

REGULAR MEETING
MINUTES

AUGUST 3, 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 Czerniawski, DeBolt, Harney, Nemec, and Williams; Police Chief Montalbano; Treasurer Panning; Attorney Schuster; Engineer Heinz; and Clerk Olson. Trustee Merkel was absent.

MINUTES:

1. The regular minutes of July 20th should be corrected on page 4, under Old Business, #1, by changing the word "adopt" in the motion to the word "reconsider". WILLIAMS MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE THE JULY 20, 1998 REGULAR MINUTES AS AMENDED. MOTION PASSED BY VOICE VOTE WITH NEMEC ABSTAINING.

PRESIDENT:

1. President Shields reviewed parts of Robert's Rules of Order to be followed. Business must be introduced at a meeting by a motion or written report on the matter. A speaker may not interrupt another person currently speaking, but must wait until he is finished. All speakers must yield the floor to the chairman. Any debate must be confined to the pending question.
2. Concerning the deletion from payables at the last meeting of \$1186 to Steve Wiedmeyer for grass seed, President Shields stated that he and Trustee Harney had met with Wiedmeyer previous to the purchase and he was given approval to make the purchase and mix with seed from Trustee Harney. Trustee Harney said they also discussed the additional seed from Trustee Nemec that was to be used, but that she did not authorize Steve Wiedmeyer to purchase seed. The Board felt we should pay Mr. Wiedmeyer for this bill since the seed had been purchased and planted.
3. President Shields suggested that those homeowners who back to Randall Road and were present at this meeting should meet with the Zoning Chairman in another office to review the draft fencing ordinance.

CLERK:

No report.

PLAN COMMISSION:

The Plan Commission met with Doug Martin of Kane County and hope to present a draft wetlands ordinance at our next meeting.

ZONING BOARD:

1. Mr. Kolacny from KinderCare met with our officials and also West Dundee officials. Our engineer and attorney are reviewing the plans and after their approval, the public hearing should be scheduled soon after.
2. The developers of the Route 72/Locust parcel are discussing this parcel with our engineer.
3. The Zoning Board will review the draft fence and playhouse ordinances from the village attorney. These drafts were briefly discussed by the trustees and changes suggested.

ZBA:

No report.

ATTORNEY:

1. The Twin Sewer matter was discussed with Trustee DeBolt and Mr. Sebastian. A closing package should be presented soon.
2. There will be a meeting at the Village Hall on Saturday with John Bohanek and his attorney concerning his water problems.

3. The parties objecting to IEPA approval of the sewer treatment facility on Route 72 have filed written responses. The parcel owners and village must now file their reply.
4. Ordinances will be prepared for the two ZBA variances approved at the last meeting.
5. Trustee Nemec raised the issue of whether existing playhouses will be grandfathered after the new zoning ordinance on this matter.
6. Trustee Czerniawski asked about obtaining reimbursement of training costs from the departing police officer, which total approximately \$1,800. Attorney Schuster will check laws to determine if we can withhold these costs from his last paycheck. Board discussed possible modification of our police contract to include training costs incurred prior to full time employment. We may also wish to extend the contract length from one to two years. This will be discussed by the Police Chief, Trustee Merkel, and Treasurer Panning.

HARNEY MOVED WITH A SECOND FROM DEBOLT TO ADJOURN TO EXECUTIVE SESSION AT 8:15 P.M. FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION PURSUANT TO §2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

The regular meeting reconvened at 8:35 p.m.

HARNEY MOVED WITH A SECOND FROM DEBOLT TO UPHOLD THE REVOCATION OF BUILDING PERMIT #97087 FOR THE BUILDING AT 694 DEER LANE. MOTION PASSED BY VOICE VOTE.

HARNEY MOVED WITH A SECOND FROM DEBOLT TO AUTHORIZE MARK SCHUSTER TO REPRESENT US IN OUR DEFENSE OF THE LITIGATION WITH MR. FAHY. MOTION PASSED BY VOICE VOTE.

Kurt Susanke, the horticulturist who weeds and transplants around the Village Hall and Village entryways was present to explain his work for the Village, his credentials, and answer questions from the Board. He works once a month for one to two hours at each location.

