

Village of Gilberts  
Special Meeting of the Board of Trustees  
Meeting Minutes  
October 13, 2009  
7:00 p.m.

APPROVED MINUTES

**ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll Call/Establish Quorum**

Roll call: Members present: Trustees Clark, Erbeck, Farrell, Garcia, Mierisch, Zambetti and President Zirk. Others present: Administrator Keller, Attorney Tappendorf, Engineer Blecke, Finance Director Blocker, Chief Building Inspector Swedberg, and Interim Police Chief Weiss.

**Ordinances/Motions/Resolutions/Proclamations for Consideration**

There was some discussion with respect to the proposed Resolution 09-14R, a resolution approving a recapture agreement with Gateway Properties, LLC. Administrator Keller informed the Board that engineering has answered all of the questions that they received to date. Engineer Blecke added that there was an error noted in Exhibit 4. A correction was made to "Column-D," under "Definitions." The total interest is calculated by multiplying interest by the number of months, or  $B \times C = D$ . Engineering found that the cost for the construction of the sewer was a reasonable amount.

Mr. Ryan Trottier of Par Development stated that Par has a few issues that are on file with the Village. If and when they would tap-on, they will pay the appropriate fee.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve Resolution 09-14R, a resolution approving a recapture agreement with Gateway Properties, LLC.**

Mr. John O'Hara of Gateway Properties, LLC stated that he does not have any concerns with the recapture agreement.

President Zirk stated that Mr. O'Hara has waived the recapture fee for the Village owned lot located at 73 Industrial Drive. Mr. O'Hara is not charging the other lots a higher fee due to the Village's fee being waived. Instead, Mr. O'Hara will be receiving a total dollar amount less than that of which he would've been owed.

Lot 42 is zoned commercial, not industrial. Mr. O'Hara stated that there isn't an opportunity to build on that lot at this time.

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There is a typo on Resolution 09-14. Trustee Zambetti's name is not listed on the roll call.

There being no further discussion roll call was taken. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Zambetti, Farrell, and Garcia), 1-nay (Trustee Clark), 0-abstain. Motion carried.

#### **Executive Session**

**A motion was made by Trustee Erbeck and seconded by Trustee Clark to close a portion of the meeting with no business to follow effective immediately as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent.** Roll call: Vote: 6-ayes (Trustees Erbeck, Clark, Mierisch, Zambetti, Farrell, and Garcia), 0-nays, 0-abstain. Motion carried. The Board recessed and went into Executive Session at 7:11 p.m. and returned to the public meeting at 7:31 p.m.

#### **Reconvene the Public Meeting at 7:31 p.m.**

Roll call: Trustees Erbeck, Clark, Mierisch, Zambetti, Farrell, Garcia, and President Zirk.

#### **Adjournment**

There being no further business to discuss, **a motion was made by Trustee Clark and seconded by Trustee Erbeck to adjourn the meeting at 7:32 p.m.** Roll call: Vote: 6-ayes (Trustees Erbeck, Clark, Mierisch, Zambetti, Farrell, and Garcia), 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Karen Danca, Recording Secretary