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BEFORE THE BOARD OF TRUSTEES OF THE
MANTENO POLICE PENSION FUND

IN THE MATTER OF THE
RETIREMENT APPLICATION OF:
CHIEF BERNIE THOMPSON,
Applicant.



REPORT OF PROCEEDINGS had at
the hearing of the above-entitled cause, before
the BOARD OF TRUSTEES OF THE MANTENO POLICE
PENSION FUND, held on the 21st day of June, 2017,
at the hour of 4:00 p.m., at 98 East Third
Street, Manteno, Illinois, before SHARON A.
STUCKLY, C.S.R., Notary Public.

- BOARD MEMBERS PRESENT:
- MR. JOSEPH GRANT, President;
 - MR. WILLIAM CUSHMAN, Vice President;
 - MR. MICHAEL G. BOYD, Secretary;
 - MR. MICHAEL BERNS, Trustee;
 - MR. AARON TOBECK, Trustee.

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COUNSEL PRESENT:

REIMER DOBROVOLNY & KARLSON, LLC, by
MR. BRIAN J. LABARDI

15 Spinning Wheel Road, Suite 310

Hinsdale, Illinois 60521

(630) 654-9547

blabardi@rdklaborlaw.com

on behalf of the Board of Trustees of
the Manteno Police Pension Fund;

MORGAN & GLAZAR, P.C., by

MR. EDWARD S. GLAZAR, JR.

One Dearborn Square, Suite 320

Kankakee, Illinois 60901

(815) 933-0114

ed@mandglaw.com

on behalf of the Applicant.

I - N - D - E - X

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3 EXAMINATION OF

4 BERNIE THOMPSON

EXAMINATION

5 By Mr. Labardi

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6 By The Board

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7 By Mr. Glazar

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8 By Mr. Labardi

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9 By The Board

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17 EXHIBITS MOVED INTO EVIDENCE

18 Board Exhibits 1 through 8

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19 Applicant Exhibits 1 through 3

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20 Applicant Exhibit 4

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1 MR. GRANT: All right. I'd like to
2 call the meeting to order at 4 o'clock.

3 Mike, if we could get you to take
4 roll call, please.

5 MR. BOYD: Absolutely.

6 Mike Boyd. Present.

7 Aaron Tobeck.

8 MR. TOBECK: Present.

9 MR. BOYD: Mike Berns.

10 MR. BERNs: Present.

11 MR. BOYD: Bill Cushman.

12 MR. CUSHMAN: Present.

13 MR. BOYD: Joe Grant.

14 MR. GRANT: Present.

15 That being said, I open the floor to
16 any public comment. Anybody?

17 Okay. We have no public comment.

18 MR. LABARDI: So before we move on to
19 the hearing, is there any reason that any trustee
20 in this matter before taking any votes would want
21 to or need to recuse themselves?

22 MR. GRANT: On the vote?

23 MR. TOBECK: Am I allowed to vote?

24 MR. GRANT: No.

1 MR. LABARDI: Since we're on the
2 record, let's just be clear. Only you can decide
3 whether you're allowed to vote. My understanding
4 is there's potentially an issue with having
5 completed the mandatory trustee training.

6 MR. TOBECK: Correct.

7 MR. LABARDI: So whether or not you
8 completed that, I have no idea. In the event
9 that you haven't completed it and should have,
10 you may want to consider recusing yourself, but
11 that's -- only you can make that call.

12 MR. TOBECK: Okay. I recuse myself
13 from the vote.

14 MR. LABARDI: Any other business
15 before we go on to the hearing?

16 Okay. So the first -- this is a
17 hearing to determine the retirement benefit
18 application of Chief Bernie Thompson.

19 The first motion the Board might like
20 to make would be a motion to appoint me the
21 hearing officer.

22 Now, what that means is I would
23 preside over the hearing. I wouldn't act as a
24 prosecutor either for or against the application.

1 I would attend your executive session, provide
2 you any legal advice you might need, make rulings
3 on any objections that might be raised, but any
4 ruling made by me could be overturned by a
5 majority vote of the Board if they so wished.

6 Questions or objections to appointing
7 me as hearing officer from counsel before we move
8 forward?

9 MR. GLAZAR: I'd leave it to the Board.

10 MR. LABARDI: No objections then I
11 take it?

12 MR. GLAZAR: (Shaking head.)

13 MR. LABARDI: Anyone like to make
14 that motion, now would be the time to do it.

15 MR. CUSHMAN: I'll make the motion.

16 MR. GRANT: I need a second then.

17 MR. BERNS: Second.

18 MR. GRANT: Need a roll call on that.

19 MR. BOYD: Mike Boyd. Aye.

20 Aaron Tobeck.

21 MR. TOBECK: Aye.

22 MR. BOYD: Bill Cushman.

23 MR. CUSHMAN: Aye.

24 MR. BOYD: Mike Berns.

1 MR. BERNS: Aye.

2 MR BOYD: Joe Grant.

3 MR GRANT: Aye.

4 MR. LABARDI: Okay. So this hearing
5 is being conducted pursuant to Article 3 of the
6 Illinois Pension Code to determine the retirement
7 benefit claim of Chief Bernie Thompson, the
8 Applicant in this case.

