

**THE REGULAR MEETING OF THE COUNCIL OF THE
VILLAGE OF FOREST PARK, COOK COUNTY, ILLINOIS
HELD ON MONDAY EVENING JANUARY 23, 2006**

Mayor Calderone led all assembled in the Pledge of Allegiance.

ROLL CALL

Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone answered the Roll Call.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

It was moved by Commissioner Steinbach and seconded by Commissioner Hosty that the minutes from the Special Council meeting on December 14, 2005 be approved without reading, as everyone has received copies thereof and found same to be correct.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Hosty and seconded by Commissioner Doolin that the minutes from the Regular Council meeting on January 9, 2006 be approved without reading, as everyone has received copies thereof and found same to be correct.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Hosty and seconded by Commissioner Doolin that the minutes from the Special Council meeting on January 11, 2006 be approved without reading, as everyone has received copies thereof and found same to be correct.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

PUBLIC COMMENT

None

COMMUNICATIONS:

None

DEPARTMENT REPORTS:

The Community Center and Fire Department submitted their December reports.

APPROVAL OF BILLS

It was moved by Commissioner Gillian and seconded by Commissioner Steinbach that the Resolution providing for the payment of bills be adopted. The Commissioner of Accounts and Finance has reviewed the bills as applicable to each department and found the aggregate amounts to be correct and recommends payment when funds are available. The bills totaled \$914,775.95. Commissioner Doolin stated that there are two invoices from Kleinthorp and & Jenkins and two invoices from Hervas & Sotas totaling \$7,201.90 for Fire and Police Commission legal fees. He further stated that the appropriation for Fire and Police Commission legal fees was \$4,000 for the year. The total paid previously was over \$42,000.00 not including the Storino, Ramello & Durkin fees. Commissioner Doolin proceeded to ask whether the Council is going to put a cap on the legal expenses. Mayor Calderone stated that putting a cap on legal expenses would have to be taken up as a separate issue and that the matter at hand right now is the approval of the payment of the bills. Commissioner Doolin stated that there have been no updates from the Police Department or the Mayor and asked whether the Mayor is concerned about the legal expenses. Mayor Calderone stated that yes, he is concerned; however the reality is that this was an unexpected hearing and there is no way to predict that. Mayor Calderone added that this does not mean that you stop the process because there wasn't an appropriation. The appropriation can be amended from time to time to reflect unexpected expenses. Commissioner Doolin asked when the appropriation will be amended and Mayor Calderone replied "anytime in the reasonable future". Mayor Calderone then suggested opening the discussion on capping legal expenses. Commissioner Doolin asked what the expenses are to date and how will they discuss the expenses if they don't know the total. Mayor Calderone informed Commissioner Doolin that in the future, should he wish to discuss expenses in detail, it would be better if the questions were asked in advance of the Council meeting so that the information could be ready. Commissioner Hosty asked how we could establish a cap when the Village of Forest Park has rested their case. Commissioner Gillian pointed out that Commissioner Doolin has attended most of the hearings and should be aware

**R-03-06
RESOLUTION FOR THE
PAYMENT OF BILLS IN THE
AMOUNT OF \$914,775.95
APPROVED**

of the status of the case and added that it is bad policy to use an arbitrary number and then when something like this happens to just forget about it . It doesn't let the employees know who is running the show. Commissioner Gillian then stated that he is not in favor of putting a cap on the legal expenses regarding the Harder termination hearing at this time. Commissioner Steinbach suggested a process where an automatic alert is generated when a line item is exceeded by a specified percentage. Then the Council would be able to review on a case by case basis. Commissioner Steinbach also asked whether it would be possible to get a disposition from the lawyers so that the Council can make an informed decision. Village Attorney Mike Durkin stated that the Fire and Police Commission has the right to hire their own attorney. He further stated that he has not been asked by the Council to follow the case or advise on the status; however his understanding was that the Chief was done in 2 days and there were 3 or 4 days of witnesses called on behalf of Harder. Mr. Durkin stated that we have no way of limiting the respondent. Commissioner Gillian asked Mr. Durkin if he felt that it would be appropriate for the Village to walk away from a case at some point because of legal costs. Mr. Durkin stated that he did not feel it would be appropriate to walk away in the middle of a hearing. He added that it would not be inappropriate to ask Mr. Hervas to estimate the remaining legal fees. Commissioner Doolin suggested that the Village of Forest Park withdraw the charges against Dan Harder since Pat Lucansky is the one making all the money. Mayor Calderone stated that technically the Chief files the charges and the Police and Fire Commission is the hearing body. He added that it would not be responsible as an employer to make discipline decisions based solely on economics because it sends the wrong message to employees. He added that the merits of the case are not based on the cost of the attorney; the hearings should come to a conclusion. Commissioner Steinbach asked for an anticipated cost. Mayor Calderone stated that there is not enough support to cap the expenditures at this time and asked the Clerk to call the roll.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Steinbach and Mayor Calderone

NAYS: Commissioner Doolin

ABSENT: None

The motion carried.

