

APPROPRIATIONS
PUBLIC HEARING

JULY 6, 1998

The Appropriations Public Hearing was called to order at 7:05 p.m. In attendance were President Shields; Trustees Czerniawski, DeBolt, and Williams; Treasurer Panning; and Clerk Olson.

The purpose of the hearing was to discuss the village appropriations for the fiscal year May 1, 1998 - April 30, 1999, which total \$2,951,061.00 and are our established legal limits.

The Finance Committee recommended that we transfer \$16,250.00 to the MFT account for work on Sleepy Hollow Road, and increase waste disposal fees under village property by \$1,250.00.

There were no comments or questions from the public.

DEBOLT MOVED WITH A SECOND FROM CZERNIAWSKI TO ADJOURN THE PUBLIC HEARING AT 7:15 P.M. MOTION PASSED BY VOICE VOTE.

Norine Olson
Village Clerk

REGULAR MEETING
MINUTES

JULY 6, 1998

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, Harney, and Williams; Police Sgt. Childs; Treasurer Panning; Attorney Schuster; Engineer Heinz; and Clerk Olson. Trustees Czerniawski, Merkel and Nemec were absent.

MINUTES:

1. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO APPROVE THE APPEALS HEARING MINUTES OF JUNE 15, 1998 AS SUBMITTED. MOTION PASSED BY VOICE VOTE WITH DEBOLT ABSTAINING.
2. The June 15th minutes should be amended on page 2, #3, to reflect that playhouses are legal with certain restrictions. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO APPROVE THE JUNE 15, 1998 REGULAR MINUTES AS AMENDED. MOTION PASSED BY VOICE VOTE WITH DEBOLT ABSTAINING.
3. WILLIAMS MOVED WITH A SECOND FROM HARNEY TO APPROVE THE JUNE 29, 1998 SPECIAL MEETING MINUTES AS SUBMITTED. MOTION PASSED BY VOICE VOTE.

PRESIDENT:

1. At the next meeting, President Shields will review portions of Robert's Rules of Order to be followed at all future meetings.

2. The American Red Cross has requested we enter into an agreement whereby they will supply relief services in the event of a disaster. DEBOLT MOVED WITH A SECOND FROM WILLIAMS TO ENTER INTO AN AGREEMENT WITH THE AMERICAN RED CROSS UNDER THE CONDITIONS OF THE AGREEMENT. MOTION PASSED BY VOICE VOTE.

3. The Park District and West Dundee plan to jointly develop the open land south of Target as a type of recreation/play area. A drawing is available for review and questions can be directed to either group.

4. John Regan will be at the meeting later for an executive meeting with the Board concerning possible litigation.

5. The Village Hall receives weekly calls from people unable to locate the Village Hall. The Board agreed to look for signs to be placed in the area directing people to the Village Hall and/or Police Department. Directions should also be included in the next newsletter for the benefit of new residents. President Shields and Trustee DeBolt will look into this idea.

6. The Park District has volunteered to look for grant money for the Sabatino Park pathway project and suggested we include additional park area in the village in this pathway. President Shields recommended a committee to work with the Park District and submit a written report back to the Board on funding available, design material, and engineering and other costs of the project. Trustee DeBolt questioned the justification for this pathway and Trustee Harney would like to include a pathway along Sleepy Hollow Road. DEBOLT MOVED WITH A SECOND FROM HARNEY TO APPROVE THE CREATION OF A WORKING COMMITTEE FOR THE SABATINO PARK PATHWAY OF TRUSTEE DEBOLT (CHAIR), AND TRUSTEES NEMEC AND MERKEL. AYE: DEBOLT, HARNEY, SHIELDS, WILLIAMS. MOTION PASSED.

7. President Shields would also like to create a committee to review stream bank stabilization in the Village and submit a written report back to the Board on any grant money available, studies and programs implemented elsewhere, and estimated costs of this project. HARNEY MOVED WITH A SECOND FROM DEBOLT TO CREATE A WORKING COMMITTEE TO EXPLORE STREAM BANK STABILIZATION IN THE VILLAGE OF TRUSTEE DEBOLT (CHAIR) AND TRUSTEES CZERNIAWSKI AND HARNEY. AYE: HARNEY, DEBOLT, SHIELDS, WILLIAMS. MOTION PASSED.

CLERK:

No report.

PLAN COMMISSION:

No report.

ZONING BOARD:

1. Chairman Neil distributed a report of current matters under review by the Zoning Board. They feel the fences should not be replaced at the village entryways as fences are not allowed in the village. They are working on a new ordinance concerning children's swing sets and playhouses and additional parameters for each. The Board requested that set back issues also be included in the parameters.

2. The Zoning Board has several questions and requires additional information before they can address the issue of fences along Randall Road and possible changes to the zoning ordinance. These include the fence objectives, maintenance issues, etc.

3. The Board is just starting to work on an ordinance concerning telecommunication towers.

4. The Zoning Board has met with potential developers of the property at Route 72/Locust who would develop the property in two phases.

5. The KinderCare development is on hold because of delays with the Village of West Dundee relating to sewer hook up.

ZBA:

1. The ZBA held a hearing last month on several items. File #202 was a variance for signs on the building of Randy's Vegetables for which Chairman Kedzior said the ZBA recommended approval. Randy Gaitsch was present. WILLIAMS MOVED WITH A SECOND FROM DEBOLT TO APPROVE ZBA FILE #202. The trustees would like the entire Board to review this and would also like to know how much this variance request varies from our ordinance concerning percentage of signs on the building versus its size, etc. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO TABLE THIS MOTION UNTIL THE NEXT MEETING. AYE: HARNEY, WILLIAMS, DEBOLT. NAY: SHIELDS. MOTION PASSED.

2. Chairman Kedzior next presented File #189, a decorative fence request for 1211 Carol Crest, for which the ZBA recommends approval. This variance was previously requested and denied. The homeowner, Eileen Cook, said she did not feel her fence fit the definition of a fence and explained why she needed this fence. Trustee Harney read from the Village code and correspondence from our village attorney in support of denying the variance. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO DENY FILE #189 FOR A DECORATIVE FENCE VARIANCE. AYE: HARNEY, WILLIAMS, SHIELDS. NAY: DEBOLT. MOTION PASSED.

3. File #200, an entry way sign at the Bluffs subdivision, was recommended for approval by the ZBA. There was a homeowner from the Bluffs present to answer questions. WILLIAMS MOVED WITH A SECOND FROM HARNEY TO APPROVE ZBA VARIANCE FILE #200 FOR AN ENTRY WAY SIGN FOR THE BLUFFS. The Trustees asked about the lettering size on the sign and questioned who would maintain this sign as it is not located on Village property. It was felt the Bluffs' homeowners association should be responsible for maintenance for a certain length of time, after which the Village would become responsible for maintenance. Questioned if the Bluffs' subdivision ordinance addresses these type of matters. Trustee DeBolt will discuss these issues, and their possible incorporation into the ordinance approving the sign variance, with our village attorney and the Bluffs' resident and present it at the next meeting. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO TABLE THIS MOTION UNTIL THE NEXT MEETING. AYE: HARNEY, WILLIAMS, DEBOLT, SHIELDS. MOTION PASSED.

4. File #s197, 198, 199, and 201 were variance requests for fences in Saddle Club Estates along Randall Road. Several residents of that subdivision spoke, including J. W. and Sue Holcomb, Kevin Jermyn, Ted and Karen Bednarke, Ken Zande, and Dan Cullen. A letter from another couple supporting the fence was read. Mr. Holcomb spoke at length about the steps the homeowners had taken, at the Board's request, to obtain a variance to erect fences. WILLIAMS MOVED WITH A SECOND FROM HARNEY TO APPROVE ZBA VARIANCE NOS. 197, 198, 199 AND 201. The Board expressed concern that not all homes will install the fence, leaving gaps along the road. Trustee Harney was also concerned about long term maintenance, including subsequent homeowners, and possible bouncing of sound farther into the subdivision. Mr. Zande, whose house is for sale, is opposed to the fence for aesthetics, cost and decreased value to homes. He knows others who are not in favor of this fence. Frank Tierney, a realtor, feels a fence will make those homes backing to Randall Road easier to sell and increase their value. Trustee Williams felt all affected residents in both Saddle Club and Deer Creek should have received written notification of this matter, rather than relying on only the posted sign on Arlington Pkwy. Mr. Cullen said his lot is larger than normal and he cannot install a fence at this time, but does feel we need strict guidelines on this fence for uniformity and maintenance. ON MOTION: AYE: DEBOLT, SHIELDS. NAY: WILLIAMS, HARNEY. MOTION FAILED.

HARNEY MOVED WITH A SECOND FROM DEBOLT TO REFUND THE \$75 APPLICATION FEE TO THE SADDLE CLUB RESIDENTS FOR THE ZBA HEARING. AYE: HARNEY, DEBOLT, SHIELDS, WILLIAMS. MOTION PASSED. The Zoning Board was requested to review and finalize this fence issue as it relates to zoning amendments and a public hearing as quickly as possible.

*****OPEN TO THE PUBLIC*****
(9:30 - 10:05 p.m.)

1. Paul McVicker of 319 Sharon Drive was upset that Lake Sharon had not been considered for the funding for stream bank stabilization work and said he had met and discussed this problem previously with village trustees and was not called back after the meeting. Other residents of that area also requested assistance from the Village to clean up the lake area and offered to help. Trustee Harney said there is about \$1,500 left in the budget for this work. The residents suggested they could use it to rent equipment to clean out the lakes. They also said two willows need extensive trimming or they will die. We will try to get Public Works to help at Lake Sharon in the fall. Trustee Harney will try to get the eagle scouts to work on this project in the fall. She will meet with Mr. McVicker to discuss this project.

There was a five minute recess at 10:05 p.m.

ATTORNEY:

1. Attorney Schuster said the Roehrig (694 Deer Lane) occupancy matter has been set for trial in early September.
2. There was no update on the Fahy matter.
3. The attorney for John Bohanek has requested a meeting to discuss possible remedies to his water problems. This will be set up.
4. A public interest research group is requesting solicitation permits at no cost and raising first amendment issues.
5. The Headless Horseman contract was amended as requested at the last meeting.

ENGINEER:

1. Engineer Heinz said the MFT documentation is ready for our signatures. The road work will include Stevens Court and Sleepy Hollow Road beginning at the south end and continuing north until we have used the money designated for this year's program. This will also include swale work on Sleepy Hollow Road. DEBOLT MOVED WITH A SECOND FROM HARNEY TO APPROVE THE MFT RESOLUTION FOR THE MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY AND THE ILLINOIS HIGHWAY CODE. AYE: DEBOLT, HARNEY, SHIELDS, WILLIAMS. MOTION PASSED.

DEBOLT MOVED WITH A SECOND FROM HARNEY TO APPROVE THE TOTAL ESTIMATED MAINTENANCE COST IN THE AMOUNT OF \$135,037.23 FOR THE ROADS PROGRAM INCLUDING THE PRELIMINARY ENGINEERING, ENGINEERING INSPECTION AND MATERIAL TESTING OF ASPHALT AND MATERIALS FOR \$17,443.30. AYE: DEBOLT, HARNEY, SHIELDS, WILLIAMS. MOTION PASSED.

SHIELDS MOVED WITH A SECOND FROM DEBOLT TO APPROVE THE MAINTENANCE ENGINEERING AGREEMENT. AYE: SHIELDS, DEBOLT, HARNEY, WILLIAMS. MOTION PASSED.

HARNEY MOVED WITH A SECOND FROM WILLIAMS TO AUTHORIZE THE PRESIDENT AND CLERK TO EXECUTE ALL NECESSARY DEPARTMENT OF TRANSPORTATION PAPER WORK. AYE: HARNEY, WILLIAMS, DEBOLT, SHIELDS. MOTION PASSED.

