

**Minutes – Board of Town Trustees
July 21, 2016**

STATE OF ILLINOIS
Crawford County
Town of Robinson

THE BOARD OF TRUSTEES met at the Robinson Township Office at 6:00 p.m. June 16, 2016. The following official business was transacted. The meeting was called to order by Chairman Larry McCoy. Clerk Vickie Gribben then called the roll.

PRESENT:	Larry McCoy	Township Supervisor
	Vickie Gribben	Township Clerk
	Dave Lachenmayr	Township Highway Commissioner
	Sue Roberts	Township Assessor
	Shirley Berry	Township Trustee
	Pat Richards	Township Trustee
	Greg Wolfe	Township Trustee
ABSENT:	Lori Hodge	Township Trustee

Persons from the public attending the meeting were as follows: Sandy Hyde, Stan Mullins, Shawn Richardson from TOIRMA, Becky Taylor, Janie Thackrey, Township Attorney Heath Uppencamp, and Matthew Wilson.

Item 3, Pledge of Allegiance.

Under Item 4, Mr. McCoy asked if the trustees if they had received the minutes of the previous meeting. Pat Richards asked about the questions raised by the public at the last meeting and asked what the questions were. Mr. McCoy said that Matthew Wilson asked if both attorneys would be present at the July meeting. Sharon McCoy asked if the Township Supervisor was allowed to get an expert opinion from another attorney. Shirley Berry asked for more information about the comments she had made about being notified about upcoming meetings offered by TOI. Mr. Richards asked for a hard copy of the minutes instead of having them emailed. After discussion, Shirley Berry made the motion to accept the minutes as written. Greg Wolfe seconded. Motion carried with vote as follows: Lori Hodge-absent; Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes.

Under Item 5A, the Supervisor's report, Mr. McCoy dispensed with reading aloud the beginning and ending monthly account balances and the other papers regularly given to the trustees at the monthly township meetings. He said if there were no questions, he would go on to the Highway Commissioner's report.

Under Item 5B, Highway Commissioner's report, Mr. Lachenmayr wanted to thank Marathon for the flag pole that was donated. He said the crew has been helping the city and county by hauling gravel. On the blacktop roads, the crew has to spread sand and chat on the road to keep oil seepage from getting on vehicles when the temperature gets into the nineties. Next month, the crew will be starting the second mowing.

Under Item 5C, Assessor's report, Sue Roberts had nothing to report.

Item 6A, Continued Business, Motion to pass policy on anti-nepotism. Mr. McCoy invited Shawn Richardson from TOIRMA who is the township insurance underwriter to address the board about the policy. Mr. Richardson said that TOIRMA doesn't specifically recommend that the townships adopt an anti-nepotism policy. TOIRMA has public officials' liability insurance which has a \$30,000 deductible to cover any problems that could arise from the decisions the township board makes. Pat Richards asked about the number of townships that have adopted this policy. Shawn Richardson said there are very few townships that have a written policy, but they just don't do it. Mr. McCoy thanked Mr. Richardson for coming. Mr. Richardson said he just wanted the board to be clear where the liability stands. Mr. McCoy asked if there were further discussion or questions. He then called for a motion. Mr. Richards made the motion not to adopt the anti-nepotism policy for Robinson Township and Shirley Berry seconded. Ms. Berry said the community is too small to pass this policy. Motion failed with vote as follows: Larry McCoy-no; Greg Wolfe-no; Shirley Berry-yes; Pat Richards-yes. The policy will not be enacted.

Item 6B, Discussion of policies/procedures for hiring policy of cemetery personnel. Mr. McCoy asked for Mr. Heath Uppencamp, Robinson Township's attorney, to discuss what he has found about the power to hire and fire. Mr. Uppencamp said he has read township law and found no statute and no case law that allows the township board to delegate the power to hire and fire to anyone. The statute that specifically references the hiring and firing of employees says that the township board hires employees with the exception of the Supervisor of General Assistance, Township Collector and Township Assessor.

