

Petition 4462

Group Exhibit 5

Correspondence (letters and emails) Five Total

Received as of 12:00 PM, August 1, 2018

July 19, 2018

630-668-8500
FAX: 630-668-9218
kcarrara@rathjewoodward.com
Direct: 630-510-4924

Via First Class U.S. Mail & Email

Hon. Manuel Barbosa
Chairman
Kane County Zoning Board of Appeals
c/o Mark VanKerkhoff
719 Batavia Avenue
Geneva, IL 60134

Re: *Maxxam Partners, LLC—Petition #4462 for Special Use*

Dear Chairman Barbosa:

Please be advised I represent Joline T. Andrzejewski, as Trustee of the Joline T. Andrzejewski Trust #2004. Yesterday, Mrs. Andrzejewski received the July 16, 2018 notice setting the public hearing on the re-filed Maxxam Partners, LLC Special Use Petition for August 1, 2018.

As the Zoning Board is aware, my client is one of two owners of residential property that directly abuts the proposed facility. We have actively participated in every meeting presenting expert witnesses as well as cross examining available witnesses presented. Unfortunately, I will be out of town traveling on August 1, 2018, and not returning until the following week.

Please let this correspondence serve as my Client's request that the public hearing be entered and continued until August 8, 2018, to afford my Client her proper due process rights to cross-examine Maxxam's witnesses and present rebuttal experts and any other testimony relating to the Maxxam Petition.

This request is reasonable in light of the scheduling conflict, the scope of the Maxxam Petition, and the complexity of the materials and potential testimony of Maxxam's expert witnesses. Thank you in advance for your consideration of this reasonable request, and I ask that you please confirm that the request will be granted so all parties can plan accordingly.

Hon. Manuel Barbosa
July 19, 2018
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Upon receipt and review of this correspondence, should you have any questions or concerns, feel free to contact me at my office at your convenience. I look forward to your response very soon.

Sincerely yours,

RATHJE WOODWARD LLC



Kevin M. Carrara

KMC:lp

VanKerkhoff, Mark

From: cathy cartee <cathy.cartee@comcast.net>
Sent: Thursday, July 19, 2018 9:53 PM
To: VanKerkhoff, Mark
Cc: Cathy Cartee
Subject: Public hearing, ZBA, August 1, 2018

Dear Mr. VanKerkhoff:

July 19,2018

We are writing this letter asking for a delay in the public hearing to consider the petition and proposed consent decree on the special use permit petition #4462.

My husband and I have been present at all of the 21 public hearings and have a vested interest in this outcome. We are an adjacent property owner sharing a property line with the Glenwood School.

We are unable to attend this meeting and address the ZBA board because we are on a trip of a lifetime. We will be out of the country, visiting Switzerland. These arrangements were made last January 10, 2018. We will be back in town on August 13, 2018.

My husband is a Plato Township Trustee and a Trustee on the Pingree Grove Fire Protection District Board, which may have a large role in mutual aid ambulance response given the state of the Fox River & Countryside Fire Protection District. There are many concerns that need to be addressed and we would appreciate your cooperation in making this possible by delaying the hearing until the week of August 12, 2018.

Respectfully Yours,

Cathy Bourel-Cartee & James August Cartee

Edward C. Schreiber
6N289 Fair Oaks Dr.
Campton Hills, IL 60175
630-803-6033

July 23, 2018

Hon. Manuel Barbosa
Chairman
Kane County Zoning Board of Appeals
c/o Mark VanKerkhoff
719 Batavia Avenue
Geneva, IL 60134

Re: Maxxam et.al., Special Use Petition #4462

Dear Chairman Barbosa,

I am an attorney, a retired Kane County judge and, as a resident of Campton Hills, an interested party in the above referenced petition. I recently learned that this matter has been scheduled for hearing on Aug. 1, 2018. I am quite surprised to learn of this event because our State's Attorney, Joseph McMahon, during a meeting in his office, recently assured myself, and Attorney Van Richards, that this re-filed petition and federal law suit was "a long way from settlement."

Unfortunately, I will be out of state on a pre-planned vacation on August 1st, as I suspect are many other residents, witnesses and interested parties. Given the time of year, I do not believe the petitioners provided reasonable notice before setting this hearing and I request a continuance of approximately one week.

In the event that my request is denied, in lieu of my testimony, I have enclosed six copies of a letter, marked as Exhibit A, and ask that a copy be provided to each member of the ZBA in advance of the hearing. The letter, which was sent to each Kane County Board member on June 19, 2018, raises a number of serious issues that Mr. McMahon should publicly address prior to any consideration of Maxxam's request.

Thank-you for any consideration you can provide in this regard.

Sincerely,



Edward C. Schreiber

E. C. Schreiber

Edward C. Schreiber

eschreiber@comcast.net

June 19, 2018

Kane County Board Members

Kane County, Illinois

Re: Maxxam Partners, LLC, et. al. vs. Kane County, et. al.

As a retired Kane County judge and former presiding judge of the Kane County Juvenile Drug Court program, I have followed with interest the proposed drug and alcohol treatment facility, Maxxam.

