



*Tri-State Fire Protection District
Board of Commissioners*



Minutes of the Regular Meeting
of the Board of Fire Commissioners for
The TRI-STATE FIRE PROTECTION DISTRICT
Held December 8, 2015

I. CALL MEETING TO ORDER

Meeting called to order at 1835 hours by Commissioner Camden. Present: Commissioner Anderson, Commissioner McMahon. Also Present: Acting Chief Administrator Patrick Brenn; Firefighters Robert Gramlich; Edvinas Pipiras; John Ostrander; Don A.Bulat; Daniel P.Niemeyer; Richard J. Littig, Jr.; Deputy Chief Edward J. Gergits, James G. Wargo, Esq.; Recording Secretary, Jacqueline Timmons.

II. APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 10, 2015; the NOVEMBER 10, 2015, CLOSED SESSION; SPECIAL MEETINGS OF NOVEMBER 24th and NOVEMBER 30TH.

A motion by Commissioner Camden, second by Commissioner Anderson to approve the November 10, 2015, Regular Meeting minutes, as presented. Voice Vote: Commissioner Camden, aye; Commissioner Anderson, aye. Motion passed. A motion by Commissioner Camden, second by Commissioner Anderson to approve the November 10, 2015, Closed Session minutes as presented. Voice Vote: Commissioner Camden, aye; Commissioner Anderson, aye. Motion passed. A motion by Commissioner Camden, second by Commissioner Anderson to approve the November 24, 2015, Special Meeting minutes as presented. Voice Vote: Commissioner Camden, aye; Commissioner Anderson, aye. Motion passed. A motion by Commissioner Camden, second by Commissioner Anderson to approve the November 30, 2015, Special Meeting minutes as presented. Voice Vote: Commissioner Camden, aye; Commissioner Anderson, aye. Motion passed.

III. COMMUNICATIONS

- a) To Commission – The District sent the Commissioner agenda and meeting dates for 2016. The dates coincide with the second Tuesday of each month. Terry Radek will post the meeting dates and will send it out to all those who have requested notification of meeting dates. It will also be posted 48 hours prior to each meeting pursuant to the Act. Former Deputy Chief Just sent the Commissioners two classification letters which were received on two candidates that finished their probationary period; Stephen Shreve and Michael Raimondi.
- b) Voice mail messages update – November to December. There were no messages.
- c) Chief's Report – Acting Chief Patrick Brenn gave the Commissioners the sealed envelope containing the District's merit and efficiency points for those testing for Battalion Chief. It will remain sealed until all test results have been received.
- d) Other Communications – They are working on the dates for the pre-assessment workshop. In discussions with Tim Sashko from the Illinois Fire Chiefs, they are looking at the second or third week of January. Dates were received when the two candidates are available and those dates were e-mailed to Tim Sashko. They are working on the date and location of the Assessment Center. They are looking at the

third week in February. The Village of Willowbrook is undergoing renovations in their police station, so that is not available. Burr Ridge Police have been asked and Willow Springs Village Hall. They should have an answer by Wednesday or Friday and then that will be sent to Tim Sashko. Then a day will have to be decided, a weekday or weekend. Commissioner Anderson said they have typically started at 9:00 a.m. in the past, but whatever Tim Sashko recommends. Commissioner Anderson has received several e-mails from Kathryn Mendes from Stanard & Associates, which will be covered under Old Business.

- e) Approve Invoices – An invoice was received from Jacqueline Timmons in the amount of \$50 for the October 13th meeting, and an invoice was received from Theodore Polygraph Service in the amount of \$1,050 (\$350 per individual) for the background checks done on the three firefighter candidates. A motion was made by Commissioner Camden, second by Commissioner Anderson to accept and submit for payment the invoice for Jacqueline Timmons. Roll Call Vote: Commissioner Camden, yes; Commissioner Anderson, yes. Motion carries. A motion was made by Commissioner Camden, second by Commissioner Anderson to accept and submit for payment the \$1,050 invoice from Theodore Polygraph. Roll Call Vote: Commissioner Camden, yes; Commissioner Anderson, yes. Motion carries. Commissioner McMahan arrived at 1843 hours.

IV. OLD BUSINESS

- a) New Hire Entry Level FF Candidate status – The background checks were received for the three firefighter candidates and were reviewed by the Commissioners. Since this is Commissioner McMahan's first time reviewing these documents, he did not have a benchmark from which to work with. Commissioner Camden said there were more positives than negatives. Commissioner Anderson said there was nothing earth shattering. Commissioner Camden moved that Acting Chief Patrick Brenn proceed with a conditional offer of employment subject to medical examination to Richard Armentano, second by Commissioner Anderson. Roll Call Vote: Commissioner Camden, aye; Commissioner Anderson, aye; Commissioner McMahan, aye. The motion carries. The Chief should move forward with that process at this point. Mr. Armentano will be scheduled to go to Dr. Michael Fragen at Health Endeavors in Lombard.
- b) Legal Update if any – There is nothing from Commissioner Camden's perspective. Discussion will be held in Closed Session concerning the proposed settlement agreement and then a Special Meeting will be scheduled for the Commissioners to act on that settlement agreement. Notice will be given 48 hours before the meeting as per the Act.
- c) Status of Battalion Chief Testing status – Commissioner Camden apologized for any lack of communication as far as the date, time and location of the test. It was not intentional and will not happen again. There was supposed to be accommodations made for challenging questions and the Commissioners understand that that did not happen. The testing company was also contracted with to do some instructions based on the exam scoring. The testing company is asking when the Commissioners want to schedule that, if they want to schedule. The question is should it be scheduled before the release of the scores because it may affect the scoring. Ideally it should be done before the Assessment Center. The review session/challenge session should be sooner rather than later. Stanard has been very accommodating. If the two candidates can get with the Chief and let the Commissioners know when they would like to do that, then the

Commissioners will let Stanard know when to try to schedule it. The anticipation is it will be about an hour. Commissioner Anderson stated that Kathryn Mendes did indicate that the test has been graded Thursday of last week. The Commissioners have not received scores. One candidate did indicate there was no problems or concerns with the exam.

- d) Lieutenant Testing status. Tim Sashko from Illinois Fire Chiefs was asked for an RFP and neither Chief Brenn nor Commissioner Camden have heard back from him. Commissioner Camden will follow up with him. Commissioner McMahan stated at the last meeting there was some discussion about the Act and notification of testing materials and timeframes and things of that nature. Commissioner Camden stated that they just received information tonight. A vacancy was created when Lieutenant Frank Masek retired back in September. One firefighter would be eligible. Commissioner Camden will verify with the Bargaining Unit that the Union is okay with this.
- e) Regarding Incident Safety Officer class update – The question was raised by Dustin Bukowski. Don Bulat stated if the new criteria is adopted, the issue will be resolved. Dustin is currently not eligible to sit for the Lieutenant's exam. He was just inquiring.
- f) Review Closed Session – All Closed Session minutes were reviewed. After reviewing the Closed Session minutes, it was determined that the Closed Session minutes from the July 13, 2004; October 4, 2005; August 11, 2015; and the June 20, 2015, meetings can be released to the public. A motion was made by Commissioner Camden, second by Commissioner McMahan that the Closed Session minutes as stated above be released to the public. Roll Call Vote: Commissioner Camden, aye; Commissioner Anderson, aye; Commissioner McMahan, aye. Motion carries. The Closed Session minutes of the September 9, 2014; October 1, 2014; June 8, 2015; and September 8, 2015; meetings should remain closed as they deal with pending litigation. Commissioner Camden made a motion that the Closed Session minutes dealing with pending litigation remain closed. Second by Commissioner McMahan. Roll Call vote: Commissioner Camden, aye; Commissioner Anderson, aye; Commissioner McMahan, aye. Motion carries. Commissioner Anderson made a motion that the tapes from Closed Session meetings that are beyond the 18-month statutory retention time be destroyed, second by Commissioner McMahan. The dates are 6-8-2004, 7-13-2004, 10-12-2004, 4-12-2005, 10-4-2005, 1-11-2005, 12-13-2005, 1-8-2008, 2-14-2012. They all exceed the 18-month retention period. Mr. Wargo stated the agenda mentioned review of Closed Session minutes, but there is no mention of tapes. He has a concern on that since it was not on the agenda. Commissioner Anderson said it is just in tape form and not in written form. Commissioner Camden stated that Mr. Wargo's concern is an Open Meetings Act violation, as it was not an action specifically set forth on the agenda. Commissioner Anderson withdrew his motion and it will be put on the January agenda. If a Special Meeting is held before the January meeting, it can be put on the Special Meeting agenda.
- g) Commissioner record retention/shredding. Commissioner Anderson is working with the State regarding record retention. Commissioner Anderson met with Terry Radek and the representative from the State on November 19th to work out the necessary forms to be sent to the State to obtain authorization for destruction. There are applications from individuals that never went anywhere. Mr. Wargo said Closed Session tapes have a higher level of concern because of the

ramifications. Commissioner Anderson's motion was to include the tapes on the list to be sent to the State to get approval for destruction. It was recommended by the State representative that the form not be submitted until January 2016.

V. NEW BUSINESS

- a) Temporary Promotion of Daniel P. Niemeyer to rank of Lieutenant. Acting Chief Brenn has been directed by the Board of Trustees to fill the vacancy created by Lieutenant Frank Masek's retirement on September 17th. They want that done by a temporary promotion, so Acting Chief Brenn is asking the Commission to promote Daniel P. Niemeyer to temporary lieutenant effective immediately. Commissioner Camden made a motion to appoint Firefighter Daniel P. Niemeyer to the rank of Acting Lieutenant for a period not to be exceed 180 days effective 0700 December 9, 2015, second by Commissioner McMahon. Voice Vote: Aye, 3; No, 0. The Commissioners congratulated Mr. Niemeyer.
 - b) Affidavit of Political Affiliation. Commissioner Anderson received the forms from all three Commissioners. They are of record.
 - c) OMA Training Certificate of Completion – Each of the Commissioners completed the certification for the Open Meetings Act as required of all elected or appointed officials.
 - d) Other New Business (While matters not appearing on the Agenda may be discussed and considered under New Business – no specific, final action may be taken until a specific matter appears on an Agenda and the public has notice that the topic is before the Commission)
- VI. CLOSED SESSION – (If necessary) – Commissioner McMahon made a motion to adjourn to Closed Session for the purpose of discussing litigation and the potential settlement thereof, second by Commissioner Camden. Roll Call Vote: Commissioner Camden, aye; Commissioner Anderson, aye; Commissioner McMahon, aye. Motion carries. The Regular Meeting met in Closed Session pursuant to the following Section:
(5 ILCS 120/2)(c)(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probably or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
- VII. REGULAR MEETING RESUMED – The Regular Meeting resumed at 1950 hours.
- VIII. OPEN FORUM - AUDIENCE: No audience.
- IX. BOARD MEMBER QUESTIONS AND COMMENTS – None.
- X. ADJOURNMENT: Motion made by Commissioner Camden, seconded by Commissioner Anderson to adjourn. Roll Call Vote: Camden Aye, Anderson Aye, Commissioner McMahon, Aye. Motion carries. The meeting adjourned at 1951 hours.

Respectfully Submitted.

William Anderson

William Anderson, Secretary
Board of Fire Commissioners