The meeting of the Downers Grove Board of Fire and Police Commissioners was called to order at 6:00 p.m. in the Village Hall Ante Room. Chairman Killacky conducted roll call and all Board members were present. Chairman Killacky welcomed Commissioner Marino to the “board”

The Board was moving to the next agenda item “Approval of Minutes” when Dennis Burke made a request to table the minutes until the next meeting of the “board” when the appropriate minutes of 6/26/2007 meeting would be presented to the Commissioners for approval.  A motion was made by Commissioner Richard Matthies to table approval of the minutes of 6/26/2007 until the “boards” next meeting. Commissioner Marino seconded the motion.

VOTE:  
Yea: Chairman Killacky, Commissioner Marino and Commissioner Matthies
Nay: None.
Motion passed unanimously.

The next order of business was the interview of Firefighter/Paramedic Candidates. Commissioner Matthies made a motion at 3:20 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to conduct oral interviews of candidates for Firefighter/Paramedic.

Commissioner Marino seconded the motion.

VOTE:  
Yea: Chairman Killacky, Commissioner Marino and Commissioner Matthies
Nay: None.
Motion passed unanimously

The Board went back into open session at 9:15pm. There being no further business, a motion was made by Commissioner Richard Matthies to adjourn, and Commissioner Marino seconded the motion.
VOTE:  Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay:  None.

Motion passed unanimously.
The meeting of the Downers Grove Board of Fire and Police Commissioners was called to order at 2:12 p.m. in the Village Hall Council Chambers. Chairman Killacky conducted roll call and all Board members were present.

The Board reviewed the minutes of the May 10, 2007 open meeting and executive session. A motion was made by Commissioner Timothy McJoynt to approve the minutes as written. Commissioner Richard Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay: None.
Motion passed unanimously.

The Board reviewed the minutes of the May 30, 2007 open meeting and executive session. A motion was made by Commissioner Timothy McJoynt to approve the minutes as written. Commissioner Richard Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay: None.
Motion passed unanimously.

The next order of business was continuation of the special hearing regarding Terrance Luby. Mr. Luby had been terminated by the BOFP in 2005 and the matter had been remanded back to the “Board” by Judge Bonnie Wheaton.

Present for the hearing was Fire Chief Phil Ruscetti, represented by Attorney James Knippen, Village Attorney, Enza Petrarca and Terrance Luby represented by Attorney Glenn Gaffney.

The first order of business was Chief Ruscetti’s Filing an Amended Complaint.
Chairman Killacky asked both legal counsels if they wanted the complaint read into the record and they both stated that was not necessary because the complaint speaks for itself.

Mr. Knippen requested that the transcript of the 2004 Aggravation & Mitigation hearing for Mr. Luby be the evidence he presents for the amended complaint. Mr. Gaffney did not object but withheld the right of his client Luby (who was not present) to object at a later date.

Commissioner McJoynt made a motion at 2:30 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to discuss the use of the transcript to make determination of guilt on the complaint filed by Chief Ruscetti.

Commissioner Matthies seconded the motion.

**VOTE:**

**Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
**Nay:** None.  
**Motion passed unanimously**

**The Board went back into open session at 2:42 pm**

Chairman Killacky advised both counsels that the “board” will accept the transcript as evidence to support Chief Ruscetti’s complaint. Mr. Killacky also advised both counsels that the “board” would go into executive session and read the transcript and return to open session to advise their finding. Mr. Knippen submitted the transcript as exhibit #1.

Commissioner McJoynt made a motion at 2:43 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to read the transcript and deliberate.

Commissioner Matthies seconded the motion.

**VOTE:**

**Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
**Nay:** None.  
**Motion passed unanimously**

**The Board went back into open session at 3:50pm**

Mr. Killacky advised the parties that the “board” has read the transcript and no need to question the witnesses. Mr. Killacky asked if Mr. Knippen had anything further and Mr. Knippen said he did not. Mr. Gaffney said he had nothing at this time but reserved the right of his client to call witnesses.
The “board” advised the parties that they were going to conclude this meeting and go into executive session to read the responses to the “collective bargaining agreement and deliberate the matter. The issue would be addressed at the next meeting on June 23, 2007 at 6:00 pm.