During 35 years as a prosecutor, trial attorney and judge, I have seen the devastation that narcotics and, at times, alcohol can have on families and communities. Therefore, I was initially open to the concept of a treatment facility located at the Glenwood School for Boys. As you may know, Glenwood operated as a residential school for at risk youths, who, as Maxxam admits (see Par. 37-40, Maxxam Complaint), came from families in distress and "gang plagued neighborhoods." Despite the obvious potential for disturbances, that facility was accepted by the surrounding community, where it operated with little or no opposition for more than 20 years. However, after studying the Maxxam plan, it has become obvious that this rural location, 9 miles from the closest hospital, with inadequate emergency support, is ill-suited for a medical facility of this type. Nor has Maxxam demonstrated that it is qualified or competent to operate a Class 4 residential drug program – *a fact that our State's Attorney, Joseph McMahon, has acknowledged.*

You, as elected officials, have given Maxxam every opportunity, consideration and reconsideration, including more than 20 public hearings, to make their case and they have failed – dramatically. After demonstrating that their qualifications are embarrassingly inadequate and having their special use request repeatedly denied (which I submit was the only responsible choice you had), the money interests behind Maxxam have filed a federal court lawsuit, attempting to disguise your denial as some form of discrimination and/or civil rights violation. However, in their meandering 60- page federal complaint, the only aggrieved individuals Maxxam identified (See The Parties, Sec. II, page 5, Maxxam Complaint) are Steven Marco and Adam Glassberg, officers of the Maxxam LLC, and not members of a protected class.

Therefore, I am surprised to learn that at least one of your fellow board members and Mr. McMahon are actively pursuing settlement of this lawsuit – a settlement that may provide far more than Maxxam originally requested. Despite overwhelming public opposition to this facility, very little information has been provided to the public. It is my understanding that Mr. McMahon and Mr. Michael Bersani, the attorney he hired to defend us in this lawsuit, have had status meetings with you; however, the majority of those meetings have taken place in "executive session" and out of the public eye. It is my further understanding that you have been advised that, should Maxxam receive a jury verdict in excess of the county's insurance coverage limits, you, members of the county board, may face the potential of

personal liability. I don't know if Mr. McMahon or Mr. Bersani discussed with you the protections afforded by the Illinois Local Governmental and Governmental Tort Immunity Act (745 ILCS 10), or the fact that in the highly unlikely event a member should be found liable, the Act requires the county to indemnify that member. The absence of these protections would have a chilling effect on the operation of government.

Before you consider any proposed settlement, I urge you to require Mr. McMahon or Mr. Bersani to answer a few questions:

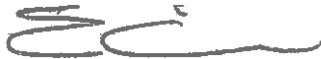
- Who are the financial interests behind Maxxam? Did Maxxam, a Delaware LLC with Florida connections, somehow find this location in rural Kane County or did local interests find or create Maxxam?
- If the motive to operate this facility is truly about drug and alcohol treatment and not merely about money, why would the selected site be 9 miles from the closest hospital, in a community that does not adequately fund fire and ambulance service for its existing residents? Currently, Station No. 2 of the Fox River and Countryside Fire Protection District, which serves the community surrounding the Boy's School, only operates on a part-time basis due to funding issues. Obviously, the addition of the Maxxam facility would further strain emergency medical service response times, thereby endangering current residents as well as those being treated by Maxxam.
- Maxxam has no experience in drug or alcohol treatment. None. Why is The Betty Ford Clinic – “the grand dame” of drug treatment facilities – located adjacent to the Eisenhower Medical Center, one of the best hospitals in the country, and not miles away? Is it because many of their patients, like those envisioned by Maxxam, go through detoxification and they understand that prompt access to emergency medical care is a requirement of a responsible treatment facility?
- Why does the Betty Ford Clinic limit patients to 75, not 120 as Maxxam has proposed? Is it because that is the most that even “the grandmother” of drug and alcohol treatment facilities, located next to a world class hospital, believes it can safely accommodate?
- Maxxam promotes itself as a boutique facility with clients that will pay \$1,000 per day or \$30,000 a month to receive treatment in a former boys' school in rural Kane County. The Betty Ford Clinic, which is located in Rancho Mirage, CA, 20 miles from Palm Springs, bills clients almost the same, or \$32,000 per month. What is it that Maxxam and the mysterious Mr. Marcos know that the Betty Ford Clinic does not?
- Mr. Bersani has billed the county more than \$350,000 for legal services. (See FOIA request for the billing statement made by Attorney Van Richards (retired), and the significantly redacted response, excepting fees generated and paid.) Why has he not moved to dismiss the federal claims of discrimination, which are of dubious merit, given the surrounding community's long-standing acceptance of a school for troubled young men? Plaintiff's spurious law suit is an obvious ruse to obscure and deflect a careful county decision to deny a special use permit to an unqualified, if not incompetent, proposed treatment facility. The people of Kane County are entitled to a zealous defense of these claims.
- Mr. McMahon may suggest (and reportedly has) that board members should not concern themselves with a \$350,000 (and counting) legal fee, because that bill will be paid by the county's insurer, Travelers.

