

Minutes of the Executive Session
Regular Village Board Meeting
July 19, 2016 8:00 p.m.
Village of Tinley Park
@ Village Hall of Tinley Park

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

The purpose of this Executive Session was to discuss:

- 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.

Vote on roll call: Ayes: Maher, Grady, Vandenberg, Younker. Suggs Nays: None. Absent: Pannitto. Mayor Seaman declared the motion carried and this meeting was adjourned to Executive Session at 9:18 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, Clerk
B. Maher, Village Trustee
T. J. Grady, Village Trustee
J. Vandenberg, Village Trustee
B. Younker, Village Trustee
K. Suggs, Village Trustee

Absent Trustee:

M. Pannitto

Staff Present:

D. Niemeyer, Village Manager
S. Tilton, Assistant Village Manager
P. Wallrich, Interim Comm. Deve. Dir. (Arrive 9:39 pm Depart 10:52 pm)
P. Connelly, Village Attorney
L. Godette, Deputy Clerk

Others Present:

P. Rettberg (Arrived 9:18 p.m./Departed 11:19 p.m.)
B. Lemley (Arrived 9:18 p.m./Departed 11:19 p.m.)
J. Murphey (Arrived 9:18 p.m./Departed 9:39 p.m.)
A. McGrath (Arrived 9:39 p.m./Departed 10:52 p.m.)

Dement Litigation – John Murphey presented an overview of the outcome of the Dement Litigation and outlined the next steps as a result of the Motion Hearing that was held on June 15, 2016. Mr. Murphey noted that most parts for the complaint have been dismissed. He felt the Judge allowed the community support expenditures to stand and the Plaintiff would be need to prove the invalidity of these expenditures on a case-by-case basis.

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Mr. Murphey also presented and overview of the claims against the Village in regards to Tinley Park Disposal. The Plaintiff claims they have a right to go after Tinley Park Disposal under two separate State laws. The first called the Illinois False Claim Act and the second statute is the Recovery Act. Mr. Ebehardt has a sixty day notice to amend his motion. The three options presented to the Board were:

1. Do Nothing;
2. The Village could sue Tinley Park Disposal; or
3. Purpose to settle the case with Tinley Park Disposal.

After discussion by the Board the consensus was to do nothing at this time and see where this case goes. Mr. Murphey will prepare a response explaining why the Village is not taking any action.

Buckeye Litigation- Allistar McGrath and Paul Rettberg presented the next steps with the Buckeye Litigation. Mr. McGrath stated his concerns with the Judge in this case and feels the Judge may be prejudice. He noted that the Village needs to be prepared to respond in this case. An option for response is to Motion to ask the Judge to recuse himself from the case (this is very rare). Buckeye will be asking for a Temporary Restraining Order (TRO) for the rights to get permits and go back before the Plan Commission for vote. Mr. McGrath has concerns about if Buckeye can procedurally to this TRO. If the Judge grants the TRO Mr. McGrath feels the Village should appeal. After discussion, it was the consensus of the Board to authorize the Attorney to prepare an appeal to the TRO if the judgement goes against the Village on Monday, July 25, 2016. Mr. McGrath stated that many things depend on what will happen in court next Monday and will advise the Board and next steps after the Judge's ruling on Monday, July 25, 2016.

Tinley Sparks Weigand Litigation Paul Rettberg stated that Stephen Eberhardt, Plaintiff's Attorney, would be willing to begin settle negotiations with this case for Attorney's fees on this case, which is approximately \$70,000. Mr. Rettberg noted that others defendants named in the case should be removed and only the Village would settle. After discussion it was the consensus of the Board not to settle this case as this time.

Motion was made by Trustee Younker, seconded by Trustee Vandenberg, to adjourn this Executive Session and return to the Regular Village Board Meeting. Vote on roll call: Ayes: Maher, Grady, Vandenberg, Younker, Suggs. Nays: None. Absent: Pannitto. Motion carried and this Executive Session was adjourned at 11:19 p.m.

Motion was made by Trustee Maher, seconded by Trustee Suggs, to adjourn the Special Committee of the Whole meeting. Vote by voice call. Mayor Seaman declared the motion carried and adjourned the regular Village Board meeting at 11:20 p.m.

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