

**CALL TO ORDER:**

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

Motion to have Sue Norton serve as Clerk Pro Tem by Scarpelli/Gorman.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

**ROLL CALL:**

Roll: Michael Ruffulo, Paul VanOstenbridge, Frank Scarpelli, Jr., Daniel O'Leary, Robert Gorman and James Carlini.

**PLEDGE OF ALLEGIANCE:** Recited.

**CONSENT AGENDA:**

4.1 Minutes Dated Monday August 29, 2005

4.2 Minutes Dated Tuesday January 3, 2006

4.3 Minutes Dated Tuesday January 17, 2006.

4.4 Warrants Dated Monday February 6, 2006.

4.5 Treasurer's Report – December 2005.

Motion to remove minutes dated August 29, 2005 to verify motion in minutes by O'Leary/Carlini.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

Motion to remove minutes dated January 3, 2006 in order to listen to the audiotape by O'Leary/Gorman.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

Motion to approve minutes dated January 17, 2006, warrants dated February 6, 2006 in the amount of \$299,608.96 and Treasurer's Report – December 2005 by Ruffulo/O'Leary. Motion withdrawn.

Motion amended to include the warrants amount of \$68,893.20 in the January 17<sup>th</sup> minutes by O'Leary/Ruffulo.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

**CORRESPONDENCE:**

Letter from Thom McNamee is read. He states that Trustee Scarpelli was elected and the village does not have any option except to defend all suits. The board has obligation to the voters who elected Trustee Scarpelli.

Anonymous letter is read asking if a trustee is worth \$40,000. The letter states that Trustee Scarpelli sat on the board for two years without issue and that there are over 100 elected officials in Illinois holding two seats. The letter also points out the many things that Trustee Scarpelli has done for the village and the large amounts of money he has saved the village because of his suggestions and actions.

**AUDIENCE BUSINESS:**

Larry Freeman – 544 Wendt Ave, East Dundee

States that at the last meeting there was an unanswered accusation by the Village President that Trustee Gorman was sending him anonymous emails. He asks if Trustee Gorman did send these emails

Trustee Gorman responds that he did send several anonymous emails encouraging the board to re-appoint Trustee Scarpelli so the Village can move past this divisive issue and focus on the issues of the Village. However, instead of keeping this a private matter, President Bartels brought this up at the January 3, 2006 board meeting. Trustee Gorman had private discussions with every board member including president Bartels regarding this. Trustee Gorman stated it is a private matter, it should have remained so, and if anyone has any questions to contact him directly.

Dolores Doederlein – 525 Reese Ave.

States that she doesn't want the budget altered for the lift station. The village was supposed to put money away in 2006 and 2007 so they could start construction in 2008. She would also like to see the red light taken down.

President Bartels asks Mr. Moore why the red light is there. Mr. Moore states that he will look into it, but that it is usually a warning.

Duane Foss – 829 Balmoral

Discusses the matter of the minutes being legal and wished that the August 29, 2005 minutes would have included statements that Trustee Gorman made about Trustee O'Leary's resignation. Trustee Gorman states that he doesn't write the minutes and that the minutes are a reflection of key points and actions. Some are unsure whether Mr. Foss is talking about the August 29, 2005 minutes or the September 6, 2005 minutes.

Trustee Ruffulo asks Attorney Hartigan if we can change minutes after they have been approved.

Attorney Hartigan states that they can be amended. President Bartels asks Mr. Foss to give a list of those things he would like reflected in the minutes and we will see if an addendum needs to be added.

Trustee Carlini ordered a privileged motion and calls for the Orders of the Day, to get back on agenda.

Mark Christopherson – East Dundee

Thanks President Bartels for making the veto.

Trustee Ruffulo asks if Mr. Foss was done. Mr. Foss states again that the August 29, 2005 minutes do not reflect what took place that evening.

**BID AWARDS:** None.

Motion made to move up agenda item 9.3 by Ruffulo/O'Leary.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

**NEW BUSINESS:**

**9.3 – Petition 01-07-02 McGraw and Petition 01-07-03 Plote.**

- A) Ordinance Authorizing the Execution of the Annexation Agreement.
- B) Ordinance Authorizing the Annexation of Certain Property Commonly Known as McGraw Foundation Property.
- C) Ordinance Amending Title XXV Land Use Chapter 157.037 AG-1.
- D) Ordinance Amending Title XV Land Use Chapter 157.66 M-1.
- E) Ordinance Amending Rezoning McGraw Property to AG-1 with Special Uses.
- F) Ordinance Rezoning Property to M-1 and Granting Special Uses.
- G) Plote/Beverly Gravel Text Amendment Zoning and Granting Special Use.

Chief Pena states that the agreement was unanimously accepted. Trustee Scarpelli voices concern that they may have the ability to impose our sales tax rate. He would like closure around any clauses that are ambiguous around this document or any other document.

Trustee O'Leary questions if we are eligible to collect anything revenue based. Trustee Ruffulo asks if we can leave these questions open and still approve the agreement, as he doesn't want to hold this up. President Bartels agrees and says that this is very important to us and that McGraw has been a good neighbor to us. He would like to move forward. Attorney Hartigan states that John Regan took part in these negotiations. Trustee Carlini agrees with President Bartels but has a problem with the typos. He does not want to pass a draft. Trustee Ruffulo asks if John Regan signed off on this and the answer is yes.

Trustee O'Leary asks Mr. Fuller if it would be a problem if this was tabled until the next board meeting

so it could be cleaned up. Mr. Fuller doesn't see a problem, however, he will not be available.

Trustee Ruffulo states that he does not want to send a message that we are having seconds thoughts. Trustee O'Leary feels that we made it clear that we are not, but there are questions that need to be answered. Trustee Ruffulo asks if the McGraw people have a problem with moving it back two weeks. Charlie Potter states they do not have a problem with tabling this until the next board meeting, however, anything beyond that may be an issue. Mr. Fuller states that he can be available by phone that evening.

Motion to table 9.3 – Petition 01-07-02 McGraw and Petition 01-07-03 Plote (A-G) until the next board meeting by Ruffulo/Scarpelli.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

Motion made to move up agenda items 9.1 and 9.2 by O'Leary/Gorman.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

### **9.1 – Petition of 01-07-01 Special use and Variance – Fire District.**

The question is asked whether they have proper access. Chief Pena states that the fire department and Chief Rakow are comfortable with the space. Chief Rakow states that the village owns all present property that the fire station sits on plus 23 feet to the south. The fire department will also own all structures. The concern about pulling out onto 3<sup>rd</sup> Street will not be a problem; it will be better because it will be to the south. Also, the addition will be set back two feet.

A motion to petition 01-07-01 by VanOstenbridge/Ruffulo.

Motion amended to allow a Special Use under section 157.034 (D)(1) for a building in an R-3 and a variation to 157.034(5)(a) front yard setback to allow an encroachment of 18 feet on the 25 foot requirement for a 7 foot front yard set back by the East Dundee Countryside Fire Protection District by VanOstenbridge/Ruffulo.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

A motion is made to draft approval ordinance of new lease with the district by O'Leary/Gorman.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

### **9.2 – 5-Year Capital Improvement Plan.**

Sue Behrens states that the benefit of a five-year plan is that more planning and less reacting is introduced in to the program. The objective is to identify improvements, project and equipment needs for the next five years in order to establish priority ranking by year within each year, identify means of financing for project and a plan of action by the Village Board to obtain approval for first for first year of the CIP.

There are three sections:

- 1) summary of total amount of projects by department and by year, and a means of financing this project
- 2) same information as number 1, but broken down by department
- 3) summary of Home Rule sales tax fund

Highlights of the CIP are construction of a sewer treatment plant, construction of a police facility, construction of well #5, federally funded STP project for VanBuren Street, placement of the Hill Street lift station, comprehensive annual street maintenance and improvement project, a vehicle replacement program for police and public works, and potential remodeling of the Village Hall.

