

MINUTES OF THE REGULAR BOARD MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, IL LAKE AND MCHENRY COUNTIES, HELD ON JULY 23, 2009

MEETING IS CALLED TO ORDER AT 7:31 BY MAYOR HERRMANN

ROLL CALL: PRESENT: Trustees O'Malley, Rabatinni, Ponio, Mascillino, Verciglio

ABSENT: Trustee Saville

Others Present: Kevin Sutherland, Willie Koostra, Tony Scaroni, Scott Puma, Karen Luebbers, Deputy Clerk Jen Gomez

AGENDA ITEMS:

1. Approval of Village of Island Lake Policies for Village Board Presented by Trustee Mascillino

Motion to Approve Policies Trustee Mascillino, Properly 2nd by Trustee Verciglio

Discussion: There was discussion as to the way the policy was set up, by Trustee Rabatinni. Several changes were requested throughout the policy.

Policies were set up at the Finance and Administration Committee, held previously. All were invited.

Mayor states we have had ample time to get a photocopy of your (Trustee Rabatinni) changes. Trustee Mascillino did not receive changes from Trustee Rabatinni.

Trustee Mascillino made every effort to receive Trustee Rabatinni's changes. However, she never received them. So Finance and Administration met and made a final decision as to the policy.

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Mascillino, Verciglio, Mayor Herrmann

Nay: Trustees Rabatinni, Ponio

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

2. Approval of Ordinance 2009-XX further amending Section 1-6-5 of the Village Code concerning the Order of Business and Procedures for the Board of Trustees – Mayor Herrmann

Motion to Approve Ordinance 2009-XX by Trustee O'Malley, Properly 2nd by Trustee Verciglio

Discussion: There was no discussion.

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Mascillino, Verciglio, Mayor Herrmann

Nay: Trustees Rabatinni, Ponio

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

3. Approval of Ordinance 2009-XX. Further amending Section 1-6-6 of the Village Code concerning Standing Committees for the Board of Trustees - Mayor Herrmann

Motion to Approve Ordinance 2009-XX by Trustee Mascillino, Properly 2nd by Trustee Verciglio.

Discussion: There was no discussion.

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Mascillino, Verciglio, Mayor Herrmann

Nay: Trustees Rabatinni, Ponio

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

4. Approval of Appointment of Trustees to Committees, Planning Commission Members, and Zoning Board – Mayor Herrmann\

Motion for Approval of Appointments to Committees, Commissions, and Boards. Motion by Trustee Verciglio, Proper 2nd by Trustee Mascillino

Discussion: Mayor Herrmann passed out the appointments:

Finance and Administration- Chair: Connie Mascillino

Also seated: Donna O'Malley, Laura Rabatinni

Intergovernmental Grants and Funding- Chair: Laura Rabatinni

Also seated: Connie Mascillino, John Ponio

Building, Zoning, Ordinance, Public Works and Water- Chair: Don Verciglio

Also seated: Donna O'Malley, Don Saville

Police and Public Safety- Chair: Mayor Herrmann

Also seated: Don Saville, Don Verciglio, John Ponio

Parks, Recreation, Education, and Community Events – Chair: Donna O'Malley

Also seated: Don Verciglio, Laura Rabitini

Economic Development and Public Improvement – Chair: John Ponio

Also seated: Connie Mascillino, Don Saville

Village Collector: Jen Gomez

Plan Commission: Chair: Mike Herrick

Also seated: Don Rydell, Peter Kutulas

Zoning Board: No Openings

Mayor Herrmann requested a Motion to Approve the appointments as presented.

Motion for Approval of appointments as presented by Trustee Verciglio, Properly seconded by Trustee Mascillino

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Mascillino, Verciglio, Mayor Herrmann

Nay: Trustees Rabatinni, Ponio

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

5. Approval of the 2009/2010 Senior Citizen Busing and Transportation Intergovernmental Cooperation Agreement – Mayor Herrmann

Discussion: We have been asked to table as the Village of Wauconda has changes. And we do not have the proper document this evening to present. This is continued until the next meeting.

6. Approval of Resolution and Agreement with Baxter & Woodman to perform 2009 MFT Road Maintenance Project – Mayor Herrmann This was in the packet that was emailed to everyone.

Motion for Approval of Resolution and Agreement with Baxter & Woodman to perform 2009 MFT Maintenance by Don Verciglio, Properly seconded by Donna O'Malley

Discussion: Kevin Sutherland gave a brief explanation of the Resolution and Agreement – Standard item that spells out the fee that you have budgeted for fees and improvements. General maintenance program for streets.

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Rabatinni, Ponio Mascillino, Verciglio

Nay: None

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

7. Approval of Baxter & Woodman proposal for Drainage Assistance at the Public Works building for drainage investigation at a cost of \$3500 and alternate solutions at a cost of \$2500 – Trustee Mascillino

Motion for Approval by Trustee Mascillino, Properly 2nd by Don Verciglio

Discussion: Total is \$6000. Base is \$3500 and Alternate solution is for future at \$2500. It is up to the board to do both or either/or. This includes both as presented. Willie feels we should go for both so we can plan ahead as well as alleviate the current problems.

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Rabatinni, Ponio, Mascillino, Verciglio

Nay: None

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

8. Resolution and application Approval of the 2010 McHenry County Community Development Block Grant Program – Mayor Herrmann

Discussion: This is the application that was discussed two meetings ago. First time for this application. No cost for Baxter and Woodman. Will be done year after year. Income investigation by county. The county handles income investigation.

Motion for Approval by Trustee Verciglio, Properly 2nd by Trustee Mascillino

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Rabatinni, Ponio, Mascillino, Verciglio,

Nay: None

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

9. Approval of partial payment in the amount of \$9,031.50 to Midwest Well Services, Inc. for work performed on Water supply Well #9 Rehabilitation – Mayor Hermann

Motion for approval of partial payment in the amount of \$9,031.50 to Midwest Well Services, Inc. for work performed on Water Supply Well #9 Rehabilitation by Trustee Verciglio Properly 2nd by Trustee O'Malley.

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O'Malley, Rabatinni, Ponio Mascillino, Verciglio

Nay: None

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

10. Discussion of the Village ordinances Amending Chapter 3 of the Village of Island lake Municipal Code to Establish Sexually oriented Business Licensing and Additional Regulations – Trustee Verciglio

There was discussion. Trustee Verciglio explained how this was out of date and needed to be amended so that messages could be given legally in our spas in Island Lake. It was originally meant to allow messages only for Chiropractic use and to prevent message parlors from opening. Now we find that we have day spas that are losing business to surrounding communities. Trying to bring it all back in for the purpose of revenue and to allow our businesses to provide an additional service to their customers here in Island Lake rather than have them go elsewhere for the services. Scott Puma state that our adult use ordinance needed some spiffing up. So what we did was to use what our firm refers to as a sexually orientated business licensing ordinance which toughens up regulations so that the village is protected from uses that are usually undesirable in the business district. This is a very long ordinance. It would be a good idea to discuss in a committee meeting. Mayor Herrmann so suggested to Don Verciglio.

Open discussion to the floor – Make motion to open the meeting to the floor for comments.

Motion to open the meeting up to the floor by Trustee Mascillino, properly seconded by Trustee Verciglio

So Moved

Tony Ginnini from Salon Gia – He remodeled his shop for with the intent of giving messages. He stated they cannot give messages so they are sending business elsewhere and are also out the money spent to be able to do messages.

Jamie from Andres salon and spa – We get up to three calls a week for messages, then we have to refer them out of town. When you have a spa you should be able to give spa treatments. This is a part of medical and stress therapy.

Trustee Rabatinni - Do you have to have a license to perform messages? Response – yes you do.

Motion to bring the meeting back to the board.

Motion by Trustee Verciglio, properly seconded by Trustee Mascillino.

All in favor – Aye Trustees O'Malley, Rabatinni, Ponio, Mascillino, Verciglio

11. Discussion of adding phone conference capabilities to meeting attendance by trustees – Trustee Rabatinni

There was discussion. Trustee Rabatinni stated this is an ordinance draft created by Ancel and Glink. Cost is \$800 550 for a polycom (3 conference lines in) and \$250 labor. This is for refurbished. New option is \$1200. This allows trustees to attend meetings by phone in the case of illness, travel for the municipality, or travel for work. Doesn't allow them to attend if they are on vacation or if there is an illness in the family It was suggested that there be 75% attendance during the meeting, so board members just don't vote and hang up. John Little was asked if there was money in the budget for this. His response was if the board approves it he will come up with the money. He didn't have any idea where the money would come from at this point in time.

There were questions:

What type of security there would be when a person calls in? There is a password that can be changed.

Mayor Herrmann suggests that this be one of the items that the committee review at the next committee meeting.

If there are concerns about abusing the privilege you can set guidelines regarding how many times this can be done in a calendar or fiscal year.

How does that apply to an executive session? If you want to allow the person to attend the executive session you can however, some have changed the rules so that you cannot participate in executive session because they were concerned that a person could be with other people at the time that the discussion is going on. There has been an instance where a board member traveled a lot and he did participate in the executive session.

Could the committee bring back the recommendations to the board?

12. Discussion of creating a website re-design subcommittee – Trustee Rabatinni

Discussion – She doesn't feel it should fall under Finance and Administration. It should affect all areas of government that have been created tonight. If this falls under finance at there committee meetings there can be a topic on there for the website at which time everybody could participate.

Is anyone discussing pricing or working on creating or updating the website – Mayor Herrmann stated that there is a proposal being worked up for creating a new website. The initial proposal will reflect our current website plus improvements that are being directed and they should be up and running by August 16. The updates and the proposal for the redesign. We are looking at what we have on our website and what we would like to have on our website. We are not even sure what that proposal will entail other than what our website currently holds. This is an administrative process and things go on here 10 hours a day. We will have the update up and running by the 16th. The redesign will go through the entire board. Currently we are just trying to get it updated. One of the items we are going to have is that the website can be updated by someone on the administrative staff. That is a major change that will enable things to be updated in a more timely manor which will help stop paying an outside service to do so.

13. Discussion of ordinance for bidding projects and services – Trustee Rabatinni

Discussion – No discussion. It does not have to be approved if it is a topic for discussion

14. This is not on the packet agenda, but was on the published agenda is the topic of request for assistance for the annual Lion's club Corn Fest – Trustee O'Malley

Discussion - Several items were requested for the Village to assist with. This has been an annual event and the village has always supported it. Village has provided portable bathrooms at no charge, dumpster; water dept turns the water on and off, power to the park, and other miscellaneous items. Signs for Cornfest put up a week before and down the day after. Trustee O'Malley would like to see this item discussed consistently from year to year. There should be no overtime involved in this. The Village has been helping for years. Bob isn't sure about the procedure in requesting the Village's assistance.

Whole in one contest do not need a license for that (per Attorney Puma). Prize raffles is donations and there is no gambling involved at all.

We can see if there is any temporary licensing that should be involved. Please move ahead with the proceeding and we will review and see if there is any licensing involved.

Goal to get the request at the beginning of the year for all organizations and approve the events all at once. This way they can all be approved for the year. The request are usually the same every year and we will contact you to get the

Consensus that they can move ahead:

Trustees Mascillino, Verciglio,, O'Malley, Rabinini, and Ponio all agreed the Lion's Club can move ahead on the Confest.

Concludes the agenda items.

Clerk Miller: no items at this time

Trustee Ponio:

Requested the paperwork the Village gave DCFS in order to get an exempt standing.

He does not understand attorney-client privilege. The privilege is that the attorney doesn't have to discuss what the clients issues are and that the client is paying the attorney for information and for the attorney to tell the client they can't do anything with that information, I don't think that is correct. I think that when the attorney gives advice or information to a client, the client has a right to do what they want. If I don't like the advice of the attorney, I have the right to take it to another attorney to see if that is correct information. Maybe I am misunderstanding Attorney Puma. It seems to me that him telling me that I can't read something that is information that I have been given – you can't give me something and tell me this is confidential because I have a right to do with that information whatever I want. Attorney Puma stated he has a contract with the Village of Island Lake not John Ponio. You have the fiduciary right to the Village of Island Lake as a trustee to do the best for this Village. When I send documentation to the Village of Island Lake regarding information pertaining to litigation and personnel matter, and send them to you I use a computer so that if somebody discloses it, it is prefaced that it is not able to be disclosed in court. I sent it to the mayor and member of the board stating this is attorney client privileged material it is because it is discussing matter of litigation. Is it legal to disclose? Is it a violation of the law to disclose it, No. Is it a violation of your fiduciary responsibility to the Village of Island Lake, yes it could be, So, when Rich Garling posted that stuff on the website and Mayor Hyde agreed with it – Was that a breach of fiduciary responsibility.

Attorney Puma - It could be considered a breach of fiduciary responsibility

If I don't believe that what you are sending to me is not good legal advice then I could have the opportunity to take it to my lawyer to get recommendations because I cannot talk to you based on what was passed tonight, I can no longer talk to you. I should be able to take that to my own attorney for advice and then bring it back to the board.

There is another option you can hire a second council. That is the villages right. If the board wanted to hire a second council that would be the board's decision.

Trustee Ponio then stated he would like a longer description of each committee and, to know the responsibilities of his committee.