9 The Applicant was previously sent a
10 notice of hearing advising him of the proceedings
11 on this date, advising him of his right to be
12 represented by counsel and to present evidence
13 and to respond to any evidence before the Board
14 of Trustees.

15 Chief Thompson, do you acknowledge
16 receipt of the notice of hearing and are you
17 ready to proceed?

18 MR. THOMPSON: I do. And, yes, I am.

19 MR. LABARDI: And I know you have
20 counsel here today. Will counsel please identify
21 themselves for the record?

22 MR. GLAZAR: My name is Edward Glazar,
23 G-l-a-z-a-r.

24 MR. LABARDI: Okay. So the

1 procedures to be utilized in this case, you've
2 already appointed me the hearing officer.

3 Number one: Under the law, the
4 Applicant has the burden of proving his entitlement
5 to a retirement pension.

6 Secondly, during the hearing, the
7 Applicant or his attorney may make an opening
8 statement if they wish.

9 The Applicant may present any
10 evidence including testimony and documentation in
11 support of his claim.

12 The Board or its legal counsel may
13 ask any questions.

14 The Applicant or legal counsel may,
15 ask questions or make objections to any of the
16 documentation or evidence.

17 Rulings on legal matters will be made
18 by the Board with advice of its league counsel.

19 The technical and formal rules of
20 evidence don't apply and the Rules of Civil
21 Procedure do not apply, however, rules of
22 fundamental fairness such as the hearsay rule
23 will apply.

24 In the event the hearing can't be

1 completed today, the hearing shall be continued
2 from time to time to dates agreeable to all
3 parties until it's been completed.

4 At the conclusion of the hearing, the
5 Applicant or the Applicant's attorney may file a
6 post hearing brief and/or make a closing
7 argument. It's at your option.

8 The Board will render a written
9 decision that will become the final decision as
10 to the retirement claim of the Applicant.

11 Questions before we begin? No?

12 MR. GLAZAR: I have a question.

13 MR. LABARDI: Sure.

14 MR. GLAZAR: You said that we may
15 submit written briefs. Looking at the agenda, it
16 appears that there's going to be the hearing.
17 You're going to break off into executive session
18 and then call it back for a vote? Am I
19 understanding the agenda correctly?

20 MR. LABARDI: It's up to the Board.
21 They may or may not take final action today
22 depending on what they want to do.

23 MR. GLAZAR: Very good.

24 MR. LABARDI: So prior to today's

1 date, I believe I provided exhibits to
2 Chief Thompson that are marked as Pension Board
3 Exhibits 1 through 8 as well as Applicant's
4 Exhibits 1 through 3.

5 Those are documents that Chief Thompson
6 previously forwarded to me before he was
7 represented by counsel.

8 Are there any objections to the
9 introduction into evidence of Pension Board 1
10 through 8?

11 MR. GLAZAR: No.

12 MR. LABARDI: Let the record reflect
13 Pension Board Exhibits 1 through 8 are admitted
14 into evidence without objection.

15 Are there any objections to entry of
16 Applicant Exhibits 1 through 3?

17 MR. GLAZAR: No.

18 MR. LABARDI: The record should show
19 that Applicant Exhibits 1 through 3 are admitted
20 into the administrative record without objection.

21 So, counsel, if you'd like to make an
22 opening statement, you may or simply proceed,
23 however you see fit.

24 MR. GLAZAR: I'll give an opening

1 statement.

2 April 19th of this year, Chief Thompson's
3 application for retirement was unanimously
4 approved subject to accountant's calculations and
5 attorney's review.

6 Apparently there was an attorney's
7 review or an accountant's calculation that led to
8 a motion on May the 23rd, 2017, where the action
9 taken to approve the retirement application in
10 April was rescinded.

11 In looking at all of the exhibits,
12 you will see now that we've given more than ample
13 proof to have Chief Thompson's application
14 approved.

15 We've shown that all of his salary
16 was paid from the public safety line item. We
17 noted that there are other employees that work
18 for multiple departments whose salaries are
19 broken down percentagewise from department to
20 department, but that was not the case with Chief
21 Thompson. He's paid the full amount into his
22 pension based on his salary as chief from the
23 public safety line item.

24 So there was nothing in the minutes

1 that indicated to me the reason why there was a
2 motion to rescind it, so it's hard for me address
3 it, but I believe now that with the exhibits in
4 front of you, you will see that there's more than
5 enough to approve this application.

6 MR. LABARDI: Thank you. And,
7 counsel, I should ask before we go forward, do
8 you any other evidence that you intend on
9 introducing at today's hearing?

10 MR. GLAZAR: No, sir.

11 MR. LABARDI: No. Okay. I should
12 also ask do you anticipate calling any witnesses
13 that we should exclude at the moment or just
14 Chief Thompson?

15 MR. GLAZAR: I don't anticipate
16 calling any witnesses.

17 MR. LABARDI: Okay. Lastly, we have
18 one trustee who's recused himself. Do you have
19 an objection to proceeding with four trustees?

