

REGULAR MEETING  
MINUTES

NOVEMBER 6, 2000

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. In attendance were President Shields; Trustees Merkel, Morris, Nemec, Pickett and Rzonca; Police Chief Montalbano; Treasurer Panning; Attorney Schuster; Engineer Heinz and Clerk Olson.

MINUTES:

1. PICKETT MOVED WITH A SECOND FROM MORRIS TO APPROVE THE REGULAR MINUTES OF OCTOBER 16, 2000 AS SUBMITTED. MOTION PASSED BY VOICE VOTE WITH TRUSTEES MERKEL AND RZONCA ABSTAINING.

PRESIDENT:

1. There will be an executive session with the Village Attorney regarding pending litigation.
2. Resident Denise Sommerlot has volunteered to assist in updating the Village web site and will work with Treasurer Panning.
3. PICKETT MOVED WITH A SECOND FROM RZONCA TO APPROVE THE APPOINTMENT OF JOHN SKIBINSKI TO THE ZONING BOARD. MOTION PASSED BY VOICE VOTE WITH NEMEC ABSTAINING.
4. President Shields made the following committee appointments: Police & Public Safety: Chairman-Morris, Members-Nemec. Health & Sanitation: Chairman-Merkel, Members-Nemec & Morris. Building & Zoning: Chairman-Rzonca, Members-Merkel & Pickett. Roads, Streets, Parks & Public Property: Chairman-Pickett, Members-Rzonca. Water: Chairman-Nemec, Members-Morris & Pickett. Finance: No Chairman, Members-Merkel & Rzonca. Trustee Nemec questioned whether these appointments should be made at this time.
5. There will be no appointment to the finance trustee vacancy unless President Shields finds a resident with a finance background.
6. There have been several resident recommendations to the Parks Planning Committee and President Shields will submit nominations at the next meeting.
7. A lot on Willow Lane will require a variance and will go before the ZBA.
8. There is a Kane County planners seminar & luncheon on December 8<sup>th</sup> at the Grand Victoria.

CLERK:

1. MORRIS MOVED WITH A SECOND FROM PICKETT TO RATIFY THE PHONE VOTE OF OCTOBER 17, 2000 TO APPROVE ORDINANCE NO. 2000-20 ENTITLED "AN ORDINANCE AMENDING THE VILLAGE CODE PROVISION REGARDING REIMBURSEMENT FOR MILEAGE EXPENSES" MOTION PASSED BY VOICE VOTE.
2. Hafeman's Evergreens in Michigan will again be selling Christmas trees at Randy's from November 23 to December 21.
3. Informational binders are available from the company doing the pigging project in the Village.

PLAN COMMISSION:

Chairman Markey distributed reports from two members of the Commission regarding the use and maintenance of village property. Board comments should be directed back to Mr. Markey.

ZONING BOARD:

1. In response to a possible zoning change concerning architectural landscape feature (fences), Chairman Neil distributed a memo expressing the Zoning Board's unanimous opinion that no decorative fences should be allowed in the Village. The Village Board discussed ways of eliminating the fences in the village and a possible option of requiring all houses to be in compliance before title can be transferred in a sale.

2. Trustee Rzonca said the commercial property on the north side of Route 72 would like to expand but will first need to be re-zoned to B2 since they were annexed as and are doing business as a non-conforming R1 property. Mr. Neil will start the process.

ZBA:

No report.

Tom Polzin of Hey & Associates explained their recent written proposals concerning the dams in lower Sleepy Hollow. Three proposals for each dam were submitted, ranging from complete restoration, to total removal of the dams, to removal of the dam "wings" and leaving only the sills which would create a pool and cascade effect. The various options would range in cost from approximately \$40,000 to over \$100,000 per dam. All proposals include various engineering and permitting fees as may be required for each project.

ATTORNEY:

1. PICKETT MOVED WITH A SECOND FROM MERKEL TO APPROVE ORDINANCE NO. 2000-21 ENTITLED "AN ORDINANCE ESTABLISHING REGULATIONS FOR PLEASURE DRIVEWAYS IN THE VILLAGE AND DESIGNATING SLEEPY HOLLOW ROAD AS A PLEASURE DRIVEWAY" BY INCORPORATING PARAGRAPH 2B AND ADDING TO PARAGRAPH 3 THAT CURB CUT APPROVAL IS ONLY BY ¾ VOTE OF THE CORPORATE AUTHORITIES. Board discussed concerns with the vehicle limitations on the road and enforcement of same. AYE: PICKETT, MERKEL, RZONCA. NAY: MORRIS, NEMEC. MOTION PASSED.

2. A waterworks ordinance should be presented at the next meeting.

3. Mr. Schuster explained the water problem on Locust at Sycamore which occurred during the Homelife development. An underground drain tile is probably not connected to the West Dundee storm sewer on the Target property which has contributed to the problem, as well as a neighbor discharging a sump pump directly into the culvert. He is working with the Village Engineer on this matter.

4. The easements will be discussed at the next meeting. A few residents have still not signed easements. The bidder for this project has requested withdrawal of their bid and return of their bid bond as the project did not start as anticipated. Trustee Nemec asked that the Village Attorney discuss with the Engineer and prepare a written document to designate a certain water line in this project a service line rather than a water main.

5. Trustee Pickett questioned the form of government the Village runs as - we are a village government with a president and board of trustees.

PICKETT MOVED WITH A SECOND FROM MERKEL TO ADJOURN TO EXECUTIVE SESSION AT 9:10 P.M. FOR THE PURPOSE OF DISCUSSING THE FAHY AND PULTE PENDING LITIGATION PURSUANT TO §2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

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The regular meeting reconvened at 9:40 p.m.

ENGINEER:

1. The Village President and Attorney are in contact with West Dundee officials regarding the placement of the new sewer meter. It has also been confirmed that West Dundee has been billing the apartments for sewer service although we have been maintaining the line without compensation.

2. The poly-pigging project starts November 13<sup>th</sup>. Affected residents will be updated regularly and via several means of communication to ensure they are aware of water shut offs. The Engineer will handle the situation of a resident who uses hot water heating.

3. We will return the check to Gluth Bros. Construction since the water main improvement project is on hold.
4. We are still waiting for another estimate on the bridge repair work.
5. The Engineer does not anticipate completing the bid specs for the Deer Creek project for several weeks. He felt we could obtain a lower cost if we would include this project with the MFT bid for next spring. It was felt the water flow in the area was not a problem in delaying this project until the spring. The Engineer will check with the Village Attorney about any necessary easements for this work.

TREASURER:

1. MORRIS MOVED WITH A SECOND FROM NEMEC TO APPROVE THE WARRANTS IN THE AMOUNT OF \$199,187.38. AYE: MORRIS, NEMEC, MERKEL, PICKETT, RZONCA. MOTION PASSED.
2. The Finance Committee meeting is November 28<sup>th</sup> at 7:00 p.m.
3. Discussed the proposed computer purchases for the office. RZONCA MOVED WITH A SECOND FROM NEMEC TO APPROVE THE PURCHASE OF DELL COMPUTERS AND UPS SUPPLIES IN THE AMOUNT OF \$6,704.70. AYE: RZONCA, NEMEC, MERKEL, MORRIS, PICKETT. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

1. Walter Heffron of 1056 Van Tassel Road congratulated the Board, and especially Trustee Pickett for his efforts in obtaining tonight's passage of the pleasure road ordinance for Sleepy Hollow Road.

ROADS & PARKS:

1. The work on the Raab property is complete.
2. The parking lot at Sabatino Park is complete except for handicap lanes leading to other areas. We will also move the "no parking" signs from one side of the street to the other. One or two posts may be installed on the north side to discourage parking.
3. PICKETT MOVED WITH A SECOND FROM RZONCA TO RATIFY THE PHONE VOTE TAKEN ON OCTOBER 24<sup>TH</sup> TO MAKE PAYMENT TO ARROW ROAD CONSTRUCTION IN THE AMOUNT OF \$78,615.17. AYE: PICKETT, RZONCA, MERKEL, NEMEC. ABSTAIN: MORRIS. MOTION PASSED.
4. The address pole has been installed at Locust and Acorn.
5. The parking posts have not yet been installed across from Sleepy Hollow School.
6. Authorization was approved for Kane County to submit a proposal to the Michalskys for property.
7. No IDNR or Army Corps permit work has been started for the Gazebo.
8. It was noted that parking for the Halloween festivities was unorganized and all over the roads. It was suggested the Service Club be asked to organize it similar to 4<sup>th</sup> of July parking.

FINANCE:

No report.

