

**VILLAGE OF ITASCA**  
**Executive Session**  
**January 29, 2013 – 9:40 p.m.**  
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Call To Order: The Executive Session was called to order by Mayor Jeff Pruyn at 9:40 p.m. Village Attorney Chuck Hervas stated that the purpose of the Executive Session was to discuss of piece of pending litigation in the Federal District Court “*CBS Outdoor vs. Village of Itasca.*”

Present: Village Attorney Chuck Hervas, Mayor Jeff Pruyn, Village Clerk Melody Craven, Trustee Marty Hower, Trustee Frank Madaras, Trustee Mike Latoria, Trustee Lucy Santorsola, Village Administrator Evan Teich, Trustee Jeff Aiani, Interim Community Development Director Grant Davis.

(CBS Outdoor lawsuit): Village Attorney Hervas distributed two letters to all present: one for the attorney representing Mr. David’s Carpets and the other attorney representing CBS Outdoor. Mr. Hervas stated that he had extensive telephone conversations with both attorneys. Everyone took a few minutes to read the letters. He reminded the Board that he, Mr. Teich and Ms. Aranas attended a negotiation sessions with Mr. David’s in early 2011 at which time the Board had authorized the waiving of the penalties to Mr. David’s if they would take the billboard down. Even though they had lost in the Circuit Court, they thought they would win in the Appellate Court. Therefore, they rejected the offer and decided to see how the litigation played out. The Village ended up winning. They then went back to the Federal Court and the Village of Itasca won again. The deadline for CBS Outdoor to file an amended complaint is January 31, 2013 on just the equal protection portion of the case. It was Mr. Hervas’ understanding that while they would like the Village of Itasca to forgive the penalty portion, CBS Outdoor was likely going to drop the litigation regardless. However, if they did not remove the billboard, the Village would then have to file an action in DuPage County Court against Mr. David’s asking for the sign to be taken down. Once the Federal Case was dismissed, the insurance company would no longer cover the Village’s legal fees. A lengthy discussion ensued. Mayor Pruyn suggested that Mr. Hervas make an offer to waive approximately \$70,000.00. Trustees Latoria and Santorsola were not in favor of waiving any of the penalty. Trustees Hower, Madaras and Aiani were in favor of waiving a portion of the penalty amount. Mr. Hervas would contact anyone until after January 31, 2013. At that time

he would negotiate with Mr. David's and report back to the Board.

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(Executive Session  
Adjournment)

Mr. Hower made a motion to adjourn the Executive Session at 10:15 p.m. Mrs. Santorsola seconded. Voice Vote: Ayes – 5, Nays – 0, Abstain -1 (Leahy), Absent – 0. Motion Passed.

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Minutes by Melody J. Craven, Village Clerk