

President Bartels called the meeting to order at 7:00pm.

Roll: Michael Ruffulo, Paul VanOstenbridge, Dan O'Leary, Robert Gorman and James Carlini.  
Present in audience, but not able to participate - only observe, pursuant to Court Order: Frank Scarpelli, Jr.

Motion by Gorman/Ruffulo to amend the agenda and move 3.0 Executive Session of the Open Meetings Act to discuss Section (C) (1) Personnel to follow agenda item 8.0 Bid Awards.  
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

The Pledge of Allegiance was then recited.

#### **CONSENT AGENDA**

1. Minutes dated July 11, 2005, September 6, 2005 and September 12, 2005.
2. Warrants dated Monday, October 3, 2005 in the amount of \$228,727.90.

Motion by Gorman/O'Leary to accept the consent agenda minus the September 6, 2005 and September 12, 2005 meeting minutes and the fund warrants as presented.  
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

**CORRESPONDENCE:** None.

#### **AUDIENCE BUSINESS:**

Dave Collier, 202 S. River Street, advised he is occasionally receiving parking tickets for parking in the street although he is one of the two houses in East Dundee that do not have a driveway.  
Motion by Ruffulo/Carlini to grant Mr. Collier a 30-day waiver to allow him to park on the street at 202 S. River Street.  
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Albin Grill, owner of apartment buildings at 311 E. Main and 10 Hill Street. Spoke against expansion of the Bandito Barney's beer garden.

Deloris Doderlein, 110 Railroad, said she would like to know who the business people are that wrote the yellow letter she received in the mail and encouraged residents to get involved.

Kathleen Mahony, 554 Bonnie Dundee Road, said she is disappointed Trustee Scarpelli is not currently seated at the board table and would like an explanation of the declaratory judgment regarding Trustee O'Leary.

Dwayne Foss, 829 Balmoral Drive, is sending a letter to the State's Attorney's office regarding the resignation and subsequent rescinding of the resignation by Trustee O'Leary.

Trustee Carlini commented on Mr. Foss' letter and said that the resignation of Trustee O'Leary is a non-issue.

Attorney Hartigan then stated that there was not proper intent or delivery of the letter of resignation and that he has issued an opinion that there was not a resignation.

Fred Doderlein, 110 Railroad, said he would like to know who the East Dundee businessmen are that sent the yellow letter.

**BID AWARDS:** None

Executive Session of the Opens Meeting Act to discuss Section (C) (1) Personnel.

Motion by Ruffulo/O'Leary to adjourn to Executive Session of the Opens Meeting Act to discuss Section (C) (1) Personnel.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Motion by Carlini/Gorman to re-convene the regular meeting session.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Roll: Michael Ruffulo, Paul VanOstenbridge, Dan O'Leary, Robert Gorman and James Carlini.

**OLD BUSINESS:**

Appointment, Ignacio Pena, Police Chief.

Motion by Ruffulo/VanOstenbridge to reappoint Ignacio Pena to the position of Police Chief for the Village of East Dundee.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Update on State's Attorney Complaint-Frank Scarpelli.

Attorney Hartigan advised the injunction filed by the State's Attorney's Office is in the process of being appealed on an expedited basis but no ruling has surfaced on the injunction as of this time and the summary judgment filed by the State's Attorney's Office has a new hearing date of November 29, 2005 at 9:00am before Judge Fabian. President Bartels advised that on September 16, 2005 he had offered Trustee Scarpelli a seat on the Planning and Zoning Commission and as of October 3, 2005 he has yet to receive a response on the offer. With regard to re-appointing Trustee Scarpelli if he chooses to resign both the Park Board and the Village Board positions, he said that he would not do this as Scarpelli failed to notify him on August 15 or prior. Trustee Gorman asked Village President Bartels to reconsider this in order to save the Village the legal fees currently being incurred for Trustee Scarpelli's defense. Trustee Gorman stated that it is up to President Bartels to end the expenses.

Authorization to Execute IEPA Loan Agreement and Notice of Award.

Motion by O'Leary/Carlini to authorize the execution of the IEPA loan agreement and Notice of Award contingent on the attorney's approval.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

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George Bowers, 421 Barrington Ave.

Motion by O'Leary/VanOstenbridge to approve the driveway and parking pad for 421 Barrington Avenue upon recommendation of the Planning and Zoning Commission.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Ordinance Adopting Prevailing Wage Rate.

Motion by Carlini/Ruffulo to adopt Ordinance 05-20, which is an Ordinance Adopting Prevailing Wage Rates.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Petition P/Z #05-07-03, J.J. Velasquez, 891 Richardson Road.

Motion by VanOstenbridge/O'Leary to approve Petition 05-07-03 and direct the attorney to draft the appropriate ordinance.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Annex Lease.

Motion by O'Leary/Ruffulo to approve the purchase of the annex building for the amount of \$17,894.00.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Teleconferencing Ordinance.

Motion by O'Leary/Gorman to approve Ordinance 05-21, which is an Ordinance Amending Title III, Administration, Chapter 30, Board of Trustees, By Adding A New Section 30.15, Teleconference Policy, extracting from paragraph A the statement: When, in the opinion of the Village President or a majority of the Trustees physically present, the physical presence of the Trustee is not essential to effective participation or the conduct of business at the meeting."

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Resolution Approving Vandewalle Agreement.

Motion by O'Leary/Gorman to authorize Resolution 25-05, which is a Resolution Authorizing the Execution of the Agreement for Current Planning 2005-2006 Between Vandewalle & Associates and the Village of East Dundee, with the addition that Vandewalle include the Village of East Dundee as an additional insured on their insurance.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Water Update.

Motion by O'Leary/Carlini to table the water update until the next Committee of the Whole meeting.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Committee of the Whole Meeting.

Building Code Amendments: Village Administrator Bowden advised he will present a draft fee schedule at the next regular board meeting if not at the next Committee of the Whole meeting.

School Committee: Trustee Carlini updated the board on the recent meeting on schools. Trustee Gorman requested this topic be included on the next Committee of the Whole agenda.

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**NEW BUSINESS:**

Presentation of the 2004/2005 Financial Statement.

Brian LeFevre from Sikich Gardner provided a brief overview of the Village's financial statements for the fiscal year ended April 30, 2005.

Transition Plan - Finance Department.

Village Administrator Bowden advised the board that staff would begin advertising for an accountant's position.

Petition 05-09-01, Rezoning 310 Jackson Street.

Thom McNamee reviewed his request for rezoning 310 Jackson.

Motion by O'Leary/Ruffulo to approve petition 05-09-01, rezoning 310 Jackson from R-3 to B-1.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Site Plan-APET.

Jeff Dublo, Vice President of Triumph Development, presented the site plan for lot 24, and the proposed APET building.

Motion by Carlini/Ruffulo to approve the site plan as presented, contingent on the engineer's final approval.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Resolution approving the Letter of Agreement with APET.

Motion by Gorman/Carlini to table the Letter of Agreement with APET.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Site Plan-Prairie Lakes Lot 17.

Jeff Dublo, of Triumph Development, provided the board with a review of the site plan for lot 17.

Motion by Carlini/Ruffulo to approve the site plan for lot 17, contingent on the engineer's final approval.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Resolution approving Letter of Agreement with Hartigan & Cuisinier P.C.

Motion by Gorman/Carlini to approve Resolution 26-05, which is a Resolution Authorizing the Execution of the Agreement Between Hartigan & Cuisinier P.C. and the Village of East Dundee for Legal Services, for the period August 1, 2005 through May 31, 2006.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Resolution approving contract with Plumbing Inspector, A&T Plumbing.

Motion by Gorman/O'Leary to approve Resolution 27-05, which is a Resolution Authorizing the Execution of the Agreement with Independent Plumbing Contractor to Provide Services to the Village Plumbing Inspector Between Lee Pearson and the Village of East Dundee, for the period September 30, 2005 through May 31, 2006.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

Ordinance Authorizing Referendum for 911 Surcharge.

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Motion by Gorman/Carlini to approve Ordinance 05-22, which is an Ordinance Authorizing a Referendum Question to Increase the Monthly 911 Emergency Telephone System Surcharge. Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried. Temporary Burning Ban.

Trustee Ruffulo withdrew his request to discuss a temporary burning ban, with the intent to discuss a permanent ban in the future. Asked that this topic be included on a future Committee of the Whole agenda next spring.

Declaratory Judgment, Dan O'Leary.

