

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

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

The Pledge of Allegiance was then recited.

**CONSENT AGENDA**

1. Minutes dated September 6, 2005, October 3, 2005 and November 7, 2005.
2. Warrants dated Monday, November 21, 2005 in the amount of \$288,185.31.

Motion by O'Leary/Ruffulo to table the minutes dated September 6 and October 3, 2005 to be added based on the recommendation prior to the next agenda.

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

Motion by O'Leary/Gorman to approve the November 7, 2005 minutes and the warrants dated November 21, 2005.

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

**CORRESPONDENCE:** None

**AUDIENCE BUSINESS:**

New employees Gail Ellis and Sue Behrens were introduced.

Larry Freeman, 544 Wendt Avenue, talked about a letter he had received from the Village Engineer regarding the sewer on Wendt Avenue and asked questions about the North Gate Manor subdivision.

**BID AWARDS:** None

**OLD BUSINESS:**

Resolution Approving the Execution of Cingular Lease Agreement.

Motion by Gorman/Carlini to approve resolution 31-05, which is a Resolution Authorizing the Execution of the Lease Agreement Between the Village of East Dundee and Cingular Wireless PCS.

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

State's Attorney Response-Dan O'Leary Resignation:

President Bartels advised the response received from the State's Attorney regarding the inquiry to investigate Trustee O'Leary's resignation and subsequent rescission of such is that it is up to the Village Board to determine if a vacancy exists and fill the vacancy. Trustee O'Leary said that until the facts are presented and documented it would be premature for the board to make a decision.

Attorney Hartigan said if the board sees fit he would like to look into the state statute and the election code to see if the State's Attorney's opinion is accurate. Trustee O'Leary would like some

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clarification of State's Attorney Barsanti's opinion because it is based on interviews conducted with village board members and the village clerk and Barsanti refers to Trustee O'Leary's rescinding of his resignation as an alleged rescission. Trustee Carlini would like to see a timeline of when all of the events occurred. Attorney Hartigan said that the issue of the Village seeking a declaratory judgment as to whether there was a declaration of the vacation of the seat has come before the board before and he is not sure if it is legal to revisit consideration of the same issue. Motion by Gorman/Ruffulo to direct Attorney Hartigan to determine if the board has the right determine if a vacancy exists and if it could be considered a second time if it has been considered before.

Roll: 4 Ayes (Ruffulo, O'Leary, Gorman, Carlini), 2 Nays (VanOstenbridge, Bartels). Motion carries.

President Bartels said he guesses we'll have to inform Mr. Foss or the other residents on the list that we are incapable of making a decision and we will have to wait-

Trustee Carlini commented that he needs documentation to make his decision and that lack of documentation has been the problem with the Village for years.

Trustee Ruffulo stated he would also like an accurate timeline of events.

Roger Ahrens, 304 N. River St, said he resented the statements Trustee Carlini made implying nothing has been accomplished and that the Village hasn't run for twenty years.

Trustee Carlini asked Mr. Ahrens if he had a village sticker.

Frank Johnson, East Dundee resident, said the people voted and instead of the board trying to make decisions on who can hold office, only the people that voted have the right to replace the board members at the next election and he didn't know why President Bartels won't work with the board. Mr. Johnson said the people elected need to do their job and their job is to have meetings and not waste every meeting talking about this sort of thing, and that spending all this money and all of the bickering has to stop.

Trustee O'Leary reiterated the request to document the sequence of events surrounding his resignation and rescission.

McGraw Update.

Village Administrator Bowden advised he has met with McGraw and Beverly Gravel and there is another meeting on November 22, 2005; also he has provided a draft agreement for board members to review. Trustee O'Leary inquired about a sales tax rebate agreement with McGraw.

**NEW BUSINESS:**

Presentation of Tax Levy 2005.

Dave Jepson, Financial Consultant, presented the proposed 2005 Tax Levy. The proposed Village of East Dundee 2005 Tax Levy is \$456,900, and the estimated Village tax rate is expected to be \$.04135 per \$100 Assessed Valuation.

Motion by Ruffulo/Carlini to set the 2005 Tax Levy at \$456,900.

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

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The Village Board and staff thanked Mr. Jepson for his service with the Village, as he is retiring.

Resolution Reducing Letter of Credit-PUD, Richardson Road.

Motion by O'Leary/Carlini to approve resolution 32-05, which is a Resolution Authorizing Reduction of the Irrevocable Letter of Credit to the Village of East Dundee for the Account of Frank Little.

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

Presentation by Municipal Design Group.

