

REGULAR MEETING
MINUTES

MAY 3, 1999

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, Morris, Nemec, Pickett and Rzonca; Police Chief Montalbano; Treasurer Panning; Attorney Schuster; Engineer Heinz; and Clerk Olson. Trustee Merkel was absent.

MINUTES:

CZERNIAWSKI MOVED WITH A SECOND FROM RZONCA TO ACCEPT THE REGULAR MINUTES OF APRIL 19, 1999 AS SUBMITTED. MOTION PASSED BY VOICE VOTE.

PRESIDENT:

No report.

CLERK:

No report.

ZONING BOARD:

Member Richard Corbett said there will be a joint meeting of the Plan Commission and Zoning Board next Monday, May 10th, at 7:30 p.m. to discuss the proposed wetlands ordinance.

PLAN COMMISSION:

Member Carol Grom said the Plan Commission completed their work on this proposed ordinance several months ago and they are looking for direction from the Village Board on this matter. The current Trustees should familiarize themselves with this issue in order to advise the Boards. The Plan Commission has two vacancies and Sue Harney has volunteered to serve. President Shields said he must receive a written request to consider anyone.

ZBA:

No report.

ATTORNEY:

1. Tracy/Husted lawsuit - Husted portion has been dismissed but Tracy is still pending.
2. The Fahy matter is up in court on May 17th.
3. The Leahy house on Hillcrest has been sold and we will receive a check for \$1,000.
4. The Village Attorney distributed a draft ordinance amending Title 9, Chapter 4, which will be considered for approval at the next meeting.

ENGINEER:

1. Our Village Engineer has reviewed our phosphate treatment program for the water discoloration problem in lower Sleepy Hollow and the treatment is set up as it should be. We could test water samples regularly to chart improvements. Trustee Nemec would like to question the residents on the next water bill for their opinion on the water quality. He should also discuss this matter with Dave Williams, who is familiar with the project.
2. President Shields, Trustee Pickett and Engineer Heinz reviewed the village roads today and noticed a possible water main break at Winmoor and Willow.

TREASURER:

1. CZERNIAWSKI MOVED WITH A SECOND FROM RZONCA TO APPROVE THE WARRANTS OF APRIL 30, 1999 IN THE AMOUNT OF \$45,035.36. AYE: CZERNIAWSKI, RZONCA, MORRIS, NEMEC, PICKETT. MOTION PASSED. Trustee Rzonca should review all time submitted by Joel Kruse.

2. CZERNIAWSKI MOVED WITH A SECOND FROM NEMEC TO APPROVE THE WARRANTS OF MAY 1, 1999 IN THE AMOUNT OF \$10,875.98. AYE: CZERNIAWSKI, NEMEC, MORRIS, PICKETT, RZONCA. MOTION PASSED.

3. The audit is scheduled to begin June 7th.

4. RZONCA MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE THE EXPENSING OF BAD DEBTS IN THE AMOUNT OF \$389.21. AYE: RZONCA, CZERNIAWSKI, MORRIS, NEMEC, PICKETT. MOTION PASSED.

5. Supplemental appropriations and year end operating transfers will be presented at the next meeting.

6. Treasurer Panning distributed a sample web page from the resident who has offered to design web pages for the village.

ROADS & PARKS:

1. PICKETT MOVED WITH A SECOND FROM CZERNIAWSKI TO REMOVE THE TEMPORARY WEIGHT LIMITS, EFFECTIVE IMMEDIATELY. MOTION PASSED BY VOICE VOTE.

2. Trustee Pickett has called Mr. Nollman on Sleepy Hollow Road but has not yet received a response back.

3. Boy Scouts will retire the flag at Sabatino Park on the 17th and work on the Service Club project begins on the 18th. There is a question as to whether the village agreed to pay for the electrical hook up from Sabatino Park to Lake Sharon. We have no bids on this work and three would be required. Whoever does the work must know where the water pipes are located prior to any digging.

4. A few residents have offered to install a baseball backstop in the park on Churchill Court if the Village purchases it. This is not in the budget and residents adjoining the park should be asked their opinion of this addition.

5. Resident Sue Bennett has all necessary permits for the restoration work at Lake Sharon. Sleepy Hollow School is having an assembly on this project on May 12th and have invited trustees to attend.

