

**GRAFTON TOWNSHIP
BOARD OF TRUSTEES
MINUTES
October 12, 2006**

I. Call to Order/Roll Call

The Grafton Township Board of Trustees meeting was called to order at 7:30 p.m. Present were as follows: Supervisor Rossi, Assessor Ottley, Highway Commissioner Freund, Clerk Frigo, Trustees Brothers, LaPorta, Murphy and Zirk. Also present was Township Attorney Kelly.

II. Pledge of Allegiance

The Pledge of Allegiance was administered at this time.

III. Approval of Minutes

Supervisor Rossi called for a motion to approve the minutes of September 12, 2006.

Please note for the record: The words in **Bold** were added to the corrections. Also, the **(bold)** words in parenthesis were deleted from the record.

Trustee LaPorta asked to correct page 9, paragraph 7 as follows: By Trustee LaPorta: We as the **Board** majority, do not agree with the way you are continuing to run this, and I **(would)** think that **agreeing with the Board**, would make your life a lot more peaceful. Have you thought about **(all)** the public, the press, your peers and the Board? **(I am suggesting that maybe you are not doing the best things)**. Would you **(maybe)** constructively consider that?

Trustee Brothers asked to correct page 9, paragraph 9 as follows: I feel **(real)** badly about the tension that has evolved. But, as an elected official, our first duty is to our legislators. Correction: change legislators to constituents.

Trustee Brothers asked to correct page 9, paragraph 2 as follows: He doesn't dispute the fact that he is an entirely separate agency. Correction: change He doesn't to We don't. We understand the law that Jack is separate. **But**, the public's perception is that we are one body.

Trustee Brothers asked to correct page 5, paragraph 7 as follows: The food was distributed at the Township on **Saturday, September 9, 2006.**

Trustee Brothers asked to correct page 4, paragraph 9 as follows: Highway Commissioner Freund stated that was the product they used, CRW. Highway Commissioner Freund stated that all the cracks were sealed and it took over two-in-a-half weeks---- Correction: change two-in-a-half weeks to two-and-a-half weeks. Supervisor Rossi called for a motion to approve the minutes of September 12, 2006.

Motion made: Trustee Zirk
Second to motion: Supervisor Rossi
Roll vote: All ayes
Motion carried.

Supervisor Rossi asked the Board to consider taking the Assessor's Report out of order because Assessor Ottley was not feeling well. All concurred.

Assessor's Report

Assessor Ottley suggested to the Board and Staff that if you look at the previous minutes, all of the data relating to permits was not included. He stated the following:

- **294 permits**
- **27 new homes**
- **(September) 214 permits**
- **26 new homes**
- **permits for home assessment improvements not assessable**

Assessor Ottley credited and thanked the Board for the ability to get his office to where it is presently. He stated that the subsidized tax bill would be going out on time in order to provide necessary funds needed to complete work. He also stated that Grafton is exceeding 1-hundred-million-dollars and that level has never been reached by any other township before. He used Kendall County as a comparison. He also referred to budget time in regards to the upcoming levy. He stated levying for a 10% increase. He added that he has been working with the Supervisor Rossi in consolidating numbers in order to streamline the budget or transferring of funds.

Trustee LaPorta inquired about the 10% increase referring to the 1-hundred-million-dollar figure. Assessor Ottley answered in the negative.

Trustee Zirk inquired about the revenue increasing by 10%. Assessor Ottley suggested asking for 10% more this year. He explained that the base changes as the increase does and that we would probably be right in the ballpark with that figure, until the County finalizes it.

Assessor Ottley informed the Board and Staff that his offices should be entirely completed and closed by November, and published by the last day of November. He stated that it is all in the County's hands right now.

Mr. Titus inquired about an application date. Assessor Ottley answered in the negative and stated that the County determines the application date. When turned over, there are seven days to publish according to State Statute. He stated that he had no idea when they would do so.

Assessor Ottley informed all that his offices ran into a unique problem. They found a flaw in the program that is being used at this time. He stated that it is all worked out. Trustee LaPorta inquired whether or not the system is corrected. Assessor Ottley stated that his offices could use a different technique using the multiplier and testing it mathematically. Mr. Fangman, who was sitting in the audience, inquired about what application is used to calculate. Assessor Ottley stated that it goes into the program that is used and is written in "C". He has also asked the owner of the program to sell him his codes and he will not do so. He stated that he is basically out of business. Supervisor Rossi added that Assessor Ottley is a professor of mathematics. Assessor Ottley stated that the program is a strange combination of odd thousands and did not round off correctly. He spoke about a "SCO" program.

Trustee Zirk inquired whether or not Assessor Ottley was thinking of changing the program now that levy and budget time is approaching. Assessor Ottley stated his offices are not changing programs right now. He stated that what his offices are doing now should have been done years ago and that he did not have the time or personnel to rebuild tables. He also stated the following:

- Do not have to have such a high cost factor
- High cost factor ruins large numbers
- All staff working on revising tables
- Assessor's Office will bring tables up-to-date

Trustee Zirk stated that hopefully by the end of our terms, the Assessor's Office is using an antiquated program. Assessor Ottley stated that he would be looking at different programs and maintenance fee expenses.

Trustee LaPorta inquired about the existing program being up-to-date with parcels. Assessor Ottley stated that it is up-to-date to about 32,000 parcels. Trustee LaPorta inquired about the number of new construction. Assessor Ottley suggested 2-3000, conclusive to growth. Trustee Brothers stated that Assessor Ottley is still a shining star among Assessor's. Assessor Ottley stated that he is only as good as his staff and you people. He said he has got some good people working for him.

The record shall reflect that Assessor Ottley was excused at this time.

IV. Review and Approval of Accounts

Funds Transfer-Road District

Supervisor Rossi called for a motion to transfer funds at this time.

Ordinance #101206-01T transfer from line #6512-Maintenance Equipment to line #6531 Accounting Services.

Motion made: Trustee Zirk
Second to motion: Trustee LaPorta
Roll vote: All ayes
Motion carried.

Approval of Receipts/Bills

Supervisor Rossi called for a motion to approve Road District and Township warrants.

Motion made: Trustee Murphy
Second to motion: Trustee Brothers
Roll vote: All ayes.
Motion carried.

Trustee Zirk inquired about the Road District bill for McHenry County for \$12,000. Highway Commissioner Freund stated that the charge was for the striping and painting of all roads. He stated they got the machine to do it (Baker).

BY TRUSTEE ZIRK:

Q: Is that Baker, Peter.

BY HIGHWAY COMMISSIONER FREUND:

A: That's for black topping ---- all new roads.

Q: County and Swanson?

A: Woodlands and Haligus. They did everything together.

Q: How many miles of roads would you say this covers?

A: Two miles of roads.

BY TRUSTEE LAPORTA:

Q: Did we get to bid for this?

A: The County does all of the bidding for this. We tell them which roads we want done and they get bids on it. They really tighten it down.

Trustee LaPorta inquired about the gas bill charge. Highway Commissioner Freund stated that it's usually brought together ---- trucks and cars. They put it on one bill.

BY TRUSTEE LAPORTA:

Q: There are gas logs to support this?

BY HIGHWAY COMMISSIONER FREUND:

A: Yes.

Q: Were they attached to this? (Referencing bills and stapled attachments)

A: He's got them. (Referring to Supervisor Rossi)

The record shall reflect that Supervisor Rossi was getting the documents asked for by Trustee LaPorta. Trustee LaPorta then reviewed such documents.

BY TRUSTEE LAPORTA:

Q: Jack, in the future, can you give your gas logs?

A: Yes. I never had to do this before.

Q: That's all I'm asking.

A: But, we've never done it before.

Q: I'm trying to get consistent.

Supervisor Rossi informed the Board and Staff that there were two bills added. One is for Computer Sports, purchased on line by the Assessor's Office and the other was for Internet service. These bills will be amended on the Clerk's Warrant sheet.

Trustee Zirk inquired about the Bakely Construction bill. Highway Commissioner Freund stated that bill was for gravelling along the road. He stated that his department sprayed all new gravel on them.

Trustee LaPorta inquired about the progress relating to any better deals for insurance. Supervisor Rossi stated that he has been attending meetings in regards to the insurance possibly getting a group rate. He stated that they are nowhere near any decision.

Supervisor Rossi called for a motion to approve bills and receipts with the amended bills added.

Motion made: Trustee Zirk

Second to motion: Trustee Murphy

Roll vote: All ayes.

Motion carried.

V. Officials Reports

Supervisor's Report

Supervisor Rossi informed the Board and Staff that the financial reports prepared by Brown & Company were sent to the Office of Dan Hynes. He stated that Clerk Frigo has the original documents related to the financial reports.

General Assistance Report

The number of cases for utility bills has increased. He stated that they had a woman come back and cancel the check for assistance. Evidently, her family helped her out.

Food Pantry

- **46 households**
- **122 people**

Supervisor Rossi informed all about ongoing discussions with the Huntley Legion Hall in regards to donating fifty turkeys for Thanksgiving. The Huntley Lions Club that Highway Commissioner Freund is Chairman of, pledges fifty turkeys for Christmas. Supervisor Rossi stated that these organizations have warm hearts and that we appreciate the support from both agencies.

Transportation Report

Trustee Zirk stated the following:

- **September-142 rides**
- **121-Grafton**
- **21 outside of area**
- **receipt amounts \$198.50**
- **shows increase for more rides**
- **working out smoothly**

See Exhibit #1 on file.

Highway Commissioner's Report

- **5 special moving permits**
- **\$330**
- **road crew from county picking up trash (took four days)**
- **provided Gatorade for them**
- **replaced one culvert in Andover**
- **still doing mowing and trimming**

- **still a little bit to do**
- **did some road patching**

See Exhibit #2 on file.

The record shall reflect that Highway Commissioner excused himself from the meeting and said that he had another meeting to attend. Clerk Frigo asked if he would please stay during her report.

BY HIGHWAY COMMISSIONER FREUND:

I got a meeting to go to. Since this isn't something that you need to talk to me about, call me and set up a meeting. Thank you and have a good night.

BY DOUG FRANK:

Q: I want my road safer. How am I going to get my road safer?

BY HIGHWAY COMMISSIONER FREUND:

A: It isn't my problem. I can't do that, sir.

The record shall reflect that there was a discussion relating to this matter. Supervisor Rossi explained that he made several calls relating to this issue. Highway Commissioner Freund exited the meeting at this time.

See Exhibit #3 on file.

Clerk's Report

Clerk Frigo informed the Board and Staff that the audit report was timely filed with the State of Illinois Office of the Comptroller, McHenry County Clerk's Office and the McHenry County Treasurer's Office. She also thanked Brown & Company for their help in the process.

Clerk Frigo read into the record and provided the Board with copies of case law as it pertains to records retention in the Office of the Clerk and ex officio officer for the Road District and referenced the October 5, 2006, letter from Township Attorney Kelly regarding duties of the Road District Clerk. **See Exhibit #4 and #5 on file.**

Clerk Frigo also reiterated her statement made on the record at the June 8, 2006, meeting in regards to her preparation of the Road District ordinances in question.

Clerk Frigo stated that on October 4, 2006, Highway Commissioner Freund and his assistant brought to her attention an amended ordinance that had been previously prepared by Clerk Frigo. Clerk Frigo explained that these events all took place before an

article appeared in the Sun City Herald crediting the Highway Commissioner's assistant for the sole preparation of the ordinances. **See Exhibit #6 on file.**

Clerk Frigo also read the following statement into the record:
See Exhibit #7 on file.

I would like to share with all of you a valuable lesson I learned from the judge with whom I worked for many years and highly respect. Through the hundreds of jury trials we had, during the "voir dire," which means to speak the truth, of the jury selection process of perspective jurors, the judge would pose the following questions to the perspective jurors:

Q: Can you follow the law? All answered in the affirmative.

Q: What if you don't like the law or don't agree with the law; will you still follow the law? Most affirmed. Those that did not affirm, the judge thanked them for their candor and discharged them of their duties as a juror. He then explained that one could not reasonably and fairly sit on a jury without following the law, and that nobody was above the law.

Clerk Frigo stated that she would follow the law. She stated the following:

BY CLERK FRIGO:

It is my duty and a privilege to those who elected me to this office.

Clerk Frigo asked for any questions or comments.

There was a discussion at this time. Trustee Murphy suggested just talking to Highway Commissioner Freund. Trustee Brothers suggested talking to the Highway Commissioner my not be effective since he just got up and walked away before the Clerk's report. She suggested having the attorney prepare a letter with regard to compliance. All concurred.

Township Attorney Kelly suggested that the previous ordinances should be rescinded if the fee structure is different. Supervisor Rossi explained that the Road District garage is not secured enough to contain original documents. He stated that the first thing the Board affirmed was an alarm system in the Township and Assessor's Office because of the importance of securing and preserving of original documents. He stated that Clerk Frigo has a fireproof file cabinet. He stated that he has complete responsibility and trust in the way Clerk Frigo maintains records.

