

**SUGAR GROVE FIRE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONER'S MEETING
OPEN MINUTES**

DATE: April 13, 2011
TIME: 5:05pm
PLACE: Sugar Grove Fire Station

Commissioners: Richard Sander, President
Ross Scimeca, Secretary
John Pilkington, Commissioner

Called to order at 5:05pm

Roll Call – Scimeca and Pilkington present. Sander absent.

It was motioned by Scimeca and seconded by Sander to:
'Make John president pro-tem for this meeting.'

Motion Carried

At this time Attorney Flaherty suggested we should identify everyone present for the court reporter.

Present at meeting... Commissioner John Pilkington, Commissioner Ross Scimeca, Fire Chief Marty Kunkel, Attorney Jim Knippen, Attorney Shawn Flaherty representing the commission, (Flaherty also stated that present were Paula Lacey the minute taker, Jeff Noss and four members of the Sugar Grove Fire Department)

Approval of Minutes –

It was motioned by Scimeca and seconded by Sander:
'That we table the minutes until the next meeting.'

Motion carried

Communications – none

Old Business – this is moved until after new business.

Prehearing Concerns –

Flaherty stated it was filed before the commission on the 5th of this month a complaint of allegations of misconduct against Firefighter Jeffrey Noss.

The purpose of today is to set the groundwork for the hearing, a date that will be set today, and to address other motions that have been raised by chief and his council.

At this time Flaherty gave a brief outline of what can be expected at this hearing and the rules that need to be followed. Flaherty questioned if anyone has any questions on how the proceedings will go forth. No one had any questions.

It was motioned by Pilkington and seconded by Scimeca to:
'Take a recess for approximately ten minutes to wait for President Sander'.

Motion Carried

At this time Commissioner Sander entered the meeting.

It was motioned by Pilkington and seconded by Scimeca to:
'Reconvene'

Motion Carried

It was motioned by Pilkington and seconded by Scimeca to:

'Return the chairmanship back to Commissioner Sanders.'

Motion Carried

Flaherty pointed out a copy of the special rules that he created that board should discuss and adopt for the hearing.

The first rule would amend Section 9 of the Commission Rules to encourage the parties to share discovery which would include exchange of any written statements, witness lists, exhibits, and all evidence relevant to the hearing in advance of the hearing. Second would be to have your attorney make the evidentiary rulings that might arise during the course of the hearing.

Knippen – request for additional documents has been made, have not received them yet.

Flaherty – questioned if Noss had anything, Noss stated no. Flaherty stated we have a date, but that does not mean we can't accept those documents later.

It was motioned by Scimeca and seconded by Pilkington to:

'Adopt these special rules for the Noss disciplinary hearing'

Motion Carried

Flaherty – prepared subpoena form for the chairman of the commissioners to execute. Second one from Yorkville PD will be emailed once received.

Knippen – would make an oral request that the Commission consider requiring Firefighter Noss to answer the complaint.

Flaherty – Ask Noss if anticipate to be represented by legal counsel in this proceeding?

Noss – Yes, Dave Carlson.

Flaherty – Part of the findings of this decision is that we'll have an answer required within seven days.

Flaherty – we have a motion to suspend without pay, which has been filed by the fire chief, Mr. Knippen will present his motion:

Knippen - Suspension without pay is fully justified, because an off-duty act under Illinois Law is sufficient to constitute grounds for the termination of a sworn employee. Under these circumstances the taxpayers of the Sugar Grove Fire Protection District should no longer have the obligation to continue to provide pay to this suspended firefighter.

Flaherty - Allow Noss the opportunity to meet with his counsel and formulate a response to the motion within the same seven-day period as the answer, I believe that's the way we should proceed.

President Sanders concurs

Flaherty - The motion has not been ruled on for the record, the motion is still out there.

President Sander - Noted for the record that a meeting is scheduled for May 5 at 5:30 to go over the motion to suspend Firefighter Noss without pay and to conduct the hearing.

Knippen - Request a hearing on the motion to suspend without pay occur before that hearing date.

Flaherty – For the record, there are going to be two meetings scheduled, the first on Monday, April 25th at 5 p.m. The purpose of that will be a motion to suspend without pay pending the hearing and any other motions that are raised prior to that time. The second is the actual hearing date which has been set for 5:30 p.m. on May 5th.

Old Business

Testing procedure for Lieutenants – Written test Saturday Aug 6, this gives 90 days to study, state statute.

If acceptable to Board, sign and post.

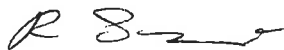
It was motioned by Scimeca and seconded by Pilkington to:

“Approve posting for Lieutenant examination.”

Motion carried

Adjournment at 6:16 pm.

Respectfully submitted,



Ross Scimeca