

REGULAR MEETING
MINUTES

DECEMBER 20, 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; and Clerk Olson.

MINUTES:

1. MORRIS MOVED WITH A SECOND FROM NEMEC TO APPROVE THE REGULAR MINUTES OF DECEMBER 6, 1999 AS SUBMITTED. MOTION PASSED BY VOICE VOTE.

PRESIDENT:

1. President Shields attended an community meeting with School District 300 regarding the overcrowding in the schools.
2. A retirement program for the police chief has been prepared and will be presented to the Board shortly for review and approval.

CLERK:

1. RZONCA MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE ORDINANCE NO. 99-31 ENTITLED "AN ORDINANCE ESTABLISHING DATES OF REGULAR MEETINGS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS, FOR THE CALENDAR YEAR 2000". AYE: RZONCA, CZERNIAWSKI, MERKEL, MORRIS, NEMEC, PICKETT. MOTION PASSED.

PLAN COMMISSION:

Chairman Markey said their board has compared the draft Sleepy Hollow wetlands ordinance with that of Kane County. A representative from the government studies at N.I.U. made a presentation to the Commission regarding the local sewer system and how it relates to Sleepy Hollow. Our engineers should determine how much sewer capacity the Village needs and should request from Elgin. Trustee Merkel will contact Joe Heinz. All Commission board members have copies of the Comprehensive Plan. The Trustees should review the Plan and compile a list of areas/items for possible amendment. This will be discussed at the second meeting in January.

ZONING BOARD:

No report.

ZBA:

No report.

ATTORNEY:

1. A draft of our response to West Dundee's petition to NIPC regarding the FPA change has been submitted for review. Comments should be directed to the Village Attorney.

ENGINEER:

1. No report.

TREASURER:

1. There were four additions to the warrants. There was discussion on the uniform purchased for the police clerk. Board discussed and it was agreed any future purchases for the clerk would require board approval in advance. Trustee Morris questioned the attorney charge for work on the issue of maintenance of village owned

property as he did not recall authorizing it. The attorney should be asked. CZERNIAWSKI MOVED WITH A SECOND FROM NEMEC TO APPROVE THE WARRANTS IN THE AMOUNT OF \$148,668.56. AYE: CZERNIAWSKI, NEMEC, MERKEL, MORRIS, PICKETT, RZONCA. MOTION PASSED.

2. The financial statements were reviewed. Sales tax is under budget because of the delay in opening the HomeLife store.
3. The Orange Crush credit application will be held until our attorney can discuss his concerns with it.
4. The Treasurer recommends we delay a decision on the Nicor franchise agreement until we can determine the best option for the Village.
5. The Board discussed a proposed update to the personnel policy manual regarding police overtime pay. This should be reviewed by the Village Attorney relative to overtime paid to officers in training. The Board agreed that police officers should be paid overtime for more than 40 hours of work. Trustee Czerniawski will discuss with Attorney Schuster.

COMMENTS FROM THE PUBLIC:

1. Susan Harney of 1218 Timber Drive urged the Board to obtain control of the gravel pit property on Boncosky rather than allow Open Space to purchase this property and leave it in its present state.
2. Glen DeCosta of 2311 Preston Lane in West Dundee discussed the sewer capacity issues relating to the development of the Pulte property along Route 72.
3. Elizabeth Romano of 709 Surrey Lane questioned how individuals outside the Village Board can request executive sessions with the Board. President Shields responded.

ROADS & PARKS:

1. Board discussed the \$45,000 proposal prepared by the Park District for the Sabatino Park playground area. We have only budgeted \$30,000 for this project. The Park District will contribute the design work and all bid work for the project. There is also a parking lot included in this proposal which would require additional funds. We could transfer the \$15,000 budgeted for the bike path around Sabatino Park. (We had anticipated additional grant money for this bike path project which does not appear to be a viable option at this time.) It was suggested that we may be able to get a local business to sponsor a portion of the cost for this park. PICKETT MOVED WITH A SECOND FROM MORRIS TO BEGIN PRELIMINARY FACT GATHERING TO FURTHER CLARIFY THE \$45,000 COST AND TO AGREE THAT WE WILL TRANSFER THE \$15,000 DESIGNATED FOR THE BIKE PATH TO THE PARK EQUIPMENT REPLACEMENT PROJECT. WE WILL ALSO OBTAIN AN UNDERSTANDING FROM THE PARK DISTRICT REGARDING CONTROL OF THIS PARK. MOTION PASSED BY VOICE VOTE. The Board agreed we wish to retain control over the park, rather than give it to the Park District. We would not object to the Park District conducting routine maintenance reviews of the park equipment, however. We must also obtain firm figures from the Park District regarding total cost, including the proposed parking lot.

FINANCE:

No report.

WATER:

1. We have been unable to install an inside water meter in a house on Hillcrest. A certified letter should be sent to the resident requesting access to install a meter within 30 days.

POLICE:

1. The issue of hiring additional officers will be referred to the Finance Committee for review. They will give the Board their recommendations by the second meeting in February. An additional full time officer will be considered and Chief Montalbano should contact Copsfast regarding a possible grant for this new officer.

HEALTH & SANITATION:

No report.

BUILDING:

1. Received a letter from the engineers regarding a lot on Winmoor located in the flood plain. Lot 49 has received approval from the Army Corps. and the Board must now approve a building permit for this lot pursuant to village ordinance. RZONCA MOVED WITH A SECOND FROM NEMEC TO AUTHORIZE THE ISSUANCE OF A BUILDING PERMIT FOR LOT 49, UNIT 9, OF SLEEPY HOLLOW MANOR. The other trustees did not receive copies of the correspondence from our engineers on this matter and this motion was tabled until the next meeting.
2. Mr. Podbregar, who improperly added fill to his flood plain property which must now be removed, has asked to come before the Board to negotiate this matter. This will be done at a later date.

OLD BUSINESS:

1. Trustee Nemec asked the Village Attorney to prepare an ethics ordinance. The Board agreed that Trustees Morris and Nemec will instead prepare a draft for board review which can then be forwarded to the Village Attorney to prepare in ordinance form at a later date if necessary.
2. The Board would like to include another survey in the next newsletter concerning leaf burning.
3. Trustees Pickett and Merkel and Hey & Associates' Gary Schaffer met with West Dundee officials concerning the Pulte development. A list of several items requested by Hey & Associates was presented to West Dundee. West Dundee said there would be no buffer between the development and adjoining Sleepy Hollow residents. Fences are allowed in West Dundee and would up to the individual homeowners or the association. Trustee Morris suggested the developer could set fence parameters on those lots abutting Sleepy Hollow. We have not received input from our residents on issues to discuss with West Dundee. The Carrington Reserve plans are on display at the Village Hall and we should suggest residents leave their comments/suggestions with the Village staff. All resident requests will be reviewed by the Board before presenting to West Dundee. Another meeting with West Dundee has not yet been scheduled.

NEW BUSINESS:

1. Village Attorney Mark Schuster discussed final acceptance of the Bluffs subdivision. CZERNIAWSKI MOVED WITH A SECOND FROM NEMEC TO APPROVE RESOLUTION NO. 280 ENTITLED "A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS IN THE BLUFFS OF SLEEPY HOLLOW SUBDIVISION".

MORRIS MOVED WITH A SECOND FROM NEMEC TO AMEND THE MOTION TO MAKE APPROVAL SUBJECT TO VERIFICATION BY THE VILLAGE ATTORNEY THAT THE FINAL ASPHALT PAVEMENT HAS BEEN APPLIED TO THE ROADS.

ON AMENDMENT: MOTION PASSED BY VOICE VOTE.

ON MAIN MOTION : MOTION PASSED BY VOICE VOTE.

2. CZERNIAWSKI MOVED WITH A SECOND FROM MORRIS TO ADJOURN TO EXECUTIVE SESSION AT 9:45 P.M FOR THE PURPOSE OF DISCUSSING PENDING, PROBABLE OR IMMINENT LITIGATION PURSUANT TO §2(C)(11) OF THE OPEN MEETINGS ACT. A question was raised by Mr. DeCosta from the audience and by certain Board members concerning the basis for this executive session; the Village Attorney advised that the session was authorized by the Sections cited in the motion. AYE: CZERNIAWSKI, MORRIS, NEMEC, RZONCA. NAY: MERKEL, PICKETT. MOTION PASSED.

MORRIS MOVED WITH A SECOND FROM CZERNIAWSKI TO AMEND THE MOTION TO ALSO INCLUDE IN THE SESSION THE DISCUSSION OF THE RELEASE OF EXECUTIVE MINUTES PURSUANT TO §2(C)(21) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

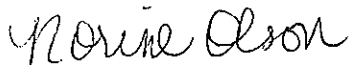
The regular meeting resumed at 11:25 p.m.

PICKETT MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE THE RELEASE OF THE EXECUTIVE MEETING MINUTES FROM APRIL 6, 1998, JULY 20, 1998, AUGUST 17, 1998, OCTOBER 5, 1998, APRIL 19, 1999, AND JUNE 21, 1999. MOTION PASSED BY VOICE VOTE.

MORRIS MOVED WITH A SECOND FROM NEMEC THAT THE VILLAGE FINANCIAL PROJECTIONS PRESENTED BY THE FINANCE TRUSTEE BE DISCUSSED AT THE JANUARY 3RD MEETING AND BE AVAILABLE TO ANY RESIDENTS AND THE PRESS. MOTION PASSED BY VOICE VOTE.

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

Respectfully submitted,



Norine Olson
Village Clerk

Released 12/16/02

EXECUTIVE MEETING
MINUTES

DECEMBER 20, 1999

The executive session of the Sleepy Hollow Board of Trustees was convened at 9:45 p.m. for the purpose of discussing litigation and review of executive minutes pursuant to §§2(c)(11) and 2(c)(21) of the Open Meetings Act. In attendance were President Shields; Trustees Czerniawski, Merkel, Nemec, Morris, Pickett and Rzonca; Village Attorney Schuster, Attorney John Regan and Clerk Olson.

Village Attorney Schuster noted that this executive session was called pursuant to pending litigation (the contested IEPA matter concerning the lagoon system), and the threat of imminent litigation (Attorney Regan's potential disconnection of his 34 acre parcel from Sleepy Hollow which would be filed in the Kane County Circuit Court). Mr. Regan said he would not discuss this matter in open session.

1. John Regan explained the status of the IEPA matter and his position concerning his 34 acre parcel relative to Sleepy Hollow's pending matters with the Village of West Dundee. He estimated that Sleepy Hollow could receive tax revenue from the development of his parcel in the area of \$700,000 - \$1,000,000 annually.* Mr. Regan believes West Dundee would consider sewer to his parcel if Sleepy Hollow would drop its opposition to their petition on the FPA, withdraw the application for the lagoon system, and work out some arrangement to improve the Route 72/Sleepy Hollow Road intersection. He would like a written agreement between the villages assuring sewer capacity to his parcel in the very near future or he will begin disconnection proceedings. Mr. Regan feels if we wait much longer, we will lose any negotiation power we have with West Dundee. The NIPC hearing is February 3rd; the IEPA hearing is February 18th. There are also evidentiary hearings on January 3rd and 10th in the Stroick/DeCosta lawsuit. Mr. Regan said he would be willing to work out the financing for the initial capital costs of obtaining the sewer to his parcel. (Mr. Regan leaves)

Trustee Rzonca said West Dundee is awaiting any counter-proposal from Sleepy Hollow, in particular re amount of sewer capacity needed by the Village.

2. Board reviewed the executive minutes proposed for release and agreed all could be released. A motion will be made in regular session to release the minutes from 4/6/98, 7/20/98, 8/17/98, 10/5/98, 4/19/99 and 6/21/99.

3. PICKETT MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE THE EXECUTIVE MEETING MINUTES OF NOVEMBER 1, 1999 AS SUBMITTED. MOTION PASSED BY VOICE VOTE.

4. MORRIS MOVED WITH A SECOND FROM NEMEC TO APPROVE THE EXECUTIVE MEETING MINUTES OF SEPTEMBER 7, 1999 AS SUBMITTED. MOTION PASSED BY VOICE VOTE.

DECEMBER 20, 1999

5. Board asked Attorney Schuster if John Regan would have grounds for disconnection from Sleepy Hollow. Attorney Schuster responded that we could object to his disconnection because of the tax benefit that would be lost to the Village were it commercially developed. However, we have not yet re-zoned the property for commercial development and cannot provide sanitary sewer to the property at this time.

Attorney Schuster will obtain copies of all communications between West Dundee and John Regan through a FOIA request. Board discussed the realignment of Sleepy Hollow Road and how it could affect both the north and south legs of the road.

The Board will try to find out what kind of sales could be generated by the development of the Regan property to see if Mr. Regan's estimate of the potential revenue is accurate. The Board has not yet authorized the Village Attorney to file our comments on the FPA petition. All Board members should be prepared to discuss at the next regular meeting the facts involved in going forward with the pending proceedings, meeting the threat of disconnection of the Regan property from the Village, and/or resolving outstanding matters with the Village of West Dundee.

RZONCA MOVED WITH A SECOND FROM PICKETT TO ADJOURN THE EXECUTIVE SESSION AT 11:25 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk

*Upon review of these minutes, three trustees felt \$2,000,000 was the higher amount quoted by Mr. Regan.