

**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 20th DAY OF NOVEMBER 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, Mascillino, Ponio, Saville and Verciglio. Absent: Clerk Kaczmarek and Trustee Herrmann

Also in attendance was: Village Attorney Julie Tappendorf of Ancel Glink; Police Chief Anthony Scarrione

Mayor Hyde stated that he received a letter of appreciation from the McHenry County of Court Services to the Village.

**AGENDA**

1. Discussion with Mr. Huffman regarding proposed commercial development

Two informal presentations have already been made to the Board. Attorney Kaiser stated that this has to do with the property that consists of 5 acres for two light industrial/condos, which can be modified. They went before the Plan Commission and there was not a favorable outcome so they are now coming to speak to the Board. To the East is Cotton Creek and to the West are homes. They are talking about putting in two 7 unit buildings, single story, light industrial. There is a park nearby owned by the Village. One concern from the Plan Commission was the types of businesses going in. They are willing to reduce those. The other would have to come before the Board then for a special use. They would like to have as a matter of rights is the advertising and light construction. Attorney Kaiser read the ordinance and information from their proposal. They felt that by limiting some of the uses that this might help to make this project more favorable including the neighboring properties. Concerns were – with neighbors to the South – there is 600-700 feet and a 140 feet between them and the neighbors to the left and the apartments are a little bit closer. He said that noise should not be a problem. There was area in a window air conditioner but that would be it for noise. The main unit is not air conditioned. They are heated from the inside. They could also make requirements such as doors/garage doors must always be closed, etc., to reduce noise. Lighting ideas were presented and it will not be bright lighting and reduced to focus on the property and buildings. Chemical uses were taken out and can not be used. Hydrocarbon removable structure in case something does happen will be present also. They believe the other bufferings will be handled by additional landscaping. The client will add screening to help. This will help block any noise too. Attorney Kaiser said the close proximity of neighbors has come up as a concern. However, this project will remain light industrial. They presented some comparisons of such a project in other areas and how it works well. Mr. Mark Rooney presented the survey of the property and went through it with the Board. Between the project and neighbors, there is substantial space as well as landscaping screening is already there including large pines, etc. A detention was discussed in detail also. It will be a wet bottom detention area. Attorney Kaiser said that they realize what is surrounding this project including county areas, Village owned areas, apartments, etc. As far as traffic patterns, would be going off the East vs. the West which will help with outflow of traffic. Trustee Mascillino asked about the garage doors and an office looking like front of the buildings. Mr. Rooney explained the appearance to the Board. He pointed out the entrances, the truck doors/areas, etc. Trustee Mascillino asked about going on beyond normal business hours and if there is concern there for this happening and the noise. Mayor Hyde asked about the doors being closed and the summer weather and then no air conditioning and how they can live with that type of environment year round especially in the summer. Mr. Huffman explained that it depends upon the type of businesses that go in. Mayor Hyde asked about the hydrocarbon. Mr. Rooney explained that many are gravity separated. There is a trap for any water that goes in there. The size needed is based upon an appropriate calculation. Mayor Hyde discussed getting around the buildings with ease especially trucks. Mayor Hyde requested a list of the businesses being looked at and to highlight the light industrial businesses. Mayor Hyde mentioned the property across the creek and a possible donation. Attorney Kaiser said they may ask then in exchange for a waiver of the permit fees then.

He said that door is open at this time. Mayor Hyde asked about the neighboring residents who expressed concerns. Attorney Kaiser said they addressed the noise factor as well as buffering and lighting. The lighting will be a minimum. He said they took the comments to heart and they do not want to be a bad neighbor but rather a good neighbor. They want to make this a quality project as well as attractive and compliments the area.

Motion by Trustee Garling, properly seconded to open the meeting to the floor.

Mayor Hyde asked to not duplicate questions already addressed.

One resident addressed the doors being kept down and wondered if this is really possible. Her biggest concern was environmental. The proximity of the creek concerns here to abutting areas. And she is worried about chemicals going into that creek and/or surrounding area and where the water will go. She is concerned with the oil that could be present. As well as the chemical used in light industrial esp. with laboratories and research. She said that not a lot of chemicals are needed and it poses a problem. She asked the Board to better regulate what is coming in.

