

REGULAR MEETING
MINUTES

JULY 1, 1996

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. In attendance were President Shields; Trustees DeBolt, Fuqua, Harney, Johnson, Tennis, and Williams; Police Chief Montalbano; Treasurer Panning; Attorney Schuster; Engineer Koenig; and Clerk Olson.

MINUTES:

1. FUQUA MOVED WITH A SECOND FROM WILLIAMS TO ACCEPT THE REGULAR MINUTES OF JUNE 17, 1996 AS SUBMITTED. MOTION PASSED BY VOICE VOTE WITH JOHNSON ABSTAINING.
2. The executive minutes should be amended in the second paragraph by deleting all but the first sentence and adding to the end of the first sentence, "who wishes to retire for medical reasons." FUQUA MOVED WITH A SECOND FROM JOHNSON TO ACCEPT THE EXECUTIVE MINUTES OF JUNE 17, 1996 AS AMENDED. MOTION PASSED BY VOICE VOTE.

PRESIDENT:

1. Gerry Kirkland has submitted his resignation from the Plan Commission because he is moving out of state. FUQUA MOVED WITH A SECOND FROM DEBOLT TO ACCEPT THE RESIGNATION OF GERRY KIRKLAND AS CHAIRMAN OF THE PLAN COMMISSION. MOTION PASSED BY VOICE VOTE.
2. Resident John Fahy would like to be part of the Plan Commission. HARNEY MOVED WITH A SECOND FROM JOHNSON TO APPROVE THE APPOINTMENT OF JOHN FAHY AS A MEMBER OF THE PLAN COMMISSION.
(Trustee Tennis arrives)
3. The President should have a recommendation for a new chairman of the Plan Commission at the next meeting.
4. A new program has been set up to keep track of all resident phone calls to the Village Hall for forwarding to the proper person and follow up.
5. The cul de sacs of Timber and Gail are not currently being mowed. Steve Wiedmeyer will cut each area for \$20 each. Trustee Fuqua will see if Art can do the work instead.

CLERK:

1. Received the insurance certificate from the Service Club for the 4th of July activities.
2. Clark Environmental offers one time mosquito spraying over a one mile area for \$185.00. This would cover the park area for the 4th of July and would be done the evening of July 3 or early morning hours of July 4. FUQUA MOVED WITH A SECOND FROM HARNEY TO AUTHORIZE \$185.00 TO CLARKE ENVIRONMENTAL FOR MOSQUITO SPRAYING AT THE PARK. AYE: FUQUA, HARNEY, DEBOLT, JOHNSON, TENNIS, WILLIAMS. MOTION PASSED.
3. There were no comments on the draft newsletter. Trustee Harney has several additional items to include in the newsletter.

PLAN COMMISSION:

No report.

ZONING BOARD:

No report.

ZBA:

No report.

ATTORNEY:

1. Concerning the question of establishing an escrow account for

occupancy permits, there would be no problem in doing this and the village would be able to keep any interest which accrued from such an account. A separate bank account would be established for this purpose, and the dollar limit for any one account would be \$2,500. The building inspector would sign off for occupancy and the treasurer would issue the check. Attorney Schuster will prepare a resolution on this matter.

2. On the question of a procedure to back up an occupancy permit with a hold harmless agreement, this would not be necessary as an inspector would not be held liable for issuance of a permit.

3. Attorney Schuster has talked with the attorney for Twin Sewer. We have not yet received a takeover agreement, but have provided them with all documentation they required. We feel the bonding company should cover all legal and engineering fees that have occurred as a result of the default. We probably can't claim both default and liquidated damages. Our concern now is to finish the job that Twin Sewer started. We also have leaking hydrants which are costing the village money; however, we can't repair them without approval from the Twin Sewer attorneys. We should try to quantify the amount of water loss we are incurring so we can submit this cost to the bonding company also.

4. There is nothing new to report on the Metropolitan matter, but we are still talking to the other attorneys.

5. There is nothing further to report on the Hickory Hollow matter. President Shields has maps indicating work done by Sleepy Hollow several years ago concerning the drainage matter.

ENGINEER:

1. Engineer Koenig submitted a list of what remains to be done on the water main project.

2. The MFT project will begin this month.

3. Engineer Koenig attempted to contact Mr. Gresko concerning his flooding problem. He has not heard back from Mr. Gresko yet.