SHIELDS MOVED WITH A SECOND FROM DEBOLT TO AUTHORIZE THE VILLAGE CLERK, UPON RECEIPT OF APPROVAL OF THE PROGRAM BY IDOT, TO ADVERTISE FOR BIDS FOR THE MFT ROAD PROJECT. MOTION PASSED BY VOICE VOTE.

TREASURER:

1. Add \$253.46 for Ameritech and \$349.60 for John Lambie. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO APPROVE THE WARRANTS OF JULY 2, 1998 IN THE AMOUNT OF \$70,019.05. AYE: HARNEY, WILLIAMS, DEBOLT, SHIELDS. MOTION PASSED.

2. DEBOLT MOVED WITH A SECOND FROM HARNEY TO ADD AN ADDITIONAL \$16,250.00 TO THE MFT FUNDS. AYE: DEBOLT, HARNEY, SHIELDS, WILLIAMS. MOTION PASSED.
3. DEBOLT MOVED WITH A SECOND FROM HARNEY TO INCLUDE AN EXTRA \$1,250.00 TO THE WASTE DISPOSAL FUND, BRINGING THE TOTAL TO \$6,250.00. AYE: DEBOLT, HARNEY, SHIELDS, WILLIAMS. MOTION PASSED.
4. WILLIAMS MOVED WITH A SECOND FROM SHIELDS TO APPROVE ORDINANCE NO. 98-14, AS AMENDED, ENTITLED "APPROPRIATIONS ORDINANCE". AYE: WILLIAMS, SHIELDS, DEBOLT, HARNEY. MOTION PASSED.

WILLIAMS MOVED WITH A SECOND FROM HARNEY TO ADJOURN TO EXECUTIVE SESSION AT 10:30 P.M. FOR THE PURPOSE OF DISCUSSING POSSIBLE LITIGATION PURSUANT TO §2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

The regular meeting reconvened at 11:20 p.m.

ROADS & PARKS:

No report.

FINANCE:

No report.

WATER:

No report..

POLICE:

No report.

HEALTH & SANITATION:

No report.

BUILDING:

1. A packet of information on stream bank stabilization will be put in everyone's box.
2. Trustee Harney stated that the variance request made a few months ago for the home under construction at 718 Hillcrest, and discussed at an April board meeting, was withdrawn by the homeowner/builder, Mr. Mucha.

OLD BUSINESS:

No report.

NEW BUSINESS:

No report.

HARNEY MOVED WITH A SECOND FROM WILLIAMS TO ADJOURN THE MEETING AT 11:25 P.M. AYE: DEBOLT, HARNEY, WILLIAMS. MOTION PASSED.

Respectfully submitted,



Norine Olson
Village Clerk

EXECUTIVE MEETING
MINUTES

Released 12/3/01

JULY 6, 1998

The executive session of the Board of Trustees was convened at 10:30 p.m. for the purpose of discussing possible litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Shields; Trustees DeBolt, Harney, and Williams; Village Attorney Schuster; attorney and property owner John Regan; and Clerk Olson.

John Regan, co-owner of the 34 acre parcel on the north side of Route 72, (just west of the Verlo Mattress facility), explained the history of this parcel including the related sewer history with West Dundee. West Dundee is contesting the request for IEPA approval of a lagoon sewer treatment facility. This property is zoned for commercial development.

This property was annexed into Sleepy Hollow around 1962. In 1972-73, Homart and Urban Investment were planning a joint venture to build shopping centers and communities in the area and purchased part of the property north of Route 72 in anticipation. Shortly after the oil crisis hit, and Urban Investment dropped out of the project. In 1988, Sears, a part of Homart, was selling assets and sold this property which was then purchased by Mr. Regan. This parcel is in the facility planning area (FPA) for Sleepy Hollow.

Mr. Regan's goal is to provide sanitary treatment facilities for his parcel as well as the adjoining property owned by heirs of the Creighton family.

Back in the 1970's, the government funded studies to determine the wastewater needs of communities and then paid for 75% of those sewer treatment plants that were determined to be necessary. About the time that Spring Hill Mall was being built, Sleepy Hollow had been on the waiting list for federal funding of a forced main system in the lower areas. Sleepy Hollow planned to pump its sewage to the South End Park treatment plant in West Dundee. By this time, Sleepy Hollow was quite high up on the priority list to obtain federal funds to build its system. At this same time, West Dundee decided it would be advantageous to abandon their South End Park facility as they were getting odor complaints from their residents and they then contracted with the Elgin Sanitary District to do the processing. West Dundee then coupled their efforts with Sleepy Hollow and obtained federal funding for their part of the project. Because it was a joint application, West Dundee was able to take advantage of Sleepy Hollow's priority funding number. West Dundee wanted to abandon their South End plant and benefitted by joining with Sleepy Hollow for the federal funding. The sunset clause was also coming for obtaining any federal funding for this type of project, on a 75%/25% basis. The original agreement between Sleepy Hollow and West Dundee was carefully written by West Dundee's attorneys restricting use of that sewer treatment capacity to an area previously specified in the water quality plans submitted by Sleepy Hollow. The water quality plans had been developed in the early 1970's, and were usually prepared when a community needed to do something about sewer plans and the EPA was required to know about the plans.

Up until now, that plan is essentially the one in effect. The amendments to that plan are the contested issue with West Dundee. The plan filed in the early 1970's, which is on file with NIPC and the IEPA, says that Sleepy Hollow will process the sanitary through a forced main system on the east end of town that will be pumped to its corporate limits and then processed by West Dundee, which now, in fact, goes to the Elgin Sanitary District. The agreement restricted the users of the system to the people identified in the first water quality plan, residential homeowners. In about 1987, there were

further failures of sanitary septic systems, and there were amendments, not to the water quality plan, but to the West Dundee and Sleepy Hollow intergovernmental agreement that allowed residential users to dump their sewage into the West Dundee system.

There was a certain amount of capacity that was purchased by West Dundee with the federal money back in the 1980's. All that really happened in the subsequent agreements was the allocation of how Sleepy Hollow got to use what was already paid for; it was not an allocation of the true capacity that West Dundee had. West Dundee purchased a certain amount with federal money, and actually just "freed up" capacity so Sleepy Hollow was able to dump its waste into West Dundee's sanitary system.

In the early 1990's, there was another amendment as part of the Best Buy/Target stores. Again, the intergovernmental agreement between Sleepy Hollow and West Dundee was modified to allow further use of that capacity, in this case, for commercial purposes for the 16 acres of property at 7 p.e. (or 100 gallons) per day of capacity for each acre, which was permitted to be put into the West Dundee system. Again, that was a modification to the intergovernmental agreement between the villages. This commercial area belongs to Sleepy Hollow, but they are using a capacity that was previously paid for.

About two years ago, Mr. Regan approached Sleepy Hollow regarding strategies for providing sanitary services to the 34 acre parcel, as well as the Creighton property, (which had been annexed into Sleepy Hollow four or five years ago). The method to take would be to modify the water quality management plan, which is from the 1980's, so the plan says you can treat sanitary waste in another area with another method. It doesn't give you permission to do anything; to build a plant; but does say, in this case, that for a defined area, Sleepy Hollow is approved under the water quality plan to treat sanitary waste within this area using a lagoon system. As part of the process, the plan amendments first would go to NIPC who makes a recommendation to approve or deny the plan. The initial application looked at a number of different alternatives—a lagoon system, tying into West Dundee's sanitary lines which are immediately adjacent to the vacant property, or running a forced main down Sleepy Hollow Road to the tollway and connecting there. The logical conclusion was to tie into West Dundee's system, which is up to them, however. The next most economical system is the lagoon system. The Sleepy Hollow Road connection would be cost prohibitive and easements would have to be obtained from all property owners, which would be time consuming and costly. R. H. Anderson Engineers was hired to do a study and recommended the lagoon system, which would cost about \$750,000. After the plan was submitted to NIPC and Al Gorsky of the Fox Valley Water & Reclamation District, West Dundee made requests to delay further proceedings while they evaluated their system to try to determine if they had any capacity in their system to give to Sleepy Hollow. That process started about a year ago and continued through the end of the year with no appreciable movement on West Dundee's part. They said they are trying to get into future lines that Elgin will install along Randall Road. At the end of 1997, NIPC said this process had been delayed long enough, and in January they approved the amendments to Sleepy Hollow's water quality plan, with Sleepy Hollow being permitted to install the lagoon system. Mr. Regan would prefer to hook into the West Dundee system, but they have not agreed to this option.

In response to letters from residents of Tartens Glen objecting to the lagoon system, the IEPA called a contested hearing (run similarly to a court hearing) to determine if the proper procedures have been followed previously in this request.

Should all the sewer history become public, it would not portray West Dundee in a good light. West Dundee had a study done of their sanitary system looking at several alternatives for treatment for the

areas west of Sleepy Hollow (both north and south of Route 72) and west of Randall Road. These alternatives included putting some of the waste water into the new Randall line, putting a forced main down Sleepy Hollow Road, or bolstering their existing system by eliminating a current bottle neck south of the Haeger property. By installing another 10" sewer line next to the bottle neck line for about 1,000 feet, they would eliminate the bottle neck and also allow them to handle all their needs west of Sleepy Hollow Road. Thus, their own study basically confirms that West Dundee *does* have the capacity to handle the 34 acre parcel now. Even if they annex the property north of Route 72 and west of Randall Road, the system really only gets close to its limits if they annex the property south of Route 72 and put in houses (which is in Sleepy Hollow's FPA). These facts, should they become public, would also not reflect well on West Dundee, and the only way they could justify not having the capacity is if they amend the facility planning area (FPA) and take over the property south of Route 72 (the Galvin property), and put it in their system which could then cause it to start to clog up.

Mr. Regan has been talking to Joe Cavallaro in an attempt to hook into West Dundee for his parcel. West Dundee's own study appears to come up with a figure of about \$6.00 per gallon for transmission costs plus \$6.00 for treatment in Elgin. This totals about \$850,000 for the property. Cavallaro has proposed a 150% out-of-community cost for sanitary treatment which Mr. Regan doesn't have a problem with. West Dundee would also require similar set backs on the property as are around Spring Hill Mall and Jewel, which are also acceptable to Mr. Regan. West Dundee has also proposed, in exchange for sewer hook up, that they receive a percentage of our sales tax from the property and/or that we surrender our FPA for the property south of Route 72 (Galvin property) so West Dundee can annex the property.

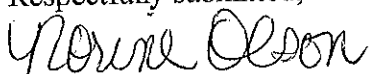
The Board agreed they would not consider either sharing the sales tax or giving up the Galvin property to West Dundee.

Attorney Schuster noted that the contested hearing on the water quality amendment included a timetable which required objections to be filed by July 1st. No Tartens Glen residents filed written objections; only the County objected because they object to all lagoon systems. The village of West Dundee requested additional time to respond, claiming that they could not even be ready by the November, 1998 hearing date—their goal appears to be to delay a conclusion to this matter as long as possible.

Mr. Regan raised the idea of allowing this property to go to West Dundee, with that village incurring all the costs (police, public works, etc.) of commercial development on that parcel, but with Sleepy Hollow setting up some type of agreement to receive 1% of the sales tax (West Dundee would receive the remaining ½%). However, if the development did not generate any, or enough, sales tax, we would not benefit from this arrangement. We would also lose all control over this parcel. A yearly "flat" fee might be more beneficial to us.

HARNEY MOVED WITH A SECOND FROM DEBOLT TO ADJOURN THE EXECUTIVE SESSION AT 11:20 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk