

Minutes Budget and Appropriation Ordinance Public Hearing

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 July 31, 2013

Members Present:

Beth Hartford, Trustee

Ronald Miller, Trustee

Diane Crittenden, Trustee

Corey Kirschhoffer, Trustee

Rodger Edmunds, Highway Commissioner

Randy Whitmore, Supervisor

Debbie Spurgeon, Clerk

Call to Order: Supervisor Whitmore, acting chairman, called the meeting of the Road District Budget Appropriation Ordinance Public Hearing to order at 7:00 p.m.

Pledge of Allegiance: Supervisor Whitmore led the Pledge of Allegiance.

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

Public Hearing for the Road District Budget for Fiscal Year March 1, 2013 - February 28, 2014

Review / Adoption of Tentative Road District Budget:

Highway Commissioner Rodger Edmunds stated he needed to make a couple of changes to the road district budget in order to survive. Trustee Hartford indicated to Commissioner Edmunds that she does not understand how rent can be designated to come out of a capital expenditure

fund. Attorney Keri-Lyn Krafthefer asks what account the trustee would like the highway commissioner to take rent out of. Hartford replied, Road & Bridge, where it has historically been. Trustee Hartford cited the TOI (Townships of Illinois) website Q&A, where it specifically states that rent is not a capital expenditure. Krafthefer says she does not have a capital expenditure fund in her budget. Hartford doesn't know what budget Krafthefer is looking at. Following a brief further discussion, Attorney Krafthefer agrees to move rent to the proper fund. Trustee Hartford also noted it is improper to transfer money between the Road & Bridge Fund and the Insurance Fund as is shown on the budget which was placed on display. Krafthefer stated this isn't a transfer of funds; this is just an adoption of a budget. Hartford persists that on the budget Krafthefer is showing an improper transfer of funds between the Road & Bridge Fund and the Insurance Fund. Hartford noted the highway department is trying to cover a shortfall in the Insurance Fund, caused by insufficient levying by former Highway Commissioner Dan Dziekan. Trustee Hartford further comments that funds can only be transferred between line items within funds, and not between funds. Attorney Keri-Lyn Krafthefer disagrees, stating the highway code allows for such transfers without board approval. Attorney Krafthefer adds that Hartford is correct that there are certain funds which you have to be careful how you do that, but says that the actual transfer the highway commissioner wants to do here, he has the authority to do. Trustee Hartford expresses concern that no information was provided to the board prior to tonight's meeting about the transfer intentions, noting any information ahead of time would be helpful as opposed to leaving the trustees in the dark.

Trustee Miller questions the need for a \$4600 plus line item for mileage for the highway commissioner, calling it an added expense to the taxpayers. Commissioner Edmunds says it is needed for holidays and weekends when the road district employees are not driving the roads. Trustee Hartford suggests the commissioner should be using a township vehicle to drive the roads. Edmunds cites some occasions where this might not be convenient for him. Hartford thinks the amount budgeted for the cited rare occasions are ridiculous. Miller is concerned that once the money is available in the line item, it can be spent. Supervisor Whitmore states that he trusts Edmunds and says we got a new regime here and we're not changing. Hartford believes it is an enrichment of the highway commissioner's salary. Krafthefer says actually it is, but if it's reimbursable the compensation is allowed. Miller expressed concern over the liability of Edmunds in a personal vehicle. Attorney Krafthefer says Edmunds is covered by township insurance when performing his official duties.

Trustee Hartford wonders why a \$45,000 legal line item is needed by the road district in the Road & Bridge Fund. Highway Commissioner says that he still has former commissioner Dan Dziekan's legal affairs to deal with. Hartford comments that Dziekan is not entitled to any further money and has already been paid what the court ordered to be paid through the normal process. The additional money Dziekan is seeking was not related to the lawsuit, but simply charges he incurred before the lawsuit was ever an issue. Krafthefer says she won the case. She also cites an outstanding legal bill from the lawsuit as the reason \$45,000 is budgeted for legal expenses. Hartford counters that the so-called outstanding legal bill is not \$45,000. Krafthefer indicates this is a true statement. Hartford asks Edmunds why he needs so much money for legal expense, noting that we have never spent more than \$5000 in a normal year for legal fees. Krafthefer cites last year and the lawsuit. Hartford asks who got that money. Krafthefer replies,

Bob Long. Hartford says, no, you got that money; your law firm got all of that money. Supervisor Whitmore wants to move on.

Whitmore asks if there is any public wishing to comment on the road district budget. Linda Dziekan says she wants to clarify some of the misconceptions about her husband's lawsuit, stating it began over a \$5000 line item for attorney fees that occurred when Mr. Pavelich took it upon himself to disregard labor laws. She commented that Dan Dziekan went to Bob Long and asked him three questions. Mrs. Dziekan says that rather than answer Dan's questions, Long ran to Pavelich and the board and started World War 3. Dziekan says her husband hired his own attorney based on advice he received from the states attorney's office that they could not offer legal advice to the road district. Linda Dziekan expressed how comfortable Dan is with Ancel Glink's office, citing this as a reason he hired this particular firm. She commented Dan could not get rid of the line item for legal fees, because he owed Ancel Glink (at that time), \$3000.

Hartford would prefer not to hear another rehash of the Dzeikan lawsuit. Mrs. Dziekan wants to comment on another of her husband's lawsuits. Hartford interjects. Whitmore gavels the exchange.

Motion to Adopt the Newport Township Road District Budget:

Motion by Crittenden; seconded by Kirschhoffer to adopt the road district budget with the modifications discussed.

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

Motion to Adjourn: Whitmore asked for a motion to adjourn the hearing if there is no further board discussion.

Motion by Kirschhoffer; seconded by Crittenden.

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

Hearing was adjourned at 7:17 p.m.

Dated the 31st day of July, 2013.

s/ Debbie Spurgeon

Debbie Spurgeon, Township Clerk