Mr. Richards said he talked with Springfield and they, Bryan Smith and Jerry Crabtree, both said that since Robinson Township voted to do away with the board, the trustees and the supervisor would elect... At this point, Mr. Uppencamp said to Mr. Richards, "You're talking cemetery board, right?" Mr. Richards responded yes and asked what board Mr. Uppencamp was talking about. Mr. Uppencamp said he was referring to the township board who has the authority by statute to hire and fire. Mr. Richards asked if Mr. Bryan Smith were an attorney. Mr. McCoy said no. Mr. Richards said he was sure they knew a little bit about the law and both of them said the board could vote, which the board did, and by majority vote gave the authority to Stan, the sexton. Mr. Uppencamp said that in his legal opinion, if the authority were given to Stan and he fires somebody without getting a board vote on that firing, he believed that the employee could later come to the board and say that the due process that the statute says to follow was not given him. The statute says the township board. Mr. Uppencamp said he did not understand why Springfield, Bryan Smith and Jerry Crabtree, would tell him it could be done. Mr. Uppencamp said he needed to know of a statute upon which their decision was based and that he had not been able to find any. He said he did not see another statute that says the township board may appoint somebody to hire and fire. If there's a law that says that or something else that says that, he would be happy to look at it if those people want to call him or he would be happy to call them, whatever. The law is the law. If there was a case on it, he concluded, he would have found it, if a lawsuit had gone to the appellate court.

Mr. Richards said that the board gave the sexton the permission to discipline. He concluded that discipline was the same as the ability to fire. Mr. Uppencamp disagreed.

Shawn Richardson from TOIRMA said that one of the points Mr. Uppencamp was making was that the township board needs to make the decision on hiring and firing. He told the board to remember that the liability insurance that the township has with TOIRMA has a \$30,000 deductible that is hanging out there, which would have to be paid out of township funds if a lawsuit is filed. He later referenced the

human resource helpline and encouraged the board to use it. He added that Mr. McCoy had given him the employee handbook to have the human resource department review.

Shirley Berry said to Mr. Uppencamp, "So what we have done in the past, we took it upon ourselves as a board to appoint Stan to hire and fire at the cemetery because we felt like Dave has the authority as the road commissioner to hire... Clerk Gribben interrupted Ms. Berry and told Ms. Berry that there was no motion to hire and fire. There was only a motion to hire. Ms. Gribben concluded that "Pat later on said he will hire and fire, but it was not made in a motion." Ms. Berry continued, "So as a board we took upon ourselves, not knowing, and have the knowledge that we probably should have the knowledge, we hired Stan to take care of hiring." Mr. McCoy said "You didn't hire." Ms. Berry corrected her statement, "We appointed, we appointed him to take care of the hiring, supposably firing, and because he is out there with the crew. He knows what's going on; thataway he doesn't have to report to us in a month, and then it takes another month to get things settled. That's the reason we did that." She went on, "What's our solution?" Mr. McCoy said, "That's what this is all about."

Mr. Uppencamp said that "With regard to Dave, the statute specifically says he gets to hire." It didn't have to be delegated by the board. "You delegated to Stan something I'm saying I don't think the law allows you to delegate." He continued, "Legally, do you have to do a motion in my opinion to undo the authority that you gave to him?...I don't think by a motion you can do anything to override the law as I view it." Mr. Uppencamp continued that "to be clean," he would make a motion to retract what was done last month. Mr. Wilson, a member of the audience, said "You won't have to. It's only good for thirty days." Mr. Uppencamp said that since no permanent authority was delegated and the thirty day period made in the May 2016 motion has expired, there is nothing to undo as the law has to be followed.

Highway Commissioner Dave Lachenmayr said he had a question, "I know how things can get heated between employees. You know they can be in a fist fight or something. How's he (cemetery sexton), how is he to address that on an immediate thing? Can he, can he have the power to suspend them, send them home until they have a meeting?"

Shawn Richardson answered that full time employees are addressed under violence in the workplace. That could be taken care of without repercussions from TOIRMA. He knows of a highway commissioner who tells his men to take it outside the gate.

Mr. McCoy asked what Mr. Uppencamp how the board should proceed from now on. Mr. Uppencamp said to just follow the law. Mr. Richards asked about something that requires immediate action. Mr. McCoy stated that if problems arise, a special meeting can be called. Mr. Uppencamp said he agreed with the need to call a special meeting. Mr. McCoy asked if the sexton were talking with Ms. Berry or Mr. Wolfe. Mr. Wolfe said Mr. Mullins had not called him lately.

Other issues were discussed: where to keep personnel records, written reprimands in personnel files, drug testing for cemetery employees. Mr. Richardson responded concerning drug testing by urging the board to call the human resource helpline as to the steps to take. Mr. Uppencamp then stated that only the board could approve a written discipline decision. Pat Richards asked about disciplining in case of an emergency. Mr. Uppencamp agreed with Mr. McCoy's statement that a special meeting of the township board could and should be called.

Mr. Uppencamp asked if the employee handbook had been voted on by the board. (I, Vickie Gribben, Township Clerk, checked the minutes to see the date the board adopted the employee handbook:

October 21, 2011. “Under Old or Continued Business, Item 8A, Employee handbook for Cemetery: Chairman McCoy asked if the trustees had an opportunity to look over the proposed employee handbook for the cemetery and if there were any comments or questions. Pat Richards said the handbook was pretty straight forward. Mr. McCoy asked for a motion to approve the handbook. Pat Richards made the motion which was seconded by Glenda Fulling. Motion carried with vote as follows: Larry McCoy-yes; Glenda Fulling-yes; Pat Richards-yes; Shirley Berry-yes; Sue Roberts-yes.)

Mr. Richardson said that Mr. McCoy had given him a copy of the Employee Handbook and he would have the human resource department to review it.

Ms. Berry asked if there were still a cemetery committee. Mr. McCoy said the committee was originally created to review the rules of the cemetery. Greg Wolfe made the motion to disband the cemetery committee. The full township board will be the oversight body for all cemeteries. Larry McCoy seconded. Mr. Wolfe said he titled the cemetery committee motion Sub Item 6B.1 under Item 6B, Discussion/Action on procedure for hiring policy of cemetery personnel. Item 6B, discussion/ action on procedure for hiring policy of cemetery personnel does not need to have a motion as the law is the law and no motion contrary to the law can override the law. Mr. McCoy said there was a motion before the board. Mr. Uppencamp said the motion now before the board is to just simply get rid of the cemetery committee of two people. Motion carried with vote as follows: Shirley Berry-yes; Greg Wolfe-yes; Pat Richards-yes; Larry McCoy-yes.

Item 7A, New sign at the Robinson New Cemetery. Larry McCoy showed the board drawings for two new signs at the first and second entrances of Robinson New Cemetery. Mr. Glen Wilson would make and erect the signs for the amount of \$934.10. He asked if the board members liked Mr. Wilson’s proposals or if any trustee has other ideas or input. The board liked the arched style. Mr. McCoy also said Mr. Wilson would straighten the pickets on the wrought iron fence that had been hit years ago. He said Mr. Wilson had not quoted a price for repair of the pickets, but did not think it would that much. Motion was made by Larry McCoy to authorize Glen Wilson to provide and erect two signs, with arched lettering done in burgundy or maroon on a white background and straighten the pickets. Greg Wolfe seconded. Motion carried with vote as follows: Shirley Berry-yes; Pat Richards-yes; Larry McCoy-yes; Greg Wolfe-yes.

Item 8A, Greg Wolfe moved to approve payment of town, general assistance, and payroll bills. Larry McCoy seconded the motion. Motion carried with vote as follows: Pat Richards-no; Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes.

Item 8B, Pat Richards made a motion to pay the road district bills. Greg Wolfe seconded the motion. Motion carried with vote as follows: Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes.

Item 8C: Larry McCoy made a motion, seconded by Greg Wolfe, to pre-approve payment of Elected Officials for the time period of July 22, 2016 through August 18, 2016. Motion carried with vote as follows: Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes.

Item 8D: Shirley Berry made a motion, seconded by Pat Richards, to pay per diem expenses. Motion carried with vote as follows: Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes; Larry McCoy-yes.

Before going to public comments, Mr. McCoy said there were two things he needed to mention. One was on how to nominate a board member for outstanding trustee. The second was the educational seminar on the upcoming election which will be held in Springfield on August 12, 2016. He told the trustees wishing to attend to just call Lacey and she would make the arrangements. The township would pay the expenses.

Item 9: Public Comments. There were none.

Item 10: Pat Richards made the motion to adjourn the meeting. Shirley Berry seconded. Motion carried with all in favor voting aye.

Meeting adjourned at 7:19 p.m.

Respectfully submitted,

Vickie Gribben
Township Clerk

Larry McCoy
Township Supervisor