Cliff Surges and Dan Helsdon reviewed the services Municipal Design Group could provide the Village and answered questions from the Trustees. Mr. Surges stressed open communication and strengthening team building skills. Mr. Helsdon recommended meeting with each board member individually, establishing timelines and prioritizing goals. Trustee Ruffulo said he would like to have a full board before proceeding. Trustee Gorman asked about roles and responsibilities.

Committee of the Whole recommendations.

Village Administrator Bowden discussed the grant application for the Illinois Tomorrow Corridor Planning Program and recommended proceeding. Upon approval of the grant the Village would have to commit up to \$15,000.00 for a match.

Motion by Trustee Carlini/Ruffulo to proceed with the grant application for the Illinois Tomorrow Corridor Planning Program.

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

PUD Ordinance.

Motion by Ruffulo/VanOstenbridge to set a public hearing for December 8, 2005 at 7:00pm for the PUD Ordinance.

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

#### **REPORT:**

**VILLAGE ADMINISTRATOR:** Discussed the application for the scholarship program, which has been forwarded to Dynegy for review. Trustee Carlini suggested maintaining a B average be a requirement. Trustee Gorman asked for a description of the scholarship fund. Trustee O'Leary will email proposed changes/suggestions for review. The board then reviewed the information on the banner program Village Administrator Bowden provided. Trustee O'Leary thought the Village's logo was out of proportion on the proof. The next item discussed was the sign ordinance. Please forward comments on the sign ordinance to Village Administrator Bowden. Amendments to the building code will be discussed at the December 12, 2005 Committee of the Whole meeting as well as Sue Behrens, the Village's new financial consultant, will provide a six month budget review. Also, another draft of the email policy will be provided for comments. Village Administrator Bowden suggested a policy for keeping and disposing of audio and videotapes of meetings. Trustee O'Leary asked if there was a time frame was for having minutes available. Attorney Hartigan said he did not think so and President Bartels said there was no state statute as to when the minutes have to be finished although if minutes that refer to something for future action are not accepted, that could create a problem. Trustee Ruffulo said he had made the suggestion in the past that the library catalog the videotapes of the Village board meetings and make them available for the public. He still thinks this is a good idea. President Bartels asked what tapes were currently in the Village's possession and asked if Trustee Gorman still had videotapes

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in his possession. President Bartels asked Trustee Gorman to return the tapes he has. Trustee O'Leary suggested a stipend for the person videotaping the meetings.

**VILLAGE ATTORNEY:** Attended a meeting of Home Rule attorneys, which he felt was very informative. He plans to continue to attend these meetings.

**VILLAGE ENGINEER:** Answered questions about the letter that was sent to residents whose sewer would be affected by the North Gate Manor subdivision and addressed the comments Mr. Freeman had made earlier regarding the letter. Trustee Gorman feels the lines were run incorrectly from the houses to the sewer.

**CHIEF OF POLICE:** Requested the board authorize the budgeted expenditure from the capital improvement fund to replace two outdated laptop computers and docking stations. Motion by O'Leary/VanOstenbridge to authorize the purchase of these two computers, including the installation and docking stations.

Roll: 5 Ayes (Ruffulo, VanOstenbridge, O'Leary, Gorman and Carlini). 0 Nays. Motion carries. Provided board with memo on the Howard street traffic counts, please forward comments and/or suggestions to the Chief. Trustee Gorman inquired if traffic counts would be conducted on King, and Chief Pena said the traffic count on King would be next. The Chief then reviewed the memo on the emergency operations plan for the Village and discussed the opportunity for elected officials to attend a National Incident Management System. The Chief asked the attorney to review a Regional Emergency Management Mutual Aid Agreement which the Village has been asked to enter and talked about a senior/special needs registry. Trustee Gorman said the contact list he received was very dated and needed to be updated. Chief advised the Village is in the process of updating the information but that he would provide Trustee Gorman with a resource list until the NIMS document is completed. Trustee Carlini asked about the disposal of used vehicles. Attorney Hartigan commented that there should be an ordinance/resolution in place authorizing the disposal of surplus property. Trustee Carlini reminded everyone to buy and display vehicle stickers. Chief said the police department used to do stops for vehicle stickers and they could do so again.

