

**MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES,
THE VILLAGE OF McCULLOM LAKE,
4811 W. ORCHARD DRIVE
McCULLOM LAKE, IL 60050
June 24, 2025**

All Village Board meetings will be tape recorded.

President Counley called the meeting to order at 7:00 P.M.

Pledge of Allegiance

Roll Call: By Village Clerk Messina

Present: President Counley, Trustees Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky and Attorney Shaw

Absent: N/A

Minutes: Trustee Walter made a motion to approve the minutes; seconded by Trustee Vick. Voice vote: Bogacz, Fritz, Vick, Walter, Zakrocky=ayes. Trustee Thompson=Abstained. Motion carried.

Treasurers Report: Trustee Bogacz made a motion to accept the Treasurers Report; seconded by Trustee Vick. Voice vote: Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky=ayes. All in favor, motion carried.

Bills Read and Approved: Trustee Bogacz made a motion to pay the bills; seconded by Trustee Vick. Voice vote: Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky=ayes. All in favor, motion carried.

Finance: N/A

Building & Zoning: N/A

Parks: Trustee Thompson mentioned again the timbers that need to be replaced. He would like that to get taken care of, this need to be addressed. There's potential of this being a trip hazard for kids, children, crocs etc. Deputy Clerk Prehn: There still is money available from the grant of \$1000.00 to

purchase the timbers. Trustee Thompson and Trustee Zakrocky would be happy to put them in.

Roads: Trustee Vick: Grant for Orchard Drive. The survey was done by H.R. Green and they are looking to go out to bid in July sometime. We did apply for grant money from the State of Illinois through IDOT for all of the roads in the Village. Hopefully we can get all of it, maybe we get nothing but something is better than nothing. President Counley: The date he was speaking of is July 9th. The grant for doing all of the streets we should know by September and if we get that it's around one (1) point two (2) million. Trustee Vick: Yes. President Counley: If we get all of it we'll put it out for bid in the spring and get all the roads done. Deputy Clerk Prehn: It's also zero match for us. Trustee Vick: So, we basically pay nothing which is awesome. Deputy Clerk Prehn: He is going for all roads but if we can't get all of them we are mostly looking at Spring Road being done which is a priority.

Blight: N/A

Police: Trustee Zakrocky read off the Monthly Police Report from May 27, 2025 to June 23, 2025.

Communications: President Counley: The death investigation was two (2) houses up from him and he goes by the name of JT. He had missed work so his boss called 911 for a wellness check. Sergeant Beatty was able to get inside the home and unfortunately found him deceased.

Audience: Nothing in audience.

Old Business: N/A

President Counley asked for a motion to go into Executive Session for Personnel reasons. Trustee Fritz made the motion to adjourn the regular meeting at 7:09 P.M.; seconded by Trustee Walter. Voice vote: Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky=ayes.

Trustee Bogacz made a motion to return to regular session at 7:43 P.M.; seconded by Trustee Fritz. Roll call by Clerk Messina. Present: President Counley, Trustees Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky and Attorney Shaw.

New Business: Approve Appropriations 2025 – 2026 & Estimate of Revenues. Trustee Vick made a motion to approve Ordinance 569 Appropriations 2025 – 2026 & Estimate of Revenues; seconded by Trustee Bogacz. Voice vote:

Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky=ayes all in favor, motion carried.

Discussion: Re-Visit Ordinance #554 Keeping Poultry within the Village. Trustee Bogacz: When we did this Ordinance two (2) years ago we made it for one (1) year and we would re-visit it to see how it was going. She doesn't think there has been any problem's that she's been made aware of and doesn't feel there's any reason we can't continue on with it. There is one person that his chickens are free range on Spring and they are outside of the enclosed area in his yard and he has made comments about his neighbor's dog getting into his yard and getting his chickens. The Ordinance states that the chickens need to be enclosed so that other animals do not get to them. So, it needs to be checked on and the owner made aware of not letting the chickens roam free. Shirley: The coops need to be kept clean because if they are not it will attract rodents. Deputy Clerk Prehn: Sergeant Beatty did some of the annual inspections in the court but he has not done Spring yet and she will have him talk to the resident on Spring. Attorney Shaw: He will look at the Ordinance he's pretty sure it was set up as a pilot program and he's not sure if it just rolls into a full time Ordinance.

Permit Fee Schedule Increase: This will be added to the next meeting's agenda.

