

VILLAGE OF SLEEPY HOLLOW
VILLAGE BOARD MEETING MINUTES

JUNE 19, 2017

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. at the Sleepy Hollow Village Hall. Board members in attendance were President Stephan Pickett and Trustees Scott Finney, Dennis Fudala, Thomas Merkel, Joseph Nemec, Jeff Seiler and Donald Ziemba. Also in attendance were Village Attorney Mark Schuster, Director of Finance Ellen Volkening, and Police Chief James Linane.

MINUTES

1. Ziemba moved with a second from Seiler to approve the Village Board Meeting Minutes of June 5, 2017. On page 4 under Old Business, the minutes should be modified to read that the denial of certain records to Mr. Merkel was by the village clerk on the advice of the village attorney. Motion passed unanimously.

PRESIDENT

1. The liquor license application was submitted by the Service Club for July 4th and has been approved. Nemec moved with a second from Fudala to waive the liquor license fees for the Service Club application. Aye: Nemec, Fudala, Merkel, Seiler, Ziemba. Motion passed.
2. The house is for sale on Route 72 that has a stop and go light at the end of its driveway. The realtor has asked if the Village would consider rezoning this property from R-1 to B-2, which is the zoning of the adjacent property to the east. There is also a state authorized curb cut on this property. The Board did not have objections to consider this request.

CLERK

No report.

PLAN COMMISSION

1. The Plan Commission met to consider signage for a proposed martial arts facility in Spring Hill Meadows and they recommended approval of the proposed signage. Nemec moved with a second from Fudala to approve the Plan Commission signage recommendations. Motion passed unanimously. The owner was present and noted that they will also sell apparel and other items at the facility which will be subject to sales tax.

ZONING BOARD

No report.

ZBA

No report.

ATTORNEY

No report.

ENGINEER

1. The project update report was submitted.

DIRECTOR OF FINANCE

1. Ziemba moved with a second from Seiler to approve the accounts payable of June 19, 2017 in the amount of \$127,018.90. Trustee Merkel said he would not approve any legal fees to Attorney Schuster based on his recommendation to withhold documents from Mr. Merkel and his belief that the attorney is obstructing village business. Merkel moved with a second from Fudala to amend the motion to remove the payment to Attorney Mark Schuster of \$2,984.55. Aye: Merkel, Fudala. Nay: Nemec, Seiler, Ziemba. Motion did not pass. On main motion: Aye: Ziemba, Seiler, Nemec, Pickett. Nay: Fudala, Merkel. Motion passed. (Trustee Finney arrived.)

COMMENTS FROM THE PUBLIC

1. Terry Bromm of Rainbow Court discussed his water drainage issues. He said a neighbor built his house subsequent to Mr. Bromm's move to the block and that the neighbor has built up his lot several feet higher and changed the drainage patterns so that water drains onto Mr. Bromm's and other neighbor's properties. He noted the street edges are also crumbling from drainage issues. President Pickett noted that this is part of the village plans to fix drainage issues in the lower area.

PARKS, ROADS AND STREETS

1. Trustee Merkel said that resident Rich English has suggested a raised planter box be created by the village driveway/trail entrance using the telephone poles sitting by the trail bridge

FINANCE

1. Trustee Ziemba commented on the one month financial statements.

WATER AND SEWER

No report.

POLICE AND PUBLIC SAFETY

1. Chief Linane commented the parking and gate changes for July 4th. Trustee Merkel expressed concern for the safety of younger residents that may be assisting in the parking and the Chief noted that adults would be working with the younger people.
2. The check for the LESO auction proceeds arrived in the amount of \$18,380. The new squad car is ready for service and the old one will be offered for sale.
3. Signs will be posted in the village that all solicitors must have permits and tickets will be issued for violations.

PUBLIC BUILDINGS AND ENVIRONMENTAL

1. Nemec moved with a second from Seiler to approve Resolution No. 492, "A Resolution Approving a Service Agreement with Allied Waste for Refuse Collection Services in the Village." Aye: Nemec, Seiler, Finney, Fudala, Merkel, Ziemba. Motion passed.
2. The police service door replacement/repair will be deferred to the next meeting.

BUILDING AND ZONING ENFORCEMENT

1. Trustee Fudala asked that ICCI's contract and fees be placed on the next agenda for discussion. He would like to see the Village receive more fees from permits.

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2. The resident at 922 Willow said they have drainage problems but the engineer reviewed the swales on that and the neighboring property and finds no drainage issues. It may be something in the back yards of the properties and the code enforcement officer will be informed.
3. Trustee Ziemba noted he has seen houses with chicken coops in the Village. The information will be given to Trustee Fudala.

OLD BUSINESS

1. President Pickett said National Wireless/Insight is requesting a change in the cell tower lease agreement. Robert Stapleton was present and said the annual 2% escalator is acceptable but the cell phone carriers will not agree to a CPI review as proposed by the Village. He noted again that the Village will receive a \$5,000 payment as each carrier comes on board, and after 5 years, the Village will have received \$145,769 in payments under the lease. Trustee Merkel questioned why this was previously agreed on and is now changing and asked if another change will be requested next month. He also preferred to receive these changes in writing, to review in advance of a decision. Mr. Stapleton said the carriers had just recently reviewed the lease and would not agree to the CPI review. He further said that if this change is approved, there will be no further changes and the lease will be signed. Trustee Fudala asked exactly where the tower will be placed and Mr. Stapleton said he would email the survey to the Village indicating the placement location. Seiler moved with a second from Ziemba to approve the lease with the changes regarding no CPI. Aye: Seiler, Ziemba, Nemec, Pickett. Nay: Finney, Fudala, Merkel. Motion passed. Trustee Merkel does not feel Trustee Ziemba is a sitting trustee and should not be voting as he did not take the oath of office and is simply in the trustee position until a replacement is appointed; he felt the Village Clerk is in the same position having not run in the recent election. Attorney Schuster pointed out a trustee holds office until his successor has been qualified and elected, or until he resigns or an appointment is made; the same applied to the clerk. He also noted that both positions remain under their original oath of office.
2. Attorney Schuster made a statement regarding the withholding of documents from Thomas Merkel on the basis of a claim of the attorney/client privilege. He summarized the FOIA filed with the village and subsequent later request from Trustee Merkel, as well as the request made by Mr. Merkel to the Attorney General to review executive session meetings held regarding the cell tower issue. Attorney Schuster noted that he represents the Village and not any one member of the board. He further noted that once the attorney/client privilege is waived, it is waived forever and said he has taken a conservative, cautious approach to this issue to protect this privilege and defend the best interests of the Village, and that it is unknown if a lawsuit may be filed in the future regarding the cell tower. He further noted that while the Illinois Municipal Code grants access to the village president of all municipal books and records, it does not grant that same authority to the trustees. Trustee Merkel stated that he did not file a challenge to the Village's response to his FOIA request. He noted that he interprets the duties of village trustee and village attorney differently than Attorney Schuster. Trustee Fudala questioned what needs to be done to see the withheld documents. Attorney Schuster stated it is the Village's privilege and the Board could vote to release the documents if they so choose.

NEW BUSINESS

No report.

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Nemec moved with a second from Seiler to adjourn to executive session at 8:39 p.m. to discuss collective bargaining pursuant to §2(c)(2) of the Open Meetings Act. Aye: Nemec, Seiler, Finney, Fudala, Merkel, Ziemba. Motion passed.

The regular meeting resumed at 9:02 p.m.

Nemec moved with a second from Seiler to adjourn the meeting at 9:02 p.m. Motion passed unanimously.

Respectfully submitted,



Norine Olson
Village Clerk