

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 July 31, 2013.

Members Present:

Beth Hartford, Trustee

Ron Miller, Trustee

Diane Crittenden, Trustee

Corey Kirschhoffer, Trustee

Jerome Berens, Assessor

Rodger Edmunds, Highway Commissioner

Randy Whitmore, Supervisor

Debbie Spurgeon, Clerk

Call to Order: Supervisor Whitmore called the meeting of the Board of Town Trustees to order at 7:19 p.m. [A Road District Budget Hearing preceded the Regular Meeting.]

Pledge of Allegiance: Supervisor Whitmore led the Pledge of Allegiance during the Road District Budget Hearing.

Roll Call: In attendance were Beth Hartford, Ron Miller, Rodger Edmunds, Jerome Berens, Diane Crittenden, Corey Kirschhoffer, Randy Whitmore, and Debbie Spurgeon.

Approval of Agenda: The agenda was not called for approval per Attorney Keri-Lyn Krafthefer, who indicated no approval is necessary.

Approval of Minutes: Supervisor Whitmore requested a motion and second to approve the June 19, 2013 Regular Meeting Minutes. No discussion.

Motion by Hartford; seconded by Whitmore.

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

Township Business:

Supervisor Whitmore indicated they decided to move public comment to the beginning of the meeting and he requested a motion to do so. Motion made by Crittenden; seconded by Kirschhoffer. Trustee Hartford is concerned the move will limit the public's ability to comment when the business at hand is being discussed. Trustee Crittenden prefers to have Public Comment at the beginning of the meeting. Trustee Miller suggests two opportunities for The public to comment, one at the beginning of the meeting and one at the end. Crittenden disagrees. Whitmore says there's only going to be one. Crittenden wants public comment at the beginning of the meeting as she feels it is fairer to the public as they can see the agenda, and make their comments before the board discussion for possible consideration. An audience member wonders aloud how the public will know what the trustees will say prior to the boards' discussion. Kirschhoffer is worried about a circus and thinks public comment is getting out of hand. Trustee Miller noted this is only Kirschhoffer's second meeting. Crittenden has expressed her opinion, wants to vote, and again motions to move public comment to the beginning of the meeting. Whitmore now seconds the motion.

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

Public Comment:

No public wishing to comment.

Supervisor's Report:

Supervisor Whitmore says he and Rodger Edmunds have done much in the past month, including driving around to other communities visiting with supervisors. As a result, they feel they have a lot of good ideas on streamlining what goes on here. Whitmore says he intends to discuss changing the township's banking institutions, payroll dates, township financial software and the process for the payment of bills at tonight's meeting. Additionally, he intends to discuss possible action regarding the storage of township records and changing the public comment policy.

Highway Commissioner's Report:

Highway Commissioner Rodger Edmunds says his employees are continuing to work on the trimming of trees, noting that unfortunately trees had not been trimmed for the past seven years and there is a significant amount of existing overgrowth.

Edmunds addressed the condition of Edwards Road, noting this portion is currently under the jurisdiction of the Village of Old Mill Creek. According to Edmunds, Old Mill Creek does not want to maintain the road. Much of the property along the road is forest preserve owned. Two years ago it was estimated that repaving would cost ~\$100,000, however the road is not Newport's responsibility. Edmunds says Old Mill Creek's intention is to let the road return to gravel, but since everything in the area is paved he does not feel this is a viable option. Attorney Keri-Lyn Krafthefer interjects that there are two options: 1) an intergovernmental agreement with the forest preserve regarding maintenance 2) the road could be deeded to the Newport Road District, but notes this may not be a very desirable option. Edmunds says Newport patched the road this spring and it is in pretty good shape now, but states this will not last. He is concerned about spending more money on the maintenance without some sort of an agreement.

Edmunds also states he is reviewing the condition of the (4) Newport trucks and the roads and will have a report at the next meeting on these two items.

Highway Commissioner Edmunds says he has to put out cash daily and questions what Whitmore has done about getting credit cards. Whitmore says he will be addressing this later in the meeting.

Assessor Berens asks if it might make sense to outsource some of the road work rather than continuing to purchase new vehicles. Edmunds says he hasn't ruled this out. Supervisor Whitmore adds that he and Edmunds are doing some intergovernmental work with Wadsworth.

Commissioner Edmunds indicates his employees tell him they cannot purchase gas without spending their own money. Trustee Hartford comments the road district employees have fleet cards for township gas purchases. Edmunds believes the fleet cards are only for diesel fuel. Hartford suggests this could likely be rectified if Edmunds were to call Wright Express. Edmunds agrees. Supervisor Whitmore says his gas stations take Wright Express cards for fuel.

Trustee Hartford additionally notes the road district has accounts at several store locations such as Menards. Edmunds is concerned if he has to do maintenance on a truck, how these type of expenses will be paid for. Hartford comments regarding the standard practice of invoicing the township. Krafthefer states the road district has the ability to have a credit card as long as there are internal controls in place.

Edmunds comments that the Newport Road District shop is open, and anyone is welcome to come and see the equipment and have a cup of coffee.

Trustee Miller inquired with Commissioner Edmunds regarding the contract Dziekan had denied existence of to the township board, and which Edmunds had previously mentioned at the June meeting. Edmunds says he has been waiting on the approval of the budget tonight, adding he is

still hopeful he can persuade the contractor to let the township out of the obligation, noting the road is not in that bad of shape.

Clerk Comments:

Nothing to report.

Assessor's Report:

Assessor Berens stated he is keeping his campaign promises by reducing Newport assessments by ~10% last year. He recapped the following: --the tax rate is likely to go up --schools and other taxing bodies make up the majority of a property owner's tax bill and --"blue sheets" arrive to township taxpayers in the fall.

Resident Mark Kirschhoffer suggests raising assessments through enticing business and speaking out against the forest preserve.

Trustee Comments:

Beth Hartford-- No report.

Ron Miller-- Trustee Miller shared his concerns regarding the moving of public comment to the beginning of the meeting, when the discussion of changing the township's Public Comment Policy has yet to come up on tonight's agenda. Miller noted as a trustee, he was not provided any information on the items Whitmore and Kraftheifer are putting forth, when clearly these items were drafted well in advance of the board meeting. He suggests since the policy being changed is for 'Public Comment', the public should be able to see the proposed policy parameters.

Kraftheifer has copies. Whitmore offered audience members a copy of the proposed Public Comment policy.

Diane Crittenden—No report.

Corey Kirschhoffer—No report.

Attorney's Report:

Attorney Keri-Lyn Kraftheifer of Ancel Glink et al. reported on a recent Appellate Court decision regarding a case about text messaging by elected officials during a meeting. The Court ruled such messages, if they have to do with public business can be FOIA'd even if they occurred on a personal electronic device.

Krafthefer also commented on a recent bill signed by Governor Quinn regarding a change to the election process in Lake County, Illinois, which abolishes the Lake County Clerk from having the power over elections. Krafthefer says the Lake County States' Attorney is filing a lawsuit challenging this legislation as 'special legislation'.

Township Business (continued):

Supervisor Randy Whitmore wants to change the township banking institutions, because he says the township is not getting enough money on our bank accounts with the bank we are dealing with in Springfield, Illinois. He commented he has found better rates locally and wants to move township accounts to an area bank. He stated knowing the banker will allow him to get things done easier. Whitmore says he does not know anyone at the Illinois Funds in Springfield.

Trustee Hartford asks how long it will take Whitmore to recoup the cost of reprinting checks for all of the accounts. Whitmore says the township doesn't use many of the funds. Hartford replies that checks are still needed for the accounts. Whitmore believes it will make up for itself in a hurry, and adds that we have thousands of checks in some of those boxes and he doesn't see the township using them. Hartford says she knows from personal experience that printing checks is not a cheap proposition, even for a small quantity of checks. Whitmore maintains the interest rate the township is currently receiving amounts to \$970 on 1.5 million. Hartford counters, you are proposing we make ~\$1100 and spend ~\$500 to reprint checks. Whitmore says he still wants to go to a local bank and intends to take action on this item at the next meeting.

Supervisor Whitmore introduced a change to the payroll schedule, which will now pay all township personnel, employees and elected officials, every two weeks. He noted that the rate of pay will not change, only the frequency. Trustees will be paid following board meetings, since their pay is tied to meeting attendance.

Trustee Hartford inquired as to whether Whitmore has notified township employees of the change. He replied yes. She also asked whether the supervisor had notified QuickBooks that he was no longer doing business with them. Whitmore responded yes. Hartford questioned when notification was given to QuickBooks, to which Whitmore replied two weeks ago.

Whitmore said he sent the new payroll schedule to Assessor Berens today and looked for confirmation the assessor had received the information. Berens has not seen it yet. Whitmore says this is what he intends to do, adding that it does not make sense to have employees and elected officials on a different payroll schedule. Berens agrees.

Whitmore asks Attorney Krafthefer if he needs the board's vote on this matter. She responds no.

Supervisor Whitmore introduced the next item of business: changing the township financial software from QuickBooks to another product. [He is unable to recall the name of the proposed product.] Whitmore says he went around to four townships, including Warren, Fremont, Antioch and Lake Villa, and the software he is proposing was made especially for townships. The supervisor stated with this new software he will be able to show up every month with a

treasurer's report. Whitmore says it's a \$6000 expenditure, but because he is "going through Lake Villa" it will only cost \$2600 and added he is done with QuickBooks. Assessor Berens inquires as to whether the proposed software has ongoing maintenance fees. Attorney Krafthefer says it does not, adding, once you have the program you can just enter the data yourself. Whitmore asks if he has to have the board's vote on this. Krafthefer advises yes. Hartford feels it is an awful lot of money when what we have is working. Trustee Miller asks how the expenditure will be delineated. Whitmore says it will be split between the Road & Bridge and the General Town Fund. Hartford asks what specific line items will this be coming out of. The supervisor responds, computers. Hartford comments there isn't currently a line item for computers which has sufficient funds for this expenditure.

Whitmore requests a motion and a second to purchase the proposed "township friendly" financial software.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, Miller, Crittenden, Kirschhoffer, Whitmore. Nays, Hartford. Motion passed 4-1.

Whitmore introduced a new resolution regarding the payment of township bills, replacing the current resolution in place. He yielded to Attorney Keri-Lyn Krafthefer, who stated the township had previously passed a warrant processing procedure, which she called fairly cumbersome. She continued, that the new resolution is eliminating that process and allows the township supervisor to come up with a process to pay bills. She says the new financial software will help a lot with this, including eliminating line items that "don't match up."

Attorney Krafthefer commented this resolution removes the warrant approval process and allows the supervisor/treasurer the ability to come up with what the internal controls are going to be.

Krafhefer stated the previous procedure put the township clerk in the middle of a process she did not need to be involved in, so this takes those functions away from her. She continues the process allows trustees all the access that they want to any of the financial information, but also notes that if trustees have questions about the bills being presented they should talk to the person who presented the bill prior to the meeting so the meetings don't get bogged down with those kinds of things. Krafthefer stated the proposed resolution keeps some provisions in the existing policy,

including the right for the supervisor/treasurer to pay payroll, which he has a statutory right to do. Attorney Krafthefer says the proposed process allows the supervisor/treasurer to pay routine bills in between board meetings if they don't exceed \$1000. The supervisor/treasurer can pay the bill, then present it to the board for ratification at the next meeting. She continued, noting it also gives the supervisor the ability to commit to expenditures of \$500 per month for things that might come up that need to be fixed before the township board meeting. She added, this is subject to ratification by the township board at the next meeting. Assessor Berens questioned how the departments will now present their monthly bills. Whitmore said for the time being it will be like this, as he passed around a hand-written warrant original, which had been removed from 1990's township records. Berens asks who he will need to give this to, the supervisor? Whitmore replies affirmatively. Hartford questions what is wrong with the existing warrant form. Whitmore says it's a mess and three people have been trying to figure this warrant thing out. He says other supervisors laugh at the warrant process. The clerk interjects that while she did not invent the process, noting it was already in place when she came aboard, the township had a former representative from TOI (Townships of Illinois) who came and reviewed the process, declaring it to meet not just the letter of the law, but the spirit of the law. She continued, noting the former TOI official felt the warrant/bill payment process in place at Newport was a solid process; one which is comparable to what other townships do. Attorney Keri-Lyn Krafthefer asked if the former TOI official the clerk was referring to is Bob Porter. The clerk believes this is the same name of the person who came to Newport at the request of Kathy Newyear and Dan Dziekan. Krafthefer says he [Porter] works for Ancel Glink. She adds that what he [Porter] was trying to do was get a process in place with former highway commissioner Dziekan so that all the parties could work together. She says now that we are trying to streamline this and not let it get bogged down with technicalities. Kirschhoffer believes the new process will help the township avoid late fees.

Whitmore says he just got a notice from the IRS stating they are charging the township \$309 from 2009. Krafthefer says this stems from a W2 form which was not properly submitted. Krafthefer claims it has never been paid since 2009 and now it's accruing interest. Trustee Hartford says this is not what happened, but cannot readily recall all the details. Trustee Kirschhoffer feels she needs a forensic audit to find out what has happened. The clerk interjects that the annual financial audit was recently completed and no issues were noted for the General Township. Corey Kirschhoffer says she has the annual audit, but she wants to go way back stating there are too many questionable items here, and "an IRS under George's name." She says it has to be dealt with. Kirschhoffer states the township needs to find out about this Wells Fargo account, how much money was in it and where did the money go. Krafthefer says this is exactly what happened with Dixon [Dixon, Illinois]. Kirschhoffer says this is exactly correct. Whitmore concludes, "We'll look into that Corey."

Hartford asked to make an additional comment on the proposed resolution, noting that it states the township clerk shall perform only those functions she is required to by law (which is fine), or that she is assigned to perform by the Supervisor, Highway Commissioner, or Township Board. Hartford says the clerk is an elected official and not an employee. Krafthefer says no, she is a clerk to the board and says the supervisor "CEO" can assign her duties. She doesn't foresee that the board will assign the clerk to be their personal shopper. Whitmore calls for a motion on the bill payment process.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, Hartford, Miller, Crittenden, Kirschhoffer, Whitmore. Nays, none. Motion passed 5-0.

Whitmore opened discussion on getting rid of the legacy township records in the garage at the

the Newport Township Offices. Trustee Hartford indicates these are the records former clerk Michelle Eymmer was paid almost \$30,000 to re-box and organize, for which she accepted payment, while never doing the work. Hartford says she went to the states attorney's office regarding this matter and they declined to do anything about it. Supervisor Whitmore says, nonetheless, we need to determine what to do with these records, saying he was in there the other day and noted records dating back to 1905. He suggests maybe they could be given to the historical society. The clerk interjects that there is a defined state process for records disposal. Attorney Krafthefer asks when the last time the township did this. No one present can recall, but since the records date back to the early years of the township, the answer is likely never. All agree the historical records are interesting and items of historical significance should be preserved or donated. Krafthefer says that first, the township would need to obtain permission to destroy or donate township records. Whitmore wants to know who has keys for the more current records in the file cabinets (the clerk). Whitmore wants to know where the file cabinets came from (purchased by the former supervisor on behalf of the township) to house township records. Whitmore says he needs keys for the records. The clerk declines, noting she is the keeper of the records.

Supervisor Whitmore wants to adopt a new Public Comment policy. Attorney Keri-Lyn Krafthefer interjects that she is proposing a standard public comment policy used by many other townships, which includes: limiting the public comment session to 30 minutes, limiting speakers to 3 minutes with no limit on content (positive or negative), requiring speakers to fill out a form if they wish to comment, and requiring speakers to identify who they are. Krafthefer says the purpose of public comment is not to interrogate public officials and so we don't want that type of behavior from the audience. Krafthefer comments that if there is a group wishing to comment, one person must speak for the group. Additionally, township residents are given speaking priority and comments must be in a respectful manner, no insulting comments and people can be

removed if the board deems a the policy has been violated. Krafthefer stated she didn't realize until yesterday that Trustees Hartford and Miller were not provided the information in advance of the meeting. She stated the oversight was noted when she was preparing the township meeting agenda. In the future she will try to get all the board members the meeting information. Krafthefer requested a motion to adopt the Public Comment policy.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, Hartford, Miller, Crittenden, Kirschhoffer, Whitmore. Nays, none. Motion passed 5-0.

Finances:

Whitmore introduced discussion on the treasurer's report and the payment of the bills. Berens again asked about the new bill payment process, to whom does he need to submit his bills to. Whitmore replied, me. Hartford has a question on Whitmore's 'Budget Summary' stating there is no line item for mileage in the current budget and he cannot arbitrarily add one. Whitmore agrees and says he is going to amend that budget [General Town] next. Further discussion transpires between Trustee Hartford and Attorney Krafthefer on the lack of a line item for mileage and how to properly approve and account for such an expense without a proper line item. Whitmore agrees to withdraw the request for reimbursement for the time being. He comments that he will resubmit the mileage in two months. Krafthefer says we'll do another budget here in September.

Following review of the bill packages by the trustees, Whitmore calls for approval of the bills by Fund:

Whitmore requested a motion and second for approval of the General Town/Assessor.

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 and second for approval of the Road & Bridge Fund bills.

Motion made by Kirschhoffer; seconded by Crittenden.

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

Whitmore requested a motion and second for approval of the General Town Fund, without the mileage due to no line item in the current budget.

Motion made by Crittenden; seconded by Kirschhoffer.

Voice Vote: Ayes, Hartford, Miller, Crittenden, Kirschhoffer, Whitmore. Nays, none. Motion passed 5-0.

Whitmore requested a motion and second for approval of the Gravel Permanent Road Fund bills.

Motion made by Crittenden; seconded by Kirschhoffer.

Voice Vote: Ayes, Hartford, Miller, Crittenden, Kirschhoffer, Whitmore. Motion passed 5-0.

Motion to Adjourn:

With no further business, Supervisor Whitmore requested a motion and a second to adjourn.

Motion by Hartford; seconded by Hartford.

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

Meeting adjourned at 8:24 p.m.

Dated the 31st day of July, 2013.

____s/Debbie Spurgeon____

Debbie Spurgeon, Township Clerk