*****OPEN TO THE PUBLIC*****
(8:40 - 9:20 p.m.)

1. Bob Becker, Peter Diamond and Scott Byker requested use of the field for the men's soccer team on four Sundays this fall. The Board discussed allowing an exception to our policy. HARNEY MOVED WITH A SECOND FROM NEMEC TO ALLOW THE MEN'S SOCCER TEAM TO USE THE FIELD FOR FOUR SUNDAYS OVER A TWO MONTH PERIOD. MOTION PASSED BY VOICE VOTE WITH WILLIAMS ABSTAINING.
2. Karen Davis of 939 Willow had several concerns about resident use of the village property behind Willow Lane, the destruction of the natural areas and the subsequent change of the water flow, and people claiming those open areas as extensions of their own yards. She would like the area returned to its natural state. She would also like the Village to check whether the satellite dish at 937 Willow is adequately screened per Village ordinance. She also asked how residents are notified of variance requests made by neighbors.
3. Jay Cameron of 937 Willow also discussed these village areas behind Willow and feels all residents have a right to use the entire pathway, but no one has a right to claim any part of the village area as their own. One resident still has an invisible fence installed on the village property. He also said his satellite dish and the screening meet all village requirements.
4. Resident Joyce Brennan, who lives behind Willow Lane and the village open area, prefers a rural look for this village area and allowing the vegetation to grow naturally.

5. Michelle Cameron also commented on her satellite dish and the village pathways behind Willow, which she would like to see returned to their natural vegetative state.

ENGINEER:

1. We received four bids for the 1998 MFT project. DEBOLT MOVED WITH A SECOND FROM NEMEC THAT CURREN CONTRACTING BE AWARDED THE CONTRACT FOR THE 1998 MFT PROGRAM BASED ON THEIR LOW BID OF \$109,749.95. Since this bid came in under budget, we can use the extra money up to the budgeted amount to do additional work on Sleepy Hollow Road. Trustees requested that the engineer keep the contractor advised in writing that this project must be completed in a timely manner and keep the trustees advised through progress reports. DEBOLT MOVED WITH A SECOND FROM HARNEY TO AMEND THE MOTION ADOPTING THE LOW BID OF \$109,749.95 TO INCLUDE MONIES THAT HAVE BEEN ALLOCATED UP TO \$148,000 ON A PER UNIT BASIS ON SLEEPY HOLLOW ROAD, INCLUDING ENGINEERING COSTS.

ON AMENDMENT: AYE: DEBOLT, HARNEY, CZERNIAWSKI, NEMEC, WILLIAMS. MOTION PASSED. ON MAIN MOTION: AYE: DEBOLT, NEMEC, CZERNIAWSKI, HARNEY, WILLIAMS. MOTION PASSED.

2. DEBOLT MOVED WITH A SECOND FROM HARNEY TO AUTHORIZE THE VILLAGE PRESIDENT AND CLERK TO EXECUTE THE CONTRACT DOCUMENTS AND ALL OTHER MFT FORMS REQUIRED DURING THE COURSE OF THIS PROJECT, SUBJECT TO THE IDOT'S REVIEW AND APPROVAL. MOTION PASSED BY VOICE VOTE.

3. Trustee Nemec brought up the property development of the five lots along Route 72 and Locust relating to sewer capacity and other specifics of the pipes and hook up. The engineers will be given a copy of the Target/West Dundee agreement relating to capacity.

4. Engineer Heinz reviewed our pump and tank/lift station and found another supplier in Iowa who can also supply the equipment. Trustee Harney noted that our current pump station is custom made and questioned how it could be duplicated by another supplier. We also have an established relationship with our current supplier, Biehler Tec. Our engineer will request a written quote on the pumps from this Iowa supplier. He will also call Biehler Tec and request a quote for the tank/lift station which will be guaranteed through 1999. We need to also consider how splitting the pumps and lift station between two suppliers will affect our support from the suppliers and our cost for each.

TREASURER:

1. Several additions were made to the payables. CZERNIAWSKI MOVED WITH A SECOND FROM HARNEY TO APPROVE THE WARRANTS IN THE AMOUNT OF \$43,159.17. AYE: CZERNIAWSKI, HARNEY, DEBOLT, NEMEC, WILLIAMS. MOTION PASSED.