The means to finance these projects are specified revenue sources and category funds to be determined. Home Rule sales tax is part of the CIP. The cellular lease is encompassed in the operating expenses. It is pointed out that the village tries to make every fund stand by itself.

Although this is an optimistic plan, just because a project has been included doesn't mean that it will be completed. This will be approved each year as the budget process occurs.

President Bartels states that we paid Vandewalle \$65,000 on a development plan. Trustee O'Leary states that Vandewalle was not going to be at the meeting this evening because of the length of the agenda. President Bartels asks Trustee O'Leary who gave him the authority to remove something from the agenda. Trustee O'Leary apologizes and says that he sent an email that morning and that it wouldn't be fair to do the presentation tonight. He feels it would better at a Committee of the Whole meeting.

Chief Pena states that the board should approve the CIP for the first year. A motion is made by Scarpelli/Ruffulo to authorize our financial person to utilize the '06/'07 budgetary numbers for implementation into the '06/'07 budget. Motion is withdrawn. A second motion is made to direct staff to go forward with the first year of the plan by Scarpelli/Ruffulo. Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

#### **OLD BUSINESS:**

##### **8.1 – Village Clerk Appointment – Sue Norton**

Motion made to appointment Sue Norton to fill the position of Village Clerk until the next election by Carlini/Gorman.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries. Sue Norton will be sworn in at the next meeting.

##### **8.2 – Presentation of Economic Development Plan – Vandewalle & Associates.**

Trustee Gorman states that there are two areas within the village that need economic help. One area is route 25 and route 72, the four corners down to the auto mall, which is our main source of revenue. The second area of focus is the downtown area.

This will be discussed at a Committee of the Whole meeting, possibly on February 27<sup>th</sup>.

Trustee Scarpelli has concerns about tiffs, especially our existing tiff on Route 68. He states that a prior board swore to its residents if the tiff got upside down it would not cost the residents. But it will cost the village about \$70,000. President Bartels states that the tiff will not be upside down forever as long as there is development and it can be reimbursed to the village.

##### **8.3 – Reconsider of Veto – Frank Scarpelli Defense.**

Trustee O'Leary would like to get a declaratory judgment. Does it fall under ordinance? If it is wrong we should change it. He wonders if the veto is legal. President Bartels wonders why the vote on January 3<sup>rd</sup> was illegal. You can make the same argument for the August 29<sup>th</sup> vote. President Bartels asks if there is a motion on the table.

A motion is made for the point of discussion to reconsider the veto by O'Leary/Gorman. Trustee O'Leary states that the board voted 6 – 0 not to vacate Trustee Scarpelli's seat.

Trustee Scarpelli states that we have an ordinance and if you don't want to pay these fees then you better change the ordinances that trustees are not defended by this village. President Bartels states that a trustee is defended by actions that they take as a trustee, not actions that they take as a private citizen. Running for office was not a decision Scarpelli made as a trustee.

Several persons in the audience voice their support for Trustee Scarpelli as well as a couple of audience members show support for President Bartels.

Pam Figolah – 452 Barrington Ave.  
Peggy Scarpelli – 9 Summit Ave.  
Dolores Doederlein – 525 Reese  
Nick Scarpelli – 602 Kane, West Dundee  
Leonard Scarpelli – 1778 Thomasville Lane, Crystal Lake  
Duane Foss – 829 Balmoral  
Dale Graffelman – 409 Williams Place  
Jack VanAcker – 430 Springcrest  
Bill Gadde – 403 Railroad  
Fred Doederlein – 525 Reese  
Brittany Hudson – 449 Rosalyn  
Leona Pena – 302 North Street

President Bartels states that everyone has had the opportunity to speak and would like to know if there is any action to be taken on agenda number 8.3.

Trustee O'Leary states we made a motion for the point of discussion. President Bartels states that the motion on August 29<sup>th</sup> was approved, the defense was paid for, then on December 22<sup>nd</sup> there was a judgment against, on January 3<sup>rd</sup> there was motion to continue to pay, it passed, it was vetoed and we are no longer paying for any more defenses.