Chuck, resident to the West – Expressed concern for body shops.

Joe, Cotton Creek apartments – He presented a map which thoroughly shows his property becoming an island and he does not believe dropping industrial between two residential areas is good nor makes any sense. He said this is a residential property initially, not a business property.

Motion by Trustee Mascillino, properly seconded to bring the meeting back to the Board.

Attorney Kaiser said there are some environmental concerns and they will abide by these and will put those restrictions out there. If they need a special use permit then they can come before the Board. The noise issue – they are talking about air conditioning and not high noise type businesses. They are not asking for a body shop. The use is much less intense than like high trucking type businesses. Mr. Rooney said they thoroughly went through the Village ordinance and reviewed light industrial.

Trustee Ponio is concerned about the Fire Department getting around. Mr. Rooney went through the location of the buildings, etc. Mr. Kaiser said they have cut down the uses of this project to help. The buildings have triple basin separators. And not all the units will be air conditioned and if so, they will be window units. Some uses are allowed via the Village ordinances. But, special use permits are required too by the Village so there is control there available to the Village. Mr. Kaiser said this gives the Village a good amount of flexibility. Trustee Saville asking about zoning and this will be R3.

Mayor Hyde mentioned that the Board Members needs to look through the Plan Commission meeting minutes yet as well as discuss this further and have all questions answered.

Attorney Tappendorf also said that the legal generally prepares an ordinance to be approved by the Board and one is not prepared at this time and legal would need direction from the Board.

2. Approval of Minutes – September 25, 2008, October 2, 2008 and October 9, 2008

Mayor Hyde said those are not completed yet.

Motion by Trustee Garling, properly seconded to table minutes September 25, 2008, October 2, 2008 and October 9, 2008.

Trustee Saville stated that these were asked by Ms. Kaczmarek, the Village Clerk, that this not be put on tonight's agenda as she believes they are not done. Mr. Verciglio has not presented to the Clerk the information that is needed to complete these minutes. Mayor Hyde asked what Trustee Saville was talking about. Mayor Hyde said the agenda was done Monday and put out Tuesday and he believes that Clerk Kaczmarek did not get back to John Little. Trustee Saville said Clerk Kaczmarek, the Clerk, instructed Mr. Little to not place these minutes on the agenda as they are not complete because Mr. Verciglio has not supplied the information requested to complete these. Mayor Hyde said the agenda was completed Monday and finalized Tuesday and that Ms. Kaczmareks emails may have come in on Tuesday after the fact.

Upon roll call, Trustees voted as follows:

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

NAYS: None

ABSENT: Trustee Herrmann

ABSTAIN: None

Motion was declared carried.

3. Approval of Resolution Censure 555-08

Motion by Trustee Garling, properly seconded to approve Censure 555-08 of Trustee Donald Saville.

Trustee Garling read the entire Resolution aloud.

