

**CALL TO ORDER:**

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

**ROLL CALL:**

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

Trustee Scarpelli/Ruffulo motion to have Sue Norton serve as Clerk Pro Tem.

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

**PLEDGE OF ALLEGIANCE:** Recited.

**CONSENT AGENDA:**

**Minutes dated November 21, 2005 approved.**

Motion to approve minutes by Carlini/O'Leary.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman, Carlini), 0 Nays, 1 Abstain (Scarpelli), Motion carries.

**Minutes dated December 5, 2005 tabled until next meeting.**

Motion to table minutes by O'Leary/Carlini.

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

Corrections are requested on page 2, 3, 6, and 9. Clerk Pro Tem did not have copies of these minutes. Trustee Scarpelli asked TJ Moore if the board voted to allow him to go to bid. Mr. Moore stated the motion died because it wasn't necessary.

**Warrants dated January 3, 2006.**

Motion to approve warrants dated December 30, 2005 for \$302,527.26 by Carlini/Gorman.

Roll: 6 Ayes (Ruffulo, VanOstenbridge, Scarpelli, O'Leary, Gorman, Carlini), 0 Nays, Motion carries. **NOTE:** Date of warrants on agenda does not match date of warrants approved.

**Treasurer's Report – October 2005 approved.**

Motion to approve Treasurer's Report by Scarpelli/Ruffulo.

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

**CORRESPONDENCE:** None

**AUDIENCE BUSINESS:**

Duane Foss – 829 Balmoral, East Dundee

Mr. Foss states his concern over agenda item 8.2 Authorizing Appointment. He says if we take the authorization of President Bartels to appoint and give it to the trustees then there will be no separation of power. There will be no Democracy here. He feels this should be put to a referendum and let the voters decide.

**BID AWARDS:** None

**OLD BUSINESS:**

Motion made by O'Leary/Gorman to move agenda item 8.4 – Presentation of P.U.D.

Amendments to item 8.1 and to move agenda item 8.3 – Resolution Approving Agreement with Municipal Design Group to agenda item 8.2.

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

**8.4 – Presentation of P.U.D. Amendments – Scott Harrington, Vandewalle and Associates.**

Scott Harrington of Vandewalle and Associates approaches to address the board. Mr. Harrington points out that the P.U.D. amendments noted on page 1 - 3, page 2, page 3 - 3 does explain that the ordinance interfaces with the comprehensive plan.

Regarding page 17.E – Gross density relating to the number of dwelling units, should go with the comprehensive plan if going with fewer units. Mr. Harrington explains that the density calculation is put in a formula – acreage of area multiplied by .8 (more restrictive) or .9. He also feels that this range is appropriate.

President Bartels asks Mr. Harrington for his final recommendations. Mr. Harrington suggests .9 on the gross to make builder earn it and .8 on the base as we do not want to squeeze the developer. He also points out that P.U.D. kicks in after 20 acres and at this point you would get more design control. President Bartels requests to make a motion to send it back to the P & Z.

Trustee O'Leary voices his concern over the R5 zoning. Mr. Harrington says that R5 and R3 were excluded but now you can do a P.U.D. in any zoning district. The village now has full design review and criteria for all multi family developments as well as open space requirements are raised. We now have a higher level of standards under the P.U.D. Mr. Harrington states that there is a 3 step process if someone wants to change the zoning so their property has more units: 1) the comprehensive plan would have to be amended, 2) they would have to apply for re-zoning, 3) they would have to apply for a P.U.D.

Regarding the amendment to the zoning map, Trustee Scarpelli asks Administrator Bowden if there will be any parcels in excess of 20 acres that will be zoned R5 or if there is any R5 zoning today that could come in under this P.U.D. ordinance. Administrator Bowden and Mr. Harrington do not believe so.

Trustee Ruffulo/Gorman make a motion to send the comprehensive plan back to the P & Z. Trustee Gorman would like Administrator Bowden to document this and be sure the trustees get changed verbage as presented.

