



**THE VILLAGE OF HAWTHORN WOODS  
VILLAGE BOARD MEETING  
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS  
JUNE 27, 2012  
6:00 P.M.**

**MINUTES**

**I. CALL TO ORDER AND ROLL CALL**

Mayor Mancino called the meeting to order at 6:00 p.m. Roll call indicated the following members were present: Mayor Mancino, Trustees Ponzio, Riess, Morgan, Corrigan, DiMaggio and David

Also present were Chief Operating Officer Pamela Newton, Chief Administrative Officer and Village Clerk Donna Lobaito and Village Attorney Patrick Brankin.

The transcripts of this meeting were prepared by Q & A Reporting, Inc. and are attached hereto as Exhibit "A".

**II. PLEDGE OF ALLEGIANCE**

**III. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**IV. NEW BUSINESS**

- A. Consideration and Vote on an Ordinance Repealing Ordinance Number 1264-08, "An Ordinance Annexing Property to the Village of Hawthorn Woods – Approximately 44.4 Acres, Located Generally North of Gilmer Road, South of Sequoia Road and Easterly of the Intersection of Gilmer Road and Sequoia Road"
- B. Consideration and Vote on an Ordinance Repealing Ordinance Number 1265-08, "An Ordinance Annexing Property to the Village of Hawthorn Woods – Approximately 39.4 Acres, Located Generally North of Gilmer Road, South of Sequoia Road and Easterly of the Intersection of Gilmer Road and Sequoia Road"
- C. Consideration and Vote on an Ordinance Annexing Approximately 9 Acres of Property to the Village of Hawthorn Woods Pursuant to 65 ILCS 5/7-1-8 – 24919 N. Gilmer Road, PIN #14-11-200-002 and Generally Located North of Gilmer Road and North and East of Darlington Drive
- D. Consideration and Vote on an Ordinance Annexing Approximately 44.1 Acres of Property to the Village of Hawthorn Woods Pursuant to 65 ILCS 5/7-1-13 – 25249 N. Gilmer Road, PIN # 14-02-300-004; 25143 N. Gilmer Road, PIN #14-02-400-006; 25147 N. Gilmer Road, PIN #14-02-400-007; 25040 N. Gilmer Road (AKA 0 Darlington Drive), PIN #14-02-400-

010; 25081 N. Gilmer Road, PIN #14-02-400-016; 25055 N. Gilmer Road, PIN #14-02-400-017; 25009 N. Gilmer Road, PIN #14-02-400-018; 25030 N. Gilmer Road, PIN #14-02-400-011 and Generally Located North of Gilmer Road and North and East of Darlington Drive and Generally South and West of the West Branch of Indian Creek

**V. EXECUTIVE SESSION**

- A. Discussion of Possible or Pending Litigation

**VI. ADJOURNMENT**

There being no further business the regular meeting adjourned at 6:30 p.m.

Respectfully submitted,



Donna Lobaito  
Village Clerk

THE VILLAGE OF HAWTHORN WOODS  
SPECIAL VILLAGE BOARD MEETING MINUTES  
JUNE 27, 2012  
6:00 P.M.

Q & A REPORTING, INC.,  
7115 Virginia Rd., Suite 105  
Crystal Lake, IL 60014  
(815) 477-2230

1           MAYOR MANCINO: Good evening and welcome to the Village  
2 of Hawthorn Woods Special Village Board meeting for  
3 June 27th, 2012.

4                   Ms. Lobaito, would you please take the  
5 roll.

6           TRUSTEE PONZIO: Here.

7           TRUSTEE RIESS: Present.

8           TRUSTEE MORGAN: Here.

9           TRUSTEE CORRIGAN: Here.

10          TRUSTEE DI MAGGIO: Here.

11          TRUSTEE DAVID: Present.

12          MAYOR MANCINO: Here.

13                   Will you please stand for the Pledge.

14                   (Pledge of Allegiance.)

15                   Thank you. Item 3 on our agenda is  
16 opportunity for the public to address the board. If there  
17 is a member of our public who would like to address the  
18 board, please step up to our podium at this time.

