

Homer Township Special Executive Meeting Minutes

September 29, 2020 at 7:00 P.M.

Homer Township Hall
16057 S. Cedar Road
Lockport, Illinois 60491

Minutes presented to the Board December 14th 2020
Minutes approved by the Board without release December 14th 2020

Due to the Covid-19 Pandemic, the meeting was conducted in accordance with the Centers for Disease Control guidelines, Illinois Gubernatorial Executive Orders/Restore Illinois and the Open Meetings Act. The wearing of masks and social distancing were adhered to. Region 7 Resurgence Measures have been lifted, thereby returning to Phase 4 guidelines limiting meetings to a maximum of 50 guests or less based on the meeting room capacity, social distancing and prescribed CDC, Health Department and governing guidelines. An audio recording of the meeting will be available on the website: <http://www.homertownship.com/> For further information contact Clerk Kathy Kruczek by email at k.kruczek@homertownship.com or by phone at 708-301-7042.

The Executive session began at 7:56 pm and ended at 8:41 pm

Present: Supervisor Meyers
Clerk Kruczek,
Attorney Gerald Sramek
Attorney Keri-Lyn Krafthefer of Ancel Glink
Trustee Offord
Trustee Kalas
Trustee Kruczek
Trustee Fijan

The Board met in Executive session to discuss probable or imminent litigation concerning the Village of Homer Glen and the Homer Township Road District. Attorney Krafthefer noted that the Village of Homer Glen Board members recently passed a resolution to proceed with the Transfer of Stewardship of Road District assets to the Village in a manner that is not legal. This resolution she added is indicative of the Village's intentions to move forward thus negating any possible negotiations. Now, this Board must determine how they would like to respond as a result of the Villages tactics. Since timing is crucial and it is unknown when they will actually begin the transfer of assets, it is imperative decisions be addressed now and if the board wants the Village to do this legally, the Board would need to pursue litigation.

Attempts have been made to arrange meetings with the City of Lockport and the Village of Homer Glen which have proved futile. This Board surmised that perhaps the Village's lack of cooperation is intentional and in effort to limit information sharing on a selective basis. Furthermore, it is clear that misguided information is being conveyed by the Village/Road District to other government leaders as well as the public. One example of these erroneous actions occurred with the Lockport City Attorney who was under the impression that negotiations were proceeding seamlessly with full cooperation between the Township Board, Village of Homer Glen and Homer Township Road District. Unfortunately, that is not actual and far from the truth.

Commissioner De Vivo, Attorney Krafthefer considered, believes that De Vivo has interpreted the law to allow him to declare everything the Road District owns as surplus adhering to the belief that it can then be gifted to the Village in its entirety. Attorney Krafthefer suggested to the board that the filing of a declaratory judgement would be better served if done now. That a declaratory judgement from a court defines the legal relationship between parties and their rights in a matter before the court. Attorney Sramek added, that the speed at which these cases proceed depends in part on whether there are any factual controversies involved. Dependent on the actions of the Road District Commissioner, an injunction may be indicated as well.

The consensus of the entire Board is that legal intervention by way of a declaratory judgement is necessary and will be brought forth at the next regularly scheduled Board meeting. Final action will be taken in open session. The Board agreed that if any transfer of Road Districts assets should proceed it must be done legally and transparently while adhering to Illinois State statute.

Motion to exit executive session at 8:40 pm by Trustee Kruczek, second by Trustee Kalas, No Discussion, all yes, motion carries.



HOMER TOWNSHIP