

**CALL TO ORDER:**

President Bartels calls to order the Village of East Dundee Committee of the Whole meeting at 7:00 p.m.

**ROLL CALL:**

Trustees Miller, Ruffulo, Cichowski, Lynam, Gorman, VanOstenbridge and President Bartels.

Also in attendance: Village Administrator Koehler, Village Attorney Pat O'Connor, Village Engineer Joe Heinz, Chief of Police Terry Mee and Village Clerk Jennifer Rehberg.

**PUBLIC PARTICIPATION:**

**Mark Uteg – 504 Water St., East Dundee**

His mother, Beverly Oliver, resides at 532 Greenwood Avenue in East Dundee and lives across the street from 455 Roslyn Road. They are concerned about the appearance of the property of 455 Roslyn Road and feel it is an eyesore. Mr. Uteg brought pictures of the property and shared their concern about the changes that have been made to the creek area. They are hoping the board will take action on this problem.

**Dan O'Leary – 442 Lakeshore Drive, East Dundee**

Mr. O'Leary spoke in reference to the property at 455 Roslyn Road and the appearance of the property. He also spoke about the Computer Allowance Reimbursement issue and the importance of this ordinance. He listened to the audio recording of the January 11, 2010 Committee of the Whole Meeting. He also stated he and other Trustees on the Board at the time did not receive payment for the May, 2009 meeting.

**OLD BUSINESS: None**

**NEW BUSINESS:**

**A. Sidewalk on Route 68**

Village Administrator Koehler noted this is a project belonging to the Dundee Township Park District who is working with Plote Materials for the installation of a sidewalk along the north side of Rt. 68, east of Rt. 25. The initial cost was \$60,000; it has now increased to \$130,000 because of the increased costs for a traffic signal for pedestrians to cross Rt. 25. At this time, the Dundee Township Park District is contributing \$30,000, Carpentersville is contributing \$10,000 and the Park District has issued a request the Village of East Dundee to help fund this project, as well. The amount would be either \$5,000 for two or three years. Trustee Cichowski asked if there is a crosswalk to Thornton's across Rt. 68. The answer from Plote Construction's representative was "no". Trustee Lynam has a problem with the increase in cost. He would like to see more studies being done on cost estimates and bidding this project out. President Bartels stated this is a Park District project, not a Village of East Dundee project. He stated it is a question of whether the Village wants to donate \$5,000 per year for 3 years. Mr. Mammoser from the DTPD stated the Park District was entitled to receive a financial contribution from Plote. In return, they asked for the sidewalk for safety reasons. He stated the cost went up because of IDOT's requirements, but they have approved IDOT plans. The representative from Plote stated they have a letter confirming the cost. President Bartels supports this project. Trustee Gorman would like to see the Village match Carpentersville's contribution of \$10,000. Trustees Cichowski and Ruffulo would vote in favor of the contribution. Trustee Lynam would like to see something from IDOT on freezing the cost and would like to see bids go out on the actual work. Trustees Miller and VanOstenbridge would vote yes on \$5,000 per year for 3 years. Staff is directed to work up legislation regarding this issue for the next Regular Village Board Meeting. Mr. Mammoser stated there will be 22 trees replaced along the edge of the golf course.

**B. Redevelopment Agreement with Prairie Materials**

Mr. Peter Bazos, representing Prairie Material, attended the meeting. Village Administrator Koehler stated one concern Prairie has is the 23-year life of the TIF. Prairie is asking for a Redevelopment Agreement so the Village cannot issue any bonds pledging the increment of this property during the life of the TIF without their permission. Trustee Gorman stated this request is something that would make sense and benefit the Village in the future. Trustees Gorman and Cichowski feel this is fair. Trustee Ruffulo asked if this negatively impacts Mr. Palumbo. Koehler stated "no" and that if Mr. Palumbo had this request, the Village would handle this the same way. Trustees Miller and VanOstenbridge are fine with this request. Trustee Lynam has issues with this request. Gorman stated that the Village still has discretion to allocate any increment generated, not pledged to a bond. Staff will be directed to prepare legislation for the next Village Board Meeting.

