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Transcript of Public Hearing Petition 4364 - Volume 12

Date: January 24, 2017

Case: Kane County Zoning Board of Appeals

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BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS

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In Re: :
MAXXAM PARTNERS, LLC :
Special Use request in the :
F Farming District for a :
private-pay alcoholism and :
substance abuse treatment : Petition No. 4364
facility, 41W400 Silver Glen :
Road, Section 19, Campton :
Township (08-19-400-004) and :
Section 34, Plato Township :
(05-34-300-032 & 05-34-400-025) :

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PUBLIC HEARING - VOLUME XII
St. Charles, Illinois
Tuesday, January 24, 2017
7:06 p.m.

Job No.: 131277
Pages: 1673 - 1807
Reported by: Paula M. Quetsch, CSR, RPR

1 PUBLIC HEARING, held at the location of:

2

3 KANE COUNTY CIRCUIT COURT CLERK -

4 BRANCH COURT

5 530 South Randall Road

6 St. Charles, Illinois 60174

7 (630) 232-3495

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11 Before Paula M. Quetsch, a Certified Shorthand

12 Reporter, Registered Professional Reporter, and a

13 Notary Public in and for the State of Illinois.

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1 PRESENT:

2 ANN MICHALSEN, Vice Chairwoman

3 TRACY ARIS, Member

4 MARC FALK, Member

5 MARY LAKE, Member

6 WENDY MELGIN, Member

7 MARGUERITE MILLEN, Member

8

9 ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC:

10 ANDREW E. KOLB, ESQUIRE

11 VANEK, LARSON & KOLB, LLC

12 200 West Main Street

13 St. Charles, Illinois 60174

14 (630) 513-9800

15

16 ON BEHALF OF THE KANE COUNTY BOARD:

17 PATRICK KINNALLY, ESQUIRE

18 KINNALLY FLAHERTY KRENTZ LORAN

19 HODGE & MASUR, PC

20 2114 Deerpath Road

21 Aurora, Illinois 60506

22 (630) 907-0909

23

24

1 ON BEHALF OF OBJECTOR JOLINE ANDRZEJEWSKI:

2 KEVIN M. CARRARA, ESQUIRE

3 RATHJE WOODWARD, LLC

4 300 East Roosevelt Road

5 Suite 300

6 Wheaton, Illinois 60187

7 (630) 668-8500

8

9 ON BEHALF OF FOX RIVER AND COUNTRYSIDE

10 FIRE RESCUE DISTRICT:

11 KENNETH SHEPRO, ESQUIRE

12 KENNETH SHEPRO, COUNSELOR AT LAW

13 33W542 Army Trail Road

14 Wayne, Illinois 60184

15 (630) 377-7372

16

17

18 ALSO PRESENT:

19 MARK VANKERKHOFF, Zoning Enforcing Officer

20 KEITH BERKHOUT, Secretary

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Exhibit 1 Résumé	1687	1688
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P R O C E E D I N G S

VICE CHAIRWOMAN MICHALSEN: Good evening.
I'd like to call this meeting to order.
Mr. Secretary, if we could have a roll call,
please.

MR. BERKHOUT: Aris.

MEMBER ARIS: Here.

MR. BERKHOUT: Falk.

MEMBER FALK: Here.

MR. BERKHOUT: Lake.

MEMBER LAKE: Here.

MR. BERKHOUT: Melgin.

MEMBER MELGIN: Here.

MR. BERKHOUT: Michalsen.

VICE CHAIRWOMAN MICHALSEN: Here.

MR. BERKHOUT: Millen.

MEMBER MILLEN: Here.

VICE CHAIRWOMAN MICHALSEN: Thank you. We
have all six remaining members of the Zoning Board
present so we have a quorum.

At this time if we can please stand and say
the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

VICE CHAIRWOMAN MICHALSEN: Good evening to

1 the petitioner, representatives of units of local
2 government, adjacent property owners, and other
3 interested parties.

4 The public hearing this evening is for
5 Maxxam Partners, LLC, Petition No. 4364 for a
6 Special Use in the F Farming District for a Private
7 Pay Alcoholism of Substance Abuse Treatment Facility.
8 It is a continuation of the public hearing opened on
9 Tuesday, January 10th, 2017. We thank everyone who
10 attended the previous hearings.

11 Tonight's public hearing, as well as any
12 subsequent public hearings, if needed, are to hear
13 new evidence pertaining to the petition, allow
14 questions of the petitioner regarding new evidence,
15 and receive public comment regarding the new
16 evidence.

17 There is no need to repeat submittal of
18 evidence, testimony, or comments already presented
19 in previous hearings except to the extent that it is
20 directly relevant to new evidence presented in these
21 additional hearings.

22 First, a few housekeeping matters. We would
23 like to have staff present the exhibit dropped off
24 by Campton Township at the last meeting.

1 MR. VANKERKHOFF: Thank you, Madam Chairman.
2 Yes, to refresh the Board's memory, towards the very
3 end of the last meeting, Mr. Joe Miller representing
4 Campton Township as a trustee handed staff a list of
5 comments and that was never -- because of the
6 lateness of the hour hadn't been accepted as an
7 official exhibit. So staff has provided a copy to
8 all the Zoning Board members and would request that
9 you enter that as Exhibit F into the record.

10 (Exhibit F marked for identification.)

11 VICE CHAIRWOMAN MICHALSEN: And is that -- I
12 apologize -- is that the one that says "In the
13 Matter of Maxxam Partners' Petition" or the one that
14 says "Draft Working Concepts" at the top?

15 MR. VANKERKHOFF: Draft Working Concepts.

16 MEMBER FALK: That's F, as in "Frank"?

17 VICE CHAIRWOMAN MICHALSEN: Do I have a
18 motion to accept the document titled "Draft Working
19 Concepts" from Campton Township into evidence as
20 Exhibit F?

21 MEMBER FALK: I'll make the motion.

22 VICE CHAIRWOMAN MICHALSEN: So moved. Do I
23 have a second?

24 MEMBER ARIS: I'll second.

1 VICE CHAIRWOMAN MICHALSEN: All in favor
2 say aye.

3 (Ayes heard.)

4 VICE CHAIRWOMAN MICHALSEN: All opposed,
5 same sign.

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: Motion carries.

8 The exhibit is entered into evidence.

9 (Exhibit F admitted into evidence and
10 retained by the Board.)

11 VICE CHAIRWOMAN MICHALSEN: We have some
12 documents that will come later in the evening from
13 those units of government.

14 The next quick item, hopefully, of
15 housekeeping, the Board had a couple follow-up
16 questions for the petitioner based on Mr. Marco's
17 testimony at the last hearing.

18 First, I know that -- I do recall that
19 Mr. Marco testified to 120 to 180 employees being
20 employed by this facility. We wanted to make it
21 very clear for the record. Is that going to impact
22 the traffic study that was done, that estimated
23 70 employees at any time on the facility?

24 MR. MARCO: Good evening, Chairwoman, fellow

1 Board members. I know it was --

2 VICE CHAIRWOMAN MICHALSEN: If I could just
3 swear you in first, that would be great.

4 MR. MARCO: Oh, sure.

5 (Witness sworn.)

6 VICE CHAIRWOMAN MICHALSEN: Thank you.

7 THE WITNESS: I know it was a long night,
8 but if we were to refer back to the transcript, you
9 and I had a very lovely dialogue to make sure it was
10 very clear what that number was and that there was
11 no alteration of the representation. And the
12 categorical range we discussed I clarified was
13 financial impact, talking about related marketing
14 offices, administration office, nothing to do with
15 people on campus. And then once I clarified that
16 question, I gave you the answer which I will repeat
17 again tonight, which is there's no alterations to
18 the representations represented in the traffic
19 study, and we're talking about all third-party
20 financial impact, talking about ancillary jobs as I
21 just mentioned, construction, et cetera, to create
22 such an operation, not that would actually affect
23 traffic but be on campus providing care.

24 Thank you.

1 VICE CHAIRWOMAN MICHALSEN: Thank you.

2 Secondly, you did testify about some life
3 safety studies at the last hearing. Did you have
4 any studies done that can be provided to the ZBA for
5 review?

6 MR. MARCO: There are no other studies
7 except for those in the record, and when I was
8 referring to it -- and I actually clarified to Mark,
9 but to assert again, we have no additional studies.

10 We were talking to some engineering questions
11 and some other related questions that came from
12 staff, questions earlier on in the process which
13 also included things related to wastewater and other
14 staff responses, and so kind of some of those
15 questions that we spent resources answering and
16 submitted directly to the zoning department that I
17 don't know was immediately available to you all to
18 review. So that was something that I followed up
19 with and forwarded again to the zoning department.

20 VICE CHAIRWOMAN MICHALSEN: I believe
21 Mr. VanKerkhoff has a question.

22 MR. VANKERKHOFF: Sure. Just to clarify
23 again, I reviewed those preliminary submittals that
24 had been made to staff in response to some technical

1 questions after their first meeting with us prior to
2 the submitting the petition, and none of those
3 questions nor any of the following submittals
4 included any architectural and life safety reports,
5 just to clarify that for the record.

6 VICE CHAIRWOMAN MICHALSEN: Thank you.

7 At this time, just to go over the agenda for
8 the rest of the evening, we're going to continue
9 with the fire department -- or the fire district
10 presenting its, I believe two witnesses who have
11 very kindly appeared for two different hearings and
12 are finally getting presented, and we do very much
13 appreciate their patience and continuing to return.

14 After those witnesses have been presented,
15 the petitioner may cross-examine them, other
16 objectors may cross-examine, along with units of
17 government and the public.

18 After we close with the fire district's
19 witnesses, we will open the meeting up to public
20 comment on the conditions and/or any new evidence
21 that should be considered by the Zoning Board at
22 that time.

23 So we'll see what time of the evening we get
24 there, and that will sort of determine how late

1 we're going to go tonight and what the format is
2 going to look like.

3 So at this time I would ask if Mr. Shepro
4 would bring his first witness.

5 MR. SHEPRO: Yes. I would call our Chief
6 John R. Nixon to testify, please.

7 VICE CHAIRWOMAN MICHALSEN: Thank you.

8 MR. SHEPRO: Madam Chairman, I have some
9 exhibits to give to the witness, and to counsel, and
10 the Board, if I may I approach all the necessary
11 tables.

12 VICE CHAIRWOMAN MICHALSEN: Sure.

13 MR. SHEPRO: I apologize but I think this
14 will save time later on.

15 JOHN R. NIXON,
16 having been duly sworn, testified as follows:

17 EXAMINATION BY COUNSEL FOR OBJECTOR

18 BY MR. SHEPRO:

19 Q Chief, would you state your name and address
20 for the record, please.

21 A My name is John R. Nixon. My home address
22 is 500 Clover Drive, Algonquin, Illinois.

23 Q And what is your current employment?

24 A I'm currently employed as the fire chief for

1 the Fox River and Countryside Fire Rescue District.

2 (Fire District Exhibit 1 marked for
3 identification.)

4 Q I'm going to show you what we're marking as
5 Fire District Exhibit 1. Is that your résumé?

6 A This is a copy of my résumé.

7 Q And do the matters reflected on that reflect
8 your training, experience, and career history?

9 A Yes. It's accurate.

10 Q Is that up-to-date?

11 A And current.

12 Q I don't want to go through the whole résumé.
13 Could you summarize briefly for -- well, strike that.

14 When did you become chief of the Fox River
15 Countryside Fire Rescue District?

16 A September 1st of 2016.

17 Q And so you were not chief at the time that
18 this matter was heard last winter and spring of
19 2015 and '16?

20 A That is correct.

21 Q Have you had a chance to study the matters
22 relating to this application since you've become chief?

23 A Those matters specific to the fire
24 department, yes.

1 MR. SHEPRO: I would just ask to admit
2 Exhibit 1, the chief's curriculum vitae, certainly
3 subject to cross if anybody wishes to do so, and to
4 proffer him as an expert in fire operations and
5 administration based on his many years of
6 experience.

7 VICE CHAIRWOMAN MICHALSEN: Do we have a
8 motion to put Fire District Exhibit 1 into evidence?

9 MEMBER LAKE: I'll move.

10 VICE CHAIRWOMAN MICHALSEN: Do we have a
11 second?

12 MEMBER FALK: I'll second.

13 VICE CHAIRWOMAN MICHALSEN: All in favor
14 say aye.

15 (Ayes heard.)

16 VICE CHAIRWOMAN MICHALSEN: All opposed,
17 same sign.

18 (No response.)

19 VICE CHAIRWOMAN MICHALSEN: It is moved into
20 evidence.

21 (Fire District Exhibit 1 admitted into
22 evidence and attached to the transcript.)

23 Q Chief, have you studied the application of
24 Maxxam for a special use and the list of proposed

1 conditions that Maxxam has submitted to the County?

2 A Yes.

3 Q And I'd like to go through those with you
4 and ask if you -- your comments on them from the
5 standpoint of the Fox River fire department.

6 First, just -- I know this is in the record,
7 and I don't want to belabor it, but for the benefit
8 of the new Board, could you very quickly tell us
9 approximately the size of the district in terms of
10 population and area?

11 A Our district serves approximately 25,000
12 residents over a 38-square-mile area.

13 Q Do you know by any chance about how many
14 homes that represents?

15 A No. I'm sorry to tell you I don't know.

16 Q We don't calculate it that way?

17 A We don't track as far as fire protection the
18 number of residences.

19 Q Could you describe the current facilities and
20 apparatus of the department as we are here tonight?

21 A Yes, I could. We currently operate from
22 two fire stations. Station 1 located at 34W500 Carl
23 Lee Road, that would be on the east side of the
24 river off of Route 25.

1 Our second station is located at
2 40W361 Illinois Highway 64, and that is serving the
3 west area of the district.

4 Q That's what's been referred to as the Wasco --

5 A Wasco -- it's technically referred to as
6 Station 2 now.

7 Q I think in prior testimony they may have had
8 different numbers --

9 A Correct.

10 Q -- but Station 1 is now the Carl Lee Road
11 Valley View station?

12 A Right.

13 Q And Station 2 is the Wasco station?

14 A That's correct.

15 Q What apparatus and equipment does the fire
16 district maintain at those stations?

17 A At each of the two stations, we have what's
18 known as a fire pumper, a fire engine. We also have
19 an ambulance in frontline service. We also have a
20 water tender, which is like a tanker that brings
21 water to fires, and also a grass fire truck.

22 So that would be our primary pieces of
23 apparatus. At Fire Station 1 we also have a reserve
24 fire engine and reserve ambulance and two cars.

1 Q And what is the condition of that apparatus?

2 A That's in good operating condition, but we
3 have some issues as the fleet is aging, increasing
4 our maintenance costs. Our most recent purchase was
5 a used apparatus, and it was a dealer demo. Our
6 next closest fire engine is a 2010, I believe, and
7 the engine that's in reserve status I believe is a
8 1999 fire engine.

9 We also acquired an ambulance recently, and
10 that's a 2016 model. It was a dealer demo. The
11 next ambulance after that is a 2013 ambulance, and
12 our reserve ambulance is a 2000 ambulance.

13 Our water tenders are both 2011 vehicles.
14 Our brush fire trucks are both 2010 vehicles.

15 Q And how many calls did the Fox River
16 department have in the most recent year-ended?

17 A We just completed the 2016 totals of
18 1,344 calls.

19 Q And approximately, if you know, how many of
20 those calls were life -- sorry -- were related to an
21 ambulance as opposed to just a fire response?

22 A The State Fire Marshal category for
23 emergency medical services is 905 ambulance and
24 emergency medical-related calls.

1 Q So about two-thirds of all the calls?

2 A 60, 68 percent roughly.

3 Q What is the useful life of a typical ambulance
4 used by our fire department?

5 A The typical lifespan is eight years of
6 useful with five years as primary and three years
7 reserve status.

8 Q How do the ambulances currently operated by
9 the Fox River department stack up against that
10 criteria?

11 A The reserve ambulance should have been
12 replaced a few years ago, and we're holding it as
13 backup in case one of our primary ambulances needs
14 to go in for service. The next newest ambulance is
15 due to be replaced in 2019, and our most recent
16 purchase would be replaced in 2021.

17 Q You said that was a demo?

18 A It was purchased from an ambulance manufacturer
19 as a demonstrator model. It arrived with approximately
20 5,000 miles on it when we acquired it.

21 Q Did you or to your knowledge the board of
22 trustees consider buying brand-new equipment?

23 A I wasn't involved in the decision to purchase
24 that, so I can't speak to that.

1 Q Can you tell the Board, what is a concurrent
2 or overlapping call?

3 A A concurrent call is measured whenever we're
4 dispatched to a single emergency for 911 service and
5 one of the two fire stations is committed to that
6 call and during that time a second call arrives in
7 the 911 system, and the second crew is then dispatched.

8 During the period of service for both, it
9 runs concurrent, we measure that. So during that
10 time both of our ambulances are out on calls. So we
11 effectively have no ambulances inside our
12 38-square-mile area.

13 Q And about how often does that occur -- did
14 it occur in the past year?

15 A We looked at that result -- we look at it
16 every year -- and it's approximately 13 percent of
17 the time.

18 MEMBER FALK: What about the reserve one?

19 THE WITNESS: We don't have staffing for
20 reserve. We don't have on-duty personnel. We do
21 have the ability to send EMTs in the fire truck if
22 they're not committed on another call, but not a
23 crew with advanced life support.

24 Q That raises a good question. What is the

1 staffing for the two stations and the emergency
2 service vehicles at the present time?

3 A Our everyday crew assignment is four personnel
4 on duty at each of the two fire stations, a total of
5 eight firefighter/paramedics or EMTs, plus a shift
6 commander, and plus me during the week.

7 Q And is that 24-hour coverage?

8 A We have 24-hour coverage 365 days a year
9 with nine personnel.

10 Q Based on your experience as a chief, what is
11 the optimal staffing absent financial constraints
12 for an operation such as run by the district?

13 A When you look at those numbers, the
14 ambulance crew and the fire crew, that is two and
15 two. Optimally and recommended by NFPA standards
16 the fire engine crew should be four personnel, and
17 that would be our second or backup ambulance crew in
18 that district if necessary.

19 Q Is there a reason why there's not greater
20 staffing at the present time?

21 A Yes. The recent financial adjustment in our
22 budget to accommodate service was necessary to
23 downscale the number of on-duty personnel, and that
24 was down in 2015, I believe.

1 Q Now, of the personnel that are utilized by
2 the district, could you describe the difference
3 between the contract personnel, part-time personnel,
4 and the personnel employed directly by the department
5 and those by others?

6 A Sure. Many fire departments today use a
7 contract firefighter service. Our services are
8 provided by Paramedic Safety Services of Illinois
9 based in Rosemont. They currently provide us with
10 full-time firefighters under an agreement. They
11 are -- they represent four of the eight on-duty
12 personnel every day plus the shift commander who is
13 also a paramedic, PSSI, for Paramedic Safety
14 Services, Inc., a PSSI employee.

15 The other four personnel on duty are part-time
16 employees employed by the Fire Protection District,
17 and those are occasional workers. They work for a
18 flat hourly rate.

19 Q What is the difference, if any, in the training
20 and capabilities of the PSSI personnel versus what
21 you've described as the part-timers?

22 A They're equal and competent in all regards.

23 Q So when you refer to them as part-time,
24 that's not the same as say the part-time people that

1 the department stores hire to come in at Christmas
2 and ease the load?

3 A No. In order to become a firefighter with
4 our fire department, you must already be certified
5 by the State Fire Marshal at the level of basic
6 operations, and you must also have at least an EMT
7 license to work with us as a part-time employee.

8 Q So are all of the personnel -- well,
9 strike that.

10 What is the emergency medical training, or
11 EMT status for the on-duty personnel who would be
12 operating either the fire trucks or the ambulances?

13 A It's based by shift in the number of people
14 who have achieved paramedic status. Our optimum
15 goal is to be able to provide all eight or nine of
16 those personnel as fire and paramedic, paramedic
17 being the higher level of training. However, some
18 of our employees are firefighter and EMT, which is a
19 lesser level recognized by the Illinois Department
20 of Public Health.

21 So if I were to estimate it, of the eight on
22 duty, typically seven are paramedics and maybe
23 sometimes six are paramedics. The other might be EMT.

24 Q Are you familiar with the term ALS ambulance

1 or ALS fire truck?

2 A Yes, I am.

3 Q Could you explain that for the Board?

4 A ALS stands for advanced life support and
5 means that the personnel on that apparatus are
6 trained as paramedics and have the necessary support
7 tools to provide advanced care, including cardiac
8 defibrillation, the necessary drug dosages necessary
9 to treat cardiac stroke, et cetera, and the tools
10 that go along with practicing that trade.

11 Q So if an ALS fire apparatus responded to a
12 call, would it be able to provide the same amount of
13 on-site care as an ambulance?

14 A Yes. The units that are certified are
15 inspected annually by the Illinois Department of
16 Public Health, and they have to meet the standard
17 for ALS by proving that they carry all of the same
18 tools, equipment, and medications that the ambulance
19 does. The one thing they can't do is convey or
20 transport a patient.

21 Q You said before -- you talked about overlapping
22 calls. Are there assignment zones within the district
23 for coverage by a certain station or personnel?

24 A Yes. We divide -- to provide a prompt response

1 we divide the town at Randall Road basically east or
2 west. So everything west of Randall Road would be
3 considered Area 2; everything east of Randall Road
4 would be considered Area 1.

5 Q So Area 1 covers both sides of the river?

6 A Yes. We do -- that brief pathway between
7 the river and Randall Road is in Area 1.

8 Q Now, would there be circumstances under
9 which the Wasco ambulance might be dispatched east
10 of the river?

11 A Oh, absolutely. And the same is true for
12 the east ambulance to cover the west area.

13 Q And what circumstance would cause that to
14 arise?

15 A When a call originates in the zone, the
16 other ambulance is next up for calls in that zone
17 plus their own zone. So it goes from -- you're
18 covering roughly half and half. When one ambulance
19 is committed, you have one ambulance covering the
20 whole district and that's their responsibility.

21 Q So if the ambulance from Wasco were out
22 responding to a call, and another call came in from
23 Campton Hills or Campton Township, that would be
24 responded to from the ambulance on the east side?

1 A Correct, at Carl Lee Road.

2 MEMBER MELGIN: I have a question. What
3 other jurisdictions respond? Like Elburn there was
4 a fire and I saw four or five different districts'
5 fire trucks in the neighborhood.

6 THE WITNESS: We have mutual aid and
7 automatic aid agreements with all of our neighboring
8 communities. In the case of a fire, those units are
9 dispatched as soon as we know that it's a fire.
10 It's called a general alarm response, and we'll get
11 aid from Elburn, as well as the other communities
12 around us.

13 For an ambulance call we would request
14 specifically the closest town to respond based on
15 the emergency. So if it was in Area 2 and it was in
16 the southwest corridor, it would probably be Elburn.
17 If it was in the northwest corridor, it would probably
18 be South Elgin as the two closest responding
19 agencies.

20 MEMBER MELGIN: Thank you.

21 Q Chief, could you describe -- you mentioned
22 both a mutual aid and automatic aid. Could you
23 describe what they are and the differences, if any?

24 A Absolutely. Automatic aid is kind of like a

1 business agreement between two fire departments to
2 respond as soon as there's a hint that there may be
3 a higher level emergency such as a reported house on
4 fire. All of the units that come from our
5 neighboring community fire departments have an
6 automatic aid agreement to respond.

7 In many other cases when the fire or emergency
8 goes beyond that basic level and we require additional
9 resources, mutual aid is referred to -- is requested
10 using the mutual aid box alarm system.

11 Q That's what's called MABAS?

12 A MABAS.

13 Q M-A-B-A-S?

14 A Yes. We're a member of MABAS, along with
15 the Kane County area response team.

16 Q So in the case of automatic aid, they don't
17 wait to be called?

18 A That's correct. But that only applies to
19 fires. We don't necessarily have an automatic aid
20 agreement. Due to the unpredictable nature of
21 medical emergencies over a 38-questionnaire-mile
22 area, there's no way to predict. We would then
23 refer to that as mutual aid.

24 So if we had overlapping calls, and a third

1 call came in, the on-duty shift commander would ask
2 the dispatcher to obtain a mutual aid ambulance from
3 the closest neighboring jurisdiction.

4 Q So these 905 EMS calls would not be subject
5 to auto aid?

6 A No. That's correct. We take our calls
7 inside our district first and second and then rely
8 on mutual aid for third calls.

9 Q Now, if you've got both ambulances out, and
10 one of them discovers when they get there that
11 there's a broken finger or something like that, and
12 another call comes in from a heart attack within the
13 district, can you pull out from the lesser emergency
14 and respond to the other one?

15 A No, we can't. There's a requirement under
16 IDPH rules that you must treat the patient until
17 they either get transported to the hospital or sign
18 a medical release. If we did that, it would be
19 considered patient abandonment.

20 Q And that's not permitted?

21 A No.

22 Q So in that instance either the call would go
23 unanswered until you were finished, or you would
24 have to call for mutual aid?

1 A There's never a situation where a call would
2 go unanswered. We would have the ability to possibly
3 break away one of the fire engines to go on the call
4 to start care, or if that wasn't a possibility due
5 to the severity of the two ongoing calls, the shift
6 supervisor would then request the mutual aid ambulance.

7 Q Would that require your approval, or is it
8 something to be done by the shift commander?

9 A It's a standard operating guideline that has
10 already been trained with everyone.

11 Q Could you tell us -- tell the Board briefly
12 the surrounding other district resources and station
13 locations. Give a picture of where these are all
14 located.

15 A Okay. With regard to ambulance resources,
16 as I indicated, Elburn would be the choice on the
17 southwest corridor, and South Elgin would be the
18 choice in the northwest corridor. The station on
19 Route 47 in Elburn's fire district.

20 Q Relative to the proposed facility, where are
21 the Elburn stations located?

22 A There's a station in their main district
23 which is approximately 17 miles away from the
24 proposed facility, and then there's a station that I

1 just referred to on Route 47 which is approximately
2 9 miles away from the proposed facility.

3 Q How does that compare with our Fox River
4 stations?

5 A Station 2 is 3.1 miles from the Glenwood
6 facility, and Station 1 is approximately 5.6 miles.

7 Q Now, you also referred to South Elgin.

8 A South Elgin, I don't have how many miles it
9 is, but it is closer off of McDonald Road. So it
10 would probably arrive -- that would probably be the
11 choice for mutual aid to that facility.

12 Q Closer than the Elburn station?

13 A Closer than Elburn, correct.

14 Q How about relative to the Fox River stations?

15 A It's actually closer than Station 1 on
16 Carl Lee.

17 Q On the east side of the river?

18 A On the east side of the river but not as
19 close as the Wasco station, as we refer to it.

20 Q Now, Pingree Grove also has a fire district?

21 A Yes, their closest station is at Plank Road
22 and Russell Road, and I don't have the mileage on
23 that. If for some reason South Elgin couldn't
24 respond, then we might request Elburn, or we might

1 request Pingree Grove.

2 Q Now, you've mentioned fire calls, as well.
3 Typically when an emergency call comes in, what is
4 dispatched by our department to that call if --
5 well, first off, the dispatcher lets you know
6 whether or not it is a fire call or an ambulance call?

7 A Right. The type of condition that we're
8 responding to is announced when we're alerted to the
9 call, whether it's a medical, or a rescue, or a fire.

10 For medical conditions we send the ambulance
11 crew and the fire truck unless it's a -- what we
12 call an assistance or a check on well-being, which
13 we might send the ambulance only.

14 For a fire call we would send all of the
15 resources for both stations. The opposing station
16 would bring the water tank, tanker truck, and the
17 fire engine, and the closest station would bring the
18 ambulance and the fire truck.

19 Q You'd have a response from both stations --

20 A Correct.

21 Q -- but one ambulance and --

22 A We'd have one ambulance, two engines, and a
23 water tender at each reported fire.

24 Q In those cases there also might be auto aid

1 responses?

2 A If it was a reported fire, yes, other
3 assorted -- NFPA recommends that 18 firefighters be
4 assembled at a working structure fire within
5 10 minutes.

6 Q When the ambulance call is taking place, and
7 you have both the fire truck and an ambulance out,
8 what personnel are left at the particular station
9 involved?

10 A If it's an automobile accident, we will send
11 two fire engines and one ambulance. If there are
12 multiple patients involved, we'll send both
13 ambulances and both fire trucks, leaving no one there.

14 Q Under MABAS there are protocols where if
15 stations are emptied out that the mutual aid
16 departments might not respond directly to the
17 emergency but would fill an empty station. Could
18 you tell us a little bit about how that works?

19 A Under mutual aid agreement when the mutual
20 aid agreement is activated and the surrounding
21 communities are requested to respond, they'll send
22 what's called change of quarters. So we would get
23 one change-of-quarters ambulance and one
24 change-of-quarters engine to protect the community

1 while we were out fighting the structure fire.

2 For any other emergency, such as a very bad
3 car accident where we were going to be out with all
4 of our crews, we can request without mutual aid a
5 special call from a neighboring jurisdiction to give
6 us that same one engine/one ambulance to provide the
7 community with coverage. The goal is never to leave
8 the community unprotected, but the shift commander
9 makes that call based on the severity of where
10 we're at.

11 Q Now, if the number of calls within the
12 district either overall or emergency service calls
13 were to increase over the current levels, what would
14 be the impact of that on your facilities' equipment
15 or operations?

16 MR. KOLB: I'd like to object to that
17 question. Assumes facts not in evidence as far as
18 number of calls increasing, and all this entire line
19 of questioning was the subject of many nights of
20 public hearing. We're hearing almost verbatim
21 what's in the record.

22 MR. SHEPRO: You can't be hearing it verbatim
23 because we didn't have the fire chief at the last
24 hearing, and we didn't have the benefit of having

1 that testimony able to be offered. So this is new
2 testimony.

3 VICE CHAIRWOMAN MICHALSEN: I will allow the
4 question, but if we could move this along, we don't
5 need every single scenario. We understand that
6 there's mutual aid.

7 MR. SHEPRO: I think we're done with that.
8 I wanted to move now into the potential impact of
9 the proposed project and on the conditions that the
10 Chief feels would be necessary in order to avoid
11 adverse impacts on the community. So that is my
12 next area of inquiry.

13 VICE CHAIRWOMAN MICHALSEN: Thank you.

14 BY MR. SHEPRO:

15 Q Chief, let me strike that question, and
16 instead let me ask you to look at what I'm going to
17 mark Exhibit 2, which is what is entitled "Anatomy
18 of an Ambulance Call, Proposed Facility." Do you
19 have that document?

20 A I do have that in front of me.

21 MEMBER ARIS: Do we need to accept this into
22 the record?

23 MR. SHEPRO: No. 2?

24 VICE CHAIRWOMAN MICHALSEN: If he moves it

1 we will.

2 MEMBER FALK: Who offered this?

3 MR. SHEPRO: We'll ask about that.

4 (Fire District Exhibit 2 marked for
5 identification.)

6 Q Can you tell us what this exhibit is, Chief?

7 A This exhibit presents a timeline scenario of
8 ambulance calls based on the scenarios that exist
9 every day on ambulance calls.

10 Q Based on our current staffing and availability?

11 A Correct. This would be representative of an
12 ambulance call, a typical ambulance call for this
13 timesheet.

14 Q And you and I prepared this exhibit
15 together?

16 A Right. You asked me to prepare the facts
17 that are presented here for submission and I did that.

18 Q Could you just briefly take us through what
19 this says to you and what you believe that this
20 demonstrates in terms of timing?

21 A Okay. If you took a stop watch from the
22 time that we were dispatched to a 911 emergency, it
23 represents the elapsed time of a call or the total
24 period of a call that we're committed to patient

1 care and returning to full service in the community.

2 It includes response time, time for patient
3 evaluation, securing and packaging the patient for
4 transportation to a hospital, transportation to the
5 closest medical facility that's appropriate,
6 transferring care to the emergency department and
7 their staff, including reporting to the doctor what
8 we've observed, initial care with the patient in the
9 emergency room so that the nurses have a pass on.
10 Then we must document and restock our ambulance,
11 document the complete actions taken on the call for
12 the medical record and then drive back to the fire
13 station.

14 Q Now, the -- under "Response Time" it says
15 seven minutes.

16 A The typical ambulance call would be targeted
17 to arrive in seven minutes or less.

18 Q And is that approximately the time it would
19 take to respond to the proposed facility from the
20 Wasco station?

21 A From the closest facility, yes.

22 Q And what -- all right. So as I understand
23 this exhibit, if you got there in seven minutes, it
24 could still take up to a total of 47 minutes from

1 the time you arrive before the patient would be ready
2 for transport to a hospital if that were necessary.

3 A Depending upon the severity of the call and
4 the request for service, yes. Typically somewhere
5 near that is average.

6 Q Now, once a patient has been transported to
7 a hospital, is the crew just free to turn around and
8 leave at that point? What else happens?

9 A Well, once we arrive at the hospital, we have
10 to be directed to the patient's assigned room for
11 care. One of the paramedics who is typically the
12 lead paramedic would meet with the doctor and explain
13 what we -- what care we've given according to our
14 standard medical operating guidelines prescribed by
15 the hospital and ensure the doctor that we followed
16 those steps. The other paramedic and the staff of
17 the hospital would begin to move the patient into a
18 treatment room and help get the patient secure for
19 the hospital.

20 Q And so that could take, based on these
21 numbers, potentially two to three hours from the
22 time the ambulance left the station until the time
23 it returned?

24 A That's correct. The worst case scenario

1 being three hours, that typically occurs after a
2 cardiac arrest where we have to, in essence, empty
3 the drug box and use all the facilities necessary to
4 try and save the patient's life.

5 A person who might be having a stroke, which
6 has got a golden-hour window, would be rapid package
7 and transport so they could get treated by the
8 stroke care unit.

9 A patient having a cardiac emergency that's
10 not currently under full arrest condition would also
11 receive a very high level package-and-go treatment.

12 So two to three hours is a good time to
13 estimate how long we're not available.

14 Q And if another call came in during that time,
15 that would be an example of what you refer to as a
16 concurrent or overlapping call?

17 A That's correct.

18 MR. SHEPRO: I would like to ask that
19 Exhibit 2 be admitted into evidence.

20 VICE CHAIRWOMAN MICHALSEN: Do we have a
21 motion to allow Fire District Exhibit No. 2 into
22 evidence?

23 MR. KINNALLY: Madam Chairman, point of
24 order. Can we have some foundation for this document?

1 I didn't hear any information with respect to what
2 he drew these conclusions from.

3 VICE CHAIRWOMAN MICHALSEN: Thank you.

4 Could you address that, Mr. Shepro?

5 MR. SHEPRO: Yes.

6 Q Chief, can you tell us for the items that are
7 listed here, what is the basis for the information
8 that's reflected on this document?

9 A As part of my familiarization with the fire
10 district when I assumed my new duties, one of my
11 main concerns was to understand what we're capable
12 of doing, and that included looking at EMS. EMS, or
13 emergency medical services, is a good portion of
14 what we do, and to understand how severe -- or how
15 much of an impact we have, I undertook an evaluation
16 of our overall condition of response and that
17 included these numbers.

18 Really to your point, this is my evaluation
19 of the past four months.

20 Q And the equipment in the "Equipment" column,
21 is that based on actual experience?

22 A My experience of EMS, yes. If you're asking
23 about the equipment necessary, yes, it's 25 years'
24 experience as a fire chief.

1 Q And with respect to the "Personnel"
2 column -- by the way, "PM" stands for paramedic?

3 A EMT paramedic or EMT-B either/or. Paramedic
4 would designate the preferred personnel as a paramedic.

5 Q And that column simply reflects the personnel
6 necessary for the particular piece of equipment
7 that's indicated in the previous column?

8 A That is the indicated response that we put
9 into our running assignments for emergencies, yes.
10 It's part of our standard operating guidelines.

11 MR. SHEPRO: I would renew my request at
12 this time.

13 MR. KINNALLY: Madam Chairman, I just have a
14 couple of questions.

15 How many calls did you look at, Chief?

16 THE WITNESS: I looked at approximately
17 300 calls.

18 MR. KINNALLY: And they're all ambulance calls?

19 THE WITNESS: Correct.

20 MR. KINNALLY: Okay. That's all I wanted to
21 know, Madam Chairwoman. Sorry to interrupt.

22 VICE CHAIRWOMAN MICHALSEN: Do we have a
23 motion to put Fire District Exhibit 2 into evidence?

24 (No response.)

1 VICE CHAIRWOMAN MICHALSEN: Hearing no
2 motion, then it is not put into evidence.

3 MR. SHEPRO: May I submit it then as an
4 offer of proof?

5 VICE CHAIRWOMAN MICHALSEN: Mr. Kinnally,
6 any suggestions?

7 MR. KINNALLY: I think he has the right to
8 submit it as an offer of proof. It doesn't mean
9 that the Zoning Board is going to consider it if
10 it's not been put into evidence.

11 VICE CHAIRWOMAN MICHALSEN: We will accept
12 it as an offer of proof.

13 BY MR. SHEPRO:

14 Q Have you studied the impact of the proposed --
15 well, yeah -- have you studied the impact of the
16 proposed facility on the operations of the Fox River
17 Fire Rescue District?

18 A To the best of my ability using the
19 information that was submitted in previous testimony.

20 Q And have you formed any opinions as to what
21 you believe the potential for additional -- if any --
22 for additional emergency service calls that would be
23 generated as a result of this facility?

24 A The fire department had previously testified

1 up to 120 calls per year.

2 Q And have you --

3 A I've used that number as my guideline for
4 the measured impact of the services, which is
5 approximately a 15 percent increase in our current
6 call volume.

7 Q And do you have an opinion as to what the
8 impact of that increased call volume would be on the
9 facility's equipment and operations of the district?

10 A The immediate impact would be --

11 MR. KINNALLY: I have an objection. I'd
12 like some basis for the testimony before he gives
13 the opinion. I haven't heard anything yet. All I
14 heard was 120 calls. I don't know where they came
15 from. Again, it's a foundation objection.

16 MR. SHEPRO: Well, I think there's --

17 Q You're referring to testimony that was
18 previously entered into the record in this case?

19 A Prior testimony by Board President
20 Robert Handley indicated that it would be a rough
21 number.

22 MR. KINNALLY: There was no basis for that
23 opinion, either. So I'd like to know the basis of
24 the 120 calls. Where did it come from other than

1 what Mr. Handley uttered? Is there anything else?

2 THE WITNESS: No. It's impossible to
3 predict the amount of impact based on the inability
4 to ascertain patient numbers.

5 MR. KINNALLY: Thank you. Sorry to interrupt.

6 BY MR. SHEPRO:

7 Q If the number of calls reached 120 per year,
8 what would -- ambulance calls, do you have an opinion
9 as to what the impact of that would be?

10 A Yes. My professional opinion would be that
11 it would impact a number of overlapping concurrent
12 calls, whereby, ambulances would be out from both
13 fire stations more frequently than they are currently.

14 Q And you said before I believe that every
15 call would be answered. How would that -- an
16 increased number of calls affect the response time
17 to those calls?

18 A If the call was for service in the Glenwood
19 property, the closest ambulance would be the Wasco
20 station ambulance. A second call in the western
21 area would be answered by the east side ambulance.
22 So that impact could exist 120 or fewer times.

23 Q Chief, let me ask you -- and I don't remember
24 the exhibit number but -- well, I wanted to read to

1 you some of the conditions that were offered on
2 November 9th in a letter from Maxxam Partners and
3 ask if you have views as to the impact of those
4 conditions on the fire district, if any.

5 MEMBER ARIS: Excuse me, point of order.

6 We're looking at new evidence, not evidence
7 that was previously cited. Do we have that evidence --
8 do we have that information as new evidence?

9 MR. SHEPRO: Well, as far as I know, the
10 November 9th, 2016, letter from I think it was
11 Mr. Kolb that listed conditions and I believe which
12 was made an exhibit on January the 10th. We have
13 certainly not had an opportunity to comment on those
14 conditions or present any testimony with respect
15 to them.

16 MR. KINNALLY: It's one of the conditions.
17 It's right behind you there, Condition No. 9. I
18 believe Mr. Shepro is trying to address that condition
19 with the Chief. This would be new evidence.

20 MEMBER ARIS: All right. Thank you.

21 BY MR. SHEPRO:

22 Q Actually, let's start with that. Do you see
23 that condition?

24 A Yes. I've read it previously. I'm familiar

1 with it.

2 Q I'm not going to ask you about whether or not
3 that's enforceable because that's not really your area.
4 In your opinion, if that is agreed to and performed
5 by Maxxam Partners, would that satisfy all concerns
6 that you would have about the impact of this facility
7 on the fire district?

8 A Not all concerns.

9 Q What concerns would remain if they have agreed
10 to pay all of our fees for EMS calls?

11 A Given the uncertain nature of the number of
12 calls that exist, it wouldn't be an adequate amount
13 to sustain additional funding for staffing.

14 Q How about for new equipment?

15 A If there was a separate agreement to purchase
16 equipment, it would depend on what the equipment
17 that was being presented. An additional cardiac
18 monitor would have a great impact. It would help us
19 to begin advanced life care from the fire engine.
20 However, the cost of a brand-new ambulance is
21 \$250,000, which is not likely.

22 Q And how about the cost of a new fire truck?

23 MR. KOLB: We object, move to strike those
24 opinions from the record for lack of foundation

1 based on the uncertainty of EMS calls. There's no
2 foundation for those opinions.

3 MR. SHEPRO: There's no --

4 VICE CHAIRWOMAN MICHALSEN: I'm going to allow
5 it as -- I'm going to allow the objection. It's my
6 understanding as someone who has fire protection
7 where I live that it isn't the responsibility of one
8 residence or business to pay for the whole district,
9 and I feel like that's what that testimony is
10 driving at.

11 I don't think it's relevant to this petition.

12 MR. SHEPRO: If I may, Madam Chairman, the
13 purpose of that question was not to suggest that any
14 one person or entity was responsible but simply to
15 place in the record what the cost of additional
16 equipment is. And I guess we may argue later about
17 how that affects this particular petitioner, but if
18 the fire department needs a new ambulance, that's
19 potentially an impact, and the cost of that ambulance
20 I think is relevant. They're certainly free to
21 argue that it's not his responsibility, but I think
22 we're entitled to put that in evidence in the record.

23 VICE CHAIRWOMAN MICHALSEN: But you didn't
24 frame the evidence simply as this is what a new

1 ambulance costs; you framed that evidence to the
2 question about assumption of increased calls with
3 this facility. So I think you did directly tie it
4 to one particular business.

5 MR. SHEPRO: If I did, that was not my
6 intention, and I would like to rephrase the question.

7 VICE CHAIRWOMAN MICHALSEN: You may rephrase.

8 BY MR. SHEPRO:

9 Q Chief, what is the current cost of a new
10 ambulance?

11 A Approximately \$250,000.

12 Q Now, you testified I think earlier that the
13 district had purchased a demo.

14 A Correct.

15 Q And what was the cost of that?

16 A If my memory serves me, the amount was
17 \$170,000.

18 Q So there are options available to the district
19 short of going to the showroom and buying a brand-new
20 vehicle?

21 A Yes. That's correct.

22 Q And the reserve ambulance that you testified
23 to, what was the cost of that?

24 A If we were to replace it with a new ambulance

1 in 2019, it takes approximately a year to build; it
2 would have to be ordered in 2018, and depending upon
3 manufacturers' price increases brand-new would be
4 about \$250,000.

5 Q And do you have knowledge of what it could
6 potentially cost to simply go out into the market
7 and buy another used vehicle?

8 A My experience in the past is that I've been
9 able to successfully acquire similar vehicles that
10 Fox River purchased at -- depending upon age,
11 condition at a reduced amount.

12 Q I mean, I take it that that would be a
13 variable reflecting the age of the vehicle, the
14 condition of the vehicle, and so forth. So there's
15 no one answer for that kind of a purchase?

16 A No.

17 Q Now, the fees that are charged for EMS services
18 by the district, what are they designed to cover?

19 A That helps us recapture the use of our
20 equipment and put it back to work for future purchases.
21 It also helps us to put aside funding for things like
22 replacement cots, cardiac monitors.

23 Q Based on your experience --

24 VICE CHAIRWOMAN MICHALSEN: I'm sorry,

1 Mr. Shepro, I hate to interrupt. Do you know about
2 how much longer the questioning will be for this
3 witness? I did not anticipate that it would be
4 this long.

5 MR. SHEPRO: I'm sorry.

6 VICE CHAIRWOMAN MICHALSEN: We do want to
7 accommodate the large number of people that came
8 here tonight.

9 MR. SHEPRO: I'm almost through with this
10 one, but I have one more exhibit which is the
11 requested proposed conditions on behalf of the fire
12 district.

13 VICE CHAIRWOMAN MICHALSEN: Thank you.

14 Q Well, in fact, why don't we move on to that.
15 One final exhibit there which is entitled "Proposed
16 Conditions to Maxxam's Special Use," do you see that
17 document?

18 A I do.

19 MR. SHEPRO: I take it that would be Fire
20 District Exhibit 3.

21 (Fire District Exhibit 3 marked for
22 identification and retained by the Board.)

23 MR. SHEPRO: I believe counsel has it, as do
24 the County and the Board members.

1 VICE CHAIRWOMAN MICHALSEN: We do.

2 BY MR. SHEPRO:

3 Q Chief, I just want to take you very briefly
4 through these because I think they are self-
5 explanatory in many ways, but can you describe what
6 this document is?

7 A This document appears to be items that the
8 district and Maxxam had discussed as to help us
9 become capable and responsible to respond to their
10 facility.

11 Q And I'm not going to ask you about the
12 financial aspects of this because I think that will
13 be covered by another witness. Could you look at
14 No. 1 and tell the Board, please, why -- what that
15 condition is and why you think it's important that
16 it be a condition to any grant of a special use?

17 A Yes. The Glenwood School has a tremendously
18 capable water system, and to be able to continue to
19 utilize that water system for fire emergencies in
20 service to the community is very important. We have
21 a relationship with the current Glenwood School
22 company to utilize that water system for fires in
23 that neighborhood and pretty much all of the western
24 jurisdiction.

1 Q So right now it is currently being used as
2 we have requested?

3 A Yes.

4 Q So it would not be any new additional burden
5 or requirement on the potential applicant with
6 respect to A?

7 A With respect to A, as long as we're still
8 able to do that, that would be great.

9 Q With respect to B, what is the reason for
10 that request?

11 A As we know, the taxpayer funding for the
12 real estate property lags by one year, and this is a
13 transition payment to help us offset and prepare for
14 additional costs.

15 Q I'm sorry; I was referring to 1B where it
16 says "Improvements to Water Supply Access."

17 A Okay. The paved access to the principal road
18 traversing the facility allows for a hard surface
19 for our very heavy water tenders to be able to
20 secure their source of water, and that speeds up the
21 process of water shuttle and continues to perform in
22 a reliable fashion.

23 Q And do you know -- how big a difference --
24 or how big a distance is involved from the principal

1 road to the fill hydrant area?

2 A It's less than 300 feet to the principal fill
3 area which is underneath the water tower behind the
4 one building.

5 Q Again, I think you've already covered Item 2.

6 Could you look at Item 3 and tell us the
7 basis for that request?

8 MR. KOLB: We'd like to object to Item 2
9 referring to 2014 and 2012 respectfully, 2013,
10 as well.

11 VICE CHAIRWOMAN MICHALSEN: Does counsel
12 have a response as to those dates?

13 MR. SHEPRO: I think the objection is well
14 taken. I would like to reflect that we would change
15 that to the current year. And I thank you for that
16 observation, Mr. Kolb.

17 A Item 3 is directly reflective of our
18 response to the facility with EMS/ambulance service.

19 Q And --

20 VICE CHAIRWOMAN MICHALSEN: If I may, on
21 Item No. 3, what is -- as a person who is not familiar
22 in depth with the fire district, what is -- what
23 does the fire district gain from an agreement with
24 Maxxam that they would utilize the ambulance and

1 transport services of your fire district for all
2 emergency transport rather than they just place the
3 emergency call and whether it's your service, or a
4 mutual aid, or an auto aid responder -- I'm not sure
5 what that does in the agreement.

6 THE WITNESS: As a life safety professional,
7 it ensures that the people that are stricken on that
8 property receive emergency care in a timely manner
9 as opposed to a private ambulance or another ambulance
10 company that would have to respond from several
11 miles away.

