

MCHENRY TOWNSHIP TRUSTEES SPECIAL MEETING MINUTES April 24, 2020

STATE OF ILLINOIS
COUNTY OF MCHENRY S.S.
TOWNSHIP OF MCHENRY

REVISED

BOARD OF TRUSTEES SPECIAL MEETING
MINUTES,
April 24, 2020 through April 28, 2020

Attorney Militello called the meeting 5:00 pm in the McHenry Township Hall at the published and posted time of 5:00 pm.

Supervisor Adams was not present. Motion by Verr, second by Rakestraw to appoint Trustee Anderson to run the meeting. Attorney Militello was asked to be recording secretary since Clerk Alyward was not present.

Trustee Anderson called the meeting to order at the time of 5:09 p.m. with the Pledge of Allegiance.

Roll call: Trustee Anderson here, Trustee Rakestraw here, Trustee Verr here. A quorum was present under the revised rules of the Governor during the COVID-19 emergency. Absent: Supervisor Adams, Trustee Wojewski, and Clerk Alyward. Public – Call in

Public Comment -

Terry Kappel – McHenry, IL – We have insubordinate Trustees that are trying to force their agenda on the public against their will.

Doris Kappel – Wonder Lake, IL – I want to know why the three Trustees are trying to destroy our township. You should be ashamed of yourselves.

Rhonda Sporer -McHenry, IL – I can't understand why you would want to stop General Assistance and emergency assistance during this trying time of the Covid-19. Also, we want the busses.

Michael Guy – McHenry, IL – To the three Trustees you need to listen to the voters.

Jeff Radke- Johnsburg, IL – I don't understand why we need a special meeting when these items can be addressed at a regular board meeting.

Brain McCafferty – Wonder Lake, IL – I don't see what is so important that couldn't be addressed at a regular meeting. This is an attempt to destroy. We need your help and support not your contempt.

Moe Green – 80% of the electors don't agree with you and why do you persist to abolish townships.

Jamie Rouse McHenry, IL – This entire agenda is bull crap.

Robert Beltran – McHenry, IL – This is a disturbing trend on these agendas. In audible

Kirk Donald – Johnsburg, IL – On a Friday night we would like to be out supporting the local business during this time. It is truly pathetic that we could be out with our families.

Jim Condon – McHenry, IL – What is essential on this agenda? Who approved the Attorney Hanlon for the bill you are trying to approve?

Bob Culvertson – How did Verr get on this board in a closed meeting?

Vernon Schiller – How many dollars have been spent on legal fees? Need to spend more time on the positive and not the negative. Imagine how much further we could be if we focused on the positive. If you are not part of the solution, you are part of the problem.

Mike Tauler – Wonder Lake, IL – This meeting agenda has nothing that is essential. I sent you all an email which none of you responded. Only one trustee Stan understands and represents the voters' wishes. Thank you Stan wherever you are and stay safe. Based on the last election the voters stated their wishes and you three are doing everything to against the voters will. Also this meeting is against the governors orders.

Sue Rose – Wonder Lake, IL – It my opinion is that this meeting is against the direct order of the Governors Covid-19 order. What you are doing is shameful. .

- For more in depth details go to www.youtube.com – type in: mchenrytownshiplive
- Audio-recorded is not retained as part of the permanent record.

New Business

As a preliminary matter Attorney Militello advised that there are quite a few items on the agenda, and that the Board should review the items and determine what if any items are essential government functions pursuant to executive order 2020-10 and those that are not, and continue those for another date. Attorney Militello advised that Section 10 of the order defines Essential Governmental Functions as all services provided by township and needed to ensure the continuing operation of the governments agencies or to provide for or support the health, safety and welfare of the public. Attorney Militello further noted that the Township Board should determine those essential functions.

Trustee Verr indicated that all the agenda items were essential and the Board proceeded with the agenda items.

- a. **Motion by Trustee Verr**, second by Trustee Rakestraw, to review a different format for future telephonic official meetings that can be controlled by the Board.

Discussion: None.

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- b. **Motion by Trustee Verr**, second by Trustee Rakestraw, for payment of flat rate legal services to Attorney Hanlon for representation of McHenry Township in the matter of McHenry/Nunda Township Road District v. McHenry County * Gov Pritzker, 19 MR 861.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- c. **Motion by Trustee Verr**, second by Trustee Rakestraw, to eliminate McHenry Townships involvement with other Illinois Townships with applications for general, emergency or other assistance.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- d. **Motion by Trustee Verr**, second by Trustee Rakestraw, to request Attorney Militello to return to Road District funds received for representing the Road District in the matter of McHenry/Nunda Township Road District v. McHenry County & Gov. Pritzker, 19 MR 861.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- e. (i) **Motion by Trustee Verr**, second by Trustee Rakestraw, to increase the senior bus fair to \$5.00 per ride, \$10.00 round trip.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

(ii) **Motion by Trustee Verr**, second by Trustee Rakestraw, to prohibit senior bus drivers from going into someone's house.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- f. **Motion by Trustee Verr**, second by Trustee Rakestraw, to remove the "Mosquito Abatement" section from Supervisor's MT website section.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- g. **Motion by Trustee Verr**, second by Trustee Rakestraw, to instruct the Township Attorney to investigate the legal basis for McHenry Township Resolution #02282020 adopted on February 28, 2020.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- h. **Motion by Trustee Verr**, second by Trustee Rakestraw, to discontinue notarizing any documents for the general public.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- i. **Motion by Trustee Verr**, second by Trustee Rakestraw, to correct various "Shelter Rental" details and "agreement" on the website under Parks Section.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- j. **Motion by Trustee Verr**, second by Trustee Rakestraw, to post the Township and Road District's current and last two years' Audit Report on Township website.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- k. **Motion by Trustee Verr**, second by Trustee Rakestraw, to implement policy as to Township employees', Township contractors' and all other Township affiliates' access to gasoline from the Road District's pump, to include, but not limited to signed certification, and monthly mileage reports for all township vehicles; and restricting the use of township vehicles to township official business.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

- l. **Motion by Trustee Verr**, second by Trustee Rakestraw, to direct the Supervisor to canvass rental halls within the township to ascertain comparable sites to the various rental Township facilities such as the township hall, whispering oaks facility, etc, so the Board can determine whether the Township (a) should continue the rental programs at all, or (b) whether the Township is undercharging for said halls in unfair competition with our private sector which is taxes on its properties and profits, and should make appropriate rate changes.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

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IV. Executive Session. None

V. Public Comment.

Robert Beltran –

Rhonda Sprorer

Additional Public Comment..... unable to determine.

Motion by Trustee Verr, second by Trustee Anderson to continue this meeting to Monday, April 27, 2020, at 2:00 p.m. via the same Dial In and Participation Code.

Discussion: None

Roll Call Vote: Trustee Verr aye, Trustee Rakestraw aye, Trustee Anderson aye.

3 ayes, 0 nays, 2 absent – Motion carries

Meeting was continued at 6:50 p.m. until Monday, April 27, 2020 at 2:00 p.m. via the same Dial In and Participation Code.

Note: Please be advised that this meeting was very difficult to hear and record what was being said as there was interference, comments, and background noise being played throughout the whole meeting. I am not sure if you can hear what was said or not said during the live recording in order to review the accuracy of these notes. I am also sending these notes to the Board members to review and so that if there are any additional comments/notes or changes they can coordinate with you.

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Clerk Aylward called the meeting to order at 2:00pm on Monday April 27, 2020. He stated that the Supervisor had a prior meeting scheduled for a new phone call in system and did not know about the meeting till last minute. We need to resume the meeting.

With that being said Trustee Anderson took over the meeting as he ran the meeting on Friday.

Trustee Anderson called the meeting back into order, second by Verr.

Clerk roll call: Anderson here, Rakestraw here, Verr here, Wojewski absent.

Trustee Anderson asked for a motion to go into executive session.

Motion made by Verr, second by Rakestraw

All in Favor – Motion carries.

Motion to reconvene at 2:45pm made by Trustee Verr, second by Rakestraw

Motion to continue to Tuesday April 28, 2020 at 9:00am made by Verr, second by Rakestraw

All in Favor – motion carries

Motion to adjourn at 2:49pm by Rakestraw, second by Anderson

All in Favor – Motion carries

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Supervisor Adams call the meeting to order at 9:00am on Tuesday April 28, 2020 with the pledge of allegiance.

Clerk Roll Call: Anderson here, Rakestraw here, Adams here, Verr here, Wojewski absent.

Trustee Verr stated these items are for executive session

1. Continued representation of the attorney for the township
2. **Attorneys report on Dr. Bellas** – the attorney stated he could email him anytime to find out the status at any time.
3. **Payment on Attorney for Mr. Hanlon** – Supervisor Adams stated the check would go today or tomorrow.
4. **The discussion of criminal charges** against the public that impersonated elected officials and possible other criminal charges. – Not an executive session. This is a civil matter.

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Trustee Rakestraw asked attorney why Debbie and the Clerk were calling the attorney if he told the Clerk he was not able to attend. The attorney stated he would make sure that he would email the board if he were unable to attend a meeting in the future.

Trustee Verr asked the attorney why he didn't assign another attorney in his place. No one else he would have sent would be appraised to the issues he has been involved in.

Attorney Militello stated that he will continue to be professional and do the best he can and continue to respect the Trustees and the board but your comments and derogatory statements consistently to other colleagues in open session is not respectful and not appreciated. I run a straight business and I will continue to do that. As an attorney you know as well as I do that, you are an attorney and want me to discuss litigation and I can't do that, you know that. You are trying to bait me and I refuse to participate.

Clerk Alyward stated that yesterday when the board went to executive session they did not state the reason for executive session and that while in executive session they to ok a vote which is not allowed in executive session, so they will need to start over with the reason for executive session to correct this matter.

Trustee Verr stated he did not understand. **Clerk Alyward** explained the simple mistake and it could be corrected today.

Trustee Rakestraw stated that he has never heard specific items for executive session and Attorney Militello explained that he would state the statue for the executive session.

Trustee Verr stated that is not true. The attorney just asked that they state the reason so that it could be stated for the record. **Trustee Verr** stated the breakdown of the clerk's office. **Attorney Militello** stated that is not a valid reason for executive session since he is not an employee he is an elected official.

Trustee Verr and Rakestraw stated the concerns of the call in format. The Supervisor explained that he is in the process of being able to mute the public and only open for public comments the staff is being trained on the new system. **Trustee Anderson** we will never forget the meeting of Friday night and we need to move forward and leave it behind us. I don't think we could have done anything any different.

Trustee Verr asked about the IGA's for General Assistance for Burton and Richmond Township and asked that the agreements be ended. Supervisor Adams stated that they can be cancelled with 30 days notice.

Trustee Verr asked to have the detail for other revenue in the monthly packet.

Attorney Militello asked to add to the executive session about the pending litigation from the Attorney General.

Motion to go to executive session made by Anderson, second by Rakestraw

Discussion – Trustee Verr asked that they continue to go over the items from the Friday meeting first then go to executive session last.

Withdraw motion to go to executive session made by Trustee Anderson

Trustee Verr asked the attorney if the age qualification to take the senior express bus is a matter for executive session. Attorney Militello stated no.

Trustee Verr stated that we match McRides 60 or older age qualification. The attorney stated that the board could change it to 60 but it will be contrary to the township code of 55. Trustee Verr stated this is a matter of possible litigation and I want it put on for the executive session.

Trustee Rakestraw stated the electors went against the board's decision to eliminate the program. So, who holds any authority here is it the board who was elected or a group of people with enough people to change the board's decision. The attorney explained how the township codes supports the electors and the board.

Trustee Verr asked the supervisor if there was a written policy for the bus drivers. The supervisor stated that yes and each driver has to sign it once a year. Trustee Verr asked for a copy to the board. **Trustee Verr** also asked for the written policy for the coronavirus disinfecting for the bus. **Trustee Verr** requested that the bus have pamphlets for every passenger for the McRide program. **Trustee Verr** requested the supervisor to call into pace as a regular person to see what happens.

Trustee Verr inquired that about the resolution the electors passed in September stating the surplus funds. The supervisor stated that the numbers were given at a prior meeting.

Trustee Verr inquired about the notary service use. Supervisor Adams stated in the administration not much but the assessor's office does do a lot of notarizing. Supervisor Adams stated that the staff could only do township notarizing no other business. **Supervisor Adams** was asked to have written instructions for the May meeting. Trustee Verr is requesting copies of their logs.

Trustee Verr the Supervisor to change the park rental agreement to shelter reservation agreement.

Trustee Verr asked about the comparison on the Hall rentals. He believes it is unfair rates.

Supervisor Adams explained the difference in resident rates and nonresident rates. **Attorney Militello** explained how the township could charge and not worry about the competition. **Trustee Verr** suggest we should be the highest in rate for rentals. **Trustee Verr** wants the comparison of the rentals in report. **Supervisor Adams** stated he would have this by the June meeting for discussion and possible action. **Trustee Rakestraw** asked we have staff at every rental. The Supervisor stated the only time staff is used is if there is alcohol and the rentals are charged for the staff.

Trustee Anderson made a motion to go to executive session at 10:58 am, second by Rakestraw.

Roll Call Vote: Anderson aye, Rakestraw aye, Adams aye, Verr aye

All ayes - Motion carries

Supervisor Adams did a roll call: Anderson here, Rakestraw here, Verr here, Wojewski here.

Supervisor Adams reconvened the meeting at 11:45am.

Motion to adjourn by Supervisor Adams at 11:48am, second by Anderson

Roll Call Vote: Anderson aye, Rakestraw aye, Adams aye, Verr aye, Wojewski aye.

All ayes – Motion carries

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Daniel R. Aylward, McHenry Township Clerk.

McHenry Township is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting or who have questions regarding the accessibility of the meeting or the Township facilities should contact Supervisor Adams at 815-385-5605 promptly to allow the Township to make reasonable accommodations for those persons.