**C. Reduction/Waiver of Permit Fees for Residential Construction**

**Kurt Cina, owner of 3 lots in Northgate Manor Subdivision, East Dundee**

Mr. Cina feels the building permit fees are excessive at \$24,000 for a residential home compared to other villages in the area, considering the state of the economy. He would like to request a reduction in fees for the last 3 remaining lots, which he hopes to receive permits for in the fall of 2010. Cina is asking for a reduction in building permits, tap-on water fee connection, tap-on sewer fee connection and the East Dundee Impact Fees. He is also planning to ask the school district and the county for reductions in their impact fees. President Bartels asked if we have a list with the breakout costs for the Village. Trustee Gorman stated the tap-on fees were based on a study that was done a few years ago. Bartels asked that staff take a look at this and find realistic numbers for reducing the costs for a limited time. Trustee Lynam feels that this should not be changed for a select group of people but should be an ordinance. Bartels would like to possibly reduce the fees to spur development. Village Administrator Koehler stated they will check with other Villages on their fees. Trustees Gorman, Cichowski, Ruffulo, VanOstenbridge, Miller all would like to see this with a time limit. Trustee Lynam does not think it should have an expiration date and should be an ordinance. Mr. Cina will be meeting with Village Administrator Koehler on Wednesday to discuss this further.

Motion to move New Business Item F up in the agenda by Cichowski/Gorman.

Roll: Ayes – 7 - Trustees Ruffulo, Gorman, Lynam, Miller, Cichowski, VanOstenbridge and President Bartels. Nays – 0. Absent – 0. Motion carries.

**F. 455 Roslyn Road**

Trustee Cichowski stated he asked Village Engineer Heinz about the compaction of sand at the property of 455 Roslyn Road and the permit the Village issued to raise the elevation on the property. Cichowski commented on recent heavy rain storms where the sand has been washing into the creek. President Bartels explained that a silt fence and fill have been installed on the property. Village Engineer stated he inspected the property last week and the Army Core of Engineers was supposed to inspect the property, as well. He has not heard back on their report of the inspection. Bartels asked if there is an ordinance in reference to the items in the yard. Chief Mee stated he has not found anything in the Village's ordinances on the items in the yard. Bartels stated he will call the resident's home and ask them why they have this in their yard. Trustee Ruffulo feels there should be something the Village can do about this issue. The permit was issued in November to raise the elevation of the property and is good for one year. Ruffulo asked the Village Attorney if there is a law regarding and expectation for quality of life. Mr. Uteg stated there is a nuisance statute and said he will forward the legal information to the board. Trustee Lynam stated work had begun before the permit was issued. Gorman asked Heinz if there is an issue regarding the storm water ordinance. Heinz stated yes, if there is a wetland. Ruffulo asked that if the permit was

issued in error, do we have the authority to rescind it and demand the damage be fixed. Bartels asks that the Army Corps come in and do their inspection first before the Village takes action. Heinz told the homeowner that he is not to do anything until he hears from the Army Corps of Engineers. Miller asked if the permit is no longer applicable then it should be pulled until the Army Corps tells them what to do and then it should be re-issued. He would also like Bartels to tell the homeowner to remove the items from his yard and not ask him why it is there. Kathy Mahoney stated there are 8 neighbors in attendance tonight supporting the fact that the homeowner has ruined the property. Dan O'Leary stated there is a backhoe doing work today. Heinz will try and get a copy of the Army Corps of Engineers report.