BY SUPERVISOR ROSSI:

I would say this is a problem. (referring to records retention) I am running into the same criticism as before. If he chooses to run a disrespectful office, I can't change that. We appropriate his funds. I'm only in charge of my office. I can't tell him what to do. It is within the statutes. Her position (referring to the clerk) is being farmed out.

There was a discussion in regards to the publishing of the ordinances and the proper fees. All concurred that Township Attorney Kelly would research this issue and report back to the Board and Staff at the November meeting.

Appointment of Deputy Clerk

Clerk Frigo stated the following: I am appointing Rose Anne DiRenzo as my Deputy Clerk. Rose Anne will see to my duties in lieu of me in my absence only. I am confident that she can carry out the duties of Deputy Clerk.

Supervisor Rossi stated that any correspondence or messages would immediately be turned over to Clerk Frigo and that the Deputy Clerk would act only in her absence. He stated that Clerk Frigo is very active in the community representing the Township, and it is not necessary for her to be present in the office daily. He added that her salary is not compensatory for the work she has done or continues to do. Additionally, the Board concurred at a previous Board meeting to appoint a Deputy Clerk at some point.

Trustee LaPorta commented on the Village Life magazine article of October 2006 about the Frigo family and all that Clerk Frigo is doing to help children with special needs. He thanked the Frigo family. **See Exhibit #8 on file.**

VI. Old Business

Supervisor Rossi talked about the letter to the Village of Huntley in regards to compliance with the Village Ordinance relating to clothing containers. **See Exhibit #9 on file.**

Trustee LaPorta inquired as to whether or not the Highway Commissioner has followed up on this issue. Supervisor Rossi suggested that he has not spoken to him at all about it.

VII. New Business

Trustee LaPorta brought to the attention of the Board and Staff articles in the news media being previously marked as exhibits. He spoke about the article in the Village Life magazine about Trustee Zirk. He commented on what a wonderful person Trustee Zirk is. **See Exhibit #10 on file.**

Trustee LaPorta commented on the article in the Sun City Herald, "Blood thicker than politics in Grafton." Also, a comment about the article was placed into the record. **See Exhibit #6 and #6A on file.**

Supervisor Rossi asked the Board for their comments on this article. He asked Trustee Murphy what her thoughts were.

BY TRUSTEE MURPHY:

I thought we had this all put to rest. I thought what you said a few months back and made comments on. I thought it was just going to stay in. There are new comments here; it doesn't seem to do that.

BY SUPERVISOR ROSSI:

I think as officials, Jack presented his case and I presented my position. I'm criticized. I'm being accused of being critical again. It is not being personal. It keeps coming up. It's not doing anybody any good. It's a disservice to our taxpayers. It inhibits our Board from doing what we need to get the job done and what we were elected to do. I wish the Road Commissioner were here. Supervisor Rossi read into the record **Exhibit #11** entitled "Media Coverage."

Trustee Zirk commented that she wished the Road Commissioner was present. She also stated that the Board is not personally attacking him, they are attacking the way he's handling his department and his assistant. She stated that he gives his assistant more privileges than he does his other employees.

Supervisor Rossi again reiterated the fact that it is the Highway Commissioner's responsibility and his duty. He stated that the Board sets the budget and appropriations once a year. Trustee Murphy suggested talking to the Highway Commissioner.

Trustee LaPorta posed the following questions to the Highway Commissioner to answer in follow-up at the next Board meeting:

1. Can he (Highway Commissioner) fulfill and complete his job without his administrative assistant? If he cannot, what specific duties are required for her to do?

Trustee LaPorta stated he asked those questions and his questions were not answered.

2. Legally and as a courtesy to the Board, can he explain to the Board why he continues to walk down this path of keeping his assistant on board for administrative duties, as well as highway duties?

3. Another concern, why does he choose not to include supporting documentation when asked? Example: cell phone bill and gas logs.

Trustee LaPorta suggested that Highway Commissioner Freund debated him over providing gas logs that everyone else provides. He stated this seems to be a pattern.

4. The ongoing commentary in the newspapers. The public's perception is one of disapproval and one of wondering if he can do his job. I would recommend the Board consider if he can do his job competently.

Glenn Schmeltzer called out from the audience and stated that Highway Commissioner Freund was at church.

VIII. Public Comments

Mack Titus addressed the Board and Staff and provided **Exhibit #12** entitled “Should you appeal your property assessment?”

Glenn Schmeltzer stated the following:

BY GLENN SCHMELTZER:

I had a lot prepared tonight, but after the last four months, I had a lot of time to think. I’m going to read some of the things I gathered here. Having run for office with seven of you, I’m personally appalled and disgusted with the fighting and continuing the public attacks by newspapers against the Highway Commissioner. We ran together and we work as a team. What happened to that? Mr. Rossi, on June 6, I called you at your office before your budget hearing. I asked you if you would meet with Mr. Freund and I to discuss his budget and you did meet with Mr. Freund and the attorneys only.

At that time, the way I understood, you voted to pass his budget and you did at that point in time. You had nothing else to do with the Highway Commissioner. Now that is not my fault, this is from TOI. So the decision tonight is invalid with regards to what Mr. LaPorta said. Once the budget is passed, your job is done until he brings in his legitimate bills and you pass them. You are required to pass them if they are legitimate bills. Last month you didn’t. You were in violation of Illinois Statute. I worked with you people. But, I don’t like what I’ve been seeing. It’s just redundant what Mr. Rossi says. What I’d like to do is ---- I’m going to say it to your faces. I’m going to tell you to your faces. Your department is over budget. I believe you have three dispatchers and two drivers. You can tell me if I’m correct.

BY SUPERVISOR ROSSI:

You’re wrong.

BY GLENN SCHMELTZER:

You have bought a used bus and you bought a van for \$16,000, which were useless, and now you’ve gone to the county asking for a grant from the county.

BY SUPERVISOR ROSSI:

Yes, we have.

BY GLENN SCHMELTZER:

Q: Why is there a bus sitting in the parking lot? Why are you going after a new bus? Okay, that’s what I have to say about your department. I’m a taxpayer, if I hadn’t been elected.

BY SUPERVISOR ROSSI:

A: Call my office and I will give you a response.

BY GLENN SCHMELTZER:

Lastly, this is separate. I've been appointed as Jack Freund's Intergovernmental Liaison to work with the Trustees, Clerk and Supervisor. Because Mr. Freund is being picked on constantly. This is why he left. This is why he has asked me to do this. It's a whopping \$1.00 a year. I am the Intergovernmental Liaison.

BY SUPERVISOR ROSSI:

I'm sure they'll find this real amusing. This is very unorthodox. It amazes me that an elected official would hire someone to speak for his actions.

See Exhibit #13 on file.

Mary McCann addressed all. She stated that she is a candidate for County Board-6. She stated that she is trying to attend all of the township meetings locally. She informed all to feel free to call upon her at any time. She would like to improve communication between the county and townships.

Doug Frank spoke about his dissatisfaction with the Highway Commissioner in regards to the dangers near his subdivision. The record shall reflect that there was a discussion regarding this issue. Mr. Frank is very concerned about the safety of the children in the area because of vehicles traveling at such a high rate of speed.

See Exhibit #3 on file.

Kevin Fangman stated that the Highway Commissioner put him in touch with the contractor that was responsible for the roadwork near Swanson Road. He stated that he never heard back from the contractor. He was going to follow-up with legal counsel.

IX. Executive Session

There was no Executive Session.

X. Adjournment

Supervisor Rossi called for a motion to adjourn the meeting.

Motion made: Trustee Murphy

Second to motion: Trustee Zirk

Roll vote: All ayes.

Motion carried.

The meeting was adjourned at 9:30 p.m.

The record shall reflect that after the adjournment of the meeting, Glenn Schmeltzer approached Supervisor Rossi and Clerk Frigo and wanted to speak with them. Present were as follows: Supervisor Rossi, Clerk Frigo, Trustees Brothers, LaPorta and Zirk, Township Attorney Kelly and some members of the audience.

Respectfully submitted by,

Dina M. Frigo

Exhibits

- 1. Transportation Report**
- 2. Road & Bridge bills-Sept. 2006**
- 3. Petition for Columbine Avenue/Longmoor Drive Closure**
- 4. Clerk's Report-Case Law**
- 5. Township Attorney Letter of October 5, 2006-Duties Rd. Dist. Clerk**
- 6. Sun City Herald article "Blood thicker than politics in Grafton" 6A-
Comment via e-mail**
- 7. Clerk's Report**
- 8. Village Life article "Making life a little easier"-Frigo family**
- 9. Letter from Township Supervisor to VOH-Compliance**
- 10. Village Life article Huntley Profiles-Betty Zirk**
- 11. Supervisor Rossi-Media Concern statement**
- 12. Mack Titus-"Should you appeal your property assessment"?**
- 13. Road District-Certification of Appointment of Governmental Liaison**

(clerkmins101206)