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## Record of Closed Meeting | June 24, 2021

Pursuant to exceptions provided in Sections 2(c)5 and 21 of the Open Meetings Act, 5 ILCS 120/2(c)5 and 21, on Thursday, June 24, 2021 at approximately 11:16 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to purchase or lease of real property and the minutes of closed meetings.

*[Bolded entries indicate issues which may require follow-up to present or report to Directors.]*

### Executive Session Attendance

Board Members Present:	Staff Present for all or portions of the Meeting:
Chairman Willard S. Evans, Jr.	Kathleen R. Pasulka-Brown (General Counsel)
Director James Connolly	José Alvarez (Executive Director)
Director Alice Gallagher	Christi Regnery (Board Secretary)
Director Jacqueline Gomez	Rocco Zuccherro (Chief Planning Officer)
Director Karen McConnaughay	
Director Scott Paddock	
Director James Sweeney	

### Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the April 22, 2021 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.



## Directors discussed land acquisition activities

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**Identification of Real Estate Parcels (Legal Item 2):** Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, General Counsel provided a summary table for the Central Tri-State Tollway (I-294) Project parcel identification report, noting the addition of twenty (20) parcels.

**Identification of Real Estate Parcels (Legal Item 2):** Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, General Counsel provided a summary table for the Elgin O'Hare Western Access Project (EOWA) Project parcel identification report, noting the addition of eleven (11) parcels.

## Re-Enter Public Session

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There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director Gomez made such a motion, seconded by Director McConnaughay. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gomez, Director McConnaughay, Director Connolly, Director Gallagher, Director Paddock, Director Sweeney, Chairman Evans (7)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 11:21 a.m.

Minutes taken by: \_\_\_\_\_ /s/ on original

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



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**Record of Closed Meeting | July 22, 2021**

Pursuant to exceptions provided in Sections 2(c)2, 5, 11 and 21 of the Open Meetings Act, 5 ILCS 120/2(c)2, 5, 11 and 21, on Thursday, July 22, 2021 at approximately 11:52 a.m., the Tollway Board of Directors met telephonically in Executive Session to discuss Tollway matters related to collective bargaining, the purchase or lease of real property, probable or pending litigation and the minutes of closed meetings.

*[Bolded entries indicate issues which may require follow-up to present or report to Directors.]*

**Executive Session Attendance**

<b>Board Members Present:</b>
Chairman Willard S. Evans, Jr.
Director James Connolly
Director Stephen Davis
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director Gary Perinar
Director James Sweeney

<b>Staff Present for all or portions of the Meeting:</b>
Kathleen R. Pasulka-Brown (General Counsel)
José Alvarez (Executive Director)
Christi Regnery (Board Secretary)

**Directors discussed the minutes of a closed session meeting**

Chairman Evans raised for consideration the Minutes of the Executive Session of the June 24, 2021 Board of Directors meeting and inquired whether there are any questions, concerns or



requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.

### Directors discussed the executive session minutes for public release

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Chairman Evans next raised for consideration the executive session minutes of the Tollway Board between April 2009 and April 2021 proposed for public release. He reminded Directors that, in accordance with the Open Meetings Act, the Board performs a semiannual review of the written minutes of all closed session meetings to determine if portions no longer require confidential treatment and should be made available for public inspection. He then inquired whether there are any questions or concerns regarding the contents of these minutes proposed and demarcated by General Counsel either for public release or continued redaction. Hearing nothing, Chairman Evans advised the Board that action on the executive session minutes for public release will occur upon return to the public session of the meeting.

### Directors discussed land acquisition activities

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**Identification of Real Estate Parcels (Legal Item 1):** Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, General Counsel provided a summary table for the Elgin O'Hare Western Access Project parcel identification report, noting the addition of twenty-three (23) parcels.

### Directors discussed pending or probable litigation

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*[Discussions related to litigation and litigation strategy are redacted.]*

*[Discussions related to litigation and litigation strategy are redacted.]*

*[Director Davis departed the Meeting at approximately 1:25 p.m.]*

*[Secretary's note: Due to a recording time limit restriction by the teleconference service used to facilitate the meeting, the final approximately 15 minutes of the Executive Session were not recorded. Minutes were taken throughout by the Board Secretary. During such time, no action was taken by the Board with exception of a motion to re-enter the public meeting as noted below.]*

### Directors discussed collective bargaining

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**Metropolitan Alliance of Police, Local 135:** General Counsel briefed the Board on negotiations with MAP Local 135. She noted that one bargaining session had been conducted with another session is scheduled for late August.

**Directors discussed pending or probable litigation**

**Johnson and Rosa v. ISTHA:** General Counsel advised the Board that the Court recently granted summary judgment in favor of the Tollway in the matter of *Johnson and Rosa v. ISTHA, et al.*, which involved four consolidated lawsuits arising out of a March 25, 2016 accident in a Tollway construction zone on I-90. She noted that Plaintiffs will likely appeal.

**Re-Enter Public Session**

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director Perinar made such a motion, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Perinar, Director Connolly, Director Gallagher, Director McConnaughay, Director Paddock, Director Sweeney, Chairman Evans (7)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 1:45 p.m.

Minutes taken by: \_\_\_\_\_ /s/ on original

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



Minutes of the  
**Executive Session of the Board of Directors Meeting**

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**Record of Closed Meeting | September 9, 2021**

Pursuant to exceptions provided in Sections 2(c)1, 5, 8, 11 and 21 of the *Open Meetings Act* on Thursday, September 9, 2021 at approximately 2:40 p.m., the Tollway Board of Directors met telephonically in Executive Session to consider Tollway matters related to personnel, the purchase or lease of real property, security procedures for the safety of employees or public property, probable or pending litigation and the minutes of closed meetings.

*[Bolded entries indicate issues which may require follow-up to present or report to Directors.]*

**Executive Session Attendance**

Board Members Present:
Chairman Willard S. Evans, Jr.
Director James Connolly
Director Stephen Davis
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director Gary Perinar
Director James Sweeney

Staff Present for all or portions of the Meeting:
Kathleen R. Pasulka-Brown (General Counsel)
José Alvarez (Executive Director)
Christi Regnery (Board Secretary)
T.J. Hengesbach (Inspector General)

**Inspector General’s Summary Activity Report**

Chairman Evans introduced T.J. Hengesbach, Tollway Inspector General, to provide a briefing for the Board on items likely to be included in the Office of Inspector General’s (“OIG’s”) Summary Activity Report to be formally presented in October. *[Discussions related to the discipline or*



*performance of specific employees are redacted.]* the report for the period of March 1, 2021 to August 31, 2021 is being provided in Executive Session to allow Directors an opportunity to discuss personnel and security issues not appropriate for public session.

Mr. Hengesbach summarized a memo distributed to Board members detailing three OIG investigations that resulted in corrective or disciplinary personnel actions, ranging from employee discharge/termination to disciplinary action/management training.

*[Mr. Hengesbach departed the meeting at this time].*

### **Directors discussed the minutes of a closed session meeting**

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Chairman Evans raised for consideration the Minutes of the Executive Session of the July 22, 2021 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.

### **Directors discussed land acquisition activities**

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**Identification of Real Estate Parcels (Legal Item 3):** Pursuant to the Tollway's obligation (arising from *ISTHA v. DiBenedetto*, 275 Ill. App. 3d 400, 405 (1st Dist. 1995)) to identify real estate interests it may need to acquire by condemnation, General Counsel provided a summary table for the Elgin O'Hare Western Access Project parcel identification report, noting the addition of seventeen (17) parcels.

### **Directors discussed pending or probable litigation**

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**Litigation Settlement – Estate of Samuel Gradman (Legal Item 4):** General Counsel briefed Directors on settlement negotiations relating to a lawsuit arising out of a December 2017 multi-vehicle accident on the Ronald Reagan Memorial Tollway (I-88), in which Mr. Samuel Gradman was killed after striking a parked Tollway vehicle performing road work. *[Discussions related to litigation and litigation strategy are redacted.]*

**Settlement Agreement – ISTHA v. Valinvest Holding, LLC (Legal Item 5):** General Counsel provided a summary of an Administrative Real Estate Settlement relative to Parcel TW-7-12-003 located at 300 West North Avenue, in Northlake, Illinois, which is required for Tollway right-of-way along the Elgin O'Hare Western Access (I-390) Corridor. General Counsel advised the Board that the parties have agreed to settle the matter for \$2,300,000.00, the amount established by the court as preliminary just compensation. General Counsel also noted that the



initial 5-year temporary easement was extended for an additional five years or until construction is complete.

**Workers' Compensation – James Tallerico (Legal Item 6):** General Counsel provided a summary of the workers' compensation matter of Tollway equipment operator laborer James Tallerico, whose claims involve injuries sustained in 2013, 2016 and 2017. *[Discussions related to litigation and personnel matters are redacted.]* She advised the Board that Tollway counsel has negotiated a \$220,000 settlement with Mr. Tallerico, *[Discussions related to litigation and personnel matters are redacted.]*

### Directors discussed Tollway Amnesty Program

*[Discussion related to information security procedures are redacted.]*

Directors and staff further discussed current collection practices, potential deterrents to and public perceptions of habitual offenders, as well as the positive implication to collection rates and timeliness of recently lowered fines. General Counsel additionally briefed Directors on elements of a new back-office Violation Enforcement System ("VES") to come online in the coming months. Chairman Evans suggested that once the VES is online, the Systems Review & Customer Service Committee may wish to examine the resulting data to determine the propriety of additional deterrents.

### Re-Enter Public Session

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director Perinar made such a motion, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Perinar, Director Connolly, Director Davis, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Director Sweeney, Chairman Evans (9)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 3:22 p.m.





Minutes taken by: \_\_\_\_\_ /s/ on original

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



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## Record of Closed Meeting | October 21, 2021

Pursuant to exceptions provided in Sections 2(c)11 and 21 of the *Open Meetings Act* on Thursday, October 21, 2021 at approximately 11:09 a.m., the Tollway Board of Directors met telephonically in Executive Session to consider Tollway matters related to probable or pending litigation and the minutes of closed meetings.

*[Bolded entries indicate issues which may require follow-up to present or report to Directors.]*

### Executive Session Attendance

Board Members Present:	Staff Present for all or portions of the Meeting:
Chairman Willard S. Evans, Jr.	Kathleen R. Pasulka-Brown (General Counsel)
Director James Connolly	José Alvarez (Executive Director)
Director Stephen Davis	Christi Regnery (Board Secretary)
Director Alice Gallagher	
Director Jacqueline Gomez	
Director Karen McConnaughay	
Director Scott Paddock	
Director Gary Perinar	
Director James Sweeney	

### Directors discussed the minutes of a closed session meeting

Chairman Evans raised for consideration the Minutes of the Executive Session of the September 9, 2021 Board of Directors meeting and inquired whether there are any questions, concerns or requests for amendment. Hearing nothing, Chairman Evans advised the Board that action on the Minutes will occur upon return to the public session of the meeting.



**Directors discussed pending or probable litigation**

**Workers' Compensation - Michael Gibien (Legal Item 1):** General Counsel provided a summary of the workers' compensation matter of Tollway equipment operator laborer Michael Gibien, whose claims involve injuries sustained in September 2013. *[Discussions related to litigation and personnel matters are redacted.]*

General Counsel advised the Board that Tollway counsel has negotiated a \$110,000 settlement with Mr. Gibien *[Discussions related to litigation and personnel matters are redacted.]*  
*[Discussions related to litigation and litigation strategy are redacted.]*

**Directors discussed a pilot program**

*[Discussion related to information security procedures are redacted.]*

**Re-Enter Public Session**

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director Perinar made such a motion, seconded by Director Connolly. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Perinar, Director Connolly, Director Davis, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Director Sweeney, Chairman Evans (9)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 11:46 a.m.

Minutes taken by: \_\_\_\_\_ /s/ on original

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



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**Record of Closed Meeting | November 2, 2021**

Pursuant to exceptions provided in Sections 2(c)1 and 11 of the *Open Meetings Act* on Tuesday, November 2, 2021 at approximately 8:25 a.m., the Tollway Board of Directors met in Executive Session to consider Tollway matters related to personnel and probable or pending litigation.

*[Bolded entries indicate issues which may require follow-up to present or report to Directors.]*

**Executive Session Attendance**

Board Members Present:
Chairman Willard S. Evans, Jr.
Director James Connolly
Director Stephen Davis
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director James Sweeney

Staff Present for portions of the Meeting:
Kathleen R. Pasulka-Brown (General Counsel)
José Alvarez (Executive Director)
Shaun Farmer (Chief Internal Auditor)
Christi Regnery (Board Secretary)
T.J. Hengesbach (Inspector General)

*[All staff departed the meeting at this time.]*

**Directors discussed personnel matters**

*[Discussions related to personnel matters are redacted.]*

**Directors discussed pending or probable litigation**



**Settlement Agreement – ISTHA v. Colfin Cobalt I-II Owner LLC (Legal Item 2):** General Counsel provided a summary of an administrative real estate settlement relative to Parcels NW-7-7B-15-008.P1 & P2 located at 2001 S. Mt. Prospect Road, Des Plaines, Illinois, which are required for Tollway right-of-way along the Jane Addams Memorial Tollway (I-90) Corridor. She advised the Board that the Land Acquisition Manager recommends that the Tollway agree to the Global Settlement amount of \$200,000.00 to acquire the needed interests. Directors discussed with General Counsel the difference in property valuations asserted by the parties.

*[Discussions related to litigation and litigation strategy are redacted.]*

### **Directors met without Chairman Evans to discuss personnel matters**

*[Discussions related to personnel matters are redacted.]*

### **Re-Enter Public Session**

*[Discussions related to personnel matters are redacted.]*

There being no further Executive Session business, Chairman Evans entertained a motion to re-enter the public session of the regular Board Meeting. Director Gallagher made such a motion, seconded by Director Sweeney. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Sweeney, Director Connolly, Director Gomez, Director McConnaughay, Director Paddock, Chairman Evans (7)

Nays: (0)

The motion PASSED.

The Executive Session concluded at approximately 1:30 p.m.

Minutes taken by: \_\_\_\_\_ /s/ on original \_\_\_\_\_

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority