

**PALOS FIRE PROTECTION DISTRICT
MINUTES OF THE BOARD OF TRUSTEES - REGULAR MEETING
JUNE 6, 2019**

CALL TO ORDER: The June 6, 2019 Regular Meeting of the Board of Trustees was called to order at 7:01 P.M. by President Kevin McCurrie at Station #1, 8815 W. 123rd Street, Palos Park, Illinois.

PLEDGE OF ALLEGIANCE: President Kevin McCurrie led in the Pledge of Allegiance.

ROLL CALL: On call of the roll, Trustees Gene Adams, Todd Thielmann, Kevin McCurrie, Richard Nogal and Russell Miller responded as present.

OTHERS PRESENT: Chief Mike McDonald, Deputy Chief Chris Courtney, Attorney Thomas Courtney, James Howard of Governmental Accounting, Inc., recording secretary Maxine Bell, former employee, Nick Agostinelli, attorney George Jasinski and personnel of the Fire Department and their families.

At this time, President Kevin McCurrie asked for a Motion to Revise the Agenda in order for the swearing in of Lieutenant Tonra and firefighter Zofkie to take place. Motion was made by Trustee Thielmann and seconded by Trustee Adams. By a roll call vote, the Motion passed.

Chief McDonald took a moment to introduce all the Trustees to the people present and then called Tom Tonra to come up front. The Chief spoke admirably about Tom Tonra and stated that now he will be in charge of his company and that Tom was an asset to the Department. Tom Tonra took oath in front of President McCurrie and his family was asked to come up and his wife pinned badge on him. All present wished Tom well and applauded.

Colin Zofkie was next and the Chief spoke about his attributes stating that he was kind, courteous and respectful and Chief congratulated him. Colin then took oath of office in front of President McCurrie and was congratulated by all present. Colin's son pinned the badge on his father's lapel and then pictures were taken of the family. Everyone was then invited for cake/coffee in the station's kitchen.

APPROVAL OF MINUTES: A Motion was made by Trustee Miller to approve the minutes of the May 2, 2019 meeting. This Motion was seconded by Trustee Thielmann. On a roll call vote, the Motion passed.

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TREASURER'S REPORT: James Howard presented the Treasurer's Report and did an excellent job in explaining the District's Financial Analysis and the Summary of Revenue and Expenditures, property taxes and ambulance fees. Trustee McCurrie stated that the District had \$301,857.23 in payroll and \$269,095.47 in account payables. Trustee McCurrie asked for a Motion to Approve Treasurer's report, as presented. Motion was made by Trustee Miller and seconded by Trustee Thielmann. The motion carried by a roll call vote.

PUBLIC COMMENTARY: None

PSEBA HEARING: At this point in the meeting, President McCurrie requested that Nick Agostinelli and his attorney, George Jasinski sit at the head table. Trustee McCurrie then asked how Nick Agostinelli was injured. Nick stated that he was injured going down stairs in training taken at Rome Academy. Trustee Miller asked of Mr. Agostinelli if he missed the first day of training class where they usually have a safety walk through. Nick stated that there was no safety walk through. Nick continued saying that he talked to the guys in the department and said that they said they did not do a walk through. Nick had never been on the training tower before. Nick stated that he called the training tower to say he would not be there on the day he missed. Nick understood that it was a mandatory training. He had a clear understanding of what the training was for and Rick Holloway was the only instructor that Nick Agostinelli knew. Trustees reiterated that the brown fire gear was used for this training and trainees only had to tap on helmet to let them know stairs were there and Nick had not done this. Nick stated "Yes" that was correct and answered that there were hose lines on the scene. Trustee Thielmann asked if this was a graded training. Nick stated "no".

The trustees asked Mr. Jasinski if he had a presentation and Mr. Jasinski simply stated that three doctors saw Nick in relation to his lumbar fusion and it was the formulation of opinions of doctors that a compilation of injuries trying to save victims was the contributing factor for Nick's disability. Mr. Jasinski went on to state that case law says Nick's disability was caused by a compilation of incidents. These incidents occurred by Nick's responding to emergency situations when saving people. Mr. Jasinski stated that the Board hired the doctors that saw Nick. At this point, Tom Courtney and Mr. Jasinski discussed case law. It was mentioned that case law rules that a compilation of injuries for firefighters is adjudicated to declare that firefighter disabled and he is entitled to benefits (duty disability). Mr. Courtney brought up the subject and went on to explain case law concerning catastrophic injuries.

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Mr. Courtney wanted Nick Agostinelli to describe how the training tower looked to see if the trustees could get a vision of where the stairs were. Nick Agostinelli explained how he got to lead and saw instructor's feet. He stated he did what he was supposed to do and he axed the floor and fell to the bottom of the stairs. He had no idea the stairs were there. He said vision was near black out conditions.

Mr. Jasinski went on to read into record case law from a 2008 case regarding placebo benefits. Tom Courtney said he approved what Mr. Jasinski is arguing but the Board is not at a point to say Nick was not injured; they are just there to know how and why. Mr. Jasinski responded stating that Nick had to come to the aid of a citizen who was in dire need of assistance. Trustee Nogal posed a question relating to case law recited by Mr. Jasinski and asked if the same result would be had if Nick Agostinelli fell at his home. Trustee Miller then questioned Nick about having a cervical spinal injury prior to his employment with the Palos Fire Protection District. Nick replied that he did have a spinal injury prior to being employed by the District but that he passed all applicable tests for 23 years. Trustee Thielmann asked if the training wherein Nick was injured was video recorded. Everyone stated they did not know and Chief McDonald said that he would look into it.

Mr. Jasinski then proceeded to state that the crux of his argument was that three different doctors, chosen by someone other than them, all concurred regarding their findings in relation to Nick's injuries. He stated that all of Nick's medical records are in his report. At this time, Trustees were handed case law and reports and were doing a quick review of same. Mr. Courtney said that Trustees should discuss this matter in closed session and either accept or deny the claim and do it in writing. All Trustees were in favor.

CHIEF'S REPORT: Chief McDonald informed the Trustees that SWCD continues to work on our computer/radio problems.

Chief next reported that Brian Vlcek remains off on workman's compensation for an injury he received during training evolution. Brian had surgery last week and is to begin therapy very soon.

Chief mentioned that the call report data was still unavailable due to change with the new CAD

Chief's next issue was stating that the Fire Protection District Rescue Task Force training with neighboring departments (both Police and Fire) will take place at

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Palos West School on Wednesday, June 12th. Chief said he can't predict but he aims for 100% participation in these classes.

Chief McDonald informed trustees that a minor accident involving ambulance and Palos Country Club had occurred. Chief went on to explain the crux of the matter and mentioned that he was informed that the cost of the repair to the building was covered with no cost to the District. The part-time employee involved in this accident was disciplined.

Chief McDonald informed the Trustees that he had received several complaints from two separate parties regarding one of our part-time employees.

OLD BUSINESS: Adoption of the following Ordinances to take place: (1) Fire Ordinance. Trustee Nogal inquired of Tom Courtney what changes are in the new ordinances and Mr. Courtney explained that there were no major changes. He stated that the building commissioners were in total agreement with changes. A discussion was had among Trustees and Chief in regards to the handling of the leaf burning issue. Trustee Miller made a Motion to Approve Fire Ordinance and Trustee Thielmann seconded. By a roll call vote, the Motion passed.

(2) Truss Ordinance. Discussion ensued in regards to requiring a sign so that firefighters know that they are entering a hazardous area. Resident can purchase medallion from fire department. Deputy Chief informed Trustees that a fire inspection of all commercial buildings must be had. Discussion ensued. Trustee Adams made a Motion to Approve Truss Ordinance and Trustee Thielmann seconded. By a roll call vote, the Motion passed.

(3) Prevailing Wage Ordinance. A Motion to Approve Prevailing Wage Ordinance was made by Trustee Adams and seconded by Trustee Nogal. By a roll call vote, the Motion passed.

(4) Additional 457 Plan Resolution. Deputy Chief Courtney explained briefly what this Plan was and it was tabled for closed session.

The next topic for discussion was the Approval of the Orland Dispatch Contract. Deputy Chief Courtney stated that once we switch service completely to Orland, they will start billing the District. Discussion was had between Deputy Chief Courtney and Trustees about Mr. Shandley refusing to make changes. Tom Courtney stated that we have a good case to argue. Chief McDonald is documenting all incidents with SWCD for the record. A Motion was made by Trustee Adams to Approve the Orland Dispatch Contract and Trustee Nogal seconded. By a roll call vote, the Motion passed.

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The Pierce engine update was the next issue on the agenda and it was mentioned that said engine does not take as long to be built as was first indicated. Pierce still maintains that Jeff Rath signed what they claim was the final paperwork. Jeff Rath would not have done that. Chief McDonald explained that Deputy Chief Courtney states that the contract specifically states that we had to sign that paper. Arguing ensued and the District has taken possession of the vehicle. Nothing has changed. Chief McDonald states that Pierce made a grievous error. Tom Courtney stated that if we wanted to litigate, he would encourage the District to do so. Pierce said that we were having "buyer's remorse" and Chief indicated that Pierce was wrong.

NEW BUSINESS: Trustee Adams made a Motion to Approve the Appointment of Lieutenant Mike Gabriele to Temporary Captain. Trustee Thielmann seconded the Motion. By a roll call vote, the Motion passed.

Deputy Chief Courtney advised that a new network/computer system was established to handle software that was cloud based and that everything was finished. There is now a backup of all personnel records and all documentation.

A Motion was made to move \$225,000 of District's money for end of year transfer to a capital fund by Trustee Thielmann and seconded by Trustee Miller. By a roll call vote, the Motion passed.

CLOSED SESSION: A Motion was made to adjourn to Closed Session to Discuss issues concerning personnel, full and part-time negotiations and/or matters of possible litigation by Trustee Nogal and seconded by Trustee Adams. By a roll call vote, the Motion passed. The meeting was adjourned to closed session at 8:18 P.M.

RETURN TO OPEN SESSION: The Board of Trustees meeting returned to open session at 9:15 p.m.

ADJOURNMENT: There being no further business to be brought before the Board, the meeting adjourned at 9:19 P.M. A Motion to Adjourn was made by Trustee Miller and seconded by Trustee Thielmann. On a roll call vote, the motion

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passed. The next regular meeting of the Board of Trustees will be held on July 11,
2019 at 7:00 p.m.

Samuel Miller

Sam McCann

Ed Miller

Gene Adams

Richard J. Nogal