

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 August 21, 2019

Members Present:

J. Daryle Spiller, Trustee

Corey Kirschhoffer, Trustee

Stan Williams, Trustee

Debbie Spurgeon, Clerk

Rodger Edmonds, Highway Commissioner

Randy Whitmore, Supervisor

Jerome Berens, Assessor

Call to Order: Supervisor Whitmore called the Regular Township 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, Daryle Spiller, Stan Williams, Rodger Edmonds, Jerome Berens, Corey Kirschhoffer, Randy Whitmore and Debbie Spurgeon. Trustee Mike Wells, absent. Also, present Attorney Kurt Asprooth from Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, PC

Approval of Minutes: Supervisor Whitmore requests a motion and a second to approve the June Regular Meeting Minutes.

Motion to approve the Regular Meeting Minutes from July 17, 2019 by Williams, second by Kirschhoffer.

Voice vote: Ayes, Spiller, Williams, Kirschhoffer, Whitmore. Nays, none. Wells, absent.

Motion passes, 4-0.

Reports:

Supervisor's Report:

Supervisor Whitmore reports the PACE Dial-a-Ride service will officially begin on Monday, August 26th, however notification to residents is not planned until September. The Dial-a-Ride service will be available for ages 55 and over to attend doctor appointments or shopping in the Greenleaf (Gurnee) vicinity, Waukegan, Zion and Gurnee Mills. Wheelchair access is also expected to be available. The program will not cover commuting to and from workplaces. Residents will need to schedule the service ahead of time and will pay a nominal \$2 fee at the time of pick-up. Whitmore indicates an intergovernmental agreement in process to cover administration of the program.

The supervisor asks Attorney Kurt Asprooth to speak about the recent law signed by IL Governor, J.B. Pritzker, which will affect Newport Township.

Attorney Kurt Asprooth briefly reviews aspects of the new law which pertain only to McHenry County. The second part of the law affects Lake County and may impact Newport Township. The law includes direction for township road districts in Lake and McHenry counties that have less than 15 miles of road to be consolidated into the actual township government. If there is less than 15 miles of road, as determined by the county engineer, upon the expiration of the sitting highway commissioner's term of office, the road district will be abolished and all of the rights, duties and obligations (including the right to levy) will then become vested in the township board. Attorney Asprooth says Newport has less than 15 miles of road. Highway Commissioner Rodger Edmonds interjects, and says the Newport Road District has 14 miles of road. Asprooth continues, the highway commissioner's term is up in 2021, effective on the last day of the commissioner's term, the district will cease to exist and is then automatically vested into the township board.

Edmonds comments that he typically would levy in the November/December timeframe and asks why he should levy anything at all in November/December 2020 if Pritzker is putting him out of a job. Asprooth recommends against retaliation, citing the potential for a lawsuit if the officer neglects to perform his statutory duties. A lawsuit could be filed to compel the highway commissioner to levy. The attorney notes if the outgoing commissioner fails to levy in the statutory timeframe, the township board could potentially go without a year of funds as the deadline to do so will pass before the board assumes its new duties.

Edmonds asks who he is expected to talk to in November/December 2020 in order to levy. Asprooth states the legislation does not provide for a transition plan. He suggests Edmonds simply work with the township board to determine what the needs are. The attorney says that some other townships have decided to hire the highway commissioner or the highway staff as township employees. He notes the only change he has seen in other townships is that instead of being an elected official, the road commissioner becomes an appointed department head who is then a township employee.

Edmonds inquires whether the township will need its own laws and ordinances as he has always been able to inform the board what he is doing, but making the decisions himself. Now he feels he will have to ask the board for everything he does. Asprooth doesn't necessarily see the need

for new laws, explaining that the board will now have the power to spend money, rather than the department head/employee. While currently the board has an oversight review on road expenditures, the board will have more direct involvement once the road district is abolished. The township board could choose to delegate some level of spending power to a department head. For example, for ease of operation, the board could delegate a \$5,000 spending limit.

The commissioner says he is frustrated and doesn't know where to take this. Attorney Asprooth indicates the board basically has two years to determine how they want to transition the abolishment of the road district.

Trustee Kirschhoffer asks about the effect on current relationships with other governmental agencies, such as inter-governmental agreements (IGA). Asprooth says IGA's generally cannot extend beyond an officer's term of office, so he does not see any issues.