19          MR. HUGI: Do you want to discuss new business? The  
20 only reason I would is new business.

21          MAYOR MANCINO: You can address us at that time. We  
22 just do this as a matter of course, Mr. Hugi. It's no  
23 problem.

24                   Moving on to new business then, the Chair seeks

1 a motion for the consideration and vote of an ordinance  
2 repealing Ordinance No. 1264-08, an ordinance annexing  
3 property to the Village of Hawthorn Woods, approximately  
4 44.4 acres, located generally north of Gilmer Road, south of  
5 Sequoia Road and easterly of the intersection of Gilmer Road  
6 and Sequoia Road.

7 The Chair is seeking a motion for that  
8 approval.

9 TRUSTEE PONZIO: So moved.

10 TRUSTEE DI MAGGIO: Second.

11 MAYOR MANCINO: And as a part of the discussion, our  
12 attorney, Mr. Brankin, can just give us a brief description  
13 of this property.

14 ATTORNEY BRANKIN: This is an ordinance that was  
15 previously adopted by the Village and was subsequently held  
16 to be invalid by the Court. It would be appropriate at this  
17 time to repeal that ordinance.

18 MAYOR MANCINO: Any questions or discussions on this  
19 item?

20 (No response.)

21 Is this an item you wanted to comment on,  
22 Mr. Hugi?

23 MR. HUGI: No.

24 MAYOR MANCINO: Ms. Lobaito, can you please take the

1 vote.

2 TRUSTEE PONZIO: Yes.

3 TRUSTEE RIESS: Yes.

4 TRUSTEE MORGAN: Yes.

5 TRUSTEE CORRIGAN: Yes.

6 TRUSTEE DI MAGGIO: Yes.

7 TRUSTEE DAVID: Yes.

8 MAYOR MANCINO: That motion carries. Thank you.

9 The Chair seeks a motion for the  
10 consideration and vote on an ordinance repealing  
11 Ordinance No. 1265-08, an ordinance annexing property to  
12 the Village of Hawthorn Woods approximately 39.9 acres,  
13 located generally north of Gilmer Road, south of Sequoia  
14 Road, and easterly of the intersection of Gilmer Road and  
15 Sequoia Road.

16 TRUSTEE RIESS: So moved.

17 MAYOR MANCINO: And a second?

18 TRUSTEE DI MAGGIO: Second.

19 MAYOR MANCINO: Mr. Brankin, as part of the discussion,  
20 will you please give a briefing on this.

21 ATTORNEY BRANKIN: Certainly, Mr. Mayor. Similar to  
22 the previous action, this was also an ordinance that was  
23 held to be invalid by the Courts, previously adopted by the  
24 Village. So therefore, it would be appropriate at this time

1 to repeal that ordinance.

2 MAYOR MANCINO: Any questions on this item? Any  
3 discussion?

4 (No response.)

5 Ms. Lobaito, will you please take the  
6 vote.

7 TRUSTEE PONZIO: Yes.

8 TRUSTEE RIESS: Yes.

9 TRUSTEE MORGAN: Yes.

10 TRUSTEE CORRIGAN: Yes.

11 TRUSTEE DI MAGGIO: Yes.

12 TRUSTEE DAVID: Yes.

13 MAYOR MANCINO: That motion carries. Thank you.

14 Item C is, the Chair seeks a motion for  
15 the consideration and vote on an ordinance annexing  
16 approximately 9 acres of property to the Village of  
17 Hawthorn Woods pursuant to 65 ILCS 5/7-1-8, 24919 North  
18 Gilmer Road, a Property Index Number of 14-11-200-002 and  
19 generally located north of Gilmer Road and north and east  
20 of Darlington Drive.

21 TRUSTEE RIESS: So moved.

22 MAYOR MANCINO: And a second?

23 TRUSTEE DI MAGGIO: Second.

24 MAYOR MANCINO: Mr. Brankin, can you just give us a

1 briefing on this item?

