



The regular town board meeting, being held at 175 West Jefferson Street, Joliet Township government offices, on Tuesday, October 22, 2019, at 5:00 p.m. was called to order by Supervisor Daniel L. Vera. The following official business was transacted:

Attorney Burkey led the Pledge of Allegiance to the flag, in acknowledgement of this being his last meeting.

The Clerk called the roll as follows:

TRUSTEES:	Raymond F. Slattery	Present
	Archie Gavin	Present
	Rosie Verdin	Present
	Brian Hertzmann	Present

SUPERVISOR:	Daniel L. Vera	Present
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CLERK:	Beth Ann May	Present
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OTHER OFFICIALS:	Commissioner Michael Turnbull	Present
	Assessor James Brenzewski	Present

ALSO PRESENT:

Accountant Colleen Witt	Attorney Franklin Burkey
Senior Liaison Jeff Wallace	Animal Control Director Whitney Armstrong
Attorney James B. Harvey	Attorney Robert Wisniewski

**Bid Opening/Surplus Equipment/General Town/Oakwood Cemetery:**

The Supervisor turned the meeting over to Clerk May to perform the bid opening. Separate minutes were taken of the opening. Once the bids were all opened the meeting was turned back to Supervisor Vera. At this time, he commented on receiving the equipment from the former group who managed the cemetery this past spring. When the storage garage was opened there were 4 mowers, 3 of which were broke. The Road District assisted him in taking the 3 mowers to be serviced in Morris, Illinois. At that

time, it was determined that 3 were not worth keeping. The John Deere mower needed a new seat and tire and the Kubota Kommander 42" Mower a new belt and tire. We were not aware of the condition of the equipment when we took over the cemetery. He thanked Commissioner Turnbull for the assistance that the Road District employees provided taking them to the repair shop in Morris. There were no further questions or comments. The attention returned to the Regular Meeting.

## **Approval of the Minutes:**

Regular Town/October 8, 2019: Trustee Slattery moved to approve the minutes of the October 8, 2019 Regular Town Board Meeting and to waive the reading of these minutes inasmuch as copies had previously been delivered. Seconded by Trustee Gavin. Accountant Witt presented one correction, page 7, the total amount of the General Assistance bills is incorrect. It should reflect \$10,909.94. The motion was amended to approve as corrected. A voice vote was taken.<sup>1</sup>

## **Public Comment:**

Mr. Kirk Allen, he identified himself as the Cofounder of the Edgar County Watchdogs, a local government accountability organization. He stated, he wasn't aware of what our Public Speaking Policy states and didn't know if you will interact or address anything but at a minimum I would ask you to get back to us on some of the things I'm going to raise. Supervisor acknowledged Mr. Allen as the gentleman who has issued the FOIA requests over the past several days. The Supervisor asked if he had been receiving the email responses but Mr. Allen did not reply. Mr. Allen asked 1) our compensation list on our website includes life insurance and AD& D (accidental death and dismemberment) for the elected officials but the ordinance passed prior to the current term does not list life insurance as a benefit. Account Witt commented, all Township employees receive life insurance and some pay extra for the AD&D. He asked if we would look into the elected officials receiving the benefit but that not being listed on the compensation ordinance; 2) he is seeking receipts from construction related work on private property, this question is related to a FOIA already submitted. Supervisor Vera said we have received the FOIA and will provide an answer via the FOIA. Mr. Allen said he had been informed, by several folks, that work had been done. Attorney Burkey replied that he spoke with the former Commissioner and he said at no time was any equipment or personnel used in this way. Mr. Burkey, continued, so whatever information you have is contrary to what the former Commissioner said. Supervisor Vera again said, we will respond via the FOIA. Mr. Allen then stated, if he were to produce affidavits that reflected Road District equipment and personnel were used, would those be lies or would your response from the FOIA be a lie? No responses were provided; and 3) he inquired about the waiving of bid requirements for the lawn mowing services and said he believed we had an obligation to go to bid. Mr. Burkey spoke on the matter, reflecting why we waived the bid, late in the season, weren't sure when we would actually accept the property, grass was growing rapidly due to spring weather, etc. Mr. Burkey said there are 31 acres and 18,000 head stones so it's a very complex area to mow and we had never had that many acres to care for. Mr. Allen said

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<sup>1</sup> The motion carried

he understood the reason but asked, repeatedly, to show him the statutory authority to waive the bid. Mr. Allen also asked why the need to request prevailing wage was also not needed and Attorney Burkey replied, this wasn't a construction project but rather grass cutting in a cemetery (routine maintenance). There was heated discussion on this issue and Attorney Burkey said he has information regarding this matter from the Illinois Department of Labor and he would provide it to Mr. Allen.