Trustee O'Leary asks if the veto negates the motion and this eliminates the violation of the open meetings act. Attorney Hartigan states that since it was on the agenda he has doubts that it was a violation. President Bartels states that the first motion was not a blank check until the end of time. Trustee Scarpelli asks if we have to send something to stop payment. The veto cancels the January 3<sup>rd</sup> vote but not the August 29<sup>th</sup> vote.

Trustee O'Leary withdraws motion to discuss agenda item and Trustee Gorman seconds. A motion is made to find out what vote is legal and where we stand on paying for this case by Carlini/O'Leary. Attorney Hartigan states that it has to be an agenda item.

Trustee Carlini amends motion to vote for a declaratory judgment on agenda item 8.3 to reconsider the veto on Frank Scarpelli's defense so we can get a definitive answer of where we stand on this. Trustee O'Leary asks to change the motion to an unbiased outside opinion. President Bartels asks where are we going to go for a declaratory judgment as it's in court. Attorney Hartigan states that declaratory doesn't usually apply to municipal actions. He states it would be peculiar to do that as it is usually determined if coverage applies.

Trustee Carlini amends motion but is asked to change it again so it is withdrawn and seconded by Trustee O'Leary.

A motion is made to get an opinion on our ordinance as it pertains to defending our trustee – Frank Scarpelli and what that ordinance makes us responsible for by O'Leary/Carlini.  
Roll: 4 Ayes (Scarpelli, O'Leary, Gorman, Carlini), 2 Nays (Ruffulo, VanOstenbridge), Motion carries.  
President Bartels votes No.

Trustee Ruffulo feels this is an ambiguous motion and states that he received 15 phone calls on this and that not one person asked him to continue to pay for Trustee Scarpelli's defense.

President Bartels moves to agenda item 8.4, however there is a motion by Gorman/Carlini to take a break at 9:55 pm.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

Motion to reconvene meeting at 10:10 pm by Carlini/Ruffulo.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries.

#### **8.4 – Ordinance Authorizing Appointments.**

Motion by Carlini/Gorman to modify ordinance 31.15 Village President (C) appointment from, "the President by and with the advice and consent of the Board of Trustees shall appointment..." to, "the Village President and the Board of Trustees acting jointly shall appoint..."

Motion to table for discussion by O'Leary/Scarpelli.

President Bartels points out that there is already a motion on the table.

Trustee O'Leary states that they are still not working together. President Bartels would like to get rid of the emails as he feels it's a violation of the Open Meetings Act, which is why he doesn't participate. Trustee O'Leary states if President Bartels stopped ignoring the emails the problem would go away. Trustee Carlini points out that emails can be tracked.

Trustee Scarpelli states that two meetings ago there was going to be a process put forward that a previous board used. He hasn't received any proposed appointment procedure; therefore, we should change it so everyone is involved.

Motion is withdrawn by Carlini/Gorman.

Motion made to ask the Village Attorney to investigate the legality of changing the ordinance to state "the Village President and the Board of Trustees acting jointly shall appoint..." by Carlini/Scarpelli.

Roll: 5 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 2 Nays (Ruffulo, Bartels), Motion carries.

Trustee Scarpelli calls for a Point of Order. He asks President Bartels when does he vote and when does he does not vote. Attorney Hartigan states that he can vote on every measure and that the clerk should be calling his name on every motion. President Bartels states that he will vote on every motion.

#### **8.5 – Enabling Ordinance Planned Unit Development Sections 157.240 through 157.99.**

Motion made to accept ordinance 06-03 with changes in the year by O'Leary/Scarpelli.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Carlini, Bartels), 0 Nays, 1 Present (Gorman), Motion carries.

Trustee Ruffulo excuses himself at 10:35 pm.

