

VILLAGE OF SLEEPY HOLLOW  
REGULAR MEETING MINUTES

SEPTEMBER 4, 2007

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:35 p.m. In attendance were President Pickett, Trustees Finney, Getz, Prigge, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer Weiss, and Clerk Olson. Trustee Fudala was absent.

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

MINUTES:

1. WIND MOVED WITH A SECOND FROM PRIGGE TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 20, 2007. MOTION PASSED.

The Public Hearing began for comments on the proposed annexation of property located at 35W290 Boncosky Road, approximately 17.5 acres owned by Lowell and Nancy Naber. The full proceedings of the hearing were taken by an official shorthand reporter. Mr. Naber was present as was his attorney, James Bolz.. Village Attorney Mark Schuster made opening comments and Mr. Bolz then gave a brief history of this property since the petitioners' purchase approximately one year ago. The property has been divided into three parcels. Two of the parcels would be annexed in as R-1 residential; there is an existing ranch house on one parcel and the petitioners intend to construct another home of approximately 10,000 sq. ft. They are asking that the third parcel be re-zoned as F-1 farming and will be left undeveloped. They may have horses on this parcel. This parcel has two cell towers which were on the property when purchased. All three parcels are enclosed with a perimeter fence and gate and the petitioners are requesting that it be allowed to remain as a non-conforming use. (Trustee Getz arrives at 7:50 p.m.) Mr. Bolz asked that the impact and transition fees be waived as the petitioners do not feel they are required or apply to this property under our ordinance and resolution regarding these fees. The Nabers are replacing one house that was torn down with a new house, this is not a new development, and they are not increasing the density of the Village. Taxes have been paid on the property since 1896. (Trustee Ziemba arrives at 7:55 p.m.) Trustee Prigge asked about the cell tower leases and expressed concern about annexing the property without first reviewing these leases. There is no restriction on the number of cell towers in F-1 zoning. There were two members of the public who commented on the proposed annexation. Michael Thompson felt the property was much improved from the previous ownership; Jim Dolensky was concerned about Village maintenance of Boncosky Road, noting that some portions of the road are in poor condition already. The public hearing was then closed.

PRESIDENT:

No report.

CLERK:

1. Two bids were received for the squad car. WIND MOVED WITH A SECOND FROM GETZ TO ACCEPT THE BID OF WELCOME MOTORS IN THE AMOUNT OF \$3,828.00. MOTION PASSED WITH ZIEMBA VOTING NAY.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

Chairman Neil said the Brar public hearing was reconvened on August 29, 2007. The petitioner again did not have proper documentation regarding notice to surrounding homeowners. The hearing was closed and the

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petitioner was advised that the process would start over with a new hearing to be held on October 3, 2007. There will be new publication, posting of the sign, and notice to all surrounding property owners. Mr. Neil suggested the Brars be advised to retain an attorney to handle this matter.

ZBA:

No report.

ATTORNEY:

No report.

ENGINEER:

1. Mr. Weiss presented possible additional roads for the street improvement program. Since the bid was under the engineer's estimate, we can include an additional 10% of the amount of the bid, which would be about \$38,000, or up to an additional \$73,000, which would require justification to IDOT. ZIEMBA MOVED WITH A SECOND FROM FINNEY TO APPROVE THE INCREASED FUNDS TO ADD RAINBOW COURT, SADDLE CLUB PARKWAY, AND CHURCHILL COURT TO THE STREET PROGRAM. AYE: ZIEMBA, FINNEY, GETZ, PRIGGE, WIND. MOTION PASSED.

2. Mr. Weiss said they are willing to help with a solution to the water problem for a resident on Glen Oak.

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE THE ACCOUNTS PAYABLE OF SEPTEMBER 4, 2007 IN THE AMOUNT OF \$62,003.39. AYE: ZIEMBA, GETZ, FINNEY, PRIGGE, WIND. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

1. Mike Ander of Sharon Drive suggested the Village consider the T-Mobile proposed cell tower be installed on the Naber property instead of by the Village Hall. He also noted that Public Works was spraying in the area of Rainbow and Hillcrest and he would appreciate being advised of what chemicals were sprayed.

PARKS, ROADS & STREETS:

No report.

FINANCE:

1. The Finance Committee meeting was rescheduled to September 13<sup>th</sup> at 7 p.m.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

No report.

PUBLIC BUILDINGS & ENVIRONMENTAL:

1. Trustee Prigge and Ellen Volkening met with the Arc Disposal representative concerning the Village's request for proposals for the refuse and recycling contract. The Arc rep was also present, and brought for the Board's consideration their two most commonly used container sizes, 95 gallons and 65 gallons. They also have a 35 gallon container. They would like all residents to use these containers, which will require a monthly rental

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fee. The bid requests will require quotes both with and without the vendor containers. We will also request bids for yard waste pick up. PRIGGE MOVED WITH A SECOND FROM GETZ THAT WE ADVERTISE FOR BIDS FOR THE RESIDENTIAL REFUSE, RECYCLING AND YARD WASTE PROGRAM. Trustee Finney was concerned that residents may be forced to switch to the vendor containers, with an increased cost to residents and there was some discussion with the Arc rep on this issue. MOTION PASSED.

2. Three trees will be planted at the residence on Sleepy Hollow Road that removed landscaping on Village property. The Village will receive the bill from Dundee Landscape and will invoice the resident to pay the cost. The resident also asked that Public Works clean out the culvert that goes under her driveway. She will be advised that homeowners are responsible for culverts under their driveway.

