

Town of Cortland
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Board of Trustees
March 16, 2009

Closed Session

Mayor Seyller called the closed session to order at 9:34 p.m. The purpose of the closed session was to discuss Pending, Probable, or imminent Litigation (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (11))

Roll call: Mayor Seyller, Trustees Shawn McAllister, Brad Stone, Mike Siewierski, Dan Milroy and Chuck Lanning. Also present were Attorney Parker Johnson, Engineer Noah Carmichael, Treasurer Susan Dockus and Deputy Clerk Rita Nielsen.

Trustee Lanning made a motion to allow Trustee Suppeland (who was home sick) attendance by telephone. Trustee Stone seconded the motion.

Roll call:

Ayes: Milroy, Stone, McAllister, Siewierski and Lanning

Nays: None

Attorney Johnson reported that he had two items to discuss. The first item is the new lawsuit that has been filed by Mr. Young. Mr. Young maintains that the Town installed irrigation lines on his property without his knowledge or permission. Attorney Johnson said that the Town does have documents granting Eagle Homes permission from Mr. Young to act on his behalf to develop the property according to the plan for Phase 1.

Mr. Johnson notified the board that the Illinois Municipal League Risk Management Insurance has assigned a law firm in Rockford to defend this suit.

Trustees discussed the possibility of counter suing for imminent danger of not allowing water to flow. There are flooding issues in Nature's Crossing Phase 1 caused from the unfinished detention pond and drainage system.

Second item up for discussion is Sheaffer International. Attorney Johnson handed out spread sheets with possible costs to the town if it chooses to accept a close-out offer, and be rid of Sheaffer once and for all. At this time Sheaffer International has offered to offset their current close out offer of \$288,821.42 (shown on spreadsheet) by \$15,000. Sheaffer takes the position that the plant has been in operation for one and a half years and they are not going to address any more items on the punch list they received from the mayor, town staff and engineers. Mr. Carmichael listed items that he believes are still the responsibility of Sheaffer that have not been addressed. Attorney Johnson

stated that Sheaffer has asked for mediation, however even if the mediator finds in favor of the town, Sheaffer would still have the right to go to court. Discussion ensued where trustees and the mayor were figuring the costs to the town if they don't settle and what it is costing them to continue down this avenue. Attorney Johnson, after being asked his recommendation is, said he would always recommend trying to settle differences because most often a judge will see both sides of an issue and try to give something to each side. Attorney Johnson recommended asking Sheaffer International to reduce their closeout agreement by \$30,000, and turn over operation of the sewer treatment plant to the Town on May 1.

Consensus of the board was to direct Attorney Johnson to ask Sheaffer International to reduce their close-out offer to \$45,000, and turn over operation to the Town on May 1.

Motion to adjourn was made by Trustee McAllister, seconded by Trustee Stone.

Roll call:

Ayes: Siewierski, McAllister, Milroy, Suppeland, Stone and Lanning

Nays: None

Meeting adjourned at 10:25 p.m.

Respectfully submitted,



Rita Nielsen
Deputy Clerk

Approved: April 13, 2009

Attest: Clara TC

WEB ACCESSED