WATER:

1. NEMEC MOVED WITH A SECOND FROM PICKETT TO RATIFY A PHONE VOTE TO PURCHASE SUPPLIES/MATERIALS FOR THE PIGGING PROJECT FROM WATER PRODUCTS IN THE AMOUNT OF \$5,933.24, ON A NON-BID BASIS. AYE: NEMEC, PICKETT, MERKEL, RZONCA. ABSTAIN: MORRIS. MOTION PASSED.
2. NEMEC MOVED WITH A SECOND FROM PICKETT TO APPROVE REIKE LABOR FOR THE PIGGING PROJECT, FOR A MAXIMUM OF 160 HOURS, TOTALING \$6,400.00. AYE: NEMEC, PICKETT, MERKEL, MORRIS, RZONCA. MOTION PASSED. Information on the pigging project has been given to the local newspapers.

POLICE:

1. Trustee Pickett attended the recent QuadCom meeting.
2. Police applications have been received and interviews will be scheduled.

HEALTH & SANITATION:

No report.

BUILDING:

1. Two recent building permit requests on Rainbow and Willow have been reviewed by our engineer.
2. The 2000 BOCA code will be adopted by the Village.
3. Trustee Rzonca has obtained sample ordinances that require fences around detention facilities. Copies will be given to all Board members for review and discussion.
4. I.D.N.R. has released the Village from various issues discovered in the community assessment visit in 1998, including the Podbregar property. We will now issue a final occupancy permit for his property.

OLD BUSINESS:

1. Board again discussed the request from a Kane County board member for a resolution requesting the widening of Route 72. MORRIS MOVED WITH A SECOND FROM NEMEC TO ADOPT RESOLUTION NO. 289 ENTITLED "RESOLUTION ENDORSING THE COMPLETION OF ROUTE 72 FROM ROUTE 25 TO RANDALL ROAD IN DUNDEE TOWNSHIP. AYE: MORRIS, NEMEC, RZONCA. NAY: MERKEL, PICKETT. MOTION PASSED.

NEW BUSINESS:

No report.

MORRIS MOVED WITH A SECOND FROM MERKEL TO ADJOURN TO EXECUTIVE SESSION AT 10:20 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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The regular meeting resumed at 10:50 p.m.

MORRIS MOVED WITH A SECOND FROM NEMEC TO ADJOURN THE MEETING AT 10:50 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson  
Village Clerk

EXECUTIVE MEETING  
MINUTES

NOVEMBER 6, 2000

The executive session of the Sleepy Hollow Board of Trustees was convened at 9:10 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 Merkel, Nemec, Morris, Pickett and Rzonca; Village Attorney Schuster; and Clerk Olson.

1. Fahy litigation. A possible settlement has been suggested that would require that the Village issue building permits for lots 3 and 4, and make no claim against Fahy for attorney's fees & costs. In turn, Fahy would pay the impact fees due on lots 3 and 4 and the suits against all parties would be dismissed. The Board is willing to settle under these conditions.

2. Pulte litigation. The Village Attorney discussed strategy for the upcoming Pulte trial which would include expert testimony by Hey & Associates on our behalf. We should also order a survey of Sleepy Hollow Road to determine our boundaries in this area. Mr. Schuster would also need to talk to Parsons Transportation and Heinz Engineering for assistance in our proofs. He also asked Board members to review the production request for any documents they may have in response to these requests.

MORRIS MOVED WITH A SECOND FROM RZONCA TO ADJOURN THE EXECUTIVE SESSION AT 9:40 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson  
Village Clerk

Released  
12-21-09

EXECUTIVE MEETING  
MINUTES

NOVEMBER 6, 2000

The executive session of the Sleepy Hollow Board of Trustees was convened at 10:20 p.m. for the purpose of discussing pending litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were Trustees Merkel, Nemec, Morris, Pickett and Rzonca; and Clerk Olson.

Board discussed the claim of harassment by Sgt. Childs against President Shields. Board would like to issue a statement with their decision on this matter but are not certain of proper procedure and how to present it to both parties. Village Attorney will be contacted and this matter will be concluded at the next meeting.

MORRIS MOVED WITH A SECOND FROM NEMEC TO APPROVE THE EXECUTIVE MEETING MINUTES OF OCTOBER 16, 2000 AS SUBMITTED. MOTION PASSED BY VOICE VOTE WITH MERKEL AND RZONCA ABSTAINING.

MORRIS MOVED WITH A SECOND FROM RZONCA TO ADJOURN THE EXECUTIVE SESSION AT 10:50 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,

*Norine Olson*

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Village Clerk