



LNNLRCD Meeting

Date: September 2, 2004 Time: 7:00PM

I. Call to Order and Roll Call – The September 2nd RCD meeting was called to order at 7:02PM.

Board Members

Present:

**Joe Gargano
Bill Piper**

**Joe Olliges
Jerry Sellers**

Absent:

Herb Hill

Guests:

**Tom Clarey
Mick Kazmerski
John Kaminski
Nancy Mangini
Daniel J. Nicolini
Vivian Schings
Don Zack**

**Chuck Jolicoeur
John Gelwicks
Marilyn Mancini
Ron Mangini
Michael Robinson
Tim Spelde**

Employees:

**Becky Breckenfelder
Mike Schiltz**

II. Pledge of Allegiance

III. Approval of Agenda: (Any guests wishing to speak will be considered at this time) Joe G. read off a request to speak from concerned taxpayers Mick Kazmerski, John Kaminski and Ron Mangini to discuss major actions such as the purchase and sale of property and other major actions made by the RCD board. Joe G. suggested to the board that they allot them up to ten minutes at the beginning of the meeting to make their statement so that they don't have to amend the agenda. Joe O. motioned to approve the agenda as written. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-01]

IV. Welcome New Board Member: Jerry Sellers – Joe G. welcomed Jerry, noting his involvement in the community through the Fishing Club and the Lake Management Committee and saying that he is looking forward to having his input and help on the board.

V. Comments:

A. Joe Gargano:

1. Thanks: Joe G. thanked John Mulholland and Joe Domack for their help with construction of the boat rack at the North Beach and he thanked Gina Mulholland for cleaning up the North Beach and pulling weeds.

2. Apology: Joe G. made a statement, indicating that he wouldn't address any questions in reference to the statement. Referring to the August 31st LNPOA meeting, which was regarding lots 10 and 11 and the planning of the annual meeting, Joe G. said that he personally made a statement there, which referred to three gentlemen, Mr. Don Zack, Mr. Ron Mangini, and Mr. Mick Kazmerski, and he would like to extend his apologies for referring to them on a personal basis during the course of that statement, especially to Mr. Mick Kazmerski for the statement and the

context that he made it in. He stated that is sincerely sorry. He also indicated that the comments he makes when he is attending POA meetings or other meetings and activities throughout the community are solely his responsibility and do not reflect the opinions of the RCD board. He concluded by adding that he hopes that they can go forward from here. He offered the floor to the Mick, Ron, and John, asking them to keep their comments to 10 minutes and adding the board may not be able to respond to some of the questions if there is an investigation required of the RCD, rather, they would take it in advice and have a response prepared for the October meeting.

B. Ron Mangini – Ron started off by saying that he appreciated what Joe G. had to say. He then read off the following questions:

1. Did the RCD or their secretary obtain a special use permit to have an office in a residential home at 205 Cuyahoga Drive. *Response: yes, Becky showed the application and permit to Ron.*

2. Did the RCD have a referendum vote when they:

a. Purchased the dredge. *Response: Joe G. said that he couldn't respond to that due to the fact that nobody on the current board was on at that time; it was purchased in 1998.*

b. Sold the Dredge. *Response: Joe G. said that he can't respond tonight because he can't recall the process; he thinks that they did have a vote during the meeting, he would have to look at the minutes, he did recall that they set a base figure that they wouldn't go under \$75,000 and that Tina solicited opinions from the audience at the meeting.*

c. Signed a Major Dredging Contract. *Response: Joe G. said that he can't say at this time. He said knows that they passed it and that there was public discussion on it and they voted on it and approved it at a public meeting. He added that he will have to call the attorney and get an opinion on it.*

d. Purchased the property off of Flagg Road (23 acres bought from Dale Bennet). *Response: Joe G. responded that that was before his time on the board.*

e. Purchased Lots 12 & 13 on Oak Lane. *Response: Joe G. asked if there were any other questions regarding the referendum vote. Joe O. asked which dredging contract he was referring to and Ron said the major one done last year (2003).*

Joe G. recognized Michael Robinson, who asked Ron Mangini what he meant by referendum vote. Ron said that to him a referendum is a vote by the taxpayers, for example, when a city has a referendum, they send it out to the taxpayers for a vote.

Joe G. said that he thinks that the attorney is going to say that as long as the RCD posted an agenda 48 hours in advance to notify the public and accepted public comments in reference to each one of those issues that it would be considered a public awareness of them.

3. John Kaminski – He felt that Joe G.'s opening statement that there be no discussion was a little unfair because he had a question. Joe G. said only if it is related to the RCD. John said that it was related to the RCD and the Ethics Ordinance of the RCD. He said that he would be very willing not to go through with his question on the ethics and breach thereof... Joe G. interrupted, saying that the RCD is governed by some very strict rules and if he raises an allegation that there was a violation of the ethics ordinance then the RCD has to create a commission of three of the board members to investigate it and they have to bring the State's Attorney into it. John

reiterated that he would be willing to set that question aside and to build on Joe G.'s original statement he thinks that there are two things that need to be done: 1. John said that Joe G. needs to recognize that when he speaks before the Planning and Zoning Committee, at the LNPOA meetings, and possibly other times, intentionally or not, he presents himself as the President of the RCD; he does not separate himself from those two positions. John continued, saying that at times Joe G. has said "as a homeowner" and at other times it is general and the public may not get which statement belongs to which. 2. John said that it was very good and magnanimous for Joe G. to apologize to the gentlemen present at the RCD meeting, however, he thinks that it may possibly need to extend to the annual meeting to the other people who have serious allegations that were made of them that should be retracted in a more public and wider venue. Joe G. said that he would have to think about that, but he will take it into consideration. John said that they can revisit his other thing pending on the outcome. Joe G. thanked John for his comments.

VI. Approval of Minutes: Bill motioned to approve the August 5th and the August 18th meeting minutes. Joe O. seconded the motion. Motion approved by roll-call vote with Jerry abstaining due to not being a member at the time. [09-04-02]

VII. Treasurer's Report: Because the September meeting was so early in the month, the bank statements were not received yet so the figures that they see will be somewhat subject to change. Bill also made a deposit today, which will be in next month's report. He allowed the CD that was coming due this week to roll over until they decide what they are going to do with certain earmarked monies.

A. Balance Sheet: With the CD's, checking account, and money market, they have \$113,546.75 on hand. Their estimate of fixed assets so far, which they have tried to assess accurately, is broken down into \$8,650.00 for equipment and \$545,099.00 for land (land was based on what was already reported, plus the cost of the 23 acres, plus the estimated worth on the this year's tax bill for lots 12 and 13 on Oak Lane.) The total assets reported so far are \$657,295.75.

B. Profit and Loss YTD Comparison: The income listed on the Profit and Loss YTD for the month of August was \$264 for pop machine, \$100 for rentals, and \$1646.49 for taxes.

Income to date is \$67,648.34. The total expenses for the month were \$5,424.91, which leaves a monthly net income of -3,414.42. Joe O. asked about buying the software (#2913) and why it was so much and Becky said that the reimbursement was for Norton Antivirus, Spykiller, and a new office phone. Joe G. asked what the certified letter was for and Becky said that it was the letter and check for the report filed with the Illinois Department of Employment Security. Joe O. motioned to approve the treasurer's report. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-03]

VIII. Board Member Reports

A. Joe Gargano – President

1. Dredging / Restoration Update

a. Flagg Road Silt Basin/Clearing of Lots by West Entrance – Joe G. had suggested at last month's meeting that they have Nordman come in and remove whatever sediment he can out of the Flagg Road Silt Basin and clearing the lots on the east side of the West Entrance. They allotted \$1,000 in April or May to clear those lots so Joe G. wants to know if they want to go ahead with it. The silt basin would take about a day to complete at a rate of \$130 an hour. So Joe is figuring that they would need about \$2,000-3,000 to do the silt basin and clean out the three lots. Joe O. said that he doesn't have a problem with doing the silt basin, however, if that was all they were going to do, then it wouldn't be worth it. If the LNPOA allowed it, the RCD contemplated piling several piles of the brush up and open burning them on the lots, otherwise, they would

have to have Ken Oltmanns come out and pick the brush up to burn at his property, which would dramatically inflate the cost to do it.

Joe O. said he was not in favor of hauling them out and that they have been growing there for years, Joe G. agreed that it would be a significant amount to haul it out.

Jerry said that having the willows on the lots doesn't bother him. He asked how they measure where the silt is. Joe G. said strictly by visual – he's been watching it and there is quite a bit at the south end as it comes around the bend. It hasn't moved to far this year because they haven't had a significant amount of rainfall this year. Bill asked if everything is on the other side of Flagg road and Joe G. said yes. They would have him walk across the west side and throw it up on the ground and spread it out. Jerry asked where the material would go when they ultimately get enough that has to be moved. Joe G. said that 23-acre site. The dredging engineer, Peter Barini, recommended that the one area between Bakers area and the high area would be a prime area to construct a dam for hydraulic dredging drying pit.

The entire board was in favor of dredging out of the Flagg Road Silt Basin but not in favor of clearing out the three lots by the West Entrance. Joe O. motioned to spend up to \$2,500 on dredging out the Flagg Road Silt Basin. Bill seconded the motion. Discussion ensued regarding burning on lots. Mick Kazmerski stated that the LNPOA does not allow burning on lots, although they tend to look the other way on small fires unless a neighbor complains. They don't want someone setting something on fire that is large enough that it will burn overnight. Mick asked Joe G. what the RCD's policy on the burn-pile was and Joe G. said that they allow brush with branches up to 4" in diameter. There is no leaves, grass clippings, stumps, or building materials allowed in there. Ron Mangini recalled that the willows were planted there about 6-8 years ago to control the shoreline erosion and wouldn't taking those out be the opposite of what they were trying to accomplish. Joe G. said that the willows are now taking over and they could always haul 100 ton of riprap stone and lay it in there. It's not going to be cleared at this time anyway. Motion carried unanimously by roll-call vote. [09-04-04]

b. Lots 10-13 – Tom Clarey stated that the original agreement was that the LNPOA would allow lots 10 and 11 to be used by the RCD for accessing the lake for dredging as long as they were put back into their original condition, which was grass. Tom is requesting that it be reseeded because there are a lot of bare spots that need to be addressed. They plan on keeping the lots. Joe G. suggested that he would ask Bob Schulze to cut the weeds off of 10 and 11 and then take his rototiller and turn over lots 10-13 and reseed them. Joe O. suggested that they use the seed that is in their storeroom. Joe O. motioned to approve up to \$1,000 to restore lots 10-13 on Oak Lane using the RCD's seed. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-05]

B. Joe Olliges – Secretary

1. Fish Stocking and Lake Shocking (Report Attached)– Joe O. talked to Mr. Joseph Ferencak with the DNR and due to state budget cuts, they will no longer have the funds available to shock private lakes, including ours, for at least the next two years. Joe O. feels that the RCD should find a private outfit to shock the lake, and since they haven't been getting a lot of carp out of the lake for the past two years, they could use the funds set aside next year for carp removal toward the private shocking. Joe O. said that shocking is important to their stocking program because that tells them how healthy their fish population is. Otherwise they will be throwing money away. The stocking program that Joe O. recommended this year is based on recommendations made by Al Pulley, who recently retired from the IDNR. Al Pulley recommended 100 Muskie and 1500 walleye; he also supported the findings that were presented at the June fishing club

meeting by their guest speaker, Larry LaJeane who is a senior biologist with Exelon, of stocking 500 Hybrid Striper Bass to control gizzard shad.

The lowest price that Joe O. could find was through Gollon Bait and Fish Farm for a total cost of \$3,565.00, which would exceed the current budget amount by \$565.00. Joe G. asked when the fish would be available and Joe O. said September 10-25th. Joe G. asked Joe O. what he would suggest if they decided not to go over budget, for example, would he stock less walleye? Jerry asked if they could take some of the \$1,000 set aside for carp removal and Bill said that the \$1,000 was already spent. Joe O. said that he would prefer to keep the walleye amount at 1,500. Bill and Jerry agreed. Joe G. would prefer to keep under the budget, however, he stated that it is a board decision. Jerry said that a lake property owner donated \$100 to the fishing club and the fishing club is willing to give that \$100 toward the stocking of fish, which would bring the total over budget cost down to \$465.00.

Bill motioned to transfer \$465.00 from *Boat and Lake Equipment* line item to the *Fish* line item. Jerry seconded the motion. Motion carried unanimously by roll-call vote. Motion passed unanimously by roll-call vote. [09-04-06]

Joe O. motioned to allocate up to \$3,465.00 for this year's stocking which will include 100 Muskie, 1,500 Walleye, and 500 Hybrid Bass. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-07]

LNPOA Convene Outside - Ron Mangini asked Joe G. if he could excuse the Lost Nation Board Members as well as the secretary to convene just outside the door for a point of business and return. Joe G. said okay and asked Ron to close the door because they will be talking.

2. Vacuum Cleaner at Lake Court Center – Don Bluemel said that the commercial vacuum cleaner at the LCC is broken. Joe O. contacted Smitty's in Sterling, who will give a free estimate and work on it. The name of the vacuum cleaner is Sanitare, which Joe O. figures cost just under \$500 and he estimates that the cost to fix it won't go over \$150. Don will take it in to get it repaired.

3. Pre-inspection for Boat Roundup – Joe G. inspected all the boats that are on RCD properties and wrote down all the boats that are in question regarding their stickers. There are still some boats down there that have no markings whatsoever, which they would have no way of contacting the owner. Joe O. recommended that they put in the next Ripple and Newsletter a list of those boats that are unmarked that they have 30 days to get those boats up-to-date. They could confiscate the boats and notify the owners (if they find out who the owner is) that they need to pay the fines and pick them up or they would be auctioned off next spring. Joe O. read off a sample of a letter that he compiled.

C. Herb Hill – Personnel – No Report

D. Carl Piper – Treasurer – No Report

IX. Employee Reports

A. Becky

1. Change of Thursday's hours – Becky will be changing her hours effective September 16th and asked whether the board wanted her to have Monday and Wednesday from 2:00-6:00PM and Tues. and Thursday from 10:00-2:00PM or if they want Mondays to be 2:00-6:00 and Tuesday-Thursday be 10:00-2:00. The board preferred the first option. Joe O. asked if it will affect their meetings that they have on Thursdays and Becky said no because she will be available after 5:00PM on Thursdays.

The board asked if this was a temporary or permanent change and Becky said that she planned on keeping the new schedule. The board and Becky both agreed that they wanted the hours changed as little as possible to avoid confusing the public. Becky will post the new hours.

2. \$50 donation to library for children's books – Betsy Young requested that her \$50 deposit check be donated to the library to purchase children's books. Becky gave the check to Bill to be deposited and then wrote a check to the Social Committee (who handles funding the library). Becky is actually involved through the library in purchasing children's books using funds supplied by the Social Committee. Chuck Jolicouer recommended that in the future Becky should bring an issue like that before the board first. Becky said that she did bring it to Joe G.'s attention. Chuck said that it really should have voted on approving the transfer for the payout. Joe G. said that he told Becky to deposit the check because it was written to us. Joe O. asked Becky what they do with the deposit checks for the rental of the building. Becky said that she holds the check until after the rental and when it passes inspection then she calls the renter and asks if they want her to rip up the check or if they want to pick it up. If they want it mailed back to them, customarily they have already sent her a self-addressed, stamped envelope to return the check in.

3. Ripple Article & Last Meeting Motions Posted on Website – The website has had some updates to include posting the RCD's Ripple and Newsletter articles, last month's meeting's motions, beach closings & reopenings, Lake Court Center rentals, *(and most recently, a link to the Dept. of Public Health and the Centers for Disease Control regarding West Nile Virus)*. The website may still have some outdated information, however, Becky is working on it weekly and encouraged the community to refer to the website for ongoing RCD information.

