

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 VanOstenbridge/Ruffulo to recess and reconvene the meeting at the Fire Department.
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays, 0 Absent.

Motion by VanOstenbridge/Ruffulo to reconvene.
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays, 0 Absent.

The Pledge of Allegiance was recited.

President Bartels advised Trustee Scarpelli is absent from the table and Village Attorney Russ Hartigan will address that issue. Attorney Hartigan then advised that a court order has been issued prohibiting Trustee Scarpelli from participating and voting at any meeting as a village trustee for the Village of East Dundee until the issue of holding two offices was resolved.

Trustee Scarpelli's attorney, Lance Malina, then spoke about the matter regarding Trustee Scarpelli. He affirmed the information from Attorney Hartigan and provided a proposal that would resolve the current litigation. Mr. Malina stated that Trustee Scarpelli is willing to resign both his Park District Commissioner seat and Village Trustee seat, if President Bartels agreed to re-appoint him to his Village Trustee seat. Mr. Malina stated that this offer was made to resolve the situation efficiently. Mr. Malina stated that in his discussion with the State's Attorney, this would terminate all litigation as Trustee Scarpelli would no longer hold two offices. Trustee Gorman stated that no additional legal fees would be needed for Trustee Scarpelli's defense if this were agreed to.

Trustee Ruffulo then advised the board that former trustee Howard Schock's father had passed away and expressed condolences to the Schock family.

Motion by Ruffulo/VanOstenbridge to add to the agenda the purchasing of a Breathalyzer under old business.
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman Carlini), 0 Nays, 0 Absent.

Motion by Ruffulo/Carlini to amend the agenda to move up Trustee Ruffulo's report to follow audience business.
Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays, 0 Absent.

CONSENT AGENDA:

1. Minutes dated July 11, 2005, August 15, 2005, and August 22, 2005.
2. Warrants dated August 15, 2005 in the amount of \$173,356.94.

Motion by Ruffulo/O'Leary to close the August 15, 2005 board meeting.
Roll: 4 Ayes (Ruffulo, VanOstenbridge, O'Leary, Carlini), 0 Nays, 0 Absent, 1 Abstain (Gorman).

Motion by O'Leary/Gorman to approve the consent agenda adding the August 22, 2005 Public Hearing Minutes and without the July 11, 2005 meeting minutes and amending the August 22, 2005 meeting minutes to reflect Trustee Gorman's arrival at 7:05pm and approving the fund warrants excluding the payment to Early, Collision, Tousey.

CORRESPONDENCE:

The Clerk read a letter of resignation from Trustee O'Leary and a letter rescinding the resignation from Trustee O'Leary.

AUDIENCE BUSINESS:

Rasesh Kothari, 470 Dundee Ave. Chief Pena explained Mr. Kothari would not be present.

Sue Holliman, 543 Wendt Ave, spoke about Chief Pena's accomplishments during his time in East Dundee.

Bill Gade, 403 Railroad St., commented on the recent issues that have been addressed in the newspapers and spoke on behalf of Chief Pena's service to East Dundee.

Dwayne Foss, 829 Balmoral, distributed crime statistics from the Illinois State Police website to the board and then presented a petition with 542 signatures in support of Chief Pena's reappointment. Mr. Foss also commented that he objects to Trustee O'Leary seat on the board because he feels Trustee O'Leary has resigned and asked Attorney Hartigan to recuse himself.

Leona Pena, 302 North Street, thanked the audience for all of their support.

Howard Schock, 996 American Way, apologized to the resident of East Dundee for letting them down.

Jeremy Soderstrom, 9 King William, encouraged the board to reappoint Chief Pena.

Ann Snow, 426 Roslyn Road, reiterated previous comments expressed in support of Chief Pena.

Howard Burton, 14 Railroad, spoke on behalf of reappointing the Chief Pena and commented on the good working relationship the police department has with the Chief of Police.

Mr. Terrell, 432 Lakeshore Drive, spoke on behalf of Chief Pena.

Heather Furler, 325 Meier St., said she has always felt safe in East Dundee and has had positive experiences when dealing with the police department and with Chief Pena.

John Snow, 426 Roslyn Road, said he likes the small town atmosphere and spoke in favor of Chief Pena.

Jill Yucuis, former Village President, advised East Dundee has never been front page news until the new board was seated, encouraged residents to continue to come to the meetings and expressed concern over the new attorney bills, the release of former Attorney Regan and the potential for additional costs to be incurred by the village if the police department were to unionize.

