

Minutes Board of Town Trustees

STATE OF ILLINOIS

LAKE COUNTY

TOWN OF NEWPORT

THE BOARD OF TOWN TRUSTEES met at the office of the Town Clerk at the Village Hall on November 25, 2013.

Members Present:

Beth Hartford, Trustee

Diane Crittenden, Trustee

Corey Kirschhoffer, Trustee

Rodger Edmunds, Highway Commissioner

Randy Whitmore, Supervisor

Debbie Spurgeon, Clerk

Call to Order: Supervisor Whitmore called the Regular meeting of the Board of Town Trustees to order at 7:37 p.m. [The Regular meeting was preceded by a General Town Budget Amendment Hearing and a Road District Budget Amendment Hearing.]

Pledge of Allegiance: Supervisor Whitmore led the Pledge of Allegiance at the preceding General Town Budget Amendment Hearing.

Roll Call: In attendance were Beth Hartford, Rodger Edmunds, Diane Crittenden, Corey Kirschhoffer, Randy Whitmore and Debbie Spurgeon. Also present, Attorney Keri-Lyn Krafthefer. Absent, Jerome Berens.

Approval of Agenda: The agenda was not called for approval.

Approval of Minutes: Supervisor Whitmore requested a motion and second to approve the October 16, 2013 Regular Meeting Minutes. No discussion.

Motion by Hartford; seconded by Kirschhoffer to approve the October 16, 2013 Regular meeting minutes.

Ayes, all; nays, none. Motion passed 5-0.

Reports:

Supervisor's Report:

Supervisor Whitmore stated he held a stakeholder’s meeting regarding the Wadsworth Drainage Ditch project, noting several township board members attended. Donald Hey, Wetlands Research Inc. presented on improving the Newport Ditch. Whitmore says that in the days following the meeting, Hey went out and spoke with area residents whom Whitmore says are all for it. The supervisor states there will be no cost to Newport Township. The associated costs will come out of the wetlands bank. Whitmore calls it an exciting project, stating the 3 residents have already signed on. Whitmore says WRI will come back with a complete plan and then a public meeting will be held.

Highway Commissioner’s Report:

Highway Commissioner Rodger Edmunds reported he is still cutting trees as a result of recent storms.

Assessor’s Report:

No report. [Assessor Berens, absent]

Clerk Comments:

No report.

Trustee Comments:

Beth Hartford-- No report.

Ron Miller-- No report.

Diane Crittenden—No report.

Corey Kirschhoffer—No report.

Attorney’s Report: Attorney Krafthefer stated the increased legal fees are due to the preparation of agendas and notices, things she says that the clerk would normally do. Krafthefer says she tried to contact the clerk, but she had no way to contact her, however adding she sent the clerk an email and the clerk did not respond. Krafthefer says she talked to the trustees and they are in agreement they have no way to contact the clerk. She would like to know what the clerk’s regular township hours are and thinks the township board needs to establish regular hours for the clerk.

Trustee Hartford says Newport has never had a clerk with regular business hours in the entirety of its existence, noting that the majority of board members work full-time jobs. She thinks asking someone to monitor their township email or phone continually throughout the day is inappropriate and unnecessary. Hartford says she is fairly certain the clerk checks her email several times a day. Spurgeon stated Krafthefer emailed her at 2:49 p.m. on Friday afternoon and when she hadn't responded by 3:55 p.m., a little over an hour later, Krafthefer had already declared her unreachable indicating in an email to trustees this is a problem that needs discussing. The clerk further stated if Krafthefer would not wait until the last day before the posting deadline; there would be time to communicate in a reasonable timeframe either by email or phone. Krafthefer then stated she had not been told by the township that the clerk had not prepared the agendas for tonight's meetings. Clerk Spurgeon countered Krafthefer has insisted on doing the agendas for Whitmore and in fact has been doing them all along. She does not understand why the attorney would suddenly expect her to prepare agendas without any communication as such. The clerk added, at no time during her tenure at the township has she been asked to prepare the agenda. Trustee Hartford comments that Attorney Krafthefer represented to the board that her \$500 retainer fee includes the preparation of agendas and notices. She asks if her retainer does in fact include this service. Krafthefer says yes, but says Hartford stated at the last meeting that the clerk could prepare publication notices. Hartford counters that the clerk did in fact prepare the publication notices, which the clerk also confirms. Krafthefer claims nothing was published. The clerk states she sent the notices to the paper, they were in fact published, and she expected Krafthefer would provide agendas per the usual process. She added that if the attorney would not continually wait until the last minute to do something that could have been done anytime during the preceding month, there wouldn't be a need for an "emergency." Krafthefer continues to insist the clerk was unavailable. The clerk agrees she was in fact unavailable for that particular hour during her work-day. Trustee Hartford asks if Attorney Krafthefer left the clerk a voice mail. Krafthefer says she did call the clerk. The clerk indicated someone from Ancel Glink called her township phone and quickly hung up without leaving a message. Keri-Lyn Krafthefer is concerned the clerk is not available for township emergencies. The clerk asks if the attorney having a month to prepare an agenda constitutes an emergency. Hartford says Krafthefer needs to allow for a reasonable response time and notes if Krafthefer had done her work in a timely matter there would be no emergency. Krafthefer continues to insist she has to do the clerk's job. Residents express disagreement with council's comments.

