

MEETING OF THE BOARD OF TRUSTEES

April 17, 2013
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 (Bill) Peach, Town Clerk David M. Witter, Trustees: Glenn Loyet, Jeff Bevirt and Kenneth Joseph, Township Attorney Cory Easton and General Assistant Administrator/Recorder Sheri Heil.

Trustee Kenny Joseph made a motion to excuse Trustee Gary Hursey from the meeting and seconded by Trustee Jeff Bevirt. Motion Carried

Others present: Douglas Scott, Gary Fohne, Gerard Helldoerfer, Vernon Boeckmann, Eric Hubbard and Martin Ercoline, Sr.

APPROVAL OF MINUTES OF APRIL 3RD MEETING

Trustee Glenn Loyet noted an error under the Town Clerk Report. The date for the Annual Town Meeting should be April 16th, 2013 and not May 16th.

A motion was made by Trustee Jeff Bevirt to approve the minutes of the April 3rd meeting with a correction to the date for the Annual Town Meeting and seconded by Trustee Kenny Joseph. Motion Carried.

SUPERVISOR'S REPORT

A letter was received from the Illinois Commerce Commission Transportation Bureau/Rail Safety Section. Supervisor Ahle said he will leave this topic for the Highway Commissioner's Report.

Ahle reported an e-mail was received from Nick and Mary Ann (no last name given) on Tuesday April 9th. The e-mail reads: Why do we have Township Government and also City Government? Are we paying twice for the same thing? Whose is in charge? Ahle asked the board if anybody knew these people which nobody did.

APPROVAL OF SUPERVISORS BILLS

Town Fund	\$	11,064.75
General Assistance Fund	\$	889.08

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

HIGHWAY COMMISSIONER'S REPORT

Highway Commissioner Peach stated the Road District had done the following during the period of March 21st, 2013 through April 17th, 2013:

- ☆ March 24th, 25th and 27th plowed snow and salted roads
- ☆ Cleaned ditches, culverts and removed debris from the roads from the last heavy rain
- ☆ Hauled over 200 ton of recycled concrete from Country Village to Simmons and Reider Roads to be placed on creek banks with backhoe
- ☆ Picked up and delivered voting supplies for the April 9th election. Items returned to Belleville after the election
- ☆ Cut down and removed dead tree from Bowler Road
- ☆ Received another 50 ton of salt
- ☆ Replaced various directional road signs on Witte and Lemon Settlement Roads
- ☆ Reference sign run down on Oakhill School Road
- ☆ Placed millings by mailboxes and shoulders where needed

Highway Commissioner Peach reported he received a notice dated April 2nd, 2013 from the Illinois Commerce Commission Transportation Bureau/Rail Safety Section (ICC) stating they have recently approved the FY 2014-2018 Crossing Improvement Program. It is anticipated that nearly \$201 million in assistance from the Grade Crossing Protection fund (GCPF), administered by the Commission, will be made available to local highway agencies and railroads for these projects.

The letter states if we would like to submit a project for consideration as part of the Crossing Safety Improvement Program (CSIP), we need to prepare a separate application for each project we would wish to have considered.

Ahle asked Peach if this is the same thing as the contract sent to us that Township Attorney Cory Easton looked at where it was asked we pay \$25,000. Peach said that was the CSX Railroad requesting us to pay somebody to look over the plans that Gonzalez Engineering has drawn up for the railroad bridge on Reider Road.

Peach said he received a letter from Illinois Environmental Protection Agency (IEPA) notifying local government entities of a tire collection. This is not open to the public. The collection dates are: April 24th, 25th and 26th from 8:00 A.M. – 3:00 P.M. at 6 Coulter Rd., Dupon, IL.

Trustee Jeff Bevirt asked Peach if the letter received from ICC indicates whether or not we are qualified for funding. Peach said the letter is sent every year and only the amount of money changes. This letter is telling you they have this amount of money available, but has nothing to do with individuals getting all the engineering in order to apply for these funds. Bevirt confirmed with Peach this is what Gonzalez is doing for them by applying for grant money to fund the Reider Road project.

Lastly, Peach said he attended the mosquito class on Tuesday April 9th and got licensed.



APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	61,209.24
Road & Bridge Fund	\$	131,471.06

Trustee Glenn Loyet asked Peach which truck the tires listed on the bills was put on. Peach said it was on the 2003 International. Loyet said the truck should listed be on the invoice when any work is done. Peach asked to see the invoice. He said it is on the invoice which truck had work done. Loyet said it has dump truck but there is no year listed. Peach said the model number is listed. Loyet said he has asked numerous times that Peach put the year, make and model of the equipment on the invoice so the board knows exactly which piece of equipment is having work done. A brief discussion followed.

Ahle asked if there were any other questions about the Highway Commissioner's bills. Trustee Loyet asked if there is a tentative budget made up because he has not seen one yet. Peach agreed Loyet has not seen one. Peach continued that he has all the figures ready to go. Loyet said there should be a tentative budget in place in order to pay the bills. Loyet continued to say they should not pay any bills because the fiscal year ends on March 30th. Supervisor Ahle asked the other board members what their thoughts on the matter were. Ahle said the vendors have performed a job and should not have to wait to be paid. Peach added that the bills presented are for the last years 2012-2013 Budget. A brief discussion followed.

Trustee Kenny Joseph questioned the payment to Gonzalez Companies for Reider Road in the amount of \$51,197.81. Ahle responded this pretty much does it for that. Peach said the one bill was not submitted by him. It got put in with an updated invoice because Peach said the check written for \$25,000 to CSX had not yet been voided and the money added back to the line item. Ahle wanted to clarify that Gonzalez sent the bill to Deputy Clerk Debbie Allsup. Peach said it was e-mailed to her and she should not have made copies before he saw it. Ahle asked why they e-mailed the wrong bill. Peach said Gonzalez did not know the line item was short. They then made an adjustment and resubmitted another bill for a lesser amount. Peach said when he saw the first bill he knew it was more than what was in the line item to pay so he contacted Gonzalez and told them to cut the bill back some and see about paying the balance later. But since the account got straightened out, there is enough money to pay the balance.

Peach said he wanted to bring up the subject of a \$4,075 discrepancy between the engineers and contractor's figures and office figures on the Borchers Lane project, Peach asked the board if they were ever told where the mistake was. The board responded they did not know what Peach was talking about. Peach said Allsup found and admitted it was her mistake. Ahle asked Peach what he was talking about, because they don't know what Peach is talking about. Peach said with all this bickering about paying bills, he went on to say the board better sit down and study their guides and duties book. Ahle told Peach there was only one (1) person so far that doesn't want to pay the bills tonight so far as what he heard. Peach asked what about the past. Ahle asked Peach if any of his bills ever not been paid. Peach said on Borchers Lane. Ahle asked Peach if he is saying that the board sat at a meeting and refused to pay bills. Peach said for over a month they did not pay a bill. Ahle asked him why they did that. Peach said because the board had questions about it and wasn't going to pay it. Trustee Bevirt said that's right. Peach said later on the board made a motion to withhold \$20,000 out of the.... Ahle interjected and asked if they did get paid. Peach said eventually but Peach said the board is wrong in what they did and they wouldn't listen to him (Peach). Bevirt said at the time, what was presented to us was not right. The papers laid out for the board to view, the numbers did not match up. Bevirt said the board's job is to not pay the bills until the numbers match up. Then when the bills came and the numbers matched, they got paid. Peach said there was a balance in that



account that the contractor had coming to them so that was unnecessary. And is not up to the trustees to make a motion to hold out money against the contractor, it's not your (trustees) job. Ahle said the job is to audit the bills and that's what the board did. Peach said \$20,000 was withheld and they had no authority. Both Ahle and Bevirt responded that the contractor did get paid. Peach said after about two (2) months. Ahle again said they got paid. Peach said what the board did is wrong. They had no authority to do what they did.

