

Minutes

The public hearing concerning a proposal for renewal of the cable television franchise in the Village was convened by Village President Stephen Pickett at 7:15 p.m.

Present at that time were Trustees Don Ziemba, Carol Grom, Russell Getz, Malcolm Morris, Thomas Merkel, and Greg Rzonca. Village Clerk Norine Olson was also present. Village Attorney Mark Schuster was also present.

A certificate of publication of notice of the public hearing was filed with the Clerk. Publication of Notice had occurred in the Courier News newspaper, a newspaper of general circulation in the Village, on November 17, 2001.

Certain amendments to the Franchise Agreement have been suggested as a condition of renewal of the existing franchise for AT&T / Broadband, including the following:

1. The scope of gross revenues received by AT & T, of which 5% is paid to the municipality as a franchise fee, will be narrowed so as to remove those fees passed on to consumers to cover the municipal franchise fee itself. For instance, if a cable bill were \$20, and AT & T imposes a surcharge of \$1 on the consumer to pay the 5% franchise fee, AT & T would not pay the municipality 5% of the additional \$1 surcharge imposed on the consumer.
2. If the FCC expands the definition of "gross revenues" in the future, the definition of "gross revenues" automatically expands without another amendment to the agreement.
3. AT & T will pay a \$55.00 capital contribution to each municipality to be utilized as the municipality sees fit.
4. Section 4 reflects that AT & T will not have a "monetary" recourse against a municipality in the event there is litigation which arises out of the agreement.
5. In connection with the installation of new cable lines on a resident's property, such lines must be buried and the area restored within 10 business days. AT & T is at risk for the payment of liquidated damages in the event it breaches this requirement.
6. AT & T agrees to provide a second educational/government access channel upon six months' notice if the first channel is fully utilized.
7. The performance bond has been replaced with a letter of credit in the amount of \$25,000.
8. Insurance requirements for AT & T have been introduced.
9. With respect to the "favored nations" clause by which a municipality can incorporate provisions from other franchises served from the same head-end of the cable system, AT & T no longer is required to notify each municipality of any differing provisions in the other franchises.

These amendments have been suggested by the Fox Valley Cable Television Consortium, for inclusion in the Sleepy Hollow franchise, and all other members' franchises.

Carol Grom inquired about the recent FCC ruling, dated October 9, 2001, concerning calculation of franchise fees, and passing on same to system subscribers, as summarized in the letter of AT&T / Broadband to the Village dated November 16, 2001. Attorney Schuster discussed the FCC ruling, AT&T / Broadband's interpretation of the ruling and its suggestion that the Village modify the definition of "gross revenues" and/or waive the assessment of the franchise fee on that part of its gross revenues made up of subscriber fees, and also, non-subscriber related revenues.

No other member of the public offered any comment or made any inquiry.

The public hearing was closed at 7:24 p.m.

Stephen K. Pickett
Chair

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:33 p.m. In attendance were President Pickett; Trustees Getz, Grom, Merkel, Morris, Rzonca, and Ziemba; Village Attorney Schuster; Village Engineer Heinz; Police Corp. Childs; Treasurer Panning; and Clerk Olson.

President Pickett explained the rules for speaking under Comments from the Public.

MINUTES:

1. Change the minutes on page 1, first paragraph, to replace Treasurer Panning with Village Administrator Volkening; and on page 2, Comments from the Public, #2, add "...that appeared to be unauthorized..."
MORRIS MOVED WITH A SECOND FROM RZONCA TO APPROVE THE REGULAR MEETING MINUTES OF NOVEMBER 19, 2001 AS AMENDED. MOTION PASSED BY VOICE VOTE WITH MERKEL ABSTAINING.
2. RZONCA MOVED WITH A SECOND FROM GROM TO APPROVE THE SPECIAL MEETING MINUTES OF NOVEMBER 25, 2001 AS SUBMITTED. MOTION PASSED BY VOICE VOTE WITH MERKEL AND ZIEMBA ABSTAINING.

PRESIDENT:

1. President Pickett looked into the burning by Public Works and found no improprieties.
2. MORRIS MOVED WITH A SECOND FROM ZIEMBA TO APPROVE A CHANGE IN THE CHRISTMAS EVE OFFICE HOURS, WITH CLOSING AT 3:30 P.M. This change was at the request of the employees and they understand they will not be paid for closing early. The New Year's Eve office hours will not change. MOTION PASSED BY VOICE VOTE.
3. AT&T Broadband is increasing their customer rates as of 1/1/02.
4. Information on well water test kits will be given to the clerk for the next newsletter.

CLERK:

No report.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

No report.

ZBA:

No report.

ATTORNEY:

1. A memo on Village boundaries was given to the Board and questions should be directed to the Attorney.
2. The "pass-through" franchise fees for cable will continue on resident bills unless we take some action prior to the end of the year.
3. The cable consortium will continue to work on obtaining a signed franchise agreement for the Village. AT&T has refused to sign this agreement to date.
4. Dundee Township is considering expansion to the south of their location at Sleepy Hollow Road and Route 72. Our current zoning does not allow this type of facility and the Village would need to create a new

zoning category, possibly as a special use under residential zoning. The Board would like more specifics on the Township's intended use for the property, and the Township will be contacted, but authorized the Zoning Commission to start work. GETZ MOVED WITH A SECOND FROM GROM FOR THE VILLAGE TO INITIATE A PETITION TO AMEND THE ZONING CODE TO PROVIDE FOR PUBLIC FACILITIES OR BUILDINGS. MOTION PASSED BY VOICE VOTE WITH MERKEL VOTING NAY.

