

Wheatland Township Board Meeting
Thursday, May 9, 2024
7:30 p.m.

1. CALL TO ORDER

The meeting was called to order by at 7:36 p.m.

2. PLEDGE OF ALLEGIANCE

Supervisor Crouner led the pledge of allegiance.

3. ROLL CALL AND ESTABLISHMENT OF A QUORUM

Board Members: Trustees Jones, K. Hickey, J. Hickey and C. Rotkis attended the meeting.

Board Officers: Supervisor Crouner, Highway Commissioner Wieser, Clerk Liskey, Assessor Katzberg and Cemetery/Tax Collector Scriven-Young attended the meeting.

4. PUBLIC COMMENT

-Moving new business items 7.1 Discussion of Traffic Safety and 7.2 Discussion re the Process to Appoint a New Trustee to the top of the meeting agenda, Supervisor Crouner opened the floor for public comment. Members of the public were invited to deliver their comments to the Board on either topic. Below is a representative summary of the points raised by residents during the meeting, with full comments available via meeting recording:

Trustee Appointment

Wheatland Township Resident Randy Katt expressed concerns about the process used to appoint Trustee Jim Hickey with only two affirmative votes, noting the Open Meeting Act statute requires a minimum of three to fill a Board vacancy. He requested the Board hold a new vote in accordance with the rules.

Resident Rich Sternal also cited the Open Meetings Act statute and expressed concerns the vote was not proper/legal. He recommended the Board hold a special meeting and take a new vote to fill the trustee appointment.

Resident Walter Berkowitz challenged the validity of the appointment of Trustee James Hickey due to claims of an improper appointment process.

Attendee who did not provide her name reiterated the trustee appointment should follow the law and requested the Board hold a special meeting to have an “actual election.” Expressed concerns that Mr. Hickey “does not really provide republican representation.” She stated, “Mrs. Hickey appointing her husband represented a conflict of interest that was inappropriate and unlawful,” and requested a special meeting. In closing, she emphasized that she was not accusing Trustee Jim Hickey of improper conduct but noted the improper appointment process called to question the validity of his appointment.

25-year Wheatland Township Resident Brian Evans expressed concerns re perceived conflict of interest with two married trustees serving together on a four-person board. Emphasizing that he

was not accusing the Hickeys of improper behavior, he expressed concerns about a potential lack of divergent views.

Resident Jennifer Hrabal expressed concerns about Trustee Jim Hickey's appointment and requested a special meeting to discuss/review the process.

Traffic Issues

Resident Michael Wisniewski raised the issue of traffic safety, questioning the Road District's decision to remove speed bumps in the Wagner Farms subdivision. Explained he was representing the voices of many residents in his neighborhood, particularly mothers, and had submitted a petition of signatures requesting a special meeting. Reported Road Commissioner Weiser had said speed bumps were cost prohibitive and asked, "What is the cost of a child's life?" In closing, he pointed to a lack of sidewalks in unincorporated areas necessitating the need to walk on the roads which are now unsafe due to the removal of speed bumps.

Joel Kristianson, a Wheatland Township resident since 2001, expressed concerns about traffic safety in Wagner Farms. Commended previous Road Commissioner Bill Alstrom's deploying traffic/speed control measures at Wagner and McGrath. Pointing to unused and available speed bumps in the garage, suggested costs wouldn't be much beyond installation, maintenance and repairs. Referenced traffic speed issues identified in a past traffic study on the Wagner Farms subdivision and requested speed bumps be reinstalled to reduce speeding and deter non-neighborhood residents from using Wagner Farms roads as a passthrough to avoid Rt 59.

Five-year Resident Ken Madden expressed concerns about speeding on McGrath Street. Commenting he is "afraid for his children," and noting he keeps them out of the front yard due to safety concerns resulting from the speeding traffic, he requested speed bumps be reinstalled.

Resident Elena Focsa who has a one-year-old baby recounted that speed bumps were in place when the family moved into the neighborhood and expressed concern about traffic speeds increasing since they were removed.

Chris Kass, a Wheatland South resident and father of a 3-year-old toddler who lives near a stop sign where a speed bump was removed expressed concerns about cars rounding the corner at high speeds without fully stopping. He requested speed bumps be reinstalled to improve safety and help ensure drivers come to full stops. Noted the previous Road Commissioner support of safety measures and requested speed bumps be reinstalled to help prevent drag racing and other instances of speeding traffic.

Kristin Dare, another resident of McGrath, expressed concerns about traffic speed on her street when walking her 8-month-old baby and requested speed bumps be reinstalled.

Resident Wisniewski asked the township attorney, Ed Mullen, if lack of safety was a liability to Wheatland Township. Attorney Mullen declined to address hypothetical questions and reminded attendees his role was to advise the Board.

Note: Following resident comments, Supervisor Crouner moved agenda item 7.1 Traffic Safety up to be the first item addressed by the Board. For the purpose of these meeting minutes, details on that agenda item 7.1 Traffic Safety are provided below in regular order, as was listed in the meeting agenda.

Also many residents refer to “Wagner Farms” in their comments. However, the unincorporated area of which they are concerned is technically “Wheatland South.” For the purpose of the minutes, comments are recorded as spoken. But for clarification, the discussion focused on traffic issues in nearby unincorporated area of Wheatland South.

5. APPROVAL OF MINUTES

5.1 Approval of April 9, 2024, Regular Meeting Open Session Minutes

- Supervisor Crowner motioned to open discussion/approval of the minutes for the April 9, 2024, Regular Meeting Open Session. Trustee Kelly Hickey seconded.
- The minutes for the April 9, 2024, Regular Meeting Open Session were unanimously approved 5-0 via roll-call vote.

5.2 Approval of Updates to Previously Approved December 14, 2023 – Regular Session Minutes

- Supervisor Crowner moved to approve amended December 14, 2023, with corrected typo. Trustee Jones motioned to open discussion/approval of amended December 14, 2023, minutes and Trustee Hickey seconded. The Board approved the December 14, 2023, minutes, as amended 4-0 via roll call vote, with Trustee James Hickey present but not voting as he was not a member of the Board in December 2023.

Note: At this point in the meeting Supervisor Crowner moved agenda item 7.2 Trustee Appointment immediately following minutes approval (Agenda Items 5.1 and 5.2 as detailed above.) For the purpose of these meeting minutes, details for that agenda item 7.2 Trustee Appointment are provided below in the regular order, as was listed in the meeting agenda.

6. OLD BUSINESS

6.1 Approval of Ordinance 24-02-O Town Fund Budget

- Supervisor Crowner moved to open discussions of Ordinance 24-02-O commenting that he would be raising proposed amendments to the draft version of the budget. Trustee Jones seconded the motion. Noting the budget had been public for a few days, Supervisor Crowner detailed three proposed amendments as follows:

- Reduce building maintenance by \$2,500 to \$15k vs \$17.5k.
- Reduce building improvements to \$10k vs \$20k given work completed in 2023.
- Reduce contingencies by \$5k to \$20k vs \$25k.
- With the above reductions, the overall General Town fund will be reduced by \$17,500.

- Supervisor Crowner motioned to approve the above amendments and Trustee Kelly Hickey seconded. The Board unanimously approved the proposed amendments 5-0 via roll call vote.
- Trustee Kelly Hickey motioned to approve Ordinance 24-02-O Town Fund Budget, as amended, and Trustee Jones seconded. Ordinance 24-02-O Town Fund Budget was approved as amended 5-0 via roll call vote.

6.2 Approval of Ordinance 24-03-O Road District Budget

- Trustee Jones motioned to open discussion of Ordinance 24-03-O Road District Budget and Trustee Rotkis seconded the motion.
- Road Commissioner Wieser reviewed highlights of the budget, noting the Wheatland Road District was approved to receive several grant allocations in 2024. Reiterated comments from the annual meeting reconfirming a contractor had been selected for road improvement projects.

- Supervisor Crowner motioned to correct a typo on the ordinance number, Trustee Kelly Hickey seconded, and the Board unanimously approved Ordinance 24-03-O Road District Budget, to be amended with the correction.
- Supervisor Crowner then motioned to approve the Road District Budget for public hanging and Trustee Kelly Hickey seconded the motion. The Board unanimously approved Ordinance 24-03-O Road District Budget for public viewing 5-0 via roll call vote.

7. NEW BUSINESS

7.1 Discussion on Traffic Safety

- Supervisor Crowner motioned to open discussion of Traffic Safety and Trustee Kelly Hickey seconded the motion.
- Road Commissioner Wieser initiative the discussion be addressing the question raised in public comments, “What is the cost of a child’s life?” by responding that every life matters and emphasizing the importance of safety and protecting the children within the Wheatland Township Road District and its employees. Noted that most first responders, including Naperville police and fire, recommend the removal of speed bumps. Reported neither the cities of Naperville or Aurora do not install speed bumps nor do thousands of cities across the country. Provided a review of how Naperville studies traffic and responds to speeding issues. Explained that according to data from its traffic-counting website, Wagner Farms traffic issues would require a level-one response which would focus on other solutions such as (1) additional police patrol, (2) speed tracking monitors and (3) street signage informing drivers that children are in the area. Suggested all of those possible actions should be considered for Wagner Farms.
- Supervisor Crowner suggested the topic should be addressed with Naperville fire.
- Resident Wisniewski informed that he had spoken with a resource from District 204 School Board who had explained there are instances where speed bumps have been installed because a child was hurt and suggested Wheatland Road Commissioner look into the following: (1) possible exceptions, (2) state grants available to fund safety improvement measures (3) speed humps vs speed bumps. He recommended establishing a task force of residents, Township and Road District officials to constructively discuss/consider the traffic safety/speed reduction issues.
- Road Commissioner Wieser reiterated the fact that speed bumps slow first responders, negatively impacting their ability to provide effective life-saving emergency response when seconds matter.
- Several other issues and potential solutions were discussed including: the effectiveness of stop signs, the possibility of sidewalks installed in unincorporated areas, increased police patrolling, additional speed signs, traffic circles, speed cameras and more.
- Tax Collector Scriven-Young suggested the Road Commission have a conversation with Plainfield Fire Department to see what traffic calming recommendations could be put in place to address concerns.
- A deputy in attendance from the Will County Sheriff’s Office informed there was an application residents could use to report traffic incidents and issues. Noted the Will County Patrol Division focused on traffic problems and suggested residents use the app to register complaints to bring attention to the issues discussed in the meeting.
- Supervisor Crowner noted he would follow up by reaching out to the Naperville Fire Department re resident concerns and see if and/or how many speed bumps they could be comfortable with. Committed to reporting back to the community via the Road District Facebook page and Wheatland Township website.

7.2 Discussion on Trustee Appointment Process

- Trustee Kelly Hickey motioned to open discussion on the Trustee Appointment Process and Trustee Jones seconded. Trustee Rotkis noted she was planning to request postponing the discussion because her attorney was unable to attend the meeting; but given extensive discussion and resident attendance, requested Wheatland Township attorney Ed Mullen to provide summary of what had transpired to date.

-Attorney Mullen commented that he had given an opinion to Trustee Rotkis and to the Board. Trustee Rotkis questioned that an opinion was given to the Board. Attorney Mullen clarified he had communicated with several people on the Board and then explained that “once someone is sworn in, the Board no longer has any recourse to remove them. There is no recall, no legal remedy for this Board seated right now to say that he [Trustee Hickey] was appointed improperly. He went on to explain there is a procedure in the Illinois Code whereby if it is believed someone is seated improperly the issue can be raised to the State’s Attorney Office.

-Trustee Rotkis asked, “What if the State’s Attorney’s office won’t pay attention?” Mr. Mullen replied that the next recourse could be to file a lawsuit. He went on to note that “As we sit here today, if everyone here voted today to remove Mr. Hickey as a Trustee, that would be an invalid motion. You [the Board] no longer have legal authority to do that.” Trustee Rotkis then asked why the residents in attendance and those who had signed a petition for a special meeting re Trustee Hickey’s appointment were not allowed a forum. Attorney Mullen responded it was “because there is no longer a vacancy [on the Board]. There must be a vacancy to have a special meeting regarding filling an appointment.” Trustee Rotkis pressed if that would be true “even for an illegal appointment.” She then asked if it mattered that the appointment was improperly based on an illegal action of two votes when three were required. Attorney Mullen responded no, and explained “even if that were the case, this Board does not have the authority to take another vote on Trustee Hickey’s appointment [at this point in time].

-Tax Collector Scriven-Young clarified that people were really asking for two things. “Number one - was the appointment legal? and Number 2 – what are the ramifications [to/for the Board] as a result [if the appointment was illegal]? Noting he is a non-voting member of the Board, Tax Collector Scriven-Young summarized that those were two key issues on which the Board needed to be apprised.

-Attorney Mullen explained he was unable to comment on either of those questions in a public forum and explained the Board Supervisors and Trustees could call him to discuss the issue further or the Board could address the topic in an Executive Session at future meeting.

-Tax Collector Scriven-Young then asked and Attorney Mullen confirmed that he had been asked to provide legal opinion on the topic by one or more of the Board trustees.

-A resident in attendance called out that “he [Trustee Hickey] could voluntarily resign.” Attorney Mullen confirmed he could.

-Another resident asked “who swore him [Trustee Hickey] in? Attorney Mullen answered that the Wheatland Township clerk had administered the oath of office. Clerk Liskey clarified that was not accurate stating, “That is another issue. I did not do the swearing in [for Trustee Hickey] nor did I request it be done without me, as I was expecting to do so.” Attorney Mullen stated, “there is a certification that has been signed, right?” Clerk Liskey responded “not by me.” Trustee Rotkis added she had inquired when Trustee Hickey would be sworn in and did not receive a response, noting as the republican representative on the Board that she was not invited to the oath of office for the republican replacement on the Board. Attorney Mullen asked who completed the swearing in and Clerk Liskey confirmed the Deputy Clerk administered the oath without her request or approval.

8. APPROVAL OF BILLS AND CLAIMS

8.1 Town and Road District Fund Bills & Claims

- Trustee Kelly Hickey motioned to open discussion/approval of the May Town and Road District Fund Bills and Claims, and Trustee Jones seconded the motion. Trustee Rotkis asked about expenses for downstate assessor trips. Assessor Katzburg clarified the assessor staff attended sessions in Springfield annually and expenses had been submitted in both March and April this year. Trustee Rotkis asked about mileage expenses submitted by the Road Commissioner for a trip to Decatur given travel expenses were covered via the township-provided vehicle. Road Commissioner Wieser explained it was an exception in which he had used his personal vehicle.
- Monthly bills and claims of \$2,336,026.18 were unanimously approved by the Board 5-0 via roll-call vote.

9. REPORTS

9.1 Sr. Administrator/Deputy Clerk - Bill Green

- Verified Joliet and College of DuPage would provide free library cards to unincorporated residents of Wheatland Township.
- Updated a food distribution in partnership with Northern Illinois Food Bank had been completed in April. Informed the food bank would be losing some of their grant funding next year, which could impact future initiatives.
- Reported he had (1) attended a seminar on the Open Meetings Act in April to get a refresher on the requirements of the law, (2) was participating in financial education training through the Government Finance Officers Association, (3) and was continuing to lead the Recovery to Fight Addiction nonprofit.
- Confirmed he had represented Wheatland Township at two Plainfield Chamber of Commerce Ribbon-Cutting ceremonies.
- Reported the fire extinguisher recycling program was continuing and that residents were regularly dropping off old extinguishers to be recycled. Noted a new You Break It We Fix It store on Rt. 59 would accept any electronics to recycle at no cost and Will County Green was holding electronic drop-offs in Bolingbrook the first and fourth Tuesdays of the month to take old electronics mostly free of charge for most, with a small charge for TV recycling.

9.2. ASSESSOR (Mary Katzberg)

- Reported approximately 150 people had come into the office last month with questions regarding freeze notices, senior exemptions and more. Informed that residents 65 and older should be encouraged to sign up for tax exemptions and/or increase freezes, which are available based on economic need.
- Encouraged the Board to advise constituents to review their tax bills to confirm exemptions were included, explaining corrections could only be made one year in arrears.
- In response to an inquiry from Tax Collector Scriven-Young, Katzberg explained tax bill appeals happen every August and must be completed before tax bills are issued. Errors can be raised at the Wheatland Township Assessor's Office.

9.3. HIGHWAY COMMISSIONER (Tom Wieser)

- Reported on the status of road improvement projects, noting work was in process on 119th Street, from Rt 30 to the county border. Explained that he expected all projects to be complete in a couple of weeks.

9.4 TRUSTEES:

TRUSTEE (Jim Hickey)

- No report

TRUSTEE (Kelly Hickey)

- Updated that the April Senior Luncheon was held at Wheatland Salem Church with 28 seniors in attendance, noting attendance and newsletter readership was increasing. Informed the Senior Committee meeting was scheduled for Wednesday, May 8. Informed the next senior luncheon would take place on Wednesday, May 15 and would feature a fried chicken menu and discussion of the Midwest cicada invasion.

-Reported she had reached out to Senator Capel’s office to schedule a fraud seminar for area seniors in the second half of the year.

TRUSTEE (Colleen Rotkis)

-No report

TRUSTEE (Terry Jones)

- No report

9.5. TOWNSHIP CLERK (Anita Liskey)

- Updated two FOIAs had been received and/or processed during the month.

- Confirmed completion of Board members Statement of Economic Interests.

- Reported Annual Meeting minutes draft had been completed and forwarded to resident meeting moderator Kenn Miller for approval and signature.

9.6. TAX COLLECTOR/CEMETERY (David Scriven-Young)

- Reported a cemetery clean-up day took place on Saturday, April 27.

- Informed one grave site had been sold during the month.

9.7. SUPERVISOR (Michael Crowner)

- Confirmed docs for the levy had been submitted and that Wheatland Township had the lowest tax rate in Will County for both its township and road district since at least 2014, noting a continued focus on being mindful with taxpayer dollars.

10. ADJOURNMENT:

- Trustee Jones moved to adjourn the meeting and Trustee K. Hickey seconded the motion. The meeting was adjourned on a voice vote at 8:25 p.m.

Next meeting Thursday, June 13, 2024

Approved as presented:

Anita Liskey
