

MEETING OF THE BOARD OF TRUSTEES

December 19, 2012
O'Fallon Township
801 E. State St.
O'Fallon, IL 62269

CALL TO ORDER at 7:00 P.M.

ROLL CALL

Supervisor Gary Ahle, Highway Road Commissioner William Peach, Town Clerk David M. Witter, Trustees: Glenn Loyet, Jeff Bevirt, Kenneth Joseph and Gary Hursey, Attorney Cory Easton, Deputy Town Clerk/Recorder Debbie Allsup and General Assistance Administrator/Recorder Sheri Heil.

Others present: Gary Fohne, Rick Henderson, Douglas Scott and Martin Ercoline, Sr., Gerard Helldoerfer and Melroy Hutnick.

APPROVAL OF MINUTES OF DECEMBER 5th MEETING

A motion was made by Trustee Jeff Bevirt to approve the minutes of the December 5th meeting as presented and seconded by Trustee Kenneth Joseph. Motion Carried.

SUPERVISOR'S REPORT

Supervisor Ahle informed the board of a Holiday Luncheon on Friday, December 21st at 12:00 P.M. at the Township office for all Township officials and employees.

APPROVAL OF SUPERVISORS BILLS

Town Fund	\$ 10,684.14
General Assistance Fund	\$ 924.54

Trustee Jeff Bevirt made a motion to authorize the payment of the Supervisor's bills be paid accordingly and seconded by Trustee Gary Hursey. Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – aye; Hursey – aye. Motion carried.

HIGHWAY COMMISSIONER'S REPORT

Commissioner Peach submitted for the board's review, the O'Fallon Township Road District Tax Levy Ordinance No. 12-09 for the Road & Bridge Fund. Trustee Glenn Loyet questioned Peach as to why he would levy a total amount of \$592,360 when he did the same thing last year and had a carry over balance of \$500,000 (actual: \$580,885) for road & bridge on March 31st, 2012. Peach answered he does not have last year's budget in front of him and would have

to look it up and discuss it. Peach said he had some road projects last year when he did the levy and budget which has to be up front for him to be able to do them. Trustee Gary Hursey asked what projects were they. Peach responded Borchers Lane was one of them. Trustee Loyet stated that most of those costs came out of permanent road and you don't levy permanent road, only road & bridge. Peach again said he does not have those papers in front of him, so he cannot give an explanation at this time. Trustee Loyet stated that Peach had over \$500,000 left over in road & bridge fund. Why would you levy for another \$500,000 when you have \$500,000 sitting there from last year. Loyet said you levy for only what you need, and should not over-levy. Loyet asked Peach if he knew what Loyet was saying. Peach said he knows what Loyet is saying but he doesn't have the papers in front of him. Trustee Hursey said he agrees with most of Peach's figures, but in light of the current economy, it seems like the board should review their stance on things like Rieder Road and probably back up a little bit. Hursey said he was all in favor of the Rieder Road project, but he still has too many unanswered questions by the engineers so he is not in favor of backing the Rieder Road expansion at this time. Hursey said we need to look at the budget, the money and what people are spending right now. He continued to say he spoke with 318 people while collecting signatures for his petition and most of these people are not in favor of having their taxes raised. They are not happy with any form of government raising their taxes (school, city, township, etc). Hursey asked Peach if he could lean the levy down some, it would be nice. Maybe out of "Contractual Services" but Hursey without having any knowledge of how Peach intends to spend this money, Hursey doesn't know if the numbers are good or bad.