20 MR. GLAZAR: Well, the only issue is
21 how is a split tie handled?

22 MR. LABARDI: Under the Open Meetings
23 Act, on a five-member board, a 2 to 2 vote would
24 result in no action being taken. You have to

1 have three affirmative votes.

2 MR. GLAZAR: Okay. And your question
3 was?

4 MR. LABARDI: Do you have an
5 objection to proceeding with only four trustees
6 voting?

7 MR. THOMPSON: We don't have much
8 choice. They don't have training until fall,
9 right, or whenever. And I'm not waiting for my
10 pension until then. See how it goes. We always
11 have court, right?

12 MR. GLAZAR: That's fine.

13 MR. LABARDI: Okay. Do you have --
14 would you like to ask any questions of your
15 client or call any other witness?

16 MR. GLAZAR: No. I think everything
17 is contained in the exhibits. I'll be glad to
18 answer any questions that anybody might have of me.

19 MR. LABARDI: Then if the court
20 reporter likes, would you please swear Chief Thompson
21 and I'll ask some questions.

22 (WHEREUPON, the witness was duly sworn.)
23
24

1 BERNIE THOMPSON,
2 called as a witness herein, having been first
3 duly sworn on oath, was examined and testified as
4 follows:

5 EXAMINATION

6 BY MR. LABARDI:

7 Q Chief Thompson, as you know, I
8 represent the Board as I said in my opening, and
9 I'm not here to advocate for one side or the
10 other. We just have some simple factual
11 questions. There are no trick questions. I'm
12 not trying to trip you up or anything like that.
13 Of course, you have counsel here if you need to
14 ask him for clarification.

15 If I ask you a question and you
16 answer it, I'm going to assume you understood
17 what it was. So if you don't understand what I'm
18 asking, please say so.

19 Can you state what your age is?

20 A I'm 65 years old as of March 18th of
21 this year.

22 Q And are you married?

23 A I am.

24 Q And what's the name of your spouse?

1 A Jody.

2 Q J-o-d-y?

3 A Correct.

4 Q And do you know the date of your marriage?

5 A I better. I got to think about it.

6 September 9, 1978.

7 Q And do you have any dependent
8 children meaning children under the age of 18 or
9 who are under a physical or mental disability?

10 A I do not.

11 Q We have your application for
12 retirement admitted into evidence as Board
13 Exhibit 1. But can you confirm your date of
14 appointment to the Manteno police department?

15 A June 1st of 2005.

16 Q And what was your last day on the payroll?

17 A Can I refer to my calendar? I should
18 know this. It's an important date, right? June 2nd.

19 Q Of 2017?

20 A Correct. I'm sorry.

21 Q It's my understanding that while you
22 served as chief of police, you also served as
23 village administrator?

24 A For a portion of that 12 years, yes.

1 Q Could you tell me what portion that was?

2 A About nine and a half years I believe.

3 Q Could you tell me when that was in
4 terms of dates?

5 A No. I don't know. I really don't.

6 I think it was like August of --

7 Q What -- sorry.

8 A Go ahead.

9 Q Perhaps looking at the record page 68
10 would refresh your recollection as to the dates
11 you served as village administrator.

12 A Page 68? Yeah. March 3rd of 2008 I
13 guess.

14 Q So the date reflected on the
15 affidavit that you executed on page 68 of the
16 administrative record is correct?

17 A Yes. I believe I researched that earlier.

18 Q You so the record is clear then you
19 served as administrator from March 3rd of 2008
20 until June 2nd of 2017?

21 A Acting village administrator, yes. I
22 was never appointed as the actual village
23 administrator.

24 Q And what would you -- what are you

1 asking the effective date of your retirement
2 pension to be?

3 A The beginning date? June 1st of 2005
4 and ending date of June 2nd of 2017.

5 Q No, no. I'm sorry. I think you
6 misunderstood the question. What are you asking
7 the first date of your retirement to be, the
8 first effective date of your retirement?

9 A June 3rd I guess.

10 Q June 3rd. Your last day on the
11 payroll was when?

12 A June 2nd.

13 Q Was June 2nd?

14 A Yes.

15 Q Okay. And what was your rank at the
16 time that you retired?

17 A Chief of police.

18 Q Do you know what your salary attached
19 to your rank at the time of your retirement would
20 be?

21 A My final salary was 124,736.10 I
22 believe or somewhere there close.

23 Q And is there any document that you
24 would rely on to establish that amount as your

1 salary attached to rank?

2 A I have a payroll --

3 MR. GLAZAR: Your affidavit as well.

4 BY THE WITNESS:

5 A My affidavit says that. I have a
6 payroll check that gives the hourly rate, so it
7 would be times 2,080. My payroll rate was \$59 96
8 93 times 2080 is 124736144.

9 MR. LABARDI: Counsel, would you like
10 to have the pay stub admitted into evidence? I
11 don't believe that's currently part of the packet.

