

VILLAGE OF HEBRON
VILLAGE BOARD MEETING
JULY 25, 2022

President Shelton called the meeting to order at 6:00 p.m.

The meeting began with the Pledge of Allegiance.

Trustees Shepherd, Mogan, Drevalas, Stevens, Peterson, and Lange answered aye to roll call.

Motion to Approve the Minutes of June 27, 2022, Village Board Meeting

Trustee Mogan made a motion to approve the minutes of the June 27, 2022, Village Board meeting. Trustee Drevalas seconded the motion. Trustee Mogan, Drevalas, Peterson, Stevens, Shepherd, and Lange approved the motion by answering aye. Motion carried.

Motion to Approve the June/July 2022 Accounts Payable

Trustee Shepherd made a motion to approve the June/July 2022 accounts payable as presented with no add-ons. Trustee Mogan seconded the motion. Trustee Shepherd reported that there was \$15,397.95 due in accounts payable for General Fund and \$17,604.30 due in the Water/Sewer Fund accounts payable. The total due for accounts payable was \$33,002.25. Trustee Drevalas questioned line item 520, Contract Services, regarding a payment to Bruce Biancalana for \$83.72. President Shelton stated that he was unaware of this payment as this was the first he had heard of Bruce being paid for his services. Chief Donlea stated that unfortunately Bruce was let go from the department when personnel cuts happened and that he was their evidence custodian and tech. He explained that there are protocols in place regarding evidence. Trustee Mogan asked if a special officer for evidence was required to be certified by law. Chief Donlea stated that he did not believe that it was required by law to be certified, but he felt that it was not a good fit for the Chief of Police to do it. He felt Bruce was a good option to take care of this shortfall as a 1099 employee monthly. Trustee Mogan asked if there was a contract in place for his services and asked what his wage was. Treasurer Fotland stated that he is being paid his previous wage of \$20.63 per hour. President Shelton stated that he was going to investigate this further as he was not pleased that this was the first that he was hearing about these arrangements. Chief Donlea disagreed and stated that President Shelton was present when his son's guns were removed from evidence storage. President Shelton replied and stated that he was not present at the time his son's guns were released. Chief Donlea responded that he thought that President Shelton was there. President Shelton reiterated that he was not there. Trustee Drevalas also had a question regarding line item 561 pertaining to dues. Discussion ensued regarding some of what appeared to be higher-than-normal bills this month. Trustee Shepherd, Stevens, Mogan, Drevalas, Peterson, and Lange approved the motion by answering aye. Motion carried by all.

President's Report

President Shelton reported that the Village Audit was completed and passed by GRA, George Roach & Associates, P.C. He also reported that Lennar is under contract with J&L regarding property in Trails of Hebron. He is hoping for further developments this fall or next spring. The development is considering being done in four phases with roughly 30 lots in the first phase. The lots will be purchased per each phase. Phase 2 will be roughly 40 lots, with phase 3 being roughly 36 lots and phase 4 being roughly 20. He mentioned that there will also be out lots to be

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considered and incentives possible. He stated that Lennar will make a presentation to the Village Board in the future.

Trustee Peterson commented that she felt this should go before the Planning and Zoning Commission first and she asked Attorney Smoron if this was required. He responded that it was not required in so far as the zoning is in place. He mentioned that the Village can always publish for Planning and Zoning members to attend the Village Board meeting at the same time. They would be able to have their questions answered then. Trustee Peterson asked if they should put down a security. Attorney Smoron said maybe, but there is a cost involved in that. He stated it would be good to know how quickly they would like to proceed and he feels that there should be something in writing that spells out the obligations of both parties. He added they are proposing to purchase single family lots and not the duplex lots so far. President Shelton stated again that they will start with roughly 30 lots and that the negotiations are between J&L and Lennar to date. Trustee Peterson cautioned the Board to be very careful and reiterated that she would like Planning and Zoning to be involved. Trustee Shepherd agreed with involving the Planning and Zoning commission.

President Shelton announced that the community garage sale was being held on Saturday, August 13. In addition, Hebron Fall Fest will be on Saturday, September 17 from 10 a.m. to 4 p.m. He stated that there will be cars, tractors, food, and vendors. The school will be holding a fund raiser "Cow Chip Bingo." The precision motorcycle group will be performing once again as well.

Lastly, President Shelton cautioned residents to familiarize themselves with the Village burn ordinance prior to burning in their yards. The ordinance is on the Village website and has specific guidelines to be followed.

Public Comments

Penny Smith, School Board Representative, and resident at 10113 Brigham Trail, reported that the school board is narrowing the scope of the project and ballot language. She also stated that there was a meeting between District 19 Superintendent Elswick and Chief Donlea regarding safety in an active shooter incident. During the meeting Chief Donlea stated that he was not confident that the school would be safe in such a case. He went on to say that he feels that a Village police officer should be present at the school when the children are there. Chief Donlea stated that Superintendent Elswick said that it took roughly 45 minutes for the McHenry County Sheriff's Department to respond to their last incident. Trustee Drevalas asked if a security company could handle this for the school and Chief Donlea responded no. Penny explained that the school has mobile units and students are walking back and forth between them and the main building which makes security very difficult. Trustee Peterson asked if the school resource officer could provide double duty for programs and protection. Chief Donlea responded that he is more concerned about safety and would like to see a minimum of two officers on duty during school hours. Trustee Stevens asked if prior to this was there an officer at the school each day all day. Chief responded no. Discussion ensued regarding government programs for security

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training. Trustee Mogan asked the Chief if any of the officers are trained as a security resource officer (SRO). Chief Donlea stated that Bruce Biancalana, former Hebron officer, was trained for this and he gave examples of some of that training. He stated that the procedure to date was to shelter in place. Trustee Peterson requested that Superintendent Elswick be asked to attend the next Village Board meeting to discuss this further and asked that it be placed on the agenda.

Karen Lalor, 12718 O'Brien Road, announced that there will be a build-a-bed event on September 17 from 8 a.m. until at least 11 a.m. and it is sponsored through St. Joseph's ministry and will be organized by Chris, the same gentleman that handled last year's event. It will still be tax deductible and there will be more information to follow.

Penny Smith, School Board Representative, and resident at 10113 Brigham Trail, reported that Superintendent Elswick will be able to attend the next Village Board meeting. She also asked if impact fees would be affected from Lennar. President Shelton stated that the Village is in the discussion stage with them so far, but yes, it is possible that they would be affected. She also asked how many times the McHenry County Sheriff's Department has responded to calls in Hebron. Chief Donlea stated that he checks an intel log every morning to see if they have covered for the Village. He did not give an actual number. She stated that she was herself a victim of domestic violence and has concerns for response times.

Motion to Approve Ordinance Amending Section 3-2-7B, Number of Liquor Licenses Issued, of the Hebron Municipal Code

Trustee Stevens made a motion to approve an ordinance amending Section 3-2-7B, Number of Liquor Licenses issued, of the Hebron Municipal Code. Trustee Shepherd seconded the motion. Trustee Shepherd asked if the number of liquor licenses was being increased or decreased. President Shelton stated that Hazel's Diner has relinquished their liquor license and he gave a summary of the issues that the owner had acquiring a state liquor license. He added that they no longer wanted one from the Village. Trustee Peterson asked that the Board be made aware of these potential changes prior to them being placed on the agenda. She read from a statement which is attached to these minutes in their entirety. She was concerned that there was no discussion prior to this being on the agenda and of the cost of preparing this ordinance using the Village attorney as well as the Village Clerk time. Clerk Attermeier stated that she prepared the ordinance and it took her roughly ten minutes. Attorney Smoron stated that the Village was not charged for anything related to this amendment. He also added that if there was one open license and an applicant met with all the necessary criteria even though the theme might be inconsistent with the Village, they would be given that open license. Trustee Peterson pointed out that the Board should be made aware of this prior to the Board meeting. Attorney Smoron suggested a memo being sent to the Board before it appears on the agenda describing the background and why it is happening. Trustee Mogan gave an example that if the flag store on the corner of Routes 173 and 47 met the criteria, they could ask for this license it would have to be given to them. Trustee Stevens, Shepherd, Mogan, Drevalas, Peterson, and Lange approved the motion by answering aye. Motion carried by all.