President Counley: Grocery Tax the state is eliminating sales tax January 1st, 2026 there is some debate as to what we actually get now I heard in the \$40,000 dollar range. Deputy Clerk Prehn: We get around \$40,000 dollars in sales tax and she's been trying to find out exactly how much that is from groceries, like if you were to go to Wal-Mart to buy clothes that's not groceries. She's talking to Chalen from the McHenry County Council of Government to see if anybody knows how to figure that percentage of grocery sales tax we get because we really only have the little store. Attorney Shaw: He has a contact with the local tax allocation unit with the Department of Revenue so he'll reach out to them. This will be added to the next meeting's agenda as an Ordinance. There's two (2) Ordinance's that you have the option of approving. The State is taking away the sales tax on groceries. The State allocates one (1) percent on the sale of groceries directly to the municipalities where the groceries are being sold. As of January 2026 they are repealing the one (1) percent ordinance all together, but in order to make up for that, non home rule communities have the option of adopting not only the one (1) percent sales tax for local grocery sales but also the one (1) percent retail sales tax in general. So, you have the option of adopting two (2) Ordinances, one (1) applies only to the grocery sales and one (1) applies to actual general sales tax overall sales that come to the Village. So, we can effectively double that for our anticipated revenues because we'd actually get a two (2) percent allocation on most sales. So, that is something to consider and they both have to be very specifically drafted. They would have to

be certified by the Clerk, the original certified Ordinances get sent to the Local Tax Allocation Unit and if it's in by October 1, 2025 it takes effect January 1, 2026. These Ordinance's will be added to the next meeting's agenda.

President Counley: Computers, we had our Tech guy out and he informed us that Windows 10 is going away in October and our computers are not compatible with Windows 11. There are also other issues with our computers and the Office computers in the Police Department, and he also needs a computer. He has asked the Tech guy to give us a quote on a package which would be around \$10,000 to replace everything. Deputy Clerk Prehn: He's waiting on some promotional items that companies usually give at the beginning of the month which he said would be after July 1st. This will be added to the next meeting's agenda.

Tornado Siren: We are not sure if we fixed it and we won't know until next Tuesday. Its battery operated and the solar regenerates the battery and the batteries are only good for five (5) years and they are marine batteries and we only thought that there was one (1) in there but there are actually four (4). President Counley ordered them and picked them at \$223.10 a piece. He asked Trustee Thompson if he could help put them in by using his bucket truck, which he did and also had help from the new maintenance man as well. That was an emergency thing that had to be handled and hopefully it works next Tuesday.

Forest Glen: President Counley talked to each Trustee about Mr. Valletta's new concept which is a good concept. So, Phase I he is proposing to build nine (9) assisted living buildings with sixteen (16) suites in each one of them for sixty-five (65) and older. There was no entrance off of West Lane or Orchard he didn't want to put one there President Counley stated there needs to be one there. The Fire Department is also requesting a second way in. It will not be a road for people to go in and out of it will solely be used for emergency access. Mr. Valletta will also do his own snowplowing there. From the property line south of Maple Hill to Orchard has to be widened by thirty (30) feet to be up to code. The walking path going towards Ringwood road up to Phase I will have to do a little jog. Trustee Vick: Do we know if its Medicare funded? President Counley: I don't know. Trustee Vick: Jeremy is there any implications that if he builds one of these places and stops? Attorney Shaw: Here's what's going to have to happen. The existing plat out there that breaks it up to what the original configuration that Forest Glen was. We haven't nailed down what the exact route is but one of the things we are contemplating is vacating that plat and have him consolidate all the existing lots so it turns into one lot again. So, instead of going back and approving a plat with dedicated roadways and dedicated public improvements what we have is a PUDE (Planning Urban Development Environment) that has multiple structures being developed on one unit by lot with a grant of any easements we might need. The reason being we don't need a public road through the area he's going to develop in the assisted

living and he's offered to plow it. It's basically setup as a horseshoe which makes sense to keep that a private parking area. So, his thought is to vacate the plat, consolidate the lots and turn it into one lot with a PUDE that allows for multiple structures, that's just kind of what they were thinking. Trustee Vick: I just wonder that he says he's going to take care of the plowing and then he doesn't. Attorney Shaw: Well he has too; he's going to have to have covenant's approved out there because you have sixteen (16) units out there and they are all going to have to be maintained in some fashion and we would require that he has covenant's out there and part of the covenant be that he has to take care the plowing and the sidewalk maintenance and things like that and if he doesn't we would have the right to go in under like a backup special service area and effectively the Village can maintain it, maintain the roadways, the parking, plow it, we could even do the grass if we had to under that auspice if we had to and bill it back and it would be added to the tax bill of the property so it wouldn't be like we were trying to collect from him we would just take it. Trustee Vick: He just wants to make sure that the Village as an entity is covered and we're taken care of versus someone coming in and say I'm going to build two (2) of these and then I'm leaving and you guys are stuck with it. President Counley: Keep in mind that he has to come before the board for permits to continue on. Trustee Bogacz: I didn't hear a full answer to Adam's question where if he builds the three (3) buildings and there's still six (6) more that he has to build but he decides not to build those what happens then? Attorney Shaw: Well, that's an interesting question. We can't collect a bond from him to guarantee that he completes construction of all of those private units. Reason being we can only require bonds for anything that is dedicated for public use, we don't have that option. The only thing we have to rely on that's going to guarantee he builds out the entire nine (9) buildings is the fact that he probably has to too make it economically feasible. If he builds half of it at least he's got a viable project that he could market and sell to somebody else to finish the design. The other thing we could do as part of the covenant requires that he completes Phases by such and such time and if he doesn't then he loses the zoning and the ability to build on the rest of that. President Counley: There is a big shortage of assisted living in McHenry County. Trustee Walter: Make sure he finishes. Attorney Shaw: That's a public improvement that we can get a performance bond on and we will get a performance bond on it. We will need a bond when he starts construction it's already been dedicated to the Village under the plat and that part of the plat will be vacated and he will have to complete that. Bill Cross: Which way is the sewer supposed to go in for this, is it sized enough. Trustee Walter: Down Orchard I believe. President Counley: Yes, it's been sized enough. Trustee Thompson: Within the contract if it's a go you put in stipulations that whether you do six (6) units, nine (9) units, ten (10) units I believe we should finish the park if that's what he's offering within the first stage and all the road work going in to it, so if he doesn't comply to the contract and he doesn't do stage two (2), three (3) and four (4) we still have kind of what we want. Attorney Shaw: He

actually talked about taking one of the lots contiguous to that park area and expanding on it. Trustee Thompson: Pickle Ball. Attorney Shaw: Yeah, that's all the rage by the time he's done building it. Trustee Zakrocky: So does this type housing, what kind of tax base does that have? Attorney Shaw: It's all property tax based and taxed as a commercial unit. Trustee Zakrocky: Is there any retail property in that area? President Counley: He's reaching out to Hogel's to see where they stand right now. Attorney Shaw: Currently there is B2 there and it's supposed to be a division that that would be retail there along Ringwood Road. Trustee Zakrocky: Because what I'm thinking is what an awesome place to put a convenience store in for those residents. Half of those residents are able to get around and I'm sure they'd like some gambling machines there too. President Counley: Based on all of that the way we left it with him was we were going to talk about it at the meeting tonight and call him back and have another meeting with him and he will discuss with him everything that the board has brought up and then he would come before the board at the July meeting and make a decision because it would be nice to get something going because it's been sitting there like that for twenty-five (25) years. Trustee Walter: I did hear from a lot of residents that they don't like the idea that they are getting cut off from Ringwood Road, that they would like access to Ringwood Road. President Counley: A bigger concern of his would be not so much that the people have access to Ringwood Road, is people coming from Ringwood Road this way to get through to Meijer's or Home Depot. You see Martin Woods all the people cutting through, so you can police it then, you live right there. Trustee Thompson: Yeah, coming through at forty (40) miles an hour. Bill Cross: With this being assisted living is there going to be some organization that is going to be administering this. Assisted implies that there is someone there to assist them. President Counley: There will be, I don't know what you want to call that a caveat he insisted to us that there will be a hedge fund buying all nine (9) buildings. It won't be nine (9) different owners it will be one (1) owner. Attorney Shaw: Yeah, I think he is eyeing to sell it to one (1) conglomerate and most of your buyers for these are hedge funds which is actually a good thing. There would be one (1) for six (6) with one (1) full time nurse present in each of the buildings for at least a full time shift. Trustee Zakrocky: So this is getting built as assisted living, what happens ten (10) years down the road and the owner says we're not doing assisted living anymore we're just going to rent them out as apartments? Attorney Shaw: We're going to have to toy with the definition of a group home in our Ordinance. Group Home would not be apartments because they are not intended to be individual living units from what I understand. So, there would have to be major renovations to turn those into multi.... President Counley: Each suite is pretty small about nine hundred (900) square feet is all. Trustee Zakrocky: He talked previously about putting in condos or townhomes and the apartment thing doesn't sit well because you'd end up with apartments with Section 8 housing and then we would get all the problems that come with that, so how do we protect ourselves as a Village of

that ever being a possibility. Attorney Shaw: I think what we do is write it into our PUDE and make it part of the Planned Unit Development and we effectively say this is a Planned Unit Development for age restricted assisted living. Trustee Zakrocky: Is that sixty-five (65) and older? Attorney Shaw: I believe fifty-five (55) is the cut off. I think the Federal government reduced that because there was talk that that was being discriminatory and they lowered it to fifty-five (55). Trustee Walter: Will the police have to go around too? President Counley: We're going to need more police. You just want that road going through there I can see it. Trustee Walter: I do. Trustee Zakrocky: I don't want a road going through there.

Deputy Clerk Prehn: She just wanted to thank Nancy Matthesius for getting us the new board chairs at \$9.00 dollars apiece.

Trustee Fritz: Neighbors Helping Neighbors meeting July 8, 2025 at the Cullom Knoll at 6:30 in the back room.

Trustee Zakrocky: The Police Department is planning on having another car show, sometime in September.

Trustee Vick made a motion to adjourn the meeting at 8:17 P.M.; seconded by Trustee Bogacz. Voice vote: Bogacz, Fritz, Thompson, Vick, Walter, Zakrocky=ayes. All in favor, motion carried.

The next Village board meeting will be July 22, 2025 at 7:00 P.M.

Terry Counley
Village President

Sherri Messina
Village Clerk