

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 September 25, 2013.

Members Present:

Beth Hartford, Trustee

Diane Crittenden, Trustee

Corey Kirschhoffer, Trustee

Jerome Berens, Assessor

Rodger Edmunds, Highway Commissioner

Randy Whitmore, Supervisor

Call to Order: Supervisor Whitmore called the Special meeting of the Board of Town Trustees to order at 7:01 p.m. *[The September 18, 2013 Regular Board Meeting did not take place due to a scheduling mishap, resulting in the calling of a September 25, 2013 Special Meeting.]*

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

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

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

Approval of Minutes: Supervisor Whitmore requested a motion and second to approve the August 21, 2013 Regular Meeting Minutes. Hartford reminded the supervisor the agenda also needs to include the July 31, 2013 minutes, which were held over for additional review but required no changes. Trustees Crittenden and Kirschhoffer confirmed they had no problem with the minutes as presented.

Motion by Kirschhoffer; seconded by Crittenden to approve the July 31, 2013 and August 21, 2013 Regular Meeting minutes. No further discussion.

Ayes, all; nays, none. Motion passed 4-0. Absent, Miller.

Reports:

Supervisor's Report: Supervisor Whitmore stated he and Attorney Keri-Lyn Krafthefer went to a meeting regarding IMRF. Whitmore indicated IMRF is in a healthy (solvent) state for those employees and officials who are eligible for IMRF benefits through the township. They learned that participants can make have an additional 10% withheld from their paychecks for their IMRF accounts, which is currently earning 7.5%. Whitmore suggested Edmunds talk to his employees to see if they want to participate. The supervisor introduced Nancy Lech to the board, indicating she is someone who is helping him in the back office with the municipal software.

Whitmore stated he and Highway Commissioner Rodger Edmunds have been meeting with Donald Hey, Executive Director of Wetlands Research, Inc. who will be providing a presentation later in the meeting.

Highway Commissioner's Report:

Highway Commissioner Rodger Edmunds reported that he attended the most recent meeting of Old Mill Creek and that they are willing to provide some assistance with the engineering costs of Edwards Road, which is currently under the jurisdiction of the Village of Old Mill Creek. Edmunds stated he told the Old Mill Creek board that if they would cover the engineering costs, Newport would cover the paving costs. Edmunds wonders if the township is willing to take over the road and asks if documentation is necessary to accept responsibility for this road going forward. He reiterated that Old Mill Creek does not want the portion of Edwards for which they are currently responsible. Attorney Keri-Lyn Krafthefer stated that Newport should really consider if they want this obligation into the future as this would not be a one-time cost. If the township accepts the road, Newport would be responsible for the maintenance and upkeep going forward. The township would receive a very small percentage of tax money for this portion of roadway. Commissioner Edmunds is concerned that the roadway is in bad shape and that Old Mill Creek has no plans to take care of it. Edmunds says that if Newport doesn't take the road over, Old Mill Creek will let it go back to gravel. He feels he cannot let this happen and that he must take it over since everything else is paved out there. Edmunds indicates it will cost Newport \$110,000 to pave this road section if they agree to take it off of Old Mill Creek's hands. He estimates it is approximately 2400 feet in length and full road width. Keri-Lyn Krafthefer offers to work with Edmunds on the legalities. She suggests an intergovernmental agreement rather than having Old Mill Creek convey the roadway to Newport in the hope that Newport could establish an agreement for ongoing engineering expenses rather than a one-time contribution. Edmunds prefers to take the road permanently. Attorney Krafthefer suggests he make sure he can financially afford to maintain the roadway in perpetuity. Edmunds says he can spend Newport's motor fuel tax, stating he has ~\$120,000 available. He wants to know if he needs a written document to have the road conveyed to the township. Krafthefer responds yes, if we do it this way. She reiterates that the township will then have a never-ending responsibility for the roadway. Krafthefer will work with Edmunds on the issue.

Highway Commissioner Rodger Edmunds stated he laid-off one of his employees, adding that he put the employee on “waivers” but stated that he did hire another individual who is a mechanic and a machine operator. Edmunds adds he is “working him into the project.” The commissioner feels that as long as he is running the highway department shop they may as well do oil changes and maintenance for the Newport Fire Department and the Village of Wadsworth. Edmunds has the fire department attorney finalizing an IGA (intergovernmental agreement) and indicates they will soon be doing this maintenance work at the township road district shop. Edmunds added an intergovernmental agreement with the Village of Wadsworth is also in process to provide snowplowing services. The commissioner indicated he has 4 snowplow trucks. He also anticipates doing ditch work and tree-trimming for Wadsworth in the future. Assessor Berens interjected that the last time this was tried there were questions about proper reimbursement and liability insurance. Edmunds says he has it all covered and these concerns will be addressed in the IGA.

