

**MINUTES OF A PUBLIC HEARING AND THEN THE REGULAR BOARD MEETING OF THE  
VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD  
ON THE 9th DAY OF OCTOBER 2008**

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**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 Scott Puma of Ancel Glink; Police Chief Anthony Scarrionne; Captain Joseph Arrizzi and Sharon Hyde, Creative Playtime.

*Pledge to the Flag & Recognition of those in the Military*

*Correspondence - None for this evening.*

**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 Minutes – August 28, 2008, September 4, 2008, September 11, 2008 and September 25, 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 with the exception of removing the meeting minutes from September 25, 2008 and removing the Finance and Administration report.*

*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.*

*Motion by Trustee Herrmann, properly seconded table the September 25<sup>th</sup> meeting minutes and to add the changes to the September 25, 2008 meeting minutes with – reflect the meeting minutes to say that Trustee Saville's comments, to add, are "in his opinion" and to have the Clerk listen to the audio tape to Trustee Herrmann's comments and rewrite the minutes reflecting what she stated.*

*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.*

Motion by Trustee Herrmann, properly seconded to table the Finance and Administration report and the Police Department report.

Upon roll call, Trustees voted as follows:

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

## Agenda

### 1. Approval of ordinance 1343-08 repealing ordinance Clerk as Collector 1-7-3H and Creation and Appointment 1-8E-1 – Mayor Hyde

Mayor Hyde announced that this ordinance is being brought forward because he feels that this would be the best for the position of Clerk and Collector. He stated that the Village could have someone that doesn't work out right and can cause problems so he is suggesting that the two positions be separated. He added that the Mayor at the time could still appoint the Clerk as Collector if he/she so chooses with Board approval. Attorney Puma commented too that the old ordinance needs to be removed from the ordinance book. This new ordinance will clarify. Trustee Ponio inquired about a job description. Mayor Hyde replied that there is not one and advised the Board to take a look at that. He said there are some descriptions. Trustee Mascillino questioned setting the salary from time to time. Attorney Puma replied that that means that the Board can, like the employees of the Village, change the salary as necessary along with job duties.

Motion by Trustee Herrmann, properly seconded to approve ordinance 1343-08 repealing ordinance Clerk as Collector 1-7-3H and Creation and Appointment 1-8E-1

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.

### 2. Approval of ordinance 1344-08 reducing the number of Class B Liquor Licenses

Mayor Hyde stated that Attorney Puma prepared this ordinance. He said there is a situation where SAI is still not all final but that they are in the final stages of completion. He said that leaving the license open, for too long, is not a good thing and that it is better to close it and re-open the license at a later date. He added that it doesn't leave the license then sitting out there. Trustee Ponio questioned if SAI has to apply again or is someone else being considered. Mayor Hyde said that the license is for SAI when they are better ready to move forward. Trustee Herrmann replied that she understood it as the Board approved the license for SAI with the understanding that all the documents had to be received and reviewed and then okayed by the Board before they were to receive the license anyway. Attorney Puma explained that their application was approved but it is now impossible for them to obtain that rental space and hold a liquor license there so, this matter has to go back to the liquor commission. He said that SAI is ineligible for the liquor license at this time. He is recommending to rescind the license so that one is not open and available and sitting out there for someone else to apply for it. Attorney Puma said to reverse it back to 3 and see if they can meet the criteria down the road. Trustee Garling clarified that the Board is removing the license then to go to SAI. Attorney Puma reiterated that SAI is ineligible to receive that liquor license. Trustee Garling stated that he thought that they had worked it out with the school that is in the area so, if the school is moving, he questioned why the Board is taking this action. Trustee Saville added too that someone else has applied in the meantime. He said too that SAI is still within 100 feet of that school and that no one has moved yet. Trustee Herrmann replied that if they are not changing their address tho, and no completion date was stated, why is the Board doing anything. Trustee Saville said that the license was approved improperly. Mayor Hyde recommended pulling the license so that no one else applies for the license. Attorney Puma explained that anyone at any time can apply for a liquor license in the Village.

