

Town of Cortland
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Board of Trustees
June 28, 2010
Closed Session

Call the meeting to order

Mayor Seyller called the meeting to order at 7:31 Closed Session was to Discuss the Pending, Probable, or Imminent Litigation (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (11)) Meeting Act, 5, ILCS 120/2 (c) (1) to Include the Full Board, the Mayor, the Town Administrator, the Town & Deputy Clerks.

Roll call

Present were Mayor Seyller, Trustees Brad Stone, Randy Reiter, Doug Corson, Mike Siewierski. Trustees Sandra Barzso and Chuck Lanning were absent. Also present were Town Administrator Walter Magdziarz, Clerk Cheryl Aldis, Deputy Clerk Rita Nielsen, and Attorney Parker Johnson.

Purpose

Attorney Johnson reported that Eagle Homes vs. Town case is heading towards trial in August. The Judge denied a dismissal complaint filed by the Town. The reason the Town filed a complaint to dismiss is that the Town believes Wisnewski was guilty of fraud when he signed an agreement to rescind their contract, all the while knowing he was going to file a law suit, there is also nuisance claim based on the fact Eagle Homes did not complete the storm water drainage system, and a breach of contract because he did not pay substantial amounts due the Town for attorney fees. Attorney Johnson would like a consensus from the Board as to whether or not the Town should file a new Complaint for Dismissal.

At a certain point the Board will have to decide if it's worthwhile for the Town to pursue and how much the Town can reasonably expect recover.

When asked how much it will cost the Town, Attorney Johnson said it would only be the filing fees.

The consensus of the Board was to file a new complaint asking for dismissal.

Attorney Johnson gave a brief overview of the Dr. Young lawsuit.

Adjournment

Trustee Siewierski moved and Trustee Stone seconded a motion to adjourn.

Roll call: Trustees Reiter, Stone, Siewierski and Corson all voting yea; motion carried.

Meeting adjourned 7:42 p.m.

Respectfully submitted,



Rita Nielsen
Deputy Clerk