

MINUTES OF THE SPECIAL MEETING
OF THE WHEELING BOARD OF FIRE AND POLICE COMMISSIONERS

DECEMBER 12, 2019 @ 1:30 p.m.
VILLAGE HALL
BOARD ROOM, 2nd FLOOR
2 COMMUNITY BOULEVARD, WHEELING, ILLINOIS

1. CALL TO ORDER

Chairman Moran called to order the Special Meeting of the Wheeling Board of Fire and Police Commissioners at 1:30 p.m.

Present: Chairman Moran, Commissioner Al Palicki, Commissioner Jon Kolssak, and Commissioner Michael Murphy

Police Chief James Dunne, Attorney for Chief Dunne Paul Denham, Village Attorney James Ferolo, Police Officer Joseph Dawson, Attorney for Mr. Dawson Joseph E. Weishampel, Deputy Village Clerk Karen Henneberry, and court reporter Serena M. Raimonde were also present.

2. APPROVAL OF MINUTES - None

3. CITIZEN CONCERNS & COMMENTS - None

4. NEW BUSINESS

Hearing of Appeal – Officer Joseph Dawson

Attorney Ferolo stated that a Motion was filed to continue the Hearing. Attorney Weishampel addressed the Commission explaining that they are seeking a continuance to attempt to obtain additional documents, related to gang activity, to submit for the Board's consideration. In rebuttal, Attorney Dunham detailed the facts of the case, Officer Dawson's discipline history, and stated that any additional documents regarding gang activity are irrelevant. Attorney Weishampel stated that documents related to gang activity are relevant.

Officer Dawson answered a question from the Board.

Chairman Moran asked for Board Consensus to grant the continuance.

Final Resolution: Consensus FAILED

Ayes: 0

Nays: 4 – Commissioner Kolssak, Commissioner Palicki, Commissioner Murphy, and Chairman Moran

Motion by Chairman Moran, second by Commissioner Kolssak to deny the Motion to continue the hearing.

Final Resolution: Motion Approved

Ayes: 4 - Commissioner Kolssak, Commissioner Palicki, Commissioner Murphy, and Chairman Moran

Nays: 0

Attorney Ferolo outlined the process and advised that the Board make a Motion to appoint the Board Attorney as the Hearing Officer for the purpose of ruling on evidentiary objections.

Motion by Commissioner Palicki, second by Commissioner Murphy to appoint Attorney Ferolo as the Hearing Officer.

Final Resolution: Motion Approved

Ayes: 4 - Commissioner Kolssak, Commissioner Palicki, Commissioner Murphy, and Chairman Moran

Nays: 0

Attorney Ferolo stated that there was a Motion in Limine also filed on behalf of Chief Dunne. Attorney Dunham withdrew the Motion.

Attorney Ferolo confirmed that both sides have exchanged exhibit and witness and lists.

Attorney's Weishampel and Dunham delivered opening statements.

Evidence was taken consisting of the testimony of Joseph Dawson, and Dennis Bulanda.

Exhibits two (2), and group exhibit three (3) were moved into evidence.

Motion by Commissioner Kolssak, second by Chairman Moran to recess for a break.

Motion carried by roll call vote, all Ayes, the meeting recessed at 2:54 p.m.

[BREAK]

Motion by Chairman Moran, second by Commissioner Palicki that the open meeting reconvene.

Motion carried by unanimous Roll Call vote, all Board Members were present; the meeting reconvened at 3:04 p.m.

Testimony continued and evidence was taken consisting of the testimony of Joseph Kopecky, and Police Chief James Dunne.

Officer Kopecky and Chief Dunne answered questions from the Board.

5. EXECUTIVE SESSION

Motion by Commissioner Kolssak, second by Commissioner Palicki to recess to enter into Executive Session for the purpose of discussing:

- The appointment, employment, compensation, discipline, performance, or dismissal of a specific employee(s) of the Village of Wheeling. 5 ILCS 120/2(c)(1); and
- To consider evidence and testimony presented in Open Hearing for purposes of rendering a decision, 5 ILCS 120/2(c)(4).

Motion carried by unanimous Roll Call vote, the Special Meeting recessed at 4:30 p.m.

[Reconvene from Executive Session]

Motion by Commissioner Palicki, second by Commissioner Kolssak to reconvene into open session. Motion passed by unanimous Roll Call vote; the open meeting reconvened at 4:54 p.m.

6. ACTIONS ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Motion by Chairman Moran, second by Commissioner Murphy to affirm the five (5) day suspension issued by Chief Dunne for the October 14, 2019, incident.

Attorney Ferolo stated that he will prepare a written decision that will be presented for approval at the January 15, 2020, Regular meeting.

Motion carried by unanimous Roll Call vote.

7. ADJOURNMENT

Motion to adjourn by Commissioner Kolssak, second by Commissioner Palicki. Motion carried by voice vote, all Ayes, the meeting adjourned at 4:55 p.m.

Respectfully submitted,

Al Palicki, Secretary
Wheeling Board of Fire and Police Commissioners

Date