Hursey asked Peach if he intends to vote on this tonight. Peach responded there is no vote to it. Supervisor Ahle said the board is only acknowledging that Peach presented his levy. A brief discussion followed. Trustee Loyet stated even though the board can only certify the levy, he still does not understand why Peach is over-levying for money he does not use and cannot explain why he is levying for said amount. Peach said he doesn't believe it's fair for the board to bring this up at the last minute and not letting him know ahead of time of their questions or concerns. All the board stated they just received the papers at this meeting and have not seen these figures before. Hursey said if Peach would like to give the proposed levy to the board in advance for them to review and then discuss it, that would be fine but Peach does not do that. Loyet asked Peach how the board can justify the levy when Peach cannot answer how he is going to spend it. Peach said he cannot answer these questions without his paperwork. Loyet said Peach should know how the money is going to be spent. Peach said he cannot keep track of everything that goes on around here; you take it as it comes. Loyet said if Peach doesn't know what is going on with the budget.... Peach said he does know what is going on around here. Loyet said if he knows, then answer the question. Peach again said he don't have the answer to that question at this time. Supervisor Ahle asked Peach if he intends to keep the levy as it is. Peach answered he is going to keep it like it is. Supervisor Ahle asked if there were any more questions or discussion, otherwise he will have the clerk do a roll call that the Highway Commissioner presented his levy.

Roll Call: Loyet – abstain; Bevirt – aye; Ahle – aye; Joseph – aye; Hursey – abstain.

Trustee Jeff Bevirt asked Commissioner Peach if at the next meeting Peach attends, he can have an answer to the question of how he intends to spend the \$590,000 levied for. Peach said he can do that.

Highway Commissioner Peach stated the Road District had done the following during the period of November 22nd thru December 19th.

- ☆ Picked up trash, cut dead trees that fell on road from storms and cutting brush around the bridges
- ☆ Ditching and cleaning culverts throughout the township
- ☆ Received 50 ton of salt
- ☆ Restocked approximately 18 culverts (15" and 12" culverts)
- ☆ All trucks prepared for snow removal along with all snow removal equipment
- ☆ Taking old bid plans of all projects since Peach has been Highway Commissioner to the Highway Dept. to be updated for their records. Peach received a telephone call from an attorney who tried to get plans from the County and were not available. Peach contacted the County and the only plans available to them are if they are involved in motor fuel tax funds, or if the engineers provide updates. Peach said this is what happened when working on Borcher's Lane with property lines not being updated with the County for their records.
- ☆ Stockpiled 18 tractor trailer loads of millings
- ☆ Reordered signs that had been used in the last 3 months
- ☆ Alternator replaced in 2004 International
- ☆ Checked starter in 2002 1 ½ ton – put new relay on
- ☆ Replaced 2 batteries in 2007 backhoe
- ☆ After first of year will be advertising for bids on the Country Village project which is in the budget

Trustee Kenneth Joseph wanted to ask Peach about something he has not heard in Peach's report. On County Line Road up from the church, in the spring there was a problem with the drainage or the driveway which was supposed to be corrected. Joseph asked Peach if this was ever corrected. Peach said no because it's not a problem with the culvert. The water is coming down the driveway and going across the road. Joseph asked Peach if he was sure. Peach said he is definitely sure because he checked it several times when it was raining. The driveway water is not getting in the road ditches; it's going across the road. Peach said there is water that will sit by the culvert, but the water going across the road is coming down the driveway because it is always discolored with rock. Joseph asked about the water that sits on the east side of the culvert. Peach said it seeps away in about a day's time. Joseph asked why it doesn't go through the culvert. Peach said because it's probably rotted out. Joseph asked if it's the homeowner's or the township's responsibility. Peach said it is not the homeowner's. Joseph asked if the culvert is rotted, doesn't Peach replace them. Peach said if it's necessary, and it's no life threatening problem with it. Joseph said he went back there after a rain, and the whole east side from bank to road was sitting full of water and not draining. Peach said to just let it sit a couple of hours and it drains. Joseph asked if that's the purpose of a culvert, just to let it sit, he thought water is supposed to flow through a culvert. Peach said that culvert is about 5 feet deep for one thing, and until it is absolutely necessary, he did not plan on changing it. Joseph said the residents have complained to him and said they have complained to Peach and nothing has been done. Joseph said he brought it up at the end of spring and now it is almost year's end and still not done. A brief discussion followed. Joseph said he has looked at it, if water has to seep away, there is something wrong. Peach said they put some rip rap down in it and it's filtering through the rip rap. Loyet asked if the ditch is 5 feet deep. Peach said the road was built up years ago and the culvert was down low when they built the road up and that's where it is. It goes off the

bank; it goes way down under the bank where it comes out. Hursey asked who built the road. Joseph said the township did and asked Peach if we're that poor that we can't solve a problem. Peach said it has not been a problem. Joseph said it must be if the resident is calling him and said they have talked to Peach about it. Peach said he has been by there when it is raining and check it, he knows what is going on out there. Joseph said he must have to get his glasses checked then.

APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	17,504.93
Road & Bridge Fund	\$	48,641.81

Commissioner Peach asked if anybody had any questions about the bills. Trustee Hursey asked about a payment to CSXT Transportation, Inc. in the amount of \$25,058.00. Commissioner Peach said that is the charge for the railroad to review the plans presented to them for the railroad crossing above Rieder Road and change, or approve before the road district can proceed with the project. Hursey said the paperwork states it is only an estimate, which means it can go up or down. Hursey asked Peach if this figure is the maximum. Peach said all he knows is it was just sent to him to proceed with the project because they are going to review all the plans Gonzalez submitted which should follow all the guidelines set forth by the railroad and the Federal Government. Trustee Loyet asked if the payment came out of Permanent Road account. It was submitted for payment out of Road & Bridge account. Hursey stated the paperwork says it just an estimate and they want prepayment when all the other engineering work, they get paid after the work is done. Hursey stated this is a big bill to just receive and approve. Peach responded this is just the way it works with big companies. Hursey asked if they ask for \$50,000 more do you just have to give it to them. Loyet said Deputy Clerk/Recorder Debbie Allsup usually sends a copy to the trustees so they can review the payments before the meeting. Loyet asked when the bill came in since it is dated 12/19/12 (today's) date. Peach responded that Allsup was off work yesterday (12/18/12) so he was unable to do anything with it then. Hursey asked if they can hold off on paying it until it is read. He asked if anybody else has read the whole thing. Supervisor Ahle said he just saw and read it earlier today. Peach said he received it Friday (12/14/12) afternoon. Hursey asked if the payment can be held until the next meeting. Peach responded it's got to be paid, it's in the budget. Loyet said you can hold off on paying a bill. Hursey said he wants to read the whole document and find out from somebody why they are prepaying. Peach asked attorney Cory Easton if he reviewed the document. Peach asked Easton if he understood why it is being prepaid because that is just the way the railroad does business. Easton said he did not get that from reading the contract. Easton continued with the things he would like to see in the document: a mediation clause in case something breaks down and also, a jurisdiction of any lawsuits or legal action would have to happen in Florida. Easton does not like that. Hursey asked if the board has actually seen any of the work the railroad wants to see from Gonzalez. Supervisor Ahle said he thought Pat Judge from Gonzalez was supposed to be at this meeting to update the board from the last meeting he attended. The board all agreed. Commissioner Peach said January. Ahle said now it's not until January for Judge to attend. Peach said he wasn't supposed to be at this meeting. Hursey didn't think they have progressed this far to have a design of a bridge and yet, we're paying the railroad to approve a design of the bridge. Ahle said their bridge. Ahle said they're not paying us to use the bridge so he assumes it's theirs. Ahle directed the question to Peach