4. The engineer is submitting an application to the Kane County Council of Mayors for grant funding for an overlay on Sleepy Hollow Road based on its designation as an historical road. We could not make any major changes to the road with these grant funds.

TREASURER:

1. Received a request from a Walnut Drive resident to pay lawn mower repairs after she cut the grass in the cul de sac. The board did not feel we were obligated to pay this repair bill of almost \$60. This cul de sac is one of Steve Wiedmeyer's scheduled areas to cut.

2. TENNIS MOVED WITH A SECOND FROM FUQUA TO APPROVE THE WARRANTS IN THE AMOUNT OF \$33,888.59. AYE: TENNIS, FUQUA, DEBOLT, HARNEY, JOHNSON, WILLIAMS. MOTION PASSED.

3. Presented an ordinance for new sewer rates. This was necessary due to a price increase we received from West Dundee. TENNIS MOVED WITH A SECOND FROM HARNEY TO APPROVE ORDINANCE NO. 96-13 ENTITLED "AN ORDINANCE AMENDING SECTIONS 6-4A-4A, 6-4A-4B AND 66-4A-4C OF TITLE 6, CHAPTER 4, TITLED VILLAGE WATER AND SEWER, OF THE VILLAGE CODE OF THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS". AYE: TENNIS, HARNEY, DEBOLT, FUQUA, JOHNSON, WILLIAMS. MOTION PASSED.

4. The audit is complete with the exception of the Twin Sewer matter.

5. TENNIS MOVED WITH A SECOND FROM JOHNSON TO APPROVE THE EXCEPTION TO THE PERSONNEL POLICY UNDER THE BEREAVEMENT CODE POLICY. MOTION PASSED BY VOICE VOTE.

*****OPEN TO THE PUBLIC*****

1. Bill Rice of the Service Club asked if there would be any problem with parking for the fireworks. Trustee Fuqua said Art had checked the parks and we did not anticipate a problem. They also requested a place to leave tables and chairs for the festivities which are being delivered on Wednesday. They can probably put them by the fire station. Bill Hanselmann of the Service Club said there have been rumors that the Halloween bonfire will be banned. The board assured them that this is not true and explained that we are trying to control the dumping on the burn pile and also trying to keep the size of the pile down by periodic burning throughout the year.
2. Bill Rice of Jamestowne Court said he has a large amount of accumulated silt in his stormwater drain. Trustee Fuqua will have Art check this out and clean out if necessary.
3. Don Rage discussed the widening of Randall Road. The entrance to Saddle Club will remain as is, and the widening will not extend east along the Saddle Club subdivision. A stop light is planned for the Saddle Club entrance. Property has been purchased north of the church though, in the Deer Creek subdivision. There may be a flashing yellow light at Joy Lane. Additionally, Motorola is not fronting Randall Road, so they will not be able to do anything to help the situation of the water flow across Randall to Deer Creek. Don also said there is no berming planned for the area just south of Saddle Club along the tollway. There are also plans to try to move this road even closer to Saddle Club/Sleepy Hollow and it was suggested we protest this as a village. As a resident, Don expressed concern about the water leaking from the hydrants and the cost to the village. He also felt the \$60,000 proposed for village hall landscaping could be better spent on improving the Sleepy Hollow Road/Route 72 intersection. Trustee Johnson asked for help from Don in obtaining information from the county health dept. concerning septic systems in our village which they have worked on. He suggested we contact Fred Carlson. Don also expressed concern over the cellular towers that are going up in the area and hoped we would not have one in our village.

FUQUA MOVED WITH A SECOND FROM HARNEY TO ADJOURN TO EXECUTIVE SESSION AT 8:55 P.M. FOR THE PURPOSE OF DISCUSSING LITIGATION AND PERSONNEL PURSUANT TO SECTIONS 2(c)(1) AND 2(c)(11) OF THE OPEN MEETINGS ACT. AYE: FUQUA, HARNEY, DEBOLT, JOHNSON, TENNIS, WILLIAMS. MOTION PASSED.

The regular meeting resumed at 10:00 p.m.

