

VILLAGE OF ITASCA
Executive Session
January 22, 2013 – 6:56 p.m.

Call To Order: The Executive Session was called to order by Mayor Jeff Pruyn at 6:56 p.m. Village Attorney Chuck Hervas stated that the purpose of the Executive Session was to discuss pending litigation regarding the CBS Outdoor case.

Present: Village Attorney Chuck Hervas, Mayor Jeff Pruyn, Village Clerk Melody Craven, Trustee Marty Hower, Village Administrator Evan Teich, Trustee Jeff Aiani, Trustee Ellen Leahy, Trustee Mike Latoria, Trustee Lucy Santorsola and Trustee Frank Madaras.

(CBS Outdoor lawsuit): Village Attorney Hervas stated the Village won the CBS Outdoor case again in the Federal District Court approximately two weeks prior to this date. He subsequently wrote a letter to Mr. David's Carpets stating that the case was over and the billboard should be removed. Additionally he wrote a letter to CBS Outdoor putting them on notice that should they choose to re-plea the case one more time before January 31, 2013 as allowed by the Court, he would evoke Rule 11B which states that a plea cannot be made for the purpose of delay. Mr. Hervas stated that he received a telephone call for the attorney for CBS Outdoor asking if the Village would be willing to forego the penalty portion of the agreement with Mr. David's. If so, CBS Outdoor would remove the billboard immediately. Mr. Hervas asked for a written commitment of that proposal. He commented that this case had been ongoing for years. Mr. Hervas asked the Board if their intention was to enforce the \$2,250.00 per month penalty against Mr. David's Carpets that had been accumulating for four years totaling \$121,000.00. Mr. Hervas stated that it was possible that the Village would have to litigate against Mr. David's to collect that money. A discussion ensued. Trustees Madaras and Aiani were in favor of accepting the proposal in order to get the billboard taken down. Trustees Leahy and Santorsola were not in favor. The consensus of the Board was that the Village had an agreement with Mr. David's who had been collecting rent for the billboard from CBS Outdoor and were not agreeable to waiving the penalty at this time.

(Executive Session Adjournment) Mr. Aiani made a motion to adjourn the Executive Session at 7:10 p.m. Mr. Madaras seconded. Voice Vote: Ayes – 6, Nays – 0, Abstain -0, Absent – 0. Motion Passed.

Minutes by Melody J. Craven, Village Clerk