5. The Village Attorney explained the process and deadline dates regarding a question from the public regarding a police pension and the adoption of a resolution by the Board to include a question on the ballot in connection with funding a police pension. There is a limit of three questions on the ballot. Board discussed.

6. The Village Attorney submitted several variations of a question to allow leaf burning in the Village. These will be distributed to the Board for their consideration.

ENGINEER:

1. The Jamestowne storm sewer project is complete.

2. A proposal to install a sanitary metering vault on Elm Court was submitted to the Village in February. MORRIS MOVED WITH A SECOND FROM GETZ TO AUTHORIZE THE PROJECT FOR ELM COURT, NOT TO EXCEED \$5,830.00. AYE: MORRIS, GETZ, GROM, MERKEL, RZONCA, ZIEMBA. MOTION PASSED. This proposal does not include any restoration work. The Village Attorney will send a letter to the homeowners affected by this project.

TREASURER:

1. ZIEMBA MOVED WITH A SECOND FROM MORRIS TO APPROVE THE WARRANTS IN THE AMOUNT OF \$49,317.04. AYE: ZIEMBA, MORRIS, GETZ, GROM, MERKEL, RZONCA. MOTION PASSED.

2. ZIEMBA MOVED WITH A SECOND FROM RZONCA TO APPROVE RESOLUTION NO. 300 ENTITLED "A RESOLUTION AMENDING THE DEFERRED COMPENSATION PLAN NUMBER 304011 FOR THE VILLAGE OF SLEEPY HOLLOW, ILLINOIS". MOTION PASSED.

3. The tax levy will be presented at the next meeting.

4. The Jewel gift certificates to employees were included in the warrants.

5. Elgin is increasing their water rates to the Village 2.25% in January. The Finance Committee will recommend Village changes in January.

COMMENTS FROM THE PUBLIC:

1. Wayne Eischen spoke on behalf of the Service Club and informed the Board of the activities to take place next weekend for the tree lighting at Lake Sharon.

PARKS, ROADS & STREETS:

1. There was a \$600 cost for tree removal necessitated from the last storm in the Village.

2. The new truck should be delivered to the Village this week.

FINANCE:

No report.

WATER:

No report.

POLICE & PUBLIC SAFETY:

1. Board discussed the police request for a new squad car. GETZ MOVED WITH A SECOND FROM MERKEL TO AUTHORIZE \$20,108 FOR THE PURCHASE OF A 2002 CROWN VICTORIA. AYE: GETZ, MERKEL, GROM, ZIEMBA. NAY: MORRIS. ABSTAIN: RZONCA. MOTION PASSED. The car will be delivered after May 1, 2002.
2. Trustee Getz thanked the police chief for his monthly police activity reports.

PUBLIC BUILDINGS & ENVIRONMENTAL:

1. The Palatine Oil proposal will be deferred to the next meeting.

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

1. Board discussed the permit request from Ameritech. MORRIS MOVED WITH A SECOND FROM ZIEMBA TO AUTHORIZE PRESIDENT PICKETT TO SIGN THE PERMIT REQUEST FROM AMERITECH. MOTION PASSED BY VOICE VOTE.

NEW BUSINESS:

No report.

MORRIS MOVED WITH A SECOND FROM RZONCA TO ADJOURN TO EXECUTIVE SESSION AT 8:45 P.M. FOR THE PURPOSE OF DISCUSSING EXECUTIVE MINUTES PURSUANT TO §2(C)(21) OF THE OPEN MEETINGS ACT. MOTION PASSED BY VOICE VOTE.

The regular meeting resumed at 8:53 p.m.

ZIEMBA MOVED WITH A SECOND FROM MORRIS TO RELEASE THE FOLLOWING EXECUTIVE MINUTES TO THE PUBLIC: 7/6/98, 3/1/999 (PARAGRAPHS 1, 2, 3, 4, 5 & 6 ONLY), 5/3/99, 7/19/99 (PARAGRAPHS 1, 2 & 4 ONLY), 4/3/00 (PARAGRAPHS 2 & 3 ONLY), 5/7/01 (PARAGRAPH 1 ONLY), 6/4/01, 6/18/01 (PARAGRAPHS 1, 3 & 4 ONLY). MOTION PASSED BY VOICE VOTE.

MORRIS MOVED WITH A SECOND FROM RZONCA TO ADJOURN THE MEETING AT 8:55 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk

EXECUTIVE MEETING MINUTES

DECEMBER 3, 2001

Released
6-17-02

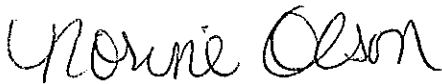
The executive session of the Sleepy Hollow Board of Trustees was convened at 8:45 p.m. for the purpose of discussing executive minutes pursuant to §2(c)(21) of the Open Meetings Act. In attendance were President Pickett; Trustees Getz, Grom, Merkel, Morris, Rzonca, and Ziemba; Village Attorney Schuster; and Clerk Olson.

1. MORRIS MOVED WITH A SECOND FROM GETZ TO APPROVE THE EXECUTIVE MEETING MINUTES OF NOVEMBER 5, 2001 AS SUBMITTED. MOTION PASSED BY VOICE VOTE.

2. The Board reviewed the executive minutes proposed for release to the public and agreed to release the following: July 6, 1998, March 1, 1999 (para. 1, 2, 3, 4, 5 & 6 only), May 3, 1999, July 19, 1999 (para. 1, 2 & 4), April 3, 2000 (para. 2 & 3), May 7, 2001 (para. 1), June 4, 2001, June 18, 2001 (para. 1, 3 & 4).

MERKEL MOVED WITH A SECOND FROM RZONCA TO ADJOURN THE EXECUTIVE SESSION AT 8:53 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk