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# Transcript of Public Hearing Petition No. 4462 Volume 1 

Date: August 1, 2018
Case: Kane County Zoning Board of Appeals

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Conducted on August 1, 2018

|  |  | 1 |  |  | 3 |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1 | before the kane county zoning board of appeals |  | 1 | PRESENT: |  |
| 2 | ---------------------------------- |  | 2 | WENDY MELGIN, Chairwoman |  |
| 3 | In Re: : |  | 3 | TRACY ARIS, Member |  |
| 4 | MAXXAM PARTNERS, LLC, |  | 4 | MARC FALK, Member |  |
| 5 | GLENWOOD ACADEMY, : |  | 5 | MARY LAKE, Member |  |
| 6 | Special Use request in the : |  | 6 | Marguerite millen, Member |  |
| 7 | F-Farming District for a : |  | 7 |  |  |
| 8 | private-pay alcoholism and : Petition No. 4462 |  | 8 | ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC: |  |
| 9 | substance abuse treatment : |  | 9 | CAESAR A. TABET, ESQUIRE |  |
| 10 | facility, 41 W400 Silver Glen : |  | 10 | CHRISTOPHER D. LIGUORI, ESQUIRE |  |
| 11 | Road, Section 19, Campton : |  | 11 | Jordan wilkow, ESQUIRE |  |
| 12 | Township (08-19-400-004) and : |  | 12 | TABET DIVITO \& ROTHSTEIN LLC |  |
| 13 | Section 34, Plato Township |  | 13 | 209 South LaSalle Street |  |
| 14 | (05-34-300-032 \& 05-34-400-025) |  | 14 | 7 th Floor |  |
| 15 | -----x |  | 15 | Chicago, Illinois 60604 |  |
| 16 |  |  | 16 | (312) 762-9458 |  |
| 17 | PUBLIC HEARING - VOLUME I |  | 17 |  |  |
| 18 | St. Charles, Illinois |  | 18 | ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC: |  |
| 19 | Wednesday, August 1, 2018 |  | 19 | ANDREW E. KOLB, ESQUIRE |  |
| 20 | 7:06 p.m. |  | 20 | VANEK, LARSON \& KOLB, LLC |  |
| 21 |  |  | 21 | 200 West Main Street |  |
|  | Job No.: 198558 |  | 22 | St. Charles, Illinois 60174 |  |
|  | Pages: 1 - 129 |  | 23 | (630) 513-9800 |  |
|  | Reported by: Paula M. Quetsch, CSR, RPR |  | 24 |  |  |
|  |  | 2 |  |  | 4 |
| 1 | PUBLIC HEARING, held at the location of: |  |  | ON BEHALF OF KANE COUNTY: |  |
| 2 |  |  | 2 | JOSEPH F. LULVES, ESQUIRE |  |
| 3 | KANE COUNTY CIRCUIT COURT CLERK - |  | 3 | MICHELLE NIERMANN, ESQUIRE |  |
| 4 | BRANCH COURT |  |  | Kane County state's attorney joseph mc mahon |  |
| 5 | 530 South Randall Road |  | 5 | 100 South Third Street |  |
| 6 | St. Charles, Illinois 60174 |  | 6 | Fourth Floor |  |
| 7 | (630) 232-3495 |  | 7 | Geneva, Illinois 60134 |  |
| 8 |  |  | 8 | (630) 208-5320 |  |
| 9 |  |  | 9 |  |  |
| 10 |  |  | 10 | ON BEHALF OF THE KANE COUNTY BOARD: |  |
|  | Before Paula M. Quetsch, a Certified Shorthand |  | 11 | YORDANA J. WYSOCKI, ESQUIRE |  |
|  | Reporter, Registered Professional Reporter, and a |  | 12 | HERVAS, CONDON \& BERSANI, PC |  |
|  | Notary Public in and for the State of Illinois. |  | 13 | 333 Pierce Road |  |
| 14 |  |  | 14 | Suite 195 |  |
| 15 |  |  | 15 | Itasca, Illinois 60134 |  |
| 16 |  |  | 16 | (630) 773-4774 |  |
| 17 |  |  | 17 |  |  |
| 18 |  |  |  | ON BEHALF OF OBJECTOR JOLINE ANDRZEJEWSKI: |  |
| 19 |  |  | 19 | TRACY KASSON, ESQUIRE |  |
| 20 |  |  | 20 | RathJe woodward, llc |  |
| 21 |  |  | 21 | 300 East Roosevelt Road |  |
| 22 |  |  | 22 | Suite 300 |  |
| 23 |  |  | 23 | Wheaton, Illinois 60187 |  |
| 24 |  |  | 24 | (630) 668-8500 |  |
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| 13 | 15 |
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| 1 more than three minutes, and if the Board is not | 1 from tonight's hearing will be made available to |
| 2 going to allow that, I don't see really much point | 2 the County Board with County's recommendation. |
| 3 to the fire district participating in this hearing | 3 Please state your name and address clearly. |
| 4 under those conditions. | 4 Try to speak slowly. I have a hard time with |
| 5 CHAIRWOMAN MELGIN: You can't have your | 5 that, so I've told her to tell me I need to slow |
| 6 testimony in | 6 down if I need to. So just remember somebody is |
| 7 MR. SHEPRO: In three minutes? | 7 taking down what you're saying. |
| 8 CHAIRWOMAN MELGIN: How much time do you | 8 Before we begin, a couple of housekeeping |
| 9 think you're going to need? | 9 matters. The proposed consent decree will be |
| 10 MR. SHEPRO: Perhaps as much as 30 minutes. | 10 marked as Exhibit 1 and made part of the record. |
| 11 I don't know. It depends on the cross-examination | 11 (Exhibit 1 marked for identification.) |
| 12 it depends on the questions from the Board. | 12 CHAIRWOMAN MELGIN: The County sent notice |
| 13 MEMBER FALK: That's all new evidence? | 13 of this proceeding to property owners within |
| 14 MR. SHEPRO: It's all new evidence | 14250 feet of the petitioner's property, published |
| 15 CHAIRWOMAN MELGIN: Testimony is a little | 15 notice in the Daily Herald and Kane County |
| 16 bit different. So you were going to have a witness? | 16 Chronicle, and placed three signs around the |
| 17 MR. SHEPRO: I'm going to have at least | 17 property. A copy of the notice mailed to nearby |
| 18 two witnesses. I may have a third depending on | 18 property owners and a list of those owners is |
| 19 the direction that the testimony takes. | 19 being made part of the record as Exhibit 2. |
| 20 CHAIRWOMAN MELGIN: Well, each witness | 20 (Exhibit 2 marked for identification.) |
| 21 could be limited to 10 minutes each. We would | 21 CHAIRWOMAN MELGIN: A copy of the notice |
| 22 consider that | 22 from the papers is being marked as Exhibit |
| 23 MR. SHEPRO: Will consider it | 23 (Exhibit 3 marked for identification.) |
| 24 CHAIRWOMAN MELGIN: Thank you. | 24 CHAIRWOMAN MELGIN: Finally, a photograph |
| 14 | 16 |
| 1 All speakers shall be civil with no | 1 of the sign placed at the entrance of the property |
| 2 profanity or name calling. During the hearing | 2 is marked as Exhibit 4. |
| 3 audience members please remain quiet. We realize | 3 (Exhibit 4 marked for identification.) |
| 4 that many of you have very strong feelings about | 4 CHAIRWOMAN MELGIN: The Board received |
| 5 this issue, but we would appreciate your | 5 letters -- I don't know how many -- letters from -- |
| 6 cooperation. Silence all cell phones; do not | 6 three letters from members of the public relating |
| 7 engage in side talk. Disruptive audience members | 7 to Petition 4462. These letters and emails are |
| 8 will be asked to leave. We hope that doesn't | 8 being made part of the record this evening as |
| 9 happen, but we please ask for your cooperation. | 9 Group Exhibit 5. |
| 10 We've had several hearings previously in | 10 (Exhibit 5 marked for identification.) |
| 11 this matter, and we've learned the process as we | 11 CHAIRWOMAN MELGIN: Do I have a motion to |
| 12 went through those. So to ensure that everybody | 12 accept Exhibits 1 through 5 as part of the Board's |
| 13 has an opportunity to speak in an orderly fashion, | 13 record in this matter? |
| 14 each speaker was asked to sign in, and that will | 14 MEMBER LAKE: So moved. |
| 15 make it a lot easier; I can call up a person's | 15 CHAIRWOMAN MELGIN: Second? |
| 16 name rather than having multiple people trying to | 16 MEMBER ARIS: I'll second. |
| 17 speak at the same time. After nearby property | 17 CHAIRWOMAN MELGIN: All in favor say aye. |
| 18 owners, adjacent property owners, and units of | 18 (Ayes heard.) |
| 19 government speak, speakers will be taken in the | 19 MR. SHEPRO: Madam Chair, could you indicate |
| 20 order in which they signed up. So I'll be calling | 20 for the record the identity of the persons |
| 21 your name for that. | 21 submitting the three letters? |
| 22 So as you can see, our court reporter is | 22 MR. VANKERKHOFF: Sure. And for |
| 23 back, and she's taking down verbatim everything | 23 clarification, there were five letters that were |
| 24 that's said tonight. A copy of the transcript | 24 received. |


| 17 | 19 |
| :---: | :---: |
| 1 The first one in Exhibit 5 is dated | 1 connection with the initial Petition No. 4364. We |
| 2 July 19th, 2018. That is from Kevin Carrara on | 2 rely on no new evidence except for Exhibit 1, which |
| 3 behalf of one of the adjacent property owners. | 3 is the proposed Federal Court consent decree. |
| 4 Second one, dated July 19th, 2018, is an | 4 That consent decree, as stated by the |
| 5 email from Mr. and Mrs. Cartee, close proximity | 5 Zoning Board of Appeals in the opening remarks, |
| 6 neighbor. | 6 has been listed on the Kane County website since |
| The third one is from Edward Schreiber to | 7 at least July 16, 2018. Proper notice has been |
| 8 the Chairman and includes an Exhibit A, which is a | 8 given, and I have a copy of Exhibit 1 that I |
| 9 copy of a letter that had also been sent to the | 9 printed off of that website. |
| 10 Kane County Board members. | 10 The consent decree contains many important |
| 11 The fourth one is an email dated | 11 provisions that are designed to specifically |
| 12 July 27th, 2018, from Kathleen Smith. | 12 ensure, and protect, and promote the public |
| 13 And the final one, fifth one, dated | 13 health, welfare, and safety for all members of the |
| 14 Monday, July 30th, is from a Mr. Bill Rees | 14 community. It also is specifically designed to |
| 15 representing Pine Haven Homeowners Association. | 15 ensure that all limitations and restrictions on |
| 16 CHAIRWOMAN MELGIN: Okay. Thank you, Mark. | 16 Maxxam and the operation of the facility are |
| 17 Some of the letters and emails received by | 17 mandatory, and subject to enforcement by Federal |
| 18 the Board, Group Exhibit 5, requested that th | 18 Court order, and by all the remedies available in |
| 19 start of this hearing be continued | 19 the Fede |
| 20 to accommodate various vacation sche | 20 I would like to briefly highlight |
| 21 there any motion from this Board to continue this | 21 three critical provisions of the consent decree. |
| 22 hearing to a later date this month? | 22 There are many provisions, but I'd like to |
| 23 (No response.) | 23 highlight just three in the interest of brevity. |
| 24 CHAIRWOMAN MELGIN: Hearing none, | 24 The first is at page 5, Section 3C, and it |
| 18 |  |
| 1 petitioners, you may begin. | 1 states that the purpose of the Federal consent |
| 2 MR. SHEPRO: Madam Chair, for the record, | 2 decree is, quote, "intended to ensure that the |
| 3 the fire district would join in that request for a | 3 operation of the approved special use is beneficial |
| 4 one-week postponement. | 4 to and does not negatively impact the health, |
| 5 CHAIRWOMAN MELGIN: Noted. | 5 safety, and general welfare of the Kane County |
| Petitioners, you may begin. | 6 residents," end quote. |
| 7 MR. TABET: Thank you. May it please the | 7 In that paragraph of the consent decree, it |
| 8 Kane County Zoning Board of Appeals, all of its | 8 goes on to say if any of the conditions that are |
| 9 members, Mr. VanKerkhoff, all counsel of record who | 9 set forth in the consent decree at any time are |
| 10 have appeared during these proceedings, including | 10 inconsistent with or violate any of the terms of |
| 11 the original proceeding on Petition 4364 and | 11 any Kane County ordinance, that condition will be |
| 12 through the present refiled Petition No. 4462, and | 12 null and void. That's the first provision that I |
| 13 also may it please all members of the community | 13 highlight. |
| 14 who are here and present and participating in this | 14 The second is at pages 5 through 8 where |
| 15 hearing. My name is Caesar Tabet. With me is | 15 the consent decree states in mandatory language |
| 16 Chris Liguori, Jordan Wilkow, and Andrew Kolb | 16 many obligations of Maxxam that are specifically |
| 17 Together we represent the petitioner, Maxxam | 17 enforceable by Federal Court order and then agai |
| 18 Partners. | 18 ensure the operation will be consistent with the |
| 19 We thank the Zoning Board of Appeals for | 19 public health, safety, and general welfare. There |
| 20 conducting the hearing tonight, and we thank all | 20 are 17 specific conditions, each one designed to |
| 21 the members of the community who are participating | 21 promote the public health, safety, and general |
| 22 in this hearing tonight. | 22 welfare. |
| 23 In support of our petition, we rely on all | 23 Finally, Section 5 at pages 8 through 9 of |
| 24 of the evidence that was previously submitted in | 24 the consent decree state -- and I'm paraphrasing -- |


| 21 | 23 |
| :---: | :---: |
| 1 that Maxxam's obligations are enforceable, | 1 been no motion but we'd like to again have that |
| 2 Section 5(e)2, that the Federal Court has | 2 noted for the record. |
| 3 jurisdiction to enforce these mandatory obligations | 3 CHAIRWOMAN MELGIN: It's noted |
| 4 and to resolve any dispute consistent with broad | 4 MR. KASSON: We incorporate all of our |
| 5 Federal powers under consent decrees Sections | 5 previous testimony, arguments, exhibits, and any |
| 6 5(a)1 and 3, and the agreement also contains a | 6 other materials submitted by the objector as part |
| 7 full and complete integration clause in Section 5 | 7 of our previous petitions filed by the applicant, |
| 8 that provides -- and I'm paraphrasing -- that all | 8 |
| 9 of the obligations of the parties are set forth in | $9 \quad$ What you are here for again is a proposed |
| 10 the decree and supersede all prior discussions, | 10 special use under the Kane County zoning ordinan |
| 11 agreements, or understandings so there is no | 11 and the proposed consent decree. This Board must |
| 12 ambiguity. | 12 make findings and recommendations as to whether |
| 13 At the last hearing I understood one of | 13 the applicant has satisfied all the special use |
| 14 the big concerns was are these obligations | 14 standards under 4.8-2 of the zoning ordinance. |
| 15 enforceable and are they clear and unambiguous, | 15 That was actually also referenced by petitioner. |
| 16 and this consent decree answers those concerns. | 16 So as we go to the special use, is this |
| 17 And, again, if there's any concern in the | 17 use still a 120-bed ultra-lux alcohol abuse and |
| 18 future about the operation or a risk to public | 18 substance treatment facility, or is it changed as |
| 19 health, safety, or welfare, the consent decree | 19 presented? If nothing has changed, then the ZBA |
| 20 provides a quick immediate and powerful remedy by | 20 should deny the petition again because the |
| 21 Federal Court enforcemen | 21 applicant has failed to meet the six special use |
| 22 Based on the clear terms of the proposed | 22 standards in the zoning ordinance just like you |
| 23 Federal Court consent decree and all of the | 23 had found previously. |
| 24 evidence submitted previously by Maxxam in support | 24 If the application has changed with the |
| 22 | 24 |
| 1 of its petition, we ask that the Zoning Board of | 1 proposed conditions in the consent decree, then |
| 2 Appeals find that the six factors set forth in | 2 the petitioner must provide clear and convincing |
| 3 Section 4.82 A through F of the Kane County zoning | 3 evidence how it satisfies those special use |
| 4 ordinance are satisfied in light of the provisions | 4 standards. |
| 5 of the consent decree and all of the evidence and | 5 We also would have the right to question |
| 6 that you recommend that the petition be granted by | 6 the applicant about any new conditions or changes |
| 7 the Kane County Board. | 7 in this application. For example, if you take a |
| 8 Thank you. | 8 look at Condition 13 on page 7 of the consent |
| 9 CHAIRWOMAN MELGIN: Thank you. | 9 decree, previously there had been all the testimony |
| 10 So adjacent property owners. We didn't | 10 by the applicant and all of his experts that this |
| 11 have them sign the same sheet. So do we have | 11 was going to be a 120 -bed facility. That is not |
| 12 adjacent property owners who wish to speak? | 12 now part of Condition 13. Condition 13 now talks |
| 13 MR. KASSON: Good evening, my name is | 13 about number of spacing requirements and bed |
| 14 Tracy Kasson. I'm here on behalf of Kevin Carrara | 14 requirements and that's it. It talks about |
| 15 of Rathje \& Woodward representing Joline | 15 requirements of no more than four beds per room, |
| 16 Andrzejewski, trustee of Trust No. 204 for the | 16 and if that's the case, can you have more than |
| 17 property located at 41W547 McDonald Road, Campton | 17120 beds be provided? |
| 18 Hills, as an objector to this petition. | 18 It appears by looking at Exhibit E of the |
| 19 Again, we'll note Mr. Carrara's letter | 19 January 12, 2017, hearing, which was a schematic |
| 20 requesting a continuance because he's out of town. | 20 of the residence center, that at least nine rooms |
| 21 As you're well aware, he's been part of all these | 21 with up to four beds in each room can be created |
| 22 other proceedings representing the objector and | 22 in the seven buildings and nine beds in the detox |
| 23 would like to be here in order to again represent | 23 facility if you're able to have four beds in a |
| 24 her. I understand your motion has been -- there's | 24 room. And those can have bunk beds except in the |


| 25 | 27 |
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| 1 detox facility. This would be 261 beds. | 1 prescription drugs being used by clients on the |
| 2 Condition 14 discusses a fence around the | 2 shallow aquifer system. |
| 3 property except in floodplain areas. It references | 3 As to police and fire calls, at the previous |
| 4 Exhibit 6 for the location and Exhibit 7 for the | 4 hearings you heard testimony from Fox River and |
| 5 depiction. What I was able to download on the | 5 Countryside Fire Protection District estimating |
| 6 consent decree, I was able to get the decree, but | 6150 calls a year for a 120-bed facility -- you're |
| 7 I did not get any exhibits and was not able to see | 7 going to hear more from them I assume -- and stated |
| 8 any exhibits. Does the Exhibit 1 of the consent | 8 those additional calls would have a negative |
| 9 decree have the exhibits referenced in the consent | 9 effect on the ability to provide public health |
| 10 decree? | 10 safety to all of the residents. Your sheriff |
| 11 CHAIRWOMAN MELGIN: On the website you're | 11 estimated 300 calls per year for a 120-bed facility. |
| 12 asking? | 12 CHAIRWOMAN MELGIN: If you can start |
| 13 MR. KASSON: Anywhere. Exhibit 1 that | 13 wrapping it up, we'd appreciate it. |
| 14 you've marked as the consent decree, does that | 14 MR. KASSON: I'm trying to get to how this |
| 15 have the exhibits? | 15 could change based on if there are under that |
| 16 CHAIRWOMAN MELGIN: I don't know what | 16 Condition 13 more than 120 beds. We had presented |
| 17 MR. KASSON: The consent decree references | 17 data from Timberline Knolls about 167 calls for |
| 18 seven or more exhibits. | 18 fire and 213 for police. The closest hospital is |
| 19 CHAIRWOMAN MELGIN: I see, yes. No. | 1920 minutes away. So that all impacts that. Now, |
| 20 MR. KASSON: They're not attached? | 20 under Condition 13 can that be exasperated even |
| 21 CHAIRWOMAN MELGIN: No. | 21 further? |
| 22 MR. KASSON: I did not find them either on | 22 Again, you've denied the petition based on |
| 23 the website. We have a right to review thos | 23 the 120 beds. Now there has to be further |
| 24 exhibits, look at them because that's a change as | 24 examination as to those conditions and how those |
| 26 | 28 |
| 1 far as the fence, what that fence is going to | 1 can impact further the health, safety, and |
| 2 consist of, and what it's going to look like. | 2 welfare. If it couldn't meet it for 120 beds, it |
| 3 The applicant's expert testimony cannot be | 3 certainly can't meet if it there's more. |
| 4 placed into the record without the ability to | 4 We need to determine how petitioner's |
| 5 question them further on these 13 conditions. We | 5 appraisal report by Rous \& Company would change if |
| 6 would ask to strike the reports of the experts | 6 there could be more than 120 beds. Previously, at |
| 7 because we don't have the meaningful | 7 page 424 he had agreed police and fire calls from |
| 8 cross-examination on the new application. | 8 Timberline Knolls were significant and could |
| $9 \quad$ We'd have the right to test those opinions | 9 probably impact his valuation conclusion. |
| 10 to see if their opinions would change based on the | 10 Again, we would like to know how -- if a |
| 11 new factors or conditions outlined in the consent | 11 report has been looked at how that could change, |
| 12 decree. | 12 how any of these expert reports can change because |
| 13 One would be questions of Sheaffer \& | 13 they have not looked at or given any reports as to |
| 14 Roland -- they did the study -- as to whether their | 14 these new 13 conditions. |
| 15 opinion would be the same as to the wastewater | 15 The traffic evaluation, as well, prepared |
| 16 treatment and disposal system, whether it's the | 16 by applicant was not a complete traffic study, |
| 17 correct size to accommodate the proposed facility | 17 just a valuation, didn't take into account police |
| 18 if it could contain more than 120 clients | 18 and fire call volumes, school safety, and the like |
| 19 It said in that report it's only permitted | 19 on surrounding roadways for the proposed 120-bed |
| 20 for 160 PE. When you take the 120 plus the | 20 facility. |
| 2140 employees, that would be maximum PE. We just | 21 Finally, and I know we made this in our |
| 22 don't know because right now there's nothing in | 22 previous testimony, the applicant claims its |
| 23 the consent decree that says it's going to be for 24120 patients. What is the potential impact of | 23 proposed use is similar to a hospital as part of 24 its special use application. We made it clear |



| 33 | 35 |
| :---: | :---: |
| 1 subject to cross-examination on anything related | 1 referendum that has resulted in further service |
| 2 to the consent decree, and, in fact, there's not | 2 cutbacks, further diminution of our ability to |
| 3 even been any testimony presented as to why the | 3 service even our existing residents, and the |
| 4 consent decree should change the decision that | 4 consequences that will have to be put into place |
| 5 this Board previously made. I certainly don't | 5 this December if that's not done. |
| 6 think that the comments of counsel would | $6 \quad$ With that I would like to ask our district |
| 7 constitute as testimony | 7 president, Robert Handley, to step forward and |
| 8 So you're left at this point with no | 8 offer a statement and sworn testimony. |
| 9 record at all to suggest why the consent decree | 9 CHAIRWOMAN MELGIN: So you're presenting |
| 10 should be signed other than the County apparently | 10 him as a witness |
| 11 and the applicants have cut a deal. | 11 MR. SHEPRO: Yes. |
| 12 We were not part of that deal. We were | 12 (Witness sworn.) |
| 13 not invited to participate, we were not invited to | 13 MR. HANDLEY: For the record, Robert Handley |
| 14 submit comments, and it was made in our view in | 14 on behalf of the Fox River \& Countryside Fire |
| 15 derogation of our interests and rights, and we | 15 Protection District. Can you hear me okay? |
| 16 also have an obligation to serve the community, | 16 I'm just going to address you on a few |
| 17 and we believe that this does not serve the | 17 things that have occurred since -- Mr. Shepro has |
| 18 community. | 18 talked about several of them, but a few things |
| 19 In terms of our specific other objections, | 19 that have occurred since we were last before you, |
| 20 we believe that there has not been an adequate | 20 new stuff -- stuff that's not in the record. |
| 21 disclosure under the terms of the Kane County | 21 As you know, after the Zoning Board of |
| 22 zoning ordinance of the parties at interest, the | 22 Appeals recommended against approving the petition |
| 23 coapplicant. Very little has been made public | 23 last time, we entered into an agreement with |
| 24 about that, and we believe the zoning ordinance | 24 Mr. Marco on April 27th. This seven-page agreement |
| 34 | 36 |
| 1 requires disclosures to be made which have not | 1 provided a lot of stuff. It was complete with all |
| 2 been made. They have not been made at any point | 2 kinds of provisions, and I'll just highlight a few |
| 3 in this proceeding. I believe that is a fatal | 3 of them. |
| 4 flaw, as well. | 4 There was a transition payment based on |
| 5 We have new testimony to present, and I | 5 anticipated real estate tax increases in addition |
| 6 will introduce it and then call my witnesses. | 6 to -- well, in advance of the actual reassessment. |
| 7 As you will recall, the testimony that we | 7 There were guaranteed payments of the transport |
| 8 presented at the last hearing was prior to the | 8 fees. There was a development of an emergency |
| 9 March 19 -- or 2017 referendum. That referendum | 9 plan that we were going to work out together and |
| 10 failed, and as a result additional hardships were | 10 training for -- between our personnel. And it also |
| 11 imposed on the district, additional cutbacks were | 11 provided for incremental payments for contributions |
| 12 imposed. | 12 to the District. And it started out with a payment |
| 13 We resubmitted a new question at the | 13 of \$50,000 to the district, and in addition to |
| 14 March 2018 general primary election, and on the | 14 that there would be payments funding additional |
| 15 face of the returns it was defeated by 34 votes. | 15 district personnel. The purpose was to be |
| 17 Sullify the result of tat |  |
| 18 County Clerk failed to put the entire question | 18 payments based on occupancy levels, based on |
| 19 the ballot, and on July 13th of this year, Judge | 1950 percent occupancy level, 70 percent occupancy |
| 20 Akemann of the Kane County Circuit Court entered | 20 level. 50 percent was 40,000 per year; 70 percent |
| 21 an order ordering and allowing that question to be | 21 was 81,000 per year. When we reached 90 percent, |
| 22 submitted to the voters again in November. | 22 \$163,000 per year based on the total number of |
| 23 You will hear testimony in a few moments | 23 patients that we had, and so forth and so on. |
| 24 about the effect of that failure to pass the | 24 We entered into that agreement in good |




42
1 A Because we can't staff with four personnel,
2 we're required to run a constant call to jump
3 company from that fire station, which means that
4 when we take a call for that area, it could be
5 either a fire engine or an ambulance that 6 responds, but all three personnel respond together
7 on that piece of equipment. Where previously if
8 an ambulance call occurred we would only need to
9 send the ambulance to the hospital and keep the
10 other two people available for a second call. The
11 fire engine in that area was also advanced life
12 support equipped. So we've lost the ability to
13 serve that portion of our district effectively.
14 Q What is the cost of the three full-time
15 personnel that would be required for that one 16 round-the-clock slot?
17 A The financial impact of that cutback would 18 be approximately $\$ 250,000$ that would need to be 19 replaced.
20 Q Has there also been a change in the --
21 strike that. Let me go back to the personnel.
22 You've divided the fire district into
23 service zones for purposes of monitoring calls?
24 A To determine the effective response areas

1 we have built response zones in our 38 -square-mile

3 Q And the Wasco station is currently located in Zone 2?

A That's considered Area 2 for response purposes, the division being the Randall Road corridor. Area 2 would be west of that, and everything east of that would be in Area 1.
9 Q So does Area 2 include the Glenwood School?
10 A Yes, it does.
11 Q In the most recent month, can you describe 12 the calls and operations in Area 2 as it pertains 13 to the fire district?
14 A Sure. During the month of July, this past 15 month that just closed yesterday there were 16133 emergencies in the fire district. 89 were 17 emergency medical calls. In Area 2, of the 133, 1873 calls were in Area 2. The amount of ambulance 19 service, 89 , was approximately half of that in 20 Area 2 and half in Area 1. We also did have 2123 overlapping calls where both of our ambulances 22 were committed.
23 Q I was going to ask you what the definition 24 of an overlapping call is but --

1 A An overlapping call situation would be if
2 I went on Call 1 in Area 1 at 9:00, and then at
3 9:30 we had a call in Area 2 for another medical 4 emergency, that's an overlapping call because both 5 medical units are committed on calls.
6 Q Now, during the month of July, have there 7 been occasions when the jump company has not been 8 available to provide service and what are the 9 circumstances?
10 A Our condition response is that if the jump 11 company is not available because of the primary 12 call being in Area 2, the ambulance from Area 1 13 would have to respond, and the additional response 14 time is taken into account.
15 If for some reason we're busy districtwide 16 with overlapping calls, then we have agreements 17 with our neighboring communities for mutual aid 18 ambulances to respond to our district.
19 Q How does the mutual aid affect the 20 response time?
21 A If the residents in Area 2 are expecting 22 an ambulance, and it's coming from Area 1, the 23 typical response would be between 12 and 15 minutes 24 to get to the home to begin care, as opposed to

| 45 | 47 |
| :---: | :---: |
| 1 our current response time if we were back prior to | 1 A No. We're considered above average. |
| 2 this would be approximately 7 minutes and 20 seconds | 2 Q Are there any other ways in which you |
| 3 based on an historical average | 3 believ |
| 4 | 4 negatively the ability of the district to service |
| 5 recent month where you have had to actually clos | 5 either Maxxam or the other residents of the |
| 6 | 6 |
| 7 A We have. The Area 2 station had to | 7 A Well, I represent the health and safety of |
| 8 | 8 the residents with regard to fire and emergency |
| 9 of staffing where we weren't able to fill out th | 9 medical services, and without an agreement |
| 10 jump company, | 10 otherwise, the additional work that volume that |
| 11 so we had to temporarily close it for either 1 | 11 would be imposed by the facility would tax us |
| 1224 hours | 12 beyond our capable limits, and we would |
| 13 | ative but to watch as our district reside |
| 14 also had an imp | 14 experienced extended response times and possibly |
| 15 | 15 medically negative outcomes of our fire losses in |
| 16 such as heart monitors | 16 extent of w |
| 17 | 17 Q Have you and the boa |
| 18 equip | 18 the option |
| 19 which are | 19 that the referendum does not pass in December? |
| 20 we don't have any resources to replace, and | 20 A Due to our unsustainable cond |
| 21 witho | 21 need to start replacing equipment, and in order to |
| 22 have extended wear and tear on our apparatus and | 22 do that we will have to allocate funds fro |
| 23 exten | only |
| 24 Q Recently the district obtained an | 24 area we have left in our budget that would be a |
| 46 | 48 |
| 1 | 1 to do that would mean that we would have to red |
| 2 A No, it's not new. It was a 1988 fire | 2 staffing. |
| 3 engine that we bought used for $\mathbf{\$ 1 5 , 0 0 0}$ so | 3 So it's anticipated that if it failed, w |
| 4 could replace the reserve apparatus that fail | 4 would have to close permanently on a rotating |
| $5 \quad \mathrm{Q}$ What are the condition of the ambulance | 5 basis one fire |
| 6 owned and operated by the d | 6 Q So one particular station would |
| $7 \quad$ A Ambulance work is 67 percent | 7 necessarily be closed, but there would only be on |
| 8 annually. In las | 8 station that would be open at any one time? |
| 91392 calls. 996 of those were ambulance ca | 9 A We would reduce the number of slots so that |
| 10 Our ambulances receive -- extra wear is a good way | 10 we wouldn't be able to adequately staff two fire |
| 11 to put it because of the demands for responding to | 11 stations. So based on whatever agreement the |
| 12 emergency situations. That extra wear requires | 12 Board decided, we would only have five personnel |
| 13 constant maintenance and upkeep, and because the | 13 at one fire station as opposed to our current nine. |
| 14 ambulances are over five years old, they're | 14 MR. SHEPRO: I have no further questions |
| 15 reaching end of life, so the maintenance costs are | 15 of the chief. He's available for cross-examination |
| 16 increasing, causing us to concern ourselves | 16 CHAIRWOMAN MELGIN: I had one question. |
| 17 the future of the ability for those ambulances | 17 Can you refresh my memory on Elburn? They |
| elia | 18 also provide -- |
| 19 | 19 THE WITNESS: That is correct. Our neighbors |
| seful life of an ambulance if purchased new? | 20 to the fire protection district in Elburn has been |
| 21 A With this call volume a primary respons | 21 a very good partner with us and has helped us when |
| me -- or a primary useful life would be six years | 22 we were not available on regular times. |
| nd eight years in a slow fire district. | 23 |
| 24 Q Is this a slow fire district | 24 South Elgin and the South Elgin Fire Protectio |



1 MEMBER LAKE: Fire Chief Nixon, I'm curious.
It sounds like out of the nine employees and you're down to eight, and rather than splitting them four plus four, you chose to keep one at five and the other down to three, shorting your manpower at that. What was the rationalization behind that?

THE WITNESS: That's a good question. The five at Fire Station 1 includes the shift captain.
He's not on the fire truck or the ambulance. He's 0 the area supervisor for the district 38 -square-mile 11 area. He doesn't count in the attack crew.

What we did was take one position out, and 3 we did it on a basis where we could run most 4 effectively as a jump company, and that was at 15 Fire Station 2. So our attack crews were four and 16 four plus one supervisor. So now the attack crews 17 are four and three, plus one supervisor.
18 The NFPA recommends that we assemble 1915 firefighters on the scene of a working structure 20 fire, so that's the mutual aid that the attorney 21 was referring to.
22 MEMBER LAKE: Thank you. 23 CHAIRWOMAN MELGIN: Tracy? 24

MEMBER ARIS: Are you meeting current

State minimum requirements?
THE WITNESS: Yes. With the help of our
neighbors on mutual aid we do.
MEMBER ARIS: Okay.
THE WITNESS: If you're referring to
medical requirements, the Illinois Department of
Public Health has recently recertified us as an
advanced life support caregiver for both of our
ambulances and both of our primary fire engines.
So we had the -- prior to the failed referendum,
we had the ability to provide advanced life care
from four pieces of equipment.
CHAIRWOMAN MELGIN: Does the Board have
any other questions?
(No response.)
MR. LIGUORI: I have a couple of questions
if that would be all right.
CHAIRWOMAN MELGIN: Okay.
CROSS-EXAMINATION BY COUNSEL FOR THE PETITIONER BY MR. LIGUORI:

Q Good evening, Chief. My name is Chris
Liguori. How are you?
It sounds like the fire district is in pretty
dire financial straits right now. Is that fair?

| 53 | 55 |
| :---: | :---: |
| 1 A Yes, that's a fair assessment. | 1 the fire district for the cost of any emergency |
| 2 Q In part because of that financial situation, | 2 medical services that are provided at the property; |
| 3 a referendum was put on the ballot to help the | 3 right? |
| 4 fire district with its finances; is that also fair? | 4 A That's just like all of our residents do |
| 5 A Right. In order to have the adequate | 5 when they get a bill from us. |
| 6 funding necessary for our fire district, we're | $6 \quad \mathrm{Q}$ And you understand that Maxxam has also |
| 7 asking for a modest increase in our taxes. | 7 agreed in Condition 17 that to the extent a mutual |
| $8 \quad$ Q As I understand it, the referendum failed? | 8 aid agreement is implemented, it will reimburse |
| $9 \quad$ A It has twice. | 9 the village or the township that's providing that |
| 10 Q It has twice. The residents of | 10 service? |
| 11 Kane County have voted down that referendum? | 11 A That's true. |
| 12 A The residents of our fire district have. | 12 Q You also understand that Maxxam has agreed |
| 13 MR. SHEPRO: If I may, Counsel, | 13 to establish a foundation for Kane County where it |
| 14 technically the second referendum did not fail; it | 14 will pay the Fox River Valley $\$ 15,000$ a year, |
| 15 was nullified by the Court. But it didn't pass. | 15 right, as Condition 11? |
| 16 MR. LIGUORI: Thank you. | 16 A I'm the fire protection district, not the |
| 17 Q Would you agree, Chief, that Maxxam Partners | 17 Fox River Valley. |
| 18 had nothing to do with the current financial | 18 Q And you understand they will do that for a |
| 19 situation that the district is looking at; right? | 19 period of 10 years; right? |
| 20 A Yes. We're not looking at what that impact | 20 A To who? |
| 21 was but what it would be should you impose upon us | 21 Q To the Fox River Valley. |
| 22 additional work burden. | 22 A That's not me and that's not my fire |
| 23 Q You understand from the prior testimony | 23 district. |
| 24 that there was a disagreement about the number of | 24 Q But nevertheless, sir, you understand that |
| 54 | 56 |
| 1 calls that the fire district may receive from the | 1 in Condition 11 Maxxam has agreed to contribute |
| 2 facility; right? | 2 \$ 15,000 a year to the Fox River? |
| 3 A Correct. And I agree that that is difficult | $3 \quad$ MR. SHEPRO: I'm going to object because I |
| 4 to predict because the fire district doesn't know | 4 think the question is irrelevant who else they're |
| 5 how many beds you have. | 5 going to contribute to. If it's not us, it's |
| 6 Q I take it that any money that the fire | 6 meaningless. |
| 7 district could get would be money that was | 7 A Question 11 as I read it didn't apply to me. |
| 8 welcomed. Is that fair? | 8 Q Okay. |
| 9 A I think the money that was in our existing | 9 A So I didn't consider that. |
| 10 agreement with your company was to assist us in |  |
| 11 continuing adequate care to our community and your | $11 \quad$ MR. SHEPRO: I have one question on redirect. 12 REDIRECT EXAMINATION BY COUNSEL FOR THE FOX RIVER |
| 12 facility. | 13 \& COUNTRYSIDE FIRE PROTECTION DISTRICT |
| 13 Q You understand that if Maxxam Partners | 14 BY MR. SHEPRO: |
| 14 was -- its permit was granted that it would be a | 15 Q Has the Fox River Fire District to your |
| 15 source of tax revenue? | 16 knowledge ever received any contributions, |
| 16 A Absolutely. | 17 financial or otherwise, from the community |
| 17 Q And you understand that a portion of that | 18 foundation for the Fox River Valley? |
| 18 tax revenue would go to the fire district? | 19 A No. I'm not aware of any contributions |
| 19 A Absolutely. I understand that. | 20 being received by any foundation directly to the |
| 20 Q Have you reviewed the consent decree | 21 fire department. |
| 21 that's Exhibit 1 to this hearing? | 22 AUDIENCE MEMBER: Am I allowed to ask a |
| 22 A Not line by line. A summary of it. | 23 question? |
| 23 Q You understand that the consent decree | 24 CHAIRWOMAN MELGIN: I'm going to ask the |
| 24 provides in Condition 17 that Maxxam will reimburse |  |