Trustee Ponio asked who brought these facts forward. Trustee Garling replied we did. Trustee Mascillino said she typed it. Trustee Ponio asked when the Board Members met to discuss this as he was never talked to about this and/or any of the content of the resolution. He questioned when they all met. Trustee Mascillino said they didn't meet. Trustee Ponio said somebody somewhere along the line put this together. He asked what Trustees were involved. Trustee Garling said Trustee Mascillino discussed it with him. Trustee Garling said they discussed it as individuals, not together, and that it is the intent of the resolution that needs to be discussed not how it came about. He said it obviously came about due to the actions of this Trustee. He said that's the purpose of the resolution. Trustee Garling said that the way that Trustee Ponio is going about his questioning in making it seem as though they are at fault when the reality is the other way. Trustee Mascillino said the Board Members have the opportunity now to say anything. Trustee Mascillino stated there was not a meeting. Trustee Ponio wanted to know who decided this and what the appropriate action was to take. Trustee Garling said a censure is a public review of the actions of the individual serving on the Board and it basically states that that's persons behavior, actions, and the way that person goes about his/her business is not acceptable to the Board and to the residents. Trustee Mascillino said according to Roberts Rules that this is an appropriate action to take when a member is bound by Roberts Rules and when someone is acting and it becomes detrimental to the organization. Trustee Ponio said then that this is a form of reprimand. Trustee Mascillino agreed. Trustee Ponio asked what the future actions is then. Trustee Mascillino replied that it hopes to serve that the Trustee becomes aware of the actions that he/she was censured for. Trustee Garling said further action could be sought to but that they hope that he instead will find a way to conduct business appropriately. He added that the Board is there to conduct business appropriately and for the good of the Village. He added that Trustee Saville's actions do not do that and they are there to tell him that with the censure. Trustee Ponio said it was failed that he was included in any prior discussions. Trustee Garling replied that he did not feel that Trustee Ponio would be a supporter of it. Trustee Ponio said that they went around him then. Trustee Garling did not agree and said that they spoke individually about it but that there was a need to do this. Trustee Ponio said someone decided to leave him out. Trustee Garling again said that he did not feel Trustee Ponio would be a supporter of this. He questioned if Trustee Ponio would have supported this. Trustee Ponio replied that he guesses that it really doesn't matter. He said he's been left out of many things. Trustee Garling said it is about Trustee Saville. Trustee Ponio replied that it's about the Boards attitude and the way that he is being kept in the corner too and that this is another way that shows the Board is getting everything in order where they want and don't include everyone and he thinks that is inappropriate. Trustee Mascillino said it was run through legal. Trustee Ponio said he is not questioning legal. He added that he wants to know who brought this forward as no one brought this up prior. Trustee Mascillino stated that she sat on the Board May 2<sup>nd</sup> (and the behavior has been consistent). Since then, things have changed. She said there (has been) (many individual) discussions between Trustees.

Trustee Garling called the question. Trustee Saville said that by taking this action, the Board is not censuring him but rather censuring his ability to ask questions and prevent facts. He said that fear is the motivation behind this resolution and that it has no teeth. He said it is unenforceable and that he will wear this resolution as a badge of honor. He said he will not be intimidated nor embarrassed. Trustee Saville said, as Forest Gump would say, stupid is as stupid does and he does not feel it will get any stupider than this. Trustee Saville a can of worms has been opened and he feels that this is a joke. He added that he will change his mannerisms but questioned if the Board will change theirs. Trustee Saville said his tone has nothing to do with and when asking a question nor his mannerisms. He wants to see facts when he asks a question. Trustee Saville will wait until it is his time to speak.

*He feels that this is a joke, that it is hilarious and he feels it is the pot calling the kettle black. He said that the Board can do what they want and he will abide by the rules but he will not be part of the herd. Trustee Saville said he will represent the residents as he has always tried to do. He said that he will answer to the people of Island Lake and he will bring everything out in the open. He added that some words are not curse words to him as they are natural words to which he uses and some find that offensive and that he apologizes for. Trustee Saville said he has a no vote and he will not be part of this.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Garling, Mascillino and Verciglio*

*NAYS: Trustee Ponio*

*ABSENT: Trustee Herrmann*

*ABSTAIN: None*

*No Vote: Trustee Saville*

*Motion was declared carried.*

*4. Discussion of financing options for Village complex*

*Mayor Hyde said he presented to each Board Member some work that himself and John Little did with Robert Baird and Co. on financing. Stephen Roberts and Craig are two individuals that they worked with. Two options were presented. Mayor Hyde said the Board needs to make a decision on how to move forward. Trustee Garling feels a committee should be formed. Trustee Saville asked for this to be postponed indefinitely being the way that the economy is and not knowing where the economy is going. He questioned the funds for this.*

*Trustee Saville motioned to postpone this matter indefinitely. Motion failed. No second.*

*Trustee Garling feels it should be looked at so the Board knows where everything stands and what the situation is. He agreed the economy is bad but the Board needs the knowledge. He suggested forming a committee. He recommended Trustee Ponio and Herrmann. Trustee Mascillino feels they need to do fact finding.*