6. The Village has talked to the insurance company concerning a possible claim for hail damage to the village hall.

7. Trustee Pickett met with the contractor for the roof work. Our bid did not include any charge for dumpsters but the contractor has agreed not to charge us that cost. Delivery of materials will take two weeks and the actual work an additional two weeks.

8. Any projects for Public Works should go through Trustee Pickett, rather than approaching Art directly, unless it is an emergency.

9. The MFT road project this year will include Willow, Locust and Winmoor, and also swale work. Trustee Nemec asked about Rainbow and Sharon, but Rainbow should be done in conjunction with the water loop main. We should look at the cost to do Sharon Drive though.

FINANCE:

1. Trustee Czerniawski asked the Board to follow the procedures for purchasing and distributed the guidelines to all trustees.

WATER:

1. Tessendorf Plumbing has been purchased by Amy Plumbing, who has taken over the filter installations in the village. If any installation will cost more than \$200, it will be approved by Ellen Volkening.

POLICE:

Police Chief Montalbano made a visual and oral presentation on the hiring and training process for all full and part time officers, including the time and costs involved. A written report on this presentation will be given to the Board. His request to add three more part time officers to the current ten is included in the budget. The Board requested a breakdown of the Chief's costs for all officers.

HEALTH & SANITATION:

1. A meeting is scheduled with Trustees Merkel and Nemec and the Village Attorney to discuss a request by two people to hook up to the sewer district.

BUILDING:

1. A building permit has been issued for the Village Hall exterior work.
2. The attorney for the residents at 718 Hillcrest has requested we state in writing our resolution to the drainage problem. Our engineer has viewed the property and we will respond.
3. The independent contractor agreement should be approved by the Board prior to any village official signing these agreements. Not all independent contractors for the village are able to easily obtain indemnification insurance in behalf of the village. Trustee Rzonca will investigate the cost for this coverage and report back to the Board. These contracts are being sent to all village independent contractors for signature.
4. Sears/Rubloff is re-applying for their building permit as their first permit was issued prior to the passage of several ordinances affecting our building code. Attorney Arthur Anderson spoke on behalf of Rubloff and presented changes to the previously approved variances/building plans. These changes include: (a) eliminating the peak on the building-it will now be a flat roof, (a 10' reduction); (b) the front and side will be two-toned brick instead of drivet; (c) the signage at the front is slightly different. All changes still fall within our zoning/variance parameters and there are no changes to the footprint or engineering plans for the site. Village Attorney Mark Schuster will review these changes and then advise the Board whether these changes will require a new variance application and hearing, or whether they are in substantial compliance with the original plans and do not increase the original variance approved. Rubloff will be submitting these revised plans for our approval and hope to break ground within a couple weeks.
5. Trustee Rzonca reviewed the three commercial building inspector bids previously received and interviewed all companies. He does not recommend the company previously approved by the Board as they could not provide a certificate of insurance or good references and would be sub-contracting some of the work. These inspection costs will be covered through the building fees charged to Sears. Trustee Rzonca recommends International Code Consultants who normally invoice the builder for the inspections and then reimburse the village 10% of that fee. Their plan review would be an additional cost of \$2,600. RZONCA MOVED WITH A SECOND FROM NEMEC TO APPROVE THE PROPOSAL OF INTERNATIONAL CODE CONSULTANTS & INSPECTIONS, INC. TO PERFORM BOTH PLAN REVIEW AND BUILDING INSPECTIONS ON THE PROPOSED HOMELIFE PROJECT AT A COST NOT TO EXCEED \$3,000 FOR PLAN REVIEW AND \$9,000 FOR BUILDING INSPECTIONS. The Village would still approve and issue the building permit for the project. The Board would prefer to collect the money from Sears and then pay the inspection company. Trustee Rzonca said the building fees to Sears will increase under the new building permit. We will be collecting additional water and sewer fees from Sears. Our engineer has reviewed the site plans and a couple issues need resolution. However, a grading permit can be issued in the interim to enable Sears to break ground as soon as possible. RZONCA MOVED WITH A SECOND FROM NEMEC TO AMEND THE MOTION TO APPROVE THE PROPOSAL PROVIDED THAT INTERNATIONAL CODE CONSULTANTS AGREE TO THE VILLAGE COLLECTING THE BUILDING PERMIT FEE AND REMITTING 90% OF IT TO INTERNATIONAL CODE CONSULTANTS. MOTION PASSED BY VOICE VOTE.
ON MAIN MOTION: AYE: RZONCA, NEMEC, CZERNIAWSKI, MORRIS, PICKETT. MOTION PASSED.

