

REGULAR MEETING
MINUTES

NOVEMBER 17, 1997

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, DeBolt, Harney, Merkel, Nemec, and Williams; Police Chief Montalbano; Treasurer Panning; Engineer Naylor; and Clerk Olson.

MINUTES:

1. CZERNIAWSKI MOVED WITH A SECOND FROM HARNEY TO ACCEPT THE REGULAR MINUTES OF NOVEMBER 3, 1997 AS SUBMITTED. MOTION PASSED BY VOICE VOTE.
2. The executive session minutes of November 3, 1997 will be approved at the December 6th meeting.

PRESIDENT:

1. President Shields said he was moving the vote on the ordinance from the Clerk's position to after open to the public.

CLERK:

1. All attorney and engineering expenses we have incurred relating to the Dundee Properties/KinderKare property should be submitted to Mr. Kolacny for reimbursement.
2. CZERNIAWSKI MOVED WITH A SECOND FROM HARNEY TO APPROVE RESOLUTION NO. 261, A CORPORATE RESOLUTION DESIGNATING ELGIN FEDERAL FINANCIAL CENTER A DEPOSITORY FOR THE VILLAGE. MOTION PASSED BY VOICE VOTE.

PLAN COMMISSION:

HARNEY MOVED WITH A SECOND FROM CZERNIAWSKI TO CONFIRM THE APPOINTMENT OF CAROL GROM TO THE PLANNING COMMISSION. MOTION PASSED BY VOICE VOTE.

ZONING BOARD:

Chairman Walt Heffron was unable to attend tonight's meeting.

ZBA:

Trustee Harney noted that there are a few matters that have been waiting for hearings before the ZBA for some time.

ATTORNEY:

Michael Feetterer, attorney for Geske and Sons, was present with Lori Geske regarding our notice to deduct over \$30,000 in damages from their contract. He stated that the work was performed satisfactorily and pursuant to the contract and that the Village was not damaged by their delay in completing the work. He also stated that neither the Village nor the Village Engineer indicated that "time was of the essence" for this work, nor was Geske ever advised by our engineer of the number of working days left in the contract or that they were in breach of the contract or given a chance to cure the default. President Shields said that he and Village Attorney Mark Schuster will set up a meeting with Mr. Feetterer and Geske to discuss settlement of this matter.

Trustee DeBolt stated that President Shields could not change the order of the agenda without a 2/3 vote of the Board, pursuant to Robert's Rules of Order. President Shields stated that he was changing the order of business, not the agenda. He read from the Illinois Municipal League Handbook which he believed gave the Village President the authority to change the order of business. There ensued a discussion on whether the ordinance could be moved from its position under the Clerk's report to later in the meeting as the president stated above. President Shields said he moved the ordinance vote to allow the residents in attendance to speak before the vote was taken. It was agreed to allow the agenda to proceed as changed.

ENGINEER:

1. The permit was submitted to the proper agencies on the Bullfrog culvert and we are waiting for a response. The Thorobred culvert project is also progressing and there may be a report from the engineer next month.

TREASURER:

1. There were four add-ons to the warrants. Trustee Harney questioned the horticulturist's bill. Discussed the 20% retainage of Steve Wiedmeyer's landscaping contract. Trustee Harney felt it was standard procedure to retain a percentage of contracts to ensure they were completed and said she was not happy with a portion of the ground preparation where weeds have come up. President Shields will get copies of the contract for this project to everyone as no one had seen it to confirm the project was complete. Steve Wiedmeyer stated that he had completed the contract as required, but that he would seed the one area that is ready this fall and would again herbicide the area overrun with weeds, if necessary, before seeding that area next spring. Under the circumstances, the Board felt complete payment of the project was appropriate. CZERNIAWSKI MOVED WITH A SECOND FROM HARNEY TO APPROVE THE WARRANTS OF NOVEMBER 14, 1997 IN THE AMOUNT OF \$150,335.07. AYE: CZERNIAWSKI, HARNEY, DEBOLT, MERKEL, NEMEC, WILLIAMS. MOTION PASSED.

2. There were no comments on the October financial statements.

3. The Finance Committee meeting has been rescheduled to November 24th.

4. The EPA gave final approval on the underground tanks. The approval documents will be recorded with the Kane County Recorder.

*****OPEN TO THE PUBLIC*****

(8:25 - 9:40 p.m.)

