

# Minutes Board of Town Trustees

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STATE OF ILLINOIS

LAKE COUNTY

TOWN OF NEWPORT

September 21, 2016

## **Members Present:**

Beth Hartford, Trustee

Ronald Miller, Trustee

Diane Crittenden, Trustee

Corey Kirschhoffer, Trustee

Randy Whitmore, Supervisor

Debbie Spurgeon, Clerk

Jerome Berens, Assessor

Rodger Edmonds, Highway Commissioner

**Call to Order:** Supervisor Whitmore called the Regular Meeting of the Board of Town Trustees to order at 7:00 p.m.

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

**Roll Call:** In attendance, Beth Hartford, Ron Miller, Rodger Edmonds, Jerome Berens, Diane Crittenden, Corey Kirschhoffer, Randy Whitmore and Debbie Spurgeon. Also present, Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, PC attorney, Tiffany Nelson-Jaworski.

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

**Approval of Minutes:** Supervisor Whitmore requested a motion and second to approve the Special Meeting minutes from August 24, 2016. No discussion.

Motion by Hartford, seconded by Miller to approve the Special Meeting minutes as presented.

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

## **Reports:**

### **Supervisor's Report:**

Supervisor Whitmore reports he met with ATC today. Tomorrow in Chicago is a hearing to set the schedule, however no public comment is allowed.

ATC says they have now contacted all property owners for both sites. Randy personally spoke with two landowners to make sure they were contacted, and they said they were.

**Highway Commissioner's Report:**

Commissioner Edmonds reports Kaiser Road work is now finished. Additionally, the district completed a curb on Dilly's Road through the IGA with the Village of Wadsworth. Edmonds is making preparations to do work on Hickory Road next year and will provide more details in the months ahead. The road district is completing mowing and trimming for the year, and preparing the road district trucks for the upcoming snowplow season. The township's salt came in at \$65.80, delivered.

The commissioner states that Mike Albers has officially retired, however through IMRF Disability. According to Attorney Tiffany Nelson-Jaworski he can remain on disability for up to one-half of the member's credited service with IMRF, but no longer than 30 months. Thus, Albers will remain on the township's health insurance for the time being.

Edmonds says the Newport Fire District is proposing a senior luncheon for May, 2017 and is looking for the township to assist.

**Assessor's Report:**

No report.

**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:**

No report.

**Township Business:**

Supervisor Whitmore introduced a resolution setting compensation and benefits for newly elected officials for the term beginning May 15, 2017.

Assessor Jerome Berens was allowed the floor and issued a plea regarding his personal salary expectations, and suggesting he received punitive treatment from the previous township board's setting of compensation for the board's current term.

The supervisor invited public comment regarding the compensation and benefits proposal for the term beginning in May of 2017:

**Public Comment:**

**John Steele---** John Steele, Re Max Realty, Waukegan, IL, spoke in support of a salary increase for Assessor Berens from Newport Township residents.

**Gail D---** Gail says Assessor Berens has to go out and inspect properties and she doesn't think too many people would enjoy performing these duties, therefore she supports a salary increase for Berens.

**Syed Harder---** Syed indicates he is new to the area and says he runs a business, but doesn't know how government works. He believes people need to be compensated well for what they do. He is speaking tonight in support of a salary increase for Assessor Berens.

Following Jerome Berens' speech on his personal salary, and subsequent audience comments supporting a salary increase for Jerome Berens, Attorney Tiffany Nelson-Jaworski reminds audience attendees that the board is entertaining compensation for elected positions, not for individuals. The compensation proposal on the table is for the next election cycle and by law, elected officials cannot raise their own salaries while in office. Rather, a resolution must be in place 180 days prior to the election, if compensation is to be adjusted for the next term. Also noted, Assessor Berens was fully aware of the assessor's salary when he elected to run for the office of Township Assessor. Finally, Nelson-Jaworski notes the previous board's setting of compensation for the current board's salaries was not about decreasing an individual's salary, but supporting salaries the township budget can afford.

**Mildred Corder---** Mildred inquires with Assessor Berens on the amount of parcels in Newport Township that he has to assess (3,600). She additionally asks if Berens is the sole person responsible for the Assessor's Office. (Berens replied he has a hired Office Manager who does

the work competently, but he approves everything.) Mrs. Corder indicates her support of an increase for the Office of Township Assessor if the budget can support the raises.

**Mark Halverson--** Mark states he also supports an increase for the Office of Township Assessor.

**Jeanne Harper--** Jeanne says she represents the Village of Old Mill Creek and Old Mill Creek supports an increase in salary for the Office of Township Assessor.

**Pastor Steve Allent—**Steve, admitting he does no longer lives in the township, says that if one message will do the job, Berens will send six. He says Berens serves his church of four years diligently and assumes he puts the same effort into his job as assessor. He suggests Berens likely wants to continue with his current position, and therefore Newport Township should raise the salary of the Assessor to \$40,000 or more.

Trustee Ron Miller passed out information on the current township compensation versus the number of residents served and percentage of budget that compensation represents. Newport currently ranks second highest---salaries in comparison to budget/residents served. *[Information from the Better Government Association.]* With the compensation proposal on the table, salaries will represent 53% of the township's annual budget. Miller says this will put Newport on the top of the list and essentially indicates we are taxing to pay our own salaries.

Trustee Harford comments, if you look at the township bills from last month, it paints a picture where 82.5% of the township's expenditures are to pay salaries, or salary-related items.

Berens says, the township is a service; we don't make widgets. Trustee Miller counters that the services we should be providing, such as paving are diluted due to the amount of salaries. He says the assessor is already the highest paid person on the payroll.

Mark Kirschhoffer interjects from the audience that none of this is sustainable until the community makes a decision to attract business.

Trustee Hartford says this is why it is not responsible of the board to implement un-sustainable salaries on the backs of the township tax payers, because there is no one else to pay the bill. We're overspending.

Trustee Corey Kirschhoffer says she is working on carbon credits with Wetlands Research, Inc., a private entity. Kirschhoffer adds the townships' attorney expenditures have been blown out of proportion.

Compensations were discussed and voted on per elected office:

Motion by Miller, seconded by Hartford to maintain the current salary amount for the office of Township Assessor at \$25,000 for the term commencing in 2017.

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

Motion by Crittenden, seconded by Kirschhoffer to increase the assessor salary to \$30,000.

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

Supervisor Whitmore requested a motion to set the compensation for the office of Township Clerk at \$8,000 for the term commencing in 2017.

Motion by Kirschhoffer; seconded by Hartford.

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

Supervisor Whitmore requested a motion to set the compensation for the Township Highway Commissioner at \$28,000 for the term commencing in 2017. No motion forthcoming.

Motion by Miller to set the Township Highway Commissioner's compensation for the next term At \$20,000. Motion fails for lack of second.

Motion by Kirschhoffer to set the Township Highway Commissioner's compensation at \$25,000.

Motion seconded by Crittenden. No further discussion.

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

Attorney Nelson-Jaworski advises two separate motions are necessary---one for the salary and one to disallow IMRF as a benefit going forward.

Motion by Hartford to maintain the current salary for the next term for the Township

Supervisor. Motion seconded by Miller. Trustee Kirschhoffer requires clarification on the motion on the table. Attorney Nelson-Jaworski responds, Randy Whitmore is suggesting the supervisor's salary be set at \$25,000, however the motion on the table is for \$20,000. Hartford comments the supervisor himself says he spends one day per month on township business and \$20,000 is adequate compensation.

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

Motion by Hartford, seconded by Kirschhoffer to eliminate IMRF participation from the office of Township Supervisor's compensation.

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

Attorney Nelson-Jaworski explained the elected township supervisor is also called on, by statute, to perform the duties of road district treasurer. The duties can be compensated at \$1,000 per annum.

Motion by Miller, seconded by Hartford to set the Township Road District Treasurer compensation at \$1,000 annually for the next term.

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

Motion by Hartford, seconded by Kirschhoffer to maintain the current \$50/per meeting compensation rate for the office of Township Trustee.

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

Attorney Nelson-Jaworski clarifies trustees currently are not eligible for IMRF participation and will also not be eligible in the next term. The board maintains status quo.

Supervisor Whitmore introduced the idea of providing a group medical insurance rate for all township officials, entirely at the participant's expense. Trustee Hartford notes that if a trustee chose to participate they would likely owe more than their salary in premiums, and wonders how

the township would collect on such an arrangement. The supervisor admits this was not considered. Hartford adds such an arrangement would quickly become bookkeeping nightmare for the township. Motion by Hartford to remove 'trustees' from Section 2 of the resolution presented, offering group rate medical insurance at the participant's expense to all township officials. Motion seconded by Kirschhoffer.

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

The supervisor and attorney suggest a motion to pass Section 2 as amended. Motion by Kirschhoffer, seconded by Crittenden.

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

The attorney suggests voting on the amended resolution in its entirety. Nelson-Jaworski then requests a motion to pass the Resolution Setting Compensation for Elected Officials for the 4-year term beginning May, 2017 for Newport Township, Lake County, IL as amended here tonight at the meeting. Hartford asks if the motion is from the supervisor or the attorney. (Yes, from the supervisor.) Miller asks if he is forced to vote on this as a whole. (Yes, unfortunately, correct says Nelson-Jaworski.)

Motion by Kirschhoffer, seconded by Crittenden.

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

**Finances:**

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

Motion 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 Road & Bridge Fund bills.

Motion by Crittenden; seconded by Kirschhoffer.

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

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

Motion by Crittenden; seconded by Kirschhoffer.

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

**Unfinished Business:**

Highway Commissioner Rodger Edmonds asked for the floor for an item he forgot to address previously in his report. Jeanne Harper from Old Mill Creek is in attendance and would like to address the delinquent payment to Newport Township for the work completed on Edwards Road last year under the road districts' new IGA with Old Mill Creek.

Jeanne explains that while applying for MFT Funds for this payment through Illinois Funds, the village found out it somehow dropped the ball over a number of years, allowing their definition as a municipal corporation and thus their FIN# with the IRS, to lapse. This has caused some unusual consequences for the Village of Old Mill Creek, however the village is currently attempting to come into compliance while also petitioning Illinois Funds to make an exception



and issue the village a check for its available MFT Funds. The bottom line is, Old Mill Creek is currently unable to make it's payment to Newport Township until the issue is resolved or Illinois Funds grants an exception.

**Executive Session:**

Supervisor Whitmore requests a motion to go into Executive Session to discuss pending litigation. Motion by Hartford, seconded by Miller at 8:17 p.m.

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

**Return to Open Session:**

Supervisor Whitmore requests a motion to re-enter open session of the Regular Board Meeting of Newport Township for September 21, 2016.

Motion by Hartford; seconded by Miller.

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

No action was taken in open session regarding Executive Session matters.

**Motion to Adjourn:**

Supervisor Whitmore requested a motion to adjourn the Regular Meeting.

Motion by Hartford; seconded by Crittenden.

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

Meeting adjourns at 8:28 p.m.

**Dated the 21<sup>st</sup> day of September, 2016.**

\_\_\_\_\_s/Debbie Spurgeon\_\_\_\_\_

**Debbie Spurgeon, Township Clerk**