Krafthefer continues that the clerk should do the agendas. Whitmore and Krafthefer have made it plain they didn't want anyone else involved in preparing their agenda. The clerk says she is okay with preparing agendas, if the information is provided to her in a timely matter (by 4:00 p.m. on Friday for the following Wednesday meeting.) However, she should not be expected to prepare and post agendas when Krafthefer provides the information 2 hours before the open meetings act posting deadline. With a month in between meetings there is plenty of time for Whitmore and Krafthefer to determine what they want to talk about.

Krafthefer concludes she is happy to continue doing the regular meeting agendas, noting it is included in her retainer fee. She says if she is to continue to prepare the budget hearing agendas and special meeting agendas, these are not included in her retainer. The clerk interjects that Krafthefer has been preparing all agenda and since they have now had 4 additional budget

hearings since June, she wonders why the attorney would expect her to anticipate the process would be any different this time around.

Estimate of Township Levy:

Whitmore asks if everyone on the board has a copy. Hartford, Miller and Spurgeon had not previously been provided copies as Kirschoffer and Crittenden had. Krafthefer says the board needs to adopt an estimate of tax levy at least 20 days before adopting taking action on the levy. She notes the estimate can be changed at a public levy hearing. Hartford notes, the board has never done an *estimate* of tax levy. Krafthefer says it is a requirement by statute, adding with respect to General Town, the estimate is under the truth in taxation parameters.

Whitmore requests a motion to adopt the estimate of township levy (\$55,683) as presented.

Supervisor Whitmore requested a motion to approve the Estimate of Township Levy.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, 5; Nays, none. Motion passed 5-0.

Estimate of Road District Levy:

Whitmore requests a motion to adopt the estimate of road district levy (\$438,798) as presented. Hartford read aloud the estimate: \$438,798 if the referendum passes to reinstate the permanent road fund tax at the meeting of the electors on December 18, 2013. She asks if Whitmore and Krafthefer are calling a special meeting. Krafthefer replies that is what the elector's petition calls for. Trustee Miller notes the elector's petition was submitted only minutes ago, yet the attorney already has the documents prepared with the date and details of the special meeting called for in the petition. Miller comments that this is apparently been all worked out already. Trustee Kirschoffer responds we like to be prepared. Residents inquire as to how a date could already have been established for this special meeting when the petition was just submitted. Whitmore read aloud the estimate: The township board hereby estimates that the levy for the Newport Road District for tax year 2013, to be paid in 2014, shall be \$438,798 if the referendum passes to reinstate the Permanent Road Fund (Gravel Fund) at the meeting of electors on December 18, 2013 to be allocated as follows:

\$57,000 for Road & Bridge

\$9,822 for Insurance Fund

\$371,976 for Permanent Road Fund (Gravel Fund)

Residents ask when certain board members discussed this business. Whitmore interjects that he is not finished speaking and continues: If the referendum does not pass to reinstate the Permanent Road Fund (Gravel Fund) at the December 18, 2013 meeting of electors, the estimate of levy is \$66,822 to be allocated as follows:

\$57,000 for Road & Bridge Fund

\$9,822 for Insurance Fund

Whitmore continues reading: The Township Board hereby finds that there is a need to hold a hearing subject to the Truth in Taxation Act for the Road Fund, as the proposed change in the annual tax levy will be more than 105% of the previous year's extension in the event that the electors approve the reinstatement of the Permanent Road Fund at a referendum to be held at a meeting of electors on December 18, 2013. Accordingly, the Township Board hereby calls for a public hearing to be held on December 18, 2013. In the event that the referendum fails, the levy will not exceed 105% of the previous levy, and no public hearing will be required. This resolution shall be in full force and effect from and after its passage, approval and publication as required by law.

