

**CALL TO ORDER**

President Lynam calls to order the Village of East Dundee Special Village Board Meeting at 6:00 p.m.

**ROLL CALL:**

Trustees Mahony, Andresen, Kunze, Brittin, Saviano, Treiber and President Lynam.

Also in attendance: Associate Village Attorney Lance Malina and Clerk Katherine Diehl.

**PLEDGE OF ALLEGIANCE: None**

**PUBLIC COMMENT (Agenda items only):**

**Susan Holliman – East Dundee Resident**

Holliman criticized President Lynam for firing Administrator Johnsen and called for his resignation. She stated that she was disappointed in how the situation was handled.

**Lucy DeLap - East Dundee Resident**

DeLap stated that she trusts the Village Attorney's ruling and said that she strongly agrees with the Village Board that Trustee Andresen should remain on the Board.

**Mary Kay Bocain – East Dundee Resident**

Bocain stated that Jeff Lynam was elected for a reason. She said change was needed and that trust should be given to the decisions he is making.

**James Carlini – East Dundee Resident**

Carlini questioned spending practices over the past four years.

**Chris Kennedy – Black & Gray Brewing, East Dundee**

On behalf of Kennedy, Trustee Mahony read his comment into the record stating that Johnsen and Mitchell have been great to work. Kennedy said that with Lynam as President, things appear to be falling apart during a time when steady guidance is needed as businesses try to pull themselves out of the hole due to the pandemic.

**Linda – East Dundee Resident**

On behalf of Linda, Trustee Mahony read her comment into the record asking the Board to continue to object and reject President Lynam's request to appoint Frank Scarpelli to the office of Village Trustee. Linda said that the Village does not need issues that Scarpelli caused in the past when he held a seat on the Board.

Trustee Andresen commented to look at the results received from richer salaries. He stated that 4 years ago, the Village was operating at a deficit. He said at this present time, the Village is operating at a seven-figure surplus even after the pandemic shut down the primary sources of revenue, the Village's restaurants and bars.

**CONSENT AGENDA: None**

**OTHER AGENDA ITEMS:**

- a. Village President Report to the Corporate Authorities of the Reasons for the Removal of Jennifer Johnsen from the Office of Village Administrator**

Motion to adjourn to Executive Session after the Special Board Meeting under the provisions of the Illinois Open Meetings Act, 5ILCS, 120/2 for (c)(1) Personnel and Legal Counsel by Andresen/Mahony.

Roll: Ayes – 4 – Trustees Mahony, Andresen, Brittin and Saviano. Nays – 2 – Trustees Kunze and Treiber.

Absent – 0. Motion carries

President Lynam asked trustees why they did not want the public to know his reasons. They cited state law that allows for closed door meetings to discuss personnel issues. They said it is also out of respect for the individual involved. Attorney Malina added that there is a case that deals with this same issue and the court in that case indicated that the reasons for the termination by the Village President must be given to the Board and can be done in closed session or can also be done in open session. That decision is ultimately up to the Board.

**b. Motion to Give Advice and Consent to the Appointment by the Village President of Frank Scarpelli to the Office of Village Trustee**

No motion was made as each Trustee declined to do so.

**c. Discussion of the Appointment of Jim Carlini to the Office of Village Trustee**

Trustee Kunze read a statement asking President Lynam to move on from his effort to replace Trustee Andresen. A copy of Trustee Kunze's statement is attached.

**FINANCIAL REPORTS: None**

**REPORTS: VILLAGE PRESIDENT and BOARD**

**Lynam: None**

**Mahony:** Stated that today is Flag Day and unfortunately the Village was unable to hold a ceremony as it usually does. DeLoris Doederlein is usually the coordinator of the event and is currently out of town. Next, she read a part of the Village Attorney's memo dated May 13 stating that State law does not impose a legal obligation on the Village President and Board of Trustees to declare a vacancy for a Village Trustee seat that is unfilled because a person failed to qualify for that office (65 ILCS 5/3.1-10-50)(c)(1) as such the Village President and Board of Trustees do not have a duty to declare a vacancy of the unfilled Village Trustee seat currently held by Scott Andresen for which no person qualified for in the April 2021 election. The Village President and Board may declare a vacancy at any time. A vacancy's chair for that seat may be made by the Board's collective decision and discretion.

**Andresen:** Stated that he is extremely disappointed in how things have been handled the past couple of weeks and he hopes that everyone expects a little more of themselves and the people elected to represent the Village.

**Kunze: None**

**Saviano: None**

**Brittin: None**

**Treiber: None**

**REPORTS: STAFF**

**Village Administrator: None**

**Assistant Village Administrator: None**

**Village Attorney: None**

**Village Engineer: None**

**Police Chief: None**

**Public Works Director: None**

**Building Official: None**

**Finance Director: None**

**PUBLIC COMMENT (Items not on the Agenda):** None

**EXECUTIVE SESSION:** Yes


Motion to adjourn the Special Village Board Meeting at 5:12 p.m. by Andresen/Mahony for (c)(21) Discussion of Minutes, (c)(11) Pending Litigation, (c)(1) Personnel and Legal Counsel, (c)(5) Acquisition of Property, (c)(6) Sale of Property and (c)(3) Appointments.

Roll: Ayes – 7 – Trustees Mahony, Andresen, Kunze, Brittin, Saviano, Treiber and President Lynam. Nays – 0. Absent – 0. Motion carries, meeting adjourns. The Village Board will not be taking any action in Executive Session and will therefore, not be returning to the Special Board Meeting.

Respectfully submitted,

Katherine Diehl

Attest: Katherine Diehl  
Village Clerk, Katherine Diehl

By:   
Village President, Jeffrey J. Lynam

With the consent of the Village Board, I would like to make this public statement.

In the United States of America, governments are designed with two features that hinder corruption and abuse. The first of those features is that governments, by design, act slowly and deliberately. Any time a government body or official acts hastily or secretly, it should raise the eyebrows or concern of anyone who favors the republican form of government. Secondly, governments are designed specifically to not put too much power in the hands of any one individual. This is the reason boards and congressional bodies are formed. Any idea that a bureaucrat or politician puts forth must pass the scrutiny of their peers in order to be passed.

Last Monday, June 7<sup>th</sup>, President Lynam decided five minutes before a board meeting to end the employment of East Dundee's Village Administrator. He did this in secrecy, without notifying the Village Board or with consult of the Village's legal counsel for legal documents that would protect the villages interest. He did this unilaterally, without gaining, or even asking for, the support of the Village Board. While Illinois Municipal Law does allow a Village President the authority dismiss an Administrator without the initial consent of the Board on an **emergency basis**, the President must shortly thereafter present his or her reasoning for the dismissal for Board consent and approval. Again, this method of dismissal is for emergency purposes and is certainly not the ethical or republican way of handling this situation, which would have been to do so with the backing of the Village Board.

This week we are once again faced with more unilateral actions of our Village President.

In our election on April 6<sup>th</sup>, both trustees Saviano and Brittin were duly elected, and have since taken their seats on our board and have served admirably. Since only two candidates ran for three open seats this left one open seat on the board. The board asked our Village Counsel what the appropriate law states regarding the filling of this open seat.

On April 22<sup>nd</sup>, our Village Counsel provided guidance, in the form of legal opinion, that stated that any Trustee's seat was not automatically vacated at the end of their elected term and that, in fact, they were "not only entitled, but was as well obligated, to exercise the functions and duties of his office." Those words are not quoted from our counsel but from an appellate court decision involving similar circumstances. Village counsel also noted the means by which that seat can be vacated. Either by the trustee denouncing their seat through a notarized letter, or by the Village Board declaring their seat vacant. At the time we had three outgoing Trustees. Former Trustees Wood and Selep both turned in such notarized letters declaring their seats vacant. Trustee Andresen chose not to, submitted a notarized document stating his intent to remain, thus retaining his seat on the board until the Village Board declares his seat vacant.

To date, the board has chosen to not declare Trustee Andresen's seat vacant.

On May 13<sup>th</sup> Village counsel provided a second legal opinion supporting Trustee Andresen's claim to his board seat. All in all, we have the advice of our lawyer, State Law, case law, and even words from the legislative floor in Springfield that support the position that the Board has taken in this case. We have tried to act legally, deliberately, and in the public light. To that effect, the Board released the two legal opinions given by our counsel on May 24<sup>th</sup> for public scrutiny. To date, we have received no feedback from East Dundee residents asking us to reverse course and declare Trustee Andresen's seat vacant.

Despite all this, President Lynam pushes forth, attempting to appoint Trustees to the Board with no legal vacancies. This week we learned, through the press, the Lynam intends to push this all the way to a court for review, which will force the Board to use tax payer dollars to defend our position.

For the interest of the Village of East Dundee, the Village Board asks and implores President Lynam to drop his attempt to fill a Village Board seat that is already legally, with the consent of the Village Board, filed by Scott Andresen. We ask and implore President Lynam to stop wasting Village resources and tax payer dollars on his personal crusade. We ask President Lynam to instead focus on matters important to the residents of East Dundee whom we all collectively serve.

Trustee Scott Kunze



Scott Kunze, Village Trustee