Ahle asked Peach if he had anything else on the bills tonight. Peach said no, they got him all riled up so he's not going to go any further. Peach then asked if any of the board would read their Guides and Duties book (TOI Law & Duties Handbook). Peach then read a paragraph from the General Administrative Duties of the Township Highway Commissioner Handbook June 2005 edition. Section VI – Relationship with other Township Officials, A – The Board of Trustees #2 Page VI-1

Road Commissioner Independent. The Board of Trustees or Highway Board is not The boss of the Highway Commissioner. It cannot tell them how they are to run their offices. It has no authority over how the Commissioner maintains the roads nor who they hire to work nor over their firing of workers, provided they remain within their budget. (Attorney General's Opinion, No. S-1083, May 12, 1976, P. 173)

Peach said there is lot of that going on. Worrying about sowing grass. Worrying about us (Road District) going down there after the contractor was done. The work the road district did was not listed in the bid price of the project they did. It states so in the book Peach said he had. A brief discussion followed.

Ahle stated he believes they're just spinning their wheels discussing Borchers Lane. There are a lot of other things that can be brought up this evening. Ahle stated to Peach in defense of the board, they sat pretty patiently while Peach signed a million dollar contract with Gonzalez Companies and nobody knows about it for a year. Peach said it wasn't that long. Ahle said none of them is perfect including Peach. Ahle said these men have a job to do and it is to audit the bills. Peach said they are still out of order within the guidelines of the Township Government. Joseph said again there is a lot of stuff going on behind their (the board) back. Bevirt said they had been told there were no more change orders and then more change orders would come up. Some dated prior to being already told there were no more. Peach said the only change order coming up after was for the seeding and strawing. Bevirt said they asked back in August is that everything and the answer from Peach was yes this is it. Then there was a change order presented after that from June. Peach some were in their (road district's) favor and some were not. Bevirt said he knows that, but all the board can go by is what is presented to them. If there is a discrepancy in the bills, that should be worked out before it is brought to the board. If the change order is requiring to pay the contractor more than what is in the account, we can't do that. Peach said there was money in the account. Bevirt said what they had in front of them did not show that. Peach said they had money left and there is still some money in the line item.

Ahle asked again if anybody had any questions. Ahle added that he doesn't agree with letting vendors sit out there and not get paid. Both Bevirt and Joseph agree with Ahle.

Supervisor Gary Ahle made a motion to authorize payment of the Highway Commissioner's bills to be paid accordingly and seconded by Trustee Jeff Bevirt.

Roll Call: Loyet – nay; Bevirt – aye; Ahle – aye; Joseph – aye. Motion Carried.

Trustee Bevirt asked Peach if he can have a tentative budget by the next meeting Peach attends. Peach said he can put one together.



TOWN CLERK REPORT

Clerk David Witter said the election results are supposed to be verified on April 30th. Witter said when they get notified by the County Clerk the results are official; the statute says the Highway Commissioner has to be sworn in within ten (10) days. Witter said he would like to swear everybody in at the same time. Hopefully, if they get the results on the April 30th, they might do the swearing in on May 1st. Trustee Loyet asked about swearing them before they take office which is on May 20th. Witter said they can be sworn in before their term begins. A brief discussion followed.

Witter said he and Ahle received an e-mail from the City of O'Fallon inviting them to a Strategic Planning Process. Unfortunately the meeting is scheduled on May 1st from 6 – 9 P.M. and that is the night of the Trustees meeting. Maybe we will be able to attend the next scheduled one.

Lastly, Witter asked the board members to try and be here at least 15 minutes early on May 1st because Betty Osborne wants to take a photograph of the board members presenting the check for the Veteran's Monument.

TRUSTEES REPORT

Trustee Jeff Bevirt said on a personal note, he wants to thank the road district employees for repairing the stop ahead sign by his house.

SENIOR REPORT

No report.

YOUTH REPORT

Trustee Kenneth Joseph said the Committee just met on Monday April 15th. There was good discussion and was well attended. The main topic is the fishing derby coming up on June 1st. Ahle wanted to give a personal thanks to the Youth Committee for donating to the Girl's & Boy's State.

PLANNING REPORT

No report.

AFTER PROM REPORT

Trustee Bevirt said all is rolling. He picked up a check from the High School for \$3,500. \$3,000 from the Township has been approved. Cash balance is at \$9,540 total. Bevirt said he is going out this weekend and spending some of that money on gifts. Trustee Hursey has taken care of the food.

Township attorney Cory Easton said he usually donates \$200. He asked if he could receive a reminder e-mail so he can donate. Trustee Joseph said the Enterprise Grange will be donating \$100. A brief discussion followed.

UNFINISHED BUSINESS

Supervisor Ahle said he received a thank you letter from Betty Osborne with the O'Fallon Veterans Monument Committee thanking the Township for the \$1,000 donation received.



Supervisor Ahle informed the board he purchased a new lawn mower from Quality Rental & Sales. He purchased a Husqvarna riding lawn mower with a 42" deck. Purchase price of \$1499 and Ahle said he talked them down to \$1425. Peach asked Ahle if he got the municipal discount. Ahle assumed he did, but said he would look into it.

NEW BUSINESS

Ahle said an e-mail was received from Executive Director, Bryan Smith regarding Senate Bill 1585. The bill originally would have allowed for the elimination of all coterminous townships. However, it was amended and narrowed to only include Evanston Township. The notice is asking townships to call and ask their State Senator to oppose this Bill when it comes for vote on the floor.

A request was received from Christian Home Care Services, Inc. to contribute to their Annual Golf Tournament and Dinner on Saturday, April 20th, 2013. Ahle said he knows the township has contributed in the past, but is unsure if they donated last year. A brief discussion followed.

Supervisor Gary Ahle made a motion to give the same contribution amount as last year if any to Christian Home Care Services, Inc. and seconded by Trustee Glenn Loyet.

Roll Call: Loyet – aye; Bevirt – aye; Ahle – aye; Joseph – aye. Motion Carried.

Ahle asked if anyone will be attending the City of O'Fallon's Strategic Planning meeting on May 1st, 2013. Highway Commissioner Peach said he is going.

PUBLIC INPUT

Doug Scott asked the board if they would be interested in contributing to the O'Fallon Volunteer Fire Department's 14th Annual Spring Golf Classic Tournament. Scott said this is for the Firemen, not the Department. They provide free medical oxygen to residents at their expense. Trustee Glenn Loyet suggested Doug get the information sent to the township so it can be put on the next meeting's agenda. A brief discussion followed.

Martin Ercoline, Sr. said he wanted to clarify something with Trustee Loyet. Ercoline said he did not have any input to the argument Loyet was having with Highway Commissioner Peach, all he was trying to do was calm Loyet down. Loyet responded that Ercoline was out of order. Ercoline thanked Loyet for that.

Highway Commissioner Peach wanted to explain one more thing. On the annual budget, at the end of the fiscal year Peach said he had \$1,050,997 unspent. If you look in the budget under Permanent Road Fund under Reider Road Improvement, Peach said there is a balance of \$600,000 put into reserve to purchase land. Peach said that brings it down to approximately \$400,000. Another thing, Peach said is the levy is done in December. They do not see a dime of that until almost mid-July, so they have to through April, May, June and mid-July to work out of the existing funds from the fiscal ending March 31st. Peach said that figure makes it look like there's a lot of money there, but if you go through the budget, \$600,000 in reserve that comes out of that \$1,050,097 and then the months he has to work out the balances they have before he gets a dime from any tax money. Peach hoped this will clear up any questions anybody might have about that.

Martin Ercoline, Sr. asked Supervisor Ahle who sets the fiscal year at the township. Ahle said it has been that way for years. Ercoline asked if it wouldn't reduce the number of questions about carryover, to change the fiscal year period from possibly July 1st to June 30th. Both Supervisor Ahle and Trustee Loyet said it has always been that way. Ercoline said he just wanted to know who set it up. Loyet said TOI sets it up, but you can't follow half of what they got, it would just throw everything off. Ahle said it can be looked into and discussed. He's open to it and it couldn't hurt. Ercoline said when Collinsville changed their taxes to a 4-payment, where Marty was employed at,



they had a hard time the first 4 months when they did not get any tax money, so they changed the budget hearing. Ahle told Ercoline he would speak to the township auditors and see what they say about it.

ADJOURNMENT

A motion was made by Trustee Kenny Joseph to adjourn the meeting of the Board of Trustees seconded by Trustee Jeff Bevirt. Motion Carried.

The meeting adjourned at 7:49 P.M.

Respectfully submitted by:

David M. Witter
Town Clerk