*Mayor Hyde stated that Trustee Saville left the meeting.*

*Trustee Mascillino said they need the knowledge of all aspects of such a project as well as a plan. Trustee Ponio said a referendum may need to be considered to ask the residents too. He added that a viable way may be to go for a referendum. Trustee Garling said there is a deadline for resolutions to make it on the ballot. Attorney Tappendorf will look into it. A resolution has to be adopted by the Board and a certified copy for the ballot.*

*Mayor Hyde said the building keeps having to be band aided. He said some plans need to be finalized.*

*Items from Village Clerk, Trustees & Department Heads:*

*Trustee Ponio asked when the public would be made aware of the recent settlement. Mayor Hyde responded that he would discuss this matter with legal counsel to determine if a press release was appropriate at this time or whether litigation counsel required further confidentiality. Trustee Ponio then asked about a change order for Baxter & Woodman concerning the well and was informed that the contract amount had decreased.*

*Trustee Verciglio noted that the Arts & Craft fair was scheduled for this weekend.*

*Trustee Garling had no report.*

*Trustee Mascillino discussed the upcoming employee holiday party and suggested the Village consider a charity competition to benefit the food pantry and a pot luck dinner.*

*Trustee Saville stated that he intended to have his censure resolution framed and displayed in front of his seat on the dais. He also stated that he intended to follow Roberts Rules of Order in the future. He discussed his intent to conduct a Hometown Meeting at Village Hall on November 29th at 9:00 a.m. to discuss issues in the censure resolution and other matters. Trustee Saville referenced the OSLAD grant letter and expressed his opinion that it was unfair that residents were not aware of this letter. He then read the letter into the record. He stated that he would provide more information on this in the future.*

*Items from the Mayor*

*Mayor Hyde reported that the basketball camp had requested use of the Village sign - there was a consensus to allow that use. He also mentioned the Sheltering Oaks pathway and the need to move forward with title expenses of approximately \$500. Trustee Saville asked how the pathway would be funded. Trustee Ponio stated that the easement must be obtained first, then the Village could decide how to fund the pathway. Trustee Saville stated that the pathway was a good idea but he was concerned about funding. Trustee Mascillino stated that obtaining the easement was an important first step. Mayor Hyde stated he would move forward on this matter. Mayor Hyde also stated that he was contacted by various Board members concerning removal of Trustee Saville from the public works and water committees. After discussion by Board members, Mayor Hyde stated that he was removing Trustee Saville from these two committees.*

*Trustee Garling moved, and Trustee Ponio seconded to open the meeting to the public.*

*Public Comment:*

*Tom Kaczmarek, 703 Fox Trail: Mr. Kaczmarek asked Village Attorney Tappendorf who determined what language is appropriate in a Board meeting. Attorney Tappendorf responded that the Village Board defines appropriateness and sets levels according to the members' determination. Trustee Mascillino stated that some recent language was inappropriate to a Village meeting and that children were sometimes present. Mr. Kaczmarek asked about potential Open Meetings Act violations in connection with the censure resolution. Trustee Mascillino responded that she spoke to the Trustees individually and there was no meeting concerning the censure resolution. He further stated that this was a resolution of "censorship", and not an indictment of Trustee Saville.*

*Laurie Rabattini: Ms. Rabattini asked about Waste Management invoices. She asked about the difference between prosecutions between Magna and Ancel Glink and the Mayor responded that these were two different counties. She then asked about two recent FOIA requests for cell phone records that were denied. Mayor Hyde responded that there were no bills submitted and the Village reimbursed on a flat fee basis of \$50/month. She requested that Trustee Saville consider a different date for his Town Hall meeting since many residents would be out of town. Trustee Saville responded that he would reschedule meeting to December 6th. Ms. Rabattini then stated that censure is subject to interpretation and that she did not believe that Trustees spoke individually.*

*Trustee Saville asked if chronic lying was acceptable behavior and Trustee Garling said no.*

*Motion by Trustee Garling, properly seconded to bring the meeting back to the Board.*

*Motion by Trustee Garling, properly seconded to end the Board Meeting. All in favor. Meeting adjourned at 9: 45 pm.*