Leonard Scarpelli, brother of Frank Scarpelli, Jr., said it is upsetting to hear and read comments that call into question Trustee Scarpelli's character and actions.

Sharon Skinner, 325 East Third St., spoke on behalf of Chief Pena.

Bill Gade, 403 Railroad St., responded to Leonard Scarpelli's comments

Trustee O'Leary then addressed the audience comments regarding the appointment of Chief Pena.

Trustee Carlini talked about accountability.

Chief Pena addressed the audience and board regarding his appointment. He said that he would provide the information that the board is asking for.

Trustee Gorman addressed the audience regarding the importance of communicating with individual board members and to find out answers prior to making opinions. He underscored the importance of this given that he was not at the August 15 meeting, yet many audience members acknowledged that they thought he was there. He thanked Chief Pena for acknowledging that there is additional information being asked for by the board.

Trustee Ruffulo stated he was proud to have made the motion to reappoint Chief Pena.

Dwayne Foss, 829 Balmoral, read an email he received from Trustee O'Leary.

Sue Holliman, 543 Wendt Ave, complimented Chief Pena on his graciousness towards the board and recommended the Chief be re-appointed.

Mrs. Frank Scarpelli asked if board members would be in favor of appointing Trustee Scarpelli to the village board seat if he vacated the park district seat and commented on the traffic on Route 72.

President Bartels, regarding the correspondence that had been read, commented that when a resignation is filed, it cannot normally be rescinded, however there are questions as to whether the letter was officially received prior to its rescission. President Bartels said the Village is trying to determine if the clerk pro-temp taking possession of the letter constitutes being in the Village's possession. Trustee O'Leary contacted the Village Attorney and the Village to rescind the letter the following morning, both via fax and email. In addition, he followed up with correspondence that was brought into the Village Hall.

Trustee Ruffulo suggested a recess and it was determined this meeting would relocate back to the annex.

Motion by Carlini/O'Leary to re-convene at 8:57 pm.

Roll: 4 Ayes (VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays, 1 Absent (Ruffulo). Trustee Ruffulo arrived at 8:58pm.

BID AWARDS:

Sewer Expansion Project.

Motion by VanOstenbridge/Carlini to table this bid award until after Old Business item 8.1, Resolution Approving Second Amendment to Intergovernmental Agreement for Sewer Expansion with West Dundee.

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

OLD BUSINESS:

Resolution Approving Second Amendment to Intergovernmental Agreement for Sewer Expansion with West Dundee.

Village Administrator Bowden advised that the Resolution 19-05 adopted on August 1, 2005 approving the second amendment to the intergovernmental agreement for sewer expansion did not actually pass.

Motion by Ruffulo/VanOstenbridge to approve Resolution 21-05, which is a Resolution Approving Second Amendment to Intergovernmental Agreement for Sewer Expansion with West Dundee.

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

BID AWARDS:

Sewer Expansion Project.

Motion by Carlini/O'Leary to approve Resolution 22-05, which is a Resolution Conditionally Approving Bid Submitted By River City Construction, L.L.C. For Upgrade To The Wastewater Treatment Facility Expansion.

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

OLD BUSINESS:

Teleconference Ordinance.

Motion by Gorman/O'Leary to table this item until the next regular board meeting.

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

Final Engineering – North Gate.

Motion by Carlini/Ruffulo to approve Ordinance 05-19, which is an Ordinance Granting Zoning Variations for the Property Commonly Known as North Gate Subdivision contingent on final engineering and attorney approval.

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

Motion by Ruffulo/Carlina to approve Resolution 23-05, which is a Resolution Approving the Execution of a Final Plat of Subdivision for the North Gate Manor Subdivision, subject to engineering and attorney approval.

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

Motion by Ruffulo/O'Leary to direct the attorney to incorporate changes to the North Gate Developer's Agreement as discussed: keeping the water and sewer tap on fees fixed for the next twenty-four months. Motion withdrawn.

Motion by O'Leary/VanOstenbridge to approve Resolution 24-05, which is a Resolution Authorizing the Execution of a Development Agreement for the North Gate Manor Subdivision with an amendment creating a fixed rate of \$8200.00 for the tap-on fees per unit for a period of twenty-four months.

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

Motion by O'Leary/VanOstenbridge to amend the agenda and move item 9.1, Petition #05-07-03 to be the next item of business.

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

NEW BUSINESS:

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Petition #05-07-03, Jaime and Jose A. Velasquez and Frank Little 891 Richardson – Text Amendment and Special Use.

Motion by Carlini/Ruffulo to table this agenda item to the next regular board meeting.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O’Leary, Gorman, Carlini), 0 Nays, 0 Absent.

Motion by VanOstenbridge/Gorman to amend the agenda and move up Trustee Ruffulo’s committee report to the next item of business.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O’Leary, Gorman, Carlini), 0 Nays, 0 Absent.

TRUSTEE/COMMITTEE:

TRUSTEE RUFFULO:

Trish Terrill, Administrative Intern, talked about Heritage Fest and Trustee Ruffulo talked about the children’s bike raffle that would be part of the events.

Water Update.

Village Administrator Bowden provided an update on the options that are being explored, including joining J.A.W.A and connecting directly, joining J.A.W.A with service through Hoffman Estates infrastructure or buying directly from Hoffman Estates. Consensus was to request additional information on the debt and costs involved in the different options. Director of Public Works Moore then updated the board on Well 2.

Purchase of Breathalyzer.

Motion by Gorman/Carlini to authorize \$1,250.00 for purchase of a Breathalyzer.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O’Leary, Gorman, Carlini), 0 Nays, 0 Absent.

REPORTS:

VILLAGE ADMINISTRATOR: Village Administrator Bowden asked that questions on the draft Vandewalle agreement be forwarded to him. Consensus for the attorney to review the agreement and draft a resolution adopting the agreement. Also, the Building Inspector Urbanowitz will inspect the annex.

VILLAGE ATTORNEY: Advised email policy is in final stages. Recommended moving to resolve Trustee Scarpelli’s situation because of the appellate issue looming and is researching the resignation of Trustee O’Leary. This issue will appear on the next board meeting agenda.

VILLAGE ENGINEER: The 2005 Street Program has begun and an open-house meeting for residents was held.

CHIEF OF POLICE: Talked about a wine testing event the Anvil Club is hosting and advised that he will notify them that any other events will require actual liquor commission approval. Asked that an ordinance authorizing a 911 emergency surcharge be on the October 3rd, 2005 board meeting agenda. Reviewed memo requesting Heritage Fest street closures: Water Street from North to Second, Barrington from Water to Second, 1st from Barrington to North and Second from Barrington to Water periodically from 10:00 am Friday September 16, 2005 through 11:00 pm Sunday September 18, 2005.

Motion by Ruffulo/VanOstenbridge to close these streets as described.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O’Leary, Gorman, Carlini), 0 Nays, 0 Absent.

Chief Pena then advised the board that the E Bay store would be making a donation from glow stick sales during Heritage Fest. He has also received a quote in the amount of \$4,000.00 for a facility needs analysis.

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DIRECTOR OF PUBLIC WORKS: Reported that he has received a couple of phone calls about the Street Program and is working with Tim Wilson, Water Superintendent, on the backflow program. He will also follow up on the streetlights ordered with West Dundee.

BUILDING OFFICIAL: President Bartels advised that the Building Official Report could be removed from the agenda.

VILLAGE PRESIDENT: No Report.

TRUSTEE/COMMITTEE:

TRUSTEE RUFFULO: Report given earlier.

TRUSTEE VANOSTENBRIDGE: Proposed opening up the Village Hall as a center for donations to benefit Hurricane Katrina victims.

TRUSTEE O'LEARY: Technology Committee meeting will be scheduled to review software equipment, licensing and assess replacement needs.

TRUSTEE GORMAN: Will have a conference call with Vanderwalle on Thursday. Updated board on the recent meeting with PAR.

TRUSTEE CARLINI: Advised the agreement with Cingular for a water tower antenna is in the process of being finalized. There is Fox Valley Cable Commission meeting on Thursday at 8:30. Updated the board on a recent meeting held at Bonkoski's.

MISCELLANEOUS ANNOUNCEMENTS: Planning and Zoning Commission meeting September 8, 2005 at 7:00pm and Committee of the Whole on Monday, September 12th, 2005 at 7:00pm.

Mr. Foss then asked about having schools on the next regular meeting agenda and asked about a school committee having been formed.

EXECUTIVE SESSION:

Motion by Carlini/VanOstenbridge to go into Executive Session of the Open Meetings Act to Discuss Personnel Section 2 (C)(1) and Pending Litigation Section 2(C)(11).

Motion by O'Leary/Ruffulo to re-convene to the regular meeting.

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

ACTIONS FROM EXECUTIVE SESSION: None.

Adjournment on motion by O'Leary/Ruffulo at 12:45 am.

By _____
President

*I REFUSE TO SIGN THESE MINUTES AS THEY
ARE NOT THE MINUTES PREPARED BY THE VILLAGE CLERK.*

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JB 12-10-05