

REGULAR BOARD MEETING
Village Hall 7:30 PM

Village of West Dundee
August 31, 2009

I. Call To Order:

President Keller called the Regular Board Meeting to order at 7:40 pm.

II. Roll Call:

Present were President Keller, Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka. Also present were Village Manager Cavallaro, Village Attorney Brechin, Public Works Director Babica, Community Development Director Tymoszenko, Chief Sawyer and 3 people in the audience.

III. Pledge of Allegiance:

President Keller led the Board and the audience in the Pledge of Allegiance.

IV. Approval of Agenda:

MOTION: Moved by Trustee Yuscka and seconded by Trustee Hanley to approve the agenda as presented. Upon roll call, motion was approved.

V. Village President's Report: There was no report.

VI. Reports and Questions from Trustees:

Trustee Osth commented on the red light camera information he received in the Trustees packet. He said it would be helpful to get information out to our residents via our website including the significant drop of accidents from 7% to 4% which shows that red light cameras really do work.

Manager Cavallaro said of the total images captured by red light cameras only 2-3% results in tickets being issued.

VII: Village Staff Reports:

Director Babica said that Well #5 is back in service. He also reported that IDOT is resurfacing Rt. 72 and is in front of Dundee Middle School, at the present time, but that District #300 said it was going smoothly even though it was the first day of school.

VIII. Questions from the Audience:

Jack Wendt from the Dundee Township Historical Society said that the Historical Society awards plaques to sites in town which are over 100 years old and basically in the same condition. He said the Village Hall was completed on July 9, 1909. The newspaper at that time, The Dundee Hawkeye called the Village Hall "the civic pride of all citizens." He commented that the Village Hall is on the National Register of Historic Places and asked permission to provide the Village Hall with the plaque at a ceremony at 2 p.m. on Sunday, November 1, 2009 at the Dundee Township Historical Society building.

President Keller said it is a wonderful opportunity to show civic pride in our Village Hall.

IX. Consent Agenda:

- A. Manual Check: Postage for Newsletter
- B. An Ordinance Amending Alcoholic Liquor Regulations: Number of Licenses
- C. Approval of Minutes: Committee of the Whole Meeting 8/10/09
- D. Approval of Minutes: Regular Board Meeting 8/17/09
- E. Bill List: 9/1/09

MOTION: Moved by Trustee Hanley and seconded Trustee Voss to approve the Consent Agenda with the change of vote on the Mailbox Replacement Policy amended to 5 Ayes-1Nay. Upon roll call, motion was approved.

X. Resolutions and Ordinances: There were none on the agenda.

XI. New Business:

A. Discussion – Illinois Video Gaming Act

MOTION: Moved by Trustee Osth to table Item A. to a future date. The motion died for lack of a second.

Manager Cavallaro presented this item for discussion and gave the general guidelines and information as related to the Video Gaming Act, which was passed to provide a funding mechanism of \$31 million dollars for capital projects throughout the state.

He said communities can prohibit video gaming in their community by one of two ways: the adoption of an ordinance; or the municipality can opt out by a voter referendum on a legally binding referendum question.

Manager Cavallaro said the Video Gaming Act doesn't preempt any of the home rule powers that the Village of West Dundee possesses and that the municipalities can impose a fee for video gaming terminals.

He explained that the gaming act allows machines to be located in licensed retail establishments where liquor is served, as well as fraternal, veterans' or truck stop establishments. He said the Village has 26 active licenses which would be eligible under this ordinance of which 17 are restaurants and would probably not seriously consider the use of these devices. He said that 4 establishments, primarily in the downtown area, might potentially pursue this type of use.

Manager Cavallaro explained that the hours of operation for gaming are consistent with hours permitted for consumption of alcoholic beverages at the licensed establishments, and that no one under 21 years of age is permitted to use or play any gaming terminal.

Discussion followed by the trustees regarding what neighboring communities are going to do and if so, when would they do it, what types of games would be included in video gaming, would there be a cash or credit card option, what type of revenues would be generated, how much it would cost the Village regarding enforcement issues and concerns about gambling in general.

Further discussion centered on whether or not it would enhance business, do businesses get a cut, (not yet decided upon by the Illinois Gaming Board), who has jurisdiction (Illinois Gaming Board has jurisdiction, but has not approved a complete list of rules for operation of the machines), and

most importantly is that gambling is so overreaching that it is not known whether or not this is a tried and true revenue source.

Trustees were polled on their opinions with Trustee Gillam saying no at this point due to unanswered questions about revenues and the burden it would put on the Police Department.

