

**GRAFTON TOWNSHIP BOARD
REGULAR MEETING MINUTES
Monday, February 11, 2010**

1. Call to Order

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

3. Pledge of Allegiance

The Pledge of Allegiance was administered at this time.

4. Regular Business

(a) Audit and Payment of Bills

(i) *Lamp Incorporated Bill*

Motion made by Trustee LaPorta, seconded by Trustee Zirk, to pay the Lamp Incorporated bill per the recommendation and analysis of legal counsel.

Discussion: Supervisor Moore argued that Lamp wasn't able to provide the service dates and that the Township was prohibited from paying the bill due to the court injunction. Trustee LaPorta disputed Moore's statement and noted that Attorney Krafthefer did an analysis and concluded that the Township was obligated to pay the bill. Attorney Krafthefer explained the work was performed prior to the injunction with the exception of two items on May 5 and May 13 that total \$62.50 but that Lamp is waiving interest in lieu of payment. Accordingly, Attorney Krafthefer stated the best option is to pay absent direct evidence that Lamp was notified of the injunction. Trustee LaPorta further disputed Supervisor Moore's claim that the bill is a duplicate as the work was for the month prior.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

(ii) *Tyler Press Bill*

Motion was made by Supervisor Moore, seconded by Trustee Murphy, to table the Tyler Press invoice to the agenda item on bills since it is included therein.

Discussion. Supervisor Moore explained that Tyler Press bill is included in the bills and can be discussed and acted upon therein.

Voice Vote

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

NAYS: None

Motion Passed.

(iii) *Town Fund & Road District Bills*

Motion was made by Trustee Murphy, seconded by LaPorta to pay the bills. Trustee Murphy later amends the motion, seconded by Trustee LaPorta, to pay the bills minus the chamber bill and with the Hemmerand bill to be taken up later on the agenda.

Discussion. The Board discussed the Tyler Press invoices. Trustee Zirk stated that attorney Bishop should pay the bill. Supervisor Moore stated the Clerk should have contacted him prior to the printing. Trustee McMahon stated the Township should have required payment in advance and should correct this practice going forward but we have to pay this bill. Trustee Murphy questioned the \$346 Hemmerand IT service bill. Supervisor Moore stated this is her IT person and he was needed because the bus roster disappeared. She stated he charges \$50 per visit and stays as long as needed. Discussion is had to move this later to the agenda where the Township website is discussed. There is agreement on this. Trustee Zirk raised concern about the Crystal Lake Chamber membership. Trustee McMahon stated Supervisor Moore should have dealt with the membership and she was not authorized to buy them. He stated she should have written a letter stating that she wasn't authorized to purchase the membership and that the Township is rejecting the bill. Supervisor Moore refused to answer if she contacted the chamber and simply stated that auditing the bills is the trustee's duties.

Roll Call

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

NAYS: None

Motion Passed.

(b) Approval of Minutes

(i) *December 10, 2009*

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to approve the December 10, 2009 meeting minutes.

Discussion. The Board reviewed the minutes and agreed to attach the agenda, resolutions and ordinances from the meeting.

Voice Vote

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

NAYS: None
Motion Passed.

(ii) *December 17, 2009 Meeting Minutes*

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to approve the December 17, 2009 meeting minutes.

Discussion. Supervisor Moore wanted to show that money was moved from the GA Fund to the Town Fund. Attorney Krafthefer advised the minutes are technically correct. To clarify the situation, the Board discussed simply amending the December 10, 2010 meeting minutes to reflect that only one levy ordinance was passed.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to amend the December 10, 2009 meeting minutes to add “amounts” after “tax levy” on page 5.

Discussion. Attorney Krafthefer recommended to the Board clarifying that the tax levy was not approved at this meeting, only the amounts.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

(iii) *January 14, 2010 Meeting Minutes*

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to approve the January 14, 2010 meeting minutes with the following two changes: (1) that no job description is given for the administrator and the administrator is to report to the board; and (2) that after Trustee McMahon references the Open Meetings Act on page 5 “investigation against trustees with State’s Attorneys office to which State’s Attorney found no violation.”

Discussion. Supervisor Moore requested that the fact that no job description was given to the administrator and that she is to be supervised by the Board be added to the minutes. Supervisor Moore also requested McMahon’s statement on page 5 regarding the Open Meetings Act be clarified. Trustee Murphy agreed this is important to show the investigation against the Board found no violation, but the investigation against the Supervisor continues. Supervisor Moore also wanted to add clarification on what Board rules she violated and why no planning commission was appointed. Trustee Murphy explained it is clear in the minutes no planning commission was approved because of the need to wait on the November referendum. Trustee Zirk explained the rule violations involved the agenda and not providing packets early enough.