Commissioner McJoynt made a motion at 4:05 pm to conclude this meeting and go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to discuss the collective bargaining issue.

**Commissioner Matthies seconded the motion.**

**VOTE:**  
**Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
**Nay:** None.  
**Motion passed unanimously**

Open meeting concluded at 4:05 pm
PRESENT: Chairman Keith Killacky
Commissioner Timothy McJoynt
Commissioner Richard Matthies
Assistant Director of Human Resources Dennis Burke
Attorney Erica Thomas

ABSENT: None.

The continued meeting of the Downers Grove Board of Fire and Police Commissioners from May 10, 2007 was called to order at 6:00 p.m. in the Village Hall Council Chambers. Chairman Killacky conducted roll call and all Board members were present.

Commissioner McJoynt made a motion at 6:01 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to deliberate motions that had been presented on May 10, 2007.

Commissioner Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay: None.
Motion passed unanimously

The Board went back into open session at 7:40pm.

Commissioner McJoynt stated that for the record the “board” took into consideration statements made by Judge Bonnie Wheaton, the Judge who remanded this case back to the BOFP, while deliberating the motions which were in front of the Commissioners.

Commissioner McJoynt made a motion to grant leave to Chief Ruscetti’s Motion to File Amended Complaints against Respondent Luby.

Commissioner Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay: None.
Motion passed unanimously
Commissioner McJoynt made a motion to grant leave to Chief Ruscetti’s motion to present evidence concerning Respondent Luby’s waiver of CBA rights. Both parties are to be instructed through written order to submit written evidence to the ‘board” concerning this motion so the “board can make an informed decision. There will be no witnesses heard on this matter.

**Commissioner Matthies seconded the motion.**

**VOTE:**
- **Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
- **Nay:** None.
- **Motion passed unanimously**

Commissioner Matthies made a motion to grant leave to Mr. Knippen’s request for a subpoena limited to the Glen Ellyn Police Department with the timeline being Mr. Knippen filing his complaint by June 8, 2007, Mr. Gaffney to submit answer to the complaint by June 21, 2007 and Mr. Knippen’s reply on June 26, 2007.

**Commissioner McJoynt seconded the motion.**

**VOTE:**
- **Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
- **Nay:** None.
- **Motion passed unanimously**

There being no further business, a motion was made by Commissioner Richard Matthies to at 7:20 pm to adjourn.

**Commissioner Timothy McJoynt seconded the motion**

**VOTE:**
- **Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
- **Nay:** None.

**Motion passed unanimously.**
PRESENT: Chairman Keith Killacky
Commissioner Timothy McJoynt
Commissioner Richard Matthies
Assistant Director of Human Resources Dennis Burke
Attorney John Kelly
Attorney Erica Thomas

ABSENT: None.

The meeting of the Downers Grove Board of Fire and Police Commissioners was called to order at 6:00 p.m. in the Village Hall Council Chambers. Chairman Killacky conducted roll call and all Board members were present.

The Board reviewed the minutes of the April 17, 2007 meeting. A motion was made by Commissioner Timothy McJoynt to approve the minutes as written. Commissioner Richard Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay: None.
Motion passed unanimously.

The next order of business was the special hearing regarding a disciplinary matter for Terrance Luby. Mr. Luby had been terminated by the BOFP in 2005 and the matter had been remanded back to the “Board” by Judge Bonnie Wheaton.

Present for the hearing was Fire Chief Phil Ruscetti, represented by Attorney James Knippen and Terrance Luby represented by Attorney Glenn Gaffney. The issues being addressed were:

1. Chief Ruscetti’s Motion to File Amended Complaint or in the alternative File Supplemental Charges.

2. Chief Ruscetti’s Motion to conduct hearing to supplemental record related to Respondent Terrance Luby’s waiver of purported collective bargaining rights.

3. Respondent’s Motion to disqualify Commissioners

4. Respondents motion to disqualify the BOFP legal counsel.

5. Mr. Knippen’s request for a subpoena for Glen Ellyn Police Department.
The attorney’s representing Chief Ruscetti and Mr. Luby orally stated their positions in this matter.

Commissioner McJoynt made a motion at 6:51 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to discuss the motions presented.

**Commissioner Matthies seconded the motion.**

**VOTE:**

- **Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
- **Nay:** None.

**Motion passed unanimously**

The Board went back into open session at 7:40pm.

Each Board Commissioner made a statement of their ability to be fair and impartial in making a decision in regards to the Luby matter. Attorneys representing the BOFP made similar declarations. Commissioner McJoynt made a motion to deny respondent’s motion to disqualify the Commissioners and their attorneys.

**Commissioner Matthies seconded the motion.**

**VOTE:**

- **Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
- **Nay:** None.

**Motion passed unanimously**

The BOFP Attorney John Kelly explained to the parties that the “board” will continue this meeting to May 30, 2008 at 6:00 PM to deliberate the pending motions by both the Chief and Respondent. The meeting will convene in the Council Chambers on May 30, 2007 and immediately go to executive session. There would be no need for the parties to attend.

There being no further business, a motion was made by Commissioner Richard Matthies to continue this meeting to May 30, 2007 at 6:00PM .Commissioner Timothy McJoynt seconded the motion.

**VOTE:**

- **Yea:** Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
- **Nay:** None.

**Motion passed unanimously.**
PRESENT:   Chairman Keith Killacky  
            Commissioner Timothy McJoynt  
            Commissioner Richard Matthies  
            Assistant Director of Human Resources Dennis Burke  
            Police Chief Robert Porter  

ABSENT:   None.

The meeting of the Downers Grove Board of Fire and Police Commissioners was called to order at 3:00 p.m. in the Village Hall Ante Room. Chairman Killacky conducted roll call and all Board members were present.

The Board reviewed the minutes (open & closed sessions) of the January 29, 2007 meetings. A motion was made by Commissioner Timothy McJoynt to approve the minutes as written. Commissioner Richard Matthies seconded the motion.

VOTE:   Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
        Nay: None.  
        Motion passed unanimously.

The next order of business was the interview of Police Officer Candidates. Commissioner Matthies made a motion at 3:20 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to conduct oral interviews of candidates for Police Officer.

Commissioner McJoynt seconded the motion.

VOTE:   Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
        Nay: None.  
        Motion passed unanimously.

The Board went back into open session at 6:10pm. There being no further business, a motion was made by Commissioner Richard Matthies to adjourn Commissioner Timothy McJoynt seconded the motion.

VOTE:   Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
        Nay: None.

Motion passed unanimously.
PRESENT:  Chairman Keith Killacky  
Commissioner Timothy McJoynt  
Commissioner Richard Matthies  
Assistant Director of Human Resources Dennis Burke  
Police Chief Robert Porter

ABSENT: None.

The meeting of the Downers Grove Board of Fire and Police Commissioners was called to order at 3:00 p.m. in the Village Hall Ante Room. Chairman Killacky conducted roll call and all Board members were present.

The Board reviewed the minutes (open & closed sessions) of the January 22, 2007 meetings. A motion was made by Commissioner Timothy McJoynt to approve the minutes as written. Commissioner Richard Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
Nay: None.  
Motion passed unanimously.

The next order of business was the interview of Police Officer Candidates. Commissioner Matthies made a motion at 3:20 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to conduct oral interviews of candidates for Police Officer.

Commissioner McJoynt seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
Nay: None.  
Motion passed unanimously.

The Board went back into open session at 6:10pm. There being no further business, a motion was made by Commissioner Richard Matthies to adjourn Chairman Killacky seconded the motion.

VOTE: Yea: Chairman Killacky, and Commissioner Matthies  
Nay: None.  
Motion passed unanimously.
Present: Chairman Keith Killacky  
Commissioner Timothy McJoynt  
Commissioner Richard Matthies  
Assistant Director of Human Resources Dennis Burke  
Village Manager Cara Pavlicek  
Police Chief Robert Porter  
Fire Chief Phil Ruscetti  
Deputy Fire Chief Bob Tutko  

Absent: None.  

The meeting of the Downers Grove Board of Fire and Police Commissioners was called to order at 3:00 p.m. in the Village Hall Ante Room. Chairman Killacky conducted roll call and all Board members were present.  

