

Maine Township Special Board meeting has been videotaped.

For more detailed reports and discussions please refer to the recorded meeting at:

<http://mainetown.com/board-meetings/>

Indexed agenda at:

[http://mainetown.com/wp-content/uploads/2018/12/agenda\\_18-12-18.pdf](http://mainetown.com/wp-content/uploads/2018/12/agenda_18-12-18.pdf)

Board Members Present: Supervisor Morask, Assessor Moylan Krey, Highway Commissioner Kazmierczak, Trustees Jones, McKenzie, Carrabotta and Sweeney

Others in attendance: Kurt Asprooth, Dayna Berman, Denise Jajko, Doriene Prorak, Dawne Hayman, Liz Coy, Kathy Sabbini, Marie Dachniwsky, Nader Ghazaleh, Michael Samaan, Ryan McKenzie, Diane Carrabotta, Eric Carrabotta, Carolyn Drblik, Michael Sferra, Robert Hoban, John Amburgey, Joseph Egan, Donna Adam, Victor Miceli, Richard Lyon and Annette Galante.

Supervisor Morask called the meeting to order at 6:33 p.m. and led the Pledge of Allegiance. Deputy Clerk Tytko called the roll.

Supervisor Morask stated that the purpose of the Special Board meeting is to discuss and vote on copier/printer vendor and to discuss and adopt Tax Levy Ordinances for General Town Fund/General Assistance and Road District. She added that these Ordinances have to be filed with the Cook County Clerk's office by the last Tuesday in December.

Agenda Item: Public Participation

Joseph Egan, Park Ridge resident spoke about Maine Township's excess funds and accumulation in reserves expressing the concern that Maine Township has been irresponsible in overtaxing and recommended to cut the levy in half with an abatement.

Donna Adam, Des Plaines resident, echoed Joe Egan's comments and expressed her interest in a larger decrease in the levy with an abatement to get the fund balances down.

See video at 1:30.

Agenda Item: Vote on copier/printer vendor

Supervisor Morask stated that Warehouse Direct, Imagetec L.P. and Des Plaines Office Equipment Company provided the Board with their revised proposals which were in the Board distribution.

See video at 11:23.

Trustee Jones Motion to hire Warehouse Direct as a Maine Township vendor for Print Management with their proposed rates.

Supervisor Morask Second.

Motion carried on a roll call vote as follows:

Supervisor Morask Yes

Trustee Jones Yes

Trustee McKenzie No

Trustee Carrabotta No

Trustee Sweeney No

Motion failed.

Trustee Carrabotta Motion to hire Des Plaines Office Equipment Company as a Maine Township vendor for Print Management with their recommended Option 2, with monthly lease payment of \$1,376.00.

Trustee Sweeney Second.

Discussion on clarifications regarding prices and performance of Des Plaines Office Equipment Company.

“Trustee Jones – so you are picking a more expensive vendor someone with less features and options available. That’s correct, right? You picked something as compared to \$1342 with the Tri-Fold Finisher, you take something that’s \$1376 plus an additional \$10 a month for the Tri-Fold Finisher.

Trustee Carrabotta – something in addition, I’ve watched four presentations, hours of time, I’ve reviewed the alternatives, there’s also a value in maintaining a relationship that’s worked very well with the Township in my opinion. We’re aware of DPOE’s qualifications. They’ve proven themselves and there’s a value that’s added to that proposal where yes we look at dollars, they have to be efficient but also as the statute says we look at responsible alternatives. And the term responsible is defined under the law includes whether or not you have knowledge of qualifications that one of the proposers has that’s somewhat unique or of value. And I think DPOE has proven itself to the Township and I’ve added that to the value process when I was making my determination.

Trustee Jones – But to be clear you picked a more expensive vendor.

Trustee Carrabotta – Not when you put into account what goes into considering what the actual cost should be to the Township. You look at the dollars but you also look at the quality of service pursuant to the statute. There is value to that quality of service. I don’t see the need at this point to change vendors especially with the adjustments the vendor has made, the good faith actions of this vendor and also this vendor’s extensions of time when it came to our debating these contracts allowing for the use of the machines. It is one on one service. It’s the kind of individual service that I like to see so at this point I add to the dollar, the actual black and white dollar, I add that value. It’s much like in the practice of law, you have attorneys that will work for you for less. But there are people that also add value to what they are paying because of the quality of the service you receive from that particular attorney and the experiences that you had. We’ve had very good experiences with this professional vendor and I don’t see the purpose of changing it at this time based on the expenses I’ve seen and the proposals I’ve seen. “

See video at 13:58.

Motion carried on a roll call vote as follows:

Supervisor Morask	No
Trustee Jones	No
Trustee McKenzie	Yes
Trustee Carrabotta	Yes
Trustee Sweeney	Yes

Motion carried.

Agenda Item: General Town Fund/General Assistance Tax Levy Ordinance 2018-3

See video at 25:43.

Supervisor Morask stated that the suggested proposed Levies were in the Board distribution.

Supervisor Morask read out loud the Ordinance 2018-3 and entertained a motion to pass the Ordinance 2018-3 approving 5% reduction in General Town Fund/General Assistance Tax Levy.

Trustee Sweeney stated that she requested to be on the Agenda a motion and a vote for several Tax Levy reductions that were greater than 5%. Trustee Sweeney asked Supervisor Morask to allow for a vote for the deeper levy cuts of 30% of General Assistance and 20% on the Town Fund and Road and Bridge Fund first before considering to vote only a 5% reduction.

Trustee Carrabotta reiterated the need to vote on Trustee Sweeney’s deeper levy cut motions first. Both of their requests were denied.

Trustee Sweeney asked Attorney Asprooth if there was any concern about violating the Open Meetings Act because there was no vote or action mentioned in the agenda.

Attorney Asprooth stated that it is not necessary to mention any action but it is the subject in the Agenda that describes what might be voted upon.

See video at 26:40.

Supervisor Morask	Motion to approve the Tax Levy Ordinance 2018-3 for the Maine Township General Town Fund and General Assistance Fund with the total amount of \$5,046,286.00.
Trustee Jones	Second.

Discussion and comments regarding proposed 5% reduction Tax Levy.  
Trustee Carrabotta requested adding to the minutes McHenry County Blog article. See attached.  
See video at 31:25.

Motion carried on a roll call vote as follows:

Supervisor Morask	Yes
Trustee Jones	Yes
Trustee McKenzie	Yes
Trustee Carrabotta	No
Trustee Sweeney	No

Motion carried.

Trustee Sweeney added that the excessive fund balance would have allowed us to make a 30% reduction. She also stated that in her opinion we might be open for a lawsuit regarding our reserves.

More discussion about Illinois law regarding our Township's reserves.  
See video at 45:02.

Agenda Item: Road District Tax Levy Ordinance 2018-RB-3

Supervisor Morask	Motion to adopt the Tax Levy Ordinance 2018-RB-3 for the Maine Township Road District Fund with the total amount of \$2,605,553.00.
Trustee Jones	Second.

Highway Commissioner Kazmierczak read out loud his statement. See attached.

Discussion and comments.  
See video at 53:10.

Motion carried on a roll call vote as follows:

Supervisor Morask	Yes
Trustee Jones	Yes
Trustee McKenzie	Yes

Trustee McKenzie stated that she agrees to "adopt" Road District Tax Levy Ordinance 2018-RB-3.

Trustee Carrabotta	No
Trustee Sweeney	No

Motion carried.

Trustee Sweeney voted no and added, "It is my name to something (an ordinance) that says this is required in order to meet and defray all necessary expenses and liabilities. I don't believe that to be true."

More discussion regarding Road District Tax Levy.  
See video at 1:17:03.

Trustee Sweeney questioned the wording in the previously discussed Abating Ordinance.  
Supervisor Morask stated that this issue will be put on the Agenda for the December Board meeting for more discussion.

Agenda Item: Adjournment

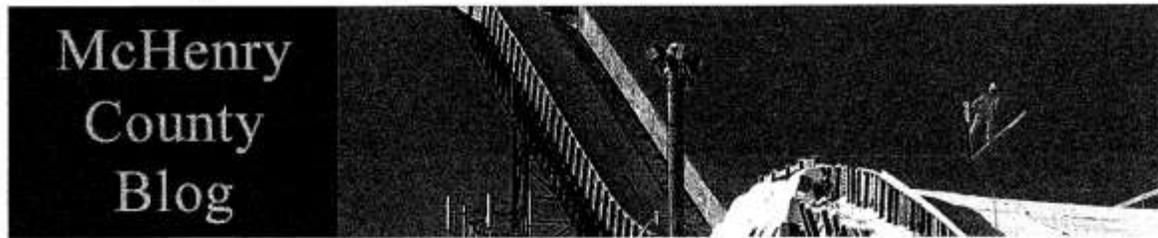
Trustee Jones	Motion to adjourn.
Supervisor Morask	Second.

All in favor.

Motion carried on a voice vote.  
The meeting was adjourned at 7:57 p.m.

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Maine Township Clerk

# McHenry County Blog



## Algonquin Township Loses 2014 Property Tax Protest Case, Excessive Taxation Found

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Posted on 12/15/2017 by Cal Skinner

Associate Judge Thomas Meyer ruled against Algonquin Township yesterday in the tax protest case brought by Tim Dwyer.

The case argued that Algonquin Township had too much money in the bank in a number of its funds and levied real estate taxes that were too high.

The Judge found there was unnecessary accumulation of funds in the

- Algonquin Town Fund
- General Assistance Fund
- Equipment and Building Fund
- IMRF Fund
- Audit Fund
- Insurance Liability Fund
- Social Security Fund

due to excessive 2014 Algonquin Township and Algonquin Township Road District levies.

Testifying in court on November 20th were former Algonquin Township Road Commissioner Bob Miller and Mary Bowman, a principal of the Township's accounting firm, Brown & Company.

The accountant testified that all fund had more than two years' expenditures.

The Town Fund had 2.06 times the average three-year expenditures.

The Road District's Building and Equipment Fund had 2.21 times the \$1.2 million spent on the average over the previous three years.

The Public Assistance Fund's ratio was 1::3.41.

The Social Security Fund was 2.82 times too high.

IMRF accumulations were 2.17 times higher than they should have been.

The Liability Insurance Fund was 3.45 times too high.

The Audit Fund was an astonishing 24.33 times higher than could be justified.

Miller testified that no ordinance identified any project which necessitated the accumulation of public funds.

Judge Meyer ruled that the tax objectors had "established a prima facie case for excess accumulation," sustaining the claims against the funds named above.

A total of \$123,827.49, plus accrued interest, will be given to attorney Dwyer for distribution to those who joined in the suit and his legal fees.

The Township and Road District will be required to refund the following amounts:

**TOWNSHIP**

- Town Fund: \$60,955.27
- Gen. Assistance: \$9,390.40

**ROAD DISTRICT**

**Equipment & Bldg: \$47,740.50**

**Plus these funds**

- IMRF: \$1,309.71
- Audit Fund: \$395.39
- Ins. Liability Fund: \$1,317.95
- Social Security Fund: \$2,718.27

The refunds will be coordinated through the McHenry Co. Treasurer's office.

The Township will also be required to pay an additional \$1,172.08 in costs which will be divided equally between the Township and Road Dist.

Only those who took part in the suit are eligible for property tax rebates.

Next year's real estate tax levies for both the Township and the Road District (in most respects two separate governments) were cut 5%.



*Bob Miller*

## Comments

### ***Algonquin Township Loses 2014 Property Tax Protest Case, Excessive Taxation Found — 21 Comments***



Frank  
on 12/15/2017 at 4:17 am said:

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Perhaps Judge Meyer concluded that Algonquin Township didn't need Disneyland gate, I-pass gate, tote bag gate, cashmere sweater gate, sweeper gate I, sweeper gate II, Bob Miller sick pay gate, salt gate, part-time overtime gate, secret 150 contract gate, nepotism gate, night watchman gate, records gate, and all the other Algonquin Township gates!

Maybe Bob's playland was overwhelmingly excessive! Wood working shop (for a road District)  
Political sign shop, car wash, ATVs, and more. I q



Questioning  
on 12/15/2017 at 6:55 am said:

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Maybe this year's reduction by the Township Board and the Highway Commissioner should have been much higher?



Zgone  
on 12/15/2017 at 7:33 am said:

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Maybe Valley Hi should be next



Joe S  
on 12/15/2017 at 7:40 am said:

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And people say Gasser is wasting tax payer money.....really?

Wake up!



Observing  
on 12/15/2017 at 8:17 am said:

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I'd have no issue with Gasser spending a million dollars to unearth all of Bob Miller's conduct.



Murmuring Mutton  
on 12/15/2017 at 9:24 am said:

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This could explain why the Miller family was trying to spend as fast as they could.  
Such a shame that with all that excess he neglected the Dennis Ave. bridge until it was washed out, leaving the community stranded for weeks.  
Or, that the Edward Rd. bridge, which is the single access to Venetian Garden's was promised for 10 years, yet nothing done.  
Leaving that community without emergency access.  
The Miller regime was far worse then most feared.  
I thank God for Andrew Gasser.  
He sure is taken a beating for the rest of us.



Cal Skinner  
on 12/15/2017 at 9:29 am said:

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Tax protest suits have cited Valley HI's illegal surplus.



Cal Skinner  
on 12/15/2017 at 9:30 am said:

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Probably.



Cal Skinner  
on 12/15/2017 at 9:34 am said:

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The tax protest decision has nothing to do with spending one might consider improper.



Coffey  
on 12/15/2017 at 9:53 am said:

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If there were excessive fund balances for 2014, then there will also be excessive fund balances for 2015, 2016, 2017.  
In fact, during the insuing years, the Algonquin Township's Net Position has continued to increase.  
One might wonder what the Township's current exposure may be for these subsequent years.  
Rather than pay off the litigants for these excessive taxation lawsuits for future years, it probably would be wiser for the Township to either adopt a large, one-time abatement or schedule a special board meeting to amend the levy

request to cut next year's levy down by whatever is necessary in order to bring existing fund balances into compliance.

Otherwise, the Township is knowingly putting itself into legal jeopardy again facing another excessive taxation lawsuit for this current levy request.



Thewholetruth  
on 12/15/2017 at 1:25 pm said:

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Almost \$124k + accrued interest just from the 2014 lawsuit?

Sounds like this screw up will probably end up costing over \$500k after the 2015, 2016 & 2017 suits are handled.



RVee  
on 12/15/2017 at 1:39 pm said:

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Shouldn't the Township Auditor and Township Attorney have been aware of the legal limits- what constitutes "excessive taxation" and advised Township officials accordingly to prevent this?



Froggy the Taxpayer  
on 12/15/2017 at 1:48 pm said:

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Miller apologists are very silent.

Turns out Miller regime is responsible for yet another legal issue.

This along with the Union lawsuit fall clearly on Miller and his last minute maneuvering to make the public pay for having the audacity to end the family reign.

Why the over assessment?

The Miller apologists are quick to cite Millers knowledge and stewardship of the Road Commissioner role.

They have no choice but then agree that this over assesment was planned.

The question now to ask and answer is, "why?"

What they were doing and what were the plans they had for distributing these extra funds?

Maybe more discounted equipment to other Townships aka: Sweeper?

More overtime for the secretary?



Truth2Power  
on 12/15/2017 at 2:14 pm said:

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Wait till McHenry Township, also sued, has to cough up.

Examine Condon's mystery 'expenses', forensically!



Observing  
on 12/15/2017 at 9:49 pm said:

Bob they don't allow soap on a rope to in correctional places!



the nob  
on 12/16/2017 at 8:36 am said:

Another half the story post by Cal.

The Road levy was also part of the lawsuit and that was excused.

It was excused because there was extra funding being saved for a major intersection improvement which had been scheduled to start in 2018.

The township levy and the building/equipment levy were both hire because AT is on well and septic and both are presenting issues than need addressing.

The estimate for hooking to Cary for W & S was around \$1,000,000, check the minutes if you want.

Problem is that AT lawyer Kelly didn't present that fact are part of the defense, so the judge had no choice but to rule against with the info he had.

Why didn't Kelly have take the 5th Chuck testify about that or ask Miller that question?

All the lawsuits have the hands of Chuck the 5th, and Kelly all over them.



Joe S  
on 12/16/2017 at 10:38 am said:

Keep deflecting Nob.....you are very good at that!



The Nob  
on 12/16/2017 at 10:48 am said:

The facts and hearing both sides are always a problem for some.



Joe S  
on 12/16/2017 at 11:13 am said:

Yeah.....You!



The Nob  
on 12/16/2017 at 5:55 pm said:

Now who is deflecting.



Unknown  
on 03/30/2018 at 1:54 pm said:

Sadly Bob Miller and his crew have moved on to NUNDA Township.

**2.1% Increase:**

The 2.1% increase in the Road District Levy is based on our current Consumer Price Index. It allows us to keep up with inflation and capture any new construction.

**Not Exceeding 2 1/2% Reserve:**

If having too much reserve is an issue, of the \$2,046,380 ending fund balance for last fiscal year, \$484,857 of that fund balance is prior adjustments for net pension liability and compensated absences.

Net pension liabilities *do not pay current bills, cash reserves do*. It is important to note that our Road District only receives on the average 70% of what is asked for.

Reducing the levy to a negative number is a dangerous uncharted move that would impact our ability to provide services to our constituents.

Finally on page 171 of **Township Officials of Illinois Laws & Duties Handbook, Revised 2017**, co-authored by our township attorney Keri -Lyn Krafthefer:

"The road district's levy is first determined by the highway commissioner and then adopted by the township board (which may not amend the commissioner's levy request), also by the last Tuesday in December. "