12 THE WITNESS: I also brought the
13 other two. Same page.

14 MR. GLAZAR: You stopped -- you have
15 three exhibits of your own, correct?

16 THE WITNESS: Yes. So this will be 4.

17 MR. GLAZAR: I'm going to mark this
18 Applicant's Exhibit No. 4.

19 THE WITNESS: These are two different
20 pay periods apparently. This is my last one with
21 my payout for my unused sick times.

22 MR. GLAZAR: I'll move for the
23 admission of Applicant's Exhibit No. 4.

24 MR. LABARDI: Okay. So let the

1 record reflect that Applicant's Exhibit 4 has
2 been labeled by counsel and will be admitted in
3 the administrative record without objection.

4 And before we leave today, remind me
5 to make copies of this so we can throw that in there.

6 BY MR. LABARDI:

7 Q Chief, did you say -- this Applicant
8 Exhibit 4 is for a pay end date June 3 of 2017.
9 Was this then your last paycheck?

10 A Yes.

11 Q Okay. Was any portion of the salary
12 that you received attributable to your job duties
13 as interim village administrator?

14 A No.

15 Q At any point in time did you receive
16 any compensation for serving in that role?

17 A No.

18 Q If you look at what I've marked as
19 Pension Board Exhibit 5, which begins on page 14,
20 I believe this is your employment agreement with
21 the Village of Manteno?

22 A It is. It was.

23 Q And do the duties reflected herein
24 pertain only to your service as chief of police?

1 A It does.

2 Q Is there any salary identified in
3 this agreement?

4 A It is not.

5 Q The agreement I believe by its terms
6 terminated as of April 30 of 2017, correct?

7 A Correct.

8 Q But you continued to work beyond that
9 date?

10 A Correct.

11 Q Was there any action taken by the
12 Village to extend the agreement?

13 A No. Other than to keep me on the
14 payroll. It was thought for 30 days that there
15 was -- they didn't want to go through -- approve
16 a 30-day contract or an extension or spend the
17 money on an attorney, and so they just kept me on
18 the payroll for another 30 days.

19 Q So to the best of your knowledge, no
20 village action was taken on the -- to extend the
21 terms of the employment agreement; you simply
22 remained on payroll?

23 A Correct.

24 Q Did you receive a raise after the

1 agreement terminated on April 30th?

2 A May 1st I received a raise.

3 Q And what -- do you know what amount
4 that was?

5 A It was five percent. I don't know
6 what the amount was.

7 Q And was that amount approved by the
8 village board?

9 A It was -- raises and salaries are
10 approved by approval of the budget, not individually.

11 Q And in your role as chief of police
12 and interim village administrator, do you have
13 personal knowledge of how the Village of Manteno
14 board approves salaries for employees?

15 A Yes, sir.

16 Q If you would look at what I've marked
17 as Pension Board Exhibit No. 6, which I believe
18 starts at the bottom of page 22, would this be
19 the municipal appropriation ordinance for the
20 Village of Manteno for fiscal year ending
21 April 30, 2018?

22 A Correct.

23 Q And if you look at page 25 of that
24 ordinance, there is a portion attributable to

1 public safety. Does that refer to the police
2 department?

3 A That's correct.

4 Q Did you -- would you have had any
5 role as chief of police or interim village
6 administrator in creating this document?

7 A Yes.

8 Q What would that have been?

9 A The village administrator also serves
10 as the chief financial officer for the village.
11 Although we do have a person that actually
12 prepares the budget along with all the different
13 department heads, so as the chief of police and
14 as the acting village administrator, I was the
15 primary person responsible for the budget for
16 those two and then actually approval of all
17 the -- and part of the presentation to the board.

18 Q In looking at page 25, it appears as
19 though roughly \$2.4 million is appropriated to
20 personnel, correct?

21 A Correct.

22 Q Is there any way of determining from
23 this document a salary attached to rank of chief
24 of police?

1 A No, sir. I will, if I could, refer
2 to some of my exhibits which were worksheets that
3 showed you both the line item budget and actual
4 worksheets for the calculations of the different
5 salaries for the different departments. And you
6 have those in evidence.

7 Q Let's get to that in a minute if you
8 don't mind. Well, no, in fact, let's get to that
9 now.

10 So if I could direct you to page 50
11 of the administrative record, which is part of
12 Applicant Exhibit 1, I believe.

13 Is this one of the worksheets you
14 referred to that you e-mailed to me?

15 A Yes, sir.

16 Q And are these worksheets used in
17 creating the budget ordinance that we just reviewed?

18 A Yes, sir.

19 Q So the \$2.4 million amount for
20 personnel contained in the Manteno appropriations
21 ordinance is derived from the figures reflected
22 on page 50?

23 A I believe so. I mean, you know, I
24 see that there's also potential raises for -- for

1 the police officers as step raises and across the
2 board raises. Sometimes -- and in this case,
3 this year they were unknown because the contract
4 isn't finalized. So there's money put in there
5 for potential raises. And that's all calculated.

6 As you see, across this spreadsheet,
7 officers have different seniority dates and
8 anniversary dates or whatever. And they receive
9 raises both across the board in the beginning of
10 the budget year. And then if they have one -- if
11 they're one of 15 first 15 years, they would
12 receive what we call step raise as well. This is
13 not done by me. This is done by someone else.

