

**GRAFTON TOWNSHIP  
REGULAR BOARD MEETING MINUTES  
May 13, 2010**

**1. Call to Order**

Supervisor Moore called the meeting to order at 7:30 pm.

**2. Roll Call**

Present: Supervisor Moore, Trustees LaPorta, McMahon, Murphy, Zirk, Clerk Ford, Assessor Ottley, Road District Commissioner Freund, Township Attorney Rob Bush, Road District Attorney Pat Coen

**3. Pledge of Allegiance**

Supervisor Moore led those present in the Pledge of Allegiance.

**4. Regular Business**

**Motion was made by Supervisor Moore, seconded by Trustee Murphy to move "Public Comment" to be the first agenda item and to move the Executive Session to be the next agenda item.**

Discussion: Trustee LaPorta stated that he wanted to table Item A. iii *Payment of Harris Bank Loan* until after the budget was approved; Road District Commissioner Jack Freund objected. Trustee Zirk stated that the Township Attorney had not completed their reviewed. Road District Commissioner Jack Freund stated that their attorney had prepared. Attorney Bush stated that this discussion should held until the item was discussed as part of the Agenda.

**Roll Call**

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

**NAYS: Trustee McMahon**

**Motion Passed.**

**5. Public Participation**

- Don Bond/Huntley

**Motion was made by Supervisor Moore to have Trustee McMahon, seconded by Trustee Murphy, not speak at this time.**

**Roll Call**

**AYES: Supervisor Moore, Trustees Murphy**

**NAYS: Trustee McMahon**

**ABSTAIN: Trustees LaPorta, Zirk**

**Motion Failed.**

- Paige Slater/Huntley
- Tom Halat/Huntley
- William Kosmiejka/Huntley

**9. Executive Session**

**Motion was made by Trustee Murphy, seconded by Trustee Zirk, to go into Executive Session at 7:55 p.m. for the purpose of discussion of Assessor/Personnel issues; review of closed session minutes from October 2009 and March 2010 and pending litigation.**

**Roll Call**

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

**NAYS: None**

**Motion Passed.**

The Regular Township Board Meeting reconvened at 8:20 p.m.

Present: Supervisor Moore, Trustees LaPorta, McMahon, Murphy, Zirk, Clerk Ford, Road District Commissioner Freund, Township Attorney Rob Bush, Road District Attorney Pat Coen

**4. Regular Business**

A. Audit and Payment of Bills

- i. Discussion and potential action to pay bills as submitted by Supervisor for Town Fund and Road District Funds

**Motion was made by Supervisor Moore, seconded by Trustee Murphy, to pay bills as submitted by Supervisor for Town Fund and Road Districts.**

Discussion: Trustee Murphy asked to strike bill from 1) Stahl Cowen Crowley Addis; 2) Crystal Lake Chamber; 3) J. A. Ketchmark, LTD. Trustee Zirk asked why bills have not been paid for Elgin Key & Lock; Trend Graphics; MLS; Forensicon; Pam Fender; and Point of Video. Trustee LaPorta stated that vendors did the work and the Board authorized to pay them at past meetings and that it is unethical not to do so. Trustee McMahon stated that the Board directed expenditures for the Annual Meeting. Supervisor Moore stated that she was holding those bills due to pending litigation. She has sent these vendors letters telling them they would not be receiving payment for work performed due to pending litigation. Trustee Murphy asked what work J. A. Ketchmark performed. Supervisor Moore stated it was for tax preparation. Trustee Murphy asked if other bids were solicited as requested by the Board of Trustees. Supervisor Moore stated "no" and that the decision was that of the Supervisor. Trustee McMahon said he would like to review something in writing from the Supervisor's attorney that directed her to not pay bills that the Board had directed the Township to pay.

