

REGULAR MEETING  
MINUTES

AUGUST 2, 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, Merkel, Morris, Nemec, Pickett and Rzonca; Police Chief Montalbano; Treasurer Panning; Attorney Schuster; Engineer Heinz; and Clerk Olson.

MINUTES:

1. The following changes were made to the July 19, 1999 regular minutes: (1) page 1, under Treasurer, #1, the amount should be \$13.74, *not* \$1,374; (2) page 3, Police, #2 should be "Trustee Morris discovered that there is a state law that makes it unlawful for children 13 and under from carrying loaded air rifles (including paint ball guns). The statute also makes it unlawful for any person to discharge an air rifle on or across public property." (3) page 3, Roads & Parks, 3<sup>rd</sup> line, change to "...built in 1974 and the *creek* has increased...", (4) page 2, #3, insert the following before the last sentence in this paragraph: "These are variances from the budget." CZERNIAWSKI MOVED WITH A SECOND FROM MORRIS TO APPROVE THE REGULAR MINUTES AS AMENDED. MOTION PASSED BY VOICE VOTE.

PRESIDENT:

No report.

CLERK:

No report.

PLAN COMMISSION:

No report.

ZONING BOARD:

No report.

ZBA:

1. There will be a ZBA hearing for a lot size variance request on August 12<sup>th</sup>.
2. The ZBA is short one member. The resignation letter will be presented at the next meeting.

ATTORNEY:

1. Attorney Schuster is reviewing additional information concerning the amount of sewer capacity remaining in the Village. He will report back to the Board.
2. A draft ordinance on building materials for commercial property was given to Trustee Rzonca.
3. Answers to questions from Trustee Morris were given to him in a memorandum.
4. The contract is finalized with Hey & Associates and needs the Village's signature.
5. Trustee Nemec's questions about ordinance enforcement will be answered in a memo to the Board.

ENGINEER:

1. Bids for the MFT work were opened. PICKETT MOVED WITH A SECOND FROM CZERNIAWSKI THAT CURRAN CONTRACTING COMPANY BE AWARDED THE CONTRACT FOR THE 1999 STREET PROGRAM BASED ON THEIR LOW BID OF \$113,312.25 AND THAT THE VILLAGE PRESIDENT AND CLERK BE AUTHORIZED TO EXECUTE THE CONTRACT DOCUMENTS AND ALL OTHER MFT FORMS REQUIRED DURING THE COURSE OF THIS PROJECT, SUBJECT TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION'S REVIEW AND APPROVAL. This total is slightly over our budgeted amount and the contract will be reviewed by the engineer and Trustee Pickett to determine if any items

can be deleted, which will then be handled with a change order. AYE: PICKETT, CZERNIAWSKI, MERKEL, MORRIS, NEMEC, RZONCA. MOTION PASSED.

2. The independent contractor agreement prepared Heinz & Associates in lieu of the Village's contract has been reviewed by our attorney and is acceptable.

MORRIS MOVED WITH A SECOND FROM NEMEC TO AMEND THE AGENDA TO MOVE "NEW BUSINESS" TO THE FLOOR IMMEDIATELY TO ALLOW THE RESIDENTS WHO ARE ON THE LIST TO SPEAK. MOTION PASSED BY VOICE VOTE.

The following residents spoke about the Galvin Farm/proposed Pulte development and their many concerns about how this development will negatively impact Sleepy Hollow and the community and urged the Board to take action to prevent this development, including joining in the lawsuit filed by two homeowners which is currently pending before the court: Lori Pepper, Dan Stroick, Ann Hirz, and West Dundee resident Glen DeCosta. Mr. Tileston spoke about the water and drainage problems in the Village and urged the Board to have a comprehensive plan created to address these problems throughout the Village. Mr. Tanner of Joy Lane has many concerns about the proposed wetlands overlay ordinance and several restrictions which would affect his property. He had many questions that should be addressed to the zoning board.

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

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Regular meeting resumed at 10:00 p.m.

President Shields announced that the Village Attorney had been asked to research some issues regarding the Galvin Farm property for the Board and that there will be a special meeting on Monday, August 9<sup>th</sup> at 7:30 p.m. for the purpose of deciding what action will be taken on the matter.

MORRIS MOVED WITH A SECOND FROM CZERNIAWSKI TO ADJOURN TO EXECUTIVE SESSION AT 10:05 P.M. FOR THE PURPOSE OF DISCUSSING PERSONNEL PURSUANT TO §2(C)(1) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

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Regular meeting resumed at 10:45 p.m.

#### TREASURER:

1. Add \$21.00 to Norine Olson, \$20.00 to the Illinois Dept. of Public Health, and \$556.00 to Fresh Start. NEMEC MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE THE ACCOUNTS PAYABLE IN THE AMOUNT OF \$41,672.67. AYE: NEMEC, CZERNIAWSKI, MERKEL, MORRIS, PICKETT, RZONCA. MOTION PASSED.

#### ROADS & PARKS:

1. Jay Nollman has submitted a written demand for repair of his swales and drainage problems allegedly caused by the second water main connection project. We will be working with the Township to address these concerns and then obtain a sign off from Mr. Nollman to conclude this matter.

2. Saddle Club residents have requested use of that park for a subdivision party on August 28<sup>th</sup>. The Board said they cannot serve alcohol on public property and that the park closes at 8:00 p.m. per ordinance. They also feel we need indemnity insurance for the Village from the homeowners for this event, but Ellen should check whether this would be necessary (may depend on what "activities" are brought to the park). The homeowners will rent a port-a-potty. Trustee Pickett should contact the homeowner and report our concerns.

3. CASA, a Kane County group that trains people to act as advocates for abused and neglected children, wants to use our meeting room to recruit people on September 30<sup>th</sup> from 7-8:30 p.m. The Board agreed to this use, as long as all office doors are locked and the police could open and then lock up the building for the meeting.

4. Heinz & Associates are doing some swale work in conjunction with the work Hey & Associates is undertaking for the Village.

5. A family of raccoons was removed from the attic of the back barn.

#### FINANCE:

1. There will be a Finance Committee meeting on August 30<sup>th</sup> at 7:00 p.m.

#### WATER:

1. President Shields received a call from the Oppenheims regarding their poor water quality.

#### POLICE:

1. Nine police applicants passed the physical test and will go on to the written test.

2. Another part time police officer has submitted his resignation.

#### HEALTH & SANITATION:

1. Trustee Merkel will be meeting with Treasurer Panning concerning preparation of bids for trash pick up.

2. The issue of sewer capacity for 222 Rainbow will be discussed at the next meeting after we receive a report from the Village Attorney. We must then decide how we will allocate any remaining capacity to residents.

#### BUILDING:

1. Joe Prang will order new sidwell maps at a cost of \$225.00.

2. Joel Kruse has suggested we establish an ordinance allowing the Board to withhold issuance of a permit if the person/company has any outstanding code violations/debts with the Village. This was suggested as we are already experiencing this problem. Our Village Attorney is reviewing this matter.

3. A draft ordinance regarding building materials for commercial construction will be presented at the next meeting.

4. Regarding insurance for Joel Kruse as required in the independent contractor agreement, the City of Elgin has advised us that they have no conflict with Joel Kruse being a part time employee of Sleepy Hollow. If Joel was an employee, this would eliminate his need for separate insurance. We will need to determine the reduced rates for his benefits/taxes as he is already covered as a full time employee for the City of Elgin.

#### OLD BUSINESS:

No report.

#### NEW BUSINESS:

No report.

NEMEC MOVED WITH A SECOND FROM MORRIS TO ADJOURN THE MEETING AT 11:30 P.M.  
MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson  
Village Clerk

Released 4-19-04

EXECUTIVE MEETING  
MINUTES

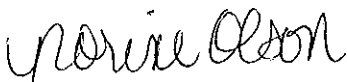
AUGUST 2, 1999

The executive session of the Sleepy Hollow Board of Trustees was convened at 8:15 p.m. for the purpose of discussing litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Shields; Trustees Czerniawski, Merkel, Nemec, Morris, Pickett and Rzonca; Village Attorney Schuster and Attorney Michael Roth and Clerk Olson.

Mr. Roth represents Dan Stroick and Glenn DeCosta in their lawsuit to stop the residential development on the Galvin Farm. He spoke at length about that suit and its strategies. He estimates his fees to be \$25,000, including appeal, (paid by homeowners). This suit will be appealed to the Appellate Court if they lose at the Trial Court level (Sept. 20<sup>th</sup> trial) and he is optimistic they will win on appeal. By joining in the suit, the Village of Sleepy Hollow will not bring any additional legal arguments but as a village may have more impact in the court's decision than two individuals. The Board was split on whether to become part of this suit. Some felt we should become involved later with the Army Corps issues and after our studies by Hey & Associates. There was also discussion about the Village boundary along Sleepy Hollow Road and how it will be affected by West Dundee's annexation of the Galvin Farm. President Shields stated that Elgin has not responded to our attempts to get sewer for Sleepy Hollow for the Galvin Farm property. (Attorney Roth leaves.) The Board discussed West Dundee's possible reaction to our joining in the lawsuit. President Shields has been advised by John Regan that he will de-annex his 34-acre parcel from Sleepy Hollow if we join in the suit. We do not have any money budgeted for attorney's fees for this lawsuit. The Board did not want to vote on whether to intervene until Attorney Schuster has researched the issue of whether Sleepy Hollow Road will remain our property after the annexation. A special meeting to discuss his findings and make a decision will be held next Monday night.

MERKEL MOVED WITH A SECOND FROM MORRIS TO ADJOURN THE EXECUTIVE SESSION AT 10:00 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson  
Village Clerk