14 Q Do you who it was prepared by?

15 A Yes, I do. Janice Schulteis.

16 Q Can you spell that, please?

17 A I think I can. All these years she's
18 been here and I've been here. S-c-h-u-l-t-e-i-s.

19 Q What is her position?

20 A She's called a resource manager. She
21 does several different things, but she does a lot
22 with the -- she oversees the treasurer and clerk.
23 She prepares the budgets and the tax levies and
24 things like that. She reviews the AR and AP.

1 Q To the extent that you know, since
2 you didn't prepare the spreadsheet that we're
3 working at, can you identify what your salary
4 attached to rank would have been on page 50?

5 A 124736.

6 Q And also included in there there is a
7 line item that simply says chief and indicates
8 it's 95,000. Can you explain to the Board to the
9 extent you know what that means?

10 A That is the hire rate for the new chief.

11 Q The h-i-r-e rate, not the higher.
12 Got it. Thank you.

13 And then the amount reflected -- your
14 salary attached to rank your testimony is based
15 on the spreadsheet would have been 124736, but,
16 of course, you only worked May and June so you
17 would not have actually received that amount?

18 A No, I didn't.

19 Q The amount reflected on page 50, is
20 that inclusive of the five percent raise?

21 A Yes, it is.

22 Q Do you know whether the five percent
23 raise was included in the budget ordinance?

24 A Yes, it was.

1 Q It was included?

2 A Yes.

3 Q And how do you know it was included
4 in the budget ordinance?

5 A Because I reviewed the budget and I
6 was there when they presented it to the board at
7 a couple finance meetings as well as the board
8 meeting in which it was voted upon.

9 Q And was there specific discussion at
10 those meetings including the five percent?

11 A I believe so.

12 Q I think that's probably all the
13 questions that I have, but the Board is welcome
14 to ask any questions they may like. And then, of
15 course, we'll allow counsel any redirect.

16 Does the Board have any questions for
17 Chief Thompson?

18 MR. GRANT: I don't at this time. I
19 can't -- anybody else here, of course, can speak up.

20 MR. LABARDI: Counsel?

21 MR. CUSHMAN: I don't have any at
22 this time.

23 MR. TOBECK: Does it have to pertain
24 to this -- all these documents?

1 MR. LABARDI: Well, not in theory,
2 but then you've recused yourself.

3 MR. TOBECK: I'm done then.

4 MR. LABARDI: How's that for an answer.

5 MR. BERNS: One of the questions I
6 had, and maybe I missed it, everything that's in
7 here kind of goes back to 2013, 2014, but I don't
8 see anything going back to 2008 and then few
9 years when he was actually the administrator.
10 I'm not sure if it matters or --

11 MR. LABARDI: Is there -- well, I
12 guess the question -- is there -- let's deal with
13 one thing at a time. Is there a question for the
14 chief in there somewhere?

15 EXAMINATION

16 BY MR. BERNS:

17 Q Yeah. Okay. In some of your
18 exhibits, you put in there that everything I
19 think goes back to 2013 or 2014. Is there any
20 exhibits that exist that go back before that so
21 from March 2008 --

22 A I'm sure there was at some point.
23 I'm sure there was. I provided the last ones
24 because that's what my pension would be based on.

1 It's the last day's pay, right? So it doesn't
2 matter what I was hired at. It only matters what
3 my last day's pay was.

4 MR. LABARDI: And just to clean up on
5 that, again, at no point in time did you receive
6 any compensation for performing services as
7 interim village administrator, correct?

8 THE WITNESS: Correct. You know, the
9 only thing I can say is maybe I got a little
10 better raise because I was working more hours,
11 but, you know, I can't quantify that. They
12 paid -- I got raises based on my performance.

13 MR. LABARDI: Other questions from
14 any trustees? No.

15 Counsel, do you have any?

16 EXAMINATION

17 BY MR. GLAZAR:

18 Q I've just got one. Going back to
19 page 25. Under the personnel line item under
20 public safety, the 16-17 budget was \$2,276,400,
21 is that correct?

22 A Yeah.

23 Q And for the current year then it was
24 raised to 2,423,100, which is approximately a

1 five percent raise across the line for public
2 safety personnel?

3 A Yes. Don't make them think they're
4 going to get five percent but, yeah, the --

5 MR. LABARDI: You're under oath, Chief.

6 THE WITNESS: Because there are other
7 things in there. I mean, there's -- yeah.

8 MR. GLAZAR: That's the only question
9 that I have.

10 FURTHER EXAMINATION

11 BY MR. LABARDI:

12 Q I'll ask one follow-up question. So
13 again in examining page 25, it indicates that the
14 budget for fiscal year 17-18 is \$2,423,100 for
15 personnel, correct?

16 A Correct.

17 Q And in comparing that to the budget
18 spreadsheet located at page 50, it seems as
19 though that spreadsheet indicates a 2017-2018
20 projection of \$1,384,389.