4. Phone Service Changed to Include Caller ID and Voicemail – Per the permission of Joe G., Becky upgraded the phone service to include caller ID and voicemail. In the past people got a busy signal when the phone was in use and she feels it is more convenient for them to be able to leave a message on the voicemail and if they don't leave a callback number, she can look at the caller ID to return their call. The extra cost is \$13.95 a month, which is still cheaper than switching to the DSL package that Gallatin River offers.

5. Office Status/Lateral File Cabinet – The new office is in working order now. It only needs a few final touches like carpeting, but otherwise it is complete. The lease is now activated. Bill and Joe G. approved the purchase of a new lateral file cabinet from Staples for \$225.

6. Grass Growing at LCC Playground – Becky said that there is a lot of grass growing up in the woodchips at the playground. Becky talked to Bob Schulze when he was turning up the volley ball court there and he said he could do it, however, Becky said she is not authorized to tell him to do that. Bill will investigate to ensure that a barrier was put down under the chips and perhaps the grass is simply growing in the chips themselves.

B. Doug Meyers – Joe O. informed the board that Doug would be handling the mowing for the rest of the year.

X. Old Business

A. Lake Court Center Renovations – August 19th they submitted an advertisement for the Ogle county life and the following Wednesday they advertised in the Dixon Telegraph. The engineer said that they would probably get a good price on a bid if they advertised this fall and so far approximately seven specs. have been picked up. If anyone is interested in looking at the bid specs. They are available at the office. On September

16th, there will be a bid opening on the agenda for their September 16th Tax Levy hearing. The contractors have to turn in their bids by 6:00 on the 16th.

XI. New Business

A. Shoreline Improvement Requests

1. Williams – Joe Williams at 513 Woodland Drive had 45 feet of riprap rock put in by Ken Oltmanns to stop the erosion there. It was the same type of rock that was installed on his neighbor's shoreline last year. Joe O. inspected and approved it. Joe O. motioned to approve Joe William's Shoreline Improvement Request as outlined. Bill seconded the motion. Motion approved by roll-call vote. [09-04-08]

2. Mangini – Ron Mangini at 511 Woodland Drive requested approval for a dock to be put in on his property. Joe O. and Joe G. both came out and looked at it. The dock is 15' by 10' with 5' extending over the water. There was some discussion on what the LNPOA allows and Mick Kazmerski said that they don't have rules regarding the placement of docks with respect to lot lines, moreover, they allow people to have docks if they are approved by the RCD even though it doesn't comply with their covenants. Joe O. motioned to approve Ron Mangini's Shoreline Improvement/Dock Request as outlined. Joe G. seconded the motion. Motion approved unanimously by roll-call vote. [09-04-09]

3. Huber – Robert Huber at 1012 Timbertrail are putting in a stone walkway to access the dock, a wood 10' X 4' floating pier, which is going to be constructed by Mark Piper. It is parallel to the shoreline so that it won't go more than 4' out. Joe O. motioned to approve Robert Huber's shoreline/dock improvement request as outlined. Joe G. seconded the motion. Motion approved by roll-call vote with Bill abstaining to avoid a conflict of interest. [09-04-10]

B. Beaches – water testing: Joe G. increased the frequency of the water testing when the tests fail. There was also some confusion on the testing from the lab themselves two weeks ago. They first called and said that the beaches needed to remain closed and then 20 minutes later they called and said that they got updated results and that they could open the beaches. There is only a few more weeks of the swimming season left this year, however, next spring Joe G. suggested that they resume the more frequent testing to at least once a week because that is the likeliest time for the water to have high bacteria levels. It generally is a result of run-off from upstream farms and is usually higher after a heavy rainfall. Joe O. felt that they should talk to the department of public health first before they increase the testing in spring.

Joe G. said that it would be a good idea for someone to talk to them over the winter and get a policy written up. Joe G. asked if Jerry wanted to take that on and Jerry agreed to.

XII. Guests/Public Opinion

(Limit 10 minutes per guest/group. Please hold all comments until this time).

A. Tom Clarey– Tom asked if they could have the building from 5:30-6:50, which will give the fishing club 10 minutes to come in for their meeting at 7:00PM. The board agreed.

B. Mike Robinson – Mike Robinson said that he didn't feel that it was fair that Joe G. stated at the beginning of the meeting that he would make a statement and that no one would be allowed to comment on it at that time. Joe G. said Mike can make a comment now, and he would be happy to talk to him, however, they are trying to address RCD business. Mike said that because Joe G.'s comment was made during the meeting that his comment should be made during the meeting. Joe G. told him to go ahead. The comment that Joe G. made was nice, but it wasn't to the same audience that the original comment was made to. He thinks that if Joe G. shows up to the meeting on Tuesday,

where similar people will be present, it would be only fitting for Joe G. to repeat what he said tonight. Joe G. responded that he will take it into advisement.

C. Tammy Fane – Tammy said that she agrees with Mike, even though she wasn't there at the beginning of the meeting to hear the apology. She personally thinks that he owes an apology to the entire board, not just the three because she personally took to heart the fact that he stated that the LNPOA has betrayed the trust of the entire property ownership. She took it very personally as a board member so she feels that he not only owes an apology to Mick, Don, and Ron, but to Tom, her, Mike, Sandy, Marilyn, and Paul. Joe G. said that he will take that into advisement. He said he can't really comment on it because his comment was personalized and he attached names to the comment, however, he feels that the concerns he had in reference to the comment have grounds. Tammy ended by saying that the man that she sees tonight is totally different from the man on Tuesday night. Joe G. said that it was extremely out of character for him and he does regret the comment.

D. Joe G. concluded by telling Mike that the reason he had to say that is his position as RCD when he opens the meeting, it has to be segregated of the fact that he make that comment and express his concerns and sincere apologies to those gentlemen. Mike Robinson countered that Joe G. made the statement at the meeting. Joe G. said he had to (*state it at the meeting*) to qualify it to not include any comments to what he says personally, involving it in RCD issues. It has to be segregated and it doesn't reflect the opinions of the people on the RCD board.

XIII. Adjourn: Bill motioned to adjourn the meeting. Jerry seconded the motion. Motion approved unanimously by roll-call vote. Meeting adjourned at 8:39PM. [09-04-11]

Next Scheduled Date: September 16th, 2004 – Tax Levy

September 2, 2004 Motion List

1. Joe O. motioned to approve the agenda as written. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-01]
2. Bill motioned to approve the August 5th and the August 18th meeting minutes. Joe O. seconded the motion. Motion approved by roll-call vote with Jerry abstaining due to not being a member at the time. [09-04-02]
3. Joe O. motioned to approve the treasurer's report. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-03]
4. Joe O. motioned to spend up to \$2,500 on dredging out the Flagg Road Silt Basin. Bill seconded the motion. Discussion ensued regarding burning on lots. Motion carried unanimously by roll-call vote. [09-04-04]
5. Joe O. motioned to approve up to \$1,000 to restore lots 10-13 on Oak Lane using the RCD's seed. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-05]
6. Bill motioned to transfer \$465.00 from *Boat and Lake Equipment* line item to the *Fish* line item. Jerry seconded the motion. Motion carried unanimously by roll-call vote. Motion passed unanimously by roll-call vote. [09-04-06]
7. Joe O. motioned to allocate up to \$3,465.00 for this year's stocking which will include 100 Muskie, 1,500 Walleye, and 500 Hybrid Bass. Jerry seconded the motion. Motion approved unanimously by roll-call vote. [09-04-07]

8. Joe O. motioned to approve Joe William's Shoreline Improvement Request as outlined. Bill seconded the motion. Motion approved by roll-call vote. [09-04-08]

9. Joe O. motioned to approve Ron Mangini's Shoreline Improvement/Dock Request as outlined. Joe G. seconded the motion. Motion approved unanimously by roll-call vote. [09-04-09]

10. Joe O. motioned to approve Robert Huber's shoreline/dock improvement request as outlined. Joe G. seconded the motion. Motion approved by roll-call vote with Bill abstaining to avoid a conflict of interest. [09-04-10]

11. Bill motioned to adjourn the meeting. Jerry seconded the motion. Motion approved unanimously by roll-call vote. Meeting adjourned at 8:39PM. [09-04-11]