

**Corrections to March 28, 2022 Board of Trustee Meeting Minutes – June 27,2022**

At the May 23, 2022 Board Of Trustee meeting I asked for the March 28, 2022 Board of Trustee Meeting minutes to be corrected to reflect the following before approving.

1. Tedd Eull's Public Comments to be added.  
New minutes do reflect this though I believe they could be more complete in the objections & concerns he raises.
2. On 3/24/2022 Hector wrote to Dave DeAngelis. – "You have indicated that a Village Trustee has requested a legal opinion as to whether in light of the recent hearing and determination made by Judge Bohren the Village Board is able to consider and take action to approve the most recent version of development agreement for the SSND property prior to the occurrence of the referendum on April 5, 2022."

To provide context Attorney de la Mora read from part of the transcript from the proceeding held before Judge Bohren on 2/7/2022. While Attorney de la Mora was not going to read the entire transcript, he highlighted concerns from pages 4,8, 9 that were expressed by Attorney Hames that the development agreement pending before the village board on 12/20/2021 had a provision that committed the village to enter into a public works contract for the extension of the water service from the City of Wauwatosa to the SSND site. Attorney de la Mora expressed that the most current version of the development agreement that was distributed for possible consideration on 3/28/2022 does not contain any commitment or obligation on the part of the Village of EG to undertake any public works project, instead the developer is obligated to solely be responsible for the installation of water to the SSND site.

**At the May 23, 2022 Board of Trustee meeting I requested that Attorney Hector de la Mora's remarks be recorded in their entirety.**

**My request on May 23,2022**

**"I believe the agreement and what Hector read should also be documented in the minutes, or the document should be somehow attached with highlighted portions of what Attorney de la Mora read and then commented on."**

**As of today, June 27, 2022 Hector's written opinion has yet to be included. Hector wrote out his remarks and read them so should be easy to include.**

3. Under Report of the Standing Committees – A. Plan Commission, Item 2 Resolutions to approve entry into Development and TIF Agreement for properties commonly known as SSND.

**George Haas comments from the Finance Committee.**

**Trustee Haas spoke for some time and was Chair of Finance so these remarks should be part of the public record.**

President Palmer stated that the Finance Committee looked at the TIF & expressed their opinions. Palmer said this is good financial stewardship. However, the Finance Committee does not have a role to approve or disapprove the TIF.

Trustee Haas went over several items.

Haas stated

- Based on conservative assumptions
- \$23M + TIF the minimum amount to make Mandel proposal feasible to provide the proper rate of return to Mandel to enable Mandel to attract investors.
- Proposed development agreement provides guarantee to shield village from risk. Pay Go Plan. (Not sure this is referenced correctly in terms of name)
- Haas stated the TIF does not use existing property taxes so none of the EG taxpayers will pay back the TIF.
- Finance Committee approved 4-1

**4. Trustee Sayas remarks. Several key points are missing. Her exchange with president Palmer lasted over 5 minutes, & President Palmers remarks are not included**

- Trustee Sayas challenged the Board asking them to wait until after the election in order to see what happened with the referendum and possibly save over \$650,000.
- President Palmer stated moving the public works to the developer was because of the injunction.
- Palmer stated that adding this would change the TIF from 17 1/2 years to 18 years in terms of paying it off.

**5. I also challenged how the votes on resolutions 122021 B, 122021C and 122021D were done.**

At the May 23, 2022 meeting I concluded with the following.

6. "I would like to reserve the right to review the corrected minutes with the changes I documented here are made, along with an investigation as to whether the votes to reconsider were in fact legally done when there was no discussion in-between resolution votes to approve and then vote to reconsider." I know Attorney de la Mora said it is but other legal professionals have advised me that this may not be the case.
7. Additionally, I questioned the legality of vote on 122021C. Trustee Michalski made the motion to approve and Trustee Cornell seconded HOWEVER the motion did not include amendments. It only was stated as resolution 122021 C. Without amendments is it legal? Does it need to be voted on again or amended?

Attorney de la Mora said he would look into how the voting on resolution 122021C was done and get back at the next Board of Trustee Meeting. I have heard nothing in regard to this last item and do not see it on tonight's agenda.

**At this point it is June 27, 2022 and March 28, 2022 meeting minutes are still are not recorded properly.**

- At the March 28, 2022 Board of Trustee Meeting there were a number of complicated decisions made regarding the establishment of the TID #3 and a TIF for over \$23M.
- These decisions are far reaching and will affect village residents and village finances for decades to come. It is therefore essential that the complete record be maintained.

**I have been advised by an attorney to make the following request when it comes to approving the meeting minutes from March 28, 2022.**

- That to approve the March 28 2022 minutes I request that the audio record of the March 28, 2022 meeting become a part of the permanent record.
- This is the responsible action to take, provides total transparency and assures that the record is totally accurate should questions arise in the future.

I therefore move that the audio be formally part of the permanent record for the March 28, 2022 Board of Trustee meeting.

I also personally would like to go on record that I am approving the written and audio record of the meeting minutes from March 28, 2022. I am not as a new Trustee approving the actions taken at that meeting.