| 57 | 59 |
| :---: | :---: |
| 1 State's Attorney. | 1 this Board and the County Board several times. |
| 2 Can the public ask questions? | 2 The Village only has -- the Village of |
| 3 MR. LULVES: That's your decision. That's | 3 Campton Hills is the closest first responder for |
| 4 up to the Board in the interest of everybody's due | 4 the police department. Kane County only has |
| 5 process rights. | 5 two sheriff officers to cover an entire district. |
| 6 CHAIRWOMAN MELGIN: I'll allow it. | 6 The Village of Campton Hills has only two officers |
| 7 AUDIENCE MEMBER: Simple technical question. | 7 to cover 18 square miles, 101 miles of road, and |
| 8 What is the primary path that would you take, the | 8 serves 11,000 people. |
| 9 streets from the Wasco fire | 9 If one officer is on call at a Maxxam |
| 10 Glenwood School property? | 10 facility, this leaves one officer to cover this |
| 11 THE WITNESS: Probably up Burlington Road. | 11101 miles of road and 11,000 people. If the need |
| 12 AUDIENCE MEMBER: Up Burlington Road to | 12 is for two officers, then we have nobody; we |
| 13 Silver Glen? | 13 depend on the County or mutual aid from Elburn, |
| 14 THE WITNESS: Yes. | 14 South Elgin, or Elgin, or wherever else we can get |
| 15 AUDIENCE MEMBER: I just wanted to know if | 15 it from. This is totally unacceptable. |
| 16 you'd cut through the neighborhood. | 16 Maxxam in their petition refused to talk |
| 17 THE WITNESS: No, that would be an | 17 to us about this, refused -- have never contacted |
| 18 indirect route. We wouldn't do that. | 18 us to say, "What can we do to help you people?" |
| 19 CHAIRWOMAN MELGIN: Okay. Thank you. | 19 They just haven't done it. Why? They decided |
| 20 You have one more witness? | 20 they think that the fire department should get |
| 21 MR. SHEPRO: No, I don't believe so. | 21 some help, and they sat down with them, and they |
| 22 would reserve the right to argue at the conclusion | 22 came up with an agreement that was torn up, but |
| 23 of the testimony. Thank you. | 23 never did they come to the Village and say, "Let's |
| 24 CHAIRWOMAN MELGIN: Is this for Mr. -- | 24 work together." |
| 58 | 60 |
| 1 MR. TYRRELL: -- Shepro. | 1 If, in fact, a call at Maxxam requires |
| 2 CHAIRWOMAN MELGIN: Okay. | 2 two people, two officers, we have nobody. And |
| 3 MR. TYRRELL: Hi, my name is Mike Tyrrell. | 3 quite often when a fire call goes out or an |
| 4 With Maxxam reneging on the Fox River | 4 ambulance goes out, quite often a police car goes |
| 5 district agreement, how does the Federal Court | 5 out with them because several times they need |
| 6 guarantee fire and ambulance coverage and public | 6 extra hands for help, traffic control, whatever. |
| 7 safety to the existing public? | 7 This is a big detriment to our residents, |
| 8 MR. SHEPRO: I think you'd have to ask the | 8 the 11,000 residents of the Village of Campton |
| 9 judge. As far as I know, there's nothing in the | 9 Hills that are paying property taxes to the County |
| 10 decree that would permit the judge to have | 10 for these services. And that also includes -- |
| 11 jurisdiction over that issue as it is presently | 11 these 11,000 residents do not pay any village tax, |
| 12 proposed, but I'm willing to be educated. | 12 and there is no referendum for that to be coming |
| 13 MR. TYRRELL: Thank you. | 13 forward. |
| 14 CHAIRWOMAN MELGIN: Do we have other units | 14 So I think it would only behoove Maxxam |
| 15 of government who wish to make a statement? | 15 and this Board if they want to open this facility, |
| 16 MR. BLECKER: Harry Blecker, president, | 16 which I don't think should happen, that they |
| 17 Village of Campton Hills. I wrote a big long | 17 should be talking to everybody involved, just not |
| 18 speech, but the objector's attorney and the fire | 18 some of the people involved. |
| 19 district stole all my thunder. | 19 This facility does not fulfill the very |
| 20 CHAIRWOMAN MELGIN: So it will be three | 20 first requirement of being detrimental -- not |
| 21 minutes; right? | 21 being detrimental to the residents of the area and |
| 22 MR. BLECKER: I'll be under three minutes. | 22 Kane County. I have faith in you that you will |
| 23 Reading the consent decree we see nothing | 23 not be bullied by money interests and that you'll |
| 24 about police protection. This was brought up to | 24 do the right thing for the residents of Kane County |


| 61 | 63 |
| :---: | :---: |
| 1 and once again give this a no recommendation. | 1 are now being asked to approve zoning that |
| 2 Thank you for your time. | 2 includes a series of conditions not proposed in |
| 3 (Applause.) | 3 the original application nor in any previous |
| 4 CHAIRWOMAN MELGIN: Do we have any other | 4 hearing. Each of these significantly changes the |
| 5 units -- one more. | 5 former petition for the worse, so much so that it is |
| 6 MR. STUTESMAN: Madam Chairman, I have a | 6 unconscionable to not hold entirely new hearings |
| 7 statement that I'd like to have entered as an | 7 to examine their impact of this application." I |
| 8 exhibit in the record. | 8 think that's been stated by others, also, but I |
| 9 CHAIRWOMAN MELGIN: State your name. | 9 wanted it to remain that this is part of our |
| 10 MR. STUTESMAN: The mic was a little | 10 statement. "I urge you to resist and deny the |
| 11 taller than I was. Who do I give that to? | 11 false choices being pushed on you by the State's |
| 12 CHAIRWOMAN MELGIN: Me. Thank you. | 12 Attorney and vote no to one of the largest |
| 13 We're entering this letter to the Board | 13 giveaways in the history of Illinois of public |
| 14 into the record from Joseph Miller, Campton | 14 wealth to a private, for-profit entity. |
| 15 Township Trustee. | 15 "To be specific, first, whereas Maxxam had |
| 16 MR. STUTESMAN: Right. I'm Thomas Stutesman | 16 previously stated no desire to expand beyond the |
| 17 representing Campton Township. I'm a trustee | 17 current number of buildings on-site, we now find |
| 18 also. And what I'd like to do is I will read into | 18 language in Section III Special Use Approval, C3 |
| 19 the record at a very expedient rate to maintain | 19 and C4 of the consent decree addresses future |
| 20 all the things. I believe very firmly on what is | 20 growth of this type. Though these specify that |
| 21 stated here, and I wanted to just make sure that | 21 any additional buildings would be subject to the |
| 22 that is entered into the record accordingly. | 22 zoning process for approval, your vote of yes on |
| 23 First off, this is from the letter. Do I | 23 their revised petition will become a de facto |
| 24 need to be sworn in at all? | 24 nullification of the entire zoning process, making |
| 62 | 64 |
| 1 CHAIRWOMAN MELGIN: No, you don't need to | 1 any future approvals or oversight moot. In other |
| 2 be sworn in. I'm just -- do we need to put into | 2 words, your vote yes would be an historical |
| 3 the record -- | 3 precedent and open a Pandora's box of virtually |
| 4 MR. STUTESMAN: I think you have to | 4 unfettered growth on this site. To be clear, once |
| 5 actually read it. | 5 Maxxam has a foothold on the site, there will be |
| 6 MEMBER FALK: We don't know what we're | 6 no opportunity to object to future growth. Rather |
| 7 putting into the record, so let's hear it. | 7 than being the safeguard of County zoning policies |
| 8 MEMBER ARIS: We'll hear it and point of | 8 tonight, you are being asked to be the midwife in |
| 9 order, if we decide to accept it, does it become | 9 their very destruction. |
| 10 Exhibit 8? | 10 "In Section III, C5 now allows for the |
| 11 CHAIRWOMAN MELGIN: Well, we can accept it | 11 continuing care of patients that have been |
| 12 into the record. We lost our attorney and I'm a | 12 released and will return to the site for ongoing |
| 13 hydrologist, but we're doing the best we can. | 13 care. This additional traffic was never part of |
| 14 MR. STUTESMAN: I'm an engineer. | 14 the original study provided by KDOT. Section III, |
| 15 May I begin? Is that appropriate? | 15 C 13 allows for the increase of patient density |
| 16 CHAIRWOMAN MELGIN: Okay. Go ahead. | 16 and, thereby, its overall capacity, now allowing |
| 17 MR. STUTESMAN: Thank you again for your | 17 up to three to four times the original application's |
| 18 time. Thank you for all your patience. Thank | 18 number of patients to be on-site even without |
| 19 everybody here. Again, Joe Miller and myself both | 19 additional buildings. This represents a significant |
| 20 very much agree, the entire Campton Township board | 20 change to the original petition which, again, has |
| 21 is very supportive of this. | 21 not been modeled for KDOT to ensure public safety. |
| 22 First off, "More than being asked to rubber | 22 "Throughout the previous hearings objectors |
| 23 stamp a consent decree that overturns two separate | 23 to this petition provided certified data specific |
| 24 and well-documented hearings in this matter, you | 24 to Maxxam's stated model that confirms the |


| emergency traffic required to support any facility <br> of this type would be at least 300 combined calls annually, and increasing capacity would up to 1,000 calls annually. Despite Maxxam's denials, even Kane County's own sheriff estimated the annual call volume to be around 200 or around 700 calls annually at this new potential capacity. <br> "As a result, your vote yes will force <br> Kane County taxpayers to pay nearly $\$ 10$ million 0 potentially to widen roads like Silver Glen, 1 Corron, Burlington to be more safe, though even 2 this still wouldn't address the burden on local 3 emergency services, which both of them have 4 stated. It was inept of the petitioner to have 15 never examined these impacts during the original 6 statement and would be malfeasance now to approve 7 these petitions without further studies that use 18 very real numbers. Your vote yes would be made 9 knowing that this application used misleading data 20 and was flawed in the application. <br> 21 "Third, throughout this process objectors <br> 22 have noted that despite what we were being told by <br> 23 Mr . Marco, it is not the model of a developer to <br> 24 own and operate business. To be clear, Mr. Marco | "Finally, during the second hearing <br> objectors exposed that the wastewater treatment <br> system was designed only to manage normal biologic <br> loads. It was never designed to manage <br> medications that would be excreted into the <br> system, some of which would be unknown and of the <br> type typically found in any given population - <br> antibiotics, anti-depressants, hormone replacements, <br> et cetera. If allowed, this cocktail of biological <br> and chemical agents, some of which still would be <br> active and have half-lives that are unknown would <br> be sprayed -- yes, sprayed -- onto an open field. <br> "Our region has shallow aquifers, creeks, and general wetlands. Section III C12 only <br> 15 promises to adhere to the most basic environmental 6 criteria, though none of the statutes or 17 regulations referenced was met or is sufficient to 18 protect this and the water from these types of 9 contaminants. In other words, since there are no 0 regulations specific to medications in the 1 wastewater, Maxxam would not have to measure these 22 items, and the surrounding community would be 23 helpless to protect ourselves against the <br> 24 environmental impact. Your vote yes would put our |
| :---: | :---: |
| has no experience in owning or operating a business of this type, which was highlighted throughout the process under oath and in public. <br> "All along and despite his denials, objectors suspected that there was just another developer that would flip the property to some other entity. <br> Our suspicions have now been justified through the inclusion of Section III, C4 and C7 and Section IV, Successor Owners and Recordation. Especially 0 troubling is that this settlement runs with the 1 land and that Maxxam can assign their rights to 12 purchase the property to virtually anyone even 13 before they would take possession or open their 14 doors for business. <br> "In other words, after pocketing some 6 quick cash through settlement, Mr. Marco and his 7 unknown partners can simply sell their rights to 8 some other entity, including someone with 9 potentially less experience than him. Your vote 20 yes would confer zoning rights to the largest and 21 most remote drug treatment center in Illinois to 22 some totally unknown applicant that may have a 23 completely different vision for the property than <br> 24 described. Kane County would have no recourse. | water, our environment, and our health at risk. <br> "In closing, Maxxam was previously denied <br> permit on two occasions on three grounds: Lies <br> and misrepresentations throughout the hearings, <br> lack of credibility as an applicant, and that the <br> proposed business places an unfair burden on both <br> the local emergency services and taxpayers to pay <br> the cost that would be required to make our roads <br> safe again. <br> "Denying Maxxam's petition is not about <br> 11 discrimination at all. It is about the inadequate <br> 12 application that was mismanaged throughout the <br> petition process and should be therefore denied. <br> I urge you not to reward bullying from either the <br> 15 petitioner or the State's Attorney. Please vote <br> 6 no and preserve Kane County's ordinance and deny <br> 17 bad petitions. <br> "Sincerely, Joseph Miller, Campton Township Trustee." <br> (Applause.) <br> CHAIRWOMAN MELGIN: Please keep that to <br> minimum. Appreciate it. Thank you. <br> Thank you, Mr. Miller. He's a Campton <br> 24 trustee. I recommend we put this into the record |


| 69 | 71 |
| :---: | :---: |
| 1 as Exhibit 6. | 1 continuance already tomorrow? |
| 2 MEMBER FALK: I'll make a motion to put it | 2 CHAIRWOMAN MELGIN: It's likely. We |
| 3 into the reco | 3 haven't made |
| 4 MEMBER ARIS: I'll second. | 4 MR. SHEPRO: Just to clarify, you think |
| 5 CHAIRWOMAN MELGIN: Move Exhibit 6. All | 5 they will be up this evening? |
| 6 in favo | 6 CHAIRWOMAN MELGIN: By noon tomorrow |
| 7 (Ayes hea | 7 MEMBER ARIS: And they're up right now. |
| 8 (Exhibit 6 marked for identification.) | 8 CHAIRWOMAN MELGIN: So we're going to -- |
| 9 CHAIRWOMAN MELGIN: Since there's no other | 9 MR. LIGUORI: Excuse me. I'm sorry. |
| 10 units of government, I recommend that we take like | 10 CHAIRWOMAN MELGIN: That's okay. |
| 11 a 10-minute break before we get the general public | 11 MR. LIGUORI: Because there are exhibits |
| 12 up so we can get the list and get that in order. | 12 to the consent decree, do they need to be moved |
| 13 So 10 minutes. Of course, you know, my | 13 into evidence? |
| 14 time isn't being held to. So 10 minutes, please. | 14 CHAIRWOMAN MELGIN: I can't hear because |
| 15 MR. SHEPRO: Madam Chair, before you | 15 somebody is talking. |
| 16 recess, I would inquire that the agreement between | 16 MR. LIGUORI: Do these need to be moved |
| 17 Maxxam and the fire district is in the record, and | 17 into evidence because they are exhibits to the |
| 18 if it is not, I believe that's been furnished to | 18 consent decree? |
| 19 staff, and I would ask that that be included in | 19 CHAIRWOMAN MELGIN: Should we move these |
| 20 the record. | 20 into evidence? |
| 21 CHAIRWOMAN MELGIN: I don't think it's in | 21 MEMBER FALK: They're already there. |
| 22 the record at this ti | 22 MEMBER ARIS: They just weren't up on the |
| 23 MR. SHEPRO: I've been suggested that it | 23 website. |
| 24 might be in the record from the previous hearing, | 24 MEMBER FALK: I think you already had |
| 70 | 72 |
| 1 but it couldn't be because it was reached after | 1 them; right? |
| 2 the hearing closed -- oh, the previous County Board. | 2 MR. LULVES: We had them. |
| 3 MEMBER FALK: That's not us. | 3 CHAIRWOMAN MELGIN: There was a request to |
| 4 MR. SHEPRO: I would request that that be | 4 put the agreement with the fire department, the |
| 5 included in the record of this proceeding since | 5 agreement dated April 2018 into the record. Do I |
| 6 reference was made to it. | 6 have a motion on that? |
| 7 CHAIRWOMAN MELGIN: Can I get | 7 MEMBER MILLEN: I'll so move. |
| 8 recommendation? We don't have a copy. | 8 CHAIRWOMAN MELGIN: Is there a second? |
| 9 MEMBER ARIS: We don't have a copy and | 9 (No response.) |
| 10 haven't seen it and had time to look at it. | 10 CHAIRWOMAN MELGIN: No? All right. We |
| 11 MR. SHEPRO: That's the point of my | 11 will not put this into the record at this time. |
| 12 request. | 12 MR. SHEPRO: For the record, we object to |
| 13 (Recess taken, 8:27 p.m. to 8:41 p.m.) | 13 its not being placed into the record. |
| 14 CHAIRWOMAN MELGIN: Okay. We're going to | 14 CHAIRWOMAN MELGIN: So we'll start with the |
| 15 get started. One of the comments was the exhibits | 15 list. The first person on the list is Van Richards. |
| 16 that were referred to in the consent decree weren't | 16 Please come up. |
| 17 available on the website. So he's putting those | 17 I've already stated your name. You can |
| 18 up right now, and they will be on the website by | 18 state your address. |
| 19 tomorrow for review. So you can review and | 19 MR. RICHARDS: My name is Van Richards. |
| 20 comment on these; you can send written comments. | 20 I 'm a retired attorney, practiced in Kane County |
| 21 It's likely we'll be continuing through to | 21 for 55 years. |
| 22 tomorrow tonight, and you'll have a chance to | 22 We have heard from counsel from Maxxam |
| 23 comment on those exhibits at that time, too. | 23 about the enforcement provisions of the consent |
| 24 AUDIENCE MEMBER: You say we're having a | 24 decree, but what we have is a consent decree |


