

VILLAGE OF SLEEPY HOLLOW
VILLAGE BOARD MEETING MINUTES

October 7, 2019

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 Anthony Piraino, Steven DeAtley, Joseph Nemec, Donald Ziemba and Thomas Merkel. Edward Harney was absent. Also present were Police Chief Michael Rivas, Director of Finance Henry Mionskowski, Village Engineer Jeffrey Steele and Director of Public Works Kyle Killinger.

MINUTES

1. Trustee DeAtley moved with a second from Trustee Ziemba to approve the Village Board Meeting Minutes of September 16, 2019. Aye: DeAtley, Piraino, Nemec and Ziemba. Abstaining: Merkel. Nay, None. The motion to approve the minutes of 9-16-2019 passed.

PRESIDENT

1. President Pickett reported on the receipt of a letter from the Attorney General Office dated October 3, 2019 setting forth its determination of the events of September 5, 2018 complained of by Trustee Merkel. Trustee Merkel claimed the Board violated the OMA by voting on three (3) matters through a series of e-mails, rather than at a public meeting. While the AGO concluded that the Sleepy Hollow Board of Trustees acted improperly, because the Board voted on September 17, 2019 in an open meeting to ratify each of the votes, no further remedial action was required. The AGO cautioned the Board to take steps to ensure that it votes on matter of public business at an open meeting. The AGO determined the resolution of the matter does not require the issuance of a binding opinion and the file was closed. There were no comments, questions or observations presented by any trustee present at the meeting.
2. President Pickett presented for discussion and direction the issue of the state's passage of the Cannabis Regulation and Tax Act (Public Act 101-0027) 410 ILCS 705/1 *et seq.* which take effect on January 1, 2020. According to the Cannabis Act the production, sale and transportation of Adult-Use Cannabis will be limited to State-licensed cannabis establishments operating in accordance with the act. Adults 21 years of age and older will be permitted to purchase, possess, and use Adult-Use Cannabis in the village beginning January 1, 2020. Production, sale and transportation of Adult-Use Cannabis will be limited to State-licenses cannabis business establishments ("Cannabis Businesses") operating in accordance with the act (emphasis added).

President Pickett explained state law will allow each municipality to charge each retailer doing business within Village limits a Cannabis Retailers' Occupation Tax at the maximum rate of 3% of gross receipts from Adult-Use Cannabis sales. State law allows each municipality to pass an ordinance implementing the sales tax which would be considered at a later date if the Village Board moves forward with allowing a Cannabis Business to operate within Village limits.

Trustee Ziemba as the head of the Finance Committee stated that in 28 years he has had two agendas: Increase revenues and reduce expenses. However, when it comes to marijuana his personal view is to not allow sales within the village. He questioned whether the village could allow the sale of medical marijuana while restricting recreational sales. While technically the Village could enact such an ordinance, Village Attorney Schuster advised that all medical marijuana licenses have been issued so this option is not available to the village.

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Trustee Merkel agreed with Trustee Ziemba in prohibiting the sale of recreational marijuana stating that he does not think anything good comes out of marijuana. He stated that while marijuana is not a gateway drug, that is not what he has seen in his [legal] practice. He stated he would vote "No" on allowing sales within the village.

In discussing what locations are zoned business in the Village the Board noted only the Verlo Mattress area, Springhill Meadows (Maxway Motors) and Randy's Vegetables. Trustee Merkel questioned whether the Springhill Meadows location is a good choice due to the presence of children at the karate school.

It was the consensus of the board that further analysis and discussion was needed and the matter will be referred to the Planning & Zoning Commission. The Village Attorney was directed to prepare a petition to be brought for a board vote authorizing the Planning & Zoning Commission to consider the sale of Adult-Use Cannabis within the Village of Sleepy Hollow corporate limits.

If the Village decides to allow Cannabis Businesses within its jurisdiction, the may exercise zoning authority and, through the zoning process or otherwise, impose reasonable time, place and manner regulations that are not stricter than, or in conflict with the Act. The Planning & Zoning Commission would conduct a public hearing on a text amendment to the Village Zoning Code and then make a recommendation to the Village Board regarding Cannabis Business. It was the consensus of the board that further analysis and discussion was needed and the matter will be referred to the Planning & Zoning Commission.

CLERK

No report

PLANNING AND ZONING COMMISSION

No report.

ATTORNEY

Village Attorney Mark Schuster presented a resolution for approval of an update to the Village Personnel Manual, to address modifications suggested by the Director of Public Works regarding probationary period for new hires, and obtaining a CDL; and adding in the last prior amendment regarding holidays for Village employees Trustee Nemec noted that the schedule for accretion of holiday time in the manual as presented appeared to be incomplete. Trustee Nemec moved with a second from Trustee Ziemba to approve the amendments to the personnel manual by adoption of Resolution No. 519. Aye: Nemec, Ziemba, DeAtley, Piraino and Merkel. Nay: none. Motion passed. The Village Attorney was directed to review and clarify the matter of accretion of holiday time as stated in the manual, and to report back to the Board at the next meeting.

ENGINEER

1. The Village Engineer reported the scheduled maintenance (paving) approved in the 2019 Street Program contract will start on October 12, 2019 beginning with Beau Brummel, then Thorobred Lane and Bull Frog Road. Weather permitting the scheduled maintenance will be completed by October 25, 2019. The Village Engineer will send letters to each resident

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owning property on the roads to be resurfaced along with the scheduled start and completion date. During this construction, access to the residents' driveway will still be available.

DIRECTOR OF FINANCE

1. Trustee Ziemba moved with a second from Trustee Merkel to approve the accounts payable of October 7, 2019 in the amount of \$80,495.45. Aye: Piraino, DeAtley, Merkel Nemec and Ziemba. Nay, None. Motion passed.

COMMENTS FROM THE PUBLIC

1. Mary Gardner, 106 Thorobred Lane, speaking on behalf of herself and several neighbors reported the speeding on Thorobred Lane continues and asked if stop signs could be installed to slow down traffic. She noted that the number of speeders increased during rush hours. Chief Rivas responded that he has increased the presence of his patrol officers during this period. President Pickett suggested people speeding on Thorobred Lane were most likely residents trying to avoid the traffic on 72. Ms. Gardner spoke in favor of allowing the sale of cannabis within village limits stating that she did not see any downside to allowing its sale.
2. Hollie Bauron, 1146 Anne Court asked why her son's scout troop was required to obtain a solicitation permit to sell popcorn in the village. She was concerned about the cost of the permit noting that this activity promoted responsibility and social interaction of the youngsters. Chief Rivas responded he did not think the troop was being charged for the permit but that he would look into it and respond to the resident. Ms. Bauron spoke favorably regarding the sale of cannabis in the village stating she thought it was phenomenal that cannabis was becoming legalized and that she thought it would enhance our nature driven town.

PARKS, ROADS AND STREETS

No report.

FINANCE

No report

WATER AND SEWER

The issue of the language on the back of the water bill was approved by a consensus of the board which identify the hours for Trick or Treating in the Village will be 3-7 pm. Chief Rivas reported there will be an increase in his department's staffing during this period.

Trustee Nemec provided an update on the water meter replacement project. As of this meeting 44 meters need to be replaced. The Village staff has been placing calls to schedule the meter replacement. If the residents have not scheduled the replacement by October 11, 2019 they will receive red tags. If the meter replacement has not been scheduled by October 31, 2019 the water service will be turned off. Additionally, Mr. Nemec reported a cost increase for sewer pumps of \$500 per pump. Public Works will be researching alternative pumps at lower costs.

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The Rutland-Dundee fire district was conducting hydrant flow testing training and in the process broke a valve stem which Public Works had to be replaced. Public Works will work with a representative of the fire district on the correct manner to open and shut a hydrant.

POLICE AND PUBLIC SAFETY

No report.

PUBLIC BUILDINGS AND ENVIRONMENTAL

No report.

BUILDING AND ZONING ENFORCEMENT

No report

OLD BUSINESS

President Pickett provided an update of the board's efforts to prepare a survey for village residents noting the only trustee to provide his thoughts was Anthony Piraino. President Pickett requested the other trustees to provide their comments in order to meet the deadline of issuing the survey before the Thanksgiving holiday. The Service Club has expressed a willingness to hand deliver the surveys to all residents thereby providing the village with a significant costs savings. Placing the survey on the village website is also being investigated.

Trustee Ziemba asked about what the village will do with this information and President Pickett reported that the board will be reviewing the survey results to determine if future activities are being requested by a majority of village residents.. Trustee Nemec asked if there are any contacts at Northern Illinois who could review the responses to determine their relevance. Also discussed whether the use of focus groups would be beneficial on analyzing the residents' opinions.

The need for a fire hydrant flushing policy by the fire department as well as a water quality policy was discussed by Kyle Killinger, Director of Public Works, and Jeffrey Steele, Village Engineer. This need was in part brought about by the actions of the Rutland-Dundee fire district testing of the hydrants and the frequent breaks occurring during this activity. President Pickett will sit down with Public Works and the Village Engineer and then reach out to the fire district to arrange a meeting.