President Bartels offered to reappoint Trustee O'Leary; if reappointment were not acceptable then he would like to obtain a declaratory judgment to determine if a vacancy exists. Trustee O'Leary stated that he did not feel that he has resigned.

Motion by VanOstenbridge to obtain a declaratory judgment on Trustee O'Leary's seat.

Motion fails for a lack of a second.

Thom McNamee, 10 N. River, then commented that there are several matters he would like the board to resolve and that he feels President Bartels has the power to solve the issues surrounding Trustee Scarpelli and Trustee O'Leary. He asked President Bartels to take the initiative and resolve the issues quickly so that the Board can focus on more pressing Village matters. When asked by Mr. McNamee if President Bartels had Trustee O'Leary's resignation letter in his hand prior to hearing about Trustee O'Leary's rescission, he replied that he did not.

Kathleen Mahony, 554 Bonnie Dundee Road, commented that in Carpentersville the Village Manager resigned and the Mayor choose not to accept it.

## REPORTS

**VILLAGE ADMINISTRATOR:** Village Administrator Bowden advised he would like to put the email policy on the next Committee of the Whole agenda and reviewed the items that will be on the next Committee of the Whole agenda.

**VILLAGE ATTORNEY:** Will provide copies of new case law and said it is time to review Executive Session minutes for possible release.

**VILLAGE ENGINEER:** Commented on Chicago Land Paving and their progress.

**CHIEF OF POLICE:** Advised the Village has received a Federal COPS Grant on behalf of QuadCom.

Motion by Gorman/Ruffulo to authorize President Bartels and Chief Pena to establish a separate account and act as the custodian of these grant funds.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

The Chief then reviewed memo he has provided on hiring an additional fulltime officer.

Motion by Carlini/VanOstenbridge to grant Chief Pena the authorization to proceed with hiring a fulltime officer and notify the Board of Police and Fire Commission to start the process.

Roll: 4 Ayes (Ruffulo, VanOstenbridge, O'Leary, Carlini), 1 Nay (Gorman). Motion carried.

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Chief Pena explained that he has spoken with Mrs. Mukite and is continuing to monitor the issues and talked about the problems concerning the traffic. Advised there will be an action item on the needs assessment study at the next board meeting and asked for, and received, permission to work with Attorney Hartigan on a liquor commission issue. Also said there is a Police Pension Board meeting on Tuesday, October 18, 2005 at 5:00 pm and asked that there be a Liquor Commission meeting prior to the next board meeting on October 17, 2005.

**DIRECTOR OF PUBLIC WORKS:** Talked about salt purchase, the tree planting program and backflow prevention. Asked for permission to proceed with action against a business that refuses to comply with the backflow prevention policy. Consensus for the attorney to draft a letter with a date for shut off for non-compliance.

Chief Pena then added that while the board approved the increase in B-2 liquor licenses from 1 to 2, at the August 15, 2005 board meeting, the attorney did not receive board direction to draft the amending ordinance.

Motion by Ruffulo/VanOstenbridge to direct the attorney to draft the ordinance increasing the number of B-2 licenses from 1 to 2.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays. Motion carried.

**VILLAGE PRESIDENT:** Read a Proclamation of United Way month and officially recognizes October 2005 as "United Way Month".

**TRUSTEE/COMMITTEE:**

**TRUSTEE RUFFULO:** Thanked everyone who participated in Heritage Fest and advised a formal report will be forthcoming.

**TRUSTEE VANOSTENBRIDGE:** No Report.

**TRUSTEE O'LEARY:** Talked about scheduling a Technology Committee meeting and asked about the status of the Depot Licensing Agreement. Would like to acknowledge participants of the Farmer's Market.

**TRUSTEE GORMAN:** No Report.

**TRUSTEE CARLINI:** Advised the board that the agreement with Cingular is in the final stages.

**MISCELLANEOUS ANNOUNCEMENTS:**

Trustee O'Leary said there would be a fundraiser on October 11, 2005 at Nick's Pizza for the owner of Mel's Deli, who has terminal cancer.

Adjournment on motion by Carlini/Gorman at 11:15 pm.

By \_\_\_\_\_

President Jerald Bartels

*I REFUSE TO SIGN THESE MINUTES AS THEY ARE  
NOT THE MINUTES PREPARED BY THE VILLAGE CLERK  
12-10-05 JB*