| 73 | 75 |
| :---: | :---: |
| 1 without consent. | 1 And, lastly, if you haven't done so |
| 2 After hearing the fire testimony, it is | 2 already, I would suggest you folks go to the Kane |
| 3 very clear that the public safety and welfare is | 3 CountyGuide.org website and put the key words of |
| 4 impacted by the lack of an ability to respond, and | 4 drug rehabilitation centers, and you will see that |
| 5 that's coupled with the fact that the consent | 5 in the Kane County Guide there are 357 current |
| 6 decree that is not consented to has no restrictions | 6 locations that would do the same thing as these |
| 7 on the number of beds, and on page -- as has been | 7 folks, so we don't need another one. |
| 8 addressed by the last speaker, there is a provision | 8 (Applause.) |
| 9 on page six, paragraph four, about should Maxxam | 9 CHAIRWOMAN MELGIN: All right. Thank you, |
| 10 or its successor desire to add new buildings. | 10 Mr . Tur |
| 11 So not only do they not limit themselves to | 11 Mark Atkinson. And please state your |
| 12120 beds, they allow for the building of buildings. | 12 address for the record. |
| 13 so you couple that with the testimony from the | 13 MR. ATKINSON: Mark Atkinson, 7N290 Fox |
| 14 fire department which is devastating, if you | 14 Bend Drive. I've spoken in the past, and I would |
| 15 approve this or consent to this, you're putting | 15 be repeating everything I said before but I'm |
| 16 the community at risk. | 16 opposed to it. I'm a 30 -year police veteran, and |
| 17 The new things are, they've addressed the | 17 what we heard from the president of the village is |
| 18 fact that they have had to have cutbacks. This | 18 absolutely true and also from the fire chief. |
| 19 Board has reviewed thousands of pages of testimony, | 19 Police officers should always be in pairs |
| 20 and our recommendation is important, and I ask you | 20 if you're ever dealing with a drunk, drugged, or |
| 21 to stand behind the community and protect the | 21 deranged person, and paramedics are not equipped |
| 22 community. We're not talking here about something | 22 to defend themselves and should have a police |
| 23 that is minimal. We're talking about human life. | 23 officer or two police officers with them anytime |
| 24 Because if that ambulance can't make a call, it | 24 they're dealing with people dealing with these |
| 74 | 76 |
| 1 has to make it at Maxxam -- remember, they are | 1 problems. |
| 2 doing detox, and they're going to have a lot of | 2 So I don't want to repeat everything I've |
| 3 calls over there. We've heard from the fire | 3 said in the past. Thank you very much. I am |
| 4 department, and we've heard from Mr. Shepro that | 4 opposed. |
| 5 explains that situation very clearly to us. | 5 (Applause.) |
| $6 \quad$ This consent decree that is not consented | 6 CHAIRWOMAN MELGIN: Thank you. |
| 7 to yet should be denied. | 7 I'm going to need help with this next one. |
| 8 CHAIRWOMAN MELGIN: Thank you, Mr. Richards. | 8 Kenneth -- |
| 9 (Applause.) | 9 MR. SIERCKS: Siercks, I live at |
| 10 CHAIRWOMAN MELGIN: And thank you for | 10 6N715 Longacre Drive. I bought my house in April |
| 11 keeping to the time. | 11 of 2017. One of the considerations I made for |
| 12 Norm Turner, next speaker | 12 purchasing my home was -- you know, I'm a little |
| 13 MR. TURNER: Hello, I'm Norm Turner. | 13 bit confused why we're even here tonight because |
| 14 I'm a 23-year resident of the Campton Hills area, | 14 from what I understand by reviewing the testimony |
| 15 and I just have two comments because of the | 15 and everything like that, that this was tried in |
| 16 proposed program, and my biggest concern is our | 16 2012, and it's already been shot down two times, |
| 17 safety. | 17 and now we get this sanctimonious response that we |
| 18 Because if you look at what's going on in | 18 as nonattorney citizens have made comments, and we |
| 19 the general area where this proposed facility will | 19 are, you know, basically violating the rights of |
| 20 be, there's currently construction for 450-plus | 20 people with disabilities. |
| 21 homes at the corner of Corron Road and McDonald Road. | 21 The Social Security Administration doesn't |
| 22 So the traffic there will be at least 900 more | 22 provide or consider alcoholism or drug addiction, |
| 23 cars that are going to be riding up and down the | 23 in fact, a disability. You can't get disability |
| 24 same streets and jeopardize our safety. | 24 for that. |



And then they're not even putting in the wetland, so why bother with the fence if you're going to do that.

Another thing is the last time they were petitioning, we came up and we asked them questions, and they held the Fifth on everything and wouldn't answer anything. If that doesn't tell you something is wrong with this, please, please vote this down again. Do what's right for 10 our community. You're representing us, not them. You're representing us, so please vote no.

Thank you.
CHAIRWOMAN MELGIN: Thank you.
MR. SHEPRO: Kenneth Shepro for the fire 15 district. I was concerned about the Chair's 16 comment a few minutes ago that this hearing does 17 not involve the consent decree. The consent 18 decree was entered into evidence as the only new 19 exhibit by the applicant, and it was discussed 20 extensively in the only narrative that was 21 provided. I don't see how we could say -22 CHAIRWOMAN MELGIN: Well, we're going to 23 discuss the conditions, but we're not discussing 24 the specifics of the lawsuit. That's not this

Board's job.
MR. SHEPRO: But just to be clear, the consent decree and its provision are fair game.

CHAIRWOMAN MELGIN: The conditions of the consent decree.

MR. SHEPRO: Thank you.
CHAIRWOMAN MELGIN: The next speaker is Catherine Johnson.

MS. JOHNSON: Hello, my name is Catherine
10 Johnson. I live at 43W123 Ickenham Lane in
11 Campton Hills about two miles from the facility 12 off of McDonald Road.
13 My husband and I have been residents of 14 Kane County since myself 1989, and we built our 15 house in 1991, and we are proud to be in our 16 community, and we do appreciate everything that 17 you all do.
18 A couple of things I want to say. I'll
19 keep it short.
20 I do agree with many of the previous
21 comments made such that as we are not aware of any
22 changes being presented tonight in regards to the
23 use of the special use permit, and if due diligence
24 was done on the previous two votes, then the vote

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| 1 should remain the same. It should be not approved | 1 The basis for the Federal suit was |
| 2 tonight or as we go forward. | 2 discrimination against disabled. Okay? Now, if |
| 3 If changes are being presented such as | 3 this consent decree had any meat to it, it would |
| 4 potential patient head count increases, a new | 4 require that the folks in the facility would have |
| 5 analysis of the effect of more patients needs to | 5 some qualification to be disabled. Otherwise, |
| 6 be performed, does it meet that requirement of the | 6 there's no discrimination as far as I'm concerned. |
| 7 special use permit, not providing any detriment to | 7 So we're discriminating against a nonentity, |
| 8 the citizens of Kane County. | 8 but the Federal judge for some reason includes |
| 9 I also agree with the previous comments | 9 that entity under a general category and says, |
| 10 that the proposed facility is not like a hospital, | 10 "Well, you know, we're just going to approve this |
| 11 and, therefore, it does not meet the requirements | 11 along the way." My problem is just the general |
| 12 of the special use permit. | 12 concept of the fact that you can enter a Federal |
| 13 And two additional comments. Condition | 13 suit on anything and then have a totally nonrelated |
| 14 No. 5 of the decree allows for outpatient services. | 14 outcome from the initial suit. |
| 15 It states as written, "The facility shall not | 15 That's all I have to say. I've been |
| 16 provide outpatient treatment of any methadone | 16 battling this for years and years and years, all |
| 17 patients or any other outpatient program or | 17 the way back, folks know the SuperCollider, and |
| 18 service unless it is related to a patient's | 18 really all I think is they're here to wait for us |
| 19 inpatient continuum of care." | 19 to die or wear us out. Sorry. |
| 20 So we always hear that it's an inpatient | 20 CHAIRWOMAN MELGIN: Thank you, Mr. Bennett. |
| 21 facility, but they will be providing outpatient | 21 (Applause.) |
| 22 services, and the way this condition is written, | 22 CHAIRWOMAN MELGIN: Bonnie Blank. |
| 23 it doesn't even say it's an outpatient to Maxxam; | 23 MS. BLANK: I don't want to talk. I just |
| 24 it could be outpatient of another facility. | 24 want to say thank you for your time and we so |
| 82 | 84 |
| 1 Condition No. 8 states Maxxam shall use | 1 appreciate it. We know how hard this must be for |
| 2 reasonable efforts to pursue accreditation by the | 2 you, but please listen to these people. They're |
| 3 Joint Commission on Accreditation of Healthcare | 3 so smart. They're saying everything and they're |
| 4 Organizations and the commission of accreditation | 4 saying it right. They're good people. |
| 5 rehabilitation facilities. | 5 Thank you. |
| 6 It, again, is stating "reasonable effort." | 6 CHAIRWOMAN MELGIN: Thank you. |
| 7 Reasonable effort is a relative term. It does not | 7 (Applause.) |
| 8 require it. I do understand the requirement is to | 8 CHAIRWOMAN MELGIN: All right. Andre |
| 9 be licensed by the requirements of the State of | 9 Burkowski. Am I getting that right? It's very |
| 10 Illinois, but I would question why the condition | 10 difficult to read. |
| 11 here does not require the accreditation. | 11 MEMBER FALK: Does he have an address? |
| 12 That's all I had to add. Thank you. | 12 CHAIRWOMAN MELGIN: Corron Road, |
| 13 CHAIRWOMAN MELGIN: Thank you. | 13 6N805 Corron Road. |
| 14 (Applause.) | 14 AUDIENCE MEMBER: He left. |
| 15 CHAIRWOMAN MELGIN: Bob Bennett. | 15 CHAIRWOMAN MELGIN: We'll come back to him |
| 16 MR. BENNETT: My formal name is | 16 if he comes back in the room. |
| 17 Robert W. Bennett. I live at 41W493 Silver Glen | 17 Janice Ziegler. |
| 18 Road. I've been a resident at that location since | 18 MS. ZIEGLER: I am going to ask for a |
| 19 1974, so a few years. | 19 little leniency in what I'm going to say. I'm |
| 20 It's really a question -- and I realize | 20 going back to 1989 when Glenwood came to the Board |
| 21 that you're not going to get into the consent | 21 and asked them to approve a special use permit. |
| 22 decree. My problem is really with the State's | 22 And at that time I know that there are people who |
| 23 Attorney, and I wish somebody was here that even 24 understood what I'm going to talk about. | 23 say, "Well, there was no objections." There were 24 objections. There were a lot of objections from |