**DIRECTOR OF PUBLIC WORKS:** Reviewed pictures he has provided showing the parking designation on Elgin Avenue; it is his recommendation that the attorney be directed by the board to draft an ordinance amending the current code to remove on street parking on Elgin Avenue. Motion by Trustee Ruffulo/O'Leary to draft this ordinance. Motion and second withdrawn. Trustee Gorman said the removal of this parking could create a hardship to these residents and he would like a letter sent to these residents see what feedback is generated. Trustee O'Leary described a car parked around this location that is an obstruction. DPW Moore then announced that Adam Peters in the Wastewater Department has obtained his Class II license, which is a very significant achievement. Also, the Main Street Bridge is expected to re-open next Tuesday. Chief Pena suggested that when the bridge closes again in the spring, directional traffic signs be rented. Trustee O'Leary suggested investigating either pushing the bridge closure back a week or re-scheduling the St. Patrick's Day parade up a week to minimize the impact of traffic problems.

**PRESIDENT BARTELS:** Has brought forward Tony Poynor and Sue Holliman as recommendations for the open Planning and Zoning Commission seats. Trustee O'Leary said that while he has spoken to Mr. Poynor he has not yet spoken with Ms. Holliman and recommended deferring her appointment until he can speak with her. Trustee Gorman said he struggles with the

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lack of process. He thinks the Planning and Zoning Commission positions should be used to open up the opportunity for residents to participate and that the selection process in choosing the first two applicants that applied is flawed. He prefers the approach do it as the way it has historically been done in previous administrations in which the board was involved in the selection process. President Bartels stated that Kathleen Mahony was appointed recently because Trustee Gorman said that she was the first person to apply. Trustee O'Leary said the process is flawed and wanted to know how the board could work together. Trustee Ruffulo wanted to know if the openings had been advertised in the paper and how many people applied. President Bartels confirmed an ad was run in the paper, Sue Holliman responded to the ad and five people applied total. Trustee Ruffulo said President Bartels has selected two outstanding citizens and he is in support of the candidates. Trustee O'Leary said that he wanted to be in a position to work together in the selection process. President Bartels said he could not support certain candidate because of the character expressed about the Village and the Village President. Trustee Carlini said he requested but never received information on the qualifications of the applicants. Trustee VanOstenbridge asked what the qualifications were that are specifically being sought.

Motion by Trustee Gorman/Carlini to appoint Tony Poynor to the Planning & Zoning Commission for the appointment ending in 2009.

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

Motion by VanOstenbridge/Ruffulo to appoint Sue Holliman to the Planning and Zoning Commission to the term ending in 2007.

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

President Bartels then advised that five businesses that had received violations to their liquor licenses for sale of alcohol to minors had appeared before the Liquor Commission earlier this evening. All five pled guilty and will pay a \$1,500 fine. In addition, requests for extended hours on New Year's Eve have been granted and the Chief has been given the authority to grant additional extensions if more businesses request longer hours on New Year's Eve.

#### **TRUSTEE/COMMITTEE**

**TRUSTEE RUFFULO:** Presented the report on Heritage Fest. Proceeds will be used for Dickens in Dundee. Dickens tree lighting will be Friday, December 4<sup>th</sup> at 6:00pm. St. Patrick's Day parade committee is being formed and Movie in the Park will be discussed at the January Special Events Committee meeting. Visitor's Center will discuss the Depot license agreement at their monthly meeting. Consensus from the board is that the Village will not remove the verbiage regarding control of the Depot grounds on Saturdays during Farmer's Market.

**TRUSTEE VANOSTENBRIDGE:** No Report.

**TRUSTEE O'LEARY:** Encouraged everyone to attend Breakfast with Santa, and reviewed the board's responsibilities regarding the breakfast.

**TRUSTEE GORMAN:** Trustees O'Leary and Gorman and staff met with JAWA. The JAWA members were frank and informally advised they would not recommend that East Dundee, or any other locations at this time, be granted allocation. Although this is not a final decision, the option would be costly and politically difficult to pursue, given that all member communities must

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approve. Trustee Gorman advised purchasing from Hoffman Estates allocation could still be viable.

**TRUSTEE CARLINI:** Fox Valley Regional Cable Commission is continuing negotiations the Comcast Cable agreement.

**MISCELLANEOUS ANNOUNCEMENTS:** The next Village board meeting is December 5, 2005 at 7pm and there is a Planning and Zoning Commission meeting on December 8, 2005 at 7:00pm.

Motion by Gorman/O'Leary to adjourn into Executive Session of the Open Meetings Act to Discuss Personnel Section 2 (C)(1).

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

Motion to reconvene the regular meeting by O'Leary/Carlini.

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

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

**ACTIONS FROM EXECUTIVE SESSION:** None

Adjournment on motion by O'Leary/Carlini at 10:42 pm.

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

*Jerald Bartels*

President Jerald Bartels

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

*Nikki Giles*  
Clerk Nikki Giles

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