

**Village of Hinsdale  
Special Meeting of the Board of Trustees  
To Continue the  
Special Public Hearing of the Hinsdale Village Board to Consider the Verified  
Causes Cited for Removal of Mr. Tom Nelson as Chair of the Hinsdale Zoning  
Board Of Appeals  
December 13, 2007**

The Hinsdale Village Board of Trustees Special Meeting was called to order by President Woerner in Memorial Hall of the Memorial Building on Thursday, December 13, 2007 at 7:33 p.m.

Present: President Michael Woerner, Trustees Jean Follett, Thomas Cauley, Jr., Vic Orlor, Cindy Williams, Bob Schultz and Michael Smith

Absent: None

Also Present: Special Attorney Rob Bush, Village Manager Dave Cook, Deputy Village Clerk Christine Bruton, Court Reporter Kathy Bono

Also Present: Christine Martin, freelance writer for the Chicago Tribune, Polly Rix of the Hinsdalean and Amy Deis representing The Doings

**Pledge of Allegiance**

President Woerner led those in attendance in the recitation of the Pledge of Allegiance.

**Consider the Removal of the ZBA Chairman**

President Woerner began discussion by asking for a motion. Trustee Orlor moved to **consider the removal of the ZBA Chairman**. Trustee Williams seconded the motion. Special Attorney Bush recommended the language be revised to state 'removed of' instead of 'consider the removal'. Trustee Orlor moved to **approve the removal of the ZBA Chairman**. Trustee Williams seconded the motion.

President Woerner stated that we've heard the testimony and read the transcripts; he asked the Board for their comments. Trustee Smith asked for clarification of the intent of the meeting. Mr. Bush explained that this is the time to make a decision, to the extent that anyone wants to make a statement, discuss evidence and try to persuade.

Deputy Clerk Bruton read the charges against Tom Nelson, Zoning Board of Appeals Chairman.

Trustee Smith stated having listened to testimony and reading the transcript doesn't believe Mr. Nelson violated the FOIA, he didn't adopt the rules and procedures, they were in the process of being adopted and it was proper to receive the Hinsdale Club Appeal as he did. Trustee Smith stated that the Village Board handling of the appeal is the cause of the mounting legal fees.

Trustee Schultz read his comments from his prepared statement noting that inordinate amount of time and money has been spent in an attempt to resolve the ongoing issues with the Chairman of the ZBA. He noted the confirmation of the DuPage Circuit Court Judge who rebuked Mr. Nelson in the Hinsdale Club case. He stated that he was a strong proponent of the resolution proposed by the Village Board to the ZBA. Mr. Nelson has done nothing to demonstrate a willingness to resolve any of the issues that the Board has expressed since the public hearing. He outlined the ZBA handling of the resolution at their last meeting which indicates another rejection of an attempt from the Village Board for compromise. He outlined his concerns regarding each of the charges against Mr. Nelson and noted Mr. Nelson's unwillingness to cooperate with the Village.

Trustee Cauley stated that he found it discouraging that we are here tonight and like Trustee Schultz he hoped a compromise could be reached. He commented on the feud since summer between the ZBA and the Village Board, noting the root causes as a difference in opinion of the role of the ZBA, planned developments and other zoning issues and a personality clash between Mr. Nelson and members of Board. He stated there is no public support for the removal and there is no silent majority supporting Mr. Nelson's removal. His term will expire in five months. Mr. Nelson can only be removed if he is a continuing risk to the Village. Trustee Cauley addressed each charge and believes they are all bogus. The most serious alleged FOIA violation he believes is ridiculous. He further noted that Mr. Nelson should not be removed for the actions of the whole ZBA as is the case with the rules and procedures and the Hinsdale Club Appeal.

Trustee Orler read from his prepared statement wherein he stated that he believes Mr. Nelson's leadership and direction as Chair of the ZBA has cost the taxpayers a substantial amount of unnecessary legal fees, consumed an enormous and unnecessary amount of Village staff time, and has created distraction, disruption, confusion and acrimony among staff, Trustees and residents in the community. He described specifically various instances of Mr. Nelson's questionable legal advice and leadership of the members of the ZBA. He addressed each of the charges against Mr. Nelson and his concerns that Mr. Nelson acted beyond his authority by making legal decisions on the part of the Village. Mr. Nelson has disagreed with and refused legal advice from three different Village appointed municipal attorneys and as a result has assumed the role of legal advisor to the ZBA and on behalf of the Village. This is clearly stepping beyond his authority and demonstrates a liability for the Village.

Trustee Cauley commented that Trustee Orler referred to information in his statement that wasn't admitted as evidence during the public hearing. Attorney Bush explained that the evidence introduced at the hearing is what determines the ruling, ultimately the decision that is made by the Board is what is subject to appeal, to the extent that anyone mentioned something outside the record, it would not be part of an appeal, a judge would take it as commentary of the hearing officers.

Trustee Cauley argued what was evidence and Attorney Bush explained what would be considered by a judge. Trustee Orler stated that he wanted to provide in his mind and heart his justification for his decision.

Trustee Williams noted Mr. Nelson's skillful leading of the ZBA in the Garfield case, but noted that somewhere his leadership changed. She described the deterioration of the relationship between Mr. Nelson and the Village Board. She believes overwhelming cause has been demonstrated for removal. She remarked that a commonsense reading of the FOIA indicates a violation; his unilateral decision to keep records at home which he still hasn't produced. He unilaterally tried to change the rules and procedures even though they were in violation of the Village zoning code. He undermined the authority of the Village Manager and his ability to carry out his job. Mr. Nelson knew a text amendment is the process required to change the code, but he adopted the rules and procedures anyway. She believes that Mr. Nelson has tried to take power away from the Village Manager and the Village Board. She described Mr. Nelson's transgressions regarding the Hinsdale Club; he is picking and choosing which parts of the code he wants to uphold. Mr. Nelson's misconduct renders him a risk; she noted his unwillingness to communicate with the Board directly or thru his attorney. This situation could have been avoided if he would have complied with the resolution given the ZBA which only contained that which is mandated by law.

Trustee Follett noted that the Zoning Board of Appeals has a straightforward role, largely invisible except to people wanting a variation, now it is high profile and political. The Chair needs to respect the Village Manager. We don't always agree with the chairs of committees, but are all trying to work together. Mr. Nelson has shown no effort to work out differences. She believes that Mr. Nelson has done what he has been charged with and his continuance would be detrimental.

Trustee Smith thanked Tom Nelson for his service and his masterful handling in the Garfield matter.

**AYES:** Trustees Follett, Orler, Williams and Schultz,

**NAYS:** Trustees Cauley and Smith

**ABSENT:** None

Motion carried.

### **Adjournment**

Trustee Schultz moved to adjourn the meeting. Trustee Williams seconded the motion.

**AYES:** Trustees Cauley, Follett, Orler, Williams, Schultz, Smith

**NAYS:** None

**ABSENT:** None

Motion carried.

Meeting adjourned at 8:49 p.m.

**ATTEST:** \_\_\_\_\_  
Christine M. Bruton, Deputy Village Clerk