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| 1 the people in that community for this exact same | 1 multiple accidents on the corner of McDonald and |
| 2 reason, that if the school did not stay there, | 2 Dittman Road, and I know that the County is aware |
| 3 that someone else would come in and wan | 3 of it because now we have a four-way stop. It was |
| 4 something else. Glenwood said at that time that | 4 just one way all this time, now a four-way stop. |
| 5 they would never be a burden to the citizens in | 5 It takes so long for somebody to respond, |
| 6 that area, that they would not be a problem, and | 6 and if you are that person that needs assist |
| 7 that is not the truth. | 7 and you are waiting, whether you are in that |
| 8 Campton -- they went before Campton. This | 8 facility or whether you are outside of that |
| 9 was turned down. These people have -- the | 9 facility, whether it's a resident that will not |
| 10 residents have come time and time again before | 10 get help because they're responding to somebody |
| 11 this Board. I grew up in an area where there were | 11 from the facility or whether somebody in the |
| 12 people sitting in front of my home as a child | 12 facility doesn't get help because they're |
| 13 shooting up with needles and that, so I'm wel | 13 responding to a resident. |
| 14 aware of addictions. I'm well aware of where | 14 You can only stretch things so far. The |
| 15 people who use drugs come from. It is not always | 15 money is just not there for all the services that |
| 16 low-income areas. It is your neighbor; it's my | 16 we demand time and time again. The sheriff's |
| 17 neighbor | 17 department can't respond to everything. |
| 18 However, I have lived in this area for | 18 This has been voted down multiple times, |
| 1934 years. I worry about our wells because if this | 19 and I don't understand why everybody has to keep |
| 20 is allowed to be expanded in any way, where is | 20 coming back and asking time and time again for |
| 21 that water all coming from? I also worry about | 21 this to be turned down again. It's not a good fit |
| 22 the pollution with the drugs going into the | 22 for that area. I realize to locate somewhere else |
| 23 groundwater. | 23 would be more expensive, and I realize that the |
| 24 A few years back Northwest Bible Baptist | 24 people who invested their money in Glenwood, the |
| 86 | 88 |
| 1 Church wanted to put a college on the corner of 47 | 1 bonds are up; they want their money back. |
| 2 and McDonald Road, and they came before the Board, | 2 I want them to produce somebody who was |
| 3 and I was at those meetings. And when they told | 3 discriminated against because they were turned away |
| 4 what their facility size was going to be, the Board | 4 from being -- if you're filing a discrimination |
| 5 had all kinds of stipulations as to what they | 5 lawsuit, who are you discriminating against? |
| 6 could and could not do on that property. Now, I | 6 Maxxam? Glenwood? I don't think so. |
| 7 have to say that the stipulations were extensive, | $7 \quad$ You know, if Glenwood is suffering |
| 8 and as a result, they decided to go elsewhere, and | 8 financially, why aren't they bussing the students |
| 9 they did not build on that land. | 9 that are in Glenwood out to this facility rather |
| 10 I am very concerned. This is a 120 -acre | 10 than closing this facility and bussing those |
| 11 parcel. This could be a subdivision-sized | 11 students into Glenwood? Why didn't they reverse |
| 12 facility given one foot in the door. I mean, if | 12 it ? It's because they were too far from |
| 13 this is approved, there will be no stopping any | 13 facilities. There's no public transportation, so |
| 14 future building. I realize that the Board thinks | 14 the people who would come and visit those student |
| 15 that they will have control. They will not. | 15 could not come because they had no way to get there. |
| 16 There has been no discrimination. I would | 16 This is just -- it's a nightmare and it's |
| 17 be against this facility if it was an assisted- | 17 awful. You cannot -- you just cannot realize when |
| 18 living facility or a nursing facility, and I will | 18 you're standing there waiting for help how awful |
| 19 tell you why. It is for the exact same reasons that | 19 it is. I ask you to come out there. |
| 20 I am against this facility as a drug and rehab. I | 20 You know, when they first built the |
| 21 care about residents; I care about alcohol and | 21 facility, it flooded McDonald Road because all the |
| 22 drug residents; I care about senior citizens. | 22 dirt -- they built a big mountain, and when our |
| 23 When you are so far from a medical facility -- I | 23 road commissioner was out there, he said, "Why? |
| 24 have lived in my home for 34 years. I have had | 24 Why is it flooding?" I said, "Look at the |


| 89 | 91 |
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| 1 mountain of dirt. Follow where it comes from." | 1 changes our zoning, as well. |
| 2 That's what I'm asking you to do, follow | 2 If I wanted to -- just, for example, if I |
| 3 where it comes from. Please vote it down | 3 wanted to put in a dog pond at my house, and I |
| 4 CHAIRWOMAN MELGIN: Thank you. | 4 came here to the Board to get an okay to do that, |
| 5 (Applause.) | 5 what would happen? What would you say to me? |
| 6 CHAIRWOMAN MELGIN: Bill Reese. | 6 Probably, 'You can't have that." Well, I can say |
| 7 MR. REESE: Hi. My name is Bill Reese. | 7 you're discriminating against animals and pets, |
| 8 I'm at 6N935 Gilmore Drive in Campton Hills, and | 8 but, in essence, you aren't but you would be in |
| 9 I'm the president of the Pine Haven homeowners | 9 that cas |
| 10 association. I'm here in opposition to this | 10 So anyway, what I'm saying is I guess here |
| 11 Maxxam facility. We feel that Maxxam has operated | 11 as far as our situation there on Silver Glen Road, |
| 12 in bad faith all the way along. It's been -- like | 12 we've been changed because of what these folks are |
| 13 everybody said before, it's been turned down twice, | 13 planning to do. If a lawsuit from them is their |
| 14 and now here we are again. | 14 way of introducing themselves to the community, |
| 15 I have a question, though. Our subdivision | 15 then what do we have to look forward to in the |
| 16 is about 40 acres, and we pay about close to a | 16 future? Are they going to sue every time we don't |
| 17 million and a half in property taxes each year. | 17 do something or do anything else that they |
| 18 Does anybody know how much Maxxam is going to be | 18 don't like? |
| 19 paying in property taxes for a site that's about | 19 I'm just saying that and I'm asking you to |
| 20 three times as large? | 20 please turn down their request. Thank you. |
| 21 AUDIENCE MEMBER: 330,000 | 21 CHAIRWOMAN MELGIN: Thank you, Mr. Pelling. |
| 22 MR. REESE: That's appalling. | 22 (Applause.) |
| 23 AUDIENCE MEMBER: How much? | 23 CHAIRWOMAN MELGIN: Mrs. Pelling, are you |
| 24 MR. REESE: 330,000. | 24 speaking? |
| 90 | 92 |
| 1 AUDIENCE MEMBER: What? | 1 MRS. PELLING: Yes, I do want to say |
| 2 MR. REESE: We don't have near the impact | 2 something since -- we just recently had a young |
| 3 that Maxxam would have on the facilities, on the | 3 man -- I was going to say young man but he's very |
| 4 police, fire department, on the roadways. | 4 old. He's in his 80 s and he's a neighbor of ours, |
| 5 In addition, our location is at the corner | 5 and he just broke his hip, and it took the |
| 6 of Silver Glen and Burlington Roads. So I've | 6 ambulance to get out there over about 20 minutes. |
| 7 heard numbers of over 1,000 calls a year coming up | 7 And I have atrial fib and Parkinson's, and when I |
| 8 Burlington and down Silver Glen. That's going to | 8 need to call the doctor, I sure would like -- or |
| 9 have a huge impact on our neighborhood, and our | 9 when I need to call the ambulance -- which they |
| 10 property values, and our quality of life. | 10 tell you, "Call an ambulance. Don't get in your |
| 11 I urge you to turn down this petition. | 11 car because they treat you better at the emergency |
| 12 Thank you. | 12 room if you get an ambulance." |
| 13 (Applause.) | 13 Anyway, so I would like you to also |
| 14 CHAIRWOMAN MELGIN: Thank you, Mr. Reese. | 14 consider those of us that are old. Thank you. |
| 15 Ray Pelling. | 15 CHAIRWOMAN MELGIN: Thank you. |
| 16 MR. PELLING: I'm Ray Pelling. I live at | 16 (Applause.) |
| 17 41W501 Silver Glen Road, which is just across the | 17 CHAIRWOMAN MELGIN: Mike Tyrrell. |
| 18 street almost from this facility. | 18 MR. TYRRELL: Thank you. If I can, I'd |
| 19 And I say what about our concerns and the | 19 like to distribute copies of this particular map |
| 20 rights of the individuals who have lived there and | 20 and I'll speak to it. There should be a copy |
| 21 bought there and are now really having our zoning | 21 for each. |
| 22 changed. Because when we moved in, as many people | 22 CHAIRWOMAN MELGIN: This is a natural |
| 23 have already said, the zoning was like it is. Now | 23 resources zoning map? |
| 24 we're going to change that zoning, which really | 24 MR. TYRRELL: Correct, prepared for |


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| 1 Campton Hills. | 1 which used the same designer of these systems |
| 2 CHAIRWOMAN MELGIN: So a topographic map. | 2 resulted in a large settlement with area residents |
| 3 MR. TYRRELL: And it refers to in here -- | 3 when they complained about odors and upper |
| 4 by the way, let me get an introduction in here. | 4 respiratory issues. They won. It required that |
| 5 Again, it's Mike Tyrrell, 5N042 Forest Trials, | 5 Muskegon, Michigan, spend \$55 million in the 1970s |
| 6 Campton Hills. Good evening and thank you so much | 6 to redesign the system. |
| 7 for letting us participate. | $7 \quad$ In 2007 Attorney General Lisa Madigan sued |
| 8 By way of introduction, I've been a | 8 the development known as Lakemoor out of Lake County |
| 9 resident of nearly 35 years here in the community. | 9 over complaints on the operation of their land |
| 10 Those who know me, I've worn many hats. Today I'm | 10 application system. |
| 11 representing E3, Inc., a grassroots environmental | 11 On a more local level, following three years |
| 12 advocacy group organized and founded in 1989. I'm | 12 of reported violations and on initiative of the |
| 13 here to speak to you about the Glenwood wastewater | 13 IEPA, Lisa Madigan in 2010 filed suit against the |
| 14 treatment facility and the real potential for | 14 Wasco Sanitary District in our own community. The |
| 15 environmental and health consequences that a drug | 15 suit made claims in which wastewater affluent was |
| 16 pharmaceutical operation will bring. You've heard | 16 discharging to Mill Creek, and the spray was |
| 17 from others here, and I'm hoping to supplemen | 17 drifting across the road right-of-ways and hiking |
| 18 those comments. | 18 paths in a nearby subdivision. The Wasco Sanitary |
| 19 Just by way of education, the wastewater | 19 District paid a substantial fine to settle with |
| 20 treatment site for those who don't know is what's | 20 the Attorney General. |
| 21 known as a slow-rate application treatment model | 21 All were violations of their operational |
| 22 sometimes referred to as a Sheaffer Roland design | 22 permits. It's not the problem with the design in |
| 23 What does that mean? The sewage generated on the | 23 a sense; it's operating outside the permits. |
| 24 site is processed, filtered for particulates, and | 24 Glenwood is not designed -- there is not a |
| 94 | 96 |
| 1 the affluent is sprayed on the land on that site. | 1 land application system in the state of Illinois |
| 2 The concept by its nature may be environmentally | 2 which is designed to filter, or treat, or process |
| 3 sound; I repeat may be. When used for its | 3 pharmaceuticals |
| 4 intended design and permitted use, it may achieve | 4 Back to Glenwood, as mentioned, the design |
| 5 this goal. | 5 of the land application system is based upon normal |
| 6 The design process and chemistry are | 6 biological human waste, period. Fact, the |
| 7 designed to process human waste only. There is | 7 processing of pharmaceutical waste was never |
| 8 nothing in the design standards which incorporate | 8 factored; I've already mentioned that. |
| 9 treatment of industrial waste or for that matter | $9 \quad$ This would be a first if Kane County adopted |
| 10 pharmaceutical waste. Pharmaceuticals are not | 10 this site. There is nothing in the IEPA permit |
| 11 processed out or filtered out in the treatment | 11 which even mentions regulations of pharmaceuticals, |
| 12 process. | 12 and I only have one copy here but I do have a copy |
| 13 In January 1994 I represented the E3 board | 13 of the permit issued by IEPA for the Glenwood site. |
| 14 in Springfield at a roundtable meeting with the IEPA, | 14 There is chlorine, and nitrogen, and BOD, and all |
| 15 the Illinois Bureau of Water, various engineers, | 15 kinds of other chemicals. There's not a person in |
| 16 and then State Senator Steve Rauschenberger. Up | 16 this room, if I may brag, that knows more about land |
| 17 until that time these land application systems were | 17 applications than I do. I have been a follower of |
| 18 loosely regulated both in design and operation. | 18 what's going on with Wasco Sanitary for over |
| 19 The one at the Glenwood site predates any of those | 1925 years and participated in bringing to the |
| 20 regulations. It is currently grandfathered. | 20 attention of Ms. Madigan's office the Wasco |
| 21 We have taken -- we were taken by the | 21 violations. |
| 22 number of LAS sites, land application sites, | 22 In fact, the IEPA does not make regular |
| 23 around the country and hit with the environmental | 23 visits or pull samples of its own for these <br> 24 systems. They are site self-reporting. The only |
| 24 radar. In the late '70s, Muskegon, Michigan, | 24 systems. They are site self-reporting. The only |