Then it goes to the liquor commission for consideration. He added that if a recommendation comes from the liquor commission, then that is when the Board approves to open up and add a particular liquor license. Attorney Puma said that SAI is ineligible to receive that license at that address. He explained that one can't obtain a license at one place, then move, and then get the license at another location. He said that they can not get that license at the address that was originally applied for. Trustee Saville said that this matter was left floating around for several weeks and now someone else has come in and applied for it. Trustee Garling suggested maybe, since someone else has applied, give them the license and rescind the approval of SAI's license and then have SAI re-apply when they are ready. Trustee Ponio questioned if this is up to the liquor commission. Mayor Hyde replied that the liquor commission will review it. Attorney Puma stated that approval of a liquor license rests with the liquor commission, not with the Board, and that the number of liquor licenses that exist is what is approved by the Board. He said that the Board approves to add or subject the number of licenses in each category. He added that the Board could also look at reducing a license if a business stops selling liquor and/or that they take the license within so many days so it's not left floating out there.

Motion by Trustee Garling, properly seconded to approve ordinance 1344-08 reducing the number of Class B Liquor Licenses.

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.

3. Approval to rescind acceptance of SAI Corporation's application for a liquor license – Trustee Saville

Motion by Trustee Saville, properly seconded to remove items number 3 and 4 from the agenda.

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. Approval to rescind approval of a liquor license to SAI Corporation – Trustee Saville

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. Approval to purchase a 2008 Chevrolet Impala in the amount of \$19,265.71

Motion by Trustee Mascillino, properly seconded to approve to purchase a 2008 Chevrolet Impala in the amount of \$19,265.71.

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.

6. Approval of a 24 month term loan with the 1st National Bank of McHenry in the amount of \$13,314.46 for the purchase of a police vehicle at a fixed rate of 3.75%

Motion by Trustee Mascillino, properly seconded to approve a 24 month term loan with the 1st National Bank of McHenry in the amount of \$13,314.46 for the purchase of a police vehicle at a fixed rate of 3.75%.

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. Discussion & approval of repairs to Southport Pond Restrictor not to exceed \$17,000 by Island Lake Public Works and Bartnick Construction/Jamie Sensabaugh – Trustee Mascillino

Ms. Mascillino stated that Jamie of Bartnick Construction can not put an exact figure on equipment or time until they get into the project so that is why there is a "not to exceed" amount on the agenda. Southport will handle the landscaping in the Spring. Trustee Mascillino reported that Mr. Kootstra is confident that this will take about 1 to 2 days of work. Trustee Ponio questioned if the not to exceed also includes public works labor, time, etc. and Trustee Mascillino replied yes. Trustee Saville questioned why this is the Village's responsibility. Trustee Mascillino said that the Board received an opinion from the Village Attorney, Scott Puma, on August 6, 2008. She added that Mr. Kootstra said too that it is the Village's responsibility to see that things are done properly within the Village. The annexation agreement is not very clear about this matter. Trustee Saville replied that back in January, Attorney Puma said that it should be the homeowners association except for stormwater. He questioned the bylaws and declarations within the homeowners association from Mr. LaBuz. He said that the condo act needs to be followed as well. Trustee Saville said that there are no right of ways nor easements for the Village in Southport. The Village has no right of ways so one has to refer to the bylaws of the association and there are no right ways granted to the Village. Trustee Saville said that there is a pipe there, and it collects water, so it is functionally properly which is the responsibility of the Village. He said that what is not working is the pond itself. On October 7<sup>th</sup>, Kevin Sutherland, of Baxter & Woodman, gave his synopsis of what is not functioning properly. The Village is trying to fix something that is not our responsibility. Trustee Saville also read a memo from Michael Kim to Mr. LeSueur from October 5, 1987. Trustee Saville pointed out that the Village is making a decision to do something, on private property, which is not the Village's responsibility. He stated that this should not be fixed with tax payers money. HE added that it is a common area and the Village has not right of ways there. Trustee Herrmann replied that condos and townhomes are two different things though however. Trustee Mascillino added that the Village has proof that the stormwater though comes from the entire Fox River Shores and when the pond floods, it effects and floods Village property such as the roads. She said that this has happened over the past 19 years already. She said that the Village is responsible for the stormsewers and the plate in there is linked to stormwater that is released. Trustee Saville replied that there are many other ponds within the Village that have restrictors in them as well. Some are within private land and some are within homeowners land. HE said that the Village could end up repairing everyone's restrictors then within the Village eventually. Trustee Saville said it's the pond that is not functioning properly and that is what the issue is. Trustee Saville pointed out the example in his own backyard. The developer put in drainage tiles to handle the stormsewer water that runs down the back of his year. He questioned what will happen down the road then when the tiles crush and/or fail. He said it is part of the stormsewer system and said that the Village probably won't choose to repair that situation.

