

# VILLAGE OF BARRINGTON HILLS

Minutes of the Special Meeting of the Board of Trustees  
Thursday, October 31, 2013

President McLaughlin called the Special Meeting to order at 6:32 p.m. Roll Call.

## Present

Martin J. McLaughlin, President  
Fritz H. Gohl, President Pro Tem  
Joseph S. Messer, Trustee (absent)  
Karen S. Selman, Trustee  
Patty Meroni, Trustee  
Colleen Konicek, Trustee  
Michael Harrington, Trustee

Michael Murphy, Police Chief  
Rich Semelsberger, Deputy Chief  
Robert Kosin, Village Administrator  
Dolores Trandel, Village Clerk  
Ted Clark, Attorney

## Guests

Jack Reich, resident  
Mike Hannigan, resident  
Jim Hammond, resident  
Jan Goss, resident

## **PUBLIC SESSION**

Pledge of Allegiance

## **PUBLIC COMMENTS:**

Mr. Jan Goss, 361 S. Bateman Circle – Stated he had difficulties getting information on line about the Village and he joined committees just for that reason. He is concerned about the direction of the Board. He believes in the rights of the patrolmen's to free association and not force those who do not want to be in the Union just to keep their jobs.

Village Administrator, Robert Kosin asked the Board if any of the Trustees needed to go into Executive Session for matters of personnel and pending imminent litigation and union negotiations.

Trustee Gohl motioned to go into Executive Session at 6:40 p.m. Trustee Meroni seconded.

Trustee Selman questioned if we were going into Executive Session because this is a contract issue. Attorney Clark stated we are going into Executive Session to discuss potential legal settlement and also collective bargaining and personnel. Trustee Gohl stated the reason for his motion is to know exactly where the Village is, as this is the largest thing he has been involved in, in his twelve years on this Board. Trustee Selman asked how much of this information is open to the Public Meeting and how much is Executive Session. Attorney Clark replied that for

Executive Session, we would be discussing what he and Special Counsel have been engaged in. For purposes of the Resolution that the Board is voting on tonight, that would be in Public Session.

Roll Call to adjourn to Executive Session.

Ayes: 6 (Harrington, Konicek, Meroni, Selman, Gohl, McLaughlin)

Nays: 0

Absent: 1 (Messer)

**Motion Approved**

## **EXECUTIVE SESSION**

## **PUBLIC SESSION**

President McLaughlin called the second Public Session to order at 7:25 p.m.

At this time, President McLaughlin gave the audience a summary of the history of the Union negotiations. Starting in December, 2010, twelve sworn officers voted to organize, which is their right. They did so that year, although at that time, our police department was and is, well compensated. In addition, they enjoy benefits that they did at that time and today that are well above the standard of any departments in our surrounding area. Our police force is well equipped and trained as any in our region, which is a benefit to our residents. We thank them for their service and appreciate the good work that they do, serving and protecting our community. When I was seated into office, I immediately went to work understanding why our police department decided to organize. I met with a number of our officers, spoke to management and the reasons that I was provided, they were uncertain as to their rights to disciplinary actions and or possible termination. They also believe that being an 'At Will' employee, under the former administration, was undesirable. They also mentioned that there was a general break down in trust and that their compensations and benefits were never an issue. Over the past three years, prior to my election, there have been meetings with MAP, who represented the police and the Village of Barrington Hills representation, which took the form of a delegate and a labor counsel.

Former President, Robert Abboud was named as Delegate by the Village of Barrington Hills Board and Thomas McGuire as Labor Council. There were multiple discussions and over 35 different issues in proposed contracts relating to court time allowances, to lunch reimbursements, to more significant reporting, management structure issues relating to scheduling, work hours, vacation time and other grievances. The Village of Barrington Hills and the former Board were advised that the delegate and his representation and Labor Counsel, would be the primary negotiator for the Contract.

In my mind, this represented a conflict of interest, that one of the involved primary parties responsible for the break down in trust and management along with the conflict in representing the Village as either the President or Delegate. Further, I believe this conflict should have been illuminated by Counsell so that the Trustees could evaluate other options. This did not occur. In every step of the process, the Village of Barrington Hills and their delegates decided to lengthen

the process, a strategy that I can only guess was to try to get the Union and the representatives to understand and listen to our concerns. Although this should have been a minimum expectation in a normal negotiation, it did not occur. Some Board members rightly believed that we should not settle this legacy issue, but we are now going on three years and counting. My contention is that we had our opportunity and were hurt in negotiation sessions represented by our Delegate and Counsel. The success, or lack thereof, in reaching a settlement is evident. As we, the Village of Barrington Hills, were awarded against in two different Arbitration decisions and we were judged against in an Appellate Court decision. The only Award that we had was delaying and denying the Contract and then the second benefit was that we had significant legal fees to our residents that we were on the hook for without a positive outcome.

It is evident when reviewing the Tripartite Arbitration Panel, that they reacted in a negative way directly to the contentious stand our Delegate and Counsel took. The information on this is available in the Appellate Court decisions and various other public court records and I would ask our residents, if they are interested, to please research the information. The more the Arbitration Panel heard, many times alone without the Village Board present, the more unreasonable and confrontational the Judge, the Delegate and the Panel decided we were and leaned in favor of MAP and the Union. We had presented through the Delegate, the last and final terms to the Union and then brought back to the Village of Barrington Hills Board for a vote, which was appropriate. Each item was discussed and voted against which is the right of each and every member of the Board of Trustees. Our Delegate, Mr. Abboud and then, acting as President, also voted against the provisions that he had agreed to as Delegate, which caused significant problems and significant legal expense to the Village of Barrington Hills as we were embroiled in an Unfair Labor Practice charge resulting in the Trustees and the former President Abboud, being subpoenaed and asked to testify in August.

What we are going to ask for tonight, from the Board of Trustees, is to reach a global settlement which I am recommending we adopt, to put the Arbitration, the ULP charge, the MAP legal fees and other various legal issues to rest in one fell swoop to put this entire sordid negotiation behind us. We have negotiated this Agreement with the assistance of Ted Clark and his firm, the terms which will be entered into the record, will stop the legal fees, reduce almost by half, the current MAP legal fees owed by the Village related to our failed strategy. These costs, unfortunately pale in comparison with the enormous amount the Village has spent in the last few years on this issue and it is time for this to stop. It is my hope and further expectation that should the Board pass this Resolution, that this will be seen as a sign of good will and a change of course with our police officers. This is a significant step being taken by our Board, which I hope will be recognized in normalizing labor relations between my office, the Village Board of Trustees, the Chief of Police and the members of our police force. Thank you.

At this time, the Chair would entertain a Resolution approving the Settlement Agreement between the Village of Barrington Hills and the Metropolitan Alliance of Police, Barrington Hills Union #576 and authorizing the execution of the Collective Bargaining Agreement between the Village of Barrington Hills and the Metropolitan Alliance of Police, Barrington Hills Union #576. Is there a motion?

Trustee Harrington motioned and Trustee Konicek seconded.

Trustee Harrington commented that most of what President McLaughlin said, he agrees with and he appreciated him summarizing that and it was helpful, but some parts, for the record, should show that it was his opinion and others may have different opinions as it pertains to peoples motives and how they think. Since he has been a Member of this Board, he thinks that everyone has been trying to settle this.

Trustee Meroni stated that she agrees with Trustee Harrington and she would like to set the record straight that each Board Member has slightly different perceptions and opinions and that we have all endeavored to try and reach an agreement of some sort that is workable with the Police Union and unfortunately, she doesn't think that this is a win-win situation for any of us, because it's not a good solution, but we have no choice. We are looking at enormous legal bills and as we discussed earlier, we are the biggest pro-labor state in the country and there is not anyway we are going to prevail if we continue to fight this and in the best interest and fairness to our residents and the economics of this situation, she thinks we have to move in a positive direction and perhaps in doing so, let's look forward to trying to normalize a good relationship. She feels that the officers in this community have a pretty good place to work and they have good pay and good benefits and we are not trying to create problems for them. The Police Department had gotten its Accreditation and she feels the residents would like to feel that the Police Department works with them, not just for them and that it is not adversarial. She thinks that the message has to go to the officers involved that we are not adversarial. We have a responsibility to the residents and the tax payers to try to do the best we can for them and to protect them. We have fiduciary responsibilities and this is not anything that any of us is voting on lightly.

Trustee Selman stated she struggles mightily, as everybody knows, because she doesn't think it is a good contract for any of us and her vote tonight has nothing to do with her faith in our police officers and their abilities and their willingness to get the job done. President McLaughlin stated we had a failed strategy, she thinks that is part of the issue here. Most of us weren't here during this whole thing so that is probably a disservice to this Contract, as we are way down the stream. But in just looking at it, she would say she worked hard on it and looked at it as carefully as she could. She gave it what she thought was fair and what would be good, not only for our officers, but for our residents and for our Village. She recognized that not everyone gets everything that they want and trying to come to the middle of this didn't happen. She struggles about how it impacts all of our employees. She would like to think that we are a Village and all of our employees are working together and as Trustee Meroni was saying, we want to get all the arrows going in the same direction. This Contract does not have that feel to me.

Trustee Konicek concurred with what President McLaughlin put into the record and the fact that most of us weren't here at the time that this occurred. Irrespective of that, the record is clear and is readily accessible to all of us, not just through Mr. Clark's office. Those documents have been made available to us. You can do a simple Google search and find where the strategy failed and why we didn't meet a middle ground. It was because our representatives didn't allow it to and now we are at this juncture. It is the best thing, in her opinion, to move forward so we can cut off the legal fees that we are hemorrhaging right now and start in a place where hopefully mutual respect when we can come back to the bargaining table in 2014.

Trustee Gohl stated he is not in favor of this Contract with Map and the Village of Barrington Hills, but he is voting yes on this and hopes to have a better handle on this the next time around in 2014.

President McLaughlin stated that Trustee Messer asked if he could convey his sentiment regarding this, although it is not an official vote. Trustee Messer reviewed the Resolution, he also doesn't believe this is a favorable Contract for the Village of Barrington Hills, but he feels that at this time, it makes sense to move forward to stop additional expense and try to clear the record for the next Contract negotiations. Trustee Messer would have been in favor, had he been here this evening.

Discussion ended with the Chair restating the motion approving the resolution for the Settlement Agreement between the Village of Barrington Hills and the Metropolitan Alliance of Police, Barrington Hills Union #576 and authorizing the execution of the Collective Bargaining Agreement between the Village of Barrington Hills and the Metropolitan Alliance of Police, Barrington Hills Union #576.

Trustee Harrington had motioned and Trustee Konicek seconded. Roll Call.

Ayes: 5 (Harrington, Konicek, Meroni, Gohl, McLaughlin)

Nays: 1 (Selman)

Absent: 1 (Messer)

**Resolution 13-22 Approved**

Trustee Konicek made the motion to adjourn the second Public Session at 7:40 p.m. Trustee Gohl seconded. All present voted Aye.

**Meeting Adjourned**

**Approved** \_\_\_\_\_