

VILLAGE OF SLEEPY HOLLOW  
VILLAGE BOARD SPECIAL MEETING MINUTES

MAY 3, 2010

The special meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:00 p.m. at the Sleepy Hollow Village Hall. Board members in attendance were President Stephen Pickett, Trustees Dennis Fudala, Russell Getz, Jeff Seiler, and Steve Wind. Trustees Scott Finney and Donald Ziemba were absent. Also in attendance was Village Attorney Mark Schuster. Also present was Mr. Nelson from Comcast.

President Pickett stated that the purpose of the special meeting was to hear public comment on the proposed renewal of the franchise agreement with Comcast for construction, operation, and maintenance of the cable system in the Village pursuant to 47 USC §546(h).

Mr. Schuster stated that this meeting was announced at the 1st meeting of April. He noted there have been a few minor modifications since the April draft was given to the Board. The term of the agreement is 10 years. There are no significant changes to services, channels, etc. This agreement allows Comcast to use the Village rights-of-way in exchange for a 5% franchise fee to the Village. The gross revenue definition is slightly different than the one adopted by the Village in the Illinois Video and Cable Competition Act in 2007, but very similar. It is subject to the same rights and duties in construction in the rights of way as other providers. Many of the items adopted by the Village in 2007 also apply to this Comcast agreement. Comcast prefers to be under the federal law rather than the state law. Mr. Schuster previously answered several questions from the Board in writing. Comcast had questions on the paragraph regarding relocation for village purposes where the request is by a third party, but the questions have been worked out regarding payment by the utility involved. Cable service to the Village Hall and elementary school remain free of charge. Mr. Schuster noted that the federal law allows for an informal process regarding the approval of this agreement.

An unidentified woman in the audience asked a question that was answered by Mr. Schuster. It was noted that this is a non-exclusive agreement.

Trustee Seiler asked about interactive cable/internet and franchise fees, which was answered by Mr. Nelson of Comcast.

Seiler moved with a second from Wind to adjourn the meeting at 7:19 p.m. Motion unanimously passed.

Respectfully submitted,



Norine Olson  
Village Clerk

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The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. at the Sleepy Hollow Village Hall. Board members in attendance were President Stephen Pickett, Trustees Scott Finney, Dennis Fudala, Russell Getz, Jeff Seiler, and Steve Wind. Trustee Donald Ziemba was absent. Also in attendance were Village Attorney Mark Schuster, Village Engineer Eric Weiss, Police Chief Jim Montalbano and Finance Director Ellen Volkening.

MINUTES

1. Wind moved with a second from Fudala to approve the Village Board Meeting Minutes of April 19, 2010. There is a duplication of words on page 2 in the last sentence of the first paragraph that will be corrected. Motion passed.

Wind moved with a second from Getz to amend the agenda to move the Comcast franchise agreement to now. Motion passed unanimously.

Mr. Schuster stated that a special meeting on the renewal of the Comcast franchise agreement was held at 7 p.m. tonight. The renewal is for 10 years on substantially the same terms under the federal law, rather than the state law enacted in 2007. Seiler moved with a second from Getz to approve Ordinance No. 2010-4 entitled "An Ordinance Granting a Franchise to Comcast of Northern Illinois, Inc. for Construction, Operation, and Maintenance of a Cable System in the Village." Aye: Seiler, Getz, Finney, Fudala, Wind. Motion passed.

PRESIDENT

1. An ordinance amending liquor regulations for special events was presented. The Board agreed to a \$50 license fee per day and discussed hours of operation under the permit, and agreed to hours of noon to no later than 11 p.m., not to exceed 11 hours in a day. Getz moved with a second from Wind to approve Ordinance No. 2010-5 entitled "An Ordinance Amending the Alcoholic Liquor Regulations Governing the Issuance of a License for a Special Event in the Village." It was noted that all details of the special event will be reviewed prior to the approval of the permit. The Board further discussed the hours, along with input from the owners of the Thirsty Vine, who were present. They would like to open earlier on Saturday, but still remain open until 11 p.m. Seiler moved with a second from Getz to amend the motion to change the hours from 10 a.m. to 11 p.m., not to exceed 13 hours in one day. On amendment: Aye: Seiler, Getz, Finney, Fudala, Wind. Motion passed. On main motion: Aye: Getz, Wind, Finney, Fudala, Seiler. Motion passed.

2. The Village has been asked to participate with East Dundee and West Dundee in a study regarding possible consolidation or contractual agreement between the three police departments. The study cost is \$3,750 per municipality, with the Metropolitan Mayors Caucus paying an additional \$3,750 on behalf of each municipality. Clarification of the cost will be made with a slight modification to the resolution. This is for the first phase of the study and will take about a year. Getz moved with a second from Fudala to approve Resolution No. 407 entitled "A Resolution Authorizing Application for a Case Study Evaluation of the Police Department Consolidation with Metropolitan Mayors Caucus Between the Villages of West Dundee, Sleepy Hollow, and East Dundee." Aye: Getz, Fudala, Finney, Seiler, Wind. Motion passed.

3. President Pickett met with a ComEd rep regarding their reliability report. Of the 42 outages in the Village, 20 were tree-related, which was of concern to ComEd since their average is much lower. All details on the outages are included in the report. They may install more spacers in the future.

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CLERK

No report.

PLAN COMMISSION

No report.

ZONING COMMISSION

Chairman Art Neil distributed and read his report on the Zoning public hearing held April 7. The hearing was to consider two petitions; one to create a new B-3 zoning classification and the other to amend zoning regarding map amendments and permitting the Village to act as an applicant. No members of the public were present for the hearing. Both petitions were recommended for approval by the Zoning Board, 5 to 0.

Mr. Neil then submitted his resignation from the Zoning Board after 37 years. He said member Jim Kruger offered to take over as chairman and Mr. Neil highly recommended his appointment by the Village Board. Mr. Neil also thanked several people for their assistance over the years. Wind moved with a second from Seiler to accept, with regret and appreciation, the resignation of Art Neil. Motion passed unanimously.

Finney moved with a second from Getz to recess the meeting at 8:10 p.m. for cake and coffee for Art Neil. Motion passed unanimously.

The meeting resumed at 8:30 p.m.

ZBA

No report.

ATTORNEY

1. Mr. Schuster briefly explained the process to dispose of personal property left in the parkway area after an eviction and that it would probably be more costly and time consuming than the few days it took for property to be removed after a recent eviction in the Village. The Board feels this may occur again and would like to have a checklist to handle this in the future. It would be helpful to know about upcoming evictions in advance from the sheriff's office. The Village could possibly send a letter to the homeowner in advance about removal of the property. Mr. Schuster will discuss this issue with the police chief and report back.

2. Mr. Schuster explained the proposed B-3 zoning ordinance which was the subject of Mr. Neil's zoning report. This would give the Village the authority to change property to B-3 retail zoning although it does not apply to any property at this time. Seiler moved with a second from Getz to approve Ordinance No. 2010-6 entitled "An Ordinance Amending the Zoning Regulations to Create a New Zoning Classification, B-3 Retail Zoning, in the Village." John Regan, owner of the Spring Hill Meadows development, explained his perspective that restricting the tenants to retail development only would greatly limit the ability to lease property and find purchasers. He explained how this would make it difficult to appraise the property and obtain financing because of the limitations. This is also compounded by the current economy which is not expected to improve for quite some time. He noted it would be different if the restriction was on vacant property, but it could cause severe problems to change

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the zoning on developed property where millions have been spent on improvements in reliance on the zoning in place at the time. He is not aware of any other towns that have the type of sales tax restriction the Village is proposing. Aye: Seiler, Getz. Nay: Finney, Fudala, Wind. Motion did not pass.

3. Mr. Schuster explained the next proposed ordinance to allow the Village to act as petitioner in rezoning matters in the Village and noted that it is a common right for municipalities. Seiler moved with a second from Getz to approve Ordinance No. 2010-6 entitled "An Ordinance Amending the Zoning Regulations Regarding Application for Map Amendment, to Permit the Village to Act as an Applicant, and Making Other Amendments to Section 8-6-3 of the Village Code." Aye: Seiler, Getz, Finney, Fudala, Wind. Motion passed.

ENGINEER

1. Mr. Weiss said he is working with Public Works on drainage swale issues on Jamestowne and Saratoga.
2. The trail system agreements are at IDOT awaiting their approval.

DIRECTOR OF FINANCE

1. Seiler moved with a second from Getz to approve the accounts payable of May 3, 2010 in the amount of \$58,647.25. Aye: Seiler, Getz, Finney, Fudala, Wind. Motion passed.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

PARKS, ROADS AND STREETS

1. Public Works has recommended termination of the loan-a-truck program. It is not cost effective and only six residents used the truck last year. Getz moved with a second from Fudala to terminate the loan-a-truck program immediately. Motion passed unanimously.
2. Trustee Getz will follow up on the intergovernmental agreement with Dundee Township Park District.
3. The individual asking to rent the soccer field every Sunday was advised of the Board decision to deny his request.

FINANCE

1. A draft resolution was discussed regarding an economic incentive agreement (sharing sales tax) with Barkley Property Group (George Hamas), the developer of Outlot 1 in Spring Hill Meadows Subdivision. Mr. Schuster noted that this type of agreement requires certain statutory findings, which are outlined in the resolution. He said he received a letter from the developer's bank as required by the resolution. John Regan was present on behalf of the developer. Mr. Hamas submitted a letter that without the incentive agreement, he was not certain they could proceed with the development. The Finance Committee recommends a three year agreement rather than the 10 year agreement submitted by the developer. The agreement does not state whether the developer would keep the sales tax or share it with tenants of the property. The Board asked Mr. Schuster to locate similar agreements in the community for comparison. Mr. Schuster explained how the Village will be able to obtain sales tax information from the State in order to determine the rebate amount. He also noted that these agreements are restricted to vacant or demolished property, so current tenants would not qualify to request this type of sales tax rebate.

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2. Finance would like to obtain health insurance quotes from other providers. Seiler moved with a second from Getz to authorize the Finance Dept. to direct all employees to complete medical underwriting forms to obtain insurance quotes from Humana, United Healthcare, and Aetna. Motion passed with Finney voting nay.

Getz moved with a second from Seiler to adjourn to executive session at 9:22 p.m. for the purpose of discussing collective bargaining pursuant to §2(c)(2) of the Open Meetings Act. Aye: Getz, Seiler, Finney, Fudala, Wind. Motion passed.

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The regular meeting reconvened at 9:48 p.m. and there was a short recess until 9:56 p.m.

FINANCE (cont.)

3. The Board discussed the proposed 2010-2011 budget which has a deficit of over \$227,000. Part of the deficit is based on the assumption of a 30% reduction of income tax revenue from the State of approximately \$90,000. Trustee Finney noted that this reduction has not been approved by the State yet and we should not base the budget on this reduction until it is definite. He also noted the Village has \$550,000 in cash reserves which could be used to cover the budget deficit. Finance Committee member Lee Brotcke stated that the Finance Committee does not recommend that money be taken from capital expenditures and noted that there is no money set aside for road improvements. It was also noted that the State is also five months behind in paying money owed municipalities. The Board reviewed various expenses for possible ways to reduce. The budget currently includes hiring a third employee for Public Works. The Finance Committee recommendations include not hiring the third employee which would save \$50,000, and also recommend reducing the police force by substantially reducing the number of shifts patrolled, which would save approximately \$200,000. Trustee Finney felt the police chief and public works superintendent can best decide how to reduce their budgets. It was noted that the Illinois Municipal League has said that income to municipalities will be down generally (in addition to the possible 30% reduction proposed by the governor) but they will not give any numbers. Seiler moved with a second from Getz to approve the budget with the reduction of \$51,216 by Art Sunderlage in Public Works and \$200,000 by Chief Montalbano in the Police Department. Trustee Finney questioned what would happen if the proposed State income tax reduction did not occur and the Village had the funds; it was noted police officers could possibly be re-hired. The Board also discussed a referendum for the November ballot to increase the tax portion to the Village. Aye: Seiler, Getz, Fudala. Nay: Finney, Wind. Motion passed. Mr. Brotcke noted that there will be a substantial cash expenditure to pay the new police wages retroactive to April 1. He also said it was important to keep several months cash reserve to be able to pay bills.

4. Finney moved with a second from Wind to approve the collective bargaining agreement with the Illinois Council of Police for the full time police officers as negotiated over the last nine months. Aye: Finney, Wind, Fudala, Getz. Nay: Seiler. Motion passed.

WATER AND SEWER

1. Trustee Seiler said the meters were calibrated and are in good shape.

POLICE AND PUBLIC SAFETY

No report.

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PUBLIC BUILDINGS AND ENVIRONMENTAL

1. There was no update on the containers for the e-waste recycling agreement.
2. There was a poll put on the Village website at the request of a member of the Environmental Committee, regarding culling of deer. The webmaster was advised that any polls must be approved by the Village Board and the deer poll should be taken off the website. Trustee Finney said the Committee is reviewing deer culling but there is much work involved in this issue.
3. There have been many complaints by residents on the change in the trash pickup company, which is enforcing the contract regarding container size. Trustee Finney and President Pickett met with a representative from Republic who said there were about 250 containers in the Village that were too large. A letter will be sent to Republic about possibly replacing the non-compliant cans at no cost to the residents, for a limited time, with a 32 gallon container. They noted that the larger Arc Disposal containers were permitted.
4. The Board briefly discussed a referendum for the November ballot. Mr. Schuster noted that the language on the ballot is pursuant to statute and very stark. The Board is restricted on what it can publish about the referendum using Village funds. However, any resident or private group can say or publish what they wish with their own money.

BUILDING AND ZONING ENFORCEMENT

1. ICCI will attend the next meeting to discuss code updates.
2. The resident at 202 Jamestowne should be contacted regarding weeds on the property.

OLD BUSINESS

No report.

NEW BUSINESS

No report.

Wind moved with a second from Getz to adjourn to executive session at 10:58 p.m. for the purpose of collective bargaining pursuant to §2(c)(2) of the Open Meetings Act. Aye: Wind, Getz, Finney, Fudala, Seiler. Motion passed.

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The regular meeting resumed at 10:59 p.m.

Wind moved with a second from Seiler to adjourn the meeting at 10:59 p.m. Motion passed unanimously.

Respectfully submitted,



Norine Olson  
Village Clerk