12 VICE CHAIRWOMAN MICHALSEN: So the fire
13 district would not like Maxxam to hire a private
14 ambulance service to relieve pressure on the fire
15 district's resources?

16 THE WITNESS: I don't know. I haven't been
17 able to ascertain by the previous testimony if that
18 would be something that would enhance or not. We
19 don't know how many -- what the arrangement is for
20 how emergencies are dictated to us.

21 VICE CHAIRWOMAN MICHALSEN: Thank you.

22 MEMBER MELGIN: I also have a question on
23 the water supply.

24 How many times have you had to use the water

1 supply for emergency purposes?

2 THE WITNESS: That's a good question. In
3 four months I haven't had to utilize it. However,
4 I'm familiar with every time there's a fire in that
5 zone, based on meetings with my staff that every
6 time it's a structure fire of significant proportion
7 where there are active flames, that facility is
8 utilized on the west side.

9 MEMBER MELGIN: But do you think it would be
10 frequent enough that you would have to have a specific
11 road for your vehicles?

12 THE WITNESS: That's different than the item
13 that was discussed, a separate entrance or a paved
14 surface.

15 MEMBER MELGIN: Because of the weight of
16 your emergency vehicles?

17 THE WITNESS: There's an area of the property
18 where we fill up which is basically gravel which
19 over the years has sunk into the dirt, and a heavy
20 fire truck would sink. So the request was to make
21 that a hard surface so we could fill adequately as
22 opposed to a second row. This is just a small area
23 that we would want taken care of.

24 MEMBER ARIS: Do you know when was the last

1 time you actually had to use that water source?

2 THE WITNESS: No, I don't. I can't testify
3 as to the exact date that it was used.

4 MEMBER ARIS: Also, did you construct this,
5 or is this --

6 THE WITNESS: No.

7 MEMBER ARIS: -- formatted an earlier time,
8 the actual exhibit?

9 THE WITNESS: Proposed conditions were prepared
10 prior to my arrival here.

11 MR. KINNALLY: Point of order. She's
12 looking at Exhibit FD3 for the record.

13 MEMBER ARIS: Right. We haven't accepted
14 this as an exhibit yet.

15 MR. KINNALLY: I didn't say that. I just
16 said you're looking at it.

17 MEMBER ARIS: Right.

18 MR. SHEPRO: Point of fact, Madam Chairman,
19 I prepared this before the last meeting in
20 consultation with the Chief and with Mr. Handley.
21 And if you want to swear me in to say that, I will,
22 but this is not intended to be evidence. This is
23 intended to be our request for conditions, which I
24 think is something very different.

1 VICE CHAIRWOMAN MICHALSEN: I agree. It
2 wouldn't be -- we are accepting other interested
3 parties' lists, so I would consider this an
4 interested party's list.

5 MR. SHEPRO: That's all this is and I'm
6 simply asking the Chief where appropriate to explain
7 why we are making that request.

8 MR. KOLB: We stipulate to this list and ask
9 you to take it under advisement so we can move on.

10 MR. SHEPRO: Fair enough.

11 MR. KOLB: We're not agreeing to the terms
12 and conditions.

13 VICE CHAIRWOMAN MICHALSEN: I appreciate the
14 stipulation. We did have one question from a Board
15 member about Item No. 2. What approximately does
16 that payment look like in terms of dollars?

17 MR. SHEPRO: Well, I'd have to look at the
18 tax bill, but essentially, it would be whatever the
19 taxes would be that would be payable in the following
20 year based on the current year assessment.

21 MR. KINNALLY: Approximately \$336,000 per year.

22 MR. SHEPRO: Not to the fire district.

23 MR. KINNALLY: I'm talking about the total
24 that's the value -- sorry -- I said the total value

1 on the tax roll the testimony has been approximately
2 \$336,000. I don't know what percentage, but that
3 was the testimony previously.

4 VICE CHAIRWOMAN MICHALSEN: Thank you.

5 Did you have any other questions?

6 MEMBER LAKE: Just as a comment, I know that
7 there is just a portion of that that's payable to
8 this district, which is the suggestion that that
9 would be the transition payment. So is there anybody
10 here from this district that is familiar with the
11 taxing body's annual income, which is usually equal
12 to their budget?

13 MR. SHEPRO: I'm not sure if I understand
14 the question. But, Mr. Kinnally, do you have the
15 EAV that that number was based on?

16 MR. KINNALLY: I do not. It's based on my
17 recollection from testimony in the record as to the
18 amount.

19 MR. SHEPRO: I think either I or Mr. Handley
20 who will testify next can testify as to the current
21 tax rate of the district, or we can certainly
22 supplement that with an exhibit. I mean, that's not
23 a speculative number; that number is known.

24 Currently the district's annual tax revenue

1 is about \$2.5 million.

2 THE WITNESS: Yes, that's correct.

3 MR. SHEPRO: And as far as -- we basically --
4 calculating the number would be a simple mathematical
5 computation of the district's --

6 VICE CHAIRWOMAN MICHALSEN: I understand that.
7 Nobody here has that number. I think that answers
8 that question; we don't have that number available.

9 Is the Board -- with the stipulation offered
10 by petitioner, is the Board interested in a motion
11 to accept this exhibit as is as recommended conditions
12 in lieu of further testimony from this particular
13 witness, or do you want to hear specific testimony
14 about specific item numbers?

15 MEMBER FALK: Do we have to -- it's a
16 proposal to negotiate.

17 THE COURT REPORTER: I can't hear you.

18 VICE CHAIRWOMAN MICHALSEN: Member Falk said
19 it was a proposal to negotiate later.

20 MEMBER FALK: Is that what you're trying to
21 get at?

22 MR. SHEPRO: I guess my request only would
23 be that it would be placed in the record on the same
24 standing as the other requests for conditions. I

1 don't suggest that it is evidence of anything other
2 than it is evidence of our request, and I think that
3 was the basis for Mr. Kolb's agreement, as well.

4 MR. KOLB: Right. We will stipulate that it
5 is evidence of what they are requesting of you.

6 MEMBER FALK: We'll put it in the record.

7 VICE CHAIRWOMAN MICHALSEN: So we have a
8 motion to accept Fire District Exhibit 3 into the
9 record as the official recommendations from the fire
10 district to the Board as what conditions to
11 consider. Is that correct?

12 MEMBER LAKE: Second the motion.

13 VICE CHAIRWOMAN MICHALSEN: Second. All in
14 favor say aye.

15 (Ayes heard.)

16 VICE CHAIRWOMAN MICHALSEN: All opposed,
17 same sign.

18 (No response.)

19 VICE CHAIRWOMAN MICHALSEN: Motion carries.

20 (Fire District Exhibit 3 admitted into
21 evidence and retained by the Board.)

22 MR. SHEPRO: I would like to reserve
23 Exhibit 2, which is our chart. There was no motion
24 the first time. I guess I would ask that it be

1 entered as a demonstrative exhibit simply to
2 illustrate his testimony and for no other purpose.

3 VICE CHAIRWOMAN MICHALSEN: Do we have a
4 motion to accept Fire District Exhibit 2 as
5 demonstrative evidence of the testimony?

6 MEMBER ARIS: I have a question of
7 clarification. Since we've already agreed to it as
8 an offer of proof and put it in the record that way,
9 do we have to rescind that in order to then put it
10 in as evidence? I don't think it can go into the
11 record as both, can it?

12 MR. KINNALLY: Well, it's already been refused.

13 MEMBER ARIS: Right. But then it was asked
14 to be entered as an offer of proof.

15 MR. KINNALLY: That's the end of it. I don't
16 know what the offer is now, but you've already
17 refused it once, and you've said that Mr. Shepro on
18 behalf of his client could put it in as an offer of
19 proof, and I indicated it wouldn't be considered by
20 the Zoning Board because you didn't admit it into
21 evidence.

22 MR. SHEPRO: Actually, I think you indicated
23 it probably wouldn't be considered by the Zoning
24 Board.

1 MR. KINNALLY: That's what I meant to say.

2 MR. SHEPRO: But now I am offering it for a
3 different purpose than originally. I am asking
4 simply that it be admitted as a demonstrative exhibit
5 the same as a chart which is not substantive evidence,
6 but it's merely to illustrate the testimony of the
7 witness.

8 MR. KOLB: There's no difference. Same
9 objection.

10 VICE CHAIRWOMAN MICHALSEN: Do we have a
11 motion from a member of the Board for that?

12 (No response.)

13 VICE CHAIRWOMAN MICHALSEN: Hearing no
14 motion, it doesn't carry.

15 MR. SHEPRO: All right. I have nothing
16 further.

17 MR. KINNALLY: Madam Chairman, I just wanted
18 to make one point to you. With respect to the
19 equalized assessed valuation for the Fox River and
20 Countryside Fire Protection District as represented
21 in the application by the petitioner, it's
22 .0274449 percent. I don't know whether that's
23 accurate, but that's what the petitioner indicated
24 on page 13 of the rider to their application, which

1 I believe was submitted -- well, it's in evidence.

2 MR. SHEPRO: Mr. Kinnally -- or Madam Chairman,
3 I think Mr. Kinnally has possibly confused
4 two different concepts. An EAV cannot possibly be .02.

5 MR. KINNALLY: I'm not saying it's right.

6 VICE CHAIRWOMAN MICHALSEN: I think at this
7 time we'll just accept that no one has presented
8 positive testimony as to what that number is and
9 leave it at that.

10 MR. SHEPRO: If that's the number that's being
11 called to the Board's attention, I think we probably
12 will have to pursue that later.

13 MR. KINNALLY: Whatever.

14 VICE CHAIRWOMAN MICHALSEN: Do you have any
15 further questions for your witness?

16 MR. SHEPRO: I previously said that I had no
17 further questions.

18 VICE CHAIRWOMAN MICHALSEN: I apologize.

19 Mr. Kolb, do you have any cross-examination?

20 MR. KOLB: No.

21 VICE CHAIRWOMAN MICHALSEN: Mr. Carrara, any
22 cross-examination?

23 MR. CARRARA: No, thank you.

24 VICE CHAIRWOMAN MICHALSEN: Mr. VanKerkhoff,

1 any questions.

2 MR. VANKERKHOFF: I had one question.

3 EXAMINATION BY THE ZONING ENFORCEMENT OFFICER

4 BY MR. VANKERKHOFF:

5 Q Chief, thank you for your service to the
6 community.

7 You mentioned you had a number of ambulance
8 calls, a number of concurrent calls, and a percentage
9 for the number of times that occurs. Do you happen
10 to know this evening the number of mutual aid calls
11 that the district has had to make for ambulance
12 service to other districts in the last four months
13 if that was included in your review?

14 A I'm recalling from memory. It wasn't part of
15 my review of the impact. Our average mutual aid
16 given during the past four months is approximately
17 eight times. So on average we go outside of the
18 district to a neighboring district eight times
19 per month.

20 Q Oh, I'm sorry. I didn't mean for outgoing
21 mutual aid calls. I mean when both ambulances have
22 been on concurrent call and the fire district has
23 had to use the mutual aid agreement with another
24 district such as Elburn or South Elgin to respond to

1 a 911 call within your fire district.

2 A The amount of mutual aid received for
3 emergency medical services over the four-month
4 period is a total of four.

5 MR. VANKERKHOFF: Thank you.

6 VICE CHAIRWOMAN MICHALSEN: Any questions,
7 Mr. Kinnally?

8 MR. KINNALLY: Very briefly, Madam Chairwoman,
9 with your permission.

10 EXAMINATION BY COUNSEL FOR THE COUNTY BOARD

11 BY MR. KINNALLY:

12 Q I just want to make sure I understand -- and
13 I appreciate you coming tonight. In the vicinity of
14 this facility, correct me if I'm wrong, there are
15 the following fire protection districts that provide
16 or could provide either direct or mutual aid. That
17 would be South Elgin, Wasco, Elburn, Pingree Grove,
18 and Valley View. Are those all fire protection
19 districts that could serve this particular facility?

20 A As you referred to it, Counsel, Wasco and
21 Valley View are part of the Fox River --

22 Q I know that. I know.

23 A So you mean stations?

24 Q Yeah.

1 A Okay. That's different than districts.

2 Q Okay. Well, sorry. They're all districts
3 or they're all stations within districts?

4 A Response areas.

5 Q Okay. With respect to all of those, your
6 district has mutual aid agreements?

7 A We do.

8 Q And, in fact, isn't the South Elgin facility
9 closer to Glenwood than the Wasco one that you run?

10 A I would have to double-check the mileage,
11 but it appears to be the case.

12 Q With respect to the increased calls that you
13 talked about in response to questions from Mr. Shepro,
14 you didn't do any study or any analysis as to how
15 that 120 number came up; isn't it true?

16 A That's true.

17 Q Okay. So would the amount of patients that
18 Maxxam serves have a bearing on the number of calls
19 that you would expect to increase over a given year?

20 A I could answer that if I knew what kind of
21 patients I was getting.

22 Q All right. Well, let me tell you what the
23 testimony is. Okay?

24 A Okay.

1 Q At one time it was 120 patients, and another
2 time it's 96 patients. So it's somewhere between
3 those two numbers. So you've got like 100 to 120.
4 Based on that -- and I assume that this facility is
5 not going to get online right away -- what would you
6 expect the incidence of calls -- it would increase
7 over a five-year period once it gets filled; is that
8 a fair statement?

9 A If there's an attrition rate to occupy the
10 facility to its maximum, that's a correct statement.

11 Q And the only way you could come up with a
12 number is to look at that over a period of years;
13 isn't it true?

14 A We would do an analysis of its impact after
15 it's been up and running.

16 Q So at some point the 120 calls is pretty much
17 a guess, isn't it?

18 A Oftentimes in my business it is a guess.

19 Q Okay. That's fair.

20 MR. KINNALLY: Can you put up the picture of
21 the facility?

22 Q Chief, I've got one question that -- now, as
23 I understand it, this is a one-way in facility. Is
24 that right?

1 A That's correct.

2 Q It's a pretty big piece of property, isn't
3 it, 120 acres?

4 A Yes.

5 Q A lot of buildings?

6 A Yes.

7 Q It's kind of like a small hospital, isn't it?

8 A Or a college campus, yes.

9 Q Sure. As a fire protection expert, would
10 you be more comfortable with two entranceways and
11 exit ways to this facility than one?

12 A Yes, I would be more comfortable with two.

13 Q Why is that? Can you tell the Board?

14 A My business is risk management along with
15 life safety, and should something happen in a
16 natural disaster where the means of entrance to that
17 facility was obstructed, there's always the
18 possibility that a second entrance would enhance our
19 response to that facility. I'm thinking of a
20 natural disaster such as a tornado.

21 MR. KINNALLY: Thank you, Chief. Nice to
22 meet you.

23 THE WITNESS: Thank you.

24 VICE CHAIRWOMAN MICHALSEN: At this time if

1 any representatives --

2 MR. SHEPRO: May I?

3 VICE CHAIRWOMAN MICHALSEN: I apologize.
4 Yes, you may redirect.

5 EXAMINATION BY COUNSEL FOR THE OBJECTOR

6 BY MR. SHEPRO:

7 Q Chief, in response to Mr. Kinnally's questions,
8 he asked you about that there were MABAS agreements
9 with every one of the surrounding districts.

10 A Yes.

11 Q But I think you testified previously that
12 MABAS agreements do not cover emergency medical calls.

13 A Primary response calls are always the
14 obligation of the district that hosts the risks. So
15 there is no such thing as a mutual aid agreement to
16 the primary due into another community. It would be
17 after our resources are exhausted, then we would
18 have to implement mutual aid.

19 MR. SHEPRO: Thank you.

20 MR. KOLB: We have a follow-up question.

21 VICE CHAIRWOMAN MICHALSEN: Sure.

22 MR. CARRARA: We're short copies but I'll
23 read it for the record.

24 MR. KINNALLY: Can we identify it, Madam

1 Chairman, with a number, please?

2 VICE CHAIRWOMAN MICHALSEN: I'm just taking
3 a moment to see what exhibit number was already
4 given in the record so we can maintain consistency
5 with that.

6 MR. KOLB: No problem.

7 VICE CHAIRWOMAN MICHALSEN: Just a moment.
8 It was previously entered I believe as J5, in fact,
9 at previous hearings.