However, we, the residents of Kane County pay the premiums. I would urge you to ask if Travelers has agreed to insure the county against lawsuits alleging the county was irresponsible in granting a special use permit to an inexperienced drug and alcohol treatment facility, knowing that detoxification was an intended practice, more than 9 miles from the closest hospital?

- Why didn't Mr. McMahon assign one or some of his highly qualified Civil Division Assistant State's Attorneys, who are already on the county payroll and who could provide the zealous defense to this suit to which we are entitled? Assuming for the sake of argument that these circumstances required the appointment of outside counsel, is Mr. Barsani a seasoned trial attorney with substantial civil rights jury trial experience?

- Why, 10 months after this suit was filed, has not a single deposition of a principal witness been taken, but, according to the U.S. District Court docket of presiding Judge Jorge J. Alonso, settlement discussions have long been underway "at the request of the parties?" What exactly has been the defense strategy, other than settlement?

There are many other questions you are entitled to have answered, but from all available information, it is clear that the Maxxam special use permit remains a bad plan for Kane County, the local community and, in particular, for those suffering from alcohol and drug addictions and their families who are in serious need of quality services.



Edward C. Schreiber

VanKerkhoff, Mark

From: Smith, Kathleen <kathleen.smith@d303.org>
Sent: Friday, July 27, 2018 10:51 AM
To: VanKerkhoff, Mark
Subject: Zoning concern

Dear

Dear Mr. VanKerhoff

I'm afraid! I'm afraid, mad and saddened by the news of drug and alcohol rehabilitation center possibly coming to our rural community, our countryside, agricultural, residential, serene, bedroom community. We, my neighbors and myself, chose this area to raise our families so we could be away from the commotion, the increased traffic, sirens and dangers of an urban area. There is a six-mile circle around us that is all neighborhoods with families, children playing or waiting for busses, dogs being walked, open space parks, farmland with corn growing or horses in pastures. We chose a place for our homes that has no grocery stores, no gas stations, no strip malls, no rehab or treatment centers.

I understand the need for rehabilitation/treatment centers, it's all over the news about the increase in drug use and it's not about the patients, coming to our community addicted to drugs or alcohol. It's about the fact they, 120+ patients, will require the services of **OUR** police, ambulance and fire departments and possible making those services not available to us when we need them.

Maxxam Partners LLC will make millions of dollar off this deal at the expense of the areas' quiet, peaceful, rural residents. It may also be at the cost of its patient's health being that this facility is 15 to 25 minutes from the nearest hospital.

Hopefully it's not too late, can you please help us keep this part of your and my Kane County rural, agricultural and residential with no businesses, no offices, no stores only family homes, corn fields, country roads and open land.

Very sincerely, local Kane County resident

Kathy Smith
7N020 Brierwood Drive
Campton Hills, Illinois
630-284-1819

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Kathy Smith
*D303 Sub Secretary or
Sub Teacher Assistant*

VanKerkhoff, Mark

From: wdreesejr@gmail.com
Sent: Monday, July 30, 2018 8:22 PM
To: VanKerkhoff, Mark; Lauzen, Chris; Molina, Myrna; Barreiro, Theresa; Ishmael, Donald; Thomas, Angela; Lenert, Bill; Ford, Ron; Silva, Monica; Hernandez, Barbara; Smith, Thomas; Starrett, Susan; Martin, John; jh@hmcpc.com; Lewis, Philip; Davoust, Mark; Wojnicki, Barbara; Kenyon, Mike; Allan, Deborah; Kojzarek, Kurt Robert; Wegman, Penny; Gillam, Rebecca; Schefflow, Douglas; Auger, Margaret; Sanchez, Jarett; Frasz, Drew
Subject: Maxxam/Glenwood

As the President of the Pine Haven Homeowners Association in Campton Hills, I must tell you that our association members are in unanimous agreement in strong opposition of the Maxxam facility operating in the site previously occupied by the Glenwood School. It should be clear to the County Government that an addiction center in that location is not wanted. Our community has a right to enjoy a peaceful existence without the inevitable disruption that an addiction facility would bring.

That commercial operation in that location will become yet another assault on our already diminished property values and our tax base, placing a strain on law enforcement and fire protection. We have legitimate and unanswered concerns about the safety of our families. It's well documented and daily news that addicts will go to almost any means to get their substance of addiction. It's beyond naive to think that well-healed clients, voluntarily there or not, are any different than any other addict in that regard. I suspect that subsidized programs with court mandated enrollees would shortly follow if the approval goes through.

It's our hope that the County will not cower to the bullying tactics now being employed by the investors in Maxxam (whomever they are). Addiction is not a disability according to Federal Law. I encourage the County to hold firm on the zoning for that site; a site surrounded by residential and farming uses. Our community's needs and wants should, and must, take precedence with our elected officials. There are other sites that are much better suited to an addiction treatment center with the infrastructure and community services necessary for support.

Thank you for your consideration,
Bill Reese
President – Pine Haven Homeowners Association