

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
BOARD OF TRUSTEES
Closed Session
December 13, 2010

Mayor Seyller called the closed session to order at 7:58 p.m. The Closed Session is to discuss Pending, Probable, or Imminent Litigation (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (11)) and to Review Minutes of Previous Closed Sessions (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (21)).

Roll call taken by Clerk Aldis showed as Present Trustees Reiter, Siewierski, Stone, Barzso and Lanning. Also present were Mayor Seyller and Town Administrator Walter Magdziarz. Quorum was present. Trustee Corson was shown as absent.

Pending, Probable, or Imminent Litigation (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (11))

The discussion involved the litigation with Keven Dahl and the Town's counter offer to settle the law suit. The Mayor reviewed his direction from the Board to attempt to settle for \$40,000. Mr. Dahl's counter to that offer is \$32,000 over 32 months or sooner. All fees would stop for both parties if the Board concurred. Mr. Dahl would agree to a payment agreement. Mayor Seyller stated these agreement/payment documents would be entered with court to settle the law suit. Mr. Dahl also asked for an agreement to limit his exposure to his engineering fees with proposed Schoenfeld project. Mr. Dahl would like more detailed billing information in the future as well.

It was asked if Mr. Dahl is required to be a principal in the development of the Schoenfeld property for this engineering limitation to apply. Mr. Magdziarz said that would need to be worked out in the agreement if it is to run with the land; that would need to be an annexation agreement amendment or similar instrument. Mayor stated he specifically told Mr. Dahl that amending annexation agreements would not be on the table.

It was asked if any engineering that he has previously paid for the Schoenfeld project come out of the future funds. Mr. Magdziarz stated "no", the slate would be clean at this point.

Consensus of the trustees was to agree to a settlement of \$32,000 not to exceed a 32 month period, paid earlier, if possible and to address Schoenfeld project separately.

Review Minutes of Previous Closed Sessions (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (21))

Trustee Lanning left the meeting at 8:25 p.m. Quorum remained.

The trustees reviewed the closed session minutes of 2010 with the following motion by Trustee Reiter, seconded by Trustee Siewierski.

Approved: 12/12/13
Attest: RJ

In accordance with 5 ILCS 120/2(c)(21) I move to approve the closed session minutes of:

March 8, 2010

May 24, 2010

June 14, 2010

June 28, 2010

September 13, 2010

October 11, 2010

November 8, 2010

November 22, 2010

And I further move that the verbatim record of the closed session meetings on the above dates may be destroyed according to law. Unanimous voice vote carried the motion.

Adjourn Closed Session

Trustee Stone moved and Trustee Barzso seconded a motion to adjourn the closed session.

Roll call vote: Trustee Reiter, Siewierski, Stone, and Barzso. Carried

The closed session adjourned at 8:35 p.m.

Submitted by,



Cheryl Aldis

Town Clerk