10 EXAMINATION BY COUNSEL FOR THE PETITIONER

11 BY MR. KOLB:

12 Q Chief, have you seen this letter before?

13 A No.

14 Q Do you want to take a moment to read the
15 letter?

16 A I've done that.

17 Q All right. The letter appears --

18 MR. SHEPRO: If someone could possibly
19 furnish me with a copy before he's questioned about
20 it. I didn't bring the entire record with me,
21 Mr. Kolb.

22 VICE CHAIRWOMAN MICHALSEN: Mine is headed
23 that way. Thank you.

24 MR. SHEPRO: Thank you.

1 Q Can you tell me who the author is of that
2 letter?

3 A This letter is signed by Chief Carl DeLeo,
4 the predecessor fire chief before I joined the
5 department.

6 Q How long did your predecessor fire chief
7 serve as chief in that capacity?

8 MR. SHEPRO: I have an objection because
9 that assumes facts not in evidence.

10 A I don't know how long he was employed by the
11 fire district.

12 Q All right. The letter indicates -- who is
13 the recipient of the letter?

14 A Mark VanKerkhoff.

15 Q Mark VanKerkhoff?

16 A Yes.

17 Q And am I correct that the letter reads,
18 "Regarding our conversation with Captain Sutherland
19 on December 22nd, 2015, referencing the second
20 driveway at the Glenwood School, we have discussed
21 the issue using the old driveway at McDonald Road.
22 We both agree that since the road was never used by
23 the school, we do not feel it would be required by
24 the fire district. We have reviewed the site and

1 find that the entrance off Silver Glen Road does not
2 hinder our operation at this time. If you have any
3 other questions or concerns, please contact Captain
4 Sutherland."

5 Are you saying you disagree with what's in
6 this letter?

7 A No. I was asked my opinion about something
8 which I answered to based on risk management. This
9 chief obviously rendered a different opinion.

10 Q And why do you think such a second access
11 was not required for the Glenwood School?

12 A Probably because it was vacant.

13 Q It was at one time operational; correct?

14 A That was before his tenure.

15 MR. SHEPRO: Now he's arguing with the
16 witness. I object to that.

17 VICE CHAIRWOMAN MICHALSEN: I'm not sure
18 this witness is qualified to speak to Chief DeLeo's
19 intent or state of mind when he drafted this letter.

20 MR. KOLB: We just move to enter this into
21 evidence.

22 VICE CHAIRWOMAN MICHALSEN: We recognize it's
23 already in as Exhibit J35 from the previous hearings.

24 MR. KOLB: Thanks.

1 VICE CHAIRWOMAN MICHALSEN: Thank you. Any
2 other redirect?

3 MR. SHEPRO: Yes, on this letter.

4 VICE CHAIRWOMAN MICHALSEN: Do you have a
5 question on this letter?

6 MEMBER MELGIN: On something else. I have a
7 question when you were talking about the number of
8 visits that you would expect.

9 Do you have nursing homes or assisted-living
10 facilities in the district?

11 THE WITNESS: Currently Fox River and
12 Countryside does not.

13 MEMBER MELGIN: Does not have any?

14 MEMBER FALK: They don't.

15 THE WITNESS: We don't have nursing home
16 facilities like assisted-living facilities and the
17 nature, that's correct.

18 MEMBER MELGIN: Thanks.

19 VICE CHAIRWOMAN MICHALSEN: Mr. Shepro.

20 EXAMINATION BY COUNSEL FOR OBJECTOR

21 BY MR. SHEPRO:

22 Q That letter says that DeLeo is stating it
23 would not be required by the district. Do you
24 see that?

1 A I do.

2 Q And Mr. VanKerkhoff -- I think -- maybe it
3 was Mr. Kinnally's question. You simply stated that
4 in your opinion from a risk management standpoint it
5 would be desirable to have it?

6 A That's correct.

7 Q You did not use the word "required"?

8 A I'm not saying that it's required, that it
9 would enhance life safety.

10 Q So do you see any difference between what
11 you said to Mr. Kinnally and what DeLeo said in his
12 letter?

13 A I can't tell if this was his opinion on life
14 safety.

15 MR. SHEPRO: Thank you. That's all.

16 VICE CHAIRWOMAN MICHALSEN: At this time do
17 we have any representatives of units of local
18 government who have any questions for this witness?

19 Mr. Blecker.

20 MR. BLECKER: Harry Blecker, president of
21 Village of Campton Hills.

22 EXAMINATION BY VILLAGE OF CAMPTON HILLS PRESIDENT
23 BY MR. BLECKER:

24 Q Thank you for your time tonight, Chief Nixon.

1 A Thank you.

2 Q Just a couple questions so that I'm clear on
3 this. It may have been asked and answered, but I'd
4 just like to real quick clear it up in my own mind.

5 When the Station 2 ambulance is out on a
6 call, and a call would come in from this district
7 again, it would then be serviced by Station 1?

8 A That is correct.

9 Q Do you know the time it would take from
10 Station 1 to the Maxxam facility?

11 A Conditions vary based on weather and time of
12 day. We estimate probably 10 to 12 minutes.

13 Q And the time from the Wasco facility to the
14 Maxxam is what?

15 A Between five and seven minutes.

16 Q So this is about double the time depending
17 on time of day, traffic, weather conditions?

18 A Correct.

19 Q When you send out an EMS, you said you send
20 out an ambulance and a fire truck?

21 A That is correct.

22 Q Do you also call for other assistance such
23 as police escort?

24 A We don't. It's automatically assigned. We

1 don't specifically request it.

2 Q So, in other words, when you go out and --
3 you receive a call at your station, whichever one it
4 is, it's automatically requested by 911 center or
5 KaneComm or whoever it might be that a police escort
6 goes out with them?

7 A I'm not sure who is -- whose condition that is.

8 Q So you don't know whether we send them out
9 or not?

10 A Oh, I'm familiar with that on many of our
11 emergency medical calls depending upon the police
12 jurisdiction a police officer will accompany us.

13 Q Do you know what the police jurisdiction is
14 for this facility?

15 A I believe it's in the Campton Hills village.

16 Q I'm sorry. It's not.

17 A No?

18 Q It is the Kane County Sheriff's Department --

19 A Okay. Thank you.

20 Q -- which has limited access to here.

21 Campton Hills would be the first --

22 VICE CHAIRWOMAN MICHALSEN: If you could
23 limit your testimony. Do you have any further
24 questions of this witness?

1 MR. BLECKER: No. I'm done. Thank you.

2 VICE CHAIRWOMAN MICHALSEN: Do we have any
3 other representatives from units of local government
4 who have questions of this witness?

5 Any members of the public have any questions
6 for this witness?

7 (No response.)

8 VICE CHAIRWOMAN MICHALSEN: At this time I
9 would ask Mr. Shepro how long he anticipates -- oh,
10 I apologize, sir. Please step forward.

11 MR. WAGNER: My name is Bob Wagner. I live
12 at 39W570 Kevin Court. I'm about a mile east of the
13 facility.

14 EXAMINATION BY AUDIENCE MEMBER

15 BY MR. WAGNER:

16 Q I understand you haven't been in service all
17 that long, but first let me say thank you.

18 And, second, my question relates to when the
19 Glenwood School was in operation. Is there any
20 historical information on how many calls they were
21 getting? Because in my opinion living on Silver Glen
22 there were a lot.

23 A I don't have that information immediately at
24 my disposal.

1 Q Is it available?

2 A Yes. Based on our reported data that we
3 provide to the State, I could research that.

4 Q I think that might be valuable and I'll tell
5 you why.

6 A Okay.

7 Q You're speculating 120 calls. I'll tell you
8 I think it was more like daily for a school.

9 MR. KOLB: Objection, move to strike.

10 MR. WAGNER: I understand.

11 VICE CHAIRWOMAN MICHALSEN: If you have any
12 questions, we'll take public comment later.

13 MR. WAGNER: That is my question.

14 VICE CHAIRWOMAN MICHALSEN: Thank you.

15 Yes, ma'am, please step forward.

16 MS. BARTELS: Cathy Bartels. I live at
17 6N779 Brierwood, about a mile from the property.

18 EXAMINATION BY AUDIENCE MEMBER

19 BY MS. BARTELS:

20 Q My question to you is -- other than to thank
21 you for your service is, if you are on a call, and
22 you have to make time to get to the school or the
23 facility, do you just take the main roads? Will you
24 take Burlington to Silver Glen to the entrance, or

1 are you going to cut through the neighborhoods?

2 A It typically wouldn't be the case. We would
3 stay on main roads because those are easier travel,
4 higher visibility, and safer.

5 Q Okay. And Silver Glen being a two-lane
6 highway -- well, so is Burlington -- but, you know,
7 there's still kids out; there's people walking. Is
8 that -- you know, is that a problem?

9 A Every time we respond to emergencies our
10 people are trained to be aware of the hazards no
11 matter what the road conditions are. So it wouldn't
12 be much different for us responding to the school
13 than it would be to your house.

14 MS. BARTELS: Okay. Thank you.

15 VICE CHAIRWOMAN MICHALSEN: Yes, sir -- I
16 apologize. May I have a show of hands of anyone
17 else who would like to ask questions of this witness
18 just so we can budget time?

19 I see one. Do I just see the one -- no.
20 Okay. So this will be our last questioner.

21 MR. HOLSTEIN: Mark Holstein, 6N865 Palomino.

22 EXAMINATION BY AUDIENCE MEMBER

23 BY MR. HOLSTEIN:

24 Q You said you send out an ambulance and no

1 matter what, you send out another vehicle from the
2 fire department; is that correct?

3 A Our standard response, yes.

4 Q Good. And how many people are involved
5 in that?

6 A Four.

7 Q Total in both vehicles?

8 A Yes.

9 Q Okay. What would the cost of that be?
10 Well, you got four guys, three hours, what does that
11 cost you? And what does it cost to take a vehicle
12 out for three hours?

13 A By law under the State of Illinois we're
14 able to collect \$150 per hour for a fire engine.

15 Q Okay. What about an ambulance?

16 A Same.

17 Q Okay. So that's \$300 an hour times possibly
18 three hours; is that correct?

19 A No. Both vehicles wouldn't be out for
20 three hours.

21 Q Okay. That makes sense.

22 So I think the petitioner has agreed to pay
23 that -- is that correct? -- in that last number, pay
24 for ambulance services?

1 A That refers to, sir, a different agreement
2 that was yet to be entered into regarding our
3 published cost for EMS calls. That's different.

4 MR. HOLSTEIN: Can somebody answer that for me?

5 VICE CHAIRWOMAN MICHALSEN: There were
6 two different reimbursement rates.

7 MR. HOLSTEIN: I'm asking the petitioner,
8 which is him, has agreed to pay all of those costs,
9 and you're saying -- didn't you say you were going
10 to pay for the ambulance expenses?

11 MR. KOLB: Petitioner has agreed to
12 Condition 9.

13 MR. HOLSTEIN: I'm just wanting to make sure
14 we're all on the same page that if it is 900 bucks
15 per call that they agreed to pay it.

16 THE WITNESS: We have a schedule of costs
17 based on the emergency that's adopted by the fire
18 protection district, and the most recent schedule of
19 costs is based on the severity, not the flat rate.
20 The flat rate that I referred to is for compensation
21 for under the mutual aid agreement the value that we
22 could bill someone.

23 MR. HOLSTEIN: I understand. But we haven't
24 talked about how much it's going to cost the Village,

1 and I assume we're not talking about that because
2 they're going to pay it.

3 VICE CHAIRWOMAN MICHALSEN: Thank you.

4 Did you have any redirect, Mr. Shepro?

5 MR. SHEPRO: I just have one or two
6 questions with respect to that access road.

7 EXAMINATION BY COUNSEL FOR OBJECTOR

8 BY MR. SHEPRO:

9 Q Chief, with respect to the possibility of a
10 second entrance, would that have to be a full-time,
11 full-access in your opinion, or could it be an
12 emergency-only like with a breakaway gate or something
13 like that?

14 A I'm familiar with what they call turf blocks
15 which are buried into the sod to allow an ambulance
16 to transport over its surface without creating a
17 full row. I'm familiar with that technology.

18 Q So it could be used in the case of a true
19 emergency like a tornado blocking the other entrance?

20 MR. KOLB: Objection. He's outside of the
21 scope by the public. His redirect should be limited
22 to the last set of questions.

23 MR. SHEPRO: I'm just attempting to clarify
24 the questions that were asked, and that's my final

1 question I think.

2 MR. KOLB: Same objection.

3 VICE CHAIRWOMAN MICHALSEN: Seeing as how he's
4 already answered it, I'm just going to overrule it.

5 Mr. Shepro, do you have an estimation of how
6 long your direct will be of your second witness?

7 MR. SHEPRO: Considerably shorter but I
8 would request --

9 VICE CHAIRWOMAN MICHALSEN: I'm going to
10 need a number.

11 MR. SHEPRO: I would request a recess to
12 discuss that and see how much we can eliminate of
13 what I had intended to ask.

14 VICE CHAIRWOMAN MICHALSEN: Yes. We will
15 take a recess at this time. It is approximately
16 quarter to 9:00. We will come back at exactly 9:00.
17 Thank you.

18 (Recess taken, 8:45 p.m. to 9:03 p.m.)

19 VICE CHAIRWOMAN MICHALSEN: Thank you all
20 very much for your patience this evening.

21 Just to give you a brief overview of what
22 the rest of tonight's going to look like, we are
23 looking for a hard stop at 10:00 p.m. to be
24 respectful of everyone's evenings. Mr. Shepro has

1 indicated that he has 5 to 10 minutes of direct
2 questioning for his next witness. Of course, we'll
3 allow time for cross and redirect.

4 After his witness is excused, we will open
5 it up to public comments. We will not finish the
6 public comments tonight. It was our sincerest hope
7 that we would have started public comments well before
8 now this evening, but adjusting to the testimony we
9 heard tonight, we will start it tonight assuming
10 that the examination of the witness leaves time for
11 that, but we will not finish it. And we are very
12 sorry for the inconvenience of not being able to
13 finish it tonight; we just don't want to be here
14 until 1:00 in the morning to do that.

15 We will begin -- assuming we've gotten to
16 public comment and past the second witness, we will
17 begin with public comment on Thursday, and we will
18 take public comment for the whole evening if that's
19 what it takes to accommodate everyone who has
20 something to add to the discussion.

21 I would say if you are here tonight, and you
22 can stay to see if the witness will allow time for
23 public comments, and you will not be available
24 Thursday night, I would ask that those residents get

1 to go first tonight so they for sure get what they
2 say to say on the record. If you can come back on
3 Thursday, we would appreciate your time and your
4 effort to do so that we can accommodate as many people
5 that want to speak on this being able to speak at
6 these meetings.

7 So with that I will turn it over to Mr. Shepro
8 and his second witness.

9 MR. SHEPRO: Yes, Madam Chairman.

10 MR. CARRARA: Madam Chair, just one quick
11 question, if I may.

12 VICE CHAIRWOMAN MICHALSEN: Sure.

13 MR. CARRARA: At prior meetings I think we
14 heard the staff request opinions from the State's
15 Attorney. Are we going to receive those to have the
16 ability to look at those before you close public
17 comment or the public hearing?

18 Additionally, I believe there was supposed
19 to be a water analysis report prepared stating that
20 there wouldn't be any impact on the aquifer, and my
21 question would be, are we going to be able to see
22 that and have public comment or questions on that
23 prior to closing the hearing?

24 VICE CHAIRWOMAN MICHALSEN: I would ask

1 Mr. VanKerkhoff to respond.

2 MR. VANKERKHOFF: The answer is yes.

3 MR. CARRARA: So that means we'll get them
4 Thursday and then not have the ability to review them
5 before we have this meeting, or when does "yes" mean?

6 VICE CHAIRWOMAN MICHALSEN: Mr. VanKerkhoff?

7 MR. VANKERKHOFF: Sure. I can address both
8 issues.

9 I did discuss my staff comments on the
10 nine conditions with State's Attorney's office.
11 Mr. Kinnally may want to chime in, also, but
12 basically, they concurred with staff's assessment on
13 whether they were enforceable, might be enforceable,
14 or not enforceable.

15 And to the other issue a little more
16 complicated answer, but the questions were raised
17 earlier in the previous hearings about the effects
18 of this particular use, and those responses are on
19 record. But to summarize them briefly by my memory
20 is that the system is operated on an IEPA permit.
21 There is a recommendation that hospitals would be on
22 a public sanitary sewer system, but there is not
23 anything specifically that regulates on a State
24 level the volumes in terms of pharmaceuticals into

1 the system.