who answered the railroad pays taxes for all the right-of-way that goes through the township. Ahle asked whose bridge is it. Peach said it's the railroad's bridge and it's our road. Hursey said he received the e-mail for the payments at 4:10 P.M. and the Highway Commissioner is asking him to vote on a \$25,000 expenditure he has never heard of before, and all Hursey has seen was a line item for that amount. Now seeing the document, it's an estimate of prepayment for something he doesn't know what they are paying for. Hursey again stated he wants to hold this payment until he gets more clarification. He doesn't think they have a project they can afford to do. There isn't enough money to build the bridge or the road. Hursey said all the numbers last were at \$22 million. Peach said it was never that much. Hursey asked \$10 million. Peach said it was less than \$10 million. Hursey said he didn't think so and Peach said he knows it was. Hursey said Pat Judge was supposed to come and explain all that to the board and thought he was supposed to be at tonight's meeting too. Peach said Judge said January. Hursey and the board said they believed Judge would be here in December. Again, Hursey suggested the \$25,058.00 bill to CSXT be held so the board can review it. Hursey said this bill is not holding up anybody's payroll. Peach added that it is holding up the process. Clerk Witter said a motion needs to be made authorizing payment with the exception of withholding the \$25,058.00 payment to CSXT Transportation, Inc. Peach said when you refuse to pay a bill, that's going to take and move the process along that they can help us. Hursey said he thinks they want to talk about the budget now. Peach responded it's got nothing to do with the budget; it's already in the budget. Supervisor Ahle said he can see if a vendor did something, right or wrong, they would probably pay it. Loyet added it's like looking at new car, you say you want to think about it before you buy it, and there aren't any services yet, so if the board wants to check it out more.....

Hursey asked Peach about a payment to Rite-Way Excavating in the amount of \$11,550.00. Is this the final payment for Borchers Lane? Peach said the only left to be done is a small amount of rip rap and, until Peach gets a bill, it doesn't get paid. Trustee Kenny Joseph asked if the bill submitted tonight is for the seeding and strawing. Peach said it is. Joseph said he asked numerous times when the seeding was going to be done out there and it never got done. Now, it got seeded at the wrong time of the year. Ahle said the work was done, it has to be paid. A brief discussion followed. It was discussed whether or not the \$11,550.00 payment to Rite-Way Excavating would be withheld. Joseph said the service has been done, but it was done wrong. Peach said you can't dictate to the contractor. Joseph said Peach should have been on that contractor a long time ago. Peach said you cannot tell them how to do their work. Trustee Bevirt told Peach he is the employer and that contractor is working for him. Peach said the contractor is in control of the road, once he's got that contract until it's finished, you cannot tell him how to do the job. Hursey said they should pay the contractor, but stated to Peach the board disagrees with the process he is using. Loyet asked Peach what work is left. Peach said a small amount of rip rap needs to be put on one culvert. Ahle asked if that's going to be billed. Peach responded if they don't submit a bill, it doesn't get paid. Peach went on saying if they never did do it, he doesn't know. Joseph asked if the contractor puts the rip rap down, is there another bill coming. Peach said after they get the rip rap down and it gets approved. Ahle asked Peach how much will the rip rap cost. Peach said it shouldn't be more than \$3,000 - \$4,000. A brief discussion followed.

Trustee Gary Hursey made a motion to authorize the payment of the Highway Commissioner's bills be paid accordingly but withhold the \$25,058.00 payment to CSXT Transportation, Inc. until legal information as to why they have to prepay can be obtained by

attorney Cory Easton and seconded by Trustee Glenn Loyet. Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – aye; Hursey – aye. Motion carried.

TOWN CLERK REPORT

No report.

TRUSTEES REPORT

Trustee Loyet wanted to clear up that he is not running for township trustee again. He is still serving as Vice President of the Trustees Division with the Township Officials of Illinois (TOI) and will remain on that board for another 6 months when his term with the O'Fallon Township ends. Loyet said that since he worked on the board with the TOI Trustees Division President Ann Dynako Kubiczky, they have done 2 manuals and are working on a third. Trustee Hursey said he has appreciated the service Loyet has given on the TOI board.

Trustee Jeff Bevirt said he would like to see the comments from the auditors on the next agenda. Bevirt believes there are about 3 or 4 items that need to be discussed and see that they are being followed through.

Trustee Gary Hursey wants to ask the attorney in an open session at the end of the meeting some questions about the CSXT estimate paperwork. Supervisor Ahle said to do it now. Hursey questioned the wording being only in O'Fallon Township. Hursey also asked about wording saying that we have to do something. Other wordage that protects CSXT and no protection for us also is a worry. Even though nobody has signed the document, the wordage states we are going to do this. Attorney Cory Easton said why else would we get involved if we were not going to do it. Hursey said because we have discussed other intergovernmental agreements with the city, the state and the county. Easton said we do not have any of those. Peach said we will not get until after this is done. Hursey said he just wants Easton to look everything to make sure we aren't held to where we absolutely must build a bridge if we don't have the money to build it. Peach said if you don't have the money, it doesn't get built. Hursey said he had these questions for the attorney and wanted to throw these concerns out there in open session. Hursey also said if wording needs to be changed, can the attorney look into the correct wording. A brief discussion followed.

SENIOR REPORT

Trustee Glenn Loyet reported the seniors had their last dinner on December 6th. Next dinner will be on February 14th at 5:30 P.M. The next senior committee meeting is on Wednesday December 26th at 7:00 P.M.

Loyet wanted to inform the board that Don Fohne and Robert Britt are no longer on the committee. Loyet said he doesn't want to do anything on that board and leave open for the next person who steps in. Loyet said he would like to combine the 2 line items into 1 item on the new budget (Seniors Daytime Events and Senior Committee Events).

YOUTH REPORT

Trustee Kenneth Joseph reported the Youth Committee will meet on the fourth Monday of the month of January (1/28/12) instead of the third because of the Martin Luther King Holiday on January 21st.

The group went Christmas caroling on December 13th. Joseph said there was a minimum turnout but it still went well.

PLANNING REPORT

No report.

AFTER PROM REPORT

Trustee Jeff Bevirt reported he should be getting started after the first of the year. Hursey said he spoke with the manager of Wal-Mart and wants the Committee to submit a letter to them for support. A brief discussion followed.

UNFINISHED BUSINESS

Supervisor Ahle informed the board of a question on an Ameren IP bill with "Miscellaneous Charges" added on last month. Ahle explained the previous month's payment had not yet been credited when they sent the new bill. It has since then been all cleared up. A brief discussion followed.

NEW BUSINESS

Approval of a hall rental submitted by Charity Kanaskie of Skyline Church for the purpose of youth group meetings each Sunday beginning on Sunday, January 13, 2013 thru Sunday, May 26, 2013 (excluding 2/17/13) from 5:00 P.M. to 8:30 P.M. for a total of 19 meetings.

Trustee Gary Hursey made a motion to authorize the hall rental application submitted by Charity Kanaskie of Skyline Church and seconded by Trustee Jeff Bevirt. Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – aye; Hursey – aye. Motion carried.

PUBLIC INPUT

Douglas Scott asked Commissioner Bill Peach if the seeding and strawing done on Borchers Lane is warrantied. Peach responded if the seeding doesn't take, Rite-Way Excavating will re-seed at their expense.

Marty Ercoline asked Trustee Glenn Loyet about the paperwork he was referring to earlier; Ercoline was not seeing the \$500,000 Loyet spoke about. Loyet responded this is the levy being presented tonight. Peach can only levy for road & bridge and not permanent road. Commissioner Peach added this is done 6 months before the budget.

Ercoline asked Supervisor Ahle what is the township's cost for hall rentals, with paying for a monitor, utilities, etc. Ahle responded the board came up with a contract for different functions and, different fees for O'Fallon residents -vs.- non-residents. The rental contract

was set up as a community service and a benefit to the tax payers, not a money maker. A brief discussion followed.

ADJOURNMENT

A motion was made by Trustee Glenn Loyet to adjourn the meeting of the Board of Trustees seconded by Trustee Kenneth Joseph. Motion Carried.

The meeting adjourned at 7:56 P.M.

Respectfully submitted by:

David M. Witter
Town Clerk