

VILLAGE OF SLEEPY HOLLOW  
SPECIAL MEETING MINUTES

NOVEMBER 5, 2007

A special meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:00 p.m. In attendance were President Pickett, Trustees Finney, Fudala, Getz, Prigge, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer Weiss, and Clerk Olson.

President Pickett explained that the purpose of the special meeting was to consider a lease proposal for a communications tower on Village property and to take public comments and questions. He stated that the Village was first approached about six months ago by the telecommunications company.

Attorneys Wanchy Chanthadouangsy and Laura Lora, site acquisition agents for T-Mobile, made a presentation to the audience of the proposed tower using display boards, and distributed pamphlets and answered questions. They noted the tower has the appearance of a pole as the antennas are inside the tower, rather than hanging on the outside. They also stated there will be a compound at the base of the tower. The T-Mobile engineers have determined that the lower Sleepy Hollow area lacks adequate coverage for T-Mobile users and that the Village Hall area is the best site for a tower to address this problem. There were then numerous questions from the audience. The representatives were unable to answer the diameter of the 125' tower but noted it will be larger than the standard tower, since it will house the antennas within the tower, rather than on the outside. Another question was why this particular location was necessary and it was explained that the engineering analysis had determined this was the best location. They had checked other existing towers, including those on Boncosky Road, and determined the location was not the best for optimum T-Mobile coverage. They noted that the towers on Boncosky Road are approximately 150' tall, and noted that tower height is determined by how many carriers will use the tower. They said the proposed tower could co-locate additional carriers in the future, but those carriers would need to enter into separate agreements with the Village to do so. In response to another question, they have proposed a monthly lease fee of \$1800, with annual increases, and potential lease extensions of 25-30 years. The representatives did not have information on the number of residents who have cancelled service due to poor reception and other problems, but said they could obtain that information. A resident with T-Mobile said he has had no problems. Other residents expressed concern with studies showing cancer and other health risks associated with the radio waves emitted from cell towers. The representatives said the waves are minimal and are not a risk and said they follow all FCC rules and regulations. Another resident asked if T-Mobile would assist with any health issues that may arise from the tower, or if they would guarantee no health problems would result from the tower. Another resident asked about land use for towers and if it had to be non-residential; the reps responded that they look for the best area. In answer to how this would benefit the Village, the representatives noted the annual lease income and improved T-Mobile service for residents. They noted a flag on the pole would be the Village's decision. The Village Board could not answer if the property would require re-zoning for a cell tower as this process has just started. When asked if this tower could be placed on industrial property about a mile away, the representatives again stated that the engineering studies have determined that the Village location is necessary to provide the best coverage for the lower Sleepy Hollow area that is lacking sufficient coverage. The representatives noted that the improved coverage would be for residents as well as visitors to the area and people passing through. The Village Board members acknowledged that no residents had contacted them about problems with T-Mobile service. It was noted that certain parts of the country have enacted restrictions on where cell towers may

be erected. Another resident said he appreciated the Village holding this forum and allowing this discussion. On questions concerning the fence around the ground compound, the representatives said the fence is usually 6' tall, and landscaping can be planted around the fence. The fencing restrictions of the Village have not been addressed at this early stage in the process. T-Mobile has used wood fences in some instances which are more difficult for children to climb. They also noted that although the FAA will make a final determination, a 125' tower does not normally require lighting for their purposes. An access road will be required to get to the site, which will be constructed by T-Mobile and is usually gravel. They noted that T-Mobile does have insurance and that the Village would be listed as an additional insured. T-Mobile is backed by a large German company. Another resident commented about how this will also displace the wildlife in the area and could have negative health effects on the animals. On questioning, they acknowledged that they have looked at other area towers already in place and determined that Sleepy Hollow is the best location for T-Mobile's purposes. It covers an area of approximately 1/4 mile. The reps explained a map showing the extent of coverage for the entire area around Sleepy Hollow, indicating the deficiency in the Village Hall area. They also said this tower would include updated technology for 911 calls on cell phones. Residents suggested the tower could be placed on nearby commercial property and be effective for coverage, even if not quite as good as the Sleepy Hollow location. They expressed disappointment that an engineer was not present to also answer questions. Trustee Finney suggested the Village receive the engineering data to review the coverage issues and attempt to find an alternative site to the Village Hall area. The reps did not know how many residents have T-Mobile service. On questioning, the attorneys said they have a local law office and were contracted by T-Mobile as site acquisition agents. A resident said she is concerned about the Village employees who would be exposed to the health risks from a tower on a daily basis. In response to a resident question, the reps said that studies have shown that a tower does not lower property values in the area. A resident asked if T-Mobile had determined how many residents this tower would benefit. The reps also displayed "before" and "after" boards showing the coverage improvements in the area. The reps then left the meeting and residents who had signed in to speak were permitted to do so.

Mona Auer of Sleepy Hollow Road read a statement about the beauty and tranquility of the Village and urged the Board to vote no to the tower.

Tom Merkel of Thorobred said the Board did not given sufficient notice of this meeting to the residents and reminded the Board of how they fought the Carrington Reserve development and noted the many restrictions in the Village and that the tower would be an eyesore for the area and the monthly rent is not worth it.

Sal Eraci of Thorobred also asked that the Board not consider this tower and said the rent offered was very low.

Janet Osberg of Crane said that the representatives should give the Board the answers to questions that they could not answer tonight. She suggested the residents vote on this issue if necessary. She was concerned about the Village staff exposure to a tower.

Mike Ander of Sharon did not feel the engineering was well presented or clear and felt the Village should carefully review issues of liability to itself with a tower.

Warren Jordan of Beau Brummel felt if the residents must follow the many rules in Sleepy Hollow, the Village should also follow the rules by not allowing the tower or the fence around the compound area. He does not feel the service concerns warrant the tower and questioned how the tower would affect the annual fireworks display.

Matt Ellett of Sleepy Hollow Road recalled the Village vision of Floyd Falese as noted on the sales video and felt this tower would hurt property values. He urged the Board to maintain Floyd's vision for the Village and vote no for a tower.

Jennifer Ellett of Sleepy Hollow Road noted several studies that show serious health issues with cell towers and noted the close location to the elementary school and park.

Brent Lareau Van Tassel felt the Village has no legal obligation to proceed with this tower and suggested T-Mobile take their proposal elsewhere.

Joel Hale of Glen Oak questioned the integrity of anyone who proceeds with this proposal.

President Pickett noted that this meeting was held to obtain resident input and it had been advertised in the October newsletter, on the front page of the Village website, in several newspaper articles, and was posted on the sign at the fire station. He said no vote would be taken on this issue tonight. Trustee Wind noted that residents can add their e-mail address on the Village website to receive e-mail alerts.

The meeting ended at 8:55 p.m.

Respectfully submitted,



Norine Olson  
Village Clerk

VILLAGE OF SLEEPY HOLLOW  
REGULAR MEETING MINUTES

NOVEMBER 5, 2007

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 9:05 p.m. In attendance were President Pickett, Trustees Finney, Fudala, Getz, Prigge, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer Weiss, and Clerk Olson.

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

MINUTES:

1. ZIEMBA MOVED WITH A SECOND FROM PRIGGE TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 15, 2007. MOTION PASSED.

PRESIDENT:

No report.

CLERK:

1. ZIEMBA MOVED WITH A SECOND FROM PRIGGE TO APPROVE THE SALE OF CHRISTMAS TREES AT RANDY'S VEGETABLES FROM NOVEMBER 23 - DECEMBER 22, 2007. MOTION PASSED.
2. WIND MOVED WITH A SECOND FROM GETZ TO APPROVE THE COMED PERMIT FOR BONCOSKY ROAD WORK. MOTION PASSED.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

No report.

ZBA:

No report.

ATTORNEY:

1. ZIEMBA MOVED WITH A SECOND FROM PRIGGE TO APPROVE ORDINANCE NO. 2007-21 ENTITLED "AN ORDINANCE ADDING TO THE VILLAGE CODE PROVISIONS RELATED TO TREE CARE AND MANAGEMENT." AYE: ZIEMBA, PRIGGE, FINNEY, FUDALA, GETZ, WIND. MOTION PASSED. This is to become part of the Tree City U.S.A. program. There was some concern that the Village not be required to remove dead trees from private property. Mr. Schuster noted that the Village has a right, not an obligation, to do so under specific conditions, and the resident is responsible for the cost.
2. Mr. Schuster explained ordinances regarding recent legislation concerning video services and regulations to protect the Village. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2007-22 ENTITLED "AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADD REGULATIONS ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF FACILITIES IN OR ON PUBLIC RIGHTS-OF-WAY IN THE VILLAGE." AYE: ZIEMBA, GETZ, FINNEY, FUDALA, PRIGGE, WIND. MOTION PASSED.
3. A related ordinance regarding fees for communications services was next presented, again a result of recent legislation. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2007-23 ENTITLED "AN ORDINANCE ESTABLISHING A FEE FOR PROVIDING CABLE OR VIDEO COMMUNICATIONS SERVICES IN THE VILLAGE." This would also permit audits on the cable/video

companies regarding Village fees, although the low Village activity and cost to do so may not be worth it. An additional related ordinance will be presented for approved at the next meeting to adopt new state laws to protect video/cable resident customers regarding service calls, response time, etc. AYE: ZIEMBA, GETZ, FINNEY, FUDALA, PRIGGE, WIND. MOTION PASSED.

ENGINEER:

1. Mr. Weiss presented an engineering agreement for a drainage study for the Glen Oak Drive area. The exact area of the study will be confirmed after review of the County maps. GETZ MOVED WITH A SECOND FROM WIND TO APPROVE THE ENGINEERING AGREEMENT FOR A DRAINAGE STUDY OF THE GLEN OAK DRIVE AREA AT A COST NOT TO EXCEED \$2,975. AYE: GETZ, WIND, FINNEY, FUDALA, PRIGGE, ZIEMBA. MOTION PASSED.

2. Payment estimate #1 was submitted for the recent road improvements. The Board discussed the complaints about the improvements, particularly the aesthetics of the stone along the street edges. In light of the complaints and damage, it was suggested the 10% retainage be increased to 20%. Trustee Prigge distributed several color photos of the stone. He felt the stone was large and the amount was excessive and questioned the safety hazards of mowing since stone has rolled down sloping areas. One resident asked the contractor to not install the stone and instead added topsoil. The Engineer said topsoil, or sod, could be included in future specs instead of stone, but it will not protect the edges as well, and residents would be responsible for maintenance and may not do so. Trustee Prigge suggested a change in how the asphalt is compacted at the edge as well as how the stone is laid. Engineer Weiss said the Board could consider, for future road work, to feather or edge-grind the asphalt along the edge, and add a smaller width of stone, which is currently 2'. Trustee Prigge also noted that several driveways will now be holding water because of the slope created by the work, and there have been a few complaints from residents on this already. There were also complaints of three mailboxes broken and one light pole damaged by the contractor. The Board asked Engineer Weiss to review the work to see if there is excess stone and also if the stone can be re-shaped in some areas, along with a cost estimate to do this work. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE PAYMENT ESTIMATE #1, WITH 20% RETAINED. AYE: ZIEMBA, GETZ, FINNEY, FUDALA, PRIGGE, WIND. MOTION PASSED. A second payment estimate was submitted for the additional roads added under a separate contract. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE PAYMENT ESTIMATE #1b WITH 20% RETAINED. AYE: ZIEMBA, GETZ, FINNEY, FUDALA, PRIGGE, WIND. MOTION PASSED. The Board felt the resident who had laid topsoil instead of the stone must have stone. ZIEMBA MOVED WITH A SECOND FROM GETZ TO DIRECT THE VILLAGE ATTORNEY TO SEND A LETTER TO THE RESIDENT THAT SUBSTITUTE MATERIALS WERE NOT AUTHORIZED AND THE STONE WILL REPLACE THE TOPSOIL AT THE HOMEOWNER'S COST. The Engineer noted that IDOT specifications may need review before the stone replaces the topsoil. MOTION PASSED WITH PRIGGE VOTING NAY.

DIRECTOR OF FINANCE:

1. The premium payment for the IMLRMA liability/worker's comp insurance will be held until the Finance Committee meets on November 15 to review a quote for a different policy. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE THE ACCOUNTS PAYABLE OF NOVEMBER 5, 2007 IN THE AMOUNT OF \$102,658.84, WITH \$58,796.00 PAID IMMEDIATELY AND \$43,862.84 PAID ON NOVEMBER 16, 2007 IF RECOMMENDED BY THE FINANCE COMMITTEE. AYE: ZIEMBA, GETZ, FINNEY, FUDALA, PRIGGE, WIND. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

1. Susan Hagen of Hialeah Court said the recent road work has created a change in the slope of the street, causing the water to bypass a nearby storm drain, and instead flow down her driveway and into her garage and home. She asked that something be added to divert the water back into the storm drain where it should go. The Engineer and Village President will review the area and report back to the Board. Mrs. Hagen also suggested the "open burning" signs in the Village be changed to reflect the new restrictions for leaf burning.

PARKS, ROADS & STREETS:

No report.

FINANCE:

1. There is a Finance Committee meeting on November 15, 2007 at 7:00 p.m.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

1. Trustee Wind noted that the Police Dept. will be purchasing a special laptop for the squads with the DUI funds that have been collected and held in a separate account. This will be presented to the Board at the next meeting. Chief Montalbano noted that the Department will also be purchasing, with the DUI funds, a computer retro fit kit for the speed monitoring unit that will enable it to be used to conduct traffic counts in the Village.

2. The two police recruits will be graduating from the academy this month after nine months of school.

PUBLIC BUILDINGS & ENVIRONMENTAL:

1. The trail has not yet been mowed, but it will hopefully be done yet this fall.

2. Trustee Prigge has spoken with Dundee Landscape about a special program for residents to purchase trees as part of the 50<sup>th</sup> anniversary. Dundee Landscape will require pre-orders in either January or early fall so that they can place advance orders with their supplier. Trustee Prigge is also working with Dundee Landscape on different ideas for this project.