Edmunds wants to know who is using the township property on Russell Road. Hartford cannot recall the farmer’s name. The previous board agreed to allow the farmer to use the land in exchange for keeping the property mowed as neighboring houses had been complaining prior to this arrangement. The board deemed the arrangement a win-win for both parties. Supervisor Whitmore thinks the township should be leasing the property, suggesting \$100 per acre in rental fees. A brief discussion is held on the history of the township’s purchase of the property. Trustee Hartford noted that the purchase precedes her tenure on the board, but that the original intent was to build a township building however the voters ultimately did not approve the expenditure. Trustee Kirschhoffer stated she has been looking through the township records and believes the land was purchased in 2006. Attorney Keri-Lyn Krafthefer commented that the Road District could build on the property without the approval of the electors, and indicating that this is an option. Trustee Hartford adds that there are existing township building plans for the site. Supervisor Whitmore states that Lake County Forest Preserve is looking at purchasing additional property in Newport and he does not want them to take any additional property off of the tax role. Kirschhoffer again comments that she has been looking through an existing file on the land purchase out at the township records office.

Assessor’s Report:

Assessor Berens indicates he continues to meet with taxpayers daily. He also appears at hearings, including two recent ones. The assessor commented that his office usually wins these cases. He reiterated his statements from previous meetings, including that his office has factored down the township by 9% for two years in a row. Berens commented that it is evident that the tax assessor is not the taxing problem. Randy Whitmore asked if Berens received a letter indicating they lost \$100,000 this year. Berens says Lake County has been a gold mine for tax representatives for the last couple of years. A recent decision now says your name must be on the property in order to represent yourself at a tax hearing as the practice of tax representation by non attorney layman was deemed an unlawful practice of law. Keri-Lyn Krafthefer indicated some tax EAV challenges are more significant than others and they generally advise township clients not to fight

the tax objections as school districts will take up the fight since their portion of the pie is generally larger.

Clerk Comments:

No report. (Clerk absent.)

Trustee Comments:

Beth Hartford-- No report.

Ron Miller-- No report. (Miller absent.)

Diane Crittenden—No report.

Corey Kirschhoffer—No report.

Attorney's Report: No report.

Supervisor's Report, continued:

Supervisor Whitmore stated he is providing a monthly “auditor’s report” going forward. Trustee Hartford questioned Whitmore on whether it is his intention to eliminate the official annual audit by providing this report. Whitmore replied no, there will still be an annual audit. She then asked if this report is intended to replace the annual Supervisor’s Report as required by statute.

Whitmore says it does not replace the Annual Supervisor’s Report. This report is intended for the board’s use and will be provided on a monthly basis.

Finances:

Trustee Hartford questioned why Assessor Berens payroll is reported as being partially paid from the Road & Bridge Fund. Supervisor Whitmore’s assistant, Nancy Lech who was in the audience, stated this was done in error as she believed the assessor was the highway commissioner. She indicated the error has been corrected. Hartford inquired as to

who Rebecca Mitten is. Highway Commissioner Rodger Edmunds responded, she helps me. Hartford asked if employee Mitten is full-time. Edmunds replied no, indicating she is performing computer-related tasks for him. Trustee Hartford additionally noted there is no place on Lech's new format for trustee's to indicate their yah or nay vote. Ms. Lech stated that trustees wishing not to approve bills [a 'no' vote] should not sign the form. Signing the form therefore indicates a trustees approval or a 'yes' vote on bills.

Township Business:

Whitmore indicated he and Edmunds will again be scheduling hearings to amend the Road District and General Town Budgets. Attorney Keri-Lyn Krafthefer stated what happened here is that the Supervisor was reviewing issues related to the General Town Fund and wanted to do an amendment to the General Town Budget. In order to do this, Attorney Krafthefer believes the best way to come up with additional funds for the General Town Budget is to do an "inter-fund loan" from the Gravel Fund. She added that to do this they also need to do an amendment again to the Road District Budget, Road & Bridge Fund and so to do this they would also need to do another amendment to this fund. Krafthefer says that what the board has before it are proposed tentative budgets that would need to be placed on display 30 days before the hearing. She suggests moving the October meeting to October 30th. Hartford is not available due to a previous commitment and suggests waiting for the regular November meeting. Krafthefer & Whitmore state the township is running low on funds. Hartford comments that the Town Building Fund is the savings account for the General Township and asks why they are not choosing to use these funds if they are running out of money. Krafthefer and Whitmore indicate they did not know the history of the Town Building Fund. Hartford explained it was originally named the Town Building Fund to save money for building a township building. Krafthefer didn't know if the monies resulted from a special referendum. It is not from a special levy or referendum; it is saved money. Attorney Krafthefer agreed that this is an option then. Hartford added it is a far better option than transferring money from the Gravel Fund which was levied for the Gravel Fund. Krafthefer indicated when Whitmore and Lech called her to discuss options, they did not have the piece of information regarding the Town Building Fund. In light of this, the Road District Budget will not require amendment. Lech agrees. Hartford questions whether monies have already been transferred from the Gravel Fund to General Town, adding if so this money must be replaced. Krafthefer and Whitmore both state that no monies have been transferred from the Gravel Fund to date.