Trustee Williams says this consolidation law was supposedly done to reduce taxes and all it has done is transfer taxing dollars. He doesn't see any benefits. Attorney Asprooth says the consolidation into a county transportation district typically makes more sense and, in that case, he has seen it provide a tangible reduction (economies of scale) as the infrastructure for road maintenance already exists. Here, the legislature is basically just taking away an elected position.

Supervisor Whitmore says he has heard the township will have to reduce its levy. Asprooth says that particular provision in the law is only for McHenry County. Lake County townships will have the same power to levy that the road district currently has. Motor fuel tax (MFT) funds will also remain unchanged.

In summary, Attorney Kurt Asprooth says the township board will basically become the highway commissioner by committee.

Highway Commissioner's Report

Highway Commissioner Edmonds reports that the bridge replacement on Edwards Road has now begun. The project is a joint effort between Antioch Township, Lake County and the State of IL. The work is expected to be concluded by the end of the year.

Edmonds has a meeting regarding the LCDOT proposed round-about at Dilly and Wadsworth Roads scheduled for Tuesday, August 27th at 9:00 a.m. at the road district building in Russell. He requests Supervisor Whitmore join him at the meeting, where LCDOT representatives will be in attendance. The county's latest timeline has the project slated to begin in Spring of 2020.

The commissioner reports that Village of Wadsworth representative Moses Amidei is asking the road district to take on snow-plowing responsibilities for additional village streets for the upcoming season. Edmonds says the township is getting close to maximum capacity on resources.

Edmonds requests assistance from Attorney Asprooth investigating the township's responsibilities and liabilities for the Heritage Trails subdivision road. The bank which took over

the subdivision from developer Dave Richards during foreclosure proceedings has recently placed the subdivision on the market. Heritage Trails was developed in unincorporated Lake County. Edmonds reports he utilized township resources to perform work at the subdivision's park, but isn't certain of the park's ownership. Asprooth will look into the matter.

Assessor's Report:

Assessor Berens reports that Tim Smith, landlord of the current township offices located on Grass Lake Road, Millburn, IL intends to raise the township's rent by \$100.00 per month for a two-year lease period. Berens states the township currently pays \$700 per month.

Supervisor Whitmore says he moved the township offices to the new location to help Smith out, and is not pleased with the proposed increase.

Berens suggests offering Tim Smith a compromise of \$50.00 per month, and comments that he feels the township is underpaying. Trustee Kirschhoffer questions whether or not the township is actually underpaying, noting Beren's comment on the township's rent is subjective.

Berens requests a decision by the board at the September meeting.

Clerk Comments:

The clerk requests members review and sign the monthly Board Audit Report from the bookkeeper, and notes the financial audit must be presented at the September meeting as the township is running out of time to meet mandated deadlines. Supervisor Whitmore will follow-up with auditor Evoy Kamschulte. Jacobs & Co.

Trustee Comments:

Daryle Spiller – No report.

Stan Williams— No report.

Mike Wells—No report. Wells, absent.

Corey Kirschhoffer— No report.

Attorney's Report: Attorney Kurt Asprooth reports on the recent state law changes which will affect the Newport Township Road District as detailed under 'Supervisor's Report'

Township Business:

No new business.

Finances:

Supervisor Whitmore indicates the warrants for the monthly bills are available for review.

Whitmore requests a motion to approve the General Town Fund bills.

Motion by Kirschhoffer; second by Spiller.

Voice Vote: Ayes, Spiller, Williams, Kirschhoffer, Whitmore. Nays, none. Wells, absent.

Motion passes, 4-0.

Whitmore requests a motion to approve the Road & Bridge Fund bills.

Motion by Williams; second by Spiller.

Voice Vote: Ayes, Spiller, Williams, Kirschhoffer, Whitmore. Nays, none. Wells, absent.

Motion passes, 4-0.

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

Motion by Kirschhoffer; second by Williams.

Voice Vote: Ayes, Spiller, Williams, Kirschhoffer, Whitmore. Nays, none. Wells, absent.

Motion passes, 4-0.

Public Comment:

No public comment.

Closed Session:

No closed session.

Motion to Adjourn:

Supervisor Whitmore requests a motion to adjourn the Regular Board Meeting.

Motion by Spiller; second by Williams.

Voice Vote: Ayes, all; Nays none. Motion passes, 4-0. Wells, absent.

Meeting adjourns at 7:40 p.m.

Dated the 21st day of August 2019.

_____s/Debbie Spurgeon_____

Debbie Spurgeon, Township Clerk