

**GRAFTON TOWNSHIP BOARD  
REGULAR MEETING MINUTES  
Thursday, March 11, 2010**

**1. Call to Order**

Supervisor Moore called the special meeting to order at 7:30 p.m. at the Huntley Park District, 12015 Mill Street, Huntley, Illinois.

**2. Roll Call**

Present: Supervisor Moore, Deputy Clerk Hardy, Trustees LaPorta, McMahon, Murphy and Zirk, Highway Commissioner Freund, Assessor Ottley, and Township Attorney Bush.

**3. Pledge of Allegiance**

The Pledge of Allegiance was administered at this time.

**4. Public Comment**

Dan Bond commented on the Board spending too much on legal fees and acknowledged Trustee McMahon for not contacting the Township Attorney. Trustee McMahon responded that he needs to get used to high legal fees because the new lawsuit will cost the Township a lot of money.

Tammy Lueth commented on how she agrees that lawyer fees are too much.

Loretta Wuich commented on trying to get a referendum together to abolish township government in Grafton Township. She also proposed the Board consider meeting at other locations where there is no cost to the Township.

Tom Halat commented that he is bothered by the hiring of an administrator without criteria for the job or advertising for same. Trustee McMahon responded that since Administrator Fender took the job he went to the Township Office and felt welcomed and that the doors are now opened.

Lee Stump commented that she was not hired by the Township, but simply volunteered to help fix the bus schedule.

**5. Executive Session**

**Executive Session is moved as the next Agenda item.**

**Motion was made by Trustee Zirk, seconded by Trustee LaPorta, to go into closed session for the purpose of reviewing closed session minutes and discussing the clerk vacancy.**

Discussion. Attorney Bush explained that pending litigation, discussion on the qualifications of officer and review of executive session minutes are all appropriate items for executive session. Trustee LaPorta stated Supervisor Moore should not be included in the portion of executive session dealing with her lawsuit. Attorney Bush explained it is not easily determined whether Supervisor Moore can be excluded and stated discussion on the litigation can be had in open session as it is only an update and premature to discuss in executive session. Discussion was also had on Supervisor Moore being allowed to review the closed session meeting minutes where she was previously a party to the lawsuit. Supervisor Moore questioned whether the Administrator, as a non-elected official, should be allowed in closed session. Attorney Bush explained this can happen and is completely appropriate. It is discussed that Administrator Fender will be working closely with the new clerk so her presence is necessary.

**Roll Call**

**AYES: Supervisor Moore, Trustees Zirk, LaPorta, McMahon, Murphy**

**NAYS: None**

**Motion Passed.**

The Township Board met in executive session and Supervisor Moore called the meeting back to order at 8:35 p.m.

**6. Audit and Payment of Bills**

**Motion made by Supervisor Moore, seconded by Murphy to pay the bills as presented, except the three non-itemized Hammerand bills and the Crystal Lake Chamber bill.**

Discussion. Trustee Zirk questioned why the Board Packets were not provided earlier and Supervisor Moore responded that with all of the current difficulties it was not possible. Trustee Zirk commented on the Crystal Lake Chamber bill appearing on the list again. Discussion was also had on the Hammerand invoice. Supervisor Moore stated that this is the IT person. Trustee LaPorta questioned what work Hammerand performed and Supervisor Moore told Trustee LaPorta to look at the bills as they are pretty detailed. Trustee LaPorta pointed out that the Hammerand invoices simply state "service charge" four times on the invoices without description. Trustee LaPorta stated that with all of the crazy things happening to the computers, the Board needs to know more detail before paying the invoices. Supervisor Moore asked Attorney Bush if the law requires payment if the work was done and it is a legitimate expense. Attorney Bush explained that the Trustees have to determine if the bill is legitimate. Trustee McMahon stated that vendors should give a report of what they did and what they found. Trustee Murphy commented that the Hemmerand bills should be itemized and there is agreement to pay the detailed Hammerand bills. Supervisor Moore to send a letter regarding the non-detailed Hammerand invoices.

**Roll Call**

**AYES: Supervisor Moore, Trustees Zirk, LaPorta, McMahon, Murphy**

**NAYS: None**

**Motion Passed.**

## **7. Appointment of Clerk**

Discussion. Supervisor Moore announced that the Board will not be making an appointment at the meeting. Rather, they will be conducting interviews at the special meeting on March 23, 2010.

## **8. New Business**

### **A. Assessor's Computer Software**

Discussion. Assessor Ottley announced he needs to get new computer software. He explained the current software was written in 1985, updated in 1995, but now the company is out of business and the software is failing on the new computers. Assessor Ottley stated he would like to present bids at the next meeting and he estimated the cost to be \$58,000. Trustee McMahon requested that Assessor Ottley develop specifications and all are in agreement to publicly bid the purchase. Supervisor Moore questioned whether spending such a large amount of money is necessary. Trustee LaPorta recommended reviewing whether the companies will also provide maintenance and updating. Trustee McMahon also suggested adding training requirements to the specifications. There is discussion on adding the cost to the budget and paying for the purchase over two years. Trustee McMahon recommended adding to the specifications the two-year payment option. There is consensus to publicly bid the software purchase and to put the awarding of the bid on the April 8, 2010 meeting agenda.