Motion to Approve an Ordinance Repealing that Certain Resolution Creating the Additional Position of Lieutenant and Eliminating the Position of Lieutenant at the Village of Hebron Police Department (No Action on the Lieutenant Position Itself)

President Shelton stated that only a portion of the resolution was being repealed and he read that portion of the ordinance referred to as Section 1. Trustee Mogan made a motion to approve an ordinance repealing that certain resolution creating the additional position of Lieutenant and eliminating the position of Lieutenant at the Village of Hebron Police Department. Trustee Stevens seconded the motion.

Trustee Drevalas commented that she wasn't sure that she understood the motion. Attorney Smoron explained that the position of lieutenant would stay and remain unfilled and that the position of Chief would not revert to the position of lieutenant if he or she were not reappointed or terminated. Trustee Peterson then asked if by repealing a portion would the Chief still revert to the lieutenant position. President Shelton stated no. Trustee Mogan explained that this would remove the ability for the Chief to move down to a lesser position if not appointed or terminated. President Shelton pointed out referring to comments made at a previous board meeting, that this was a dangerous clause. He further stated that this type of clause is sometimes done in larger communities of 5,000 or greater. Attorney Smoron agreed. Trustee Shepherd stated he was against this from the start as it affects every Chief down the line. Trustee Stevens agreed stating that this gives the Chief position too much power and they can keep their job when terminated. Trustee Shepherd, Stevens, and Mogan voted aye. Trustee Drevalas, Peterson, and Lange vote nay. President Shelton voted aye. Motion carried.

At this point, Trustee Stevens asked Trustee Peterson her reasoning for voting no on this. Trustee Peterson wants the Chief of 10 years to still have a job as he is a good Chief. At this point, Trustee Stevens asked Treasurer Fotland if she thought all of this was funny as she appeared to be laughing. She responded that she thought this it was hilarious. Trustee Lange thought this motion creates a slippery slope to defund the police department.

Motion to Approve to put \$8,334 into Savings Account for Line Item 850 Street Resurfacing each Month Retroactive to May

Trustee Mogan made a motion to approve putting \$8,334 into savings account for Line Item 850 Street Resurfacing each month retroactive to May. Trustee Drevalas seconded the motion. Trustee Lange asked where this \$8,334 would be coming from. President Shelton stated that making the adjustment of \$100,000 to the police department allows to reallocate those funds to the streets fund. If you divide the \$100,000 by 12 months in the year you come up with the proposed amount. He stated that he watches the Village account balances closely. Treasurer Fotland stated that she disagrees and that money is needed for payroll and accounts payable. She stated that there is no money. Trustee Peterson stated that a special meeting was held to agree upon the current budget. She stated that money for streets can come out of Motor Fuel funds. President Shelton reported that there is roughly \$200,000 in the MFT funds. Trustee Peterson stated that she feels this money should be used first. She does not feel that changes should be made to an approved budget. She read a statement that is attached to these minutes in their

entirety. She added that the budget is just numbers on a page and that the money must be there before it can be used. Trustee Lange mentioned that Motor Fuel funds cannot be used to replace water and sewer lines. Trustee Drevalas stated that with the police department reductions funds have diminished. She feels that this should be looked at during the next budget review.

President Shelton asked Treasurer Fotland if \$8,334 was set aside for streets each month would the Village be able to make payroll. She replied “no” payroll would not be met and added that the police department covers themselves and they were previously covering three quarters of their payroll themselves. Discussion ensued regarding \$16,000 that Treasurer Fotland suggested the police department brings into the Village each month. Treasurer Fotland also stated this revenue was from ticket violations, DUI, towing, and truck tickets. Trustee Stevens questioned the number of calls per month and the totals for revenue brought in stating that it didn’t add up. Attorney Smoron stated that firm revenue numbers are needed from the police department and clear payroll data is needed. Trustee Mogan made a motion to table this item until the next Village Board meeting on Monday, August 22, 2022, to have accurate figures to vote on. Trustee Shepherd seconded the motion. Trustees Mogan, Shepherd, Peterson, Drevalas, Stevens, and Lange voted aye. Motion carried.

Treasurer Fotland asked for clarification of what the Board wants regarding payroll data; she asked if they want information of the fiscal year or the calendar year. It was confirmed that the information requested was for the fiscal year. Trustee Mogan clarified that he was not in any way advocating for the police department to write tickets to increase revenue.

Department Head Reports

Superintendent Nelson, Public Works, reported that the park playground at Dugan Park is complete except for the base footing which will be either sand or wood chips. He mentioned that resident, Cindy Gentry, donated swings for the swing set.

President Shelton reported for Frank Michalczyk that for the month of July water and sewer has been tested, he made his daily rounds as well as weekend duty. He also preformed maintenance to all the lift stations. In addition, samples were taken for IEPA, the main generator was tested by Lion Heart to make sure that no issues occur during power outages and there were some water shutoffs for non-paying residents.

Chief Donlea reported that there were 67 calls reported on the monthly police blotter. He gave examples of some of the types of calls.

There were no other reports.

Attorney Report

No report

Board Comments

Trustee Drevalas stated that residents are worried about the lack of police coverage. She would like the Board to revisit manning the police department.

Trustee Stevens would like the Board to do better at getting information out to the senior residents. He also asked why the sirens didn't go off in the last bad weather and he asked who is responsible for setting it off in these instances. Discussion ensued. Chief Donlea stated he will work on setting a standard for weather issue coverage. Chief Donlea also would like to change the procedure for non-emergency calls by having them go through the McHenry County Sheriff's Department to then be dispatched to the Hebron Police. He added that the Village already has a contract with McHenry County, but he will find out if there are any additional charges for non-emergency calls.

Trustee Peterson reported that she attended the last school board meeting and reported that they removed money for new boilers from their building improvements plan as they received a grant for this. They are working on the ballot language to make the tax implications very clear. She commended the school district for their detailed and positive approach regarding the facilities planning process. She also mentioned that they hired Aaron Butler as the new middle school principal.

Trustee Lange stated that he feels that the Village is not prepared now with the police department staff as it is currently. He also added that he trusts the Village Treasurer if she says that the Village doesn't have the funds to do something.

Trustee Mogan reiterated that he would like a protocol in place for the siren's to be set off during bad weather. The Chief said that the news of such weather is first received by dispatch and they will work on creating a plan for coverage.

President Shelton reported that the Village Board meeting on August 8th is cancelled, and the next Village Board meeting will be on Monday, August 22 at 6:00 p.m.

Adjournment

Trustee Shepherd made a motion to adjourn at 8:12 p.m. Trustee Drevalas seconded the motion. Trustee Shepherd, Drevalas, Stevens, Lange, Mogan, and Peterson approved the motion by answering aye. Motion carried by all.



Jean Attermeier,
Village Clerk



Robert W. Shelton
Village President

Licenses:

Currently ordinance Section 3-2-7B re: licenses read there are ~~6~~⁷ Class A licenses available in this village. The request on this agenda is that the Class A licenses be reduced by one. You have looked at this ordinance, never asking for discussion before having the money spent for the legal review, used our Clerk's time and talent to prepare it for the meeting tonight, and now after spending that money you are asking us to vote to reduce one of those licenses. What happened to discussing this item with your Board before spending people's time and Village money. There could be a line item on any agenda to discuss the matters about changing ordinances before spending the money.

Let me make a comparison: the Hebron Police Department has a position open which is unfunded at this time. This position will remain open until funding is available. This unused license will not be used until a business makes an application to be reviewed and accepted or denied by this Board of Trustees. I believe it to be in the best interest of our Village, both financially and professionally, to leave this ordinance as it stands.

In the future, if there is a need to amend an existing ordinance, please...let us put it on the agenda and discuss it BEFORE we spend these hard working taxpayers money and our Clerk's time.

\$8334

With regard to your request to place \$8334 monthly from the administrative budget into a savings account for item 850 street resurfacing:

We held the special meeting to discuss our 2022=23 budget, and agreed on the final budget numbers for each department. You are now asking the Board to move those numbers from one account to another for reasons I do not understand.

The monies for street resurfacing can also come out of our motor fuel tax monies, designed for that special purpose. Those funds should be used first.

What is the importance of taking any amount of money designated for a special purpose - from an existing Board approved administrative budget and moving it into a savings account? What happens if the monthly payables and salaries cannot be met because a \$8334 monthly sum is in a savings account?

I do not agree we need to approve any changes to the already existing and Board approved budget. Let us work within our means!