2. The Finance Committee is scheduled to meet on August 18th.

3. Treasurer Panning will be on vacation August 20-30th.

ROADS & PARKS:

1. Discussed the purchase order for Steve Wiedmeyer to mow, weed and prune the empty lot at Winmoor and Willow. The Board decided to have this area cleaned up only, but not mowed.

2. A resident on Saratoga has complained of water in the swale. The willow tree in the adjoining yard may be causing the problem.

FINANCE:

1. Trustee Czerniawski discussed the guide prepared by Finance for village purchases and purchase orders. A few inconsistencies in authorizations were discovered in preparing this guide. CZERNIAWSKI MOVED

WITH A SECOND FROM WILLIAMS TO ALLOW THE VILLAGE PRESIDENT, VILLAGE CLERK, AND VILLAGE TREASURER TO MAKE PURCHASES FROM \$100-\$400, CONSISTENT WITH ALL REGULAR REQUIREMENTS OF THE GUIDE. AYE: CZERNIAWSKI, WILLIAMS, DEBOLT, HARNEY, NEMEC. MOTION PASSED.

2. Trustee Czerniawski also asked if we want to withhold vendor payment if the paperwork is incomplete, purchase unauthorized, etc. The Board did not want to hold vendors responsible for our actions. Trustee Czerniawski suggested that any invoices with improper documentation or authorization be brought before the Board at a public meeting for review.

3. We received the Copsfast grant for two officers. CZERNIAWSKI MOVED WITH A SECOND FROM HARNEY TO DIRECT CHIEF MONTALBANO MAKE A REQUEST FOR WAIVER OF THE 25% LOCAL MATCH FOR THE COPS GRANT. MOTION PASSED BY VOICE VOTE. After we hire a new officer, we will then advise the agency and receive the funds. Finance will review the police budget to decide whether we will hire one or two officers through the grant.

4. Trustee Czerniawski reviewed his latest ComEd bill and found it would be slightly lower with the new ComEd utility tax change.

WATER:

No report

POLICE:

1. HARNEY MOVED WITH A SECOND FROM NEMEC TO ACCEPT THE RESIGNATIONS OF OFFICERS SIEDSMA AND LAMBIE FROM THE POLICE DEPARTMENT WITH REGRET. MOTION PASSED BY VOICE VOTE.

2. Officer Wilson broke her ankle while off duty and will be without pay for 15 days before the disability coverage begins. The Board discussed ways to cover Officer Wilson during those 15 days without doing anything to set a precedent in the Village. Chief Montalbano noted that we have previously paid police employees' salaries while they were out on sick leave. Trustee Czerniawski asked if there was any police work she could do while at home to enable us to continue paying her. Chief Montalbano expressed concern about creating what could be considered a new position under the ADA. He said she could review old police records in preparation for microfilming.

HEALTH & SANITATION:

1. The Saddle Club park equipment should be in this week. The cost estimate to remove old and install new equipment will be \$1,100. Trustee DeBolt will review his Parks budget to determine if he has the extra funds in his budget.

2. Our playground equipment at Sabatino Park was inspected by the Park District which indicates several safety issues requiring replacement, removal, etc. Trustee Nemec noted that other villages lease their parks to the Park District for a nominal fee, who in turn maintain the parks at their expense.

BUILDING:

1. HARNEY MOVED WITH A SECOND FROM WILLIAMS THAT WE ASK THE VILLAGE ATTORNEY TO DRAFT ORDINANCES REQUIRING A BOND FOR COMPLETION OF CONSTRUCTION ON REVOKED BUILDING PERMITS AND THAT WHEN THAT BUILDER COMES BACK FOR NEW CONSTRUCTION THAT WE ALSO REQUIRE A BOND; THAT WE ADOPT THE 1996 BOCO CODES FOR BUILDING IN PLACE OF THE 1987 CODE WE ARE CURRENTLY USING; THAT WE RAISE THE BUILDING FEES FROM \$20 TO \$30 PER SQUARE FOOT; AND THAT WE ADD

LANGUAGE THAT REQUIRES A RADON LEVEL CHECK FOR ALL NEW HOMES. The Board requested that there be a separate motion for each item. HARNEY AND WILLIAMS WITHDREW THEIR MOTION AND SECOND. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO REQUEST OUR ATTORNEY TO PREPARE A DRAFT ORDINANCE ADOPTING THE 1996 BOCO BUILDING CODES IN PLACE OF THE 1987 CODES WE ARE CURRENTLY USING. Trustee Czerniawski wished to review the BOCO code book before voting to change. MOTION PASSED BY VOICE VOTE WITH CZERNIAWSKI VOTING NAY.

2. HARNEY MOVED WITH A SECOND FROM WILLIAMS TO HAVE OUR ATTORNEY PREPARE AN ORDINANCE REQUIRING A BOND WHEN A BUILDING PERMIT IS REVOKED THAT WOULD COVER THE COST OF WHAT NEEDS TO BE FINISHED ON THE BUILDING. The Board discussed this and felt this would be a rare situation that did not require preparation of an ordinance. MOTION FAILED BY VOICE VOTE WITH HARNEY VOTING AYE.

3. The group working on the storm water management plan is now working on preparation of an ordinance, which will affect our village. Trustee Harney will attend meetings on this matter.

4. The IEPA is trying to get out of the Facilities Planning Area (FPA) approval process. This would be very detrimental to us as it would end IEPA enforcement of FPAs and our right to claim undeveloped areas adjoining the village because they are in our FPA. As this is critical to us, President Shields will pursue this matter and protest to the EPA and other agencies.

5. Trustee Harney sent a letter to Jim Podbregar and told him he could pursue an appeal to the Village Board of her decision concerning the removal of fill from his property. He has been advised numerous times that he must remove the fill and is in violation of our ordinance concerning fill of flood plain area. We should pull his bond and have the fill removed from his back yard. HARNEY MOVED WITH A SECOND FROM CZERNIAWSKI THAT WE ENFORCE THE ORDINANCES AS THEY EXIST WITH JIM PODBREGAR BY ENFORCING THAT HE REMOVE THE CROSS HATCHED SECTION OF FLOOD PLAIN AS INDICATED IN THE ENGINEERING REPORT. MOTION PASSED BY VOICE VOTE.

6. The house at 1321 Acorn has been abandoned and several neighbors have complained about the appearance. We have had the grass mowed twice and a lien has been recorded for our costs. While we can do nothing about the house itself, we can have the grass mowed every two weeks. HARNEY MOVED WITH A SECOND FROM CZERNIAWSKI TO AUTHORIZE ROUTINE MAINTENANCE OF 1321 ACORN DRIVE BY STEVE WIEDMEYER. AYE: HARNEY, CZERNIAWSKI, DEBOLT, NEMEC, WILLIAMS. MOTION PASSED.

OLD BUSINESS:

No report.

NEW BUSINESS:

No report.

CZERNIAWSKI MOVED WITH A SECOND FROM DEBOLT TO ADJOURN THE MEETING AT 11:15 P.M. AYE: CZERNIAWSKI, DEBOLT, HARNEY, MERKEL, NEMEC, WILLIAMS. MOTION PASSED.

Respectfully submitted,



Norine Olson
Village Clerk

EXECUTIVE MEETING
MINUTES

Released 6-18-01

AUGUST 3, 1998

The executive session of the Board of Trustees was convened at 8:15 p.m. for the purpose of discussing pending litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Shields; Trustees Czerniawski, DeBolt, Harney, Nemec, and Williams; Attorney Schuster and Clerk Olson.

John and Margaret Fahy have filed a complaint against the Village, Trustee Harney, and Code Officer Joel Kruse. Attorney Schuster has advised the Village's insurance company about this lawsuit and is awaiting their response as to whether they will pay the defense costs. Our response to the complaint is due August 24th. Attorney Schuster discussed the content of the complaint. He will probably file a motion to dismiss, stating lack of clarification of the complaint's allegations. Trustee Harney asked about a possible counter-suit for ordinance violations.

The minutes of the Plan Commission were donated to the Dundee Historical Society by the Commission's former secretary. The Clerk will obtain those records back from the Historical Society.

The Board wants Mark Schuster to handle our defense of this suit. The Board will also vote to uphold the revocation of the building permit for 694 Deer Lane by Joel Kruse. Two separate motions will be made in open session.

DEBOLT MOVED WITH A SECOND FROM NEMEC TO ADJOURN THE EXECUTIVE SESSION AT 8:35 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk