

Minutes of the Executive Session  
 Regular Village Board meeting  
 January 17, 2017, 7:30 p.m.  
 Village Hall of Tinley Park  
 16250 S. Oak Park Avenue, Tinley Park, IL

Motion was made by Trustee Suggs, seconded by Trustee Maher, to adjourn to Executive Session at 8:20 p.m. to discuss the following:

- A. COLLECTIVE NEGOTIATING MATTERS BETWEEN THE PUBLIC BODY AND ITS EMPLOYEES OR THEIR REPRESENTATIVES, OR DELIBERATIONS CONCERNING SALARY SCHEDULES FOR ONE OR MORE CLASSES OF EMPLOYEES.
- B. LITIGATION, WHEN AN ACTION AGAINST, AFFECTING OR ON BEHALF OF THE PARTICULAR PUBLIC BODY HAS BEEN FILED AND IS PENDING BEFORE A COURT OR ADMINISTRATIVE TRIBUNAL, OR WHEN THE PUBLIC BODY FINDS THAT AN ACTION IS PROBABLE OR IMMINENT, IN WHICH CASE THE BASIS FOR THE FINDING SHALL BE RECORDED AND ENTERED INTO THE MINUTES OF THE CLOSED MEETING.

The Village Clerk announced that this Executive Session is now being recorded.

A roll call was taken:

In attendance, responding to roll call:

- D. Seaman, Mayor
- P. Rea, Clerk
- B. Maher, Village Trustee
- T. Grady, Village Trustee
- M. Pannitto, Village Trustee
- J. Vandenberg, Village Trustee
- B. Younker, Village Trustee
- K. Suggs. Village Trustee

Absent:

Village Staff:

- D. Niemeyer, Village Manager
- S. Tilton, Asst. Village Manager
- P. Wallrich, Interim Community Development Director
- L. Godette. Deputy Village Clerk
- T. Condon, Village Attorney
- S. Neubauer (Arrive 9:31pm, Depart 10:14 pm)
- P. O'Grady, Village Attorney,(Arrive 9:31pm. Depart 10:14pm)
- D. Rosenbaum Hall, Village Attorney (Depart 9:31pm, 10:14 pm)

Others Present:

- B. Lemley, IRMA Attorney(Departed 9:30 p.m.)
- A. McGrath, Kozacky, Weitzel, McGrath (Departed 9:30 p.m.)

### Item 1 – Litigation - Buckeye –

Allister McGrath presented a summary of the Buckeye letter received on January 13, 2017, outlining Buckeye's proposal that the Village pays for the cost of preparing the final plans so that the pricing of the project can be more accurately determined the cost is approximately \$150,000. They want the Village to take control of the first floor commercial either through ownership or lease and issue permits. McGrath was not sure if the March 1, 2017 is part of the approval or is it subject to a later date. Lastly a stay of the litigation if the Board can come to an agreement and decide on a settlement amount. Buckeye wants the Village to file a motion stating that the Village agrees to all terms except for what the cash differential is.

McGrath has spoken with Mike McGreal who is review the overall costs of the project and he believes the cost difference is going to be between \$1.5 million and \$2 million and most likely will not go down. Any savings that code be brought on by the new code would be lost by items Buckeye did not account for in their pricing. Some of the changes the Village would allow Buckeye to make would not be allowed under IDEA requirements and Buckeye would be able to get federal funding. With all this McGrath feels that the development price difference at a minimum would \$1.5 million.

At this time McGrath outlined a letter from IRMA

1. Settle the case with the entire first floor built for commercial with the Village taking ownership over that;
2. Settle the case with one unit on the first floor built for commercial;
3. Settle the case amending the Legacy Code to allow the first floor to be permitted but not required as commercial; and
4. Attempt to a payment of money in exchange for subject development not being built.

IRMA has offered \$500,000 for settlement.

McGrath asked the Board how they would like to respond to Buckeye.

Brandon Lemley stated IRMA would like to see the Board proceed with a decision.

Niemeyer noted that the Village found Edwards Realty who might want to take over the first floor commercial (this may not happen quickly) and reminded the Board of the legal fees the Village is and will be facing.

Trustee Maher had concerns about building first floor commercial. Lemley stated that is may be a concern in the Department of Justice case. Trustee Vandenberg had concerns on how this would affect the entire length of Oak Park Avenue.

Niemeyer asked if the Village should be seeking a developer to run the commercial space. Mayor Seaman stated yes.

After discussion it was the consensus of the Board to extend an offer to Buckeye the \$500,000 settlement from IRMA with commercial being built on the first floor with Buckeye's ownership or Buckeye will find a developer. The Village will put forth their best effort to market the commercial property.

If rejected simple responses from Buckeye can be brought to Mayor Seaman and Trustee Vandenberg for presentation to the rest of the Board.

Trustee Pannitto asked Staff to see the general figures on cost of the lawsuit and the economic projection this will have on Oak Park Avenue.

Trustee Vandenberg asked the Attorney's if there are any similar cases where an Elected Official named in a similar lawsuit? If so what was the outcome and punitive of such a case?

**Item 2 – Collective Bargaining - MAP -**

Paul O’Grady provided an update on the MAP negotiations.

O’Grady noted the discussion with Map of an Off the Record Proposals discussion:

- MAP is unhappy with the \$500 deductible for health insurance;
- Wages not too much of an issue;
- Residency – Village did not receive a comment from MAP on this.

O’Grady noted two items to consider at this meeting:

1. Interest arbitration date set for February 24, 2017, need last best final offer on the a week before;
2. Need Board direction for an On the Record proposal for the final offer, considering the bargaining over residency.
  - O’Grady suggested a radius of eight miles on the table.

O’Grady noted MAP had issues with bullet proof vests, community service officers, investigators call out pay and the GPS in the cars.

After discussion the consensus of the Board was to present to Map an Off the Record Proposal of:

- Residency off the table;
- Wage increase of Year One 2.5% – Year Two 2.5% - Year Three 2.75% – Year Four 3%
- Stipend to ease the insurance deductible with Year 1 \$250 – Year 2 \$250 – Year 3 \$150 – Year 4 - \$100
- Four year contract

O’Grady will let the Board know when this will be an On the Record Proposal.

Niemeyer noted that this will affect the wage discussion in negotiating the Public Works 150 contract.

Motion was made by Trustee Vandenberg, seconded by Trustee Grady, to adjourn this Executive Session. Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker, Suggs, Nays: None. Absent: None. Mayor Seaman declared motion carried and this Executive Session was adjourned at 10:16 p.m.

Motion was made by Trustee Vandenberg, seconded by Trustee Grady, to adjourn the Special Village Board Meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned this meeting at 10:16 p.m.

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