To: Christy Kaczmarek  
Fr: Tr Verciglio  
Subject: Meeting minutes October 9 2008

I request again that the following be added to the minutes of October 9<sup>th</sup> 2008, at the location marked on Page 5 which is attached, after you review the audio tape of that meeting to verify that the statements were made at that meeting:

This isn't from me because I am just a dumb ass truck driver, it is from the Illinois Liquor control board, Mr Fernadiz was their chief council

Thank you.

*Motion by Trustee Mascillino, properly seconded to approve repairs to Southport Pond Restrictor not to exceed \$17,000 by Island Lake Public Works and Bartnick Construction/Jamie Sensabaugh*

*Upon roll call, Trustees voted as follows:*

*AYES: Garling, Herrmann, Mascillino and Verciglio and Mayor Hyde*

*NAYS: Trustee Ponio and Saville*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

*8. Discussion of IDNR letter to the Village of Island Lake – Trustee Saville*

*Attorney Puma replied that this can go into executive session due to the fact that it is potential/pending litigation. Trustee Saville questioned when the taxpayers will know. Attorney Puma replied that the Board should probably talk about it in executive session first and then go from there.*

*Items from the Village Clerk, Trustees and Department Heads*

- Trustee Garling reported that he has received a number of emails since the article went out in the Village newsletter. He said he is receiving many suggestions. Trustee Saville questioned if Trustee Garling has received any leads from the fireworks. Trustee Garling replied that it is conceptual and that such shows attract people and businesses to a Village. He added that people like and enjoy these types of events.*

- Trustee Mascillino followed up with Mayor Hyde regarding the Rolf Campbell presentation and if anything has been done yet with the Plan Commission. Mayor Hyde said he is attempting to finalize a meeting between Rolf Campbell and the Plan Commission.*

- Trustee Saville stated that he was misled about Sideouts/3D Bowl. He said that he made an error and that they do not have to display a license per the State Liquor Commission and that a copy is fine. He added that the business did not make an error but rather the elected official who is involved did. Trustee Saville stated that the business can sell liquor and that this matter is not their fault. \*\*See attached – Amendment by Trustee Verciglio. Trustee Verciglio questioned the debt. Trustee Saville said that the debt was paid back in July. Trustee Verciglio said that there is an email from Kevin Sutherland stating that he met with Mr. DeLaurentis and that the price was negotiated and that the debt was paid off. The email also stated that Mr. Sutherland would be happy to review this with the Board. Trustee Verciglio questioned why Trustee Saville received the email and no one else did. He questioned why Mr. Sutherland was only communicating with Trustee Saville. Trustee Saville replied that he asked the question so Mr. Sutherland was responding to the question. Trustee Verciglio questioned why Trustee Saville was cc'd and not the entire Board. Trustee Saville replied that when he was first appointed to Public Works, he set up with Mr. Sutherland that he is to be cc'd on anything that has to do with public works and/or construction within the Village as he was appointed to the public works department. He added that he also receives weekly reports and updates from Baxter & Woodman. Trustee Verciglio stated that maybe he should be asked to be cc'd too. Trustee Saville said that he only did this/set this up so he could keep abreast of everything going on within the Village that has to do with public works.*

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

*No comments.*

*Motion by Trustee Garling, 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 pending and/or probable litigation.*

**ROLL CALL** Roll call indicated the following present: Trustees Garling, Herrmann, Mascillino, Ponio, Saville and Verciglio. Attorney Puma was present and Mayor Hyde.

Motion by Trustee Garling, properly seconded to come out of executive session and return to the Board meeting. All in favor.

**ROLL CALL** Roll call indicated the following present: Trustees Garling, Herrmann, Mascillino, Ponio, Saville and Verciglio. Attorney Puma was present and Mayor Hyde.

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 8:45 pm.

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Christine Kaczmarek, Village Clerk