

**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 12th DAY OF FEBRUARY 2009**

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 Herrmann, Ponio, Saville and Verciglio. Absent: Trustees Garling and Mascillino

Also in attendance was: Village Attorney Scott Puma of Ancel Glink; Police Chief Anthony Scarrione; Kevin Sutherland, Baxter & Woodman.

Pledge to the Flag & Recognition of those with family members in the military

Correspondence

Clerk Kaczmarek read a letter from Senator Richard Durbin to Mr. Willie Kootstra. Senator Durbin thanked Mr. Kootstra for his correspondence.

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 – October 9, 2008, November 13, 2008 & November 20, 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 Saville, properly seconded to remove payment of the bills to be voted on separately. All in favor.

Motion by Trustee Verciglio, properly seconded to remove approval of the meeting minutes to be voted on separately. All in favor.

Motion by Trustee Herrmann, properly seconded to approve the committee reports as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio and Mayor Hyde

NAYS: Trustee Ponio and Saville

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

Motion by Trustee Verciglio, properly seconded to approve the meeting minutes.

Trustee Verciglio stated that it was previously discussed that meeting minutes were not to be placed on the agenda unless the incorporated all the changes that were requested. Trustee Verciglio also presented, in writing, from Trustee Mascillino, her changes to the November 20th meeting minutes.

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Motion by Trustee Herrmann, properly seconded to approve the November 13, 2008 meeting minutes.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio, Ponio and Saville

NAYS: None

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

Agenda

1. Swearing in of Officer Billy Dickerson by Mayor Hyde

2. Presentation of Commendation to Officer John Nikopoulos by Chief Sciarrone

Short recess

Motion by Trustee Herrmann, properly seconded to take a short recess. All in favor.

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

3. Review & signing by Board of letters to State and Federal elected officials regarding road salt reimbursement legislation & Economic Stimulus package – Trustee Mascillino

Trustee Verciglio presented the two prepared letters. Trustee Ponio questioned the two bills presented in the letter – Senate Bills 49 and 50. Trustee Saville stated that he agreed to and would sign one letter but not the other.

4. Approval of Committee Ordinance 1345-09 – Trustee Garling

Motion by Trustee Herrmann, properly seconded to table item number 4.

Trustee Saville questioned why this is being tabled. Mayor Hyde said it is not finished. Trustee Herrmann replied Trustee Garling had this item for the agenda; however, is not present this evening so therefore it should be tabled.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio and Mayor Hyde

NAYS: Trustees Ponio and Saville

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

5. Approval of donation of \$175 to Lake County Forest Preserve annual Seniors Day event June 24,2009 – Trustee Mascillino

Motion by Trustee Verciglio, properly seconded to approve a donation of \$175 to Lake County Forest Preserve annual Seniors Day event June 24, 2009.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Ponio, Verciglio and Mayor Hyde

NAYS: Trustee Saville

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

6. *Approval of Les Turner Foundation ALS Tag Days for Saturday, May 9, 2009, and Sunday, May 10, 2009 – Mayor Hyde*

Motion by Trustee Herrmann, properly seconded to approve the Les Turner Foundation ALS Tag Days for Saturday, May 9, 2009, and Sunday, May 10, 2009.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

7. *Approval of Ordinance 1346-09 adopting the lake County Watershed Development Ordinance – Mayor Hyde*

Motion by Trustee Herrmann, properly seconded to approve Ordinance 1346-09 adopting the lake County Watershed Development Ordinance.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

8. *Approval to execute the Water Supply Well No. 9 Rehabilitation agreement with Baxter and Woodman – Mayor Hyde*

Motion by Trustee Herrmann, properly seconded to approve to execute the Water Supply Well No. 9 Rehabilitation agreement with Baxter and Woodman.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

9. *Approval to execute the National Bridge Inspection Standard (NBIS) Program Managers Duties agreement with Baxter and Woodman – Mayor Hyde*

Motion by Trustee Herrmann, properly seconded to approve to execute the National Bridge Inspection Standard (NBIS) Program Managers Duties agreement with Baxter and Woodman.

Upon roll call, Trustees voted as follows:

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

Motion was declared carried.

10. Approval to payoff water bonds as recommended by John Little - Trustee Herrmann

Motion by Trustee Herrmann, properly seconded to table item number 10 until the email bantering ceases.

Trustee Ponio stated that he hopes for discussion before paying off a \$1 million water bond.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio and Mayor Hyde

NAYS: Trustee Ponio and Saville

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

11. Review and approval to update of village code book. Trustee Herrmann

Motion by Trustee Herrmann, properly seconded to table item number 11 until numbers are available.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Saville and Verciglio

NAYS: Trustee Ponio

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

12. Approval to Allow Reduction in Prairie Woods Letter of Credit from \$883,571.00 to \$700,713.18

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio, Ponio and Saville and Mayor Hyde

NAYS: None

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

13. Approval for Mayor to sign a pre-application form to apply for the economic stimulus funds that come available for the water department – Mayor Hyde

Mayor Hyde stated that he passed out information to all the Board Members. The application includes projects previously sent out regarding various programs within the Village. This needs to be returned before March 31st. There is 0% interest on these monies. Mayor Hyde would like to see Island Lake on the list early on so the Village will be considered. Trustee Ponio asked if this is Federal funds and Mayor Hyde replied yes. Trustee Ponio inquired if these are 0% and Mayor Hyde replied that yes, he believes the loans will be 0% but he does not know all the details until everything is finalized. Trustee Saville clarified with Kevin Sutherland of Baxter & Woodman that this would not be funded by the taxpayers but rather that it would come out of the water department. Mr. Sutherland said that this offers a partial principle forgiveness and the State will be administering this.

Motion by Trustee Herrmann, properly seconded to approve the Mayor to sign a pre-application form to apply for the economic stimulus funds that come available for the water department.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio, Ponio and Saville and Mayor Hyde

NAYS: None

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

14. Approval of restoration by Mike Bouska to the Burr Oak Savannah property owned by the village located in the Cotton Creek Marsh – Mayor Hyde

Motion by Trustee Herrmann, properly seconded to approve restoration by Mike Bouska to the Burr Oak Savannah property owned by the village located in the Cotton Creek Marsh.

Trustee Herrmann explained that Mike has worked on the marsh in the past. He would begin in the Spring at no cost to the Village and this would be on a volunteer basis. Mayor Hyde said that this gentleman also is part of the Conservation District. McHenry County will oversee the project as well. Trustee Ponio questioned if there is an insurance issue with the Village though. Attorney Puma replied that he works with the Conservation District too and that he will check into an indemnification agreement and will report back to the Board.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio, Ponio and Saville

NAYS: None

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

Items from the Village Clerk, Trustees and Department Heads

- Trustee Verciglio stated that he would like to publicly answer all of Trustee Saville's questions regarding Creative Playtime. Trustee Verciglio stated that Ms. Hyde was advised by legal not to participate. This is in response to Trustee Saville's January 31st email to Sharon Hyde.*

One, who is the keeper of the files and where are the files located. Trustee Verciglio said it depends on what time and what types of files then they can answer that question as the files are not all kept in the same place. He said "forever and ever they have not been in the same place". Trustee Saville replied that they should be. Trustee Verciglio said he is answering the questions that were presented. Mayor Hyde said that Trustee Saville needs to clarify what he is looking for. Trustee Saville replied that he is not being argumentative. He said that he is asking for everything from the beginning of time. Mayor Hyde replied that they understand now that Trustee Saville is looking for all the files for all infinity and they will get him those files. Trustee Verciglio said the second question was – Trustee Saville would like the articles of incorporation filed with the Secretary of State establishing Creative Playtime Pre-School with the social services agency. Trustee Verciglio said that this was kept by the Village Clerk, not Creative Playtime. Trustee Saville said that someone filed with the State for Creative Playtime. Trustee Saville asked why Trustee Verciglio does not have this information at hand. Trustee Verciglio replied that he is reading Ms. Hyde's answers to his questions. Trustee Saville replied that he knows that this is a tuff spot for Mayor Hyde but he'd like his answers. Mayor Hyde replied that he welcomes this opportunity. Trustee Verciglio stated that Trustee Saville said that he will not deal with Ms. Hyde directly but rather through the Attorney. Trustee Saville said "no, he said, only that one particular item" so that's why he is asking where the records are kept. Trustee Verciglio said another question was "who was the lawyer that worked on this project". Trustee Verciglio said "once again, I would have to say, the information is within the Clerks Office when this was taken care of at that time". Attorney Puma said that Ancel Glink was not involved in this matter with the incorporation. Trustee Saville said that there was information that was attached, to what DCFS was provided with, and he can't believe those records are not available. He said that is not acceptable.

Trustee Saville said someone has to have that letter that was attached. Trustee Verciglio said the next question was a “copy of all correspondence making Creative Playtime not for profit”. Trustee Verciglio said the same, those should be within the Clerks Office at that time. Trustee Verciglio said that Trustee Saville’s questions are being answered, maybe not at the speed he would like, but they are being answered. Trustee Verciglio said that question number five was prior to 2006, Trustee Saville would like a copy of the letters to and from DCFS prior to 2006. Trustee Verciglio asked what files and what time period and then they can answer this. Trustee Verciglio stated that copies of those letters, to and from DCFS, the Clerk had in her files as well.

- Trustee Verciglio requested executive session for litigation
- Trustee Ponio stated that he has been asking and asking for information from Department Heads. He said there are still issues today and that he gets no responses to his questions. He said that he has been sitting up here for two years and he still has no answers. Trustee Ponio said that he can not make decisions without answers.
- Trustee Ponio requested executive session for personnel and litigation.

Items from the Mayor

- Mayor Hyde mentioned the Village Hall maintenance memo from Willie Kootstra. Trustee Saville said that the memo is good; however, he questioned Mayor Hyde what kind of money has been put away over the years in order to complete these maintenance projects for Village Hall. Mayor Hyde said that nothing has been set aside for Village Hall. He said that the responsibilities are up to the Board Members and the Mayor and that the Board Members need to put plans together and see how to get them accomplished. Mayor Hyde said he has brought forward over 200 emails that have gone to this Board about Village Hall. Trustee Saville suggested a separate meeting to discuss the needs of Village Hall and come up with a plan. Trustee Ponio said that he too could come up with a list; however, money is needed. He said that they can assess all the problems they want; however, there is no money. Trustee Ponio stated that this should be a line item in the budget each year. Trustee Ponio asked who is in charge of the building and Mayor Hyde replied Public Works. Trustee Saville said that he spoke to Mr. Kootstra about the canopy. Mr. Kootstra told Trustee Saville that no one has contacted him. Trustee Saville replied that he told Mr. Kootstra that it would be prudent on his behalf to do his job and get something together as to where the Board should begin with this building.
- Trustee Saville asked Mayor Hyde why he has not signed and provided a copy to him on the censure from November. Mayor Hyde said that he is waiting on meeting minutes so he can be sure of the votes.

Motion by Trustee Ponio, properly seconded to open the meeting to the floor. All in favor.

No comments from the public this evening.

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

Motion by Trustee Ponio, properly seconded to go into executive session for personnel, land sale and litigation. All in favor.

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

Motion by Trustee Herrmann, 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 Herrmann, Ponio, Saville and Verciglio. Also present Mayor Hyde and Attorney Puma.

Action on executive session items

Motion by Trustee Herrmann, properly seconded to approve the settlement agreement and for Mayor Hyde and the Village Clerk to sign the documents.

Upon roll call, Trustees voted as follows:

AYES: Trustees Herrmann, Verciglio, Ponio and Saville

NAYS: None

ABSENT: Trustee Garling and Mascillino

ABSTAIN: None

Motion was declared carried.

Motion by Trustee Herrmann, properly seconded to adjourn the meeting. The meeting ended at 9:20 pm. All in favor.

Christine Kaczmarek, Village Clerk