Trustee Tennis told Engineer Koenig that to date we have received billings from CMT for a total of \$33,116.62. He requested an invoice with support from CMT in the amount of \$7,116.38 to meet the contract amount of \$40,233.00. Additionally, Trustee Tennis requested a separate invoice with support for the Elgin retro fit work in the amount of \$3,545.27. He stated that we would anticipate paying these two bills. The remaining balance of work beyond the amount of the original contract in the amount of \$14,637.28 will be presented to the bonding company as default damages, along with the \$3,545.27 invoice. Trustee Tennis said these invoices and support must be faxed to us and the village attorney by the close of business tomorrow. The amounts of \$7,116.38 and \$3,545.27 will be represented as liabilities of the village in our financial statements for this past fiscal year. The \$14,637.28 will be considered a contingent liability of the village

and contingent on the bonding company's determination of the validity of the claim. Attorney Schuster added that the village will keep this matter under advisement and have not taken a position on whether or not we will pay this amount. Trustee Tennis then stated that the board is concerned about the administrative relationship between the village and CMT and said that we must have written communication on all "not to exceed" agreements with monthly reports indicating to date status of where we are at versus the total amount of the agreement. We must also receive ample advance warning of any anticipated overruns. Trustee Tennis said the overrun of almost 50% of the original proposal made him question the administrative reliability of the firm. Trustee Williams added that although Engineer Koenig did advise us that they anticipated exceeding their contract limit, our concern is that we were never given any anticipated amount that they would exceed the original agreement, and certainly not to the extent of over \$18,000.

ROADS & PARKS:

1. Everything requested by the Service Club for the 4th of July will be done.
2. The MFT project is proceeding well. All questions are being directed to our engineers.
3. We have plans and specifications for the salt storage building which will be presented at the next meeting.
4. Arrow Construction may be able to incorporate the shoulder work on Locust into their road work project.
5. The Board directed our attorney to prepare a resolution stating our objections to any attempt to move the access road south of Saddle Club Estates any closer to the Sleepy Hollow border. We also want berming along that area to protect Sleepy Hollow residents.
6. The contractor was notified that the lights in the Bluffs are not working.
7. The work to be done on Mr. Nollman's property on Sleepy Hollow Road and Boncosky should be added to CMT's punch list as part of the water main project.

FINANCE:

No report.

WATER:

1. Trustee Williams checked on the creek responsibility as questioned by Dave Schneider of Jamestowne at the last meeting. This is a drainage easement and the village has a right and obligation to maintain it as such. We are not responsible for weed control or landscaping the creek. Mr. Schneider would like to add stone to the creek. We are willing to supply a load of stone and the adjacent residents will spread it in the creek.

POLICE:

1. Quad Com accepted a bid for the new building in the amount of \$478,000 plus \$10,000 for a sprinkler system. This does not include the engineering or moving costs. The board again voiced their strong opposition to spending this money for a new building when a building could be leased at a substantially lower amount. Trustee Tennis suggested we write a letter to all involved municipalities with copies to the newspapers stating we do not support the new sprinkler system or the new building. In addition, when Quad Com outgrows this building in what is anticipated to be a relatively short period of

time, the building reverts to the village of Carpentersville.

2. Chief Montalbano received a quote of over \$800 for replacing two locks and changing four doors. He was requested to obtain additional quotes.

HEALTH & SANITATION:

No report.

BUILDING:

1. The entry way lights at Saddle Club are again not working. These were recently fixed and we should have someone check to see if there is a flaw in the wiring.

2. There are exposed wires from the downed street light pole in the area of Arlington and Pimlico in Saddle Club. Trustee Harney will obtain the costs for the two different types of street light poles.

3. Central Blacktop should be here this week to pave the parking lot. We are to provide any fill or gravel required for the project. We budgeted \$30,000 for this project last year and another \$30,000 this year. This will include the parking lot and driveways around to Public Works. The quote is \$42,280, but could change depending how far they blacktop around Public Works. JOHNSON MOVED WITH A SECOND FROM HARNEY TO APPROVE UP TO \$45,000 TO CENTRAL BLACKTOP TO PAVE THE PARKING LOT AND DRIVEWAY AREAS.

TENNIS MOVED WITH A SECOND FROM HARNEY TO AMEND THE MOTION TO REDUCE THE AMOUNT TO \$42,300.

AMENDMENT: AYE: TENNIS, HARNEY, DEBOLT, FUQUA, JOHNSON, WILLIAMS.

MOTION PASSED.

MAIN MOTION: AYE: JOHNSON, HARNEY, DEBOLT, FUQUA, TENNIS, WILLIAMS.

MOTION PASSED.

OLD BUSINESS:

Martin Design submitted a listing of materials and costs for phases 1 and 2 of the Village Hall landscape project. Trustee Harney is still not happy with some of the plantings and would like to substitute some of those named on the project list with more native plantings. (Trustee Johnson leaves meeting at 10:45 p.m.)

Trustee Tennis was against an expenditure of \$60,000 for landscaping after hearing residents object to spending this amount of money on landscaping. He would like it done on a smaller scale and spend less money. We may be able to get volunteers to do some of the work and we should also check around for better prices on the materials. The board was not sure what parts of the design to do first. President Shields suggested we begin cleaning up around the creek and Trustee Tennis suggested we put in some trees as one of the first steps. President Shields will go back to the landscape contractor.

FUQUA MOVED WITH A SECOND FROM HARNEY TO SPEND UP TO \$12,000 FOR THIS YEAR ON LANDSCAPE AROUND THE VILLAGE HALL. AYE: FUQUA, HARNEY, DEBOLT, WILLIAMS. ABSTAIN: TENNIS. MOTION PASSED.

NEW BUSINESS:

No report.

FUQUA MOVED WITH A SECOND FROM HARNEY TO ADJOURN THE MEETING AT 11:05 P.M. AYE: FUQUA, HARNEY, DEBOLT, TENNIS, WILLIAMS. MOTION PASSED.

Respectfully submitted,

Norine Olson
Norine Olson, Village Clerk

Released 12/18/00

EXECUTIVE MEETING
MINUTES

JULY 1, 1996

The executive meeting of the Sleepy Hollow Corporate Authorities started at 8:55 p.m. In attendance were President Shields; Trustees DeBolt, Fuqua, Harney, Johnson, Tennis, and Williams; Attorney Schuster; Engineer Koenig; and Clerk Olson.

1. With Joe Prang unable to continue in his building inspector position we need to find a replacement. We have an ad in the newspaper now. However, our zoning enforcement officer, Joel Kruse, is also willing to take on the inspection duties at \$20 per hour. Although he cannot do plan review, he has several engineering contacts who will read plans for \$50 per drawing. Trustee Johnson has hired Joel Kruse on a temporary basis to see how he works out. He has also asked Joe Prang to work when he feels up to doing so.

2. CMT has submitted an amendment to their contract for services on the water main construction oversight. They are requesting \$18,000 over the contract amount for additional work they did on the project. Joel Koenig of CMT discussed the expenses and time of CMT and the basis for their additional billing. President Shields feels we approved a certain "not to exceed" amount which was not contested by Joel at the board meeting he attended. (Joel leaves the room at 9:15 p.m.)

Trustee Johnson feels we should pay CMT for their services on the Elgin connection retro fit (break on McLean) since this was outside the scope of their contract and we asked them to do the work. Attorney Schuster has submitted all his billings on this matter to the bonding company for reimbursement.

Do we want to hold CMT to the "not to exceed" contract which they entered into with the village? This would limit them to the \$40,233 figure. It was noted that we never received any written communications from CMT with any estimate of the amount of time by which they expected to exceed the contract; no written advance notice, no time or dollar estimation, and no monthly invoicing of their additional time until this \$18,000 amendment request. However, they did advise us verbally that they were going to exceed the contract amount and we did not object.

Trustee Tennis noted that this matter is an open item to closing our financial records for the year. We will need to prepare a legal letter to the auditors concerning our position on this matter. We have paid CMT to date only \$33,116.62. We have not been invoiced by CMT for the remaining balance of \$7,883.38 to meet the contract amount of \$40,233. In fact, our last invoice from CMT was back in September of 1995.

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Attorney Schuster said we have two approaches; submit this engineering bill to the bonding company under default damages and see what happens and/or take a stand with CMT that because of the reporting problems with them (board agreed CMT administrative services are poor) and the fact that the contract was a not to exceed contract amount, the village declines to make payment. We should submit the entire CMT bill (\$18,182.55) to the bonding company.

If the bonding company does not pay the CMT additional work, it was felt we should pay CMT their time for the work on the Elgin retro fit in the amount of \$3,545.27. We should request a separate invoice from CMT for this retro fit work. Attorney Schuster also needs billing statements and back up from CMT to submit to the bonding company.

WILLIAMS MOVED WITH A SECOND FROM DEBOLT TO RETURN TO REGULAR SESSION AT 10:00 P.M. AYE: WILLIAMS, DEBOLT, FUQUA, HARNEY, JOHNSON, TENNIS. MOTION PASSED.

Respectfully submitted,



Norine Olson
Village Clerk