The Board reviewed the minutes of the August 10, 2007 meetings. A motion was made by Commissioner Timothy McJoynt to approve the minutes as written. Commissioner Richard Matthies seconded the motion.  

Vote:  
Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
Nay: None.  
Motion passed unanimously.  

The next order of business was “Public Comments” the Village Manager, Cara Pavlicek greeted the “Board” and advised she wanted to provide an opportunity for them the meet with her. The Village Manager then went onto explain the Village Council’s Strategic Plan. The Village Manager handed copies of the Strategic Plan to each commissioner and provided an overview of the intent of the Strategic Plan. With no further questions the Village Manager thanked the “Board” for their time.  

The next order of business was the request from the Fire Department to conduct a recruitment to establish a new Firefighter/Paramedic eligibility list. Chief Ruscetti explained that the current eligibility list may soon be exhausted and the need to have a replacement eligibility list would be prudent at this time. Chief Ruscetti requested authority to conduct a recruitment test through the College of Dupage. The testing would be part of a consortium consisting of other municipalities testing for Firefighter/Paramedic. Commissioner Killacky asked if there would be a physical ability test included with the written test. Deputy Chief Tutko explained that the test would be part of the C-Pack testing process. He said this includes a physical ability test which
measures a candidate’s ability to perform the essential functions of the Firefighter/Paramedic job. Commissioner Matthies asked if this test has been validated and Deputy Chief Tutko advised that it has been validated.

A motion was made by Commissioner Timothy McJoynt to approve the Firefighter/Paramedic Recruitment testing through the College of Dupage to begin the process to establish a new Firefighter/Paramedic Eligibility List. Also, that the existing Firefighter/Paramedic Eligibility List will remain in force until replaced by the new eligibility list.

Commissioner Richard Matthies seconded the motion.

VOTE: Yea: Chairman Killacky, Commissioner McJoynt and Commissioner Matthies
Nay: None.
Motion passed unanimously.

The next order of business was adjusting the existing Fire Lieutenant Eligibility List. Chief Ruscetti explained that a grievance had been made by the Fire Union regarding the failure to include military points for a Fire Lieutenant candidate during the last Fire Lieutenant testing process. The Village had contended that the Village had followed the guidelines for testing as described in the current collective bargaining agreement (Ratified in 2004) that did not include military points. Chief Ruscetti explained that this matter went to arbitration and was heard by Arbitrator Edwin Benn. Arbitrator Benn filed his opinion on ARD. Ref. 06.330 (Promotion Process) on December 15, 2006.

The Arbitrators ruling was:
- The Village to repost the eligibility list with an expiration date two years from the original posting date reflecting an expiration date of March 14, 2008.
- Firefighter Stoeber will be credited 3.5 veterans points which will move him from the 4th position to the second position on the Fire Lieutenant Eligibility list.
- The Village should have posted a preliminary eligibility list in March of 2006. Any future promotions processes under taken by the Village for Firefighters will be governed by the laws and collective bargaining agreement then in effect.

Chief Ruscetti asked the board if there could be a motion made to make the changes to the Fire Eligibility List as directed by Arbitrator Benn.

A motion was made by Commissioner Timothy McJoynt that an expiration date of March 14, 2008 be placed on the Fire Lieutenant eligibility list and that Firefighter Stoeber be adjusted to the 2nd position on the list.

Commissioner Richard Matthies seconded the motion.
VOTE: Yea:  Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
Nay: None.  
Motion passed unanimously

The next order of business was the interview of Police Officer Candidates. Commissioner Matthies made a motion at 3:20 pm to go into executive session pursuant to Section 2(c) (1) of the Open Meetings Act to conduct oral interviews of candidates for Police Officer.

Commissioner McJoynt seconded the motion.

VOTE: Yea:  Chairman Killacky, Commissioner McJoynt and Commissioner Matthies  
Nay: None.  
Motion passed unanimously

The Board went back into open session at 6:10pm. There being no further business, a motion was made by Commissioner Timothy McJoynt to adjourn. Commissioner Richard Matthies seconded the motion.

VOTE: Yea:  Chairman Killacky, Commissioner McJoynt, and Commissioner Matthies  
Nay: None.  
Motion passed unanimously.