

Minutes of the July 14, 2009 regular meeting of the Board of Trustees of Batavia Township.

Batavia Township

Supervisor Anderson called the meeting to order at 7:30 p.m.

Supervisor Anderson stated that the Township Clerk, Susan Fricano, is absent and that he would like to entertain a motion to approve Layla Beth as clerk. Trustee Gilkerson moved to approve Layla Beth as clerk, Trustee Tracy seconded the motion. Roll call was taken.

Ayes: Gilkerson, Singer, Tracy, West, Anderson

Nays: None

Motion: Passed

Roll Call: Present: Supervisor James Anderson; Trustees Ron Gilkerson, Brian Singer, Leigh Tracy, John West; Road Commissioner Christopher Long; Deputy Clerk Layla Beth.

Absent: Clerk Susan Fricano

Others Present: Robert Chalberg, township accountant; Residents: Howard Katz, Ellen Nottke, and Gail Schneider.

Minutes: Trustee Singer moved to approve the minutes of the June 9, 2009 regular meeting, seconded by Trustee West. Roll-call vote was taken. Trustee Gilkerson added that the minutes from the last meeting were very nicely done.

Ayes: Gilkerson, Singer, Tracy, West, Anderson

Nays: None

Motion passed.

Accounts: Trustee Gilkerson moved to approve the accounts from June; Trustee West seconded the motion. Roll-call vote was taken.

Ayes: Gilkerson, Singer, Tracy, West, Anderson

Nays: None

Motion passed.

Assessor's report: Assessor Kavanaugh stated that her office submitted their roles to Kane County on July 9, 2009 and added that if there are any questions to please call her office. Assessor Kavanaugh also stated that the current market conditions are not reflected in the 2009 assessment, her office has to use the previous three years of sales to determine assessment values. Homes that have dropped in value can't be used this year due to the three year average, however, appraisal values as of January 1st of current year can be applied toward next year's values. Assessor Kavanaugh also stated that new construction has dropped from 12 million last year to 4.8 million this year.

Road Commissioner's Report: Commissioner Long reported that they are well into their summer work. Bids for Nelson Lake resurfacing will be opened next Friday. Commissioner Long added that the entire span of Nelson Lake Road will be resurfaced as well as a section of Banbury Road. Trustee Gilkerson spoke about the property at the intersection of Deerpath Road and Nelson Lake Road that is owned by Batavia Township. Trustee Gilkerson stated that he had visited the property and is concerned about the equipment that is being exposed to the weather as well as the risk of theft or damage. Trustee Gilkerson suggested that the Road Commissioner look in to placing a building on the property for storage.

Commissioner Long agreed with Trustee Gilkerson regarding the equipment issues but added that it is difficult to transport equipment back and forth with a small crew. Commissioner Long stated that he is not interested in placing a storage shed on the property and he also added that the Township has an agreement with the residents to not build a building on the property.

Old Business:

- Supervisor Anderson reminded the board of the newly elected township officials training seminar and confirmed registration for Trustees Singer, Tracy and West.

New Business:

- **IMRF Phase in Rate:** Supervisor Anderson reported that IMRF (Illinois Municipal Retirement Fund) has suffered a loss of about 6 billion dollars. Batavia Township is currently paying a rate of 9.10 %. IMRF has suggested an increase of 10 percent which would raise the township rate to 10.01%. Supervisor Anderson will be meeting with Township Accountant Bob Chalberg to discuss options regarding the new rate. The new rate must be decided by August 31st, 2009 therefore, the new rate must be decided at the August board meeting. Supervisor Anderson encouraged others to be involved if they so wished. Supervisor Anderson also clarified what IMRF is, stating that it is a retirement plan for employees that work 600 hours or more throughout the year including part time employees, and that once enrolled there is no option to opt out. Trustee Gilkerson also noted that the current issue of Township Perspective has a detailed article regarding IMRF.
- **Clarke Mosquito Control Report:** Supervisor Anderson reported that he has received a report from Clarke Mosquito Control and that the report is a little difficult to understand. The report included information stating that the mosquito trap counts were very high at the end of June, but they are lower now. Supervisor Anderson asked if anybody has noticed the actual spraying, resident Ellen Nottke stated that she has never seen a mosquito truck in her area of Nelson Lake Road and Deerpath, and that some residents have banded together to hire somebody to come out and spray near their homes. Supervisor Anderson explained that Nelson Lake contributes to high mosquito breeding and since Nelson Lake is a State Preserve nothing can be done to treat it. Trustee Tracy questioned whether this is money well spent. Supervisor Anderson stated that he was against the mosquito control because he believes it is not tangible to treat and that the cost is very high Trustee Gilkerson agreed as well. Trustee Tracy suggested taking a look into continuing the program for next year. Trustee West stated that he knows that the City of Batavia has had two sprayings this year and that Clarke Mosquito has crews that hand drop larvicide into catch basins and that areas can be spot treated as well.
- **Trustees Manual:** Supervisor Anderson checked to make sure that all of the trustees have received their new manuals, all trustees confirmed that yes in fact they had received them.

Trustee Reports:


- Trustee Gilkerson reported that he was in Springfield last week to meet with Governor Quinn at the Capital Building regarding retirement issues and agencies that are asking for the economic stall to be addressed. Trustee Gilkerson added that the Governor was at a meeting and did not meet with those whom he promised to meet with. Trustee Gilkerson also stated that Republican, Democrat, Independents and other are in agreement that things need to change and that many agencies are struggling including local agencies in the Fox Valley area as well.
- Trustee Tracy questioned the activity regarding approving the accounts prior to the announced meeting time. Trustee Tracy is concerned that since the meeting is not announced as a specific meeting time that it may be a violation of the open meeting act. Supervisor Anderson stated that he would check with the Township Attorney Larson regarding the issue and would report back to the board with regard to this issue at the next board meeting. Trustee Singer states that the Trustee Manual stated that anytime two or more officials are conducting business that it is considered a meeting. Trustee Tracy stated that he noticed there is a section regarding the Open Meeting Act during the Newly Elected Officials Seminar and that he would raise the question while he is there. Trustee West suggested that if in fact the Township is on violation of the Open Meeting Act that the Township could simply publish an earlier start time for the meeting and the Board could discuss the records aloud in front of the camera. Trustee Tracy did not believe that the discussion needed to be done in front of the camera; he thinks that the time of discussion should be announced. Supervisor Anderson reminded the Board that their primary responsibility is to check the bills against the budget to insure that there is enough money to pay the bills. Trustee Tracy stated that he will report his findings.

Other Business:

- Township resident Ellen Nottke spoke about a property agreement from the County of Kane with Batavia Township. The property is located at the intersection of Nelson Lake Road and Deerpath Road, the property was left over from land that the County had purchased for the reconfiguration of the Deerpath Road and Nelson Lake Road intersection. Ms. Nottke inquired about the agreement between Batavia Township and the Township Road Commissioner. Ms. Nottke stated that she is unhappy with activity that is occurring on the property and would like clarification as to what the plans are with the property. Trustee Gilkerson stated that there were a few issues last year regarding hills, and valley and pits, and that a group of residents had asked for the property to be leveled, which to his understanding was done. Ms. Nottke stated that there are piles of other waste sitting on the property and would like to know what is going to be done with them. Resident Gail Schneider also addressed piles of dirt fill that had recently been dumped on the property and would like to know what is going to be done with them. Road Commissioner Long stated that the Township received the fill for free and that it is going to be used for shoulder improvements along the Township roads. Trustees Tracy and Singer asked for further clarification of the property. Supervisor Anderson stated that the property was given to the Township with the condition that the property can not be sold or transferred and that the property is to be used for recreational purposes. Residents Nottke and Schneider both stated that agreement between the Township and County states that the property shall be open space, and their wishes are to have the property left alone. Trustee Gilkerson reiterated that the agreement stated recreational use, not open space and there is a difference between the two definitions. Ms. Schneider stated her concern of a possible lawsuit if somebody was injured on the property because of the trees and berms that have been placed and planted on the property. Supervisor Anderson stated that potential injuries occur everywhere. Commissioner Long stated that no extra materials were brought into the site, materials that were useable were moved from the property and the remaining materials were used to create landscape berms that are lower and do not pose a risk as higher piles may have. Supervisor Anderson asked what it is that the Township can do to satisfy Ms. Nottke and Ms. Schneider both residents again stated that they want the property left alone. They are fine with the trees that have been planted but they do not want to see construction equipment and landscaping equipment moved in and out of the property. Road Commissioner Long stated that his plans are to make the property park like so it looks better. Supervisor Anderson stated that he is not sure what more can be done to satisfy Ms. Nottke and Ms. Schneider and that he didn't believe any further conversation was going to progress the issue any further.

Adjournment: Upon a motion made by Trustee Gilkerson, seconded by Supervisor Anderson and unanimously approved, the Board Meeting adjourned at 8:15p.m.

Respectfully submitted,


Layla Beth, Township Clerk

Approval by the Board of Trustees: Date: