

REGULAR MEETING  
MINUTES

APRIL 3, 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 Czerniawski, Merkel, Morris, Nemec, Pickett and Rzonca; Police Chief Montalbano; Treasurer Panning; Attorney Schuster; and Clerk Olson.

MINUTES:

1. RZONCA MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE THE REGULAR MEETING MINUTES OF MARCH 20, 2000. MOTION PASSED BY VOICE VOTE WITH MERKEL ABSTAINING.

PRESIDENT:

No report.

CLERK:

No report.

ZBA:

No report.

ATTORNEY:

1. The changes made to the agreement with the police chief are being reviewed by Trustee Czerniawski.
2. The agreement with the Park District for Sabatino Park is under review by the Park District. The Board requested that paragraph 4 be amended to clarify that any labor output by the Park District will be at no charge to the Village.
3. The Village Attorney will prepare an ordinance for the next meeting to extend the term of the current cable franchise agreement until a new contract is negotiated.
4. The Village Attorney stated that the Village has the authority to change, through an ordinance, the name of any street in the Village.

RZONCA MOVED WITH A SECOND FROM PICKETT TO AMEND THE AGENDA TO GO TO EXECUTIVE SESSION UNDER §§2(C)(1) AND 2(C)(11) NOW.

NEMEC MOVED WITH A SECOND FROM MORRIS TO AMEND THE MOTION TO GO TO EXECUTIVE SESSION AFTER AGENDA ITEM 10(B).

ON AMENDMENT: MOTION PASSED BY VOICE VOTE.

ON MAIN MOTION: MOTION PASSED BY VOICE VOTE.

5. Board discussed the proposal from Hey & Associates to conduct a baseline ecological survey of Jelkes Creek. It was advised to have this benchmark established now should it be necessary to compare any changes at a later date.

MORRIS MOVED WITH A SECOND FROM RZONCA TO ADJOURN TO EXECUTIVE SESSION AT 7:50 P.M. FOR THE PURPOSE OF DISCUSSING LITIGATION AND PERSONNEL PURSUANT TO §§2(C)(1) AND 2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

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The regular meeting resumed at 8:25 p.m.

PLAN COMMISSION

Chairman Markey said they are short a member. MORRIS MOVED WITH A SECOND FROM MERKEL TO ACCEPT WITH REGRET THE RESIGNATION OF SCOTT BREWER FROM THE PLAN COMMISSION. MOTION PASSED BY VOICE VOTE.

ENGINEER:

No report.

TREASURER:

1. CZERNIAWSKI MOVED WITH A SECOND FROM RZONCA TO APPROVE RESOLUTION NO. 284 ESTABLISHING A CORPORATE ACCOUNT AT EDWARD JONES TO ACCUMULATE FUNDS FOR THE POLICE CHIEF'S RETIREMENT. AYE: CZERNIAWSKI, RZONCA, MERKEL, MORRIS, NEMEC, PICKETT. MOTION PASSED.
2. Added \$4,722.00 for Biehlertech, \$265.81 and \$49.65 for Ameritech and \$137.50 for Mark Schuster. CZERNIAWSKI MOVED WITH A SECOND FROM NEMEC TO APPROVE THE WARRANTS OF APRIL 3, 2000, IN THE AMOUNT OF \$73,943.12. AYE: CZERNIAWSKI, NEMEC, MERKEL, MORRIS, PICKETT, RZONCA. MOTION PASSED.
3. Discussed whether to open the office for the last Saturday in April to allow residents to purchase village stickers. The Board will instead allow all stickers to be purchased on Monday, May 1<sup>st</sup> with late penalties waived.
4. MORRIS MOVED WITH A SECOND FROM NEMEC TO ACCEPT THE CLEANING CONTRACT WITH FRESH START MAINTENANCE FOR THE NEW YEAR STARTING MAY 1, 2000, AND AUTHORIZE A VILLAGE OFFICIAL TO SIGN THE CONTRACT. AYE: MORRIS, NEMEC, CZERNIAWSKI, MERKEL, PICKETT, RZONCA. MOTION PASSED.
5. CZERNIAWSKI MOVED WITH A SECOND FROM MERKEL TO APPROVE THE ONE YEAR CONTRACT WITH MUNICIPAL SOFTWARE STARTING MAY 1, 2000 IN THE AMOUNT OF \$2,665 AND AUTHORIZE THE VILLAGE TREASURER TO SIGN THE CONTRACT. AYE: CZERNIAWSKI, MERKEL, MORRIS, NEMEC, PICKETT, RZONCA. MOTION PASSED.
6. CZERNIAWSKI MOVED WITH A SECOND FROM RZONCA TO APPROVE THE CARRY OVER OF ONE DAY'S VACATION INTO THE NEW YEAR FOR ONE VILLAGE EMPLOYEE. MOTION PASSED BY VOICE VOTE.
7. CZERNIAWSKI MOVED WITH A SECOND FROM RZONCA TO APPROVE THE PERSONAL SERVICES BUDGET FOR FISCAL YEAR 2001. AYE: CZERNIAWSKI, RZONCA, MERKEL, NEMEC, PICKETT. ABSTAIN: MORRIS. MOTION PASSED. A letter should be sent to one employee as discussed by the Board.