21 A Yes.

22 Q Or does that mean something else? I
23 guess my question is do you know why the budget
24 spreadsheet indicates a number vastly different

1 from that that was approved in the appropriations
2 ordinance?

3 A Well, there's some other things to
4 take into accord. Like I said, there's also
5 projected wage increases. And also there are
6 other people that aren't included in this like
7 crossing guards and animal control and stuff.
8 This is the police officers only in that number.

9 Q So then looking back at page 25 --

10 A There's also one other thing. There
11 was a payout, one-time payout of unused sick time
12 and vacation time for both Lieutenant Whalen and
13 I that totalled \$104,000.

14 Q And that would not have been
15 reflected on page 50?

16 A On page 50, no, it wouldn't be. It
17 was a separate item.

18 Q But to the best of your knowledge, it
19 would have been included in the appropriations
20 ordinance?

21 A Yes.

22 Q On page 25?

23 A Yes.

24 Q And the other -- the personnel you

1 referred to such as crossing guards who would not
2 have been included in the budget on page 50, how
3 would they have been accounted for in the
4 appropriations ordinance on page 25? Would they
5 have been included in the personnel line item?

6 A Yes. They're included in the
7 personnel item. I don't have -- apparently the
8 worksheet is not here for them. It's not a
9 major -- that part isn't a major expense, but it
10 does add up.

11 MR. BOYD: Can I just ask for
12 clarification? So what I'm seeing is a difference
13 of about a million dollars -- a little bit over a
14 million dollars from the projections for that
15 line and what was appropriated, is that an
16 accurate way of putting it?

17 MR. LABARDI: You'd have to ask the
18 chief. Not me.

19 MR. BOYD: That's what I'm asking. I
20 see a projection of 1 point -- nearly 1.4 million,
21 but what was appropriated was 2.4 million.

22 THE WITNESS: That's correct.
23 Crossing guards get paid well.

24 MR. BOYD: Yeah. I'll look into that.

1 MR. LABARDI: That's all I have.
2 Does the pension board trustees have any other
3 questions?

4 EXAMINATION

5 BY MR. BOYD:

6 Q Yes, I do. So if a million extra is
7 appropriated -- to your knowledge, if you
8 appropriated an extra million than what is
9 projected, what happens to the balance?

10 A It stays in the budget, but it doesn't
11 get spent. But there's also an additional police
12 officer budgeted for next year, you know, which
13 is \$100,000 worth of wages and benefits. Of
14 course, benefits is a different line item.
15 Again, the payout that Lieutenant Whalen and I
16 got. And then the raises so...

17 EXAMINATION

18 BY MR. GRANT:

19 Q Bernie, real quick, I'm sorry. So
20 you said it was a different line item, but it's
21 not on this -- on page 25. Would that be
22 included in that personnel cost?

23 A Well, when you're looking at page 25,
24 you're looking at a -- you're not looking at --

1 you're looking strictly -- yeah, it should be
2 included in there. That's not broke down. I
3 submitted a -- I submitted the sheet -- let's see
4 what page you call this -- that actually shows
5 which salaries come out of which line items. I
6 had it all highlighted.

7 Okay. Page 43 -- that's building and
8 zoning. Public safety would be page 44. If you
9 look at that, and every budget is, it says the
10 chief, a lieutenant, four sergeants, 12 officers,
11 an office manager, out of that line item, but
12 then there are other wage line items that all
13 roll up into personnel. You know, personnel is
14 the category. And then there's ESDA director,
15 animal control, crossing guards, the retirement
16 benefit of 104 that was a payout. Overtime is
17 not figured -- rolls up into that which isn't in
18 that calculation sheet that I showed you. Shift
19 differential. Several other things.

20 There's payout for taking, you
21 know -- for college education. There's payouts
22 for physical fitness testing. So there's a lot
23 of line items if you look at this that are under
24 personnel that aren't those wages that were in

1 the calculation.

2 MR. GRANT: Yeah. I think this
3 clarifies it much better. This clears up everything.
4 Not everything but makes it more clear.

5 THE WITNESS: Well, it also includes
6 police pension contributions, retirement, Medicare,
7 all that stuff.

8 MR. BOYD: That's what I needed to see.

9 FURTHER EXAMINATION

10 BY MR. BOYD:

11 Q I do have another one -- another
12 follow-up, if you don't mind. So earlier you
13 mentioned that as acting village administrator --
14 do I have the title correct?

15 A Yes.

16 Q You were also the chief financial
17 officer for the village?

18 A Yes. I received no compensation for
19 that either nor animal control -- under police
20 chief, I'm the animal control director, I don't
21 know, but, you know, ESDA director absent an ESDA
22 director, whatever else.

23 Q So does the chief financial officer
24 then determine raises for the subsequent fiscal

1 year?

2 A Well, the raises -- recommends
3 raises. The raises are approved by the board.
4 And I also was one of the negotiators along with
5 our attorney for the village with the two union
6 contracts, labor agreements so...

7 Q Okay. I think I understand. So who
8 determined whether or not you get a raise?

9 A The mayor and the board. The mayor
10 recommends. The board approves based on the
11 budget. Well, the budget as adopted. The
12 village -- board approves it technically when the
13 board -- when the ordinance is passed for the
14 budget for that year.

15 MR. BOYD: Okay.

16 MR. LABARDI: Other questions?

17 Seeing none, counsel, do you have a
18 closing or anything else you'd like to add?

19 MR. GLAZAR: Nothing that I haven't
20 already said. Everything is clear in the packet
21 and we've answered the questions.

22 MR. LABARDI: Okay. So your options
23 at this point are a couple of things. You can
24 entertain motions publicly. You can adjourn into

1 executive session and discuss the evidence that
2 you've heard. You could say, you know, we'd
3 really like to see something else and/or hear
4 from this other person. We could attempt to get
5 that other document or other person in here. But
6 it's your call. What would the Board like to do?

7 MR. BERNS: Executive session.

8 MR. GRANT: I would like to make a
9 motion to go into executive session.

10 MR. LABARDI: It sounds like the
11 Board wants to make a motion to adjourn into
12 executive session under Section 2(c)(4) of the
13 Open Meetings Act for deliberations following an
14 evidentiary hearing. Is there such a motion?

15 MR. GRANT: Yes, sir. I need a second.

16 MR. BERNS: Second.

17 MR. LABARDI: Roll call.

18 MR. BOYD: Mike Boyd. Aye.

19 Bill Cushman.

20 MR. CUSHMAN: Aye.

21 MR. BOYD: Aaron Tobeck.

22 MR. TOBECK: Aye.

23 MR. BOYD: Mike Berns.

24 MR. BERNS: Aye.

1 MR. BOYD: Joe Grant.

2 MR. GRANT: Aye.

3 MR. LABARDI: So we will go into
4 executive session at 4:34.

5 (WHEREUPON, proceedings were had
6 which are not herein transcribed.)

7 MR. LABARDI: Okay. So we're back on
8 the record at 5:04 p.m. The Board has met in
9 closed session. No final determination has been
10 made.

11 Would the Board like to make a motion
12 to come out of executive session at 5:04?

13 MR. BERNS: I make the motion.

14 MR. GRANT: Mike Berns made a motion.
15 I need a second on that.

16 MR. CUSHMAN: I'll second it.

17 MR. GRANT: Second. Bill Cushman.

18 Roll call.

19 MR. BOYD: Mike Boyd. Aye.

20 MR. CUSHMAN: Cushman. Aye.

21 MR. BOYD: Mike Berns.

22 MR. BERNS: Aye.

23 MR. BOYD: Aaron Tobeck.

24 MR. TOBECK: Aye.

1 MR. BOYD: Joe Grant.

2 MR. GRANT: Aye.

3 MR. LABARDI: Okay. So we're back in
4 open session. Having met in executive session
5 and discussed it, I believe the Board has a
6 motion they want to make.

7 But before they do, I want to make
8 sure I have the effective retirement date right.
9 The effective date -- I think your last day on
10 payroll was June 2nd, so the effective date
11 should be June 3, is that what you're asking for?

12 MR. THOMPSON: Yes.

13 MR. LABARDI: So having said that, is
14 there a motion to grant the retirement application
15 of Chief Bernie Thompson with an effective date
16 of June 3rd, 2017, with a salary attached to rank
17 of \$124,736.10 with, let's see, 12 years of
18 credible service which will result in a benefit
19 of 30 percent of the salary attached to rank
20 which will result in an initial benefit -- monthly
21 benefit of \$2,910.51.

22 Does anyone want to make that motion?

23 MR. BOYD: So moved.

24 MR. GRANT: Moved by Mike. I need a

1 second.

2 MR. CUSHMAN: I'll second it.

3 MR. LABARDI: We need a roll call on
4 that, please.

5 MR. GRANT: I need a roll call.

6 MR. BOYD: Point of order, do we go
7 through roll call for people who've recused
8 themself from the vote or do we leave them off?

9 MR. LABARDI: No. Leave them off,
10 please.

11 MR. BOYD: Mike Boyd. Aye.

12 Bill Cushman.

13 MR. CUSHMAN: Aye.

14 MR. BOYD: Mike Berns.

15 MR. BERNS: Aye.

16 MR. BOYD: Joe Grant.

17 MR. GRANT: Aye.

18 MR. LABARDI: Okay. So the application
19 is approved, 4 to nothing.

20 Shall we do a second motion.

21 Guessing that maybe that would be your decision,
22 I have prepared a written decision and order
23 which you can certainly take a look at here if
24 you like.

1 If everything looks good there, you
2 could do a separate motion to approve the written
3 decision and order approving retirement benefits
4 for Chief Thompson as articulated therein.

5 MR. GRANT: Any extras?

6 MR. LABARDI: Oh, sorry. You need
7 more?

8 MR. GRANT: Thank you.

9 MR. CUSHMAN: I believe I told you
10 wrong. I believe I'm the vice president, right?
11 Or am I trustee?

12 MR. GRANT: I don't remember. I'm
13 not going to lie to you.

14 MR. CUSHMAN: I believe that he's
15 president, I'm vice president, Mike would be
16 secretary and then the other two would be
17 trustees. I believe that's how it is. I just
18 wanted to correct that. I told you wrong in the
19 beginning.

20 MR. BERNS: The number you told
21 Bernie the monthly is a little different in here.

22 MR. LABARDI: Where are you looking?

23 MR. BERNS: Page 2, No. 2 under
24 conclusions. I believe you mentioned 29

1 something a month. And it's 31.

2 MR. LABARDI: Page 2. Maybe I -- I
3 may have recited the wrong number. Hold on.
4 Let's take a look at the record. Oh, I did.

5 So to correct your motion so we're
6 totally on the same page, I'm looking at the
7 administrative record page 2. His initial
8 monthly benefit is \$2,910.51 because the initial
9 benefit is prorated because he didn't start the
10 pension until June 3. So the correct full
11 monthly benefit will be \$3,118.40.

12 Do we have a motion to amend the
13 prior motion approving retirement to reflect the
14 correct monthly benefit amount as stated?

15 MR. BOYD: So move.

16 MR. BERNS: Second.

17 MR. GRANT: Roll call on that.

18 MR. BOYD: Mike Boyd. Aye.

19 Bill Cushman.

20 MR. CUSHMAN: Aye.

21 MR. BOYD: Mike Berns.

22 MR. BERNS: Aye.

23 MR. BOYD: Aaron Tobeck -- I'm sorry.

24 Joe Grant.

1 MR. GRANT: Aye.

2 MR. LABARDI: Okay. Thank you for
3 catching that.

4 And then the record should reflect
5 the amount in the decision and order is the
6 correct full monthly amount.

7 Anyone have anything they want
8 corrected on the decision and order or shall we
9 approve that?

10 MR. GRANT: Looks right, what we
11 talked about.

12 MR. LABARDI: Do a motion to approve
13 the decision and order granting the retirement
14 benefit as presented.

15 MR. GRANT: I'll make a motion. Need
16 a second.

17 MR. CUSHMAN: I'll second it.

18 MR. GRANT: Bill Cushman. Second.

19 I need a roll call, please, Mike.

20 MR. BOYD: Mike Boyd. Aye.

21 Bill Cushman.

22 MR. CUSHMAN: Aye.

23 MR. BOYD: Mike Berns.

24 MR. BERNS: Aye.

1 MR. BOYD: Joe Grant.

2 MR. GRANT: Aye.

3 MR. LABARDI: So the Board should
4 sign this. And the treasurer will need to sign
5 the certificate of payment who I'm assuming isn't
6 here now.

7 MR. GRANT: No.

8 MR. LABARDI: So once everything is
9 signed, you can do the certificate of service to
10 Bernie via certified mail. And that will start
11 the 35-day clock once everything is signed.

12 Second to last motion is you should
13 make a motion to authorize the court reporter to
14 prepare the transcript of both the executive and
15 the hearing. That will cost you money, so please
16 do a roll call vote on that.

17 MR. GRANT: I need a motion for that.

18 MR. BERNS: Motion.

19 MR. GRANT: Mike. I need a second.

20 MR. BOYD: Second.

21 Roll call. Mike Boyd. Aye.

22 Bill Cushman.

23 MR. CUSHMAN: Aye.

24 MR. BOYD: Mike Berns.

1 MR. BERNS: Aye.

2 MR. BOYD: Aaron Tobeck.

3 MR. TOBECK: Aye.

4 MR. BOYD: Joe Grant.

5 MR. GRANT: Aye.

6 MR. LABARDI: Then unless there's
7 something else, the last motion would be a motion
8 to adjourn. Don't fight over it.

9 MR. BERNS: Motion.

10 MR. GRANT: Got a motion from Mike
11 Berns to adjourn. I need a second.

12 MR. CUSHMAN: I'll second it.

13 MR. GRANT: Second from Bill Cushman.

14 MR. BOYD: Mike Boyd. Aye.

15 Bill Cushman.

16 MR. CUSHMAN: Aye.

17 MR. BOYD: Mike Berns.

18 MR. BERNS: Aye.

19 MR. BOYD: Aaron Tobeck.

20 MR. TOBECK: Aye.

21 MR. BOYD: Joe Grant.

22 MR. GRANT: Aye.

23 MR. THOMPSON: Thank you for your
24 time, gentlemen.

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MR. BOYD: We're adjourned at 5:13.
(WHEREUPON, the proceedings were
adjourned at 5:13 p.m.)

1 STATE OF ILLINOIS)

2 COUNTY OF C O O K)

3 I, SHARON A. STUCKLY, a Certified
4 Shorthand Reporter of the State of Illinois, do
5 hereby certify that I reported in shorthand the
6 proceedings had at the hearing aforesaid, and
7 that the foregoing is a true, complete and
8 correct transcript of the proceeding of said
9 hearing as appears from my stenographic notes so
10 taken and transcribed under my personal
11 direction.

12

13

14 Certified Shorthand Reporter

15

16 C.S.R. Certificate No. 84-1640.

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