Krafthefer states they will now do a "modification to the tentative draft budget" for General Town and also a transfer from the Town Building Fund, instead of from the Gravel Fund. The Town Building Fund would subsequently be reduced by "60" and they need to change the word 'gravel' to 'building'. Krafthefer indicates they will still need to proceed with the hearing. Hartford again suggests holding the budget hearing at the regular November meeting rather than

changing the October meeting, noting that changing the meeting dates often conflicts with board members other obligations and results in some meetings being held at 2 week intervals rather than according to the posted schedule. Hartford says if you're not overdrawn then it seems to make more sense to wait for the regular November meeting. Ms. Lech says Whitmore will be fine for another month. Trustee Kirschhoffer says "you're" not going to have enough money. Hartford asks whose not going to have enough money; adding he [Whitmore] has plenty of money. Randy Whitmore agrees he can last to November with the current budget. Nancy Lech then asks about "the \$200, 000 transfer for Road & Bridge" wondering if this needs to be shown as income. Krafthefer asks Whitmore if the \$200,000 is a separate amendment (yes). Toni Edmunds [in the audience] recalls Krafthefer wrote a letter for her husband and Randy to sign, because there wouldn't be enough in Road & Bridge to finish the year. Krafthefer believes this was done in the previous budget amendment. Toni Edmunds disagrees and says the budget approved on July 31, 2013 does not show this transfer. Krafthefer asks where the transfer is from. Toni Edmunds indicates it came from the Gravel Fund and was transferred to Road & Bridge. Trustee Hartford asks if this was done without the board knowing about it or approving it. Toni Edmunds says no, it was signed at a meeting. Krafthefer says it doesn't need to be approved. Hartford finds reference to the \$200,000 on some paperwork available at the board table. It is agreed the budget hearing will take place 15 minutes prior to the regular board meeting at 6:45 p.m. on November 20, 2013. No change will be made to the schedule of the regular October meeting. Whitmore & Krafthefer agree the clerk should proceed with preparing the newspaper publication notices for the hearing and also to post the tentative budget. Edmunds agrees to email a corrected copy to the clerk.

Supervisor Randy Whitmore introduced Donald Hey, Director of Wetlands Research, Inc. who is making a presentation to the board on the 'Newport Drainage Ditch'. Mr. Hey states Wetlands Research, Inc. is a not for profit corporation which has been working in Lake County for forty years. He cites the wetlands project along the Des Plaines River in Wadsworth as an example of the corporation's past projects in partnership with the Lake County Forest Preserve. Donald Hey stated the corporation's objective is to store wetlands and to exploit the commercial value. They look at the relationship between flooding and wetlands. In 1993, 16 billion was lost to flooding, mainly in corn and soy bean losses. Water pollution (such as too much Nitrogen) is also a continuing concern, which Director Hey says the building of wetlands can help address. Hey also discussed the use of levies and the selling of tons of Nitrogen silt to water treatment plants. He additionally spoke about invasive species (such as carp) as well as, carbon and mercury in the atmosphere from coal-burning electricity plants. Following a lengthy presentation Director Donald Hey suggested the selling of water mitigation credits, acquiring property access through the use of easements and the lucrative nature of the credits for landowner farmers (up to \$400 per acre/per year). He also suggests the Newport Drainage Ditch could be used to build custom houses, including duplexes, each home with their own power making capabilities. He stated the Wetlands Research, Inc. intends to erect "a facility", but is not interested in owning the land and he suggests a community organization could maintain the land. Mr. Hey closed by briefly mentioning some sort of tax advantage which could be available to the township if the proposal is accepted.

Someone in the audience asked where the land is that the proposal is referencing and how many property owners would be affected. The number of landowners affected is stated as 11-15 and a map is apparently shown identifying the “south” and “north” parts of the proposal. Kilbourne and 9th Street and Delany and 9th Street are both mentioned by Mr. Hey and Supervisor Whitmore as being the area in discussion. Attorney Krafthefer asks whether WRI would be seeking easements from the property owners (yes). Director Hey also indicates they may be interested in purchasing the 75-acre parcel which is for sale on Kilbourne and 9th. Krafthefer suggests the township host a meeting of the affected property owners. Director Hey is agreeable. Trustee Hartford asks who bears the expense of this project. Hey states the project would be funded largely by water mitigation credits from elsewhere and that the facility will need to be staffed and operated similar to a waste water treatment plant. He suggests an “environmental district” could be created to assist the township in maintaining the property. Krafthefer asked if Hey is looking for the township to take a specific action. Director Hey wants the township’s help with the residents.

Finances:

Supervisor Whitmore requested a motion to approve all the township and road district bills together.

Motion made by Kirschhoffer; seconded by Crittenden.

Voice Vote: Ayes, 3; Nays, 1. Motion passed 3-1.

Public Comment:

No public wishing to comment.

Motion to Adjourn:

Supervisor Whitmore requested a motion and a second to adjourn.

Motion by Crittenden; seconded by Kirschhoffer.

Voice Vote: Ayes, all; Nays none. Motion passed 4-0.

Meeting adjourned at 8:24 p.m.

Dated the 25th day of September, 2013.

____s/Debbie Spurgeon____

Debbie Spurgeon, Township Clerk