

VILLAGE OF SLEEPY HOLLOW
REGULAR MEETING MINUTES

APRIL 17, 2006

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. In attendance were President Pickett, Trustees Ander, Finney, Getz, Prigge, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer Weiss, and Clerk Olson.

MINUTES:

1. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE THE REGULAR MEETING MINUTES OF APRIL 3, 2006. The minutes should be corrected on page 2, Water & Sewer, to correct the Ordinance No. to 2006-9. MOTION PASSED.

President Pickett explained the rules for speaking under the public comments section of the meeting.

PRESIDENT:

No report.

CLERK:

1. One bid for the truck was received from Greve Construction in the amount of \$10,250.00. The Public Works Superintendent did not recommend accepting any bid under \$15,000. WIND MOVED WITH A SECOND FROM GETZ TO REJECT THE BID FROM GREVE. MOTION PASSED.
2. Artistic Bits said the totem pole should be installed in the Village within the next few weeks.

PLAN COMMISSION:

1. Chairman Schoengart presented the Findings of Fact from the Commission for Lakeland Development, which recommended approval of the Preliminary Plan, subject to 17 listed conditions/exceptions. The Village Board is to take action with 45 days of receipt of this recommendation. Mr. Schuster discussed briefly the Findings and attachments from the developer. (Trustee Ziemba arrived at 7:45 p.m.)
2. The Michalski property is scheduled for a concept conference on May 22. Trustee Ander questioned whether proper notice had been given to the governmental entities as required by ordinance.

ZONING COMMISSION:

No report.

ZBA:

No report.

ATTORNEY:

1. The Village recently approved a pre-annexation agreement with Dundee Township. However, the Township has requested that the Village re-approve the pre-annexation agreement in the form as approved by the Township Board. This version has several language variations from the original, but the content is basically the same. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE RESOLUTION NO. 352 ENTITLED "A RESOLUTION AMENDING THE PREVIOUS AUTHORITY TO EXECUTE A CERTAIN PRE-ANNEXATION AGREEMENT WITH DUNDEE TOWNSHIP." The Board reviewed the pre-annexation agreement version from the Township and discussed some portions. On page 3, section b(ii), the code reference should be corrected to 8-3A-5(K). There was some concern about the Township erecting a fence along their property line and whether it would prevent emergency access to the Lakeland development at the north end. There was also some question about the feasibility of construction of the foot bridge in that area. These issues

could be addressed in the annexation agreement with Lakeland Development which is still a working document subject to revisions by the Board before final approval. AYE: ANDER, WIND, FINNEY, GETZ, PRIGGE, ZIEMBA. MOTION PASSED.

2. The Board reviewed the International Codes Consultants and Inspections ("ICCI") agreement. ICCI will not make modifications to the agreement that were suggested by the Village insurer. The insurer's concerns related to the cross indemnification paragraph and Village liability if an ICCI employee is injured while working in the Village. FINNEY MOVED WITH A SECOND FROM ANDER TO APPROVE THE AGREEMENT BETWEEN THE VILLAGE AND INTERNATIONAL CODES CONSULTANTS AND INSPECTIONS. AYE: FINNEY, ANDER, GETZ, PRIGGE, WIND, ZIEMBA. MOTION PASSED.

3. The Village Engineer surveyed Lot 43 on Sleepy Hollow Road where several trees were removed and has determined property lines. Photographs were taken of the property and a list with the number of trees removed and their approximate sizes was distributed. Over 30 trees were removed, some quite large, from Village property. Mr. Schuster advised that the Board could fine the homeowner through Village ordinance, but the fines would be determined by the judge. We could also pursue a separate action for restitution for the trees removed or request replacement trees be planted by the homeowner. The Board agreed a tree specialist should determine the species of each tree removed to better determine their value. Trustee Prigge offered to contact a specialist at Morton Arboretum regarding identification of the trees. He would also like to advise the other Sleepy Hollow Road residents of the danger of cutting trees on Village property.