2 ATTORNEY BRANKIN: Mr. Mayor, as you referenced, the  
3 statutory provision that this is based upon a voluntarily  
4 petition for annexation was submitted by Atrebel (phonetic  
5 spelling) Investments LLC. It was signed by the appropriate  
6 party. All necessary notices were given prior to tonight.  
7 The affidavit of notice was reported against the subject  
8 property and is on record with the Village Clerk. It would,  
9 therefore, be appropriate for the Village Board to consider  
10 the annexation on this voluntary petition.

11 MAYOR MANCINO: Are there any questions or discussion  
12 on this item?

13 (No response.)

14 Ms. Lobaito, please take the vote.

15 TRUSTEE PONZIO: Yes.

16 TRUSTEE RIESS: Yes.

17 TRUSTEE MORGAN: Yes.

18 TRUSTEE CORRIGAN: Yes.

19 TRUSTEE DI MAGGIO: Yes.

20 TRUSTEE DAVID: Yes.

21 MAYOR MANCINO: Thank you. That motion carries.

22 The Chair seeks a motion and consideration  
23 and vote on an ordinance annexing approximately 44.1 acres  
24 of property to the Village of Hawthorn Woods pursuant to

1 65 ILCS 5/7-1-13, 25249 North Gilmer Road with a Property  
2 Index Number of 14-02-300-004; 25143 North Gilmer Road with  
3 a Property Index Number of 14-02-400-006; 25147 North  
4 Gilmer Road with a Property Index Number of 14-02-400-007;  
5 25040 North Gilmer Road, also known as 0 Darlington Drive,  
6 with a Property Index Number of 14-02-400-010; 25081 North  
7 Gilmer Road with a Property Index Number of 14-02-400-016;  
8 25055 North Gilmer Road with a Property Index Number of  
9 14-2-400-007; 25009 North Gilmer Road with a Property Index  
10 Number of 14-02-400-018; 25030 North Gilmer Road with a  
11 Property Index Number of 14-02-400-011 and generally  
12 located north of Gilmer Road and north and east of  
13 Darlington Drive and generally south and west of the West  
14 Branch of Indian Creek.

15 ATTORNEY BRANKIN: If I may, Mr. Mayor, just a point of  
16 clarification, I heard you say 007 with regard to one of the  
17 parcel numbers, and just for the record it's 14-02-400-017.

18 MAYOR MANCINO: Thank you for that correction.

19 ATTORNEY BRANKIN: So that would be the motion.

20 MAYOR MANCINO: That is the motion the Chair seeks,  
21 yes.

22 TRUSTEE RIESS: So moved.

23 TRUSTEE DI MAGGIO: Second.

24 MR. HUGI: Discussion?

1           MAYOR MANCINO: If so, discussion. Mr. Hugi, if you'd  
2 like to make a comment, now would be the time. This is the  
3 item you'd like to comment on?

4           MR. HUGI: Yes, this is. The item I'd like to comment  
5 on is three different PIN numbers --

6           MAYOR MANCINO: Would you --

7           MR. HUGI: Oh, I'm sorry. I'm Russ Hugi --

8           MAYOR MANCINO: I know you, but everyone else --

9           MR. HUGI: -- and I live at 25147 North Gilmer Road.

10                           And from what I can figure, this  
11 consideration is part of these PIN numbers of which three of  
12 them are mine: 004, 006 and 007. And I would basically say  
13 that -- or want to ask the question is, why are we still  
14 pursuing annexation of this property when the annexation  
15 that was declared by the Courts to be null and void had a  
16 purpose of preventing T-Mobile from building a tower. And  
17 we all know how we got into that situation, which in reality  
18 was mostly Hawthorn Woods' failure to do things correctly in  
19 the first place, and it went into litigation for three and a  
20 half years that we argued about whether a ditch was a creek.  
21 Now, all we learned is that a ditch isn't a creek because  
22 T-Mobile, in the meantime, after they spent the thousands of  
23 dollars that they spent to carry out their contractual  
24 rights, they're not building any more cell towers in

1 northern Illinois. So the cell tower is a moot point.

2 So then my question is, A, why does  
3 Hawthorn Woods want to proceed with annexation of these  
4 parcels? And there could be lots of very good reasons. If  
5 there were good reasons other than a cell tower that is a  
6 moot point, then wouldn't a negotiated -- some kind of a  
7 negotiated or discussion with these property owners ahead of  
8 forcibly annexation -- or annexing the properties be more  
9 beneficial to the whole community than another protracted  
10 legal battle? Because that's what we're headed for again  
11 and I don't understand that. Fortunately, the first time  
12 around I didn't have to personally contribute to the  
13 majority of the thousands, tens of thousands of dollars it  
14 took to fight that battle, but it may be in my best interest  
15 to have to do that this time because I don't know what  
16 you're trying to accomplish. Nobody tells anybody that. I  
17 understand the first time it was over a cell tower. Now we  
18 are -- you lost in court so now is this the way of licking  
19 your wounds? I don't know. And I have no idea. And maybe  
20 there should be some discussion before we go right back in  
21 front of the Judge.

22 MAYOR MANCINO: Mr. Hugi, I appreciate your candidness  
23 about this, I really do. And I can only be as candid as  
24 possible with you. We are -- to answer your question, we

1 are annexing those parcels that you mentioned because we  
2 statutorily have the right to do so now. Pursuant to item C  
3 on our ordinance, we surround those properties, so -- I'm  
4 answering your question. Okay? That's why we're doing it.  
5 We have the statutory right to do it.

6 Talking is one of my favorite things to  
7 do, but in the middle of your sentence you threatened  
8 litigation. So it pretty much ends the discussion.

9 MR. HUGI: I'm not threatening anything. I'm trying to  
10 avoid it. You're threatening me with litigation.

11 MAYOR MANCINO: No, there's no litigation being  
12 threatened here. We are doing what we are statutorily --  
13 excuse me -- statutorily allowed to do, and that is we  
14 surround these properties in letter D completely now so we  
15 are annexing that property.

16 MR. HUGI: But you're not -- what is the zoning going  
17 to be of that property?

18 MAYOR MANCINO: The zoning comes in as R-1.

19 MR. HUGI: Not compatible with what I do on my  
20 property.

21 MAYOR MANCINO: That's not the consideration right now.

22 MR. HUGI: But it will have to be then. That is what  
23 will have to be. And then that's what I'm saying, with no  
24 negotiation, no discussion about this, the Judge is going to

1 have to decide. I cannot accept residential zoning for my  
2 veterinary clinic. It can't be done.

3 MAYOR MANCINO: You know, you do have the right to  
4 petition the Village to change your zoning to anything. You  
5 can request any type of zoning. And, again, against even my  
6 counsel's wishes, our intent is not to harm you or to change  
7 your way of life. That is not the intent. We are just  
8 taking a statutory action.

9 If you'd like to talk after this, you can  
10 always come to the village hall, talk to staff what your  
11 concerns are and we can address them at that time, no  
12 problem.

13 MR. HUGI: If there's a vote and there's an ordinance  
14 passed and the County is notified, then I am back into  
15 Hawthorn Woods.

16 MAYOR MANCINO: Yes.

17 MR. HUGI: That's a done deal. So I could either go to  
18 Lake County and look to -- at this point in time if anybody  
19 here thinks they can blame me for this, at this point in  
20 time the choices you are giving me are to come to  
21 Hawthorn Woods who has been anything but a good neighbor to  
22 me for the last four years --

23 MAYOR MANCINO: I would rebuke that comment, sir. I  
24 would rebuke that comment. Hawthorn Woods is a good

1 neighbor to everybody. I've been here 17 years. They've  
2 never been a bad neighbor to me. Now, when you say  
3 Hawthorn Woods is being a bad neighbor, you're talking  
4 about all the people on the board and the 8,000 people they  
5 represent. I don't take that kindly, Mr. Hugi.

6 You are being a bad neighbor. You have a  
7 pile of manure and you're trying to build a 200-foot cell  
8 tower and you're calling me a bad neighbor? You want to be  
9 candid with me?

10 MR. HUGI: Okay. These are obviously -- okay -- the --

11 MAYOR MANCINO: Yes?

12 MR. HUGI: I'm trying to think of -- the adversity  
13 between Hawthorn Woods and my property.

14 MAYOR MANCINO: We have no adversity. We're just  
15 taking a statutory action we can do. Your options are your  
16 options. You're free to take them.