Last item is a letter that he received in his mail box from Mr. Koostra regarding the Sanitary district from Mayor dated April 15th. Speaking of the villages sanitary bill. There was a question regarding this letter. The mayor offered a copy of this letter to Mr. Ptack and also Mr. Herrick. It was explained that the deannexation of the sanitary district did not constitute a raise in the rates for the citizens of Island Lake. It only affected the Village. Any raise in rates the citizens have received is due to everything else becoming more expensive.

Trustee Rabatinni:

To discuss employees you should do it in executive session. If it is a complaint or discussion the mayor would prefer she discuss them in executive session.

Deputy clerk what are your hours and what kind of responsibilities are. My hours are 8 – 12 Monday thru Friday and my responsibilities are putting together your packets, FOIA's.

Clerk Miller July 2 I sent you an email. You didn't answer it for 11 days. I don't know. I am concerned with her answering the email. Clerk Miller did not answer. Mayor Herrmann gaveled Trustee Rabatinni.

Trustee O'Malley – Nothing

Trustee Mascillino

Through the finance department the epay system is being set up and residents will be able to go online and pay for vehicle stickers, water bill, garbage bills rec department programs. The representative has been here to set up the internet. That is moving along so hopefully we will be able to offer epay to residents soon.

Program for cellphones to soldiers. Each cellphone has a hour of talk time. This has been going on for a couple of days. Can go to the website to get the flyers, mailings, and collection boxes to get started. Jen Gomez stated that you can also drop them off at the phone stores.

Trustee Verciglio

The epay system will allow residents to go on line and pay with credit card.

First item – The public works department was given a sign to put up for the senior center. The seniors were using stickers on the window and depending on the weather they might stay up or fall off.

He would like to go into executive session for litigation.

One question for Trustee Ponio. In February of this year you made a request from the Water Department for records from the last twelve years. Trustee Ponio stated he couldn't answer that.

Chief Scharionne anything - No

Willie Koostra – We have purchased salt this year for \$64 a ton as opposed to last year at \$132 per ton.

Miss Luebbers – Nothing

Deputy Clerk Gomez – Nothing

Mr. Sutherland – This is timely because it pertains to one of the clean energy grant funds. The other thing he would like to hand out is more details about land.

Mr. Herrick, Longacre Lane., and Mr. Ptak 3203 Carriage Hill would like a copy of the letter that Mr. Ponio received.

Mr. Herrick would also like to.

Mr. Ptak stated he could fix the sound/Air conditioning problem for the village.

Mr. Herrick has asked the ordinance committee to review whether or not to allow temporary pools. There are two of these pools in his subdivision. In ground and hard sided pools have been allowed by his subdivision.

Trustee Verciglio will add to ordinance.

Laura Rabatinni – question for Attorney Puma. Are there specific guidelines for committee meeting. Attorney Puma stated that this is at the convenience of the committees.

Motion to open the meeting up to the floor:

Motion to open the meeting up to the floor by Trustee Verciglio and properly 2nd by Mascillino

1. Bob Springer 3118 Wood The Cornfest approval was usually on the consent agenda. I would like to thank you for your time and assistance.

2. Joe Ptak 3203 Carriage Hill – Would like to volunteer to fix the air conditioner and sound system.

Minutes have not been approved since February 2nd. They have been approved. They are voted on at meetings. They have not been posted for anyone else to review.

MFT Road Improvement Motor Fuel Tax – What is Baxter & Woodman responsibility and what is this going to cost the village. The cost to the village is split up \$3,655 for preliminary engineering and \$3,190 for engineering inspection.

3. Mike Herrick Longacre Lane The paperwork Mr. Ponio is talking about is that there expenses did go up. Is that because they are not a part of the village. Did I understand that correctly?

Mr. Herrick has asked the ordinance committee to review whether or not to allow temporary pools. There are two of these pools in his subdivision. In ground and hard sided pools have been allowed by his subdivision.

Trustee Verciglio will investigate.

Mayor Herrmann would like a motion to bring the meeting back to the board.

Motion to bring the meeting back to the board by Trustee “Verciglio properly 2nd by Trustee Mascillino

All in favor – Meeting brought back to the board

Motion to adjourn to executive session for litigation and personnel.

Motion to adjourn to executive session by Trustee O’Malley and properly 2nd by Trustee Mascillino

Upon roll call vote, Trustees voted as follows:

Aye: Trustees O’Malley, Rabatinni, Ponio, Mascillino, Verciglio,

Nay: None

Absent: Trustee Saville

Abstain: None

Motion Passed: Yes

Pam Miller

Village Clerk