

Minutes of the Executive Session
 Regular Village Board meeting
 February 21, 2017, 7:30 p.m.
 Village Hall of Tinley Park
 16250 S. Oak Park Avenue, Tinley Park, IL

Motion was made by Trustee Younker, seconded by Trustee Suggs, to adjourn to Executive Session at 9:02 p.m. to discuss the following:

- A. 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.
- B. THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES OF THE PUBLIC BODY OR LEGAL COUNSEL FOR HE 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.

A roll call was taken:

In attendance, responding to roll call:

D. Seaman, Mayor
 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:

P. Rea, Clerk

Village Staff:

D. Niemeyer, Village Manager
 B. Bettenhausen, Village Treasurer (Depart 9:30 p.m.)
 L. Godette. Deputy Village Clerk
 P. Connelly, Village Attorney
 J. Turiello, Village Attorney

Others Present:

A. McGrath, Att. Kozacky, Weitzel, McGrath (Depart 9:30 p.m.)

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

Item 1 – Litigation – David Niemeyer presented an overview of the allocation formula regarding the Buckeye litigation. He noted that IRMA would be contributing \$500,000 and the Village contribution would be sixty percent of the remainder with forty percent coming from IRMA. The Village amount would be slightly over one million dollars if the settlement is \$2.2 million dollar. The Village believes IRMA should contribute more. Staff recommends that the Village return to IRMA to discuss a different allocation formula. Mr. Niemeyer also stated that funds are set aside in the reserve account for future settlement of cases.

Alaster McGrath noted that the next step with IRMA is to discuss the response, then IRMA will be able to put together a revised allocation. Mr. McGrath stated that he is still waiting for a formal written response from Buckeye, then the mediation will be set up. Mayor Seaman questioned if \$2.2 million is a good number for settlement with Buckeye. Mr. McGrath thought it that \$2.4 million to \$2.6 million might be a better number. It depends on the mediation.

Jennifer Turiello presented an overview of three options that need to be reviewed by the Board:

- 1) Will the Village go back to IRMA for a revised allocation?
- 2) Will the Village tell IRMA that \$500,000 is the top amount the Village will contribute? Keeping in mind that IRMA can pull our coverage.
- 3) The Village could settle with Buckeye and go to IRMA for the funds. This would be exchanging one litigation for another.

Mayor Seaman asked where the Village is at with the Connolly lawsuit and Department of Justice lawsuit. Mr. McGrath noted that a response on the Connolly lawsuit is due on February 24, 2017 and he is awaiting the reconciliation demand from Ms. Connolly's attorneys before he can respond.

After discussion it was the consensus of the Board to have the Village Attorney and Village Manager to meet with IRMA and renegotiate the allocation amount.

Trustee Pannitto asked if a motion to dismiss the individual parties named in the lawsuit has been made. Mr. McGrath stated yes and it was dismissed. Mr. McGrath did not recommend going back to the Judge to revisit this but would be happy to do so if he is directed to do so. If the decision is to settle this lawsuit occurs, the dismissal of individuals can be part of the settlement agreement. Trustee Pannitto stated is also unhappy with the dollar amount to settle.

At this time Alastar McGrath and Brad Bettenhausen departed the meeting.

Item 2 – Personnel – Trustee Vandenberg stated his concerns about reports made to certain Board Members and Staff from the lobbyist. Mr. Connelly noted that the Lobbyist is not an employee and this discussion can not be part of a conversation in Executive Session. Mr. Niemeyer stated that he would send a report to the board on this issue to assist in clearing up any misunderstandings.

Motion was made by Trustee Younker, seconded by Trustee Suggs, 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 9:27 p.m.

Motion was made by Trustee Grady, seconded by Trustee Vandenberg, to adjourn the Regular Village Board Meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned this meeting at 9:27 p.m.

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