ZONING BOARD:

Chairman Neil said he is waiting for text amendment from the Village Attorney and will forward it to the Board upon his receipt. Procedures leading to a public hearing will follow.

COMMENTS FROM THE PUBLIC:

1. Dan Stroick of 708 Deer Lane felt the residents should have spoken before the Village Attorney's closed session. Mr. Stroick discussed the recent zoning public hearing in West Dundee relative to the Pulte development and urged the Board to carefully review this matter.
2. Glen DeCosta of 2311 Preston Lane, West Dundee also spoke about the public hearing and noted the lack of information available at that meeting. He also relayed what had been discussed about the Sleepy Hollow Road intersection improvements and the amount of money to be spent on that project by various entities.

3. Walter Heffron of 1056 Van Tassel withdrew his request to speak.

#### ROADS & PARKS:

1. PICKETT MOVED WITH A SECOND FROM NEMEC TO LIFT THE TEMPORARY ROAD WEIGHT RESTRICTIONS PER THE VILLAGE ENGINEER'S RECOMMENDATION. MOTION PASSED BY VOICE VOTE.
2. Trustee Pickett noted that the extra \$50,000 available for road improvements stipulates that the contract must be awarded by June 30<sup>th</sup>. Any road improvement suggestions should be given to him immediately.
3. Trustee Pickett would like the Plan Commission to develop a standard for management, maintenance, etc. of all village open space areas. He will prepare a written description to be reviewed by the Board prior to giving direction to the Commission.

#### FINANCE:

1. Minutes from the last Finance Committee meeting and first budget workshop have been distributed. A second budget workshop will be scheduled after April 17<sup>th</sup>.

#### WATER:

1. The final report on the resident water survey was distributed.
2. Engineer Joe Heinz will present the 2000 water system improvement plan next meeting that will include pigging, costs, engineering on water mains, etc.
3. A resident who has been red-tagged several times has requested a waiver of his most recent red tag fee. The Board denied this request which may be appealed by the resident if he chooses. Another resident claims their water filter was destroyed when we shut off the water to remove pipe sections and requested reimbursement. The Board would require more information from the resident before considering any action.
4. Trustee Morris was informed by a resident that there was an EPA alert on Elgin's water and will obtain more details.
5. Further testing is underway on the Bohanek water filter and results will be forthcoming.

#### POLICE:

No report.

#### HEALTH & SANITATION:

1. The first free leaf pick up will be April 14<sup>th</sup>.
2. Trustee Merkel was asked to inquire about the cost of having curb leaf pick up by a scavenger service.

#### BUILDING:

1. Builder requests for permits made to IDNR and the Corps. for flood plain areas in the Village has worked well and this process will be used for other homes in the flood plain.
2. Joel Kruse sent a letter to IDNR regarding follow up on existing issues in the Village.