A resident asks how some board members knew about this when the petition was submitted some minutes ago. Krafthefer says that once we heard a petition was being circulated calling for a special meeting, in order to make the Truth in Taxation timing the Township Board needs to call for a hearing. Trustee Miller notes the lead proponent of the petition, Mark Kirschhoffer, is the father of Trustee Corey Kirschhoffer. Trustee Kirschhoffer says this has nothing to do with anything, indicating she does not write the checks.

Supervisor Whitmore requested a motion to adopt the Estimate of Road District Levy.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, Crittenden, Kirschhoffer, Whitmore; Nays, Hartford, Miller. Motion passed 3-2.

Finances:

Supervisor introduced the bills for approval by fund:

Supervisor Whitmore requested a motion to approve the General Town Fund Assessor's bills.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, Hartford, Miller, Crittenden, Kirschhoffer, Whitmore; Nays, none. Motion

passed 5-0.

Supervisor Whitmore requested a motion to approve the Gravel, Equipment & Building Fund, and Road & Bridge Fund bills.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, Crittenden, Kirschhoffer, Whitmore; Nays, Hartford, Miller. Motion passed 3-2.

Supervisor Whitmore requested a motion to approve the General Town Fund bills.

Motion made by Crittenden; seconded by Kirschhoffer.

Voice Vote: Ayes, Crittenden, Kirschhoffer, Whitmore; Nays, Hartford, Miller. Motion passed 3-2.

Public Comment:

Mike Dolan-- Mr. Dolan inquired about the road district's levy for the previous year and the reinstatement rate being proposed for the Permanent Road Fund tax. (.167, which is the maximum) A discussion occurs on the road district budget amount and when the new tax might take effect: Krafthefer says not until the end of 2014. Hartford says this is incorrect, and if it passed it would be turned on immediately. Krafthefer and Hartford continue to discuss budget specifics.

Mark Kirschhoffer-- Mr. Kirschhoffer complimented Rodger Edmunds on his service to the road district during a recent storm.

Bob Maday--- Mr. Maday wants an explanation on how certain board members, including the supervisor and attorney knew about the petition when it was just presented tonight. Supervisor Whitmore says the heard it was coming down the pike and since we knew it was going to be presented we wanted to get the documents prepared.

Tom Hartford--- Mr. Hartford says it would be nice for residents to have information about the condition of their roads prior to being asked to raise a tax. Trustee Hartford adds this

information could easily be included on the township website if it was made available.

Mark Kirschhoffer suggests it will cost money—to hire an engineering firm to determine road conditions. Mr. Hartford thinks this is something Rodger could do within reason. Attorney Krafthefer suggests the highway commissioner provide an anticipated schedule of maintenance, and the associated costs. Trustee Hartford comments this is actually something the previous highway commissioner was supposed to provide as a condition of mediation, but it was never provided.

Resident Maday asks what the highway commissioner does for a living. Rodger Edmunds says he owns a recycling company, where he recycles mulch. Mr. Maday asks if Edmunds has any experience in road construction or road maintenance. Edmunds says he did road construction for 30 years.

Ben Dolan--- Mr. Ben Dolan inquired with legal counsel regarding tax objections. Krafthefer says the township will not get the money until the end of 2014. Trustee Hartford adds that it will show up on the tax bills in June. Ben asked an additional question about the road district levy. Hartford says part of the problem is the previous road commissioner did not understand the levy process or anything about percentages, and continued to levy the same dollar amount year after year. The township board tried to explain it to him, but was repeatedly rebuffed. Dziekan continued to levy the same dollar amounts as his predecessor had.

Motion to Adjourn:

Supervisor Whitmore requested a motion and a second to adjourn.

Motion by Hartford; seconded by Kirschhoffer.

Voice Vote: Ayes, all; Nays none. Motion passed 5-0.

Meeting adjourned at 8:21 p.m.

The clerk reminded the Supervisor and trustees not to leave before signing the budgets/ordinances which were passed tonight.

Dated the 25th day of November, 2013.

____s/Debbie Spurgeon____

Debbie Spurgeon, Township Clerk