

REGULAR MEETING  
MINUTES

SEPTEMBER 2, 1997

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

MINUTES:

NEMEC MOVED WITH A SECOND FROM HARNEY TO ACCEPT THE REGULAR MINUTES OF AUGUST 18, 1997 AS SUBMITTED. MOTION PASSED BY VOICE VOTE WITH MERKEL ABSTAINING.

PRESIDENT:

1. Joe Cavallaro of West Dundee has asked us to participate in building a portion of the bike path along Boncosky up to the Bluffs. Our one-half cost would be about \$1,250. The Board agreed to put this in next year's budget.
2. George Faber of 1104 Crane Drive has sent a letter concerning his water problems and a cost estimate of about \$30,000 to correct the problem. He suggests different sources for the problem, including a broken water main or an underground spring. Art has tested the water coming into the house and found no chlorine which would have indicated a broken water main. Neither an underground spring or broken water line to the house would be the responsibility of the Village. This letter has been reviewed by the Village Attorney and a response drafted. Trustee Williams said the water leaking into the house can be tested at Elgin's lab which would be a much more accurate test to indicate whether this is ground water or treated water (broken water main). This will be done and the results given to the Board and Village Attorney.
3. The developer who recently expressed interest in the property at Route 72 and Locust is no longer pursuing the matter, apparently because of lack of tenants for the property.
4. President Shields has discussed the lease agreement with Randy Gaitsch who will not sign an agreement for the Village's lease of a parcel of the property as he did not agree with portions of it and wanted additional items included. President Shields asked the Village Attorney to prepare a simple agreement whereby we pay \$600 per year, the Gaitsch brothers have no liability for this parcel of property, and we will stay off the property.
5. We received a letter from resident Chuck Yucuis asking the Village to reconsider two of our zoning ordinances that he thought were unfair. The Board did not feel we needed to revisit these ordinances.

CLERK:

1. There had been a question raised about supplying water at the board meetings. The board did not feel this was necessary and it will not be pursued.
2. The Clerk has made calls to the chairman of the ZBA but has been unable to obtain the necessary information on two recent ZBA variances in order for the Village Attorney to prepare ordinances.
3. Clerk said that resident Jeff Seiler filed an objection to the petitions signed by residents to have a question on the ballot concerning a police pension plan. There was a hearing at the Kane County courthouse on August 27<sup>th</sup> where the Village President, Clerk, and Trustee DeBolt heard testimony from Mr. Seiler's attorney on the objections and also heard from resident Sherry Bills, the principal proponent of the petitions. The Board recessed to review the matter with the Village Attorney and then ruled that the objections, (that the petitions were not securely bound or the pages numbered), should be upheld thus invalidating the signatures on the petition sheets, and the question will not be on the November ballot. This decision may be appealed within 10 days.

PLAN COMMISSION:

No report.

#### ZONING BOARD:

No report.

#### ZBA:

No report.

#### ATTORNEY:

1. The attorney is still waiting for information on two ZBA variances from which to prepare ordinances.
2. Still working with Trustee Williams on amending the ordinance concerning use of water during fires.
3. The culvert repairs on Crane Drive began early today with no prior notice. The leak has been pinpointed on Boncosky Road but the bond company is not considering this matter at this time. Trustee Williams is taking steps to repair the leak.
4. Attorney Schuster is reviewing prior water agreements with Elgin concerning the Randall Road water main work.
5. KinderCare is ready to move forward and we need to advise Mr. Kalocny on the steps necessary to proceed further on this lot.
6. The Bluffs were inspected by CMT today according to the engineer and the bond will need to be reduced.

#### ENGINEER:

1. Engineer Naylor is also involved in the water problem at the Faber residence on Crane Drive.
2. He is still discussing the water quality issue with Trustee Williams and should have a report with options to the problem within a few weeks. They will probably examine a section of pipe to best determine the solutions to the problem.
3. The MFT contractor, Geske & Sons, has still not started the MFT road work. For next year's contract, we can consider adding a completion date with penalties if late, but this may increase the bid price. We may wish to send a letter from our attorney if they have not begun work by the end of the week.

#### TREASURER:

1. Add \$15.69 to Robert Shields for certified mail costs. CZERNIAWSKI MOVED WITH A SECOND FROM DEBOLT TO APPROVE THE WARRANTS IN THE AMOUNT OF \$39,790.96. AYE: CZERNIAWSKI, DEBOLT, HARNEY, MERKEL, NEMEC, WILLIAMS. MOTION PASSED.
2. The Quad Com lines have been installed and the fire alarm hook up has been ordered.
3. Evaluation of copy machines continues.
4. The Finance Committee met and there will be some changes to the audit report. The auditor should be at the next meeting.
5. There was a recent problem with the accounts receivable software. Work on the accounting policy manual has been put on hold.

#### ROADS & PARKS:

1. In response to the recent bill imposing liability on municipalities for use of public property, Trustee DeBolt recommends we require all organized users of Village facilities to sign a release. Trustee Harney suggested we also add language to reiterate that Village facilities are for resident use unless specific arrangements are otherwise made. We should also maintain a previous decision to leave the parks available to residents only on Sundays and that no organized activities should be allowed on that day.
2. The Crane Drive culvert work began today. Trustee DeBolt said it appears the culvert was deliberately crushed in to make room for the water main. There does not seem to be any question that the

contractor is responsible for the repair costs. The Board feels the engineers should make the decision as to whether the water main should be re-routed over or under the culvert. Either way, it will be encased in insulate concrete for protection.

3. The burn pile is now open for brush and tree limbs until Halloween.
4. Trustee DeBolt gave Ameritech permission to run a line on the south side of Thorobred.
5. Trustee DeBolt is still waiting for a bid for the blacktop portion of the salt storage bin. The low bid for the salt storage bin itself was \$48,500.
6. Trustee Harney asked if we have received the appropriate permits from the Army Corps for the culvert to be installed on Bullfrog since it is in the flood plain. She is also concerned that this culvert will cause flooding of the homes on Locust and feels a study by the Army Corps would address this issue. President Shields noted that an engineering study was done on this area in 1993.

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

(8:55 - 9:50 p.m.)

1. Dennis Demes of Plum Court expressed his concern about the condition of the roads and the long delay in the road improvements for this year. President Shields explained the MFT contractor situation and that we have not had any problems like this in previous years.
2. Eileen Cook of Carol Crest Court discussed the Zoning Enforcement Officer's notice to remove a fence on her property, which she does not feel meets the Village's definition of a fence. She said it is a support for vegetation in her garden. Mrs. Cook reviewed ZBA files for fencing variances and found only a couple in the Village records. She then viewed part of the Village and found almost 200 unauthorized fences throughout and questioned whether the Village selectively enforces the ordinance. The Board explained that we have not had the personnel to enforce the fencing ordinance in the past and that it is a slow process to cite all the violations. They said it is not selective but we do act on complaints from residents of zoning violations.
3. Don Rage has discussed the new water pipe connection on Randall Road with Elgin and they are willing to do a complete hook up, including engineering, for \$7,000. Trustee Williams explained that the hook up will make the pipe accessible for repairs should there be a problem. The current water pipe would be very difficult to service and could not be done quickly as it is buried about 12' under the tollway ramp. Our Village Attorney will check, but we also believe that Elgin will be responsible for maintenance of this new connection according to our water agreement. WILLIAMS MOVED WITH A SECOND FROM HARNEY THAT WE WORK WITH ELGIN FOR THE SECOND WATER MAIN CONNECTION ON RANDALL ROAD AT A COST NOT TO EXCEED \$7,000. AYE: WILLIAMS, HARNEY, CZERNIAWSKI, DEBOLT, NEMEC. NAY: MERKEL. MOTION PASSED. We must confirm this approval in a letter to Elgin. Don Rage also was concerned about the condition of the roads in the Village and said the MFT contractor Geske & Sons had several complaints about his timeliness last year and had we checked his references we would have found that out and possibly chosen another contractor. He said Waste Management's truck broke a hydraulic line and they spread sand and large stones on his street which needs to be swept by the Village. Don also feels the Village is poorly maintained and repair and maintenance work is not getting done throughout the Village and it is affecting our property values. President Shields responded that work is being done but it takes time. Trustees Williams and Harney feel that many things are not getting done because there are not enough employees in the Public Works department.

FINANCE:

1. Since the police pension question will not be on the ballot, there is no need to increase the tax levy rate. President Shields briefly described the recent hearing on this matter and the reasons why, even if this decision is appealed by the principal proponent of this petition, it will still not be considered valid by a judge. CZERNIAWSKI MOVED WITH A SECOND FROM HARNEY TO CANCEL THE BOARD AUTHORIZATION OF AUGUST 18, 1997 FOR THE VILLAGE ATTORNEY TO PREPARE A RESOLUTION FOR VOTER APPROVAL TO INCREASE THE TAX LEVY RATE REQUIRED TO

FINANCE THE CHANGE IN RETIREMENT BENEFITS. MOTION PASSED BY VOICE VOTE.  
Trustee Czerniawski briefly reviewed the steps the Village has taken since 1993 to increase the retirement benefits for Village employees. The Village currently contributes 6% to the plan, with an additional 2% contributed if the employee also contributes 2%. He noted that the police pension plan requires employees to contribute 9%. He then distributed a chart showing probable assets to employees depending on their own contribution to the plan. CZERNIAWSKI MOVED THAT WE HAVE AN ADVISORY REFERENDUM ON THE BALLOT THAT WILL ASK THE EMPLOYEES TO CONTRIBUTE AT A RATE EQUAL TO OR HIGHER THAN THE VILLAGE CONTRIBUTION OF 8% TO THE DEFERRED COMPENSATION PLAN FOR THE PURPOSE OF INCREASING RETIREMENT BENEFITS FOR ALL ELIGIBLE EMPLOYEES. The Board discussed this matter and felt this question would cause confusion for the voters. They felt any question from the Board should be on the ballot at the same time there is a question about the police pension plan. They also felt the police pension question would again be raised for the spring election and that we should be prepared in advance to advise residents what this police pension will cost them on their taxes. The disability benefits of the police pension plan versus those of the Village disability program were also discussed. There was no second to Trustee Czerniawski's motion.

WATER:

1. Water quality remains a big problem. Trustee Williams is still working with our engineers on this matter and is also talking to Art about it.
2. The resident on Stevens Court has paid the entire bill for the last four years of water service.

POLICE:

1. The Salvation Army would like to solicit contributions in December. The Board had no problem as long as they are cleared through the Police Dept.
2. We received the first report from the resident officer at Springhill Apts.

HEALTH & SANITATION:

1. Trustee Nemec will contact Waste Management to schedule the leaf pick ups so the dates can be included in the next newsletter.

BUILDING:

1. Trustee Harney stated that the building officer does advise the water department when a final occupancy permit is issued, but that it was apparently overlooked in the Stevens Court situation. She said he is also following up on the unpaved driveways in the Village and does follow up on temporary occupancy permits to make sure all work is completed.

OLD BUSINESS:

1. We received a signed contract back from the Headless Horseman.

NEW BUSINESS:

No report.

DEBOLT MOVED WITH A SECOND FROM NEMEC TO ADJOURN THE MEETING AT 10:20 P.M.  
AYE: DEBOLT, NEMEC, CZERNIAWSKI, HARNEY, MERKEL, WILLIAMS. MOTION PASSED.

Respectfully submitted,

*Norine Olson*

Norine Olson, Village Clerk