

**SUGAR GROVE FIRE PROTECTION DISTRICT
TRUSTEE'S MEETING
OPEN MINUTES**

DATE: November 15, 2021
TIME: 5:30 pm
PLACE: Sugar Grove Fire Station

Board of Trustees: Mike Fagel – President
Tim Cicero – Secretary
Nicole Lamela – Treasurer
David Blankenship – Trustee
John Guddendorf, Jr. – Trustee

GUESTS: Chief Perkins, Attorney Flaherty

Pledge of Allegiance

Call to Order

Roll Call – All Trustees Present

Public to Address the Board –

Marty Kunkel: Filed the complaint against a Trustee; would like to add to that... requested to have that agenda item moved up to after the attorney's report.

Discussion was had on when to allow this discussion to continue.

- have presentation by John Falduto first
- make exception for Marty Kunkel to speak at 13f, keep agenda the way it is written
- make exception to move agenda item
- move public to address the board

**It was motion by Blankenship and seconded by Guddendorf to:
'Move 13f to right after the attorney's report'**

Roll call vote – 3/2 – Cicero, Fagel – Motion carried

No more public comments heard at this time.

Mr. Kunkel is allowed to speak during 13f which has been moved.

Discussion –

- move item #7 up now
- No motion is required since there are no objections.

At this time John Falduto from Sawyer-Falduto Asset Management made his presentation, explaining their roles, how they will manage the reserve funds for the fire district. A Sawyer-Falduto contract and a Schwab account agreement, will be forwarded to Mr. Flaherty and the District Board for review.

**Approval of Minutes –
October 18, 2021 –**

Trustee Fagel: requested modification for the open minutes – correction, when he contacted the farmers on Sept 23/24, who do not farm the properties, he was given names and recommended to call.

It was motioned by Cicero and seconded by Lamela to:

'Approve the October 18, 2021, open minutes, with the modification to Old Business Vacant Property where it should read who Mike Fagel was recommended to call about the property'

Roll call vote – All in favor – Motion carried

It was motioned by Trustee Guddendorf and seconded by Fagel to:

'Approve the closed session minutes and open them.'

Roll call vote – All in favor – Motion carried

**It was motioned by Cicero and seconded by Guddendorf to:
'Approve the November 3rd, special open'**

Roll call vote – All in favor – Motion carried

**It was motioned by Cicero and seconded by Lamela to:
'Approve the November 9, 2021, special open'**

Roll call vote – Blankenship abstained – Motion carried

Correspondence –

Chief Perkins: Sloan Valve Company, would like to use our facility as research and development, must sign a confidentiality agreement. This will be on the agenda at next month's meeting.

Trustee Fagel: attended the NIAFPD 2021 fall seminar for trustees and gave a presentation with Attorney Joe Miller. The Northern Illinois Critical Incident Stress Team is still looking for volunteers; police, firefighters, EMS personnel, dispatcher peers.

Treasurers Report –

Approval of Cash Balances and Budget vs Actual Reports

Operating Fund – \$5,113,276.01 Capital Account – \$1,254,385.49, Total cash on hand – \$6,367,661.50
Revenues are at 90% and Expenditures are at 34% - should be at around 50%.

Discussion –

- purchasing in the next 6 months
- operating transfers out

**It was motioned by Blankenship and seconded by Guddendorf to:
'Approve the Cash Balances and Budget vs Actual Reports for October 2021.'**

Roll call vote – All in favor - Motion carried

Approval of Expenditures –

Chase Checking – \$428,614.37, Chase HRA – \$1,302.32, Total Expenditures – \$429,916.69.

Discussion –

- BDK
- special audit from Lauterbach

**It was motioned by Cicero and seconded by Lamela to:
'Approve the Expenditures as of October 31, 2021'**

Roll call vote – All in favor - Motion carried

Consent Agenda –

- **Coffman's-EGR Valve-Engine 8153-\$1,459.15**
- **BDK Door-Service-Repair-Replace Overhead Door Springs-\$4,097.82**
- **BDK Door-Overhead Door Springs-to keep in the station(x2)-\$1,022.40**
- **CDS-2 Computers-Current and New Medic -\$9,028.00**
- **ICC-ICC Books-2021 Edition-\$1,321.00**
- **FlowMSP-Pre-incident Fire Planning-\$1,500.00**
- **Owl Labs-Meeting Owl Pro-for remote meetings-\$1,198.99**

Discussion –

- overhead door springs – it was decided to order 4 springs for the cost of \$2,044.80

**It was motioned by Guddendorf and seconded by Blankenship to:
'Approve the consent agenda with the modification of the extra springs'**

Roll call vote – All in favor - Motion carried

Trustees Report –

Trustee Cicero:

- last meeting verbally resigned
- consulted Shawn, could still be on the board
- sent an email apologizing
- will continue to work for the citizens and the people of this department
- will keep his Oath, move forward, and do what is right

Report of the Fire Chief –

Apparatus Call Summary is in packet – month of October there were 120 calls compared to 109 for October of 2020.

Discussion -

Repair of steering gear box on 901

- this is the first time it has been repaired
- it has been repaired previously on 902

How often the Officers' meetings are held

- the last Wednesday of every month

Division XIII TRT Team –

- do we have anyone on it – yes
- did they respond to Aurora – no, on duty – currently have one, had three, looking to add more back to it

Attorney's report –

The General Assembly met; passed Bill that would expand the ability for Company Officers to unionize – this is legislation once the Governor signs it. Nothing in the Bill requires them to unionize.

Governor signed Bill for Healthcare Right of Conscience Act – will eliminate the argument for anyone that does not want to get a mandatory vaccine or mandatory testing, using this law as their defense.

Open Meetings Act Bill did not pass – to expand the ability to use electronic meetings beyond the pandemic.

Discussion on Battalion Chiefs in the union now if the district allows it –

- depends on what their duties are
- what this Bill did was expand the definition of Company Officer

Trustee Ethics Complaint – Moved from 13f

At this time Marty Kunkel addressed the Board –

Marty Kunkel introduced himself, he is a citizen and taxpayer of the district, retired with 36 years' experience in the fire service. He is the one that filed the complaint against the trustee – believing it is a violation of the Ethics of Trustees and also outside the bounds of the authority of a Trustee; his complaint was filed on the basis of discussion on what happened at last month's Board meeting, dealing with the vacant property lease on Denny Road; In his opinion, the Board member stepped outside the authority of all Board members and this compromised the negotiation as the tenant already knew about the other farmers.

Chief Kunkel was asked to read his entire complaint – that complaint is attached to these minutes.

Marty Kunkel: identified another violation in Section 2.08 – The Authority of Trustees – added this to his complaint – regarding the Outside Consultant.

Discussion held on agreeing only to allow Chief Kunkel to speak on 13F.

- in the past, public comments were made outside of the public comment section
- time restrictions - time was not considered at past meetings

It was decided that Chief Kunkel can speak, as this is a continuation of public comment.

Marty Kunkel: approved September 27, open minutes, it states Mike Fagel sent out three different proposals – this is an example of a Trustee acting independently, without the approval or input of the other Board members.

Trustees can now address the complaint -

- proposals received are not the same – they are not apples to apples
- Professional Services Act – should be followed
- Trustees showing bias for one consultant

An email went out to two trustees in which Attorney Flaherty gave his opinion that the Public Professional Services Act does not apply to this. This is exempt from bidding under Section 11K.

Discussion continued -13F -

- going outside of the Board and getting quotes
- pushing for a certain consultant
- filing complaints with the States Attorney's offices
- how things were done previously
- the definition of ethics
- Board Policy 2.07

Trustee Fagel: prepared a statement and read it at the meeting.

Discussion continued –

- on the actions of the bidding process
- the consultants
- the vacant property
- the goals of the Board and how or if they are violating any polices

Attorney Flaherty: if there is enough information on 13f, Trustee Ethics Complaint, does the Board want to act on this today.

Discussion continued –

- why the trustees originally accepted the \$500 donation for the property
- if they were going to lease it, they would have to pay tax on it
- when we received the last donation

Attorney Flaherty: does the Board want to act on this today, do they want to table it or review it in closed session.

Discussion held on what action can be taken against the Trustee –

- the Board cannot eject a Trustee, the only ones that can do that are the electors at an election
- They can censure a Trustee; it will be in the minutes, it us nothing more than a slap on the hand
- can take action with other agencies, as previously discussed

Is there any course of action a trustee can take, if they feel it is a hostile work environment?

Flaherty stated that he cannot give individual trustees advice on actions against other board members or the Board at all; but they can certainly get other legal counsel.

Discussion/Statements continued –

- asked for Trustee Fagel to admit and understand what he is doing wrong
- asked for Marty Kunkel to rescind his complaint
- Trustee Fagel responded to the complainant
- all the trustees need to read the policy manual that was given to them

Let the minutes reflect that the complainant is satisfied with the statement made by Mr. Fagel and resolve for the Trustees to do better.

Old Business –

Review from Outside Consultant of Fire District after 3 Months, to Gain a Base for the Future and Forward Movement of The Fire District – There have been two special meetings – first with the I-Chiefs and the second with McGrath Consultants.

It was motioned by Cicero to:

‘Have McGrath Consultants come in and do a review of the Fire District’

Discussion on –

- the scope of work presented by the consultants
- Departmental Study vs. Strategic Plan
- fairness to both consultants – compare apples to apples
- getting a list of options that the board wants, doing an RFP
- Cicero and Fagel should not be able to vote

Trustee Fagel asked if there was a second to the motion on the floor. Motion failed due to no second.

Blankenship would like to motion that the Board takes the two proposals they have and go through them, see what they offer, and come up with a set of parameters and see what the price range is.

Discussion continued –

- what the Board is looking for and price list
- Chief will call the proposers and let them know what we are doing, and have them quote all they offer, with a price list in a different sealed envelope
- Board to come up with the scope of work and then get the proposal from them

It was motioned by Blankenship and seconded by Cicero to:

‘Develop a scope of work to send back to both proposers that has apples to apples’

Discussion continued –

- Chief will get the information back to the trustees before the next meeting.

Roll call vote – All in favor - Motion carried

7:48pm – 5-minute recess

7:51pm – back from recess

New Business –

Ordinance 2021-04 Levying and Assessing Taxes –

Annual levy –

- this is the majority of the money the Fire District gets
- total levy is \$3,794,200 – based off 4.98% increase from last year
- 1.4 CPI, new construction .9%
- expect 2.4 to 2.5 percent increase, real number closer to 3.7mil
- always ask for more, new construction numbers are estimates

It was motioned by Guddendorf and seconded by Blankenship:

‘That we accept it’

Roll call vote – All in favor - Motion carried

Resolution 2021-01 Providing Direction to the County Clerk –

Resolution that is filed yearly with the Levy –

- directs the county clerk to not reduce the pension amount
- Would like a motion to approve this resolution

Request for motion to approve resolution - Fagel and seconded by Blankenship

Roll call vote – All in favor - Motion carried

SCBA Compressor –

Recently had an issue with the compressor and having hard time getting parts – originally installed in 1997. Found a used one from MES, with installation about \$46,500

Discussion –

- looking at different one
- replacement for cascade system
- cost of low end, new one, about \$65,000
- 5-year warranty – just under 3 years left
- Chief to see if we can get the 5 years – what cost would be if had to buy
- delivery time
- hookups – comes with all

It was motioned by Guddendorf and seconded by Fagel to:

‘Accept the 46,500 and the 19,250’

Discussion –

- is this budgeted
- budgeted 52,000 for the fill station and under equipment/apparatus, under miscellaneous another 19,000
- ask about extending the warranty
- who services it – Chief will get back to trustees on this

Roll call vote – All in favor - Motion carried

Updating Board Policy Manual –

In 2017 Attorney Flaherty’s firm, at the direction of the Board at that time, did an update to the Board Policy Manual –

Discussion on –

- the previous board went through chapter by chapter
- in 2020 the drug and alcohol policy was updated for marijuana
- certain sections have been amended
- need to scrap the one from 2017 and start over
- some things need to be streamlined, so not always having to change the policy manual
- job descriptions
- remote participation needs to be added
- include a redline map
- how long – about a 10-hour project
- Attorneys firm will start working on this
- timeline – aiming for January 2022 meeting

Legal Services Retainer –

This is the retainer the district pays the attorney for phone calls, emails and attendance at meeting.

Discussion –

- starting in May and June of 2021 – time has increased
- pay hourly or increase retainer fee in January to \$1250 a month
- hourly rates calculated at \$225 an hour
- can provide backup billing/timesheets
- does not cover litigation, research, drafting of documents.
- only covers phone calls, emails with trustees, Chief Perkins and Paula, attendance at open and closed session monthly meeting
- will look at it

No action will be taken tonight – will be put on agenda next month

Closed Session 8:19

Request for motion to go into closed for Personnel - Guddendorf and seconded by Cicero

Roll call vote – All in favor - Motion carried

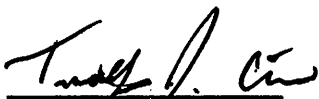
Open Session 9:26

No action taken in closed

Request for motion to adjourn – Guddendorf and seconded by Lamela

Roll call vote – All in favor - Motion carried

Respectfully submitted,



Timothy Cicero, Secretary

Sugar Grove Fire Protection District
25 Municipal Drive
Sugar Grove, IL

11-19-21

Complaint Against a Trustee

During discussion of agenda item 11a of the 10-18-21 at the regular Board of Trustee meeting, Trustee Mike Fagel stated he had made individual contact with three farmers to inquire if they had interest in leasing the District owned property on Denny Rd. This action compromised a previous Board approved action of negotiations with the existing renter of the property.

This action is in violation of sections 2.07(c)(d) Trustee Ethics of the Sugar Fire Protection District Policy Manual as adopted 11-21-2005.

Respectfully submitted



Martin Kunkel
39W772 Prairie St
Aurora, IL 60506
630-742-8205

CHAPTER TWO - BOARD OF TRUSTEES

2.07 TRUSTEE ETHICS

Each Trustee shall agree that he or she shall do his or her utmost to represent the public interest as Trustee by adhering to the following commitments:

- A. He or she will represent all Sugar Grove Fire Protection District constituents honestly and equally and refuse to surrender his or her responsibilities to special interest or partisan political groups.
- B. He or she will avoid any conflict of interest or any appearance of impropriety which could result from his or her position and shall not use his or her Board membership for personal gain or publicity.
- C. He or she will recognize that a Trustee has no legal authority as an individual and that decisions can be made only by a majority vote at a Board of Trustees' meeting.
- D. He or she will take no private action that might compromise the Board or administration of the Sugar Grove Fire Protection District and will respect the confidentiality of privileged information.
- E. He or she will abide by majority decisions of the Board while retaining the right to seek changes through ethical and constructive channels.
- F. He or she will encourage and respect the free expression of opinion of fellow Trustees and others who seek to be heard before the Board of Trustees.
- G. He or she shall faithfully and diligently perform the duties of Trustee, including attendance at all Trustee meetings and other functions of the District where Trustee attendance is required.

ADOPTED: _____, 2005

**Retainer Proposal for the
Sugar Grove Fire Protection District**

**Prepared by Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.
November 2021**

To prepare this retainer proposal, we have reviewed our legal bills to the District from December, 2020 through October, 2021.

MONTH & YEAR	AMOUNTS BILLED THAT WOULD HAVE BEEN COVERED BY RETAINER
December, 2020	\$1,192.50
January, 2021	\$945.00
February, 2021	\$562.50
March, 2021	\$1,305.00
April, 2021	\$1,102.50
May, 2021	\$1,507.50
June, 2021	\$2,877.65
July, 2021	\$1,552.50
August, 2021	\$1,710.00
September, 2021	\$2,025.00
October, 2021	\$1,957.50
TOTAL	\$16,737.65

\$16,737.65 / 11 months = \$1,521.60 per month

Based on the history of the retainer, and the expectation that there will be reduced retainer hours in the next year, we offer the District the following **monthly retainer** beginning January 1, 2022:

For telephone calls between you and our attorneys for any routine matter (not including research or litigation), e-mail exchanges between you and our attorneys for any routine matter (not including research or litigation), and attendance at all twelve (12) of the District's regular monthly meetings, \$1,250 per month (\$15,000 for one year)

Previous agreement = \$875.00/month is cancelled

**Retainer for the
Sugar Grove Fire Protection District**

Prepared November 2021

Beginning January 1, 2022, the Sugar Grove Fire Protection District will be billed a retainer of **\$1,250.00 per month** for the following services:

- **Unlimited telephone calls between the District (its Board members and its administrative staff) and our attorneys**
- **Unlimited e-mail exchanges between the District (its Board members and its administrative staff) and our attorneys**
- **Attendance at each regularly scheduled District meeting**

The District may terminate this retainer agreement at the end of any month. The retainer amount is guaranteed by Ottosen DiNolfo Hasenbalg & Castaldo, Ltd. through December 31, 2022.

Accepted this _____ day of December, 2021

By: _____
President, Sugar Grove Fire Protection District

Attest:

By: _____
Secretary, Sugar Grove Fire Protection District