

MINUTES OF THE REGULAR MEETING

OF THE VILLAGE OF SLEEPY HOLLOW

November 16, 1970

The following are the minutes of the regular meeting of the Village of Sleepy Hollow. The meeting was called to order by Mayor McGowan at 7:40 P.M. at the Sleepy Hollow Swim Club. Roll call was taken and answered as follows:

Mr. Rogers - present	Mr. Wright - present
Mr. Marcus - present	Mr. Vesely - present
Mr. Baugh - present	Mr. Quaine - absent

Mayor McGowan - present
Treasurer Quigley - present
Chief Sabatino - present

The minutes of the October meeting were read by the Clerk. Some corrections were made. Mr. Vesely moved the minutes be accepted as corrected, Mr. Wright seconded. Roll call 5 ayes, 0 nays.

Mr. McGowan reported that Mr. Thomas Chase had sent him a letter in which he tendered his resignation as village attorney as of November 1, 1970. Mr. Vesely moved to accept the resignation of Mr. Thomas Chase as village attorney effective November 1, 1970, Mr. Rogers seconded. Roll call 5 ayes, 0 nays.

Mr. McGowan read a letter from Mr. Edward Hofert, attorney, in which it was stated that the firm of Hofert and Samelson agreed to serve as village attorneys. Points in the proposed letter were gone over by the trustees. Mr. McGowan then appointed Hofert and Samelson, law firm, as village attorneys, as of November 16, 1970, for the Village of Sleepy Hollow. Mr. Rogers moved that the appointment of Hofert and Samelson be ratified by board action, Mr. Wright seconded. Roll call 5 ayes, 0 nays.

Mr. Quigley gave the treasurer's report. After discussion on the bills, Mr. Rogers moved to pay all bills as submitted by the treasurer be approved for payment, Mr. Vesely seconded. Roll call 5 ayes, 0 nays.

Mr. Rogers brought before the board members the fact that the village must pay \$831.81 to redeem several park parcels. Dis-

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cussion followed. Mr. Rogers moved that the amount of \$831.81 be approved for payment to Kane County to redeem the remaining park parcels which have not been redeemed in order to file a tax exempt status on the parks; recognizing that \$423.16 of this total amount is properly the responsibility of the donor, for 1967 and prior taxes. Mr. Vesely seconded. Roll call 5 ayes, 0 nays.

Mr. Sabatino read the police report. Mr. Vesely moved to accept the police report as read, Mr. Baugh seconded. Roll call 5 ayes, 0 nays.

Mr. James English, Chairman of the Planning Commission, gave a report. He explained that his commission consisted of two parts; short range and long range plans for the village. He said that he would like to hold a public hearing possibly in January. Mr. English also read a letter which he would like the village president, Mr. McGowan, to sign. The letter was written to Mr. Matthew Rockwell, Executive Director of the Northern Illinois Planning Commission in which it was stated that the village board and village planning commission express their concern over the exclusion of Sleepy Hollow in the proposed future plans for waste disposal in the Kane County area at a meeting held on Tuesday, November 10, 1970. Mr. McGowan said that he would be more than willing to sign the letter.


Mr. Shields reported that his committee was waiting for the Planning Commission to complete their report and that the Legislative Committee will be going over the report. He also reported that he will be talking with Mr. Hofert about codification. He also reported that he is checking into the possibility of the village receiving more funds than it is now getting relative to the Municipal Retailers' and Occupation Tax.

Mr. McGowan said that he knew of someone who was willing to serve on the Zoning Commission but that he wanted to talk with Mr. Heffron, Chairman, first.

Old Business

Mr. Rogers read a letter which he sent to Mr. Raymond Strass, past village attorney, in regard to past fees Mr. Strass claims are owed him. No board action was taken.

Mr. Sabatino reported that the floor at the police station had not been repaired as was requested of the Falese Land Company some time ago. He will report back at the next board meeting. Mr. Sabatino said that Fire Chief Geir had taken the station out of a state of condemnation as of November 5, 1970.



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Mr. McGowan asked Mr. Hofert if it was possible to conduct village meetings outside the village limits because the board will not have the use of the Sleepy Hollow Swim Club hereafter. Mr. Hofert replied no. Mr. McGowan then asked if the board could meet in a private home. Mr. Hofert said yes so long as everyone has the right to enter the home and that an ordinance must be passed establishing the meeting place and time for the next regular board meeting.

Mr. Vesely said he was contacted by one of the residents relative to the purchase of a piece of property the board might want to buy for a village hall site. Mrs. Marietta Divan, from the floor reported that she was a licensed real estate salesman and had an exclusive on 1.588 acres in Sleepy Hollow and that the price was \$25,000.00. It was located south of Route 72 on Sleepy Hollow Road, and is owned by Mr. and Mrs. Hlavacek. Discussion by board members followed. It was decided that Mr. Vesely, Mr. Sabatino, Mr. Rogers and Mr. Wright work as a committee to determine a suitable location for a meeting place and make their recommendation to Mr. McGowan.

It was noted that the repairs to Flam Court had not been made by the Falese Land Company as was requested at the last board meeting. Mr. Baugh will talk to Mr. Burklow and report back.

Mr. Baugh said he did not have a list of the dedicated roads at this time. He will report back at the next meeting. Discussion with Mr. Hofert and board members ensued on the problem of roads in the village.

