

Minutes  
LAFAYETTE TOWNSHIP BOARD OF TRUSTEES  
Special Meeting  
Wednesday, July 14, 2010

**Meeting called to order:** 10:00 a.m.

**Members Present:** Trustee Lynda Bowers, Trustee Donald Butler, Trustee Nanci Shanley.

Also Present: Tom Green with Kastner, Westman & Wilkins, LLC.

L. Bowers – I will call the Special Meeting of July 14, 2010 at 10:00 a.m. to order. Roll call. Mrs. Shanley?

N. Shanley – Here.

L. Bowers – Mr. Butler?

D. Butler – Present.

L. Bowers – And Mrs. Bowers, here. And we also have Tom Green with Kastner, Westman and Wilkins. Is there a motion?

N. Shanley – Um...

L. Bowers – Do you want me to make it?

N. Shanley – I can make it.

L. Bowers – Okay.

N. Shanley – I, I was going to, I was wondering if we should state why we're meeting today.

L. Bowers – That would be in the motion but if you want to do something, go ahead.

N. Shanley- Okay. We're meeting today because on June 28<sup>th</sup>, 2010 we received a request to be recognized from Teamsters Local 436 for full time and regular part-time Service Department employees. The Township has twenty-one days after receipt to address this request. Deadline for receipt of Township comments is July 16, 2010. **And with that I will move to recess into Executive Session in accordance with 121.22 to prepare for or review a collective bargaining strategy.**

L. Bowers – Roll call vote. Mrs. Shanley?

**N. Shanley – Aye.**

L. Bowers – Mr. Butler?

**D. Butler – Yes.**

**L. Bowers – And Mrs. Bowers, yes.** Okay. We will recess into Executive Session with the three Trustees and Mr. Green.

Executive Session convened at 10:02 a.m.

L. Bowers – Okay. We're reconvening the Regular Meeting at 11:03.

N. Shanley – Don't?

L. Bowers – Mrs. Shanley, you have the floor.

N. Shanley – You want to make the motion?

D. Butler – We're back to regular meeting?

N. Shanley – Yup.

**D. Butler – I would, after being in Executive Session and discussing strategies for responding to the notice we got from the union, I would like to see us file the Objection to Request for Recognition form ASAP** since we're under the gun and I'd like to...

N. Shanley – You mean the objection?

D. Butler – Objection to Request for Recognition form and I would like to go through at this point until we're told otherwise, the Prosecutor's Office. If they don't do it we'll take alternative action. I think we owe it to the Prosecutor's Office to talk to them first.

**N. Shanley – I will second that motion** with the statement that I really wish we weren't even at this point today where we were even having to make this decision and I don't wish to make this a more difficult or more controversial or more difficult process with our people than...at all actually and, but I feel like this is what we have to do for the sake of our Township. It's in the best interest of the taxpayers and Township to try to do our best to deal with the situation. So I will second that.

L. Bowers – Voting. Mrs. Shanley?

**N. Shanley – Aye.**

L. Bowers – Mr. Butler?

**D. Butler – Yes.**

**L. Bowers- And I will also vote to go forward with it** but I, I too am disappointed at where we, we're at. I don't think that it was necessary that it came to this and I believe that while this objection may be successful for a period of time it's unfortunate that it might just be a technicality. We're going to find ourselves back here and I think that's just unfortunate as well.

D. Butler – I'll disagree. I will say if it forces us to sit down with them and list everything that we would have done through a union contract it's probably very positive, cause right now they don't have direction. They have never had direction.

L. Bowers – And isn't that disappointing that we had to get here to go there, Don?

D. Butler – Yeah, because, you know, I'll take the blame. I ask them what they're doing and they can't, they can't tell you what they're doing all day. We've got four months last year, last year and this year that there's no accounting for.

L. Bowers – I think our employees work very hard for this Township and I think that all of us could always do something better and it's easy to be on the outside looking in and that might be part of the difficulty where we're at.

N. Shanley – I'll just, I have a question. Which is, who are we designating as a responsible party for co...for this objection, whether it's done through the Prosecutor's Office or if they decide not to move forward with us with an outside firm, who is, who are we designating as a responsible party out of this? If you're good with that, I'm fine with you handling it.

D. Butler – I'll...

N. Shanley – Or Lynda, do you want to take it?

L. Bowers – No, I do not want to take it. I feel very strongly that I don't want to be involved in this process at all but we have to protect our residents and that's what we're going to do.

N. Shanley- And I will just say that as far as, as far as I'm concerned, there's nothing wrong with asking for accountability. We're accountable to our residents and we would expect our staff to be accountable as well – it's not wrong.

T. Green – Accountability.

L. Bowers – I agree. And hopefully this will encourage a little more respect and professionalism on both sides of that aisle.

D. Butler – I'll call the Prosecutor's Office and see what they're position is, out of respect for them. And then I'll give you a call.

N. Shanley- If they do not we...

D. Butler – I'll give you a call one way or the other, if...

N. Shanley – Don, we have to vote now if this is the, who we want to use, we would have to decide that now or we would have to call a meeting. If the Prosecutor's Office is not going to continue with us we would have to decide now in open meeting that this is the firm we want to use. Is that correct?

L. Bowers – We can have a special meeting. That’s no problem. We’ve got a meeting on Monday.

N. Shanley – That’s beyond the deadline. The deadline for this is Friday.

L. Bowers – (indecipherable – two talking)...to prepare the assessment? No. We can fill that form out. I don’t ...

D. Butler – I know you wouldn’t advise that.

L. Bowers – I don’t care.

D. Butler – Correct?

T. Green – If I were to be retained I would strongly recommend that you let me fill it out, because of my experience in that area and if it’s done wrong and it’s, then you’re, then you’ve waived your rights. So I don’t know why you would roll the dice and try to do something yourself. That’s like me trying to, you know...

D. Butler – I agree. I totally agree with you.

T. Green – clean some teeth. I mean, maybe I could get, you know, I might be able to clean somebody’s teeth but I’d sooner leave it to the dentist.

N. Shanley – With that in mind...

D. Butler – Would you have a problem then if, give me some time to call the Prosecutor’s Office, see what their position is and then get back to you?

T. Green – No, that’s fine.

D. Butler – Okay.

N. Shanley – But Tom, we have to still decide...

D. Butler – Well, we’ll decide.

N. Shanley – If that’s who we’re going to engage, as a Board. If they say no...

D. Butler – I, I...

N. Shanley – we would have to say, if they say no this is who...

**D. Butler – I will move, I will move that the Prosecutor is not interested in helping us with the form ERB1009 Objection, Objection to the Request for Recognition that we then retain Tom Green, Kastner, Westman, Wilkins, LLC.**

**N. Shanley – I will second that.**

L. Bowers- Tom, is Jim Wilkins one of your partners? (no response heard) Have you spoken to him since this meeting's been scheduled?

T. Green – Um-hum.

L. Bowers – Okay. And you're okay with that?

T. Green – Okay with what?

L. Bowers – Okay. Then you don't know, okay. Voting. Mrs. Shanley?

**N. Shanley – Aye.**

**D. Butler – Yes.**

**L. Bowers – Aye.**

D. Butler – Hopefully I'll get back to you within the hour.

T. Green – Okay.

L. Bowers – Anything else to come before the Board? Meeting's adjourned.

Meeting adjourned at 11:06 a.m.

Approved: \_\_\_\_\_

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Donald Butler, Trustee

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Lynda Bowers, Trustee

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Nanci Shanley, Trustee

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Shirley Bailey, Fiscal Officer