3. Trustees Prigge and Getz will discuss the Crane Court clean up and then talk to Public Works about undertaking this project.

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

1. Trustee Prigge will give several changes for the Tree City ordinances to Mr. Schuster so they can be modified for the next meeting.

2. There has been no further word from T-Mobile.

NEW BUSINESS:

1. The ordinances for the Naber property annexation were reviewed. FINNEY MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2007-15 ENTITLED "AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT (NABER PROPERTY)". The Board discussed the annexation agreement, particularly whether the Village should waive the requirement of impact and transition fees (para.18 of Agreement). There were originally two homes on the property; one remains but the other was torn down shortly after the Nabers purchased the property in anticipation of building a new house. It was the consensus of the Board that these fees do not apply in this situation. Trustee Prigge expressed concern about the cost of road maintenance if we annex this property, and was especially reluctant to annex the property without first reviewing the cell tower leases to ensure there was nothing in them that would be detrimental to the Village. Mr. Naber offered to give the Village copies of the leases and was willing to agree to no further cell towers without Village permission. On discussing the portion of Boncosky Road that will be annexed, it appears that portion as well as the portion along the Bluffs subdivision are in fairly good condition and may not require road work for some time. The Board discussed the fence around the property and agreed it was appropriate for property of this size and should be allowed as a non-conforming use. FINNEY MOVED WITH A SECOND FROM GETZ TO AMEND THE MOTION TO DELETE PARAGRAPH 18 FROM THE AGREEMENT, AND ADD A PARAGRAPH RESTRICTING ADDITIONAL CELL TOWERS ON THE PROPERTY WITHOUT THE PERMISSION OF THE VILLAGE.

ON AMENDMENT: MOTION PASSED WITH PRIGGE VOTING NAY.

ON MAIN MOTION: AYE: FINNEY, GETZ, WIND, ZIEMBA, PICKETT. NAY: PRIGGE. MOTION PASSED.

ZIEMBA MOVED WITH A SECOND FROM WIND TO APPROVE ORDINANCE NO. 2007-16 ENTITLED "AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS (NABER PROPERTY)." AYE: ZIEMBA, WIND, FINNEY, GETZ, PICKETT. NAY: PRIGGE. MOTION PASSED.

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ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2007-17 ENTITLED "AN ORDINANCE CLASSIFYING CERTAIN LAND NEWLY ANNEXED TO THE VILLAGE IN PART IN THE R-1 RESIDENTIAL ZONING DISTRICT AND IN PART IN THE F-1 FARMING ZONING DISTRICT (NABER PROPERTY)". Trustee Prigge, while in favor of bringing the property into the Village, felt the Village should conduct due diligence on the cell tower leases and the potential road repair costs before approving the annexation. AYE: ZIEMBA, GETZ, FINNEY, WIND, PICKETT. NAY: PRIGGE. MOTION PASSED.

2. Mr. Naber has already submitted building plans for his new house to the Village building inspector for review. Mr. Schuster said the annexation agreement should be recorded before the permit is issued by the Village.

3. President Pickett said there are no federal funds available to the Village for any damage from the recent flooding.

GETZ MOVED WITH A SECOND FROM WIND TO ADJOURN TO EXECUTIVE SESSION AT 9:47 P.M. PURSUANT TO SECTION 2(C)11 OF THE OPEN MEETINGS ACT. MOTION PASSED.

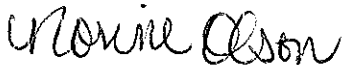
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The regular meeting resumed at 10:03 p.m.

4. A developer approached President Pickett about a Burger King on the Spring Hill Meadows property. The Board was not favorable to this offer.

PRIGGE MOVED WITH A SECOND FROM GETZ TO ADJOURN THE MEETING AT 10:07 P.M. MOTION PASSED.

Respectfully submitted,



Norine Olson  
Village Clerk

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EXECUTIVE MEETING MINUTES

SEPTEMBER 4, 2007

The executive session of the Sleepy Hollow Board of Trustees was convened at 9:47 p.m. for the purpose of discussing possible litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Pickett; Trustees Getz, Finney, Prigge, Wind, and Ziemba; Attorney Schuster, and Clerk Olson. Trustee Fudala was absent.

Mr. Schuster noted that the purpose of the meeting was to advise the board of facts concerning possible litigation over damage to trees near the Jelkes Creek bridge, and submitted a memorandum outlining the issues. One tree is dead and another appears to be dying. The property owner in the area believes this is the result of Nicor trenching work done sometime in the summer of 2003 when the bridge was constructed. It is unclear whether the statute of limitations is 4 or 5 years for damage to property. The dead tree appears to be on the resident's property, but it is also located in the Village's prescriptive easement on Sleepy Hollow Road. The property owner is not willing to contribute any money toward litigation costs to pursue this matter. Should the Village pursue suit and prevail, they would then determine how any potential award would be divided between the Village and the property owner. It would be necessary to hire an expert to determine if the cause of the damage was Nicor's activities. The Village should first request a cost estimate for this service. The potential value of the dead tree(s) could be substantial given their size. The Board felt the first issue was for Mr. Schuster to determine the statute of limitations before taking any further action.

WIND MOVED WITH A SECOND FROM GETZ TO ADJOURN THE EXECUTIVE SESSION  
AT 10:03 P.M. MOTION PASSED.

Respectfully submitted,



Norine Olson  
Village Clerk