

Clerk Coon explained that the reason a closed session was called for was due to the pending litigation against George Skelton regarding the railroad property purchase and changing of the landscape, i.e. filling in of the ditch. Clerk Coon explained that Attorney Lindner had informed her if Skelton retained Lindner as the Village Attorney for 2013-2014, then Lindner would not be able to move forward with the pending litigation due to a conflict of interest. Coon explained that moving forward a different attorney would need to be assigned to the litigation. Smith asked what the litigation details were as he was unsure of the nature of said litigation. Clerk Coon explained that details could not be discussed and gave a basic explanation that the concern was about when the purchase was made and if it was made properly. Also, concern due to the modification made to the land, i.e. the grade, drainage of it, IL drainage laws, etc. Clerk Coon also informed Skelton of Lindner's request for Skelton to contact him directly to discuss any issues in the village and that the only subject that could not be discussed was about the railroad property, ditch or pending litigation. Smith and Blackstock reaffirmed this being true. Blackstock and Clerk Coon explained that Woods & Bates in Lincoln have been the backup lawyers for the Village in the past however; any lawyer with a license to practice law in the state of IL could take the case. Tibbs asked if there was any knowledge about where the case stands at this point to which Clerk Coon explained that she was no privy to that information. Smith asked if the reason for the closed session was due to the fact that an attorney had to be chosen. Clerk Coon explained that since this issue is pending that the closed session was needed for reasons of potential discussion and decision on an appointment of a new attorney to handle the case. There was discussion about if Woods & Bates would take the case. Smith asked about the details of the case to which Skelton recommended for Smith to read past newspaper articles that have been printed pertaining to the case. Tibbs said to move forward with the attorneys in Lincoln, assuming that they would take the case, but to find out where said attorney felt the Village stood with the case before decision was made if the Village would move forward to drop the case, "If we are going to lose, then why spend more money?" Clerk Coon, Smith and Blackstock that this is not something that can be done typically, however; Clerk Coon did agree to ask if it was possible. Nolan asked if someone needed to be appointed to "oversee" the case, Clerk Coon, Smith and Blackstock explained that this is what the village attorney is for. Nolan went on to explain that she is concerned with the scheduling and progression of the case, however; Lindner would speak directly with the newly appointed attorney and turn the entire case over to them. There was discussion about how this became litigation in the first place with J. McCormick and R. Thomas taking the issue of the drainage to the lawyer originally. Skelton stated that it was not board action for one of the issue to go to the attorney. Skelton was cautioned by R. Coon and Smith about talking too much about the case. Blackstock responded that Skelton's statement was a gray area. Clerk Coon explained that there would come a time when the attorney would come to the board and explain the outcome of the litigation and would need to seek board action for agreement/signatures of said litigation. Clerk Coon encouraged that board to consider appointing one Trustee to follow up with Lindner and find out what is going on for sure. R. Coon voiced that he felt this was a bad idea due to interpretations from someone other than the attorney directly. Tibbs recommended that the lawyer who accepts the case report to the board with an update on how things are progressing. Nolan and R. Coon agreed with this suggestion. Hancock questioned "What is the town going to gain out of this" to which Blackstock responded "It is not a matter of gain or loss, however; it is a matter of right and wrong with laws possibly being broken." Smith asked if it was "possibly suggestive practices" to which Blackstock replied "possibly". There was further discussion about the lawyer reporting back to the board with insight as to whether laws had been broken or not. Clerk Coon explained that Lindner would take care of contacting Woods & Bates. The attorney taking the case will be asked to come to the board and explain where things stand after their appointment. The recommendation was made for Village Attorney Lindner to send the case to Attorney Bates at Woods & Bates for further pursuit, pending his acceptance of the case. Smith made motion to come out of closed session with second from R. Coon and 10:00pm. Vote: 6-0 Motion Carried.