

Minutes of the Executive Session  
September 22, 2015  
Fulton Conference Room

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

Motion was made by Trustee Pannitto, seconded by Trustee Grady. Mayor Pro Tem Maher called this Executive Session to order at 6:49 p.m.

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:

P. Rettberg, Attorney, Querrey and Harrow  
B. Lemley, Attorney, Querrey and Harrow  
D. Lanzito, Attorney, Peterson, Johnson and Murray

The purpose of this Executive Session was to discuss a) 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 and 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.

The Village Manager introduced our IRMA attorneys representing the water meter class action lawsuit as well as the Village "of counsel" attorney. The attorney representatives presented an overview of the Omar Jaber water meter class action lawsuit. The Committee discussed whether the lawsuit should be removed to Federal court, whether a substitution for the judge should be considered, if the class can be certified and what items could be dismissed at the beginning of the process. Upon discussion, the consensus of the Committee was to remain in State court at this time, to keep the assigned judge as well as move to dismiss the six (6) counts within the complaint. Staff was directed to supply the West Monroe Parnters draft Phase I Report to the attorneys for their review as well as consider hiring a second firm to perform an analysis of the possible loss or liability for the property owners claiming damages.

**MINUTES**  
**Special Committee of the Whole**  
**Executive Session**  
**September 22, 2015**

Assistant Village Manager Mertens presented an overview of the land acquisition of the 280-acre Mental Health Center. He advised the Committee that the State performed only a Phase I Environmental assessment estimating a building demolition and environmental cleanup at \$7.6 million. He reminded the Committee that the Village conducted a Phase II assessment with the estimate coming in at \$12.4 million. Based on the \$4.8 million differential, staff was directed not to move forward with the purchase of the property at this time, instead was directed to move forward with a Phase II Master Plan for the property. The Committee does not want to close the door on a formal purchase of the property, but would only do so at a reduced cost or a negotiated purchase with the State. Staff was directed to advise the State of our next steps on the Master Plan, but to continue to express interest in the acquisition of the property with a mutually agreed upon price.

Assistant Manager Mertens presented an overview of the land acquisition or potential litigation for the unimproved right-of-way from 191<sup>st</sup> Street to Oak Park Ave. The Halikias family is claiming ownership of the 74,000 Sf. unimproved right-of-way and is seeking \$2 sq ft for the purchase of this property. The Committee discussed the options of purchasing the property or suing the Halikias family to conform to the requirements of the land annexation for the land to be donated. Upon discussion, there is a 4 to 3 recommendation to direct staff to offer \$2 sq ft for the unimproved right-of-way, this offer is put forth to expedite the State grant for the road improvements and road extension at 191<sup>st</sup> and Harlem.

Motion was made by Trustee Younker, seconded by Trustee Pannitto, 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 9:15 p.m.

Motion was made by Trustee Vandenberg, seconded by Trustee Younker to adjourn the Special Committee of the Whole meeting. Vote by voice call. Mayor Pro Tem Maher declared the motion carried and adjourned the Special Committee of the Whole meeting at 10:15 p.m.

MSM:lv