2 That's just my brief overview recollection.
3 There was no new evidence tendered by the petitioner
4 or any additional comments from water resources other
5 than that response which I believe is already in the
6 record.

7 Thank you.

8 MR. SHEPRO: If I may ask a follow-up to
9 that. I'm sorry.

10 As I recall, as Mr. VanKerkhoff just said,
11 there were different categories of those questions,
12 and I think staff said in some cases that they didn't
13 think they were enforceable, and I take it that
14 Mr. VanKerkhoff's statement indicates that the
15 State's Attorney agreed with that.

16 With respect to the questions where they
17 said they weren't sure if they were enforceable, was
18 that also the response from the State's Attorney, or
19 were they more definitive positively or negatively
20 on the ones where you were in doubt?

21 MR. VANKERKHOFF: They were not definitively
22 one way or the other. It was more along the lines
23 of there's really no way to predict what a judge in
24 a court of law might rule in terms of those that I

1 listed as being potentially nonenforceable.

2 VICE CHAIRWOMAN MICHALSEN: Mr. Shepro, your
3 witness.

4 MR. SHEPRO: I would call Robert Handley.

5 MR. CARRARA: If I can, Madam Chairwoman, at
6 the last meeting there was comments by Mr. Kinnally
7 that he would seek a -- staff's comments from the
8 water concerns, they would send those to the
9 petitioner. Petitioner assured us that Sheaffer
10 & Roland would write a letter back to the ZBA
11 answering and giving all those assurances. So far
12 all I've heard is Mr. VanKerkhoff giving some vague
13 reference to discussions that I don't know where he
14 got nor do I think it's a part of the record the ZBA
15 can consider.

16 Again, I have looked over the Sheaffer report,
17 and nowhere in there does it address the questions
18 that were specifically asked by I believe it was the
19 Campton Township, Mr. Miller. Unfortunately, I don't
20 think he's here this evening -- I think he's
21 traveling -- nor do I have access to the verbatim
22 transcript of what was promised you'd receive.
23 Likewise, nor do I have a detailed transcript
24 showing what Mr. VanKerkhoff's general recollections

1 are on the conditions that have been offered. So if
2 there's some way we could get that --

3 MR. KINNALLY: If you want to be argumentative
4 about this, let me respond.

5 Number one, we went to water resources. We
6 talked to Ken Anderson and Mr. VanKerkhoff's
7 representation as to the permit for the facility is
8 accurate.

9 We talked with the petitioner with respect
10 to whether they wanted to produce any other
11 evidence. They said they didn't on that issue. So
12 there's not going to be any other evidence on that
13 other than what Mr. VanKerkhoff just said.

14 With respect to the conditions, they are as
15 follows -- there's our view with respect to their
16 enforceability.

17 MR. CARRARA: And whose view is this? Is
18 this you as the County or you as the attorney for
19 the ZBA?

20 MR. KINNALLY: I didn't say I was the
21 attorney for the ZBA. I'm the attorney for the
22 County, and to the extent the ZBA is part of the
23 process, that's why I'm here. Do you want a
24 response or not?

1 MR. CARRARA: Yes. I just wanted to clarify
2 who you were responding for. Thank you, Mr. Kinnally.

3 MR. KINNALLY: I'm responding for the staff.
4 I'm responding to your question.

5 With respect to Condition No. 9, we believe
6 it's not enforceable.

7 With respect to No. 8, we don't believe it's
8 enforceable.

9 With respect to Condition 7, we believe it's
10 enforceable -- these are as written.

11 6, we don't think that's enforceable.

12 Condition No. 5 has already been agreed to,
13 so we believe that's enforceable.

14 The private pay option, Condition No. 4, not
15 enforceable.

16 The no-outpatient-treatment condition in all
17 likelihood not enforceable.

18 The no-expansion, our position on that is if
19 there's going to be any expansion, they'd have to
20 come back to this Board in the future if they wanted
21 to expand.

22 And the donation of the Narcan, I assume it
23 would be enforceable if they don't donate it but
24 it's a donation.

1 So that's our response.

2 MR. CARRARA: Thank you.

3 MR. KINNALLY: You're welcome.

4 Thank you, Madam Chairman.

5 VICE CHAIRWOMAN MICHALSEN: At this time --

6 MR. SHEPRO: I would call Robert Handley to
7 testify. Mr. Handley has previously been sworn and
8 testified. You can swear him again if you want.

9 VICE CHAIRWOMAN MICHALSEN: Sure.

10 (Witness sworn.)

11 ROBERT HANDLEY,

12 having been duly sworn, testified as follows:

13 EXAMINATION BY COUNSEL FOR OBJECTOR

14 BY MR. SHEPRO:

15 Q Would you state your name for the record and
16 make sure your microphone is turned on and keep your
17 voice up?

18 A Is it on now?

19 Q Yes. Would you state your name and address
20 for the record, please?

21 A Robert, last name Handley, H-a-n-d-l-e-y,
22 31W655 Percheron Lane, Wayne, Illinois.

23 Q And you are the same Robert Handley that
24 previously testified in the previous hearings in 2016?

1 A I think so. I'm a little older.

2 Q What is your business or occupation?

3 A I'm an attorney.

4 Q All right. And you are currently the
5 president of the Fox River and Countryside Fire
6 District Board of Trustees?

7 A That's correct.

8 Q Mr. Handley, I want to ask you some questions
9 about the financial condition of the district, and
10 please, my questions are intended to cover only
11 events which occurred subsequent to the adjournment
12 of the previous set of hearings prior to the County
13 Board vote in March of 2016. You understand that?

14 A Yes, sir.

15 Q All right. Could you tell us to the best of
16 your knowledge the current financial condition of
17 the Fox River Countryside District?

18 A Well, it hasn't gotten any -- it hasn't
19 improved, let's say that. In fact, it's worse
20 insofar as unexpectedly we had to replace an engine,
21 and we had to replace an ambulance within a fairly
22 short period of time.

23 We were unable to afford new equipment,
24 obviously, because we don't have a capital improvement

1 plan because we don't have enough revenue, so we
2 leased used equipment. We leased a fire engine, and
3 we leased an ambulance and went about \$600,000 or so
4 in debt to do that.

5 Q What was the form of the debt obligation?

6 A Well, it's a long-term lease.

7 Q And you said that the district doesn't have
8 a capital improvement plan. Is that -- is there one
9 that is contingent on obtaining additional revenue?

10 A Well, we're going to go out to referendum in
11 April, and hopefully the voters will see fit to pass
12 our referendum.

13 Q If the revenue stays at the same level and
14 the referendum does not pass, are there currently
15 reserves or revenues available to purchase additional
16 equipment?

17 A No.

18 Q Currently the district has bonds outstanding;
19 is that correct?

20 A Yes.

21 Q And when are they due to be paid off?

22 A Well, we have various bonds that are -- and
23 loans that are outstanding. Are you talking about
24 just the bonds?

1 Q Just the bonds.

2 A I think after 2019.

3 Q Does the district currently have a rating
4 from any bond rating agency?

5 A We do. After -- after our financial problems
6 that we had in the past, our bond rating was lowered
7 to BBB-plus, and we just got a bond rating, and we
8 were very fortunate that it did not further slide.
9 It's the same as BBB-plus, which is a testament to
10 our ability to cut our costs and go with more
11 part-time people than we're really comfortable with.
12 And I know the Chief would like to see us have less
13 part-time people, but we've got to make do with what
14 we have.

15 Q Have there been any changes to personnel
16 since the winter of 2016 as a result of the financial
17 condition of the district?

18 A Well, we did go more part-time than we had
19 previously in order to cut some costs.

20 Q Now, as of your previous testimony in I
21 believe January or early February of 2016, the
22 district at that time had terminated its contract
23 with Public Safety Systems, Inc.?

24 A We did. We were going to go to a completely

1 part-time model. There was a public hue and cry
2 against that, and we reversed it and went back to
3 the PSSI but not completely to where we were.

4 Q So the number of full-time personnel was
5 reduced and replaced by part-time, as the Chief has
6 testified to?

7 A Correct.

8 MR. SHEPRO: I think that's all I have.

9 VICE CHAIRWOMAN MICHALSEN: Thank you.

10 Petitioner, any cross?

11 MR. KOLB: We do not.

12 VICE CHAIRWOMAN MICHALSEN: Thank you.

13 Mr. Kinnally.

14 MR. KINNALLY: Mr. Handley, I just have a
15 couple of questions. Thanks for coming again.

16 EXAMINATION BY COUNSEL FOR THE COUNTY BOARD

17 BY MR. KINNALLY:

18 Q What's the annual budget for the district?

19 A All in?

20 Q All in.

21 THE WITNESS: What are we at, Chief?

22 A About 2.8 -- 2.5, 2.8, something like that.

23 Q Is the lease that you mentioned with respect
24 to the ambulance, is that a capitalized lease?

1 A What do you mean by capitalized?

2 Q Do you capitalize it on your balance sheet,
3 or how do you account for it?

4 A I think it's just a straight expense.

5 Q And this referendum -- the Chief mentions in
6 his résumé that it's a successful referendum. What
7 does he mean by -- do you understand what that --

8 A I'm not sure what's in his résumé.

9 Q Well, it says he managed a successful
10 referendum campaign to fund the delivery of
11 fire-based ambulance service in the community.

12 A That's when he was in Antioch.

13 Q Oh, I see. It wasn't when he was with
14 you guys?

15 MR. SHEPRO: We can only hope.

16 A We're hoping for a repeat performance.

17 Q All right. I just wanted to be clear.

18 Now all of the people that work for the
19 district are part-time, is that right, other than
20 the Chief?

21 A No.

22 Q Okay. But it's a 120-person department
23 consisting of all part-time members?

24 A No, it's not 120.

1 Q That was in Antioch, too?

2 A Yeah, that was Antioch.

3 Q How many do you have, employees?

4 A Well, I think that's in there if you look
5 down further.

6 Q 15 full-time and 22 part-time?

7 A Correct.

8 MR. KINNALLY: Thank you.

9 VICE CHAIRWOMAN MICHALSEN: Staff, do you
10 have any questions of the witness?

11 (No response.)

12 VICE CHAIRWOMAN MICHALSEN: Do we have any
13 units of local -- I'm sorry. Mr. Carrara?

14 MR. CARRARA: None. Thank you.

15 VICE CHAIRWOMAN MICHALSEN: Do we have
16 anyone representing a unit of local government who
17 has a question for this witness?

18 (No response.)

19 VICE CHAIRWOMAN MICHALSEN: Do we have any
20 interested residents with questions for this witness?

21 I see one. Please step up, sir.

22 MR. SQUIRE: Thank you very much for your
23 service and helping us protect the citizens of
24 Kane County in our Fox Valley and Countryside Fire

1 Protection District. My question --

2 VICE CHAIRWOMAN MICHALSEN: If you can state
3 your name.

4 MR. SQUIRE: My name is Jeff Squire. I live
5 approximately a mile, a little less than a mile away
6 from the proposed facility.

7 EXAMINATION BY AUDIENCE MEMBER

8 BY MR. SQUIRE:

9 Q My question for you is, do you have any
10 knowledge of how your budget compares to other
11 districts that have a facility like this in them?

12 A No, I really don't. I'm sorry.

13 Q Would you in the peers that you might have
14 in your professional community have access to any
15 anecdotal sense of whether their budgets are greater
16 or lesser than yours to address a facility with
17 needs like this?

18 MR. KOLB: Objection; calls for speculation.

19 VICE CHAIRWOMAN MICHALSEN: If you could
20 rephrase that. I apologize.

21 Q Would it be reasonable to expect that
22 information like that would be available with research
23 to understand what the budget of a fire protection
24 district with this kind of facility in it would be?

1 A I don't know how to answer that because a
2 budget depends on, you know, not just one facility
3 within the district. I don't know that you could
4 say, okay, if you have one facility like this, you
5 need a budget of a certain amount. It depends on
6 what else is in the constellation.

7 MR. SQUIRE: Thank you very much.

8 VICE CHAIRWOMAN MICHALSEN: Any other
9 questions?

10 (No response.)

11 VICE CHAIRWOMAN MICHALSEN: At this time the
12 witness is excused -- I apologize. Do you have any
13 redirect?

14 MR. SHEPRO: No.

15 VICE CHAIRWOMAN MICHALSEN: Okay. The
16 witness is excused. Thank you.

17 (Witness excused.)

18 VICE CHAIRWOMAN MICHALSEN: At this time we
19 will open it up for public comment on any new
20 evidence that was presented since these hearings
21 began on January 10th, 2017, and/or any conditions
22 that you believe should be considered by the Zoning
23 Board for possible inclusion as a recommendation to
24 the County Board if it is approved.

1 If you will not be here Thursday night,
2 could you please raise your hand?

3 (Hands shown.)

4 VICE CHAIRWOMAN MICHALSEN: All right. If
5 you three could come up, you're going to be the
6 first three tonight. So, sir, in the first row, if
7 you'd like to step up.

8 Yes, Mr. VanKerkhoff.

9 MR. VANKERKHOFF: I just wanted to mention
10 to the ZBA there were two units of government that
11 made staff aware of submittals that they wanted to
12 enter into the record as exhibits. One from Campton
13 Township -- Joe Miller could not be here tonight,
14 but Dick Johansen is here in his stead as the
15 township clerk -- and the Village of Campton Hills,
16 and Village President Harry Blecker is here.

17 So I guess it would be your call with them
18 as to whether or not they'd be willing to hold those
19 over to Thursday evening.

20 VICE CHAIRWOMAN MICHALSEN: I think since I
21 already let this gentleman step up we'll hear his
22 comments and then move -- I apologize for that
23 oversight.

24 So if you could state your name.

1 MR. MILLETTE: I could step back.

2 VICE CHAIRWOMAN MICHALSEN: If you don't
3 mind, that would be very kind of you. I just want
4 to make sure we get to those three individuals for
5 sure tonight.

6 So if someone from Campton Township is here
7 to present the document that Mr. VanKerkhoff
8 referenced.

9 MR. JOHANSEN: Yes. I don't know if Joe can
10 be here on Thursday or not. So should we do this now?

11 VICE CHAIRWOMAN MICHALSEN: I think we should
12 do it now.

13 MR. JOHANSEN: Richard Johansen, Campton
14 Township clerk. I have the statement of Joe Miller,
15 trustee of Campton Township, who is out of town to
16 offer as an exhibit for the ZBA to include in
17 evidence.

18 I would also like to read about six paragraphs.
19 It's a seven-page document, and I'm not planning on
20 reading seven pages, but I would like to read about
21 six paragraphs.

22 VICE CHAIRWOMAN MICHALSEN: We would ask
23 that -- we don't believe that a reading is necessary,
24 as it will be entered into the record, and we do

1 want to make time for public comment tonight.

2 MR. JOHANSEN: Okay. Who do I give this to?

3 VICE CHAIRWOMAN MICHALSEN: I believe you're
4 referring to a document with "In the Matter of
5 Maxxam Petition" at the top.

6 MR. JOHANSEN: Yes. "For the Special Use
7 Within the F1 District," that's right.

8 VICE CHAIRWOMAN MICHALSEN: Do we have a
9 motion to put this into evidence for consideration
10 by the ZBA?

11 MEMBER MILLEN: I move.

12 VICE CHAIRWOMAN MICHALSEN: Do we have a
13 second?

14 MEMBER ARIS: I second.

15 VICE CHAIRWOMAN MICHALSEN: All those in
16 favor say aye.

17 (Ayes heard.)

18 VICE CHAIRWOMAN MICHALSEN: All those
19 opposed, same sign.

20 (No response.)

21 MR. KINNALLY: Can we mark that as Exhibit G?

22 VICE CHAIRWOMAN MICHALSEN: Thank you. It
23 has been accepted into evidence as Exhibit G.

24 MR. JOHANSEN: Thank you.

1 (Exhibit G marked for identification and
2 admitted into evidence, was retained by the Board.)

3 VICE CHAIRWOMAN MICHALSEN: And the second
4 one I believe is from Campton Hills Township -- or
5 Campton Hills Village -- I apologize.

6 MR. BLECKER: Thank you.

7 MR. KOLB: We would stipulate, as well, to
8 the written statement if it's in writing.

9 VICE CHAIRWOMAN MICHALSEN: Thank you.

10 If you could just introduce yourself.

11 MR. BLECKER: Harry Blecker, president of
12 Village of Campton Hills, and this is only two
13 sentences, so I'll read it and submit the rest of it
14 into evidence.

15 "Per the Zoning Board's request, attached is
16 a list of conditions the Village of Campton Hills
17 would like to see included if the ZBA sees fit to
18 recommend the approval of the special use permit for
19 Maxxam Partners, LLC.

20 "In no way should this be interpreted that
21 if these conditions are included that the Village
22 will drop its objections to special use permit for
23 the proposed facility."

24 Thank you.

1 (Exhibit H marked for identification.)

2 VICE CHAIRWOMAN MICHALSEN: Thank you. Do I
3 have a motion from the Board to move the letter from
4 Campton Hills with the attached suggested conditions
5 into evidence as Exhibit H?

6 MEMBER ARIS: I move.

7 VICE CHAIRWOMAN MICHALSEN: Do I have a
8 second?

9 MEMBER FALK: I'll second.

10 VICE CHAIRWOMAN MICHALSEN: All those in
11 favor say aye.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: All those
14 opposed, same sign.

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: It has been
17 entered into evidence as Exhibit H.

18 (Exhibit H admitted into evidence and
19 retained by the Board.)

20 VICE CHAIRWOMAN MICHALSEN: At this time if
21 the gentleman would step back up. Thank you very
22 much for your patience.

23 MR. MILLETTE: Thank you. My name is
24 Mike Millette. I live at 3N297 Town Hall Road in

1 Campton Hills. I am a Campton Hills trustee, but
2 I'm speaking as a private citizen. However, I will
3 relate a few of my thoughts based on that service
4 and also my 30-plus years as a municipal government
5 employee for the villages of Schaumburg, Lombard,
6 Downers Grove, and currently Clarendon Hills.

7 This is a tough thing for you folks, I realize
8 that. First off, there is I don't think anyone that
9 doesn't have a first- or secondhand experience with
10 an addicted friend, neighbor, family member. I can
11 go back to when I was a kid, and one of my brother's
12 friends was killed by a drug dealer, you know,
13 serious stuff like that. So these comments don't
14 come without some serious soul searching.

15 The need is acknowledged. In an ideal
16 situation we look at the comp plan, find out where
17 this use would be good, maybe a medical research
18 zoning district, something like that. But that's
19 not where we're at; we're looking at the conditions
20 based on the petition you folks have in hand.

21 My first observation on these conditions is
22 how they were developed. I related my experience as
23 a municipal employee. In the I'd say last 15 years
24 or so sitting similar to where Director VanKerkhoff

1 sits --

2 VICE CHAIRWOMAN MICHALSEN: I apologize. I
3 should have sworn you. I'm sorry for interrupting.

4 (Witness sworn.)

5 VICE CHAIRWOMAN MICHALSEN: Thank you and I
6 apologize for the interruption.

7 MR. MILLETTE: No problem, Madam Chairman.

8 So in the last about 15 years my observation
9 is that whenever a large, either physically large
10 development or a significant change of use development
11 comes in, petitioners are being more proactive on
12 reaching out to the community. They're not just
13 sticking to whatever the radius of notification is
14 required to the point where they have focus groups,
15 they meet individuals, et cetera, et cetera, so that
16 when in this case a special use with attached
17 conditions comes in, they're not an omnibus type of
18 thing; they're not one-sided; they've been developed
19 with some sort of dialogue.

20 These haven't. A little bit of cause for
21 concern, but that's just an observational thing.

22 Finally, as I relate my thoughts to my
23 experiences specific to this, I may offer an apology
24 to you folks because if I voted differently four

1 years ago on a previous petition, none of us would
2 have been here tonight or possibly the past few
3 meetings. But I looked at the impact of what was
4 then proposed and what's proposed now and specific
5 to the special conditions.

6 The concern I had then is a concern I have
7 now, as we just heard from Mr. Kinnally, the
8 enforceability of some of them. We had similar,
9 very similar conditions proposed four years ago, and
10 I wrestled back and forth with how this would go down.

11 My experience on how enforcement of special
12 uses go, if a petitioner or in that case resident or
13 owner violates a special use, the first thing that
14 happens is Director VanKerkhoff or somebody from
15 staff sends a notice for violation; there's
16 follow-up calls; there's subsequent notices. If
17 there's still continued failure to comply, it goes
18 to citations, potentially arbitration, and the big
19 end game would be the Circuit Court.

20 And the reason I wasn't able to cast a
21 positive vote for that petition and I would urge you
22 folks not to cast a positive vote for these conditions
23 is if this got to that level of enforcement, I don't
24 see any Circuit Court judge then essentially evicting

1 100 disabled persons to get the ultimate enforcement
2 for violations of the special use.

3 So, as also Mr. Kinnally has said, I submit
4 that for your consideration to give whatever weight
5 you feel appropriate.

6 VICE CHAIRWOMAN MICHALSEN: Thank you very
7 much for your time.

8 The gentleman that was behind, if you would
9 please step forward. And if you can state your
10 name.

11 MR. JAROS: My name is Ryan Jaros,
12 41W608 Foxtail Circle.

13 (Witness sworn.)

14 MR. JAROS: Thank you, Madam Chair. Good
15 evening, Board.

16 I will be speaking to Condition No. 5 on the
17 petitioner's list of conditions, specifically, the
18 lacking security plan that was thoroughly discussed
19 at the past 9 to 11 meetings, however many we've
20 been at now.

21 The most basic of security measures like
22 fencing, as we've heard, will not be included in the
23 enclosed plan. Residents of the community feel that
24 the facility should have not just the basic but a

1 strong multilayered security plan for the following
2 reasons:

3 The petitioner's security plan which
4 includes light staffing, lack of fencing, and soft
5 management of entry point, it fails to address the
6 likelihood of residents leaving the facility during
7 the detox and rehab process. As discussed, the 911
8 call records which are part of the public record
9 document this as a frequent occurrence, along with
10 regular notations for missing persons, assaults,
11 batteries, thefts, and disorderly conduct.

12 Please review all 10 of the certified 911 call
13 logs that your predecessors on this Board previously
14 reviewed in deciding to deny approval of this
15 petition. Petitioner's security plan is also
16 inadequate to protect its own property patients and
17 its neighbors from individuals on the outside of
18 this facility who may attempt to enter through the
19 privately owned woods to the north or across the
20 unfenced forest preserve lands that surround to the
21 south and the east and the west.

22 This stands to create a dangerous and
23 unmanageable security situation. The petitioner
24 proposes an invisible thermal fence, but that provides

1 no visible deterrence to individuals coming across
2 the nearby properties in hopes of gaining access to
3 the powerful drugs stored inside the buildings.

4 This is a very real risk.

5 For reference on the risk of people attempting
6 to get into this facility, quickly review the public
7 record from December 15th, 2015, pages 286 to 289.

8 Quickly, it's a testimony of a local resident with
9 unique professional expertise in the matters of
10 security of similar facilities. He was the former
11 CEO of a multilocation pain management clinic, and
12 he characterized the petitioner's plan as very soft
13 security. He was quoted to say that, "This place is
14 going to have the most desirable drugs on the planet
15 in it. They're going to be delivered, stored, and
16 dispensed on a daily basis. Considering that, I
17 think it is very reasonable that the people living
18 near the facility, even less proximate than I to it,
19 have a very strong concern about the safety of this
20 facility," end quote.

21 So for me personally I urge you to please
22 read his full testimony again. Safety and security
23 of the community but also that of the patients inside
24 is of the utmost importance. That's not being

1 fearful; it's being responsible.

2 Speaking of safety quickly here, let's speak
3 about the letter that Kane County sheriff submitted
4 into public record projecting that the facility will
5 require those 100 to 300 combined police and EMS
6 calls per year, requiring many lights-and-sirens
7 responses. The projected number is quite low when
8 compared to actual call volumes of a facility the
9 petitioner itself called a comparable property.

10 This comparable property, another residential
11 inpatient, high-end, private-pay facility known as
12 Timberline Knolls located in Lemont, Illinois, is
13 similar to the Maxxam property, and it also has the
14 Joint Commission's gold seal. This facility only
15 has 87 beds, though, compared to Maxxam's 120 proposed
16 beds. One year Timberline Knolls generated 380 police
17 calls per -- police and EMS calls.

18 If we extrapolate this call load, we will
19 likely be dealing with over 500 emergency calls per
20 year. This puts a tremendous strain, as we've
21 heard, on our shared community resources.

22 The full public record contains information
23 regarding, again, the 911 calls from 10 additional
24 facilities. All were similar than what is being

1 proposed, all were small -- I'm sorry -- than what
2 is being proposed and all had similar finding. It
3 is important to note that each of the facilities were
4 located much closer to police stations and hospitals
5 which in turn is more beneficial for the patient and
6 the community.

7 We have to face these facts. As a zoning
8 matter the Board does, too. It's unpleasant to
9 think about no doubt, but it's irresponsible to
10 ignore in making your decisions.

11 The Kane County zoning ordinance requires
12 you to deny special use if the proposed use will be
13 detrimental to or endanger the public health,
14 safety, morals, comfort, or general welfare. I
15 think it is abundantly clear that we -- that the
16 proposed soft security plan and lack of physical
17 fence does pose a significant risk of endangering
18 the public health, safety, and general welfare of
19 the neighboring properties. The community as a
20 whole will be less safe as police and ambulance are
21 tied up responding to an overwhelming number of calls.

22 This fifth condition does nothing to alleviate
23 these risks and concerns. These reasonable risks
24 and concerns are specifically the reason why we have

1 this zoning ordinance, and the petition fails to
2 meet them as required under said zoning ordinance.

3 Please vote against this petition. Thank you.

4 VICE CHAIRWOMAN MICHALSEN: Thank you for
5 your comment.

6 If the third gentleman who raised his hand
7 could come forward. If you can please state your
8 name for the record.

9 MR. PARASKEVAS: Constancinos Paraskevas.

10 (Witness sworn.)

11 VICE CHAIRWOMAN MICHALSEN: Thank you.

12 MR. PARASKEVAS: With regards to Condition
13 No. 2, because the second condition mentions access
14 roads and access locations, it's important to note
15 that this topic was thoroughly covered and the
16 petitioner already stated that they were not
17 proposing to make any changes of this kind. Saying
18 it again does not make it a new condition.

19 If you look through the pages of public
20 testimony on this point, the actual zoning concern
21 related to roadways was not changing the roads
22 inside the property or the access points to and from
23 the school once you're on campus.

24 The primary concern of residents who spoke

1 on this topic of roadways and traffic conditions
2 were threefold:

3 The remote location of the facility on rural
4 country roads, all roads leading to the site are
5 two-lane country roads bordered by school bus stops
6 and characterized by long stretches of no-passing
7 lanes and in many areas low shoulders. The shortest
8 route from the nearest fire station will take
9 ambulances up Burlington Road and through the
10 heavily residential Brierwood subdivision. All
11 routes to a hospital -- and the nearest hospital is
12 20 minutes away -- pass elementary schools, have
13 direct residential driveway access, and are often
14 used by farmers moving combines, wagons, and slow
15 moving heavy equipment.

16 Number two, this one for-profit business will
17 generate a lot of dangerous emergency traffic in
18 these conditions. The Kane County Sheriff estimated
19 between 100 to 300 police and emergency calls
20 requiring lights and sirens to this one address per
21 year if you approve it. The president of the Fox
22 River and Countryside Fire Protection predicted that
23 the facility would require 120 to 140 EMS calls
24 alone. Pair that up with rural curving single-lane

1 roads with direct residential driveway access and in
2 many places low shoulders and no shoulders, roads
3 that pass school bus stops and require traveling
4 nearly 20 minutes to a hospital, and there you have
5 an actual and more substantial traffic and roadways
6 concern. Under cross-examination the petitioner's
7 expert admitted he thought there would be only 5 to
8 10 emergency calls per year, not hundreds.

9 A third point, when it comes to traffic
10 safety and congestion conditions, Kane County can
11 learn from the experience of other jurisdictions.
12 It's not just a concern for people using those
13 roadways and the general public, it's concern for
14 the patients who would enroll at the facility.

15 Zoning decisions are unique in that they are
16 fundamentally about proper locations. In Illinois
17 22 of 23 Level 4 medically managed detox and rehab
18 facilities are colocated inside hospitals or are
19 colocated on hospital campuses and are located
20 approximately eight minutes away from a hospital on
21 four-lane roads.

22 Contending with these road conditions -- you
23 know, it poses a danger to the public and to the
24 patients of the petitioner who need emergency

1 hospital services themselves.

2 Thank you.

3 VICE CHAIRWOMAN MICHALSEN: Thank you
4 very much.

5 May I see a show of hands who else would
6 like to speak this evening before the 10:00 hour
7 arrives?

8 If you could come up. Thank you.

9 MS. HORNE: Hello. My name is Cathy Horne
10 and I live at 42W461 Burlington Road.

11 VICE CHAIRWOMAN MICHALSEN: Thank you.

12 (Witness sworn.)

13 VICE CHAIRWOMAN MICHALSEN: Thank you.

14 MS. HORNE: All right. I just did some
15 digging on the Internet, and under the traffic study
16 it said that with 120 beds -- and I know you said
17 that it may not be 120 beds -- it said that between
18 8:00 a.m. and 4:00 p.m. through the weekdays there's
19 only 20 employees, and between 2:00 and 10:00 there's
20 only 22 employees, and between 10:00 p.m. at night
21 and 8:00 a.m. in the morning there's only 8 employees,
22 and that's if there's 120 people there. So if
23 there's less people there, if you don't fill the
24 whole 120 beds, how many employees is going to be

1 there at one time to supervise these people? That's
2 just one of the questions that I had.

3 And then, also, I don't think Campton Hills
4 is going to benefit from this facility at all. It
5 charges \$1,000 a day, and most taxpaying citizens of
6 Campton Hills cannot afford that at all. It's out
7 of our reach. So there's nothing that this facility
8 can do to help any residents of Campton Hills.

9 And like the one gentleman said, we've all
10 been touched by someone with alcoholism and drug
11 abuse. I bet if you got anyone to stand up in this
12 room, including these people here, we've all been
13 touched by someone that's been addicted to drugs or
14 alcohol at some point in our life. So it's not like
15 we're trying to discriminate against them. This is
16 actually for the safety of the citizens of
17 Campton Hills that we do not want this facility in
18 Campton Hills.

19 And one of my other questions would be, how
20 are you going to alert the citizens of Campton Hills
21 if someone does leave? I know you said that they
22 can probably get a car; they just say, "I don't want
23 to be here anymore" and they get a car. That's not
24 always going to be the case. They're going to want

1 to get out in the middle of the night. They will.
2 There's no way that you can prevent that. They just
3 want to go out for a couple of hours and do whatever,
4 just walk around in the farmlands or just in the
5 communities. How will we be alerted?

6 I'm nervous; excuse me.

7 VICE CHAIRWOMAN MICHALSEN: You're doing fine.

8 MS. HORNE: And, also, what is the name of
9 the facility going to be? You've invested all this
10 money, and I've not one time heard what is the name
11 of the facility going to be.

12 No. 2 on your list, the special use permit,
13 can you guarantee that there will not be another
14 amendment to it if they do get granted this to open
15 the facility? Would there ever be another special
16 use permit? Will we have to go through this again
17 if they want to change it again if it does want to
18 be just insurance people and not private pay?

19 No. 5, there's no fences. There's only
20 eight staff members. If you have the 120 beds
21 that's full, like I said, what's going to happen to
22 the community; how are we going to get alerted?

23 And who is Maxxam Partners? I mean, I know
24 you're one of -- you're listed on the LLC, but there's

1 four people off the list. Why aren't they here?

2 No. 8, use reasonable efforts. What is
3 "reasonable efforts"? Like what exactly does
4 that mean?

5 And No. 9, I think they went over that a lot
6 today. Like how are we going to pay for the cost
7 and recovery fees for fire and EMS? There will be
8 calls. I mean, this is a real concern, and it's
9 going to cost the taxpayers of Kane County and
10 Campton Hills money. There's no way around that.

