

Regular Meeting St. Clair Township

DATE: February 24, 2015
TIME: 7:00 p.m.
LOCATION: St. Clair Township Bldg.
107 Service Street
Swansea, IL

CALL TO ORDER

The regular meeting of St. Clair Township Board of Trustees was called to order at 7:00 p.m. by Supervisor Barnes with the Pledge of Allegiance.

ROLL CALL

Present: Supervisor Barnes
Trustees Mary Carroll, Jaynie Wells, Keith Sturgis, Greg Hipkind
Absent: none

Officials Present: Clerk Brenda Reed

Others Present: Attorney Doug Gruenke
Security Officer Security Officer
Pat Mack Betty McClinton
Sandra Rainbolt Marilyn Neumeyer
G K John Adams
E N Cletis Cox
George Dale Gerald Feder
Ben Brown Sam Morgan
F L Jill Halupa
Pete Sandra
Charles Floyd Dean Wallen
Tim Buchanan Curtis Williams
L C Patsy Tarven
R T C T
Rick Effinger Michael Eddy
Hillary Clinton Richard Meyer
Judy Wright Angela Ramirez
Dorothy Howard Lillian S. Gee

R R	Steve Duff
Charles Suarez	Carol Reznick
Melanie Reed	S G
N G	J D
Ken Hipkens	Lee Dougherty
Harry Carthy	Doris Carthy
Terry Carroll	Wade Millen
James Jaschob	Cindy Showers
James Thurman	Doug Taylor
Tim Pruett	D Muser
Barb McGhee	Tom Roewe
Fred Boch	A T
Jim Page	Anita Jane McKee
John McKee	Annette Sak
Cheryl Brunsmann	Ellen Braun
John Schmierback	William Jones
Tom Broun	Fred Harth

APPROVE MINUTES

Supervisor Barnes asked for approval of the December 16, 2014 minutes. Under 'Approve Minutes' Trustee Wells wanted "for one month" added after the amount of attorney's fees discussed in the November 24, 2014, minutes under 'Budget Report'. Under 'Supervisor's Report' Trustee Wells wanted her question about who was negotiating the Belleville sewer contract and Supervisor Barnes's comment about being able to negotiate anything without Board approval added to the December 16, 2014, minutes. Trustee Barnes wanted the comment about being able to negotiate anything to include that he also said he cannot sign any contracts without Board approval.

Trustee Carroll made a motion to approve the Regular Meeting Minutes for December 16, 2014 with corrections. Trustee Sturgis seconded the motion. Roll call vote. All in favor.

Supervisor Barnes asked for approval of the January 27, 2015 minutes. Trustee Hipskind wanted his comment about the good faith clause applying in regard to Trustee Wells insisting the Open Meetings Act (OMA) was being violated because the agenda was not posted on the website. Trustee Sturgis pointed out Vlad Halupa was listed twice under 'Others Present.'

Trustee Carroll made a motion to approve the January 27, 2015 Regular Meeting Minutes with corrections. Trustee Sturgis seconded the motion. Roll call vote. Yes – Carroll, Sturgis, Hipkind, Barnes. No – Wells. Motion passed.

In regard to the January 27, 2015, meeting being abruptly ended, Supervisor Barnes stated the board would not have been in violation of the OMA if the meeting had continued. He apologized again and read a section from the Open Meetings Act, “The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or actions taken at a meeting. (5 ILCS 120/2.02).”

TREASURER’S REPORT

Supervisor Barnes read the beginning and ending balances of each fund for the month of January.

	<u>January 1, 2015</u>	<u>January 31, 2015</u>
General Town Fund	\$ 453,593.77	\$ 447,882.95
General Assistance Fund	\$ 66,419.83	\$ 66,462.11
Park Maintenance Fund	\$ 170,005.34	\$ 170,014.50
Road & Bridge Fund	\$ 467,839.63	\$ 455,855.49
Permanent Road Fund	\$ 816,090.37	\$ 716,900.57
Sanitary Sewer Fund	\$ 4,665,862.56	\$ 4,843,923.46

Trustee Hipkind asked Supervisor Barnes to explain the line item in the Sanitary Sewer Fund titled Swansea Sewer Account. Supervisor Barnes explained at the time that line item was started, the language of the sewer contract being negotiated included a large payment to Swansea. The terms of the contract finally negotiated did not include a large payment to Swansea. He explained the amount of that line item is in the sewer fund and available for maintenance. There was question about the account being referred to as an escrow account in the December 8, 2011, minutes. Supervisor Barnes said it was never an escrow account. Supervisor Barnes said he will fully clarify the misconceptions about the Swansea Sewer Account line item at the next meeting.

Trustee Sturgis made a motion to accept the Treasurer’s Report. Supervisor Barnes seconded the motion. Roll call vote. All in favor.

BUDGET REPORT

Trustee Wells pointed out the Treasurer’s Report, Budget Report, and Monthly Bills are not being posted to the website. Supervisor Barnes said he would address that. There was

discussion about some line items being over budget in the Road and Bridge Fund, Permanent Road Fund, and Sewer Fund. Trustee Carroll made a motion to approve the Budget Report. Trustee Sturgis seconded the motion. Roll call vote. All in favor.

COMMUNICATIONS

Past Due Sewer Billing - Supervisor Barnes said the township is doing all it can to collect past due sewer bills. The amount more than 151 days past due in February 2013 was \$80,858. The amount more than 151 days past due in February 2014 was \$100,934. The amount past due more than 151 days past due in February 2015 is \$101,014.

Sewer Plant Bids - Tim Pruett with Rhutasel and Associates reviewed that Plant #3, built in 1981, needs to have the tank drained, sludge removed, drain lines replaced, and metal coated. Bids for the project were opened January 22, 2015. Bid amounts were as follows:

Aetna Coatings, Inc.	\$186,000.00
Haier Plumbing & Heating	\$290,000.00
Whitehead Brothers Painting	\$398,333.00

Mr. Pruett recommended awarding the project to the low bidder, Aetna Coatings, Inc. for the amount of \$186,000.00. He expects the project to start in June.

ROAD COMMISSIONER'S REPORT

Road Commissioner Kernan through Trustee Wells provided a tentative 2015/2016 Road Budget for each Trustee. Trustee Wells read a statement from Road Commissioner Kernan explaining if Board members or residents had questions about the budget he would meet with them individually before the Budget Hearing. The statement also expressed thanks to his crew for working through the night to clear the recent snowfall.

SUPERVISOR'S REPORT

Belleville Sewer Negotiations – Supervisor Barnes reported a letter was sent to Garrett Hoerner, December 11, 2014, to state the township's alternative proposal for terms of the Belleville-St. Clair Township Sewer Agreement. The alternative proposal stated:

The Township will bill the 2,111 customers connected to Township sewers and tributary to Belleville's WWTP under the following conditions:

1. The Township pays no return on investment in exchange for incurring the cost for billing 2,111 customers.
2. Belleville bills the Township a flat rate per customer based on current water consumption data, less ROI. That rate is \$16.50, calculated as follows: \$3,327/100 cu. ft. x 496 cu. ft. average consumption per month per customer.

3. The Township waives the transport fee for the 48 Belleville customers tied to Township sewers.

Trustee Hipskind asked who was representing the township in the negotiations process with Belleville. Supervisor Barnes said he and Attorney Bruckert were representing the township.

Public Meeting at Whiteside – Supervisor Barnes reported the township mailed information to 2200 township sewer users affected by the Swansea – St. Clair Township Sewer Agreement about the public meeting organized by Dean Wallen and Bob Trentman at Whiteside School. He and Engineer Brian Buchheit were at the meeting to answer questions. Supervisor Barnes said the meeting went well and was well attended.

Sewer Line Break in Centennial Park – A sewer line pipe fell into Richland Creek in Centennial Park. The cost of the repair was about \$30,000. There were no bids on this project because it was an emergency repair. The EPA was informed of the break and repair. The EPA gave their blessing to the resolution of the event.

Temporary Office Worker – The office staff was short one employee for two months. A temporary employee worked 113 hours at a total cost of \$1,989.93. Her last day was Feb. 13.

PARK BOARD REPORT

Park Board President Dean Wallen gave the January and February Park Board Reports.

- The abandoned waterline pipe in the creek at Centennial Park has been removed. Trustee Wells contacted Stan Scott from Illinois American Water to initiate the project.
- The walking trail around the pond at Centennial Park needs mulch. Cost is being investigated.
- The second bridge on the trail is in need of repair. A suggestion was made to remove the bridge and replace it with a culvert and path.
- The Star Brewery pond could be dredged.
- Benches would be a nice addition at the Wolf Branch tennis courts.
- The township should look for more park property.
- The park board has a bid for a precast restroom for Loop Creek Park.
- Another Volunteer Day at Centennial Park is being planned for March 21. The rain date is March 28.
- Mr. Wallen gave credit to Trustee Wells and her husband for the work they have done to improve area parks.

PUBLIC COMMENTS

Supervisor Barnes reminded everyone the opportunity for the public to comment does not require public officials to engage in debate nor does it require public officials to provide on the spot answers to questions presented. He announced due to the large crowd he would be limiting comments to two minutes. Trustee Hipskind asked if a time limit could be set if the township did not have a meeting policy stating the time limit for public comments. Attorney Gruenke stated generally the presiding officer can set a policy based on the situation so that everyone might have an opportunity to speak.

Steve Duff asked if there is a maintenance program that could have identified a potential problem before the sewer line break in Centennial Park and commented the board voted on two business items before people had a chance to comment.

Bob Trentman read a statement about how terrible the new Swansea-St. Clair Township Sewer Agreement is. He said rate increases will affect those on a fixed income. He shared an anecdote about seeing a woman dipping water from a ditch so she could flush her toilet after her water was shut off because of an unpaid sewer bill. The audience applauded Mr. Trentman's statements. Five residents in attendance yielded their time to Mr. Trentman throughout the meeting. Mr. Trentman expressed dismay that Swansea is charging township residents 1.3 times what a Swansea resident is charged for sewer services. He also questioned the accounting for of funds he estimated to be about \$1.6M that were expected to be paid in lump sum to Swansea when the sewer agreement became final.

Dale asked how the rate for the line maintenance fee of \$3.22 per 750 gallons of water usage was established. Supervisor Barnes said the engineer figured the fee.

Tom Brown would like the board to reconsider the agreement and use the reserve account to possibly reduce the transport fee. Supervisor Barnes said he would be open to the idea of renegotiating the agreement. Supervisor Barnes explained Swansea could bill township residents 1.5 times what they charge Swansea residents if there was no Sewer Agreement. He explained the township negotiated a rate of 1.3 times what is charged Swansea users plus the maintenance fee.

Fred Hart asked why the \$7.00 monthly fee is necessary when the township has \$750,000 in the reserve account.

John McKee said money is being repurposed from capital investment to operations. He suggested giving the money back or putting to a public vote as to how it should be spent. Supervisor Barnes explained all township sewer users paid into the reserve account, not just the 3,100 users treated by the Swansea sewer plant. Mr. McKee added he lives in an incorporated area and is taxed by the township road district but receives no services from the township.

Jill Halupa said as she understands it, Road Commissioner Kernan did not initiate the township road tax in incorporated areas. She pointed out there are many items on her tax bill for which she gets no benefit.

Greg Hipskind wanted it to be clear that Supervisor Barnes and the attorney negotiated the Swansea-St Clair Township Sewer Agreement. He said the board never had the opportunity to communicate directly with Swansea even though he expressed interest in being part of the negotiating process.

Ken Hipkens suggested a 10 year contract would have been more appropriate than a 25 year contract with Swansea. He wanted to know why the possibility of building a sewer line to Belleville was not considered. Supervisor Barnes said they did look into the possibility of running lines to the township's plant but it would have cost millions.

Jaynie Wells explained the rates were raised for all 6,000 township sewer users in 2010. She questioned whether rates would be lowered now that the contract is final and money anticipated to be owed was not owed due to the change in contract language.

Patsy Tarven asked if she can't get an answer at a meeting, where can she get an answer. The audience applauded when she asked how a citizen can know what is going on before contracts are signed. Supervisor Barnes said she could attend monthly meetings. He added that negotiations are discussed in executive session. He said she can come in during office hours to get more specific answers to questions. She suggested the money in the reserve account be used to pay the transport fee until it is exhausted.

John Frazier asked if there would be a reduction in staff with the reduction in sewer billing responsibilities. Supervisor Barnes said he did not foresee a reduction in staff.

Tim Page said he was present at the July 20, 2010 meeting when the board approved the increase in rates for everyone in the township. He asked where the money is that has been collected for the last four years that was intended to pay Swansea according to the contract

language at that time. Supervisor Barnes referenced minutes from July 13, and July 15, 2010 saying the rate increase was necessary to replenish sewer reserve funds and in anticipation of a large sum due upon finalization of a new sewer agreement with Swansea.

Jim Thomas asked if it was legal for one person to negotiate a contract. Doug Gruenke, an attorney for the township, explained usually a point person or small group of people negotiates a contract then brings the details back to a board.

Ellen Brown said she understood Swansea would reopen negotiations if the township made available to Swansea the money the township had collected (the reserve account).

Rick Effinger asked if the Belleville contract had been accepted yet and if a similar increase is expected for users serviced by Belleville.

Wade Miller suggested getting in front of issues so people feel better represented.

Sam Morgan asked if it is correct township residents will be billed 1.3 times the rate of Swansea residents for 25 years. Supervisor Barnes answered only township residents getting service from the Swansea sewer plant are being charged 1.3 times the Swansea resident rate.

Dean Wallen stated Swansea needs to have a reason to charge the fee they are charging.

Tim Buchanan suggested someone should confirm when Swansea computed the amount to charge township sewer users they did not include sewer line maintenance costs because the sewer lines for those residents are owned and maintained by the township. The residents would be paying an amount for maintenance to Swansea and the transport (maintenance) fee to the township if those costs were included in Swansea's computation.

Lillian Gee asked if residents had the option of using another sewer district. Supervisor Barnes said they do not.

Fred Hart asked if it would be a violation the Open Meetings Act if Supervisor Barnes and two trustees participated when negotiating contracts. The attorney confirmed it would. Mr. Hart suggested one trustee could go.

BUSINESS ITEMS

Sewer Plant #3 Rehabilitation – As recommended by Engineer Tim Pruett, Trustee Carroll made a motion to award the project for Sludge Plant #3 Rehabilitation to Aetna Coatings of St. Louis in the amount of \$186,000.00. Trustee Hipkind seconded the motion. Roll call vote. All in favor.

Transworld Systems Agreement – Melanie Reid from Transworld Systems explained the debt service they provide includes contacting non-paying sewer customers five times in a 60 day period for a flat fee of \$14.25 per account for 100 accounts. Historically the township has realized a return of \$5.00 for every \$1.00 spent on previous contracts with Transworld. The most recent contract with Transworld expired in November 2014. Angela Ramirez, the township employee responsible for sewer billing, explained the need to renew the contract with Transworld Systems and to continue putting liens on properties as a first priority because of the number of foreclosures in the service area.

Trustee Hipkind made a motion to move forward with the Transworld Systems Agreement. Trustee Sturgis seconded the motion. Roll call vote. Yes – Carroll, Sturgis, Hipkind, Barnes. No – Wells. Motion passed.

Local Debt Recovery Program – There was no discussion or vote on the Local Debt Recovery Program.

Manhole Lining – Supervisor Barnes provided three proposals for relining manholes at the sewer plant. The proposals received follow.

Ace Pipe Cleaning, Inc.	\$10,935
Hank's Excavating & Landscaping	\$11,200
Visu-Sewer	\$18,285

Trustee Wells questioned whether complete replacement would be better in the long run than relining. Trustee Carroll made a motion to accept the low bid from Ace Pipe Cleaning, Inc. to reline three manholes at the sewer plant. Trustee Hipkind seconded the motion. Roll call vote. All in favor.

Meeting Policy

Supervisor Barnes stated the township has not adopted a meeting policy. He provided a meeting policy that addressed order of responsibilities in the Supervisor's absence, public comment parameters, and reminders of statutes for setting agenda and emergency meetings. Trustee Carroll made a motion to approve the meeting policy Supervisor Barnes presented. Trustee Sturgis seconded the motion. Roll call vote. Yes Carroll, Sturgis, Barnes. No – Wells, Hipkind. Motion passed.

SWIC ATS and RSVP

Trustee Wells made a motion to make payments to RSVP in the amount of \$4,000 and SWIC Alternative Transportation Services in the amount of \$7,750. Trustee Hipskind seconded the motion. Roll call vote. All in favor.

EXECUTIVE SESSION

There was no executive session.

ADJOURNMENT

At 9:21 p.m. Trustee Carroll made a motion to adjourn the meeting. Trustee Hipskind seconded the motion. Voice vote. All in favor.

Respectfully submitted:

Brenda Reed
St. Clair Township Clerk