

MCHENRY TOWNSHIP SPECIAL MEETING MINUTES February 28, 2020

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

**SPECIAL BOARD MEETING
MINUTES,
February 28, 2020**

Supervisor Adams called the meeting to order in the McHenry Township Hall at the published and posted time of 6:30 pm, with the Pledge of Allegiance.

Roll call: Anderson here, Adams here, Rakestraw here, Verr here. Wojewski here, Clerk Aylward, Attorney Militello, 53 Public.

Supervisor Adams stated the first order of business is to amend this notice to comply with Open Meetings Act.

Attorney Militello addressed the time constraints and adding public comment.

Motion to amend the agenda to add public comment to this notice made by Supervisor Adams, second by Trustee Anderson

Discussion ensued – To have the public comment added after second item on the notice.

A motion to add public comment after the second item on the agenda made by Trustee Verr, second by Anderson.

Discussion - None

Roll call vote: Anderson Aye, Rakestraw aye, Adams Nay, Verr aye, Wojewski aye.

4 ayes, 1 nay – motion carries

New Business

- A. Discussion of retaining independent legal counsel to represent McHenry Township as an intervenor, or other capacity, in opposition to the action filed by the McHenry and Nunda Township Road Districts against the Governor of Illinois and McHenry County, in a misguided attempt to attempt to attack the constitutionality of statutes allowing for the consolidation of townships into McHenry County, and for possible action. Said suit was initiated without the consent of the Township Board and despite the Township Board's support of the enacted laws giving the citizenry the chance to consolidate local governments to cut the size and expense of government**

Said discussion and possible action is necessitated by the McHenry Township attorney's announced conflict of interest and recommendation to seek other counsel.

Attorney Militello explained the appointment of an attorney for the township.

Motion made by Supervisor Adams to bring forward attorney Dave McCardle to represent the board, second none

Motion made by Supervisor Adams to bring forward attorney Joe Gottemier to represent the board, second none.

Supervisor Adams stated I have no more to bring forward at this time, with no second on the motion I will need to do more research. Does this board have any suggestions?

Discussion ensued – Trustee Verr suggested Robert Hanlon. Supervisor Adams stated he will not bring Mr. Hanlon forward his rate is double anyone else and I will not bring him forward. Trustee Verr, that puts us in a real pickle because of the conflict with our attorney. Supervisor Adams stated he would bring more choices on Monday. Trustee Verr stated that this has been a conflict for months. Supervisor Adams stated he had not been asked until recently to bring an Attorney forward. Trustee Verr stated he will have to file a separate action because this is intolerable. Trustee Verr asked why supervisor Adams put McCardel first. Supervisor Adams stated that this was due to his experience in municipal and township law and his charge \$200.00 an hr. Joe Gottemier is \$175.00 an hour. Hanlon I was told is 400.00 an hour and this township cannot afford that.

B. Discussion of courses of action to be taken by the Township Board to safeguard township funds from being misused to fund an unmandated Township bus service which was voted by the Board to be discontinued, said bus service having been originally instituted before the establishment of McHenry County's McRide bus service, also currently funded by McHenry Township, rendering the Township bus service redundant and wasteful, particularly given that the County bus service is far superior in terms of hours of daily and weekly operation (McRide hours of weekly operation: 81, seven days a week; Township bus: 30, 5 days a week), plus McRide's geographic area of operations is about ten times the area covered by the Township bus line.

Even in the face of other nearby McHenry County townships eliminating their bus lines long ago, a group of electors have publicly threatened to usurp the Township Board's power to control spending of taxpayer funds to continue the costly and duplicative Township bus line, which also imposes long-term taxpayer costs in the form of future pensions.

Discussion with the Attorney Militello in regards to the electors actions. He spoke on the powers of the board and the electors.

Motion to recess and reconvene on Monday March 2, 2020 at 10:30 am made by Supervisor Adams, second by Trustee Anderson.

All in favor signal by saying aye – 4 ayes, 1 nay – Motion carries

Supervisor Adams reconvened the meeting at 10:44am. Followed by the pledge of Allegiance.

Supervisor read item A.

Discussion ensued – The township attorney Militello advised the board of his opinion of the statue on the Supervisor appointing an Attorney. .

The board decided to go to executive session for appointing legal counsel 5ILCS 120/2C-1

Motion made by Trustee Rakestraw to go to executive session without the township attorney, second by Anderson.

Roll Call Vote: Anderson aye, Rakestraw aye, Adams aye, Verr aye, Wojewski Nay
4 ayes, 1 nay – Motion carries

Motion to reconvene at 11:35am made by

Motion to appoint Mr. Carl Metz for representation by Supervisor Adams, second by no second.

Trustee Verr propose to hire Robert Hanlon, in representing the board only in the matter of the constitutionality of the lawsuit by the McHenry and Nunda Township Road District, second by Rakestraw.

Discussion ensued – I am not appointing the Mr. Hanlon. I believe it a moot point and a waste of money. Trustee Wojewski said that this is just to represent the board to eliminate the township. Attorney Militello explained the legislation in process.

Roll Call Vote: Anderson aye, Rakestraw aye, Adams nay, Verr aye, Wojewski nay
3 ayes, 2 nays – Motion carries

Supervisor Adams read item B.

Trustee Verr asked for a legal opinion on this matter of the electors.

Attorney Militello addressed the elector’s special annual meeting and stated that he didn’t see an issue with the electors meeting. Only concern is the amount of non-tax levy dollars.

The board asked for an opinion, from two sources, in regards to the monies that are non-tax levy dollars. Supervisor Adams stated he would follow-up on this matter and get back to the board.

The attorney will give an opinion in regards to the resolution presented by the electors.

Trustee Wojewski asked to have on the next meeting’s agenda to discuss what became of the cost study done by Urban Analytics and the monies spent.

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

Board Members Comment

None

PUBLIC COMMENT

(Remarks limited to three minutes per person) Please clearly state your name and what town you live in for the official record

Dan Alyward, McHenry, IL – Mr. Verr you have done everything you can to find a slight flaw in the meeting of the electors. When you have called a special meeting illegally. You posted the notice to the front door, which is not an agenda; you were asked if you would like to have myself called. You know I'm only in the office in the mornings. You are an attorney, and scratched out the time and didn't even initial the change, unless P.M. stands for Paul Moron. You also state that this is an elimination, which is incorrect it's a consolidation. You also state it's a duplicate service for the bus service, it is not a duplicate service. A duplicate service is something that is exactly the same.

Elsie Munson, McHenry, IL – I have friends who use the senior bus that will get them where they need to go timely. I have heard that people who have taken McRide have missed their appointments because McRide has too many stops. Senior services provides a great service, but as a volunteer, I can't take a wheelchair in my car. They need the capabilities of the bus who can provide this service to get help the seniors with their wellbeing and needs. The small amount that we pay to maintain and provide this service is dollars well spent. I encourage everyone to support our township, they give us good service for the money.

Jamie Rous, McHenry, IL – Two things I hate in this world are liars and hypocrites. We sit here and listen to a board that spreads lies and when we call them out, we are told we are out of order, even though they can interrupt anyone else at any time. The hypocrisy of it that you talk about the electors going around the board when you just went around the Supervisor and made an illegal motioned to hire an attorney. I hope the supervisor doesn't allow this to happen and you can file a lawsuit, because you can't take a statue and state it's a different situation its illegal and that the point of having a statue. I'm sorry you have no control over the highway commissioners budget, but he is spending the money that is in his budget. I know this pisses you off. You talk about saving the taxpayers money and decide to hire an attorney who is the most expensive and from what I've been told doesn't do his job very well. Which reminds me of the very expensive report you had done, and was not done well.

Steve Verr, Wonder Lake, IL – To counter what the clerk said about an illegal meeting, Mr. Militello is the meeting. Illegal or not. The attorney addressed the notice given and stated what the statue stated. When the time was up for public comment supervisor Adams stated that this is not the time for questions.

Trustee Verr wanted to get to the bottom of who is responsible for the agenda and posting of the agenda as a board member. Clerk Alyward explained if he is not available then it goes to the supervisor, then assessor. Verr asked if the clerk would assign a deputy clerk. Clerk Alyward stated he would think about. Verr also wanted to know if he would post his hours. Clerk Alyward I could do that. Verr want to know if he would do that. The clerk said I could do that.

John Macrito, McHenry, IL – I am glad to hear that trustee who posted the notice on the window is not validated to do so. In my opinion, we as electors have cause to deem this meeting totally illegal. Thank you again for being such a great board.

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Motion to Adjournment

Motion to adjourn at 12:55pm. By Supervisor Adams, second by Trustee Anderson

All in favor signal by aye.

All Aye's - **Motion carriers**

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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.