5. Trustee Morris thanked Trustee Rzonca for the quick resolution to the condition of Willow Road which was discussed last meeting.

6. At Trustee Nemec's request, Mr. Schuster explained the procedure for going into executive session, noting that motions to do so must cite the appropriate sections of the Open Meetings Act. He also said village

business cannot be discussed by a majority of a quorum of the village board outside a public meeting. A quorum would be three or more members. A quorum for a village committee would be two or more people. These restrictions are limited to elected officials only.

CZERNIAWSKI MOVED WITH A SECOND FROM MORRIS TO ADJOURN TO EXECUTIVE SESSION AT 9:45 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 11:15 p.m.

OLD BUSINESS:

No report.

NEW BUSINESS:

A proposed letter to the Service Club regarding bingo will be discussed at the next meeting.

MORRIS MOVED WITH A SECOND FROM RZONCA TO ADJOURN THE MEETING AT 11:15 P.M.. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk

EXECUTIVE MEETING
MINUTES

MAY 3, 1999

Released 12/3/01

The executive session of the Sleepy Hollow Board of Trustees was convened at 9:45 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, Nemec, Morris, Pickett and Rzonca; Village Attorney Schuster; Attorney John Regan and Clerk Olson.

1. Board discussed recent court decision against our fence ordinance, and allowing Eileen Cook to keep her fence, and whether we should appeal the decision. We have 30 days from this decision to appeal. With the ruling in her favor, Mrs. Cook does not need a variance for this fence and we cannot fine her under our fence ordinance. We may be able to cite her under a different part of the village code. While the Board does not wish to appeal the decision, they do not agree with the decision of the judge. (Attorney Schuster leaves)
2. Attorney John Regan, co-owner with Jay Cope of the 34 acre parcel on the north side of Route 72, presented the history of this parcel (previously detailed in Executive Minutes of 7/6/98). Mr. Regan also discussed the current status of this parcel, which is the subject of a contested IEPA hearing to amend the sewer plan to allow a sewage treatment lagoon system in Sleepy Hollow. West Dundee claims they do not have the capacity to give sewer to this parcel and are attempting to obtain more sewer capacity from the City of Elgin. Our request to amend the plan has been approved by NIPC and is now stalled before the IEPA in part due to many letters from West Dundee residents objecting to a lagoon system and by West Dundee itself. The next hearing is scheduled for the fall. If, or when, the IEPA grants our request to amend the plan, the actual lagoon system must be approved by several agencies prior to any construction.

Mr. Regan has had numerous meetings with the mayor and a trustee of West Dundee, attempting to resolve the issue. They would be more likely to give sewer to this parcel if they received something in return, specifically, a solution to the dangerous intersection of Sleepy Hollow Road and Route 72. Mr. Regan suggested we could close off the south part of Sleepy Hollow Road and shift that entrance onto Route 72 about 800 feet to the east of its current location. The separation of north and south Sleepy Hollow Road would alleviate the current problems associated with the close proximity of these two entrances to Route 72 and West Dundee officials have said this would be an acceptable solution to them. Mr. Regan stated that the owner of the property affected by the shifting of south Sleepy Hollow Road would probably not be open to a sale but the Village could condemn the property, which process would take about a year. Mr. Regan indicated he may be willing to assist in some of these costs as he would benefit from a resolution to this matter. He believes development of the 34 acres is at least a few years away, and possibly several more. Mr. Regan said he has a statutory right to de-annex from Sleepy Hollow and that West Dundee has told him they will give him the sewer capacity if the parcel is in West Dundee.

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Mr. Regan feels West Dundee will annex the Galvin property and Pulte will develop it. He also feels West Dundee will succeed in changing the FPA as they can service the area and Sleepy Hollow is unable to do so. However, if Sleepy Hollow were able to negotiate a deal with Elgin for the right to purchase sewer capacity for the parcel, equal to that of West Dundee, we may succeed in keeping the FPA for this property.

It was noted that West Dundee may also be amenable to exchanging sewer capacity for a percentage of the sales tax revenues from the 34 acre commercial development.

PICKETT MOVED WITH A SECOND FROM NEMEC TO ADJOURN THE EXECUTIVE SESSION AT 11:15 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk