

Minutes of the Executive Session  
January 19, 2016  
Fulton Conference Room

Motion was made by Trustee Vandenberg, seconded by Trustee Younker to adjourn to Executive Session to discuss:

The purpose of this Executive Session was to discuss:

- a) the setting of a price for sale or lease of property owned by the public body;
- b) the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired;
- c) the 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;
- d) the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker and Brady. Nays: None. Absent: None. Mayor Seaman declared the motion carried and this meeting was adjourned to Executive Session at 8:42 p.m.

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

A roll call was taken:

In attendance and

responding to roll call:

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

Absent:

None

Staff Present:

D. Niemeyer, Village Manager  
M. Mertens, Assistant Village Manager  
S. Tilton, Assistant Village Manager  
B. Bettenhausen, Village Treasurer  
T. Melody, Village Attorney

Others Present:

None

**191<sup>st</sup> Street Right-of-Way** – Assistant Manager Mertens presented an update of the land acquisition negotiation for the right-of-way needed for the 191<sup>st</sup> Street extension. He provided an overview of the property to be purchased. The first area of property is for 0.949-acres needed to accommodate the curvature of the road off Harlem Avenue going east. The second area of land is a 1.71-acre piece that would connect 191<sup>st</sup> Street up to Oak Park Avenue. The negotiated prices for the two areas

## MINUTES

### Executive Session

January 19, 2016

are \$103,300 and \$186,219 respectively, for a total of \$289,519. A recapture agreement would be established for the 1.71-acre parcel as directed by the Village Board. It is anticipated that a final contract will be ready for Board consideration in February 2016.

**Central Middle School** – Assistant Manager Mertens presented a contract offer for the 3.3-acre former Central Middle School site from Odawa Development LLC. The purchase offer is for \$820,000. Upon discussion, the consensus of the Board was to direct staff to obtain an updated appraisal for the property and to complete their due diligence on the developer. Upon receipt of this additional information, this item will be reviewed at a future Village Board Executive Session.

**North Street Land Acquisition** – Assistant Manager Mertens advised the Board that staff is currently in discussion with North Street LLC regarding a property acquisition for 6712, 6724, 6706 North Street and 17329 Oak Park Avenue. North Street LLC is currently offering the property for \$2,355,000. The Village has the property appraised for \$815,000. Upon discussion, the consensus of the Board was to direct staff to obtain further information as to where North Street LLC came upon their offer amount.

**Fire Department Personnel Issue** – Village Manager, Dave Niemeyer, gave an overview of a personnel situation in the Fire Department where a former employee who has made allegations that his former coworkers utilized racial and homosexual slurs during the time of his employment. It was discussed that the Village should consider having either the Village Attorney, an outside firm or IRMA provide sensitivity training to the department.

**Orland Hills Potential Litigation** – Village Manager Niemeyer gave an overview of the \$340,000 dispute with the Village of Orland Hills in regards to pond construction costs from a previous agreement. Upon discussion with the Village Board it was recommended that the Village Attorney draft a side letter in which the Village would pay the disputed funds, however the Village of Orland Hills would agree to reimburse the Village.

**Class Action Water Meter Law Suit** – Village Manager Niemeyer indicated, per the previous direction from the Village Board, that the Village will be utilizing an outside auditing firm to perform a before and after analysis on the Village water accounts that have had their meters changed out and subsequently no longer have the disputed meters that are the subject of the Village's class action litigation. Upon completion of this analysis, the results will be shared with the Village Board.

Motion was made by Trustee Pannitto, seconded by Trustee Brady, to adjourn this Executive Session.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Vandenberg, Younker and Brady. Nays: None.

Absent: None. Motion carried and this Executive Session was adjourned at 9:45 p.m.

Motion was made by Trustee Brady, seconded by Trustee Younker to adjourn the regular Village Board meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the regular Village Board meeting at 9:46 p.m.

MSM:lv