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

**8.3 – Resolution Approving Agreement with Municipal Design Group.**

President Bartels asks for the next resolution number, which Clerk Pro Tem states as number 32. Gorman/Scarpelli make a motion to approve resolution 05-32 a resolution authorizing the execution of the organizational facilitation proposal of the Municipal Design Group.

(NOTE: Resolution is actually number 01-06)

Roll: 3 Ayes (Scarpelli, Gorman, Bartels), 2 Nays (Ruffulo, VanOstenbridge), 1 Present (O'Leary), 1 Abstain (Carlini).

Attorney Hartigan asks for a breakdown of the votes. He states the Present vote does not count for anything and the Abstain vote goes with the majority. Abstain goes with the majority - there are four votes so the motion carries.

### **8.1 – State's Attorney Compliant Update – Trustee Scarpelli.**

Attorney Harrington sent correspondence to Administrator Bowden summarizing the hearing. Basically the hearing determined there was a vacation of office.

President Bartels states that at the initial onset the board voted to pay for defense because of ordinance 31.18 – Village Attorney. He feels the village has spent more than originally discussed. He feels the village is no longer an interested party and if Trustee Scarpelli wants to fight on that is fine, but the residents should not have to bear the burden. President Bartels would like to know if the board feels we should still participate in Frank's defense.

Trustee O'Leary/Gorman make a motion to have Lance Molina discuss the case with the board, provided factual evidence on the current situation and potential outcome.

President Bartels states a motion should be made whether we are going to pay for this defense or not. Trustee Carlini states there is a motion on the floor that has already been seconded.

Roll: 4 Ayes (Scarpelli, O'Leary, Gorman, Carlini), 3 Nays (Ruffulo, VanOstenbridge, Bartels)  
President Bartels states that when half the legislative body votes in favor of an ordinance, motion or resolution that he can vote. Motion carries.

President Bartels would like another motion to see if the village is going to pay for Trustee Scarpelli's defense. Trustee Gorman states that it was already done on August 29. President Bartels states the argument that the village is no longer an interested party.

Trustee VanOstenbridge states that he is against this and makes a motion to continue to pay for Trustee Scarpelli's defense. VanOstenbridge/Ruffulo.

Roll: 4 Ayes, (Scarpelli, O'Leary, Gorman, Carlini), 3 Nays (Ruffulo, VanOstenbridge, Bartels),  
Motion carries.

President Bartels states that just because they made the motion and second, it does not mean they have to vote for it. Trustee O'Leary wants clarification from the attorney. Trustee Scarpelli recommends that they check because under Robert's Rules those who make the motion must vote in favor of it.

Motion to move New Business item 9.1 up in the agenda. O'Leary/Gorman.

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

### **NEW BUSINESS:**

#### **9.1 - IT Support Update – Agreement with West Dundee.**

Administrator Bowden discusses utilizing the intergovernmental agreement with West Dundee for the Internet and email service. Attorney Hartigan spoke with the West Dundee attorney and some things should be ironed out in regards to the IT aspect of the agreement.

Trustee O'Leary states that Mike Spiro has already been doing work for the village and that we are paying an hourly rate less than the person we paid prior. Basically we are trying to improve the technology for the village. He would like to table this until Attorney Hartigan can get some clarification on the agreement. He is in favor of working with Mr. Sparrow and West Dundee to set up this agreement.

O'Leary/Carlini amend their motion to table this until Attorney Hartigan can work with Mr. Spiro and West Dundee to set-up this agreement.

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

Trustee Ruffulo would like to go back to the previous conversation – Old Business 8.1 – for some clarification. Did we vote to defend Trustee Scarpelli? Attorney Hartigan will have to check into it. Trustee Ruffulo states that it was not his intention to have the village pay for more defenses.

### **8.2 – Ordinance Authorizing Appointments.**

Trustee O'Leary/Gorman make a motion to recommend that the appointments we now have reflect the ordinance that is used for the appointment of village attorney.

President Bartels feels that this will eliminates checks and balances.

President Bartels reads an email he received from an undistinguishable email name. He asks Trustee Gorman if he is that person and Trustee Gorman states that it is not.

Chief Pena inquires about what is being proposed. He asks if we looking at changing the foundation of the way things have been done? Chief Pena feels all this discussion has sent a negative message to all the employees of the village. He hopes the board can identify a better method of communication.

Trustee O'Leary/Gorman withdraw motion until the next board meeting.

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

### **8.5 Ordinance Amending Fee Schedule-Building Fees.**

Motion to approve Ordinance 06-01 by Scarpelli/Gorman.

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

### **8.6 Village Clerk Position and Ordinance Amendment.**

Motion made by O'Leary/Carlini to approve Ordinance 06-02 ordinance amending the text of Title III Administration, Chapter 31 – Officers and Employees Section 31.16 Village Clerk of the code of ordinances of the Village of East Dundee.

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

## **REPORTS:**

### **10.1 Village Administrator**

Administrator Bowden states that the ice booms along the footbridge have not been installed. Mr. Moore states they can be put in Tuesday. It was probably delayed because of the bridge closure in Carpentersville. It should be noted that this is not a responsibility of the village. Also, Administrator Bowden informs the board that a public hearing will be held on Thursday regarding the gas station.

### **10.2 Village Attorney**

Regarding Santa's Village, Attorney Hartigan has spoke with the buyers attorney and the sellers attorney and closing is eminent, but there is no date. They still owe us money.

### **10.3 Village Engineer - No Report**

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

- 1) Chief Pena sent out a memo on the Cost Analysis of a full time officer back in November. He is moving forward with this search as well as searching for a part-time police officer.
- 2) There will be a new breathalyzer machine coming from the Kan Country Traffic Unit under the grant we received.
- 3) Has included a worksheet proposal for the purchase of two squad cars, 2006 – 2007
- 4) Mike Spiro has saved the village \$7,000 from our Identics service provider.
- 5) Regarding the St. Patrick's Day parade – since the Main Street bridge will be closed it may be a problem to close Water Street. He doesn't want to close it entirely but maybe we could have detours. Trustee O'Leary will look into, states that he wanted to include Rosie O'Hare's.
- 6) Received letter from Bart Ferguson with the Community Crisis Center. He would like to hold counseling session here on Tuesday's nights from 7 – 9 pm, unless we are using it. This is fine with the board, but let's get a schedule six months out.

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

Would like consensus from the board regarding the Water Well issue (next meeting) and would like to move the funeral home issue until the following meeting. Also, the board agrees with Mr. Moore's request to send out the water reports on a monthly basis.

### **10.6 Village President – No Report**

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

Trustee Ruffulo – No Report

Trustee VanOstenbridge – No Report

Trustee Scarpelli – will be meeting with the Cable Commission tomorrow – not much hope in getting a franchise agreement but will get a franchise fee.

Trustee O'Leary – Monday they will make a purchase for new video equipment that was in budget. It will be set up for the next meeting.

Trustee Gorman – Regarding the Development Committee, we should provide out the overview of the latest PDF files of what they're proposing.

Also states, regarding the schools, he would like to start a Citizens Advisory Committee.


**MISCELLANEOUS ANNOUNCEMENTS:**

- 11.1 Motion made by Ruffulo/O'Leary to change the COTW meeting to Tuesday, January 10, 2006 at 7:00 pm.
- 11.2 Planning and Zoning Commission Meeting Thursday, January 12, 2006.
- 11.3 Village Board Meeting Tuesday, January 17, 2006 7:00 pm.

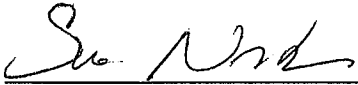
Motion to adjourn to Executive Session by Scarpelli/Carlini at approximately 9:50 pm.

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

By:

  
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President Jerald Bartels

Attest:

  
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Clerk Pro Tem Sue Norton