17 MR. HUGI: Okay. I'm just saying, because that's what  
18 we're --

19 MAYOR MANCINO: But if you're going to go around and  
20 call us bad neighbors, you're going to get a response.  
21 Okay? Just so you know.

22 MR. HUGI: Okay.

23 MAYOR MANCINO: Thank you.

24 MR. HUGI: Then can I -- at least would you agree under

1 the circumstances that less than a good neighbors have  
2 been --

3 MAYOR MANCINO: No.

4 MR. HUGI: -- to be a better neighbor if I could have  
5 gotten out of a contract with T-Mobile I would have --

6 MAYOR MANCINO: I know nothing of your contract. I  
7 don't know what your personal business is.

8 MR. HUGI: This is prior to your administration, and I  
9 understand that, and the administration has changed. But  
10 the Village did nothing until it was too late.

11 MAYOR MANCINO: Well, none of that matters to the  
12 action --

13 MR. HUGI: No, it doesn't matter now. But I'm trying  
14 to prevent the Village and at least myself -- some of the  
15 other people who are going to be annexed have voiced the  
16 same opinion, we don't -- why do we want to litigate this  
17 if a discussion can be -- we can sit down before you pass  
18 this ordinance and maybe I will voluntarily come to you and  
19 say annex me. Isn't that a better alternative than --

20 MAYOR MANCINO: At this point this evening it is not a  
21 better alternative.

22 MR. HUGI: Okay. I understand.

23 MAYOR MANCINO: So I appreciate your comments.

24 MR. HUGI: Thank you for the time.

1           MAYOR MANCINO: Yes.

2           MS. HILL: My name is Paula Hill, and I live on -- I  
3 have PIN 14-02-400-011.

4                           And I would like to know what is the  
5 benefit of me allowing you to annex me in?

6                           I've been here for over 30 years. I have  
7 been perfectly happy. So why are you coming to me? I mean,  
8 what is the benefit besides my taxes going up some more?

9                           And I'm paying my taxes. And mind you, my  
10 kids are in college. I don't have a problem paying for  
11 Stevenson, Fremont, the Fire Department, the Police  
12 Department. So why are you trying to annex me?

13           MAYOR MANCINO: I'm sorry, Miss -- your last name?

14           MS. HILL: Hill.

15           MAYOR MANCINO: I apologize, Ms. Hill. I understand  
16 your questions. It's not part of the consideration this  
17 evening. The act that we are taking is a statutory act  
18 that's all-inclusive. What you're asking is not something  
19 that's in consideration this evening.

20           MS. HILL: But if this was a statutory act, why are we  
21 just learning about it?

22                           A policeman coming up in my driveway,  
23 scaring me to death, and I'm trying to figure out why is he  
24 in my drive.

1           MAYOR MANCINO: Well, you know, we are required to give  
2 notices and --

3           MS. HILL: You could have done that by certified mail,  
4 which you did after the policeman has rung my doorbell.

5           MAYOR MANCINO: I think that might have just been a  
6 timing issue and I apologize. We send certified mail, and I  
7 believe we notify the newspapers.

8           ATTORNEY BRANKIN: Yes, Mr. Mayor. With regard to  
9 7-1-13 annexation, there is and has been a recent statutory  
10 amendment which requires proof of personal service for those  
11 types of notices for taxpayers of record.

12                         So Ms. Hill, if you were troubled by that,  
13 certainly that was not the intent. But we are required to  
14 prove up that type of notice, so that's why it was necessary  
15 to have it personally delivered to you.

16           MS. HILL: But my question is, again, why weren't we  
17 notified so we could mentally prepare for this?

18           ATTORNEY BRANKIN: You were notified well in advance of  
19 the statutory requirement.

20           MS. HILL: When was that?

21           ATTORNEY BRANKIN: Pardon me?

22           MS. HILL: When was I notified?

23                         I got a letter. That's all I got.

24           ATTORNEY BRANKIN: When you were visited by the

1 police officer.

