

Minutes of the Oswego Township

REGULAR MEETING

August 11, 2020

(Approved 9-8-2020)

The meeting of the Oswego Township was called to order at 6:30 P.M by Supervisor Brian LeClercq. The meeting was held at 99 Boulder Hill Pass, Montgomery, Illinois. During this time of Covid-19 the meeting had to allow for social distancing and the meeting was available to attend online through Zoom. The pledge of allegiance to the U.S flag was given by all in attendance.

Township officials in attendance in person were: Supervisor Brian LeClercq, Trustees in person were Michael Bidegain and Diane Selmer. Trustees attended via Zoom were Allyson Jacobsen and Bill Small. Clerk Ken Holmstrom, Highway Commissioner Bob Rogerson and Assessor Brian Hauser were present in person. Also in person were Donna Stanley, Deputy Sheriff Kalius, Jim Wyman and Debbie Rogerson.

Supervisor LeClercq opened up public comment session:

No one wished to speak, so Supervisor LeClercq closed public comment.

Supervisor LeClercq presented the following bills for approval:

General Road Fund	\$	14,624.70
Permanent Road Fund	\$	60,624.94
Building & Equipment	\$	<u>34.42</u>
Total Road Fund	\$	75,284.06
General Town Fund	\$	7,639.06

Supervisor LeClercq asked for a motion to approve. Motion to approve the bills made by Trustee Selmer, second by Trustee Bidegain. A roll call vote was held by Clerk Holmstrom. Trustee Bidegain, Jacobsen, Selmer, Small and Supervisor LeClercq voted yes. Motion passed.

Supervisor LeClercq asked for approval of the July 14, 2020 meeting minutes. Motion by Trustee Selmer to approve the minutes. Second by Trustee Bidegain. Trustees Bidegain, Jacobsen, Selmer, Small and Supervisor LeClercq voted to approve the minutes of 7-14-2020 as reported. Motion carried.

Trustee Initiative:

Trustee Bidegain – Follow up on the Contingency Plan.

Trustee Jacobsen – No Report.

Trustee Selmer – Asked about the electric service agreement that is being discussed for the Boulder Hill Area. Supervisor LeClerc explained to her what the agreement was all about.

Trustee Small – No report.

Deputy Sheriff Kailus report was given and a copy of same is attached to these minutes.

Senior report – Supervisor LeClerc gave an update on the Senior Center move into 84 Templeton building. He also discussed that with more people in the building that the outside grounds may need more attention and could increase maintenance costs.

Highway Commissioner Rogerson gave the Highway report. A copy of his Highway report is attached to and becomes part of these minutes.

Township Assessor's report – he reported that the department is winding down the 2020 Assessments. A copy of his report is attached to these minutes.

Ordinance Officer Report – Ordinance officer DeLong reported that there were only 7 complaints in July and 4 were actual violations. He discussed the Covid 19 results for the month within the county.

Supervisor Report –

- He asked Donna Stanley to report on this year's TOI conference. This year the conference will be a virtual conference. All officer and Trustee positions will have a day focused on their area. Trustee Selmer was excited to hear that costs will be reduced this year due to no hotel fees and travel expenses.
- He discussed employee's working efficiently and effectively. He discussed Rob Delong and the Township vehicle that he uses was in poor repair and Mr. Delong found a newer vehicle at a cost of \$3200.
- Old Business:
  - Discussion took place on rental requests for the Township Board room. The Trustees decided to not rent the room at this time with the Covid 19 and the fact that we do not have the security system and locks in place. The issue will be brought back to the Board at a later time.

New Business:

- Supervisor LeClerc discussed hiring a conflict attorney in the case of a disagreement between the Highway Department and the Township. He is looking to retain a conflict attorney for the Township office and the Highway Department will be represented by our current firm. He asked for a motion to approve the office of Mahoney, Silver and Cross as the Township attorney. Motion to approve by Trustee Selmer, second by Trustee Bidegain. Discussion followed. Clerk Holmstrom did a roll call

with Trustee's Selmer, Bidegain, Jacobsen, Small and Supervisor LeClercq voted in favor of the motion. Motion carried.

- Discussion and possible action on Resolution 2020-08 to transfer funds to the Highway Permanent Road Fund. Supervisor LeClercq discussed the fact that half of the Highway Commissioner's salary can come from the Highway Department. Currently the entire salary is paid by the Township office. He also stated that the Attorney is writing up the agreement and the Board may want to table this until next month when the agreement is finished.

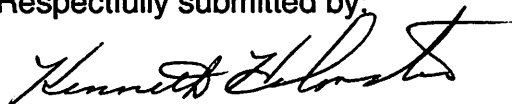
Supervisor LeClercq stated to be clear that the 84 Templeton property is owned by the Township and not the Highway department. Supervisor LeClercq proposed some options where the funds could come from for the transfer to the Highway Department. The Board decided to table Resolution 2020-08 until the September meeting.

- Discussion and possible action on Resolution 2020-07 setting compensation of Township Officials for the four-year term beginning May 17, 2021. Supervisor LeClercq explained that the current elected officials' salaries were adjusted down for all positions except the Assessor's position by the previous board. He asked Trustee Small for an explanation as to why the Assessor's salary was not adjusted. Trustee Small did not have an explanation. Supervisor LeClercq gave his opinion on the elected officials salaries. Trustee's gave their thoughts on the salary positions. Salaries should be set for the position and not for the people in the position. Trustee Selmer asked Commissioner Rogerson if he would be willing to contribute 50% of his wages to Township per 605 ILCS 5/6-207. He indicated he would. Trustee Selmer made a motion to adopt Resolution 2020-07 and mirror Resolution 2016-01 with same salaries set in that resolution and 50% transfer for Commissioner's salary to Township fund. All elected official positions back to the salary they received in 2016 with the exception of the Assessor to be brought down to \$95,000 a year and the Clerk position will not receive any benefits. Trustee Bidegain seconded the motion. Clerk Holmstrom gave a roll call with Trustee's Selmer, Bidegain and Supervisor LeClercq voted in favor of the motion with Trustee Jacobsen and Small voting no. Motion carried.

There was not a reason to go into Closed session.

Motion to adjourn by Trustee Bidegain, seconded by Trustee Selmer. Meeting adjourned at 7:54PM.

Respectfully submitted by:



Kenneth Holmstrom, Township Clerk

# Oswego Township Meeting

8/11/2020

## **MENDOTA MAN AND WOMAN CHARGED WITH INVOLUNTARY MANSLAUGHTER**

On Thursday, July 2nd, 2020 at approximately 1:28 PM, the Kendall County Sheriff's Office responded to the 100-block of Boulder Hill Pass in Montgomery for a child reportedly unresponsive and not breathing. Sheriff's Office deputies and Oswego Fire Department personnel located 6 year-old Kerrigan Rutherford deceased inside the residence.

The Kendall County Sheriff's Office and Coroner's Office conducted a joint investigation into the death. An autopsy was conducted on July 2nd, 2020 which included numerous toxicological tests. Based on these tests and information gathered during the month-long joint investigation Kendall County Coroner Jacquie Purcell ruled the cause of death to be prescription drug toxicity and the manner to be homicide.

On August 6th, 2020 Kendall County Sheriff's Office detectives took 29 year-old James Davidson and 32 year-old Courtney Davidson, both of the 800 block of S. Washington Street in Mendota, into custody at the Kendall County Sheriff's Office. The Kendall County State's Attorney's Office approved one count of Involuntary Manslaughter (Class 3 felony) and 2 counts of Endangering the Life or Health of a Child (Class 3 felonies) against both James and Courtney Davidson. They are currently in custody at the Kendall County jail and awaiting bond call Friday afternoon, August 7th, 2020.

## **The Mailing of Unsolicited Seeds**

The Kendall County Sheriff's Office has received reports from residents receiving unsolicited packages of seeds in the mail, an event that has been occurring nationwide recently. Most of the packages indicate they originate in China and sometimes indicate that different items are contained in the package, such as jewelry.

If you receive such a package, we ask that you follow the guidelines outlined by the Illinois Department of Agriculture which can be found below and report the incident to them by e-mail, along with your contact information, to [agr.seeds@Illinois.gov](mailto:agr.seeds@Illinois.gov). It may be helpful to e-mail a photo of the package to them as well.

Please refer to the statement from the Illinois Department of Agriculture below:

"We are currently working with USDA's Animal and Plant Health Inspection Service (APHIS) to address reports of unsolicited shipments of seeds from foreign countries. Anyone who receives unordered seeds in the mail should contact the Illinois Department of Agriculture by emailing the following information to [agr.seeds@Illinois.gov](mailto:agr.seeds@Illinois.gov): First and Last Name, Phone Number and the number of packages received. Do not open the package, plant the seeds, or throw them out. Please keep all seeds unopened and with their original packaging and labels, including mailing labels, until further instruction is provided."

[https://www2.illinois.gov/.../21870-Illinois\\_Department\\_of\\_Ag...](https://www2.illinois.gov/.../21870-Illinois_Department_of_Ag...)

## **2020 Respect for Law Banquet**

On Friday, July 24th The Kendall County Association of Chiefs of Police in conjunction with the Oswegoland Optimist Club hosted their 35th Annual Respect of Law Banquet at Ashley Farm in Yorkville, IL. The respect for law banquet recognizes law enforcement officers from agencies in Kendall County for Lifesaving, Valor, Investigator of the Year, Telecommunicator of the Year, Civilian of the Year, and Officer of the Year. At this year's banquet, multiple Kendall County Sheriff's Office Deputies were recognized for their efforts in these different categories. The following Kendall County Sheriff's Office Deputies received awards:

Nominated for Investigator of the Year

- Detective Tom Hagerty

Nominated for Civilian of the Year

- Tracy Page
- Megan Hanna

Nominated for Officer of the Year

- Deputy Chris Phillips

Deputy Chris Phillips was honored as the 2020 Officer of the Year. Deputy Phillips played an integral role in the establishment of the Law Enforcement Youth Academy Program. This program provided our youth with an opportunity to interact with an array of people working in the justice system and by doing so gave them hands-on experience in the profession of law enforcement and fostered the qualities of teamwork and Leadership. The positive impact the Law Enforcement Youth Academy Program will have on participants will be long-lasting and will benefit both the participants and the Kendall County community for years to come.

Tracy Page was honored as the 2020 Civilian of the Year. Tracy developed the first Kendall County Sheriff's Office Employee Handbook which covers policies and procedures unique to our part-time and non-bargaining unit employees. This project took a great deal of time and effort and allows employees to perform their work knowing they have the support of the Sheriff's Office both professionally and personally. Tracy was able to complete this project while continuing to fulfill her duties as the Human Resources/Business Manager and the Executive Assistant to the Sheriff.

### IDES Scam

The Sheriff's Office has received several reports recently of a scam involving unemployment benefits and KeyBank debit cards being sent to individuals who had not applied for benefits.

Did you receive a debit card from the Illinois Department of Employment Security (IDES) in the mail - BUT you did NOT file for IDES benefits? See examples below

Residents should be aware of identity theft regarding individuals who did NOT apply for unemployment through the state but received benefit claim information.

We have also received reports of individuals contacting residents stating they are going to activate their benefits and requesting personal identification information from residents. Do not provide this information. If you applied for benefits, there is a number on the card that you can call to activate the card. There is no need to provide personal identification information to activate your benefits

If you receive a letter and/or debit card from the Illinois Department of Employment Security without filing with the IDES residents are encouraged to:

1) Monitor your credit (visit <http://www.annualcreditreport.com>)

Why do we recommend [www.annualcreditreport.com](http://www.annualcreditreport.com)? You are entitled to one free credit report (not score) a year from each of the three services: Equifax, Experian, and Transunion a year. If you prefer the phone, the number to call for your annual credit report is 1-877-322-8228. You can also place an alert on your credit or even a freeze.

2) Notify IDES via [https://www2.illinois.gov/ides/Pages/Contact-IDES\\_Form.aspx](https://www2.illinois.gov/ides/Pages/Contact-IDES_Form.aspx)

3) Notify the Federal Trade Commission via <http://www.ftc.gov> (select File a Consumer Complaint, and then File a Complaint)

4) File a police report ONLY IF your identity has been stolen.

If you have been the victim of identity theft you should also file a report at <https://identitytheft.gov/>

Make sure you review your credit report carefully for anything unusual or credit cards you did not open. If you find you are a victim of identity theft, make sure you file a police report with your local police.

Once you have done all of the above, destroy the card by cutting or shredding.

**KCSO Activity from 7/1/2020 to 7/31/2020**

**461 Calls for Service**

**59 Traffic Stops**

**20 Civil Process Attempts**



## Highway Commissioners Report 8/11/2020.

- Our crew. They have completed our July brush pick up with no issues. Also, working on many drainage and other work orders throughout the Township including a few more sink holes. We had to install 500' of drainage pipe along Douglas road where water was not draining and creating a hazard. The project went well. We will still need to have some re-grading done in a month or so to finalize the job.
- We have Raise Rite concrete jacking company coming out again for many more areas throughout Boulder Hill on September 14 & 15.
- Our Boulder Hill road work and concrete has not been scheduled yet for Winrock and Fallcreek Cir. Exact date TBD. "D" Construction will start soon in Osage Ct. and Riverview Heights. They will also be working on Ponderosa and Cardinal in Yorkville. Also, Simons and Collins road from Douglas to Plainfield road.
- We have new road striping on Rance, Stewart and Scotch to our boundaries.
- Busted Knuckles has been busy for us throughout our Township again this month.
- Attached is some information from the IDNR (Illinois Department of Natural Resources), also Illinois Urban and Community Forestry departments that we will have 225 hard copies of "Under the Canopy" publication to hand out to those that may be interested. We will also add this information to the Road District website tab under the Tree Removal tab.
- Yesterday we have to say that we were lucky with the tornado warning that came upon our area. Our emergency management coordinator (EMC) Rob and I were in contact well before the storm. After the front came through, Rob and I along with two men from our crew, had gone out to block roads from fallen trees and pickup what we could. The crew is working to get storm damage cleaned up.

## Bob Rogerson

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**From:** Brunk, Michael <Michael.Brunk@Illinois.gov>  
**Sent:** Friday, July 31, 2020 9:30 AM  
**To:** Bob Rogerson  
**Subject:** IDNR Community Forestry Assistance  
**Attachments:** PracticalCare\_goodNeighbors\_March13.pdf; USDA Tree Owners Manual.pdf

Hi Bob,

It was nice talking to you this morning and learning about Oswego Township. Seventy one miles of streets is impressive and I see Boulder Hill on the map and assume this is the 50-60's developed community you maintain. I will begin to see what I can pull together to assist you in your tree care work. From our conversation I know your interests are to have some on-site tree trimming training. I will look into this and see what I can establish. I may be able to come up myself but not until next summer probably. I am also aware of some virtual training on tree trimming, chainsaw and chipper use safety. So I will look into these as well.

I have some publications filed electronically and have attached two. The USDA Tree Owners Manual can be shared electronically and I have hard copies as well that I will send your way. This booklet covers many topics and is a good general reference for tree owners on placing and caring for ones tree. The other attachment is a two pager that explains how trees that are shared between neighbors are managed. This two pager answers some common questions residents have when it comes to trees that sit between two properties. This is a useful handout when residents call seeking answers to this "shared tree" situation.

I will get a case (225 copies) of the Under the Canopy) publication shipped to you as well when I make a run to the Springfield office. This publication, like the USDA Tree Owners Manual, is made to answer commonly asked questions for choosing, locating, growing and caring for trees on ones property. It is different that the USDA publication as it is a hand out, has a colorful tree selection poster and colorful artist renditions for appeal and interest. This color Under the Canopy publication is under copyright by the City of Urbana/artist and is not to be copied for electronic use. Unfortunately that was a stipulation of the artist and controlled by cost. I will send you a couple excerpt pages of Under the Canopy in a second email and you can see part of what you will be getting to hand out.

It was a pleasure to talk and feel free to contact me anytime.

Mike



**Mike Brunk**  
Illinois Urban and Community Forestry  
217-361-9033  
[Michael.Brunk@Illinois.gov](mailto:Michael.Brunk@Illinois.gov)

Illinois Department of Natural Resources  
One Natural Resources Way, Springfield, IL 62702

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**For More Information**  
Sonia Garth, Public Relations and Marketing Manager  
International Society of Arboriculture  
217.355.9411 ext. 217, sgarth@isa-arbor.com

*For Immediate Release*

## Practical Tree Care Makes Good Neighbors

CHAMPAIGN, IL (March 2013) – If a tree is situated between two property lines, whose responsibility is it? Can you be held responsible if “an act of God” causes a tree to fall on a neighbor’s property? What right does your neighbor have to prune a tree that has branches or roots crossing property lines? How can you best protect your arboreal assets?

Trees add value to our property. Their beauty is something to admire as the seasons change. However, it is important to exercise sensible efforts in preserving the vigor of our trees. It creates a safe environment for our families and our neighbors.

### **Whose Tree Is It Anyway?**

A book published by the International Society of Arboriculture (ISA), *Arboriculture and the Law*, states that, generally, courts find that a tree positioned on a property line between two residences is common property, and thus, the responsibility of both property owners. This typically means the tree cannot be pruned, destroyed, or altered without both parties agreeing to the changes. Sometimes this requires the two parties to have a written agreement on the terms of care for the tree.

If a tree is securely on your property, in the eyes of the law you are responsible for the maintenance and upkeep of that tree. You could be found negligent for not attending to the pruning of trees that might block visibility of streets, driveways, and sidewalks. The common rule of thumb is that a homeowner should consider themselves responsible for tending to any trees that could cause harm to a neighbor’s home or person.

### **A Dangerous Tree Needs a Proactive Approach**

Homeowners cannot simply plead ignorance to the condition of the trees on their property to escape liability in the case of tree failure. To understand a homeowner’s liability in this situation, one must first understand what an “act of God” is. “An act of God” might best be described by *Arboriculture and the Law* as an issue that occurred as a result of “totally natural causes, which could not be prevented against by the actions of any particular individual.” If the home owner could have prevented the damage through regular checks and maintenance of the trees on his property, it could be concluded that the property owner on which the tree was situated could be held liable.

### **When a Tree Comes Between Neighbors**

At times, a tree grows beyond the yard it was originally planted in, and limbs and root systems spread to an adjoining property. These can cause damage to sidewalks, driveways, garages, rooftops, and sewage and drainage pipes. Do neighbors have the right to take matters into their own hands and remove such nuisances? According to the law, they do.

In most cases, courts have decided in favor of a neighbor being able to remove portions of trees that may not be planted on their property but have limbs or roots that reach across property lines. Courts have determined that a landowner owns all the space above and below his property, and if something invades either of those areas, it is his right to remove it.

*-more-*



**International Society of Arboriculture**  
P.O. Box 3129 • Champaign, IL 61826-3129  
www.isa-arbor.com • 888.472.8733

*For Immediate Release*

### **Protect Your Trees**

If your trees or landscape are damaged, ISA recommends that you:

- Contact your homeowner's insurance company.
- Have the insurance company send a professional tree and landscaping appraiser out to your property immediately after the damage has occurred.
- Have the appraiser determine your financial loss, including the cost of removal and repair.
- Contact a local ISA Certified Arborist if repair or replacement is needed.

Just as you would with any other valuable asset, document your investment in landscaping to help establish its worth. ISA suggests taking pictures of trees and plants while they are healthy to make insurance processing simpler with "before and after" examples.

### **Consulting an Arborist**

While there are generalities in the law concerning trees, statutes vary from state to state. There are some regulations that are more relevant to urban settings than to rural ones. It is important to be sure what your state dictates as proper practice. ISA Certified Arborists are tested extensively on proper tree care and can be a useful source when deciding what course should be taken with problematic trees.

For more information on the legal issues trees present homeowners or on proper tree maintenance, contact an ISA Certified Arborist or visit [www.treesaregood.org](http://www.treesaregood.org)

### *About ISA*

*The International Society of Arboriculture (ISA), headquartered in Champaign, Ill., is a nonprofit organization supporting tree care research and education around the world. To promote the importance of arboriculture, ISA manages the consumer education web site, [www.treesaregood.org](http://www.treesaregood.org), which fulfills the association's mission to help educate the public about the importance and value of proper tree care. Also, as part of ISA's dedication to the care and preservation of shade and ornamental trees, it offers the only internationally-recognized certification program in the industry. For more information on ISA and Certified Arborists, visit [isa-arbor.com](http://isa-arbor.com).*



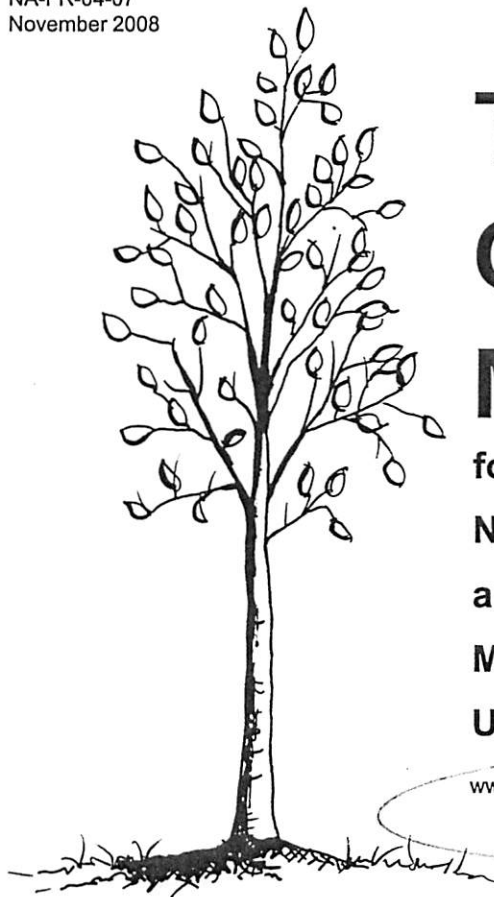


United States  
Department of Agriculture

Forest Service

Northeastern Area  
State and Private Forestry

NA-FR-04-07  
November 2008



# Tree Owner's Manual

for the  
Northeastern  
and  
Midwestern  
United States

[www.treeownersmanual.info](http://www.treeownersmanual.info)

# ORDINANCE/EMC REPORT

August 2020

For the month of July, we had 7 Ordinance complaints. 4 were issued violation citations, 2 as repeat offenders, 1 was referred to Home owners association and one was not a violation. 3 properties were mowed due to non-compliance.

An update on Covid-19. Recently the State redrew boundaries for Restore Illinois metrics. There are now 11 reporting regions instead of 4. This is both good and bad news for Kendall County. We have been removed from the Northeast Region with Chicago and Cook County, but have been placed in a larger region, Region 2, with Peoria, Bloomington and the Quad Cities. There has been an increase in positive cases reported as well as an increase in testing. Currently the State positivity rate is 4.1% and a 95% recovery rate. Region 2 has a positivity rate of 5.2% and Kendall County has a positivity rate of 5.7%. Both are still meeting the required metrics.

I also wanted to touch on our recent town meeting. I want to thank Road Commissioner Rogerson for the use of the facilities. I also want to thank Donna Stanley for all the work she put in to coordinate the meeting and to make sure it went smooth. In order to make this meeting happen, I presented a 10-stage plan to the Kendall County Health Department outlining strict guidelines we would follow. On top of the 10 guidelines I had put in place, they added 9 additional guidelines. On the days leading up to the meeting, and the day of the meeting itself, it was a great team effort to make sure all guidelines were followed.