### **B. Transportation Issues**

Discussion. Supervisor Moore stated they sent out the transportation waivers and registration forms and stated that the Board said it was ok at a previous meeting to send out these forms. Trustee Zirk stated that Administrator Fender has been receiving calls and complaints about the forms. Attorney Bush explained that the waivers help keep insurance premiums low and is a cost of doing business. Trustee McMahon stated his belief that it is too onerous to say if a person does not sign, they cannot ride. Administrator Fender reported the letter has been a nightmare. She stated the letter requires people to make a copy of their identification and people are screaming. Attorney Bush stated that requiring a copy of identification is not standard practice and that people normally just have to give their name, address and an emergency contact. Trustee LaPorta stated that the waiver should be modified to a one-page form. Supervisor Moore stated this was already presented and reviewed by the Board and that they should not spend more money on attorney fees to review. Trustee LaPorta responded that he is simply trying to bring resolution to help the community. Supervisor Moore again stated this was already approved by the Board and was already mailed out to residents. Administrator Fender asked that the Board hold action on this until the next meeting.

Supervisor Moore stated there is consideration of adding bus stops for Sherman Hospital and St. Joseph Hospital. Trustee Zirk explained that some residents are asking for rides to these places. Trustee Murphy suggested the Transportation Committee review this further. Trustee McMahon stated that the Township should be about service and if the Township can do this easily, they should do it.

### **C. Missing Computer Program**

Discussion. Supervisor Moore stated that she cannot comment on the missing computer program per legal advice. Trustee Zirk reported that the computer program was interrupted and that all Township information on the computer is gone. Administrator Fender reported that the original person who helped create the program worked for 15 hours to restore it. She reported that people who had bus reservations were standing in the cold with no ride and that it has been an absolute nightmare. Trustee McMahan pointed out that this is why the Board hired an administrator, so that the public can be served and because the Supervisor cannot be depended on. Trustee LaPorta explained that his profession is the software industry and it is a major issue for something like this to occur. He recommended that a computer forensic scientist come in and see what happened and to make sure it does not happen again in the future. Trustee LaPorta stated the destruction of the financial and busing information is criminal activity. Trustee McMahan stated the victim is the Township.

### **D. Annual Town Meeting Issues**

**Motion made by Trustee Zirk, seconded by Murphy to give the Administrator a \$2,000 budget for the annual town meeting.**

Discussion. Administrator Fender stated that the annual town meeting will be held at the Huntley High School Central Gym. She stated the gym has capacity for 500 and provides bleacher seating. There was discussion on who can attend, and Administrator Fender reported that visitors will be separated but can watch. Attorney Bush recommended developing an organized process for the meeting. Administrator Fender also suggested plans to hold an open house the day before at the Township and sending post cards to voters. Supervisor Moore asked how much the annual town meeting plans will cost. Administrator Fender stated she expects the ballots alone to cost \$200 and that there will also be costs for publishing and posting the agenda. She requested a \$2,000 budget.

#### **Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahan, Murphy**

**NAYS: Supervisor Moore**

**Motion Passed.**

Discussion on Meeting Agenda. Attorney Bush explained that the annual town meeting agenda must be adopted by the Board 10 days before the annual town meeting and recommended that the Board do this at their March 23, 2010 meeting. He explained that the electors must petition for items to be on the agenda and the items petitioned for must be related to the powers of the electors. Attorney Bush further explained that requiring Roberts Rules to be used at board meetings, firing the administrator, firing the attorney and appointing a plan commission are not proper matters for the electors. Trustee Murphy encourages the Board to get its items ready for the March 23, 2010 meeting.

### **E. New Home for Grafton Township Office**

**Motion made by Trustee Murphy, seconded by Zirk to put exploration of other building options for a new township hall on the annual town meeting agenda.**

Discussion. Administrator Fender provided her ideas for a new Township office and explained that there are a lot of bargains. She discussed some of the potential possibilities. Trustee McMahon stated these ideas should be run up the flag pole. Trustee Murphy suggested they should go on the annual meeting agenda.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahon, Murphy, Supervisor Moore**

**NAYS: None.**

**Motion Passed.**

**F. Report on General Assistance**

Discussion. Administrator Fender reported on her discussion with a similar sized township and gave an overview of general assistance process to the Board.

**G. Alarm / Security Problems & Possibilities**

Discussion. Administrator Fender reported that there was a problem where the alarm was set at night, but it was not set the next morning. She recommended having different codes for different departments so that the Township knows who is coming and going. Administrator Fender discussed putting in cameras and provided a price list to the Trustees. Supervisor Moore stated it looks like the cost will be about \$7,700. Trustee McMahon stated he wants to get bids and there was a consensus for same.