#### OLD BUSINESS:

1. Board discussed a report from Hey & Associates on Pulte's initial development. Also discussed a proposed list of concerns relating to the effects of this development that could be brought to West Dundee. Trustee Merkel feels the Sleepy Hollow Road issue should be included in this list to West Dundee. It was decided that Hey & Associates will prepare a list of specific concerns/questions to be answered by West Dundee, based on their March 27<sup>th</sup> report to the Village and the trustee list.

2. RZONCA MOVED WITH A SECOND FROM CZERNIAWSKI TO RATIFY THE VOTE AT THE BUDGET WORKSHOP APPROVING HEY & ASSOCIATES' PROPOSAL IN THE AMOUNT OF \$5,200 FOR THE STORM WATER STUDY OF DEER CREEK AND SADDLE CLUB. AYE: RZONCA, CZERNIAWSKI, MERKEL, NEMEC, PICKETT. NAY: MORRIS. MOTION PASSED.

3. Trustee Rzonca has spoken with all but three residents living on Route 72 concerning the proposed name change to Main Street. The majority of the property owners on this road do not object to the change. Before a final decision, it was requested that one last attempt be made to personally speak with these three residents.

4. PICKETT MOVED WITH A SECOND FROM NEMEC TO ACCEPT THE HEY & ASSOCIATES PROPOSAL FOR THE BASELINE ECOLOGICAL SURVEY OF JELKES CREEK AS OUTLINED IN THEIR MARCH 22, 2000 AGREEMENT IN THE AMOUNT OF \$6,000. AYE: PICKETT, NEMEC, CZERNIAWSKI, MERKEL, RZONCA. NAY: MORRIS. MOTION PASSED.

NEW BUSINESS:

1. A proposed text amendment to zoning regarding architectural landscape features (corner fences) will be given to the Zoning Board for their review and recommendation to the Board. NEMEC MOVED WITH A SECOND FROM RZONCA TO SEND A DRAFT ORDINANCE AMENDMENT TO THE ZONING BOARD FOR THEIR REVIEW. MOTION BY VOICE VOTE WITH MERKEL AND MORRIS VOTING NO. MOTION PASSED.

PICKETT MOVED WITH A SECOND FROM MORRIS TO ADJOURN THE MEETING AT 9:25 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson  
Village Clerk

EXECUTIVE MEETING  
MINUTES

APRIL 3, 2000

12/3/01  
The executive session of the Sleepy Hollow Board of Trustees was convened at 7:50 p.m. for the purpose of discussing personnel and litigation pursuant to §§2(c)(1) and 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 Clerk Olson.

Released  
2. The Village Attorney summarized the history of Jim Podbregar and the filling of his yard in violation of flood plain regulations in the village. He has not removed the fill although he has been requested to do so. The federal flood insurance that many Village residents have at low rates can be terminated if we do not comply with FEMA regulations. Mr. Schuster suggests we file suit to force compliance from Mr. Podbregar. The Illinois Dept. of Natural Resources (IDNR), who conducted the audit in the Village last year, and FEMA, have both advised us that it is in our best interests to comply with all regulations. Mr. Podbregar feels there has been selective enforcement by the Village and has threatened to report other alleged violations in the Village to IDNR. Mr. Schuster explained that he would sue for an injunction and request daily fines for occupancy with a village permit. All professional fees and costs would also be requested. The Board directed the Village Attorney to send a final demand letter to Mr. Podbregar stating our intentions if removal work does not start by May 1<sup>st</sup>, with completion by the end of the month. Neither the clerk nor any office staff has received a FOIA request from Mr. Podbregar.

3. On the Fahy lawsuit, a request for summary judgment is up in court in the near future.

CZERNIAWSKI MOVED WITH A SECOND FROM PICKETT TO ADJOURN THE  
EXECUTIVE SESSION AT 8:25 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,

*Norine Olson*

Norine Olson  
Village Clerk