It was moved by Commissioner Gillian and seconded by Commissioner Hosty that the Resolution approving and authorizing a first amendment to agreement between Forest Park Plaza, LLC, Fifth Third Bank (Chicago) and the Village of Forest Park and further authorizing the Mayor to execute, and the Village Clerk to attest said first amendment to agreement

**R-04-06
RESOLUTION
AUTHORIZING FIRST
AMENDMENT TO FOREST
PARK PLAZA AGREEMENT
APPROVED**

on behalf of the Village of Forest Park be adopted subject to review of documents by the Village Attorney.

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin and Mayor Calderone

NAYS: Commissioner Steinbach

ABSENT: None

The motion carried.

It was moved by Commissioner Gillian and seconded by Commissioner Doolin that the Ordinance authorizing the execution of a first addendum to the Clear Channel Outdoor Lease Agreement #33748 be adopted. Commissioner Steinbach asked whether the intent is to allow Clear Channel to use the \$20,000.00 already paid as prepaid air right rental fees. Attorney Durkin stated that the addendum changes the term to begin 2/1/06 rather than 3/1/05 for a 20 year term, apply the \$20,000.00 prepayment of rent to air rights for the entire period of the lease. The pre-construction payment would be \$100.00/month until the billboard is constructed or May 1, 2006, whichever is sooner. The reason for the delay in constructing the billboard is due to unanticipated underground conditions which require the structure to be relocated. In addition the addendum allows for a one time impact fee of \$25,000.00 to be paid upon completion of construction. Commissioner Doolin asked for clarification as to whether the billboard can be built as the contract reads now. Attorney Durkin stated that they need to move the face of the billboard due to the location of the infrastructure and therefore they need to lease the air rights over the pumping station. Commissioner Doolin asked whether it is correct to say that the billboard cannot be erected if the lease addendum is not approved. Attorney Durkin stated that statement is correct. Commissioner Doolin stated that he believes that the Village should use this opportunity to prevent the construction of this billboard because in his opinion billboards are unsightly and we are better off not having another billboard in Forest Park.

**O-03-06
ORDINANCE AUTHORIZING
A FIRST ADDENDUM TO
CLEAR CHANNEL
OUTDOOR LEASE
AGREEMENT
APPROVED**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Steinbach and Mayor Calderone

NAYS: Commissioner Doolin

ABSENT: None

The motion carried.

It was moved by Commissioner Steinbach and seconded by Commissioner Hosty that the Ordinance authorizing the execution of a lease for postage machine and equipment hardware between the Village of Forest Park and Pitney Bowes be adopted.

**O-04-06
ORDINANCE AUTHORIZING
MAIL EQUIPMENT LEASE
WITH PITNEY BOWES
APPROVED**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Steinbach and seconded by Commissioner Hosty that the Ordinance authorizing the execution of a lease for Smartmailer software between the Village of Forest Park and Pitney Bowes be adopted.

**O-05-06
ORDINANCE AUTHORIZING
SMARTMAILER
SOFTWARE LEASE WITH
PITNEY BOWES
APPROVED**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

It was moved by Commissioner Steinbach and seconded by Commissioner Hosty that the Resolution approving and authorizing a cooperation and grant agreement for the implementation of a local law enforcement block grant program and further authorizing the Mayor to execute, and the Village Clerk to attest said local law enforcement block grant program agreement on behalf of the Village of Forest Park be adopted.

**R-05-06
RESOLUTION
AUTHORIZING LOCAL LAW
ENFORCEMENT GRANT
AGREEMENT
APPROVED**

ROLL CALL:

AYES: Commissioners Gillian, Hosty, Doolin, Steinbach and Mayor Calderone

NAYS: None

ABSENT: None

The motion carried unanimously.

ADMINISTRATOR’S REPORT:

None

COMMISSIONER REPORTS:

None

ADJOURNMENT

There being no further business to be addressed, Commissioner Hosty motioned to adjourn the meeting. Commissioner Steinbach seconded the motion. The motion carried.

Mayor Calderone declared the meeting adjourned at 7:37 P.M.

Respectfully submitted,

Vanessa Moritz
Village Clerk