Mr. Wright reported that he, Mr. McGowan, Mr. Sabatino, Mrs. Shields and Mrs. Koshman went down to Geneva on the court hearing on Sleepy Hollow vs. West Dundee. He reported that both sides agreed to a new form of legal procedure called stipulation wherein both sides stipulate all the evidence they want presented in the case and both sides accept it. He said all evidence has been presented and that both village attorneys will file their briefs by December 11, 1970, with Judge Page. Judge Page will then decide where the property belongs. Mr. Wright said that Judge Page suggested that the Chateau Louise continue buying building permits from both villages. Mr. Wright said after the decision of the courts, it will be appealed to a higher court by the losing side.

Mr. Marcus reported that Mr. Benson of the Conservation Department had talked with Mr. Sabatino in regard to the problem of water flowing under the small dam near Lake Paula and had made a recommendation. Mr. Marcus suggested we turn this problem over to the village engineer for his recommendation.

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Mr. McGowan brought up for discussion the concern of the people on Laurel Court with regard to the possible rezoning of the Miller property and an adjacent piece of property on Route 72. Mr. Rogers said the village board should go on record as opposing the possible rezoning from residential and that the board support the concern of these residents. The board directed the clerk to contact the Zoning Board of Appeals to see if an application for rezoning has been made and if one is forthcoming and that the Clerk be notified of any changes. Mr. Vesely suggested the village clerk write a letter to Mr. Ochenschlager, Chairman of the Kane County Board of Supervisors, stating our objections to this property.

Mr. Sabatino reported that no confirmation had been received on the new truck from International Harvester. He will check into it and report back.

Mr. Sabatino said he investigated the cost of signs, posts and reflectors. He said an expenditure of \$172.00 was needed to purchase these items. Mr. Sabatino was authorized by board members to go ahead and purchase the equipment and install them.

Mr. Sabatino reported we have exhausted our budgeted funds for road patching materials. He said he needed to purchase about 10 tons of road patching materials for an expenditure of approximately \$100.00. Mr. Baugh moved to authorize the expenditure of \$150.00, set sums to be payable from the Motor Fuel Tax Funds. Mr. Vesely seconded. Roll call 5 ayes, 0 nays.

Mr. Marcus again said that the holes on Willow Lane in front of and near the Chateau Louise are in bad shape and that he would like them filled since it benefits our residents. Mr. Sabatino said that in talking with Mr. Abbott, Mr. Abbott thought it best not to expend any funds on this particular road. Mr. Sabatino is to check with Mr. Abbott to determine if there is any legal reason why we should not repair the road.

New Business

Discussion was held on the raise in retainer from \$100.00 per month to \$150.00 per month for accounting services. Mr. Rogers moved that the board accept the accounting services of Kirkby, McLean and Associates effective January 1, 1970, for \$150.00 per month. Mr. Vesely seconded. Roll call 5 ayes, 0 nays.

Mr. Rogers brought up for discussion the fact that the village has been mowing vacant properties for \$6.00 per mowing in the past. A motion was made and passed by the board some time ago that the fee be increased to \$25.00 per mowing. Mr. Rogers said a

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question arose in his mind whether or not we could legally bill the people \$25.00 per mowing when in effect what we did by motion was amend an ordinance without amending it and publishing same. Mr. Hofert said before we can bill these people for \$25.00, we have to do it by amendment. Mr. Rogers moved that the village attorney be directed to amend Ordinance #60-7 and reflect the increase to \$25.00 per mowing and have it ready for the next board meeting.

Mr. Rogers reported that Mr. Guigley had been working on enrolling the village employees under social security. All the forms necessary have finally been filled out. Mr. Rogers then read a Resolution that the Village of Sleepy Hollow extend to the eligible employees, effective January 1, 1970, the benefits of the Federal Social Security Act. Mr. Rogers moved that the afore-described resolution be adopted. Mr. Wright seconded. Roll call 5 ayes, 0 nays.

Mr. Baugh reported that the party is still interested in purchasing the Falese Land. Mr. Baugh said this party would like the village to obtain estimates on the cost of a sewage plant. Mr. McGowan said that he thought that this party present himself to the board because the expenditure of a preliminary study would be costly for the village and the person is unknown to the board members. Mr. Baugh said he would check further.

Mr. Vesely said he received several anti-burning ordinances from surrounding villages. Discussion followed on what the contents of the ordinance should contain. The Legislative Committee and board members will work on it.

Mr. Vesely reported that Mr. Sabatino obtained copies of the Barrington Hills traffic code. Discussion followed on updating and amending our traffic code. Mr. Rogers moved that Mr. Hofert be directed to prepare a suitable ordinance to amend out existing traffic ordinance. Mr. Marcus seconded. Roll call 5 ayes, 0 nays.

Mr. Vesely reported he had talked with Mr. Masi of the Falese Land Company in regard to overhead power lines in the area near the new school. Mr. Masi said they have no restrictive covenants in the contract for the sale of property between the Falese Land Company and the School District #300. Mr. Rowe of the electric company said he would try to persuade the school district to go underground according to Mr. Masi.

Mr. Vesely reported 1 building permit issued: Lot 32, Unit 9. Mr. Vesely also said that in the future all septic layouts will be done by a registered professional engineer according to the Kane County Building code.

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Discussion by board members followed on the retention of an attorney as special counsel to the board since the change in attorneys with the resignation of Mr. Chase. Mr. Rogers moved to retain Mr. Gordon Abbott as special counsel to the board pursuant to litigation on the West Dundee Case at a fee not to exceed \$30.00 per hour as of 11/16/70. Mr. Vesely seconded. Roll call 5 ayes, 0 nays.

Mr. Baugh moved to adjourn, Mr. Marcus seconded. Roll call 5 ayes, 0 nays. Meeting adjourned 11:30 P.M.

Respectfully submitted,

Joyce B. Shields

Joyce B. Shields, Village Clerk