#### **D. Computer Allowance Discussion**

Trustee Ruffulo asked this be on the agenda and feels this was an error by the Board to pass this legislation and the letters should be rescinded. President Bartels stated this issue was brought up back in January when the computer allowance was terminated. He stated the auditors were asked their opinion and they suggested, according to the IRS rules, the Village consider sending out correct IRS documents to the participants. Another option that was suggested was that the participants refund the money and the remaining money needs to be justified by receipts. The recommendation was that the money should not have been distributed and was needed to be paid back. Ruffulo stated the Village suffered no financial loss with the ordinance. Ruffulo also stated that if this is compensation, he would like the finance department to go back and W-2 the Board for the telephone allowances distributed over time. Trustee Lynam stated if the \$900 is required to be paid, there will be more expenses acquired because the participants will submit receipts for other expenses they were entitled to receive but did not submit expense reimbursements. There was discussion between Bartels, Dan O'Leary and Jim Carlini regarding the reimbursements. Trustee Gorman asked the Village Attorney if there is a possibility of dismissing the debt. O'Connor stated "yes". O'Connor stated someone would have to make a motion that the monies owed per the ordinance are forgiven for the following people, and list the people who received the letters. Dan O'Leary stated they don't have a problem justifying the expenses for the first 4 or 5 months. Bartels' request was for the overpayments paid out to be returned to the Village.

Motion to recommend to the full Board to rescind the letters and move forward by Ruffulo/Cichowski. Roll: Ayes – 4 – Trustees Ruffulo, Gorman, Miller and Cichowski. Nays – 2 – Trustee VanOstenbridge and President Bartels. Trustee Lynam did not vote. Motion carries. Village Administrator Koehler stated this item will be put on next week's Village Board Meeting.

Trustee Gorman left the meeting at 9:00 p.m.

#### **E. Intergovernmental Agreement with Carpentersville**

Village Administrator Koehler stated this is to take the place of Bob Urbanowicz's Building Inspector duties. He has asked the Village of Carpentersville to help with our inspections. Trustee Lynam asked why B&F Tech was not brought up to the Board. Koehler met with West Dundee and they were not able to help with this issue but Carpentersville was very open in helping us. The length of the agreement is 60 days. Koehler stated this will be on the agenda next week.

#### **G. Ingress/Egress discussion on Village right-of-ways**

Trustee Ruffulo brought this up to get a definition of Ingress/Egress in the Clarke/O'Leary case. Village Attorney O'Connor stated the definition of ingress/egress. Ingress means they can enter and leave their property through the easement. President Bartels does not want to get involved in the civil law case or choosing a side in this matter. O'Connor stated if someone comes onto your property and damages it, it is

a crime. Chief Mee stated the police department has a problem not being able to prove criminal intent. Mr. O'Leary would like the Board to enforce some of the ordinances in regards to the property. Trustee Lynam stated this is now a neighborhood issue, not a neighbor to neighbor issue. Chief Mee stated they have not ignored any calls but they cannot prove intent with these situations. He also stated there have been no unbiased witnesses in any of these incidents. Dan O'Leary is asking the Village to enforce citations if they occur. Julie O'Leary asked if a written warning can be given by the police. Bartels stated the Village has spent hundreds of hours dealing with this issue and he does not want to get the Village to get involved any further.

#### H. 2010 Road Program

Village Engineer Heinz stated the bids came in very favorably. The bids are \$150,000 below the grant amount. They are still unclear under IDOT's rules if they can change the scope. Village Administrator Koehler asked if there can be 2 legislation actions regarding this on next week's Village Board Meeting. The extras are curbing, additional patching and intersection improvement. President Bartels asked if a new list has been prepared for the 2010 Road Program. Heinz stated they have not created a new list for the 5-year plan. Koehler stated we are ahead of the project funding. Trustee Lynam stated the money needs to be spent now or it will be lost.

#### EXECUTIVE SESSION: None

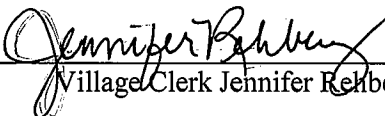
Motion to adjourn the Committee of the Whole Meeting at 9:41 pm by Miller/Cichowski

Roll: Ayes – 6 – Trustees Ruffulo, Miller, Lynam, Cichowski, VanOstenbridge and President Bartels.  
Nays – 0. Absent – 1 – Trustee Gorman. Motion carries, meeting adjourns at 9:41 p.m.

Respectfully Submitted,

Jennifer Rehberg

By:   
Village President Jerald Bartels

Attest:   
Village Clerk Jennifer Rehberg