11 Just definitely I would not like to see this
12 in our community because it's not going to help
13 Campton Hills. There's nothing that this facility
14 is going to bring forth to help Campton Hills. The
15 only thing I thought of as a way it could help
16 Campton Hills is if you hired people that live in
17 Campton Hills and in Kane County. I know they would
18 have to have the right credentials, but I mean if
19 you did that -- but I mean I don't even see that
20 happening.

21 So thank you.

22 VICE CHAIRWOMAN MICHALSEN: Thank you very
23 much for your time tonight.

24 Who would like to approach next? Yes, sir.

1 MR. RICHARDS: My name is Van Richards. I live
2 at 39W965 Cutwood Lane, St. Charles, Campton Hills.

3 VICE CHAIRWOMAN MICHALSEN: Thank you.

4 (Witness sworn.)

5 VICE CHAIRWOMAN MICHALSEN: Thank you.

6 MR. RICHARDS: First of all, I want to thank
7 the Board for reading over 1500 pages of prior
8 testimony. This is Hearing No. 12, I believe,
9 before zoning boards.

10 VICE CHAIRWOMAN MICHALSEN: You are
11 correct, sir.

12 MR. RICHARDS: So I appreciate that.

13 So you know from having read that record
14 that the nine new things, only eight -- only one is
15 new, and that's the offer to buy the Narcan drug for
16 the County.

17 But I want to address some questions that
18 the Board asked that were very pertinent to the new
19 testimony that you heard at the last hearing from
20 Maxxam Partners.

21 Now, the last speaker raised a very good
22 question. Who is Maxxam Partners? You have a
23 tremendous responsibility in approving or not
24 approving a facility of 120 beds that treats alcohol

1 addiction, drug addiction, and in addition diagnosed
2 mental illnesses as part of the petition.

3 So the question of vetting was asked. "Do
4 you have any experience" was asked of Mr. Marco.
5 Who is Maxxam Partners? A limited partnership, a
6 Delaware corporation not registered in Illinois?
7 Well, so far the only face that we have put to it is
8 Mr. Marco, and that face says "No comment," and
9 that's what happened last time.

10 So the ability of the Board to vet the
11 competence of the people who are asking to put this
12 facility in has been seriously frustrated. In all
13 the nine hearings before this Board sat no single
14 person from Maxxam Partners came up and testified as
15 to their experience and to their ability to
16 competently run this kind of facility with these drugs.

17 So what did we learn? We learned that he
18 has no experience, and nobody connected with Maxxam
19 Partners had any experience in doing this. So when
20 you look at -- "Who are we giving this special use
21 to," she asked. You're giving it to somebody that
22 you don't know much about. He's a real estate
23 developer he says. He accredits himself because he
24 works very well with other people. He had, as he

1 said today, a lovely conversation with you. What
2 did we learn? Can he work well with other people he
3 was asked by the objectors. You have the
4 responsibility of granting a special use to Maxxam
5 Partners, and what do we know? Not very much. That
6 alone should disqualify the special use.

7 Others have spoken eloquently about the
8 weight that it puts upon the community to answer the
9 ambulance, and fire, and police calls. The last
10 gentleman that spoke about a similar facility of
11 only 80-some beds generated a lot more calls than
12 have been testified to. But you have in the evidence
13 other facilities that have taken the burden of this --
14 of the extra calls that are collateral and part of
15 running that kind of a facility.

16 The facility doesn't belong at that location.
17 It's not only unfair to the community; it's unfair
18 to the people that are there. You know, one of the
19 main reasons is it is not in close proximity to a
20 hospital. All these facilities are close to hospitals
21 for good reason. They're doing detox out there.

22 We've been told that people are wealthy, and
23 it will be comparable to Betty Ford, the best in the
24 country. That's the promises that we have, but

1 there's no meat in it. There's no basis for that.

2 And Mr. Kinnally has indicated the number of
3 these new -- they're not really new -- pledges that
4 they want you to add on so that they can get approved,
5 most of them are unenforceable. So I would ask you
6 to validate the other Board who worked hard on this
7 case and turn this petition down. Thank you.

8 VICE CHAIRWOMAN MICHALSEN: Thank you for
9 your time, sir.

10 I believe I saw another hand in the back, sir.

11 MR. RICHARDSON: My name is David Richardson.
12 I live at 40W123 Oak Ridge Road, Campton Hills.

13 (Witness sworn.)

14 VICE CHAIRWOMAN MICHALSEN: Thank you.

15 MR. RICHARDSON: Madam Chairman, thank you
16 for allowing me the chance to address the Board.

17 I am not a lawyer or a representative of any
18 municipal government. I'm just a very concerned
19 citizen.

20 I was told one time that the three most
21 important things to consider when buying a house is
22 location, location, location. After sitting through
23 the previous Zoning Board meetings when Mr. Marco
24 answered questions and provided testimony, it became

1 clear to me that the issue was not location but
2 rather risk, risk, risk.

3 So many questions posed by the lawyers,
4 representatives of municipal governments, private
5 citizens, and even the Board itself were answered
6 with two simple words, "No comment."

7 I felt as though the tone of the meeting was
8 set when one of the lawyers asked Mr. Marco what he
9 did for a living. He responded with, "No comment."
10 This prompted me to look at this issue from an
11 entirely different viewpoint, one of risk.

12 I returned to the County ordinances on
13 zoning and looked at them from this viewpoint. In
14 the interest of time I will only comment on a few
15 items within the regulations, safety, property
16 values, and roads that provide ingress and egress.

17 As far as safety is concerned, Mr. Marco was
18 more than willing to discuss at great length his
19 plan for an ultra-high-tech virtual fence. This was
20 one question that was not answered with "No comment."
21 Obviously, it was critical.

22 Fences have a primary purpose, to keep someone
23 or something in or to keep someone or something out.
24 Such a high level of security, the need for such a

1 high level of security caused me to jot down in my
2 notes "Risk." What is the danger that the fence is
3 going to provide protection from? Risk.

4 Property values. A study was referenced
5 where property values in a similar study area were
6 unaffected by the proximity of an alcohol and drug
7 rehabilitation center. I would imagine that studies
8 could be found in other similar areas where property
9 values were greatly diminished. The only real
10 answer to this question, unfortunately, is history,
11 not previous history but future history. Once again
12 I wrote down in my notes the word "risk."

13 Lastly, the roads that provide ingress and
14 egress. It's a one-lane -- I'm sorry -- two lanes
15 going in, one road of access. I road on it the
16 other day just out of curiosity. It's pretty badly
17 torn up, and it hasn't been used since the Glenwood
18 School closed down, which I don't really recall when
19 that was, but my issues are that there's only one
20 access road.

21 Chief Nixon touched on this earlier, and I
22 actually went up to him after -- or during our break,
23 and I told him that this is the first time in any
24 recent meeting concerning this issue where the term

1 risk was used. And thank you, Chief, for bringing that
2 up. Silver Glen is the only public road providing
3 access to this area.

4 There are confusing numbers of employees. I
5 have jotted down 120 to 140 and then tonight I heard
6 other numbers. So, actually, the additional numbers
7 are not that important, but let's consider the traffic
8 on Silver Glen consisting of ambulances, police and
9 fire. There will be red lights flashing, sirens, blue
10 lights. That can even fall under the critical --
11 under the criteria of comfort and general welfare.
12 For me it is risk, risk, risk.

13 What I ask the Board to consider is that
14 simple concept. When you measure the petition
15 against the ordinances that you are bound to do,
16 consider the risk.

17 Thank you.

18 VICE CHAIRWOMAN MICHALSEN: Thank you very
19 much. Sir.

20 At this time since it is exactly 10:00 we
21 will --

22 MEMBER ARIS: There's one more.

23 VICE CHAIRWOMAN MICHALSEN: I'm sorry. I'm
24 told there's one more hand I didn't see.

1 Sir, you may approach if you can keep your
2 comment to five minutes or less.

3 MR. KOLB: Are these only the members of the
4 public interested in speaking at all or just tonight?

5 VICE CHAIRWOMAN MICHALSEN: I believe it was
6 tonight.

7 MEMBER LAKE: There's more.

8 VICE CHAIRWOMAN MICHALSEN: I think they're
9 willing to come back.

10 If you can state your name for the record.

11 MR. CAPPELL: My name is Charles Cappell.

12 (Witness sworn.)

13 VICE CHAIRWOMAN MICHALSEN: Thank you.

14 MR. CAPPELL: I'm a recently retired professor
15 from Northern Illinois University. I taught
16 quantitative methods and statistics for 35 years. I
17 have a Ph.D. from the University of Chicago. I've
18 done community analysis on crime rates, et cetera,
19 so I was especially interested in the expert
20 testimony that the petitioners offered.

21 I testified briefly at the last hearings at
22 the time that those witnesses appeared, and subsequent
23 to that I went back and did an in-depth analysis,
24 looked at the reports, particularly the Poletti report

1 and the Waller report that was introduced by the
2 objectors, and I reviewed the Hendrickson paper that
3 was claimed even in Mr. Kolb's introductory remarks in
4 this iteration of the hearings as proving factually
5 that there's no harm to the community from these
6 types of facilities.

7 I analyzed all of these reports from the best
8 practices rubric which is how I taught my graduate
9 students. There's a clear set of best rubrics one
10 must follow to have a high validity in collusions
11 that one reaches.

12 To sum up, the Poletti report does not follow
13 best practices of regression analysis to determine
14 the impact. In this code's data it artificially trims
15 47 percent of the original cases that were selected
16 for analysis because they were quoted inappropriately
17 and misspecifies the model. There is, in fact, an
18 affect of proximity to the residential center that
19 interacts with age of the dwelling, and these reports
20 will demonstrate for you -- you can quickly eyeball
21 them and see those justifications for my conclusions.

22 So in short, the Poletti report -- the one
23 good thing, the best practices that Poletti did
24 follow is he included the data as appendices, and I

1 was able to code those data and reanalyze the same
2 data that he provided.

3 So the first report that I want in the record
4 is the report that I submitted to the Kane County
5 Board, but it didn't get into the Zoning Board record
6 because I did it subsequent to my oral testimony.
7 It basically refutes the conclusion that there is no
8 damage to property values from proximity to this
9 facility.

10 The second report I analyzed was the Waller
11 report. And I read that report as I would reading a
12 journal article saying does this meet best practices.
13 I would recommend that that article be slightly
14 revised so that it could have answered the question
15 that was directly posed here, are there different
16 types of residential treatment centers that have
17 different effects. And that wasn't addressed
18 explicitly in that report, but that's a fix that
19 could be done with one more regression run that
20 would have answered that question.

21 And on the face of it that report had very
22 high validity. It followed best practices much more
23 closely. It analyzed 174,000 sales in the state of
24 Virginia, a huge dataset, which means it has very

1 strong powers of generalization.

2 So if I'm weighing evidence on the basis of
3 fact alone whether this is going to have a negative
4 impact on the quality of life there, the evidence
5 comes down on the side of negativity, not as the
6 petitioners claim just because they say it over
7 again that they introduced expert witnesses. The
8 reports don't hold up when you examine them from
9 best practices.

10 The last thing I'll say is the Hendrickson
11 report, which is the review of literature about the
12 effect of crime in proximity to these centers.

13 In his testimony Dr. Hendrickson said he did
14 a meta-analysis. Google meta-analysis and you will
15 find that a meta-analysis is a very rigorous
16 statistical procedure used in epidemiological data
17 that has been extended to social issues like crime
18 rates and mental health issues. But it's very
19 rigorous. It involves a combination of studies that
20 use statistical methods to get accrual estimates.
21 Hendrickson doesn't do that.

22 It's a mischaracterization that that is a
23 meta-analysis. It is a literature review, and it's not
24 quite a systematic literature review. A systematic

1 literature review you explicitly list all of the
2 databases that you search, you list the search term
3 and protocol that you used to obtain the articles,
4 and you evaluate the articles systematically for
5 their internal validity using best practices doing a
6 good study and their generalized ability.

7 You read that literature review again, and
8 you'll see that he doesn't do that. He summarizes
9 the findings without a rigorous statistical or even
10 a qualitative assessment of the validity of those
11 reports. So does crime go up or down? You can't
12 tell from the Hendrickson report. We don't know.
13 You have to look and do your own study.

14 So on the basis of fact alone, assessment of
15 the facts of the matter, the claims, my report I think
16 bears witness to the fact that those are not highly
17 valid fact claims. In fact, they don't have validity
18 at all that's claimed.

19 The weight of the evidence is that this will
20 be a detrimental effect on housing values, and we
21 simply don't know -- one's left with common sense
22 about what is going to happen to subsequent social
23 disruption and crime.

24 So please take a look at these short reports,

1 look at them in the context of the original material,
2 and make a judgment about where the weight of
3 evidence really is. You can decide this matter on
4 the basis of these facts.

5 VICE CHAIRWOMAN MICHALSEN: Thank you, sir.

6 MR. CAPPELL: Would you like to have these
7 in the record?

8 VICE CHAIRWOMAN MICHALSEN: Were they in the
9 record before the County?

10 MR. KINNALLY: They were before the County
11 Board. They were not before the Zoning Board of
12 Appeals is my recollection.

13 MEMBER FALK: He commented on that. He said
14 it wasn't part of us.

15 MR. VANKERKHOFF: Correct. These documents
16 were not reviewed by the previous Zoning Board of
17 Appeals.

18 VICE CHAIRWOMAN MICHALSEN: Were they reviewed
19 by the Kane County Board?

20 MR. VANKERKHOFF: They were brought to a
21 County Board meeting when they voted on it, so there
22 was not time for County Board members to review it
23 at the meeting prior to their taking the vote.

24 VICE CHAIRWOMAN MICHALSEN: Okay. Sir, is

1 it correct that there were two documents? Am I
2 looking at the whole packet?

3 AUDIENCE MEMBER: Yes.

4 VICE CHAIRWOMAN MICHALSEN: Thank you. He
5 indicated two from near the back.

6 Do I have a motion --

7 MEMBER FALK: Should we make copies and
8 redistribute it?

9 VICE CHAIRWOMAN MICHALSEN: Yes.

10 Do I have motion to put this into evidence
11 as an exhibit?

12 MEMBER ARIS: I move that we put the
13 two documents into evidence.

14 VICE CHAIRWOMAN MICHALSEN: Do I have a second?

15 MEMBER LAKE: I'll second.

16 VICE CHAIRWOMAN MICHALSEN: All those in
17 favor say aye.

18 (Ayes heard.)

19 VICE CHAIRWOMAN MICHALSEN: All those
20 opposed.

21 (No response.)

22 VICE CHAIRWOMAN MICHALSEN: Motion carries.
23 It will come in as exhibits --

24 MR. KINNALLY: I and J I think.

1 (Exhibits I and J marked for identification
2 and admitted into evidence, were retained by the
3 Board.)

4 VICE CHAIRWOMAN MICHALSEN: So the commentary
5 on the "Not In My Back Yard" article will be I, and
6 the analysis of Poletti will be J.

7 MEMBER ARIS: I move we adjourn.

8 VICE CHAIRWOMAN MICHALSEN: Before we move
9 to adjourn I would note that we have another meeting
10 scheduled for this Thursday, January 26th, 2017, here
11 at the Kane County Branch Court, 530 South Randall
12 Road in St. Charles at 7:00 p.m. where we will begin
13 with public comment. We very much appreciate
14 everyone's patience here this evening.

15 Do I have a second for the motion to adjourn?

16 MEMBER LAKE: I second.

17 VICE CHAIRWOMAN MICHALSEN: All those in
18 favor say aye.

19 (Ayes heard.)

20 VICE CHAIRWOMAN MICHALSEN: Motion carries.

21 (Off the record at 10:11 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 30th day of January, 2017.

My commission expires: October 16, 2017



Notary Public in and for the
State of Illinois

Transcript of Public Hearing Petition 4364 - Volume 12

Conducted on January 24, 2017

1808

A			
abandonment	1764:9, 1765:3,	1722:7, 1756:19,	1789:13
1701:19	1765:23,	1757:4	addiction
ability	1767:22,	accompany	1793:1
1693:21,	1773:18,	1748:12	addition
1702:2, 1714:18,	1773:20, 1778:8,	according	1793:1
1757:16, 1758:4,	1782:19, 1783:3,	1710:13	additional
1766:10,	1784:9, 1787:16,	account	1680:21,
1793:10,	1793:22, 1794:7,	1768:3	1684:9, 1700:8,
1793:15, 1803:6	1794:10,	accredits	1714:21,
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