Trustees Hanley and Price indicated that a small amount of gambling maybe all right, but not a large amount.

Trustee Osth said he is not ready to make a decision because there are too many unanswered questions.

Trustees Yuscka and Voss asked if is this is the type of image we want to present for West Dundee and is it all about revenue and gambling, rather than keeping the small town, home town feel. Trustee Voss also said that there are a lot of businesses who are struggling at this time, but she is not sure this is the right answer.

The Board requested to inform residents on our website that the Village Board has discussed Video Gaming, but has made no decision.

B. Discussion – Emerald Ash Borer

Director Babica gave the background on the confirmed presence of the Emerald Ash Borer on August 21, 2009. He had the Illinois Department of Agriculture confirm the infestation on a parkway tree on Market Loop including an additional three trees immediately adjacent to the initial parkway tree. He said in total Staff had identified a total of 13 infected parkway Ash trees within the Old World Subdivision which have been removed and properly disposed of.

He told the Board that the Parkway Tree Survey will be completed as soon as possible and that the preliminary results for this survey, which have included all the parkway trees west of Sleepy Hollow Road and portions of the parkway trees west of IL Rt 31 indicate that 621 out of 2001 parkway trees are members of the Ash family, or 31% of the tree population. He said that staff estimates that there are over 9000 parkway trees within West Dundee and that this places the parkway tree population susceptible to the Emerald Ash Borer between 1800 and 2800.

Director Babica explained that the survey must be completed prior to the budget process which begins in November to determine potential costs for treatment options, removal and replacements.

He explained various treatment options and costs related to insecticides, soil applications, trunk injections and surface applications, as well as the cost connected with the removal and disposal of the trees.

Discussion followed regarding the completion of the inventory as the first priority, cost to save the trees, if it would be better to remove all the ash trees, if pesticides work (they do work to a point, but are cost prohibitive) how to survey on private property, earmarking funding and addressing the problem with a policy.

Trustee Osth suggested starting a tree nursery, including stock planting some trees between the ash trees. Director Babica explained that although this is a good idea, small trees take a lot of care, need to conform to the code for a line of sight, and a potential conflict in some of the parkways where there are underground utilities.

Director Babica noted that there is a plethora of information on the Emerald Ash Borer on the Village website.

Manager Cavallaro summed up the discussion as: (1) coming up with a formal policy on removals; (2) need for the replacement of trees; (3) how to deal with private property issues including funding and removal; (4) donations for removal and replacement/treatment; annual treatment, injection system ; (5) need to complete the inventory; (6) municipal code revision.

XII. Executive Session

MOTION: Moved by Trustee Osth and seconded by Trustee Gillam to recess to Executive Session for the purpose of probable or imminent litigation – completion of public improvements.

The Regular Board meeting resumed at 10:21 p.m.

After resuming the Regular Board Meeting, two motions were made regarding the discussion held in the Executive Session.

MOTION: Moved By Trustee Osth and seconded by Trustee Yuscka to approve the proposed agreement with First American Bank consisting of 4 pages dated August 19, 2009 with revision of paragraph 1, sentence 3 adding the date 2009. Upon roll call, motion was approved.

AYES: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka

NAYS:

MOTION: Moved by Trustee Yuscka and seconded by Trustee Osth to waive competitive bidding in light of emergency need for completion of these public improvements and authorize the professional services agreement. Upon roll call. Motion was approved.

AYES: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka

NAYS:

XIII: Miscellaneous:

Manager Cavallaro informed the Board that the Dundee Neighbors have appealed the ruling of Judge Colwell regarding the Wal Mart litigation.

XIV. Adjournment

MOTION: Moved by Trustee Osth and seconded by Trustee Voss to adjourn the Regular Board Meeting. Motion was unanimous.

The Regular Board Meeting adjourned at 10:38 p.m.

ATTEST:

Barbara Traver

Larry Keller

Village Clerk

Village President

**Regular Board Meeting
Executive Session**

August 31, 2009

The Executive Session was called to order at 9:27 p.m.

Present were President Keller, Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka. Also present were Village Manager Cavallaro, Village Attorney Brechin, Director Babica and Community Development Director Tymoszenko.

Discussion was held regarding Probable or Imminent Litigation – Completion of Public Improvements.

Motion: Moved by Trustee Osth and seconded by Trustee Gillam to adjourn the Executive Session. Upon roll call, motion was approved.

The Executive Session adjourned at 10:20 p.m.

ATTEST:

Barbara Traver

Larry Keller

Village Clerk

Village President