The discussion was on the proposed "no left turn" ordinance (onto westbound Route 72) at the intersection of Route 72 and Sleepy Hollow Road. An eight page petition with resident signatures opposing the "no left turn" was presented to the Board. Several residents spoke without giving their names. A resident requested that the Board clarify this issue and their position. Trustees Williams and Merkel stated the reasons for their vote to prohibit left hand turns. Tom Kosinski is against the proposed ordinance and felt the board should have consulted the residents before making the decision and doesn't care if non-residents use Sleepy Hollow Road as a thoroughfare. Marlene Drozd of Fawn Court said only Trustees Harney & Williams returned her calls to discuss the issue and feels this is being done for the benefit of very few residents. Ron Mitchell felt a professional study was necessary before making this decision. Sal Eraci suggested we try the "no left turn" for a period of time, possibly only during peak hours, and if it does not work, remove the restriction. Rex Waddle of Joy Lane asked if we would consider this left turn restriction only during peak traffic hours. A woman questioned the possibility of putting up a flashing light on Route 72 and it was explained that we have requested that and other help for this intersection from the county and it has been denied. Another woman asked for accident information for that intersection which was given by the Police Chief. Carol Grom agreed with the safety issue of this intersection but felt we should remember the vote taken a few years ago where residents did not want Sleepy Hollow Road closed. She also felt trustees should respond to the residents calls, regardless of their stand on the issue. Jeff Seiler is concerned about added traffic on the side streets if we have the turn ban and would like to see traffic studies before and after the ban is instituted. Debbie Girard of the Bluffs is also concerned that the traffic diverted off Sleepy Hollow Road will come through her street. Trustee Merkel noted that many residents are concerned with the area where they live only. Cari Tonge feels that Sleepy Hollow Road was not meant to be a major thoroughfare and we should try to deter traffic from using it. Trustee Nemec stated that this decision was made because of the dangerousness of this intersection, not to keep non-residents out of the Village. Don Rage asked the amount of reserved fund the Village currently has, which is approximately \$600,000. He pointed to the overwhelming vote not to close Sleepy Hollow Road a few years ago. He explained the proposed intersection improvements and feels the Village should participate. Residents questioned the motivation of builders wanting this intersection improved for their pending developments along north Sleepy Hollow Road. Mr. Rage also said property values have dropped in Sleepy Hollow according to a magazine survey. President Shields noted that the Village has worked on improving

the appearance of the Village over the last few years and will continue to do so and doesn't believe this survey is valid. Another resident asked the cost to improve this intersection and figures were given by the President. Trustee DeBolt noted that the road improvements would move a corner out of Sleepy Hollow and by law we cannot use village funds for this improvement. Rick Kenner of Carol Crest feels the improvements on Randall Road will reduce the traffic on Sleepy Hollow Road. A resident of Sleepy Hollow Road noted that semi-trucks go down the road regularly during the night. Another resident said she turns left at this intersection regularly and this will inconvenience her and other residents. A woman noted that any turns at that intersection are dangerous. President Shields explained that this intersection is not dangerous enough for IDOT to become involved. Another woman felt the area developers are pushing these intersection improvements. Rich Krause of the Bluffs feels that many residential streets are being used as thoroughfares to get to retail and other area locations and we should address this for the whole village. Gladys Boe agrees that Sleepy Hollow Road was not meant to be a major thoroughfare and is concerned about the children who cross it to get from one side of the Village to another and feels this is a safety issue. Walter Grom asked the Board to look at what effect this ban would really have on reducing traffic. A man asked the Board to vote on this how they feel it is best for our Village and not be influenced by any one person or group with their own agendas. President Shields thanked the audience for their calm presentation of their views.

The Board discussed a traffic study for certain roads before the restriction is instituted so there can be a comparison for any increase on residential streets after the "no left turn" is instituted. Our Engineer is able to obtain traffic counters to rent if the county's is not available immediately. Engineer Naylor suggested we do a more comprehensive study of the roads to address all outlets from the Village. The Board asked the Engineer to bring cost estimates for counters, and various road study options to the next meeting. DEBOLT MOVED WITH A SECOND FROM NEMEC TO TABLE THE ORDINANCE VOTE UNTIL THE FIRST MEETING IN JANUARY. MOTION PASSED BY VOICE VOTE.