3. The trash proposals were again reviewed and Trustee Prigge recommended Arc Disposal, our current vendor, who submitted the lowest bid. He also recommended the seven year contract with the mandatory carts program, which would increase the resident cost. Other Board members did not feel carts should be required since many residents already have their own carts/receptacles that were purchased from previous trash providers or elsewhere. PRIGGE MOVED WITH A SECOND FROM FUDALA TO ACCEPT ARC'S PROPOSAL FOR A SEVEN YEAR CONTRACT WITH THE MANDATED CART PROGRAM. AYE: PRIGGE, FUDALA, FINNEY. NAY: GETZ, WIND, ZIEMBA, PICKETT. MOTION DID NOT PASS.  
ZIEMBA MOVED WITH A SECOND FROM GETZ TO ACCEPT THE ARC PROPOSAL FOR A FIVE YEAR CONTRACT WITH THE OPTIONAL CART PROGRAM. AYE: ZIEMBA, FUDALA, GETZ, WIND. NAY: FINNEY, PRIGGE. MOTION PASSED.

BUILDING & ZONING ENFORCEMENT:

No report.

VILLAGE OF SLEEPY HOLLOW  
REGULAR MEETING MINUTES

NOVEMBER 5, 2007

OLD BUSINESS:

1. Mr. Schuster advised that the engineering study should be obtained from T-Mobile and reviewed for justification of this site before the Board makes a final decision in light of federal laws prohibiting the restriction of communications. T-Mobile should also answer the questions raised by residents tonight. A resident of the south end of Sleepy Hollow Road who lives on two acres suggested that if the Village would not approve a cell tower on his property, the Village should not install a cell tower on its property.

NEW BUSINESS:

No report.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO ADJOURN TO EXECUTIVE SESSION AT 10:45 P.M. FOR THE PURPOSE OF DISCUSSING LITIGATION PURSUANT TO SECTION 2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED.

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The regular meeting resumed at 11:20 p.m.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO ADJOURN THE MEETING AT 11:20 P.M. MOTION PASSED.

Respectfully submitted,



Norine Olson  
Village Clerk

Released 12-19-11

VILLAGE OF SLEEPY HOLLOW  
EXECUTIVE MEETING MINUTES

NOVEMBER 5, 2007

The executive session of the Sleepy Hollow Board of Trustees was convened at 10:45 p.m. for the purpose of discussing litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Pickett; Trustees Getz, Finney, Fudala, Prigge, Wind, and Ziemba; Village Attorney Schuster, Village Engineer Eric Weiss, and Clerk Olson.

Mr. Schuster has been contacted by an attorney for Mr. Good regarding the Board's denial of his request for a variance to build a garage and threatening to file suit for a violation of Mr. Good's civil rights based on the Board's handling of the matter. Mr. Good claims his variance was denied by certain Board members (on July 16, 2007) because he would not grant a Village easement necessary for water improvements for the area in which he resides. Mr. Good attended a recent ZBA meeting to make further comments on this matter and made additional allegations concerning a subsequent meeting with village officials, which are detailed in the ZBA minutes. The tape from the Village Board meeting of July 16 is not available due to machine malfunctions. Mr. Good had previously filed a ZBA variance application in 2005 for this same matter, at which time he was asked to re-submit his application after he had prepared a plan reducing the size of his garage, which he then did in 2007.

Mr. Schuster, in further research of case law, stated that the July 16 failed Board vote, which was 3 in favor and 2 against, with the president voting "present", was actually a vote approving the variance since the president's vote should have been considered as a positive vote. This would have made the vote 4:2, and would be considered passed.

Mr. Schuster explained that Mr. Good could file a lawsuit in state or federal court for a violation of his civil rights. His attorney is with a large loop law firm. A suit would probably involve depositions and trial testimony from all board members. This matter could be tendered to the Village insurance company for defense.

The Board could also "reconsider" its July 16 vote on this issue at a future meeting, and then vote again. The Board could also suggest Mr. Good's design plan be further reduced before the Board would grant a variance. It appears the current variance request was for either 6' or 8'.

It was the consensus of the Board that Mr. Schuster contact Mr. Good's attorney with the offer that the Board vote actually passed at the July 16, 2007 meeting and the variance was approved. The Village would require a release from Mr. Good as a condition to granting the variance.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO ADJOURN THE EXECUTIVE SESSION  
AT 11:20 P.M. MOTION PASSED.

Respectfully submitted,

  
Norine Olson  
Village Clerk