

MEETING OF THE BOARD OF TRUSTEES

October 3, 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, Town Clerk David M. Witter, Trustees: Glenn Loyet, Jeff Bevirt, Kenneth Joseph and Gary Hursey, Deputy Town Clerk/Recorder Debbie Allsup and General Assistance Administrator/Recorder Sheri Heil.

Others present: Gary Fohne and Martin Ercoline, Sr.

APPROVAL OF MINUTES OF SEPTEMBER 5TH MEETING

A motion was made by Trustee Glenn Loyet to approve the minutes of the September 19th meeting as presented and seconded by Trustee Kenneth Joseph. Motion Carried.

SUPERVISOR'S REPORT

Lebanon Township & Road District will host an Open House on Sunday, October 14th, 2012 from 4:00 p.m. to 7:00 p.m. to celebrate the opening of their new, permanent office and road district garage located at 10182 Summerfield South Rd., Trenton, IL 62293.

A thank you correspondence was received from Sandy Hildebrandt regarding hall rental use. Another correspondence was received from Carol Klos regarding memorial made to the Fox Foundation for Parkinson Research in the name of Gary Klos.

APPROVAL OF SUPERVISORS BILLS

Town Fund	\$ 118,589.09
General Assistance Fund	\$ 61,535.47

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

HIGHWAY COMMISSIONER'S REPORT

No report.

APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	0
Road & Bridge Fund	\$	0

A motion was made by Trustee Glenn Loyet to authorize the payment of the Highway Commissioner's bills as presented and seconded by Trustee Gary Hursey. Roll Call: J. Bevirt - aye; Loyet - aye; Ahle - aye; K. Joseph - aye; G. Hursey - aye. Motion carried.

TOWN CLERK REPORT

Clerk David Witter reported on the township website. There were 283 visits. Of those visits, 73.85% were new visitors and 26.15% were repeat visitors.

The website calendar has been updated. Witter asked the board their opinion on putting on other functions that are going on at the Township that are not necessarily associated with the Township. For example, the Weight Watchers Group rents the hall for meetings every Tuesday from 8:30 a.m. – 11:30 a.m. Witter thought posting information like this would be of public interest. A brief discussion followed. Board agreed with posting informational notices on website.

Witter stated the next topic is listed on the agenda under New Business, but as the FOIA Officer, he felt it was his place to inform the board that a FOIA request by Melroy Hutnick, Attorney at Law requesting minutes and a number of items the Township does not have. All the information the Township was able to provide has been printed out. Other information requested was state statutes and attorney general opinions, which with Mr. Hutnick being an attorney; he should be able to access. Trustee Loyet suggested we let Township attorney Cory Easton handle it. Witter responded that after all the requested information was gathered, a response letter was drafted and submitted to Atty. Easton for his review before mailing to Hutnick. A brief discussion followed. Witter continued that the letter was mailed and a payment in the amount \$19.50 has been received by Atty. Hutnick for the copy costs incurred. The packet is ready for pick-up with a receipt to be signed by the recipient.

Trustee Kenneth Joseph questioned what Hutnick's background purpose for requesting this information. Trustee Gary Hursey stated he wants this topic to be on the agenda for the next meeting when Township Road Commissioner William "Bill" Peach will be present. Hursey continued to address the FOIA request with special reference to section 3 – item 2; all records and documents relied on by Trustee Gary Hursey to support his statement that Bill Peach is out of control. Hursey stated for the record; the documents that Hutnick is going to have to look at are Peach's bids he accepts for one price and end up costing hundreds of thousands of dollars more. In Hursey's opinion, anybody who is a manager of money (Peach) should have the ability

to bid something, accept the bids, follow the bids through and keep the cost in line. When you're not keeping the cost in line, things get out of control. Like in the area of not taking a survey, not marking where a mailbox should be, redoing roads and all kinds of stuff, that's a little bit out of control. Hursey summed up by saying he will stand by his statement that he (Peach) is out of control. Again, Hursey said he wants the topic on the agenda at the next meeting when Peach and hopefully Hutnick will be in attendance.

Hursey's next topic of discussion is the waste of money by Road Commissioner Peach retaining Melroy Hutnick's legal services. When that bill comes in, Hursey would like to discuss that as a board, because if Hutnick bills the township for this legal work, Hursey's intentions are to take it to the Belleville News Democrat and maybe Channel 4 News. Hursey summed up by stating we should not be doing his (Peach) legal stuff for him when he is technically out of control.

TRUSTEES REPORT

No report.

SENIOR REPORT

Trustee Glenn Loyet reported the Senior Committee met on Wednesday, September 26th. The next dinner is on Thursday on October 25th. Loyet said the Committee wanted to get into scheduling the dinners for 2013. Loyet suggested they hold off on that for the time. He also wanted to bring up to the board about the senior line items on the budget. There is a Senior Daytime Events line item (bingo parties) and there is a Senior Evening Events line item (dinners). Loyet suggested that General Assistance Administrator Sheri Heil liaison for the seniors on dates and scheduling and Town Clerk/Recorder Debbie Allsup manage the accounting aspect of it. Loyet said it might be something to consider at next budget hearing to combine the two.

Loyet said there are 2 vacancies on the Senior Committee to fill which Loyet suggested to the Committee they wait till the end of the year, see how much money is in the budget and go from there.

YOUTH REPORT

Trustee Kenneth Joseph reported that even though he was unable to attend, he was told by Trustee Jeff Bevirt that the Cardinal baseball game on September 30th went very well. The weather was pleasant, the seats were good and the Cardinals won.

The next Youth Committee meeting is on Monday October 15th at 7:30 p.m. The Halloween Party will be on October 22nd from 6:00 p.m. – 8:00 p.m.

PLANNING REPORT

No report.

AFTER PROM REPORT

No report.

UNFINISHED BUSINESS

No report.

NEW BUSINESS

Freedom of Information Act request filed by Attorney Melroy Hutnick. Supervisor Gary Ahle asked if anyone had anything to add since it was brought up earlier. Trustee Gary Hursey asked how hard it would be to document some overages, namely Borchers Lane and Rieder Road which is not really a plan, but just a lot of engineering expenses. Hursey wants to have some examples if Hutnick wants a better explanation because Hursey believes this a direct affront to the board questioning Road Commissioner Peach.

Supervisor Ahle told the board that he and Clerk Witter discussed the state statute of a reasonable amount of time for the Road Commissioner to turn all documents or contracts over to the Town Clerk and/or Deputy Clerk in the Clerk's absence. Ahle asked the board if anyone knew what a "reasonable amount of time" is. Ahle said he is pretty sure that one contract from Gonzalez Companies in the amount of \$1.1 million for Rieder Road was withheld for a very long time. Clerk Witter added that Commissioner Peach did not even have Township Attorney Cory Easton look over the contract before signing. Ahle said he wants to get a determination of what is a reasonable amount of time. Trustee Loyet suggested this question should be brought to Attorney Easton at the next meeting. Trustee Hursey added that he doesn't think the board has anything to worry about. As far as Attorney Mel Hutnick, Hursey said he is a very knowledgeable attorney, he should know better, but Hursey guessed, if Peach says do something, Hutnick just does it. Hursey's question is why these questions would be asked of a taxing and government body when it's public record on the website. A brief discussion followed. Clerk Witter said also included in the FOIA packet for Mr. Hutnick, are some memos which came from the auditors clearly explaining what should be done, and all the trustees did is follow what the auditors said to do. Witter said maybe if Mr. Hutnick reviews this information, maybe nothing will come of this.

Trustee Jeff Bevirt remembered a comment that Road Commissioner Peach made to him. The board could not adjust the payment of his bills. The board can only accept or deny them. Bevirt reminded the board when the bill for Rite-Way Excavating was being held because of an earlier discrepancy. It was suggested that a portion of the bill be paid while withholding a portion back until the discrepancy is cleared up, which all of the board was in agreement. Bevirt remembered all he was trying to accomplish was keep the contractor happy and help Commissioner Peach. Peach told Bevirt at that time, only he can adjust the payment and the board can only approve or deny the bill. Bevirt said he told Peach after that, if there's anything wrong with the bills, he'll just deny the payment.

Trustee Kenneth Joseph said the request from Hutnick bothers him. Like there's something behind it all and Joseph doesn't like it. Trustee Loyet said he believes Road Commissioner Peach thrives on this type of conflict. Loyet added that he agrees with Trustee Hursey that Peach is out of control. Hursey said as elected officials, it is the trustees' job to watch the money. Hursey said that is the first thing Loyet told when he joined the board, they are just auditors. Hursey said so

when we audit a bill, there shouldn't be an attorney coming back to us saying why are guys doing this? Hursey said this is why we exist, and we have to literally stand our ground. Hursey also guesses the next budget meeting is going to be a lot more ugly, especially if Peach is still Road Commissioner. Supervisor Ahle stated there will most likely be more at the next meeting.

Approval of a hall rental request submitted by Denyse Anderson of Skyline Church for the purpose of small group training meetings for 8 consecutive Mondays beginning October 8th, 2012 from 6:30 p.m. – 8:30 p.m. (excluding October 22nd)

Trustee Gary Hursey made a motion to approve the use of the hall by Skyline Church for meetings as presented and seconded by Trustee Glenn Loyet. Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – aye; Hursey – aye. Motion carried.

Approval of a hall rental request submitted by Kenneth Joseph of the Enterprise Grange for the purpose of hosting their Holiday meeting on Saturday December 15th, 2012 from 5:00 p.m. – 10:00 p.m. (previously all fees associated with this rental have been waived). Trustee Kenneth Joseph excluded himself from the voting.

Supervisor Ahle made it in the form of a motion to approve and waive the fee. Motion seconded by Trustee Jeff Bevirt. Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – abstain; G. Hursey – aye. Motion carried.

Tentative date for the Annual Holiday Open House on Friday December 14th, 2012 from noon – 2:00 p.m.

Trustee Kenneth Joseph made a motion to approve the date submitted for the Annual Holiday Open House as presented and seconded by Trustee Jeff Bevirt. Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – abstain; G. Hursey – aye. Motion carried.

PUBLIC INPUT

None.

ADJOURNMENT

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

The meeting adjourned at 7:23 P.M.

Respectfully submitted by:

David M. Witter
Town Clerk