BUILDING:

1. Trustee Harney asked for recommendations for the DuKane Valley Council legislative issues. She will lobby for impact fees legislation, public school funding, alternative penalty tickets issued by municipalities, and prevailing wages.
2. Distributed a brochure on land and water restoration which she would like to modify for inclusion in our next newsletter.
3. Trustee Nemec heard that some homeowners along Randall Road were denied permission to put up a fence. Trustee Harney has not heard anything about this, and does not know if this was brought before Joel Kruse or the ZBA. She noted that two fencing issues have been waiting for hearing before the ZBA for some time. It was noted that if any fencing issue comes before the ZBA for any resident along Randall Road, all homeowners along there should be notified. It was suggested we schedule a meeting with all residents backing up to Randall for sometime after January 1st to discuss fencing.

ROADS & PARKS:

1. Kane County made us remove all landscaping that was in their right of way at the Saddle Club entrance, although the signs will remain. There is a clear view both ways for cars exiting the subdivision, but the lights are disconnected and it is quite dark. (Trustee Harney leaves meeting at 10:05 p.m.)
2. It is felt that the seed can still be planted around the Village Hall this fall. Some type of fencing will need to be installed in that area to detract geese from coming into that area.
3. The salt storage bin is in use. However, the wrong color siding was installed and will be replaced with the red color requested.
4. DEBOLT MOVED WITH A SECOND FROM WILLIAMS TO PURCHASE 500 TONS OF SALT AT A COST OF \$14,195.00. AYE: DEBOLT, WILLIAMS, CZERNIAWSKI, MERKEL, NEMEC. MOTION PASSED.

FINANCE:

Met with the Police Department concerning benefits. We should prepare to address this issue with a referendum question on the March primary ballot.

WATER:

1. Leak on Boncosky was repaired and will be submitted to the bonding company. We have not yet determined the amount of water loss from the time the leak was discovered until it was repaired.
2. There is a discrepancy with the bonding company on the amount of work done on the Crane Drive culvert and whether the bonding company is liable for the entire amount.
3. The water filter that has been installed in a resident's home is working well. Another resident also received a filter but it has not yet been installed. Those residents who have complained about their water will receive first installation of the filters. Discussed whether to contact other residents in the affected area who have not called the Village yet. The Village should make arrangements with the plumber to install all the filters in the homes. Trustee Williams should give the office a description of this project and they will request bids from several area plumbers. President Shields felt that once the filter system is initially installed in the home, the residents should be given a supply of replacement filters to change themselves. Trustee Merkel requested copies of all contact reports in the future.

POLICE:

1. Quad Com is starting collective bargaining; this issue should be discussed at the Thursday meeting.
2. The Chief has again requested that we delete the reference to "sunny" days in our burning ordinance as it has various interpretations and does not hold up in court. Trustee Nemec suggested we return to more limited burning restrictions, such as certain weekends only. Others felt this issue should not be debated again with residents. MERKEL MOVED WITH A SECOND FROM CZERNIAWSKI TO DELETE THE SUNNY DAYS REFERENCE FROM THE ORDINANCE. MOTION PASSED BY VOICE VOTE.
3. Quad Com may be bringing more villages into Quad Com which should not affect our present rate.
4. The monthly police activity report was distributed.
5. Several residents on the west side were part of a scam where residents gave a deposit to have their house painted, but the painters never did the work or returned the deposits. There is not enough evidence to prosecute them, but they were charged with soliciting without a permit by our police department, which carries a fine up to \$500 per person. They have not yet had to appear and answer these charges.

HEALTH & SANITATION:

1. NEMEC MOVED WITH A SECOND FROM WILLIAMS TO PURCHASE SEWER PUMPS AT A COST OF \$8,035.00. AYE: NEMEC, CZERNIAWSKI, DEBOLT, MERKEL, WILLIAMS. MOTION PASSED.

OLD BUSINESS:

No report.

NEW BUSINESS:

Trustee Merkel expressed concern about trustees contacting the Village Attorney to question the Board's actions on any matters and that the attorney may be put in a conflict of interest or awkward position. The President said the Village Attorney works for the entire Board and any trustees may call him. He suggested Trustee Merkel call the attorney if he wishes to discuss this further.

CZERNIAWSKI MOVED WITH A SECOND FROM WILLIAMS TO ADJOURN THE MEETING AT 10:45 P.M. AYE: CZERNIAWSKI, WILLIAMS, DEBOLT, MERKEL, NEMEC. MOTION PASSED.

Respectfully submitted,

Norine Olson

Norine Olson, Village Clerk