**Motion was amended by Supervisor Moore to pay bills as submitted by Supervisor for Town Fund and Road Districts with the exception of 1) Stahl Cowen Crowley Addis; 2) Crystal Lake Chamber; 3) J. A. Ketchmark, LTD.**

**Motion failed due to no second.**

**Motion was made by Trustee Murphy, seconded by Trustee LaPorta, to pay for all bills from the Town Fund and Road Districts excluding 1) Stahl Cowen Crowley Addis; 2) Crystal Lake Chamber; 3) J. A. Ketchmark, LTD., and specifically including past approved bills for Elgin Key & Lock, Trend Graphics, MLS, Forensicon, Pam Fender and Point of Video**

**Roll Call**

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

**NAYS: Supervisor Moore**

**Motion Passed.**

- ii. Board signs warrant lists

The Supervisor and Board of Trustees signed the amended warrant list.

- iii. Payment of Harris Bank loan

**Motion was made by Trustee LaPorta, seconded by Trustee Murphy to table this item to the June 10, 2010 Regular Township Meeting.**

Discussion: Pat Coen, Attorney for the Road District, explained that they were ready to move forward with the agreement passed by the Electorate. Supervisor Moore is in favor of proceeding with this action at this meeting. Attorney Bush stated that the Township Attorney has not had adequate time to review the agreement. Trustee Murphy stated that her objection is not to the agreement, but to the timing. Attorney Bush recommended that more time be allowed in order for counsel to review the Intergovernmental Agreement.

**Roll Call**

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

**NAYS: Supervisor Moore**

**Motion Passed.**

- B. Approval of Minutes
  - i. From April 8, 2010 meeting
  - ii. From March 30, 2010 meeting
  - iii. From February 22, 2010 budget hearing
  - iv. From February 22, 2010 special board meeting
  - v. From February 11 regular meeting
  - vi. From November 24, 2009 special board meeting #2
  - vii. Of all previous meetings starting in October 2009

**Motion by Supervisor Moore to table minutes so that there is more time to review. Motion failed due to no second.**

**Motion was made by Trustee LaPorta, seconded by Trustee Murphy to approve Minutes of April 8, 2010 Regular Township Board Meeting; March 30, 2010 Special Township Board Meeting; February 22, 2010 Budget Hearing; February 22, 2010 Special Township Board Meeting; February 11, 2010 Regular Township Board Meeting; November 24, 2009 Special Township Board Meeting #2.**

**Roll Call**

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

**NAYS: Supervisor Moore**

**Motion Passed.**

**6. Old Business**

- A. Clarification of GA report/name listed from three months ago

Discussion: Trustee Murphy showed a document to Supervisor Moore with a name on it. Trustee Murphy said they have asked for an answer for six months. Trustee LaPorta stated that this clarification was asked for numerous times. Supervisor Moore stated that she will not answer the question due to confidentiality. Trustee Murphy stated that they are not asking about funds disbursed or details, but simply who this party is. Trustee Murphy stated that this is why attorney bills are so high and that the recipient's name may be on a report that went out to the public in a meeting packet prepared by the Supervisor. Trustee LaPorta stated that this puts the Township at risk for possible litigation.

B. Discussion and potential action related to Annual Town Meeting Resolutions and Attendance

**Motion was made by Trustee LaPorta, seconded by Trustee Murphy to strike item.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- C. Discussion and potential action to censure board members.

**Motion was made by Trustee LaPorta, seconded by Trustee Zirk to table item due to pending litigation.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

D. Discussion and potential action to enter Supervisor's response to censures in minutes, reading by Supervisor.

**Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to enter into record of minutes, but not to read the Supervisor's response to censures.**

Discussion: Supervisor Moore stated that she would provide the Clerk with the document.

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- E. Discussion and potential action related to Township Web Site.

**Motion was made by Trustee LaPorta, seconded by Trustee Zirk to table item due to pending litigation.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

F. Discussion and potential action on appointment of Citizen Planning Committee;

**Motion was made by Trustee LaPorta, seconded by Trustee Zirk to table item due to pending litigation.**

**Voice Vote**

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

**NAYS: Supervisor Moore**

**Motion Passed.**

G. Discussion and potential action on lease for meeting room rental.

**Motion was made by Trustee LaPorta, seconded by Trustee Zirk, to strike item.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

H. Discussion and potential action to adopt resolution establishing reasonable rules regarding the audiotaping, videotaping, recording and photographing of township board meetings.

**Motion was made by Trustee LaPorta, seconded by Trustee Zirk to table item.**

Discussion: Attorney stated that more time is needed to review this item.

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

7. New Business

A. Discussion and potential action on Mr. Becker and his IMRF retirement account 5 months of retirement payment makeup

Discussion: Mrs. William stated that William Becker is seeking permission to buy back IMRF time during periods that he was employed, but without pay: February and March 2009 and January, February and March 2010. Attorney Bush stated that this is not a Township expense. The Road District may have cost associated with this action. Supervisor Moore asked for clarification regarding the Township portion. Attorney Bush stated other topics related to this could be handled at a later date if applicable.

**Motion was made by Trustee Zirk, seconded by Trustee LaPorta, to authorize Mr. Becker permission to apply to buy back past IMRF credits.**

**ROLL CALL**

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

**NAYS: None**

**Motion Passed.**

- B. Discussion and potential action to add to Board Rules a rule that public comments may be answered immediately by Board members and all supporting documents must be delivered in the official Board book

Explanation of agenda item: Trustee McMahon stated that he wants one, not multiple, Board packets for meetings. He is also requesting that the Board be allowed to respond immediately following public comment.

**Motion by Trustee McMahon, seconded by Trustee LaPorta, to receive only one Board packet prior to meeting; materials in packet distributed the night of the meeting would not be allowed and that Board members be allowed to respond immediately to public comment.**

Discussion: Attorney Bush does not recommend an immediate response to Board comments. Trustee Murphy stated that she is not in favor of this and there is a place on the agenda for Board members to respond; it is not a time for verbal debate.

#### **RECESS**

Supervisor Moore called a recess at 9:15 p.m. Meeting was reconvened at 9:22 p.m.

Present: Supervisor Moore, Trustees LaPorta, McMahon, Murphy, Zirk, Clerk Ford, Road District Commissioner Freund, Township Attorney Bush.

**Motion by Supervisor Moore to call the question for the discussion to end and a vote be taken. Motion failed due to no second.**

**Motion by Trustee McMahon, seconded by Trustee Murphy, to amend the motion to allow for Board comment immediately following *Public Comment*.**

Discussion: Supervisor Moore stated that this is an amendment to the Board Rules.

#### **VOICE CALL**

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

**NAYS: None**

**Motion Passed.**

**Motion by Trustee McMahon, seconded by Trustee LaPorta that there be only one complete official Board Packet delivered to the Trustees prior to the Meetings.**

Discussion: Supervisor Moore stated that this issue is in litigation. Trustee Murphy stated that this was suppose to be the case all along and this has been discussed and determined at prior meetings. Trustee McMahon stated there are rare exceptions if an emergency issue arises. Trustee Murphy asked why the Warrant is not in the packet so that it can be reviewed prior to the meeting. She knows there is not a statute regulating this issue, but it makes it very difficult to receive it at the meeting. She stated this has all been discussed before.

#### **ROLL CALL**

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

**NAYS: Supervisor Moore**

**Motion Passed.**

- C. Discussion and potential action related to cooperative programming with Huntley Library, McHenry County Workforce Center, and budget for new programming

**Motion was made by Trustee Zirk, seconded by Trustee Murphy, to table item due to pending litigation.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- D. Discussion and possible action or ratification of hiring of videographer and court reporter for board meetings

**Motion was made by Trustee Zirk, seconded by Trustee LaPorta to approve hiring of videographer and/or court reporter for board meetings.**

**ROLL CALL**

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

**NAYS: Supervisor Moore**

**Motion Passed.**

- E. Discussion and potential action to set budget workshop to establish tentative budget for posting 30 days prior to budget hearing

Discussion: Trustee Zirk stated that the deadline is approaching. Supervisor Moore presented a tentative budget. Trustee LaPorta stated that the financial records are not available and the special audit ordered by the Board has not been conducted. Trustees will notify Pam Fender of their schedule in order to schedule a Budget Workshop.

- F. Discussion and potential action on cleaning air ducts at the Township building

Discussion: Supervisor Moore stated that this was done a year ago.

**Motion by Supervisor Moore to table this item. Motion failed due to no second.**

**Motion by Supervisor Moore, seconded by Trustee Murphy, to have Road District staff investigate performing cleaning of air ducts at Township Offices.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- G. Discussion and potential action to hire a Heating & Air Conditioning professional, to even out the heat/air distribution at the Township building

**Motion by Supervisor Moore, seconded by Trustee Murphy, to table this item**

Discussion: Trustee LaPorta directed Pam Fender to continue to analyze and research issue.

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- H. Discussion and potential action on Intergovernmental Agreement with Road District regarding unwind of real estate transaction per direction of electors at annual town meeting

**Motion was made by Trustee Murphy, seconded by Trustee LaPorta to table this item.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- I. Discussion and potential action on new rules related to public comment (distribution of trustees' telephone numbers, addresses and e-mails to facilitate communication with public, **per board rules**, prior to public comment. The board may seek public comment during public meetings, and individual discussions with the public, to the extent that public comments are not disruptive.

**Motion was made by Trustee LaPorta, seconded by Trustee Murphy, to table this item.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**

- J. Discussion and potential action on closing of Haligus Road Property and Vine Street Property

**Motion was made by Trustee LaPorta, seconded by Trustee Murphy, to table this item.**

**Voice Vote**

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

**NAYS: None**

**Motion Passed.**



K. Identification of items for next board meeting agenda

Attorney Bush reminded the Board that the Prevailing Wage Ordinance should be placed on the next Agenda and an Opening Meetings Officer must be appointed.

8. Reports

A. Supervisor's Report

- i. General Assistance Report
- ii. FOIA Report
- iii. Audiotaping, videotaping, recording, and photography restrictions and complaints to Attorney General
- iv. Status of litigation
- v. Presentation of 2010-2011 budget for 30-day posting
- vi. Property/building maintenance

The Road District personnel will be mowing the grass at the Haligus Road property at a rate of \$150.00 per mowing.

vii. Senior activities and transportation

Trustee Murphy asked if this committee had met to discuss areas of concern as requested by the Board at the April, 2010 Meeting. Supervisor Moore reported that they had not met and that the Board could not direct them to do so. Trustee Murphy stated that the role of the Committee was to address concerns and this had been reported at a previous meeting.

viii. Sign employee timesheets

Supervisor Moore stated that Pam Fender's time sheet needed to be signed. Attorney Bush stated that she is a salaried employee, so it would not be required.

ix. Trustee contracts verbal and written

x. Attendance at Training opportunities – July 9, Rockford

B. Trustee Comments

Trustee McMahon would like to add *Administrator Comments* to this section of the meeting. He asked the Clerk if she signed or posted the 5/13/10 Regular Township Board Meeting that was scheduled for Faith Community Church. The Clerk responded that she did not sign or post that Agenda.

C. Clerk Comments

D. Road District Commissioner's Report

E. Assessor's Comments

F. Committee Reports

10. Adjournment

**Motion was made by Trustee Murphy, seconded by Trustee Zirk to adjourn the meeting.**

**Roll Call**

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

**NAYS: None**

**Motion Passed/Meeting adjourned at 10:25 p.m.**

Respectfully submitted by,

Harriet Ford

Grafton Township Clerk