Clerk May asked Attorney Burkey if we have 5 days to answer these questions and Mr. Allen said, this is not a FOIA request. "I am asking seeking answers to some questions, some of which are related to the FOIA and technically, I have the right to speak and you don't have to answer. Supervisor Vera assured Mr. Allen that the FOIA requests would be answered.

Mr. John Kraft – Edgar County Watchdog, asked questions related to the FOIA he had submitted, regarding the Animal Control Center. He questioned the authority the Township had to operate an Animal Control facility, who appointed the director, is there a veterinarian and so on. Supervisor Vera said these would be addressed in the FOIA. Mr. Kraft then asked a second question regarding the Oakwood Cemetery and if a Sexton had been hired or if one was and the Supervisor replied we are still trying to figure this out. Clerk May verified that we do have a license with the State of Illinois, as partial exempt, and we do not plan on selling any new burial plots just provide burial services to those that already own plots.

### **New Business:**

#### Adopt/Honorary Resolution Recognizing Franklin D. Burkey, Attorney

Supervisor Vera called on Clerk May to read the honorary resolution. Trustee Slattery moved to adopt the Honorary Resolution in Recognition of Franklin Burkey. Seconded by Trustee Verdin. Ayes (5), Nays (0)<sup>2</sup>

Supervisor Vera sincerely thanked Franklin for his service and dedication to the Township and our community. The Supervisor said he will miss working with Franklin. Members of the Board thanked him also. A photo was taken.

#### Adopt/Resolution No. 2019-04 (RD) Surplus Equipment

Commissioner Turnbull spoke on the attachment A of the resolution reflecting the items for surplus. He indicated he is still not sure if he will sell or trade in the vehicles which are being surplus and he has not decided how he will advertise the surplus items for sale. He did say the items are in poor condition or no longer needed for the services of the Road District. Trustee Gavin moved to adopt Resolution No. 2019-04 (RD) Surplus Equipment. Seconded by Trustee Slattery. Clerk May asked Commissioner Turnbull if he was in agreement with the adoption of the Ordinance and he said yes. A roll call vote was taken. Ayes (5), Nays (0)<sup>3</sup>

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<sup>2</sup>Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

<sup>3</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

### Discussion on Road District Vehicle Replacement

Commissioner Turnbull directed the board to review the three vehicles he is interested in purchasing, reflected on page 3 of his report. He indicated he received quotes from Rod Baker Ford which has the state purchasing contract for governments to purchase equipment. Supervisor asked the Commissioner to obtain additional quotes for comparison prices for a new purchase and for the trade-in, from Curry Motors in Frankfort, whom we have purchase from before and also has the state purchasing contract. The Supervisor asked Accountant Witt to review the budget to see what funds would be available, either via transfer or an amended budget. Both of these processes were discussed in detail so that the Commissioner would understand the process and the timeframe. The Commissioner needs to make decisions on what he is doing with the surplus equipment, selling or trading in and which vehicles he wants to purchase. Attorney Burkey said trade-in would be timely, due to the desire to purchase the new equipment before the snow falls. The Commissioner expressed the lack of inventory available for red trucks; however, there are plenty of white trucks. Supervisor Vera said he can change the color if that is what he desires and if that is what is readily available. Trustee Slattery and Trustee Hertzmann asked Accountant Witt to please prepare a recommendation, with a plan A, showing trade in and the money needed to purchase the new trucks and a plan B, showing if we sell outright and purchase new trucks and she said she would prepare a report. Trustee Slattery clarified if we trade-in or sell two vehicles and purchase 2 new vehicles, how this can be done with his budget. Accountant Witt clarified, we can transfer 10% so, we would be able to transfer approximately, \$221,000, this is all lines of the budget. Right now, we are not over in any line so we are fine but we would have to identify which funds to transfer from. Otherwise we would have to go through the process of amending the Road District budget.

Commissioner Turnbull also clarified an email he previously sent to the Supervisor, Trustees and Clerk May regarding the fleet and how many vehicles were actually available to plow snow. He wanted to notify everyone on the vehicle stats, because if a truck goes down, a route won't get done because there isn't an extra vehicle to cover that route. We can't guarantee that we will get it done despite the fact that we spend a lot of time keeping our vehicles in top shape. We are trying to be proactive.