#### **8.6 – Ordinance Amending Title XV, Land Usage, Chapter 156, Signs, by Adding A New Section 156.03 (C)(11) and 156.04 (C)(10) and Amending Section 156.03 (G)(5).**

Motion made to accept ordinance (06-04) with corrections by Scarpelli/VanOstenbridge.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

#### **8.7 – A Resolution Authorizing the Execution of the Intergovernmental Agreement Between the Village of West Dundee and the Village of East Dundee.**

Motion made to accept resolution (05-06) with changes stating that it is a five-month period by Scarpelli/Carlini.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

#### **NEW BUSINESS:**

##### **9.4 – Authorization Equipment Grant Funding-Laptops.**

Chief Pena is looking for authorization from the President to sign off on the grant. He would like to purchase two more laptops with the grant so we are up to four laptops for the year.

A motion is made to authorize the equipment grant funding for the laptops and for the President to sign-off on this by Gorman/Carlini.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

#### **9.5 – Appointments to IRMA, IMRF and Interim Treasurer.**

It was decided by the board that T.J. Moore would serve as the point man for IRMA and Nikki Giles would serve as the contact for IMRP. Ms. Giles also holds the position of treasurer. It is also decided that Mr. Moore will be the second signatory.

Motion made to appoint these positions by Carlini/Gorman.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

Attorney Hartigan states that we need a resolution for both Mr. Moore's position as the IRMA contact and for Ms. Giles' as the IMRP contact.

#### **REPORTS:**

##### **10.1 Village Administrator – No Report**

##### **10.2 Village Attorney – No Report**

##### **10.3 Village Engineer – No Report**

##### **10.4 Chief of Police**

- 1) McGraw provided Chief Pena with a list of certified mailings and gives it to the clerk.
- 2) The Chief states that we have a full-time possible candidate for the force and the next step is the psychological test. He should have a recommendation within the next 60 days.
- 3) Regarding the part-time position, it has been cut-down to 23 candidates, as the village has always had a one-badge policy. He also states that the board makes the appointment for a part-time officer. Trustee Gorman would like to see that we look at a part-time officer first. Trustee Carlini states he would rather see a full-time position filled and Chief Pena agrees. It is agreed that Chief Pena should continue with the psychological process for the full-time position.
- 4) The Chief discusses that possible purchase of the Imagistics copy machine for \$5239 that was in the Capital Plan.

##### **10.5 Director of Public Works**

- 1) Mr. Moore brings up the topic of the cellular offer and hands it over to Trustee Carlini. Trustee Carlini states that it would be better to keep the original lease so we can keep it in our own village.
- 2) Mr. Moore discusses the Jackson and River streets intersection and suggests that the police department do a traffic study to see if it warrants a four way stop sign. Also, regarding the parking along Jackson he would like a consensus among the board to configure this into part of the Jackson Street project. Mr. Moore will consult Vandewalle.
- 3) Mr. Moore states that we are losing the diesel fuel tank that that he has ordered BP credit cards.

Chief Pena refers back to Agenda item 10.1. He refers to a letter from Peter Bazos stating that his client, Pal Group, Inc., is asking the Village Board to approve a one-year extension.

A motion is made to put this on the next agenda by Scarpelli/Gorman.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

##### **10.6 Village President**

##### **10.7 Trustee/Committee**

President Bartels would like to defer agenda items 10.6 and 10.7 to the next meeting.

Trustee O'Leary would like an answer on Torco and McGraw. Chief Pena states that we do not have any signed agreement.

Motion is made to defer agenda items 10.6,10.7 and 11.0 to the next Village Board meeting by Carlini /Scarpelli.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

Motion to break by Gorman/O'Leary.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

Motion to reconvene Regular Session by Gorman/Carlini.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

Motion to move to Executive Session at 11:20 pm by VanOstenbridge/Scarpelli.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

Motion to reconvene to the Regular Board Meeting by Scarpelli/Gorman.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.


Motion to adjourn Regular Board Meeting by VanOstenbridge/Scarpelli at 11:50 pm.

Roll: 6 Ayes (VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini, Bartels), 0 Nays, Motion carries.

By: \_\_\_\_\_

  
President Jerald Bartels

Attest: \_\_\_\_\_

  
Clerk Pro Tem Sue Norton