NEW BUSINESS

The use of village power equipment by village resident volunteers was discussed by the board. The issue was brought to the board's attention due to the recent brush clearing activities along Sleepy Hollow Road. The village has used for several years a release of liability (release/waiver) which is executed by volunteers working on village property and the adequacy of that waiver was discussed by the board. After the trustees were allowed the opportunity to discuss their concerns it was agreed that the Village Attorney will research the issue and address whether the release/waiver form needs to be revised and will present his report in November. The Village Attorney will also look into the issue of the property damage claims presented by the village resident. Henry Mionskowski will speak to the insurance broker servicing the village to see if the release/waiver meets the carrier's needs and/or whether changes are needed.

The style and fees charged for the registration of vehicles was discussed by the board with Trustee Nemec reporting other communities use a "cling" type sticker. The Village Staff looked into the availability of the sticker and potential cost increase. It was the consensus of the board to keep the

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present style of sticker. Trustee Ziembra moved with a second from Trustee Nemec to approve the purchase of vehicle stickers in the original style for the year 2020. Aye: Ziembra, DeAtley, Piraino and Merkel. Nay: Nemec. Motion passed. The issue of increasing the fee to be charged for registering a vehicle in the village will be continued to a later date.

Chief Rivas presented a request for the purchase of rifle ammunition for the police department. The All officers must qualify on a course of fire for rifles before officers are allowed to carry rifles in their respective squad cars. The ammunition will be used by the officers to train with rifles on the shooting range in St. Charles in late November. The total cost of the ammunition is \$940.00.

Trustee DeAtley moved with a second from Trustee Ziembra to approve the purchase request of \$940.00 for 2000 rounds of ammunition. Aye: DeAtley, Piraino, Nemec, Merkel and Ziembra. Nay: None. Motion passed.

Kyle Killinger, Director of Public Works asked the board for authority to hire Dylan Anderson as a full time employee. The hourly rate of pay will be \$17.17 for the first six (6) months with an increase to \$18.00 per hour. Continued employment is conditioned on Mr. Anderson's securing his CDL which he current does not possess. Trustee Piraino moved with a second from Trustee Nemec to approve the hiring of Dylan Anderson as a full time Public Works employee at the starting rate of \$17.17 per hour with an increase after six (6) months to \$18.00. Employment to be conditioned of the employee's securing a CDL. Aye: Merkel, DeAtley, Nemec, Piraino and Ziembra. Nay: None. Motion passed.

Chief Rivas asked the board for authority to evaluate two part-time officers to full time positions. The need to evaluate to full time status was brought about by the resignation of Officer Woodward and the upcoming resignation (tender of resignation received) of Officer Hofer. The first officer to be promoted to replace the position vacated by Woodward is Kris Chlapecka. The full time rate of pay will be \$52,894.12. The second offer to be promoted as soon as Officer Hofer resigns is Matt Kane. The full time rate of pay will be \$50,122.08. Trustee DeAtley moved with a second from Trustee Piraino to approve the immediate transfer of Kris Chlapecka to full time officer at the rate of \$52,894.12 and the transfer of Matt Kane to full time officer at the rate of pay to be \$50,122.08 with the transfer to take effect once Officer Hofer has resigned. Aye: DeAtley, Piraino, Nemec, Merkel and Ziembra. Nay: none.

Trustee Piraino asked for the date that the contract with union and non-union employees renews and is up for negotiation. President Pickett responded the contract is up for renewal on April 1, 2020. Chief Rivas noted the police union is debating whether to stick with the same union or change and that no decision has been made.

Trustee Piraino asked if the board will be allowed to address the issue of the employer provided percentage of contribution for employee health insurance and asked for the process to address this issue. Henry Mionskowski noted the health insurance is a calendar year term which renews in January but vision and dental renews later in the year. President Pickett responded by stating if the Village wants to address the issue of the payroll deductions for employee health insurance, the entire contract will be opened and subject to negotiation. Trustee Piraino proposes an open discussion on this issue in the future.

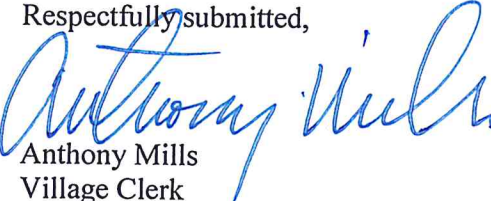
ADJOURNMENT

Trustee Nemec moved with a second from Trustee Ziembra to adjourn the meeting at 8:59 p.m. Motion passed unanimously.

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Respectfully submitted,



Anthony Mills
Village Clerk