### Discussion/Amended Attendance and Work Hour Rules Employee Handbook

Clerk May reported, there was discussion at the last meeting about the need to amend the Employee Handbook, related to the attendance and work hours. A copy of these pages, 4 & 5 from the handbook were provided to the Board. She has met with Accountant Witt and Ms. Gimbel to discuss the needed changes and it was determined that each department will need to have its own standards because they have different work hours and different numbers of hours worked. There is nothing formulated yet and we will try to come back at the next meeting with some recommendations; however,

you now have the appropriate sections of the handbook so that you can review to make informed recommendations or decisions.

### **Old Business:**

#### Adopt/Resolution No. 2019-04 Appointment of Township Attorney

Supervisor Vera spoke on his search for a new Township Attorney. He spoke personally with 3 different Attorneys and received some recommendations for others. His final choice, James Harvey, comes highly recommended and has a long history of working in local government. A motion was made by Supervisor Vera to adopt Resolution No. 2019-09, a Resolution Authorizing Appointment of Township Attorney, reflecting James B. Harvey, as the recommended Attorney. Seconded by Trustee Slattery. A roll call vote was taken. Ayes (5), Nays (0)<sup>4</sup>

Mr. Harvey was given the floor. Mr. Harvey said he received his temporary license, under Supreme Court Rule 711, in 1979 where he worked with the City of Joliet addressing traffic court and contracts and then was offered a position with the City of Joliet. This led to over 40 years of focusing on local government. He is also the Attorney for the Village of Plainfield, Jackson & Florence Townships and serves as the Attorney for Will County Executive Larry Walsh. He thanked the Board for the opportunity to serve. The Board welcomed Mr. Harvey.

### **Reports:**

Supervisor: Supervisor Vera reported that he has been working with the various department heads, other officials, the Township attorney and staff over the past several weeks. A cemetery report section is now included on the reports and he will report on the cemetery under that section.

Clerk: The minutes for the October 8 Regular Meeting were completed. She will have the closed session minutes from the October 8 ready for review and approval, as to form and content, at the November 5, 1029 meeting.

Initial paperwork for the billing from Austin Tyler Ingalls Park East Project, bid no. 2019-01 have been received and the Engineers reviewed. The Engineers have posed a question on if we want to pay now & hold back 5% until they have completed the gravel on the shoulders or to hold off on paying until the work is complete. Commissioner needs to provide direction to the engineers. Commissioner Turnbull commented he spoke with the Engineers late this afternoon and instructed them to not pay anything until all of the work was complete.

The Oakwood cemetery surplus equipment bid opening was prepared for.

She prepared the resolutions which were presented for approval this evening. She was unable to locate a title for one of the trailers on the surplus resolution for the Road District, she requested a duplicate title from the Secretary of State last Wednesday and we should have the title before the end of the month. This trailer was purchased prior to

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<sup>4</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

her becoming Clerk and was now 3 Commissioners ago so she can't say what happened to the title, just a duplicate has been purchased. This may be mailed to the Road District or to the Township building address. She asked the Commissioner to bring it to her if it is received at the Road District.

She anticipates the St. Paul/Holy Family State Baseball Championship Team to be here at a meeting in November to receive an honorary resolution. The Coach is out of town but she will have a confirmed date soon.

Commissioner Turnbull emailed me instructing me that he had appointed me as his FOIA Officer. She was out of the office on a vacation day. She responded that she was more than happy to do this for him; however, after some consideration, keeping in mind the quick time frame to turn around answers for FOIA requests it was not best for her to be the FOIA Officer. There continues to be communication issues between the Clerk's Office and the Road District Staff. She feels she may have trouble meeting response requirements because of the lack of communication. She spoke about her concerns with Commissioner Turnbull and sent an email to this affect. A copy of the email has been provided in the board meeting packet. She is happy to continue to work with them to provide them their records as quickly as possible upon an email or verbal request. As usual. Supervisor Vera asked the Commissioner if he had appointed anyone and the Commissioner replied that he will be appointing Anna, stating she is the most logical person for this task. The Supervisor said, this is your choice, I just wanted clarification so the Clerk knows who will be requesting documents for her to prepare. Clerk May also let the Commissioner know that he would need to inform the Attorney General's Office who he appoints and this record along with the certificates of compliance reflecting training and copies of any FOIA's need to be provided to the Office of the Clerk for the permanent record.

Patterson Road Issue: Commissioner Turnbull approved Austin Tyler to perform the emergency work; the County approved the payment for the services via MFT; she asked Attorney Burkey if a bond was necessary and if a certificate of liability insurance was needed and she did not get direction. She wants to ensure that our files are consistent and she needs to know if we need a bond for this and the certificate of liability insurance as in the past with similar projects. Attorney Burkey asked whose project it was. Commissioner Turnbull replied, its MFT money so it's their project. Clerk May read an email from Steve Pierson at the Will County Highway Department, reflecting, the county's responsibility is for payment of the invoice once the work is complete. Attorney Burkey clarified we are running it and suggested the Commissioner reach out to his Engineers to have them address the issue of bond and certificate of liability insurance with Austin Tyler. Clerk May asked if there was a contract for the work or only the quote presented by Austin Tyler and the Commissioner replied there is only the quote. The Clerk said, in the quote, there is no reference to bond, insurance or prevailing wage

requirements. Attorney Burkey said the Commissioner should include prevailing wage, bond and insurance for the Engineers to ask from Austin Tyler.

Correct Time Sheet issues with the Road District, an email is now being received, from the Commissioners email address, verifying the payroll every Monday morning. This is very convenient and is working out well.

She issued the amended 2019 Holiday calendar to include a full day off on Christmas Eve. A copy has been provided to the Board. Copies were made for the Supervisor to distribute to the departments so the employees are aware that it was amended with an additional holiday added. The Commissioner confirmed that he had received a copy for his staff also.

Highway Commissioner: Commissioner Turnbull read a statement into the record, "In my report I'm expressing 1, that I am not resigning from my position as Commissioner nor have I tendered my resignation to the Board. I have signed employee contracts with each employee at the Road District to the end of my term. I have sought representation of counsel to assist me in advancing the rights of the Road District, and the Road District is a separate unit of Government from the Township and the Board of Auditors cannot tell me to resign. So I just wanted to get that clarified right off the. So, with that being said, I gave Dan and Beth a letter." Supervisor Vera acknowledged receiving a letter from the Commissioner at the very beginning of the meeting. The Supervisor then asked the Commissioner if he had made arrangements with his pension situation and the Commissioner said yes he has. The Supervisor stated, then you have made the decision to stay rather than step down. The Supervisor welcomed his decision.

The Commissioner reviewed his report. He met with the County regarding the MFT program, the dos and don'ts and what have you. The J11 truck is currently in Kankakee getting its new plow installed which should be done by Friday of this week. He reported on the good job Homer Tree service performed. He indicated the staff continue to apply the rings around the manhole covers. General clean up, garbage pickup and brush cutting, as well as clean-up of drainage due to the leaves (catch basins and culverts) removing fallen trees. They have been working on getting the plows installed and the trucks ready for snow removal. Two culverts were replaced on Aspen Lane last week and there are 2 more to do prior to the work that PT Ferro has to do. It is my understanding that PT Ferro will be in there to do the work the first part of next week. They've got about 6 roads left and Ingalls Park to finish and that project will be done. They will still have work in Ridgewood to complete. He reported on a tree that fell on 10/21 and hit a truck which wasn't licensed so the Sheriff ticketed that and informed the resident that he had to remove his truck from the street and the Township will get the tree removed. The tree was removed on 10/22. He reported that one of his staff got stopped on the back hoe by a Will County Sheriff and busted him, didn't write him a ticket but gave him a hassle. The staff said they had their lights on and everything. Not

certain why he was pulled over. The other trucks were already back at the shop so no Township truck was with the back hoe. The AT & T microfiber work has been completed on the Patterson Road culvert issue. He gave a full review of all the current projects. He reported on receiving the price of \$78.63/ton for road salt, some of the others will be paying more. We have 400 tons on hand and we just ordered an additional 600 tons of salt. He touched on the issue of the new equipment. The loader is at Channahon Tractor, for extensive repairs. Regarding snow birds, in the past 5 years we have only hired 1 person who is not interested in returning this year, and he was only called out 2 times in the past 5 years. He reviewed the snow bird requirements for the Illinois Department of Transportation. The Supervisor asked if he was going to hire any snow birds for this year and the Commissioner said, what he would like to do, is hire 2 guys full time and break them in and rotate them in and out so that they can learn the job. They have 90 days to qualify and if they don't work out we can let them go. That concluded his report. A written report was provided. Trustee Gavin commented on the repair on Algonquin being completed.

Assessor: Assessor Brenzewski reported he and his staff continue to work on the property assessment appeals from the Will County Assessor's Office, which have been coming in slow due to so many appeals being filed. It is very tedious work and they are expending a lot of energy to have them all completed by the October 24, 2019 deadline.

Attorney: Attorney Burkey thanked everyone for allowing him to serve and said he whole heartedly endorses James Harvey as the new Township Attorney.

Accountant: Accountant Witt reported she has been working with the new Director at Animal Control, providing guidance and direction regarding the financial responsibilities of the Center. She has worked with Ms. Gimbel on the Senior Grant program. Over the past week she has worked answering Freedom of Information requests. She received, from the Commissioner the salt prices received from the State of Illinois joint purchasing and reviewed this document with Commissioner Turnbull and his budget. Other than that, just day to day operations of her office.

Animal Control Center: Director Armstrong introduced herself at the new Director of the Center and said it has been a very busy 2 weeks. They recently reduced the adoption fees for cats which resulted in 22 cats and kittens being adopted out. The JJC Vet Tech program requested an additional 3 cats and 1 dog for their program. The animals this year were all returned to us and will be adopted out at a reduced fee due to the costs of the necessary testes and shots were covered by the JJC program. In the past, the JJC Vet Tech program, held an adoption at the College but this year they returned the animals to us. The University of St. Francis, Women's Soccer Team recently volunteered at the Center. Ms. Rebecca Gomez, Assistant Director introduced herself, reflecting that she has been working at the Center for the past 7 years and is excited about the new



position. She Thanked the Board for the promotion to Assistant Director. Supervisor spoke on the recent management changes at the Center.

**Senior Liaison:** Senior Liaison Wallace distributed his written report and reviewed the meeting he attended and upcoming events. He indicated he distributed the senior newsletters, provided by the Will County Senior Services and provided door prizes to the meeting attended which he personally donated.

**Cemetery Report:** Supervisor Vera reported he recently placed 2 new stones at the cemetery with the assistance of Dave Apgar, with the former Cemetery Association group. The stones were provided by family members.

**Receipts:** Trustee Slattery moved to deposit all funds into their proper accounts as presented for the period ending October 22, 2019. Seconded by Trustee Gavin. A voice vote was taken.<sup>5</sup>

Accountant spoke on the establishment of the Capital Fund, indicating at the October 8, 2019 meeting transfers were made from General Town and the Senior Citizen Fund, into the Capital Fund. The Cash Receipt Listing ending October 22, 2019 reflects these transfers and a recap sheet was provided for this fund. She anticipates, moving forward, only interest will be reflected on the recap until appropriate expenditures happen.

**Expenditures:** The Supervisor presented the following invoices for Town Board approval for the period ending October 22, 2019:

<u>FUND</u>	<u>EXPENDITURES</u>
General Town	\$71,072.29
Motion: Trustee Slattery	
Second: Trustee Verdin	
Roll Call: Ayes 5, Nays 0 <sup>6</sup>	
General Assistance	\$7,787.37
Motion: Trustee Verdin	
Second: Trustee Hertzmann	
Roll Call: Ayes 5, Nays 0 <sup>7</sup>	
Road and Bridge	\$55,377.50
Motion: Trustee Gavin	
Second: Trustee Slattery	
Roll Call: Ayes 5, Nays 0 <sup>8</sup>	

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<sup>5</sup> The motion carried

<sup>6</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

<sup>7</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

<sup>8</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

Animal Control \$23,265.66

Motion: Trustee Hertzmann

Second: Trustee Verdin

Roll Call: Ayes 5, Nays 0<sup>9</sup>

Senior Fund \$52,580.00

Motion: Trustee Slattery

Second: Trustee Hertzmann

Roll Call: Ayes 5, Nays 0<sup>10</sup>

No bills were presented for consideration under the Capital Fund.

Certifications for all funds were passed unanimously.

**Closed Session:**

None

**Adjournment:**

Trustee Hertzmann moved to adjourn the town board meeting to November 5, 2019 at 5:00 p.m. Seconded by Trustee Verdin. A voice vote was taken.<sup>11</sup> The meeting adjourned at 7:05 p.m.

Respectfully Submitted,



Beth Ann May

Clerk

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<sup>9</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

<sup>10</sup> Roll Call Ayes (5) Trustees Slattery, Gavin, Verdin, Hertzmann and Supervisor Vera

<sup>11</sup> The motion carried