**H. Hiring Brown & Company**

**Motion was made by Trustee Zirk, seconded by Trustee LaPorta, to hire Brown & Co. to do an audit of the actual expenses year-to-date to help facilitate the amended budget and to perform the annual audit.**

Discussion. This is a follow-up from the last meeting to ensure the hiring is legal. Trustee Moore reported her concern about Brown doing the audit because they previously helped the Township and she stated it is like they are auditing their own work.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahon, Murphy**

**NAYS: Supervisor Moore**

**Motion Passed.**

**I. Hire Part-Time Help for Administrator**

**Motion was made by Trustee Zirk, Seconded by Trustee LaPorta, to hire part-time individual to assist Administrator.**

Discussion. Trustee Zirk explained that there are times when Administrator Fender will have to leave and the Township needs the office to be manned at all times. Trustee LaPorta stated this should be part time with no benefits and as needed. Trustee McMahon stated that they are not trying to spend a lot of money. Discussion was had on the Township Supervisor no longer coming into the office. Trustee Murphy stated that she is not for this, not for spending more money and that Supervisor Moore should do her job. Trustee LaPorta responded that not hiring another person could be putting people at risk if Supervisor Moore does not come into the office. Trustee McMahon suggested this will also allow Administrator Fender to administer as opposed to always answering the phone for bus pick-ups. A short recess was had. Supervisor Moore stated there was a volunteer who can assist.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahon**

**NAYS: Supervisor Moore, Trustee Murphy**

**Motion Passed.**

**J. Supervisor Censure**

Discussion. Consensus to strike the item from the agenda.

**9. Old Business**

**A. Missing Items from the Computer**

**Motion was made by Trustee LaPorta, seconded by Trustee Murphy, to hire an outside forensic scientist to find out what occurred and how the databases were deleted and recover same with an estimated \$5,000 maximum amount. Motion amended by Trustee LaPorta, seconded by Trustee Murphy, to amend the cost to an estimated \$10,000.**

Discussion. Supervisor Moore stated she was advised not to say anything from her attorney due to pending legal litigation. Trustee McMahon stated he is concerned about the high limit, but discussed the importance of the work. Trustee Murphy asked if the computers are backed up and Supervisor Moore responded that she cannot comment.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahon, Murphy**

**NAYS: Supervisor Moore**

**Motion Passed.**

**10. Administrator Issues**

**A. Administrator Contract**

**Motion was made by Trustee Murphy, seconded by Trustee Zirk, to strike this item from the agenda.**

Discussion. Supervisor Moore stated she did not have a contract and no other discussion was had on this matter.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahan, Murphy**

**NAYS: None.**

**Motion Passed.**

**B. Mailbox Key**

**Motion was made by Trustee Zirk, seconded by Trustee LaPorta, to provide the Administrator with a key to the Township mailbox.**

Discussion. No discussion.

**Voice Vote**

**AYES: Trustees Zirk, LaPorta, McMahan, Murphy**

**NAYS: Supervisor Moore**

**Motion Passed.**

**C. Services Provided by Administrator**

**Motion was made by Trustee Zirk, seconded by Trustee McMahan, that Administrator handles the temporary placards and hearing aid program.**

Discussion. Trustee Zirk explained this will make things easier. Administrator Fender reported that Supervisor Moore took these items out of the office. Trustee LaPorta asked Supervisor Moore if she will bring them back. Supervisor Moore stated that she cannot comment.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahan, Murphy**

**NAYS: Supervisor Moore**

**Motion Passed.**

**D. Administrator Salary Payment**

**Motion was made by Trustee Zirk, seconded by Trustee LaPorta for reiteration that Supervisor Moore must continue to pay the administrator's salary and cannot fire Administrator Fender.**

Discussion. No discussion.

**Roll Call**

**AYES: Trustees Zirk, LaPorta, McMahon, Murphy**  
**NAYS: Supervisor Moore**  
**Motion Passed.**

**11. Reports**

**A. Supervisor's Report on General Assistance Clients**

Supervisor Moore stated she cannot give the report in an accurate manner due to some of the things that have happened lately and therefore she will not be giving the report.

**B. Attorney Report**

Attorney Bush stated that there are two pieces of litigation pending and that there is a hearing on the annexation on March 16, 2010 at 9:00 a.m. in Room 201. He stated that the Board did not need to attend and that this was finishing up the appeal. Attorney Bush also reported on the preliminary injunction matter that was filed against the Township Board of Trustees. He stated the Judge denied the preliminary injunction and he will inform the Board of upcoming court dates when known.

**12. Adjournment**

**Motion was made by Trustee Murphy, Seconded by Trustee Zirk to adjourn.**

**Voice Vote**

**AYES: Supervisor Moore, Trustees Zirk, LaPorta, McMahon, Murphy**  
**NAYS: None**  
**Motion Passed.**

Meeting adjourned at 10:46 p.m.