2 MS. HILL: That was like two weeks ago.

3 ATTORNEY BRANKIN: Right. And it was --

4 MS. HILL: Back to my question, what is the benefit of  
5 me joining Hawthorn Woods Village?

6 And I'm paying the taxes already to the  
7 same services that you are --

8 MAYOR MANCINO: There are benefits to being part of our  
9 village. I can tell you there's a lot of services available  
10 that you previously wouldn't have not being a member of  
11 Hawthorn Woods.

12 MS. HILL: Can you give me some names?

13 MAYOR MANCINO: Our parks services you get to use. Our  
14 police department would now respond --

15 MS. HILL: I'm in Lake County, and I'm perfectly fine  
16 with Lake County.

17 MAYOR MANCINO: You asked me a question, and I'm  
18 trying --

19 MS. HILL: I'm fine with Lake County. They've done  
20 well by me.

21 MAYOR MANCINO: I'm sure they have. I think  
22 Hawthorn Woods would do better.

23 MS. HILL: I don't think so.

24 MAYOR MANCINO: Okay. So I'm giving you some of the

1 advantages. Having a Hawthorn Woods address does add some  
2 value to your property. You might disagree, but saying your  
3 address is Hawthorn Woods as opposed to unincorporated Lake  
4 County, that does make --

5 MS. HILL: I'm fine with unincorporated Lake County.  
6 I'm fine with it.

7 So I just want to go on record that this  
8 PIN number does not agree with this because, you know, I  
9 don't see anything that's going to happen, but my taxes are  
10 going up and I'm a single parent.

11 MAYOR MANCINO: Well, I appreciate your comments.

12 Anybody else from our audience that would  
13 like to comment on this item?

14 (No response.)

15 Any other discussion? Any other questions  
16 amongst our board members?

17 (No response.)

18 ATTORNEY BRANKIN: Just for the record, I do want to  
19 identify there is a notice in this affidavit that is in the  
20 record, all the taxpayer notices as well as the affidavits  
21 of service as well as the green cards, the notices to the  
22 corporate authorities of the County of Lake, notices to the  
23 corporate authorities of Ela Township, publication notice.  
24 And additional notices over and above the statutory

1 requirements that were sent are in the notice book, all  
2 provided within the statutory -- prior to the statutory  
3 time frame for the consideration of this action and have  
4 been recorded with the Lake County Recorder's Office.

5 MAYOR MANCINO: Thank you, Mr. Brankin.

6 Ms. Lobaito, will you please take the  
7 roll.

8 TRUSTEE PONZIO: Yes.

9 TRUSTEE RIESS: Yes.

10 TRUSTEE MORGAN: Yes.

11 TRUSTEE CORRIGAN: Yes.

12 TRUSTEE DI MAGGIO: Yes.

13 TRUSTEE DAVID: Yes.

14 MAYOR MANCINO: That motion carries. Thank you.

15 Executive session. We will not be needing  
16 an executive session this evening.

17 Do we need a motion to not have executive  
18 session?

19 ATTORNEY BRANKIN: No. There's no request for  
20 executive session.

21 MAYOR MANCINO: Without any other business to conduct,  
22 the Chair seeks a motion for an adjournment.

23 TRUSTEE RIESS: So moved.

24 MAYOR MANCINO: A second?

1 TRUSTEE DI MAGGIO: Second.

2 TRUSTEE PONZIO: Yes.

3 TRUSTEE RIESS: Yes.

4 TRUSTEE MORGAN: Yes.

5 TRUSTEE CORRIGAN: Yes.

6 TRUSTEE DI MAGGIO: Yes.

7 TRUSTEE DAVID: Yes.

8 MAYOR MANCINO: Thank you. That motion carries. We  
9 are adjourned.

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1           STATE OF ILLINOIS   )  
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I hereby certify that I reported in shorthand the proceedings at the above-entitled public hearing and that the foregoing reported proceedings, consisting of pages 2 through 19, inclusive, is a true, correct, and complete transcript of my shorthand notes so taken at the time and place aforesaid.

JOAN M. HOLUB  
Certified Shorthand Reporter

*Joan M. Holub*