4. Lakeland Development Group was present for discussion on its petition for approval of the Preliminary Development Plan for the Nature's Crossing Subdivision. Mr. Schuster advised the Board that the Kane County Health Dept., responding to a letter from the Illinois Dept. of Public Health (IDPH), has stated that the proposed wastewater treatment system for the development is not allowed per its ordinances and it will not issue a permit. The proposed system is considered an "experimental use system" by IDPH. The Village has received no further communication from Elgin regarding sewer capacity for the proposed development. The developer will be responsible for obtaining necessary permits to construct the east parcel wastewater treatment system. If the Board considers approval of the Preliminary Development Plan as recommended by the Plan Commission, Mr. Schuster suggested an additional condition (#18) be included. This condition would be that the final plan will not be approved, regardless of the developer's past or future expenditures, unless the developer has addressed all the conditions stated by the Board, and the developer would assume no "vested right" in the Preliminary Development Plan. The Board agreed to the addition of #18 as a condition to approval of the Preliminary Plan. Mr. Scimeca of Lakeland Development discussed his plans for this project and believes the wastewater treatment issue can be resolved. Mr. Shapiro, the developer's attorney, also addressed certain issues of concern arising from the Village Engineer's report dated March 13, 2006. He wanted to confirm that total realignment of the Sleepy Hollow Road and Boncosky Road intersection (item #11) was not a condition to approval, as discussed at the work session of the Board last month. The Board concurred that they felt other measures could be taken to address the safety of that intersection other than realignment. Engineer Weiss noted that the Village has not received a response from KDOT on its review of this intersection. The Board is not looking for total realignment and condition #11 will be modified to state this. Mr. Shapiro also questioned items 24 and 40 of the Village Engineer's March 13th letter which suggested two lanes at entrances and moving the entrance on the west side of the development, and asked that these be removed as conditions. Mr. Schuster noted that condition 11 simply requires that these items be met to the Village's satisfaction, and they should be subject to further review. Mr. Shapiro also questioned condition #14 regarding construction and appearance of pedestrian-type bridge or bridges on the east parcel of the development. There may be permitting difficulties for such bridge(s). Mr. Schuster noted that this condition states that the developer is to pursue permitting and suggested this item could be addressed in the annexation agreement regarding appearance of the bridge(s). Mr. Scimeca

questioned the addition of condition #18. Mr. Schuster said this condition ensures that the other 17 exceptions must be met for approval of the final plan. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE RESOLUTION NO. 353 ENTITLED "A RESOLUTION APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE SUBDIVISION IN THE VILLAGE (BRIGHT PROPERTY - NATURE'S CROSSING SUBDIVISION)."

It was noted that page 3, #14 of the Resolution should be increased to 400 feet, not 500 feet. Also, on page 2, #3, the minimum lot size should be reduced from 6,500 to 6,000 sq. ft.

ZIEMBA MOVED WITH A SECOND FROM WIND TO AMEND THE MOTION TO ACCEPT THE CHANGES TO THE RESOLUTION.

It was also noted that the developer owes the Village on several outstanding invoices at this time.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO AMEND THE MOTION TO MAKE APPROVAL SUBJECT TO THE PAYMENT OF THE OUTSTANDING INVOICE DATED 4/17/06.

ON SECOND AMENDMENT: MOTION PASSED.

ON FIRST AMENDMENT: MOTION PASSED.

ON MAIN MOTION: ZIEMBA, GETZ, ANDER, FINNEY, PRIGGE, WIND. MOTION PASSED.

PRIGGE MOVED WITH A SECOND FROM ZIEMBA TO AMEND THE AGENDA TO MOVE THE COMED PRESENTATION TO NOW. MOTION PASSED.

Ed Cunningham, Paul Micelli, and Alan Armstrong were present from ComEd. They apologized for the miscommunication and starting the trimming without the Village Board being advised. Mr. Cunningham explained their procedures for tree trimming. Trimming is done, by a private contractor hired by ComEd, every 48 months with two year "touch ups." He noted that ComEd will also work with municipalities under their tree replacement program, and contribute up to \$125 for each tree replaced. There is about a mile of trimming left on Sleepy Hollow Road and Trustee Finney asked that a ComEd representative be present during the trimming, which will be scheduled in the next week or two. ComEd was asked to advise the Village Board, as well as Public Works, when trimming is scheduled in the future. It was suggested we may wish to set up a tree trimming program in the Village and coordinate it with replacement planting.

ENGINEER:

1. The projects update report was reviewed regarding the sewer connection investigation. The Engineers have determined that the Village is currently using approximately 53% of the allowable PE from West Dundee. There was also a question concerning Town Center Phase II and the fence installation and landscaping near residential property. The Engineer will review the landscape plans regarding additional landscaping to screen residents and discuss this at the next meeting.

2. The homeowner at 35W290 Boncosky Road has requested hook up to Village water. The connection cost will be approximately \$3,220 and they will pay a higher cost as a non-resident of the Village. GETZ MOVED WITH A SECOND FROM TO APPROVE THE PERMIT TO CONNECT. MOTION PASSED.

ANDER MOVED WITH A SECOND FROM GETZ TO AMEND THE AGENDA TO MOVE PUBLIC COMMENTS TO NOW. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

1. Mona Auer of Sleepy Hollow Road thanked the Board for addressing the ComEd tree trimming issue. She submitted and read a notice regarding Sleepy Hollow Road that she requested be included in the next Village newsletter.
2. Donna Wood of Darien Court requested permission to use her cul-de-sac for a graduation party. The Board had no objection and asked her to work with the Police Chief on this matter.
3. Amy McClain of Appaloosa Court and Joanne Holcomb of Arlington Pkwy. spoke on behalf of Saddle Club residents who back to Randall Road. Elgin is developing the property west of Randall and the group is working with a Kane County Board member to attempt to require the developer to construct a 12' high masonry sound barrier on the Sleepy Hollow side of Randall Road. The residents are requesting Village Board support in their efforts and Board attendance at any Elgin meetings. This matter will be placed on the next agenda for Board consideration.

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM PRIGGE TO APPROVE THE ACCOUNTS PAYABLE OF APRIL 17, 2006 IN THE AMOUNT OF \$110,304.69. AYE: ZIEMBA, PRIGGE, ANDER, FINNEY, WIND. MOTION PASSED. (Getz out of room for vote.)
2. ZIEMBA MOVED WITH A SECOND FROM ANDER TO APPROVE THE PERSONNEL POLICY MANUAL CHANGES. This involves new health insurance plans and deductibles for the employees. Upon review, it was discovered that the rates were incorrect and will need to be re-calculated and presented at the next meeting. Motion and second were withdrawn.
3. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE THE OPERATING TRANSFERS. MOTION PASSED.

PARKS, ROADS & STREETS:

No report.

FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM ANDER TO APPROVE THE 2006-2007 OPERATING BUDGET. MOTION PASSED. Trustee Ziemba thanked the Board for attending the budget meeting.
2. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE RESOLUTION NO. 354 ENTITLED "A RESOLUTION DESIGNATING CAPITAL IMPROVEMENT FUND BALANCE RESERVES FOR VEHICLES, BUILDING/PROPERTY IMPROVEMENTS, PARKS AND EQUIPMENT FOR FISCAL YEAR ENDED APRIL 30, 2006." MOTION PASSED.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

1. PRIGGE MOVED WITH A SECOND FROM ZIEMBA TO EXTEND OFFICER GALLAGHER'S ONE WEEK OF VACATION, TO EXPIRE AT THE END OF AUGUST, 2006. MOTION PASSED.
2. The Cops Grant program has been completed and closed.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

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APRIL 17, 2006

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

No report.

NEW BUSINESS:

1. Trustee Ander said a member of the Plan Commission has asked for the Village Board's opinion on whether it would allow a curb cut on Sleepy Hollow Road for the proposed Michalski development. This development is set for a concept conference in May and the member would like some direction from the Board before they put considerable time into the project. The Board discussed and generally would prefer all other options be considered before a curb cut on Sleepy Hollow Road. However, President Pickett did not feel the Village Board should be giving direction when there is no plan yet and felt that the Plan Commission should make their own decision on this issue.

2. Trustee Prigge asked that the next agenda include discussion of a Sleepy Hollow Road Committee.

WIND MOVED WITH A SECOND FROM ANDER TO ADJOURN THE MEETING AT 11:08 P.M.
MOTION PASSED.

Respectfully submitted,



Norine Olson
Village Clerk