trustees voted as follows:*

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

*Motion was declared carried.*

**10. Approval of proposal for Cooperative Efforts of the Island Lake Historical Society and the Village of Island Lake – Connie Mascillino**

Motion by Trustee Herrmann, properly seconded to allow Ms. Mascillino to speak to the Board. All in favor.

Ms. Mascillino explained that she is working on the tax exempt statute for this society and would like to be able to include in the application an official approval from the Village. They would like to be able to provide a letter to those who donate to the society for their own personal tax forms for donations. Trustee Saville handed the agreement Attorney Tappendorf and requested her quick review of the document. It was discussed that the Historical Society would like to be independent of the Village; however, be able to work hand and hand with the Village and the Village Board. A resolution will be formed acknowledging their efforts. Ms. Mascillino will put together the Resolution for the Boards approval.

*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 13<sup>th</sup> 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 5<sup>th</sup> 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 13<sup>th</sup>.

- *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*

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 4<sup>th</sup> 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 24<sup>th</sup> 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.

---

Christine Kaczmarek, Village Clerk