Voice Vote

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

NAYS: None

Motion Passed.

5. Public Comment

Loretta Wuich inquired about whether Attorney Krafthefer contacted the Assessor's office to remove the January 14, 2010 video from the Township website and also stated she did not like the Board's conduct at the last meeting. Trustee LaPorta responded by apologizing for how he communicated. Attorney Krafthefer explained that the Board had not approved posting any videos on the website.

Tammy Lueth commented that the conduct of the Township is sad and the Township business is not getting done. Trustee McMahon responded that the business of the Township is getting done, including paying bills and passing resolutions and ordinances.

Joan Citro addressed the board regarding her interest in being appointed Township Clerk.

Chris Murphy explained that he took work calls during the last meeting and that the conduct of the meetings is ridiculous.

6. Old Business

(a) Status on Trustees' bonds to sign checks

Attorney Krafthefer reported on possible bonding of trustees. Trustee Zirk stated she checked with State Farm and they have a fidelity surety bond that is available at a low cost with a premium about \$90. Trustee McMahon stated he believes this is all that is necessary, not a full bond. Trustee Zirk to explore further and Board to consider at future meeting.

(b) Status on Supervisor's report about General Assistance payments tabled from previous meetings

Trustee Murphy requested update on old Supervisor General Assistance payment. The matter involved ARC Disposal and questions of potential recipient name, not code, being on the list and having the bill categorized under utilities. Trustee Murphy explained that she has been requesting this information for the last four meetings. Supervisor Moore responded that she doesn't even know what those specific items are anymore and she wants to move on. Trustee LaPorta stated these are legitimate concerns from a proper accounting and privacy standpoint. He requested an agenda item on this for the next meeting. Supervisor Moore responded that the bills are paid and that the supervisor is the sole authority over General Assistance.

(c) Discussion on Amended Resolution Establishing Regular meeting dates

Discussion is had on appropriate time to approve regular meeting dates. Attorney Krafthefer explained this is not done at the annual meeting.

Highway Commissioner's Report

Motion made by Supervisor Moore, seconded by Trustee Murphy, to make the Highway Commissioner's report next on the agenda.

No discussion.

Voice Vote

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

NAYS: None

Motion Passed.

(a) Highway Commissioner's Report

Commissioner Freund gave his report, including that 10 inches of snow were removed last month and that no special moving permits were granted.

8. New Business

(a) Township Clerk Frigo's Resignation

Motion was made by Trustee Murphy, seconded by Trustee LaPorta, to accept the resignation of Dina Frigo as Township Clerk.

Discussion. Supervisor Moore read Clerk Frigo's resignation letter.

Voice Vote

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

NAYS: None

Motion Passed.

(b) Proclamation Honoring Dina Frigo

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to accept proclamation recognizing Frigo's service as Township Clerk.

Discussion. Trustee Murphy read proclamation honoring Frigo.

Voice Vote

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

NAYS: None

Motion Passed.

(c) Consideration of plaque for Frigo

Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to get plaque for Frigo at a cost not to exceed \$50 and to allow Frigo to determine placement of same.

Discussion: Trustee Zirk to explore obtaining the plaque and all believe a cost of not to exceed \$50 is appropriate.

Voice Vote

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

NAYS: None

Motion Passed.

(d) Appointment of new Township Clerk

Motion was made by Supervisor Moore, seconded by Trustee Murphy, to advertise clerk vacancy in newspaper, to have deputy clerk accept cover letters and resumes up to March 1, 2010 and to appoint the new clerk at the March meeting.

Discussion. Supervisor Moore believed that action on the clerk should be postponed until time to advertise. Trustees concur and believe applications should be given to deputy clerk. Trustee McMahon stated qualifications should be clarified, including that they must be a registered Republican elector in Grafton Township.

Voice Vote

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

NAYS: None

Motion Passed.

(e) Hiring of Township Administrator

Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to hire Pam Fender as Grafton Township Administrator with a salary of \$35,000, with benefits, to work full time and to start on February 16, 2010 with general duties of an administrator.

Discussion. Attorney Krafthefer explained the general role of a township administrator, including running the day-to-day operations of the township (e.g., ordering the clerk's plaque, contacting the bond surety, etc.). Attorney Krafthefer explained these are day-to-day tasks and not statutory functions of any elected official. Supervisor Moore stated there is no money in the budget for this, no job description, a waste of money and no office space. Trustee LaPorta stated this is necessary to get the Township running effectively. Trustee McMahon commented that this should assist with the problems in the Township, including providing better public relations. Pam Fender addressed the Board and gave her background in government services and stated she is ready to get the Township business done and work with everyone. Trustee McMahon stated that the administrator will be working for the Board directly.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

(f) Action on TOI Website

Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to direct Attorney Krafthefer to tell TOI to link the Township's official website, www.graftontownship.us and to advise them that Administrator Fender will be the coordinator.

Discussion. Supervisor Moore read a letter from Jerry Crabtree about use of TOI website and stated that the website has been disengaged. Trustee LaPorta requested Attorney Krafthefer read her letter about the website and Supervisor Moore's wrongful actions. Attorney Krafthefer read the letter that explains Supervisor Moore's unauthorized conduct and the reaction of TOI to same. TOI suspended the site on its own and the allegations of Supervisor Moore's piracy, plagiarism and copyright infringement are now in the hands of TOI's attorney. Supervisor Moore stated she had not previously heard of the letter, admitted that Jerry Crabtree called her and said she was doing something wrong with the copyright and that she corrected it. Supervisor Moore attempted to argue that the Board authorized the website, but Trustee LaPorta stated they only approved a payment to TOI and did not know it was for another website.

Voice Vote

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

NAYS: None

Motion Passed.

(g) New Board Rules

Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to adopt Board rules as amended, changing references from Township Attorney to Township Administrator regarding the agenda and board packet and providing that the regular meeting schedule will be set at the January board meeting.

Discussion. Attorney Krafthefer explained that the process established at the last meeting was to have the supervisor provide the attorney with agenda items and that Supervisor Moore did not do that. Trustee LaPorta supports having the Township Administrator handle the agenda as opposed to paying the Township Attorney to do so. Attorney Krafthefer also recommended a change to show the regular meeting dates are established at a regular meeting in accordance with the Open Meetings Act.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

(h) Censure of Supervisor Moore

Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to approve second censure resolution censuring Supervisor Moore.

Discussion. Trustee LaPorta read the censure resolution and noted the censure includes the following infractions: (1) on January 7, 2010, the Township Clerk could not get Supervisor Moore to give information for FOIA requests; (2) in January 2010, Supervisor Moore failed to follow Board rules related to the preparation of the agenda; (3) in February 2010, Supervisor Moore failed to follow Board rules related to the agenda; (4) in October / November 2009, Supervisor Moore contacted TOI and falsely informed them that she had authority regarding the website; (5) Supervisor Moore failed to disclose that she created a website using public funds to advance her own political agenda; (6) Supervisor Moore agreed to bind the Township to TOI's website and subjected Township to their liability and indemnification language; (7) Supervisor Moore pirated and plagiarized TOI's material from TOI's website causing the Township to lose credibility and favor with TOI; and (8) Supervisor Moore created a separate political website without a disclaimer that it is not affiliated with the Township or TOI.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahan, Murphy

NAYS: Supervisor Moore

Motion Passed.

(i) Identification of Agenda Items for Next Meeting

Discussion. Trustee LaPorta requested that Supervisor Moore report on the two items in General Assistance that she is past due on. Trustee McMahan suggested Administrator Fender bring proposal on how to apportion office space.

9. Reports

Two reports were given as follows:

(a) Supervisor's Report

Supervisor Moore stated she has no info with her on General Assistance cases and passes on her report. Trustee Murphy stated it would be nice to hear about General Assistance cases. Discussion is had on the Bishop FOIA request.

(b) Transportation Committee Report

Trustee Zirk advised Board of discussions with Huntley on an intergovernmental agreement proposal. Supervisor Moore reported that Huntley can contribute \$10,000 to the agreement. Discussion is had on whether rates should be increased for out-of-area users. Trustee LaPorta suggested opening communications with Rutland Township about possible contributions. Trustee Murphy agreed the two townships should start communicating.

Trustee Zirk announced there is a grant application for \$150,000 to be split between 10 organizations, but that the application must be submitted between February 8 and February 26. The Board directs Administrator Fender to review the grant and bring the issue back to a future meeting.

Supervisor Moore stated the Park District wants a lease to utilize its property. Discussion followed and it was believed the Park District actually wants only a rental agreement. The Board directed Administrator Fender to follow-up with the Park District to determine exactly what it is needed.

9. Closed Session

Motion was made by Trustee Murphy, seconded by Trustee Zirk, to Item 9 on closed session review until the March 11, 2010 meeting.

Discussion. Trustee Murphy stated that the Board still has time to complete the minute review and determination.

Voice Vote

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

NAYS: None

Motion Passed.

10. Adjournment

Motion was made by Trustee LaPorta, Seconded by Trustee Zirk to adjourn.

Voice Vote

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

NAYS: None

Motion Passed.

Meeting adjourned at 11:10 p.m.