

Supervisor Tekampe called the March 14, 2011 meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

**ROLL CALL** Present – Trustees Gustafson, Martin, McCann, Shanahan Absent – None  
**ELECTED OFFICIALS** Supervisor Tekampe, Clerk Tonkery, Highway Commissioner Grinnell

**OTHERS PRESENT** Rose Marie Domeny, Judy Hummal, Nick Tonkery

### **PUBLIC COMMENTS**

Rose Marie Domeny – Questioned the status of the meeting with local fire commissioners on reverse 911 with Fremont Township. Supervisor Tekampe responded, because of the construction of the new Grayslake fire station on Peterson Road, the meeting was delayed; it will be scheduled. The meeting will include fire districts as well as municipalities.

### **MINUTES**

- **Gustafson moved and Shanahan seconded the motion to approve the minutes of the February 7, 2011 meeting of the Fremont Township Board of Trustees as presented.** There was no discussion. **All in favor, motion carried.**

### **COMMITTEE REPORTS**

**Well and Water** – Connie Shanahan – The public out-reach forum at the Fremont Public Library is Saturday, April 9 from 9 am to 2 pm.

**Parks** – Nick Tonkery – Next meeting is April 11, 2011 at 6 pm. Pictures were shown of a reinforced canvas structure that would be appropriate for the proposed artificial ice arena. Attendance at the Parks Committee meetings by the groups using the fields has been sporadic.

### **OLD BUSINESS**

**CERT** – Chris McCann – CERT's quarterly meeting will be Monday, April 18. Four volunteers signed-up for the spring training class. Because it is difficult to run an effective program with four people, these recruits may receive their training with the Mundelein CERT group. The paper work has been completed for FEMA grant funding. A combined drill with CERT groups from Mundelein, Libertyville, Fremont and possibly Round Lake will occur in May.

### **22438 W. Erhart Road**

Peter F. LoMonaco, PC, attorney representing Robert Tekampe, submitted invoices to Frederick Rawles, Township attorney, requesting that the Fremont Township Board reimburse Robert Tekampe a total of \$1,021.51 for expenses incurred in connection with the removal of the berm from his property; Mark Meade Excavating, Inc. \$560.00, Conserv FS \$61.52, legal fees \$400.00. Discussion:

Trustee Martin – By moving the berm, Robert Tekampe created a liability problem. Is there an insurance certificate on file naming Fremont Township hold harmless?

**Martin moved to not consider payment for any expenses submitted by Robert Tekampe to remove the berm.** These expenses were incurred by Robert Tekampe and not authorized by the Township for work completed.

**Trustee Shanahan** – We do not need a motion; we can disregard the communication from the attorney.

**Trustee McCann** - It would be irresponsible to pay for work that was not authorized; we would not be representing the people of Fremont Township very well. This would set a precedent that could open up the flood gates; residents could have work done on their property and submit invoices to the Township for payment.

**Trustee Martin** – According to the Easement Agreement # 1498610, the easement "is granted and it is accepted by the Grantees upon the expressed condition that the Grantees will indemnify and hold harmless the Grantor, its heirs and assigns, of and from any and all loss, costs, damages and expenses claimed or asserted against them or either of them or suffered

or incurred by them or either of them or claimed against or resulting to said above described strip of land by the use of said land by the Grantees.” Do we have an insurance certificate on file holding Fremont Township harmless?

**Trustee Martin** – withdraws his motion.

**Supervisor Tekampe** feels the entire situation is getting out of hand and would like it to come to a resolution. On October 11, 2010 the Board passed a motion to move the berm between the properties so that it would be located completely on Township property.

**Trustee Martin** - This motion was rescinded at the February 2011 meeting and “no further action was to be taken by the Township” was included in this motion as well.

**Trustee Shanahan** - We were never approached for authorization to move the berm, we did not receive an estimate of expenses and we never authorized the removal; we should move on and inform Robert Tekampe that we will not reimburse his expenses.

**Shanahan moved and Martin seconded the motion instructing Frederick Rawles to inform Peter F. LoMonaco that Fremont Township will not be reimbursing the property owner at 22438 W. Erhart Road, Mundelein IL 60060 for the invoices submitted for removal of the berm from his property. All in favor, motion carried.**

## **NEW BUSINESS**

### **Township Attorney**

Trustee McCann questioned the status of having Fremont Township reinstated as Grantor on the Easement Agreement with Robert and Elizabeth Tekampe.

Supervisor Tekampe contacted Peter S. Karlovics, from the Law Offices of Rudolph F. Magna, for a legal opinion regarding two purported grants of easement upon Township property located at 22376 W. Erhart Road, Mundelein, IL. He further directed Supervisor Tekampe to the Illinois Compiled Statutes that state “the supervisor, with the advice and consent of the township board, may appoint a township attorney; the supervisor hires and fires the attorney. Therefore, the motion made at the February 7, 2011 Board meeting directing the Supervisor to interview for legal advice and representation was out of order.

Attorney Opinion: There are two basic types of easements, easements in gross (does not automatically transfer to future owners of the property served by the easement) and easements appurtenant run with the land). The first easement regarding use of the septic system located on Fremont Township property for 99 years demonstrates intent to allow the easement to run with the land for a period of 99 years. The second easement is less clear. The ambiguities can be resolved by looking at the intent and circumstances. Given that the Township allowed the construction of the gravel driveway and the garage building on the easement property, and the Township never demanded removal after the original owner conveyed the property to another owner, it appears clear that the Township intended for the easement to run with the land.

However, Fremont Township’s action in granting the easements is questionable. According to Township Code, the electors at an annual or special township meeting are granted the specific powers to make all orders for the purchase, sale, conveyance, regulation or use of the township’s corporate property. If there was a defect in the granting of the two easements, due to lack of voter action, the 22438 W. Erhart Road property would still have an easement by prescription over the used portion of the Fremont Township property.

Trustee Martin suggests that in the future all opinions be given in writing not verbally to Supervisor Tekampe. He recommends that an amended or a new easement agreement be created accurately clarifying the gravel driveway.

Trustee McCann spoke to the fact that it was never the Township’s intention to do away with the easement; the only action taken was to have Fremont Township named as the Grantor. It would be beneficial to the Township and demonstrate to our residents due diligence if Mr. Karlovic would state in writing that having Fremont Township named as Grantor is not essential.

### **Attorney**

Since the Supervisor appoints and terminates the attorney; Fred Rawles is representing Fremont Township. Trustee McCann continues to have concerns regarding the Township Attorney; the opinion received from Mr. Karlovics was more detailed and he informed us of pertinent information that was never before mentioned. The supervisor appoints the attorney and takes responsibility for the attorney’s performance; the attorney represents the entire Board and the onus will be on the Supervisor if that information is incomplete. Trustee Martin concurs.

## **ANNUAL TOWN MEETING**

**Gustafson moved and McCann seconded the motion to adopt the 2011 Annual Town Meeting Agenda as presented.** There were no agenda items requested by Fremont Township electors. **All in favor, motion carried.** It was agreed that the Guidelines for the 2011 Annual Town Meeting would be posted.

## **ELECTED OFFICIALS REPORT**

**Assessor** - None

### **Clerk**

- The Public Hearings for the Road and Town Budgets are scheduled for May 9, 2011. Budgets need to be available for public inspection on April 8, 2011
- The Daily Herald submitted a FOI request regarding health care coverage
- Minutes will be e-mailed to trustees with a hard copy placed in their folder

**Highway Commissioner** – Winter is coming to an end. MFT bids will be in March.

### **Supervisor**

- Security cameras have been installed in the building for a cost of \$587
- The Giving Garden will be bigger and better than last year; volunteers have signed up to help and Mini Earth is donating plants
- There was a walk through with Lake County Lightning and Vans to determine the costs of improvements to Behm

### **Trustees**

- Trustee Shanahan asked if the Park was opened. Weather permitting; it will be opened March 26<sup>th</sup>.

**PUBLIC COMMENTS** - None

## **APPROVAL OF BILLS**

After reviewing and initialing the monthly disbursements; and after reviewing the following reports: the FREMONT TOWNSHIP STATEMENT OF REVENUE AND EXPENDITURES--VS. ANNUAL BUDGET FOR 1-MONTH (S) ENDED March 31, 2011, the FREMONT TOWNSHIP BOARD AUDIT REPORT from 02/08/11 to 03/14/11 and the FREMONT TOWNSHIP INVESTMENT REPORT – March 31, 2011 the following motions were made.

- **Gustafson moved and McCann seconded the motion to audit and approve for payment the Road & Bridge Fund bills for \$13,637.18.** There was no discussion. **All in favor, motion carried.**
- **Martin moved and Gustafson seconded the motion to audit and approve for payment the Permanent Road Fund bills for \$78,426.66.** There was no discussion. **All in favor, motion carried.**
- **McCann moved and Shanahan seconded the motion to approve for payment the General Town Fund bills for \$76,993.86.** This was no discussion. **All in favor, motion carried.**

The above motions were approved upon roll call vote: **Ayes- Gustafson, Martin, McCann, Shanahan**    **Nay - None**    **Absent- None**

- **Shanahan moved and McCann seconded the motion to audit the expenditures in the General Assistance Fund for \$15,374.81.** The General Assistance Report for the past month was reviewed. **All in favor, motion carried.**

## **ADJOURNMENT**

**Martin moved and McCann seconded the motion to adjourn at 8:34 P.M.** There was no discussion. **All in favor, motion carried.**

**Respectfully,**