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| 1 way the IEPA comes out is if there is a claim or a | 1 Health and safety are absolutely key in this. You |
| 2 violation that has been well documented. That's | 2 have the ability to protect the community, protect |
| 3 the only way the IEPA comes out. | 3 its residents, and for that matter protect the |
| 4 I say that with importance because keep in | 4 potential individuals who would be candidates and |
| 5 mind it will be the Maxxam folks who report the | 5 clients of this |
| 6 conditions of that wastewater treatment, not the | 6 It's not the right location; it's a |
| 7 IEPA. It is a secure site. It is a site that's | 7 jeopardy to the community; it's a jeopardy to the |
| 8 governed under HIPAA. How does one as a concerned | 8 potential patients. This service is better suited |
| 9 citizen or one in knowledge ever get access to any | 9 in close proximity to a hospital. What do all of |
| 10 of the violations? It can't be done. | 10 the other locations in Illinois know that is amiss |
| 11 We've heard that the court is going to | 11 here with Maxxam? |
| 12 take responsibility for full enforcement. We all | 12 Please vote no. Thank you. |
| 13 understand the restrictions on HIPAA. How do you | 13 (Applause.) |
| 14 report that to court to get it done? It took | 14 CHAIRWOMAN MELGIN: Thank you, Mr. Tyrrell. |
| 15 three years and a pressuring of the IEPA attorney | 15 Monica -- I can't read the rest of the |
| 16 to take action. Had full access in Wasco, had | 16 name. It starts with a G. |
| 17 full access up in Lakemoor, but you don't have | 17 AUDIENCE MEMBER: Monica had to leave. |
| 18 access at Glenwood. | 18 CHAIRWOMAN MELGIN: Oh, she had to leave? |
| 19 Pharmaceuticals do pass through the human | 19 Okay. |
| 20 body and are excreted to the wastewater. Now, | 20 Paul Mar -- how do you pronounce your |
| 21 please refer to the map. In the map I've | 21 last name? |
| 22 highlighted for you in the lower corner a copy of | 22 MR. MARSCHINKE: Paul Marschinke, |
| 23 the Glenwood site. If you'll notice the color 24 coding on there, there are two basic colors on | 23 6N766 Palomino Drive, 34-year resident at that 24 location. I am a retired municipal water manager |
| 98 | 100 |
| 1 there. There's a pale green, and if you look at | 1 with a local municipality and very familiar with |
| 2 the legend up in the right-hand side, it identifies | 2 groundwater, groundwater activities, and also |
| 3 that green which encompasses the land application | 3 shallow aquifers. |
| 4 site at this point as a fen recharge area. If | 4 When I drilled my well 34 years ago, my |
| 5 there's anyone on this panel who doesn't understan | 5 neighbors were at 4-, 500 feet, pulled into the |
| 6 the significance of a fen, please raise your hand. | 6 dolomite formation. I, knowing the shallow sand |
| 7 They are significant groundwater recharge areas. | 7 and gravel, finished in the glacial till. So I am |
| 8 If you look to the south at the lower end | 8 a direct resident looking at and I am very aware |
| 9 of the ring going around two-thirds of the site, | 9 of what happens with recharge areas and what can |
| 10 you'll see that it is a Zone A floodplain. These | 10 happen downstream. In municipal settings we're |
| 11 are low water tables. Glenwood is grandfathered; | 11 able to post signage that says, "In the event of a |
| 12 it is not conditioned by current standards in all | 12 spill, you must contact local authorities to |
| 13 cases. This is a case where pharmaceuticals do | 13 manage the spill and make sure the cleanup is done |
| 14 pass through the human body, they're processed | 14 properly. |
| 15 through the wastewater treatment plant, sprayed on 16 the land, and they wind up in the ground water. | 15 Not knowing what's going to happen at 16 Glenwood, I am very familiar with what happens |
| 17 It's a fact. | 17 with pharmaceuticals in the groundwater supply. |
| 18 If there are issues here of public safety, | 18 I 'm looking at multiple surface water communities |
| 19 health, and welfare, this is one. This is a big | 19 that are dealing with that issue right now because |
| 20 one. Please don't feel that it's going to go | 20 there are no regulations regarding groundwater or |
| 21 away. We can't monitor at the site. | 21 surface water contamination, groundwater under the |
| 22 Number two, you heard testimony from the | 22 direct influence of surface water, either. |
| 23 Fox River Countryside fire rescue. There is no | 23 So at that point, without knowing where |
| 24 way for the court to monitor their activities. | 24 we're going to be going in the future regarding |


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| 1 regulations, I petition, I request that this be | 1 it's a quick situation that needs remedy. |
| 2 denied based on the fact that the groundwater is | 2 Especially hearing that this group is not even |
| 3 in jeopardy based on the pharmaceuticals that will | 3 certified to do it, that doesn't make any sense |
| 4 be present in the wastewater stream that's going | 4 to |
| 5 to be provided. | 5 So I want to thank you guys, but I would |
| 6 Thank you. | 6 ask you guys, please protect this community and |
| 7 CHAIRWOMAN MELGIN: Thank you. | 7 vote against this request. Thank you. |
| 8 (Applause.) | 8 (Applause.) |
| 9 CHAIRWOMAN MELGIN: We're talking about | 9 CHAIRWOMAN MELGIN: Thank you, Mr. Barlow. |
| 10 putting the topographic map into evidence. Do I | 10 Robert Peterson. |
| 11 have a motion for that? | 11 MR. PETERSON: Good evening. Robert |
| 12 MEMBER LAKE: I move to allow the | 12 Peterson. I'm at 40W095 Carl Sandburg Road. |
| 13 topographical map into evidence | 13 What's new? What's changed? Well, we're |
| 14 CHAIRWOMAN MELGIN: Do I have a second | 14 here and it's almost 10:00, so that hasn't changed. |
| 15 MEMBER FALK: I'll second. | 15 I m a little scared straight after listening to |
| 16 CHAIRWOMAN MELGIN: Move this in as | 16 the mayor -- I live in Campton Hills -- after |
| 17 Exhibit 7. It is the Natural Resources Evaluation | 17 listening to our mayor talk about the stress on |
| 18 Zone Data Map, Area 1 | 18 the police department, and then the fire |
| 19 MEMBER LAKE: Yes. We do have to tak | 19 department, that really scared me. So that has |
| 20 a vote. | 20 changed me, and I'm certainly going to tell my |
| 21 CHAIRWOMAN MELGIN: Everyone in favor. | 21 neighbors. And a lot of them -- and I told them I |
| 22 (Ayes heard.) | 22 was going to come here, several by email. It |
| 23 CHAIRWOMAN MELGIN: Against. | 23 probably just was happenstance, but it's amazing |
| 24 (No response.) | 24 how this just fell on a date in the middle of the |
| 102 | 104 |
| 1 CHAIRWOMAN MELGIN: Vote passes. | 1 summer with two weeks that it was up on the |
| 2 (Exhibit 7 marked for identification.) | 2 website -- it wasn't even complete on the website. |
| 3 CHAIRWOMAN MELGIN: Vince Barlow. | 3 So if you look at the decree -- and I've had |
| 4 MR. BARLOW: Vince Barlow, 41W650 McDonald | 4 very little chance to read it, but they're going |
| 5 Road. | 5 to use reasonable effort to pursue accreditation. |
| 6 First of all, I've been at all th | 6 Well, I'm using reasonable activity to |
| 7 different hearings here, and I want to thank you | 7 reduce my weight, and it's not going as well. So |
| 8 guys for sitting through it all. I want to thank | 8 yesterday was my anniversary, and somehow I blew |
| 9 all my neighbors. We've come here before just | 9 into a Blizzard for the celebration. |
| 10 passionate. This time you guys came prepared, and | 10 I guess what I'm saying is this decree is |
| 11 I'm really proud of how my neighbors came ready to | 11 really -- well, we haven't been able to talk about |
| 12 really present some great facts. | 12 it. We just saw it and counsel was just saying |
| 13 So I would just again -- I'm about less | 13 Federal, Federal. I was like -- let me jump -- |
| 14 than 100 yards from this facility. I've worked at | 14 because I know we have three minutes. Let me just |
| 15 treatment centers. I understand what happens to | 15 jump to the elephant in the room. You're asking |
| 16 people when they binge and they go to break into | 16 to change our rules on how things are zoned. Why |
| 17 one -- they broke into a pharmacy and drink Sterno | 17 are we going to change that? That's important. |
| 18 and aftershave. I know what desperate people do. | 18 . And in the end -- and we have talked about |
| 19 I care about them, I deeply care about | 19 this. We've been here for years. In fact, there |
| 20 them, and I still work with people who are | 20 were two Boy Scouts over here, and I walk in and I |
| 21 addicted. I would tell you this isn't the best | 21 say, "You guys are here for citizenship for |
| 22 place for them to be at a place where they're not | 22 community merit badges." Yeah. My son has done |
| 23 near help that can get there closely. Because | 23 all his requirements first on Kiva and then on |
| 24 when they're binging and get ahold of something, | 24 this thing. He's come to all of -- not all of them. |



| 109 | 111 |
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| 1 well, we did; it was like once in 10 years. | 1 Road up to Silver Glen, and then turning right |
| 2 My point is when I'm paying those \$10,000 a | 2 onto Silver Glen and then taking that into |
| 3 year in taxes, there really is nothing other than | 3 Glenwood, it causes you to take a left to go into |
| 4 open land and serenity. It's worth it because | 4 Glenwood. There is no left-hand turning lane, and |
| 5 that's what I get | 5 it is a blind S |
| 6 That's my main concern is just keeping it | 6 In the 20 years |
| 7 rural and how our community should be. And | 7 there have been a multitude of accidents, a |
| 8 guess that's | 8 multitude. I can tell you I know of two that were |
| 9 CHAIRWOMAN MELGIN: Thank you. | 9 fatalities. One was a young man on a motorcycle, |
| 10 (Applause.) | 10 and one was a young man that was in a Jeep. And |
| 11 CHAIRWOMAN MELGIN: Okay. Just to give | 11 that's concerning to me because if we're going to |
| 12 everybody an idea on time here, we've got four more | 12 have increased police, increased ambulances, people |
| 13 speakers that have signed up. So I want to make | 13 panic when they see ambulances, and they panic |
| 14 sure everybody gets a -- we might as well go | 14 when they see police. There really isn't anywhere |
| 15 through the last couple speakers, and then w | 15 to pull over safely to allow to emergency vehicles |
| 16 take a recess, and we'll figure out where we're | 16 through, and if you make a mistake on the S-curve, |
| 17 going after that. But everybody that signed up, | 17 you can have a terrible accident unintentionally |
| 18 want to make sure they had a chance to speak. | 18 So I wanted to bring that to your attention |
| 19 Patti Anne -- I can't read your last name | 19 because if you haven't driven that area, you don't |
| 20 Patti Anne -- | 20 really understand how blind that S-curve can be as |
| 21 MS. ABEAR: It's Abear. Good luck | 21 you come around. There's no turn lane; it's just |
| 22 My name is Patti Anne | 22 not safe |
| 23 41W900 Hunters Ridge. I've been to all of these | 23 So I'm asking you for the public safety |
| 24 meetings, and I want to thank you for being at yet | 24 and for the patients' safety. The patients are |
| 110 | 112 |
| 1 again another meeting, and I'd just like to make a | 1 going to be coming and going in those ambulances, |
| 2 few comments. | 2 as well. I'm not just talking about the people |
| 3 At the beginning of today's meeting | 3 that are sitting there; I'm talking about the |
| 4 Attorney Tabet had made some comments regarding | 4 people that are going to be using that facility, |
| 5 Maxxam's obligations and the fact that they're | 5 as well. Their safety is at risk, as well. It's |
| 6 enforceable, but we haven't really gotten | 6 just not a safe place. |
| 7 information as to how these things are enforceable. | $7 \quad$ So thank you for giving me the opportunity |
| 8 We've talked about reasonable efforts getting | 8 to speak this evening. |
| 9 JACHO accreditation, but it seems as though we're | 9 CHAIRWOMAN MELGIN: Thank you. |
| 10 kind of at the same place we were a couple of | 10 (Applause.) |
| 11 years ago talking about enforceability even though | 11 CHAIRWOMAN MELGIN: I'm going to ask you to |
| 12 we're at this consent place. So just some | 12 please limit your sidebar conversations. Thank you. |
| 13 questions around the enforceability, saying it's | 13 Kathleen Smith. |
| 14 enforceable without proving it's enforceable is a | 14 MS. SMITH: I'm Kathleen Smith, |
| 15 question I have, and I'm sure some of my neighbors | 15 7N020 Brierwood Drive in Campton Hills. I live |
| 16 do, as well. | 16 just a block from the entrance to Glenwood. |
| 17 We know based upon the testimony that the | 17 I sent an email to all of you, and you |
| 18 fire department is understaffed, and they said | 18 know my feelings as being a neighbor of the thing, |
| 19 today about continued risk of delayed response | 19 how I felt about -- you know, what we thought as |
| 20 time, and it could reach dangerous levels. | 20 neighbors. But now I'm also concerned about the |
| 21 I have lived right off of Silver Glen for | 21 patients there, the possible patients. |
| 22 over 20 years, and right as you go into the | 22 We've lived there since -- we bought the |
| 23 Glenwood School for Boys, using the route that | 23 property in 1972. So we've been there, you know, |
| 24 Fire Chief Nixon talked about, taking Burlington | 24 in that area for a long time, and I think we have -- |


| 113 | 115 |
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| 1 you have a responsibility to Kane County, but I | 1 CHAIRWOMAN MELGIN: Thank you. |
| 2 think everybody has a responsibility to the | 2 (Applause.) |
| 3 possible patients there. | 3 CHAIRWOMAN MELGIN: Maureen Zwier. |
| 4 If the ambulance is at our house or our | 4 MS. ZWIER: I'm Maureen Zwier, 41N660 Fox |
| 5 neighborhood, they are not going to get it. They | 5 Bend Drive. I will be referencing two studies |
| 6 are going to be the ones waiting the extra time | 6 First, the Screening Level of Pharmaceuticals in |
| 7 They're saying 15, 20 minutes. That's to the | 7 Septic Tanks, Groundwater, and Surface Water in |
| 8 hospital. That's not leaving the station, getting | 8 Missoula, Montana, from the University of Montana |
| 9 there, servicing the person, and getting them to | 9 2004. Second, a 2008 article from Montana State |
| 10 the hospital. It will be even longer. | 10 University based on several global studies. I do |
| 11 Same with the fire -- or police. If they're | 11 not have the copies of these articles or studies, |
| 12 being occupied somewhere else, they're not going | 12 but I can provide links to them if you need them. |
| 13 to be able to make it there in time. So those too | 13 Both reference and state that |
| 14 for the patients, that's what we have to think about. | 14 pharmaceuticals used by humans are not broken down |
| 15 The distances from businesses. We're | 15 within their bodies. Per the University of Montana |
| 16 seeing a fence but I don't think they're going to | 16 study, many pharmaceuticals are not filtered out |
| 17 be locked in. Those patients are going to be able | 17 through the septic process. This study also shows |
| 18 to come and go as they please. They're not going | 18 many pharmaceuticals do not end up in shallow |
| 19 to be locked in, and where are they going to go? | 19 aquifers -- I'm sorry -- this study shows |
| 20 There's not a store around there; there's not a | 20 pharmaceuticals do end up in shallow aquifers. |
| 21 restaurant. Unless you're driving -- which you're | 21 Per the Montana State University study, |
| 22 there because of alcohol; you're probably not -- | 22 the only process that removes all pharmaceuticals |
| 23 you're going to be stuck. There's nothing out | 23 from septic systems, shallow aquifers, and |
| 24 there for them. Public transportation, they'd | 24 drinking water is reverse osmosis. I do not know |
| 114 | 116 |
| 1 have to call a taxi or something, but I don't know | 1 how many people that get their water from shallow |
| 2 how many will have brought their own vehicles. So | 2 aquifers in our area have reverse osmosis filters. |
| 3 that's another thing to think about. These | 3 No studies have measured the antipsychotics, |
| 4 patients are going to be trapped there. | 4 the antidepressants, and the opioid antagonists |
| 5 Again, I'm thinking the way the news is | 5 that detox/rehab patients are prescribed. However, |
| 6 going all you hear about is drug abuse and drug | 6 other pharmaceuticals have been measured, and |
| 7 problems in the areas especially like the city but | 7 according to the University of Montana paper, they |
| 8 it's everywhere. I'm wondering if Maxxam is just | 8 are present in septic tanks of people taking the |
| 9 jumping on the band wagon. I mean, if they charge | 9 drugs. They are present in the shallow water |
| 101,000 a week, that's a $\$ 6$ million business. If | 10 aquifers, and they are present in the septic used, |
| 11 they're charging $\$ 1,000$ a day, that's a $\$ 43$ million | 11 and they are only eliminated by reverse osmosis. |
| 12 business. | 12 The effect of these drugs is unclear and |
| 13 So I'm hoping they're just not jumping on | 13 unproven. Studies are currently being done. I |
| 14 the band wagon. They have no experience in | 14 guess it depends on your conscience whether you |
| 15 operating a place like this, and I wouldn't go to | 15 wish to prevent this potential risk or if you |
| 16 a doctor that has never had any experience or a | 16 choose to gamble with people's well-being. |
| 17 dentist, and these people have no experience in | 17 Thank you. |
| 18 running a place like this. | 18 CHAIRWOMAN MELGIN: Thank you. |
| 19 So I'm here now -- even though my email | 19 (Applause.) |
| 20 was about the neighbors, I'm here now thinking | 20 CHAIRWOMAN MELGIN: Jeff Zwier. |
| 21 more about the patients there, how we have a | 21 MR. ZWIER. My name is Jeff Zwier, |
| 22 responsibility as -- humanity to these patients. | 22 41N660 Fox Bend Drive in Campton Hills, Illinois, |
| 23 So that's another thing to consider. | 23 very close to the facility under discussion. |
| 24 Thank you. | 24 Thank you for the opportunity to speak to |


| 117 | 119 |
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| 1 you again. We've been here before. Brought back. | 1 right, you're in an area where the infrastructure |
| 2 I've talked to you in the past, and all of us over | 2 is sufficient to handle traffic from emergency |
| 3 here have talked in the past about how we believe | 3 vehicles in consideration of public safety, not at |
| 4 based on the evidence presented that the petitioner's | 4 the end of a blind S-curve with nowhere to pull to |
| 5 case, whether it's augmented by a side deal with | 5 the side if an ambulance comes by. |
| 6 the fire department or with the consent decree | 6 In 1990 I was a student at the University |
| 7 bullied through lawsuits does not satisfy the | 7 of Illinois, and we had a medical crisis in my |
| 8 six conditions that you, our trusted experts on | 8 dormitory. That crisis was someone overdosing on |
| 9 zoning, use to figure | 9 drugs. He did survive barely. The transit time |
| 10 We trust you as stewards of our community | 10 between my dormitory and where he was treated was |
| 11 of our future, of our land. You're the ones that | 11 under eight minutes. It was up an unobstructed |
| 12 were appointed, volunteered, did research, read | 12 two-lane road with one light to the nearest |
| 13 heck of a lot of boring papers I'm sure to figure | 13 hospital and he barely made it. |
| 14 out if the water going this way is going to screw | 14 I'd like to ask you once again, vote your |
| 15 something up or a guy building something over here | 15 expertise, vote your conscience, vote your empathy, |
| 16 is going to screw something up and say yes, no, | 16 and do the job right. Thank you |
| 17 make this work in the public interest on those | 17 (Applause.) |
| 18 six criteria. | 18 CHAIRWOMAN MELGIN: Thank you, Mr. Zwier |
| 19 You asked for new evidence. You got all | 19 It's about 10 to 10:00 so I'm going to take a |
| 20 that stuff already. In the words of other people | 20 recess, and we are going to confer on how to go |
| 21 who have been at this microphone I won't comm | 21 forward with this continuation. So 10 minutes. |
| 22 on that but just refer you to the record | 22 (Recess taken, 9:49 p.m. to 10:02 p.m.) |
| 23 The thing I'd like to ask you to consider | 23 CHAIRWOMAN MELGIN: All right. First, I |
| 24 now is empathy. And it's not about keeping our | 24 want to ask, was there anybody that wanted to give |
| 118 | 120 |
| 1 pastoral lifestyle; it's not about whether | 1 a statement that wasn't able to? |
| 2 our health might be threatened in 30 years or in | 2 AUDIENCE MEMBER: I would like to. |
| 350 years when a child gets sick and it's from the | 3 CHAIRWOMAN MELGIN: All right. Come on up. |
| 4 groundwater coming out of the well a few hundred | 4 MS. FREDA: My name is Ellen Freda. I live |
| 5 yards away from this facility from some unknown | 5 at 41W670 Barberry Lane, and I've spoken many times. |
| 6 substance, and there's really no one around left | 6 I didn't want to speak tonight because when |
| 7 to sue at that point really because things could | 7 I read the newspaper article about the lawsuit, I |
| 8 have changed hands since then. I'd like you to | 8 was quoted, and it was a quote that kind of made |
| 9 have some empathy for the patients of this | 9 us all look like idiots, something about the |
| 10 facility. | 10 paparazzi, and that's not what I meant. |
| 11 Based on evidence presented by the people | 11 We've discussed this it is over 20 times I |
| 12 sitting here, the owner of this initiative is a | 12 think. We've had meetings where all of our time |
| 13 third-generation luxury real estate developer | 13 has been spent here trying to be respectful, |
| 14 Personally, if I needed a hangnail taken care of, | 14 trying to be passionate and it's been turned down. |
| 15 that's not the expertise I'd be seeking out for | 15 It was kicked back and it was turned down again. |
| 16 treatment, let alone if I was an addict who is | 16 The reasons are still the same why it should be |
| 17 struggling with addiction of any kind. It's not | 17 turned down. |
| 18 about "Not in My Back Yard"; it's about doing the | 18 Mr. Marco, the thing that struck me is |
| 19 job right. | 19 this man says he's so caring, and he wants to help |
| 20 There's a lot of evidence that says in the | 20 people, and we really do have a need for these |
| 21 State of Illinois that if you do the job right | 21 places. So instead it's been brought up that |
| 22 you're collocated with a hospital; you're not | 22 they're better suited to be on a four-lane road to |
| 2320 minutes away from the nearest hospital. There's | 23 get the ambulances and more suitable to be near a |
| 24 a lot of evidence if you're going to do the job | 24 hospital. Does he go and buy land by a hospital |


| 121 | 123 |
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| 1 and build a facility that'll be state of the art? | 1 Here's the other thing that I've been |
| 2 No. What he does is threaten a lawsuit to sue the | 2 wondering about. As I was looking at this on the |
| 3 heck out of this county, and we in this room feel | 3 last go-around I spoke to our representative Barb |
| 4 bullied. We all feel bullied. We have been here, | 4 and asked her if she needed any help, if there were |
| 5 and been here, and been here. Nothing has changed. | 5 any things I could do, phone calls, talk to the |
| 6 This is going to hurt us. It's going to | 6 Board members before it went to the Board, and I |
| 7 hurt our property values; it's going to hurt our | 7 discovered that Kane County is really two counties |
| 8 groundwater, our safety with all the things I've | 8 in a way. There's the rural side that is west of |
| 9 heard tonight, and I'm telling you I've had it. I | 9 Randall, and then there's the city side that's |
| 10 am fed up. | 10 east of Randall, and it basically follows the Fox. |
| 11 Thank you. | 11 I think you need to think about where you |
| 12 (Applause.) | 12 live relative to this. I think it would be worth |
| 13 CHAIRWOMAN MELGIN: Thank you, Ellen. | 13 your while to drive out there and take a look at it |
| 14 Is there anyone else that wants to provide | 14 if you haven't already. Those are my suggestions. |
| 15 a comment? | 15 It's rural. It's not city yet. It's slowly being |
| 16 MEMBER FALK: The gentleman in the back | 16 sucked up into the city but it's not city yet. |
| 17 CHAIRWOMAN MELGIN: Okay. | 17 We're still on well and septic out there. |
| 18 MR. WAGNER: You didn't get my name; sorry | 18 What else can I tell you? Do the right |
| 19 about that. My name is Bob Wagner, and I live at | 19 thing. I know you will do the right thing. It's |
| 20 39W507 Kevin Court in St. Charles. The back of my | 20 not about lawsuits. Don't be intimidated by the |
| 21 property faces Silver Glen Road. | 21 threat of a lawsuit. That's BS. |
| 22 AUDIENCE MEMBER: I can't hear you. | 22 Thank you for your time. |
| 23 MR. WAGNER: Better? How is that? | 23 CHAIRWOMAN MELGIN: Thank you, Mr. Wagner. |
| 24 Bob Wagner St. Charles, Campton Hills | 24 (Applause.) |
| 122 | 124 |
| 1 strictly speaking. | 1 CHAIRWOMAN MELGIN: What I'm asking the |
| 2 So what's different here? Same lawyers, | 2 staff is if staff could forward us the agreement |
| 3 same story -- different lawyers, though, now | 3 with the fire district, and the Board will review |
| 4 Different lawyers so that's something, but it's | 4 that and consider it's possible to be put into the |
| 5 still the same story. "Hey, we're going to have a | 5 record after we've had a chance to review it. |
| 6 fence now, a 4-footer. That will do it." Doesn't | 6 And what was the other thing? It's |
| 7 seem to me that's the answer | 7 getting late. Now I've forgotten my third thing. |
| 8 You know, if I were sitting in your shoes, | $8 \quad$ But I'm going to have a motion to continue |
| 9 I'd want my client to prepare a hell of a proposal, | 9 this public meeting to next Tuesday, August 7th. |
| 10 something that people could sink their teeth into | 10 MEMBER LAKE: Motion to do so. |
| 11 and say, "You know, this is a good idea. This | 11 MEMBER ARIS: I'll second. |
| 12 really makes sense for the community." | 12 MR. BLECKER: The continuance is fine but |
| 13 You haven't done that. That's the problem. | 13 next Tuesday is National Night Out, and many, many |
| 14 You're trying to sell something that nobody wants | 14 people -- Kane County Sheriff's Department has a |
| 15 to buy. Am I wrong? You know, it's common sense, | 15 big National Night Out; Campton Hills has a |
| 17 Here's the thing. I've heard about the | 17 their communities. I think continuing it until |
| 18 lawsuit. I don't know all the details, but I have | 18 next Tuesday is not in favor of the people that |
| 19 personally been involved in a lawsuit, and I guess | 19 are here tonight. |
| 20 my feelings are, so sue me. If you think you've | 20 We all want to be here at the next meeting, |
| 21 got that good a case, try it. Let's see what | 21 and if you schedule it for something when we have |
| 22 happens. I have no problem with that, and I think | 22 another extremely important event going on all over |
| 23 you folks, if I were sitting in your shoes, I'd | 23 the county, it is disrespectful to these people. |
| 24 say the same thing, too, the hell with you. | 24 CHAIRWOMAN MELGIN: That certainly wasn't |


| 125 | 127 |
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| 1 the intent. I mean, we have some restrictions | 1 CHAIRWOMAN MELGIN: Mr. Wagner. |
| 2 here on the Board and when the Board members are | 2 MR. WAGNER: What are you hoping to |
| 3 going to be available for a Board hearing, and one | 3 accomplish? |
| 4 of the reasons to put it off for a week was to | 4 CHAIRWOMAN MELGIN: We will deliberate. |
| 5 allow people to look at exhibits, potentially | 5 If there's other people that want to provide |
| 6 provide written comments -- that was the other | 6 comments, we would allow public comment -- that's |
| 7 thing -- to the Board via County staff on the | 7 the purpose of this hearing -- and then we would |
| 8 exhibits of the consent decree that weren't on the | 8 deliberate. |
| 9 website. | 9 AUDIENCE MEMBER: If the next meeting |
| 10 So it was just giving a little bit more | 10 you're going to vote, in order to not violate the |
| 11 time for the information. | 11 Open Meetings Act you cannot have it tomorrow |
| 12 MR. BLECKER: I have no problem with | 12 because you have to post it 48 hours in advance. |
| 13 putting it off. But pick another day, make it | 13 MR. LULVES: That would be incorrect. |
| 14 two weeks -- make it two weeks from tonight. | 14 It's a continuation. |
| 15 MEMBER ARIS: We won't have a quorum past | 15 MEMBER ARIS: So it's not a violation of |
| 16 that date. | 16 the Open Meetings -- |
| 17 MR. BLECKER: What about Monday? | 17 AUDIENCE MEMBER: But if it's a |
| 18 MEMBER ARIS: We can do it tomorrow. | 18 continuation of tonight's agenda, you don't have |
| 19 (Simultaneous speaking.) | 19 voting on tonight's agenda. So you cannot vote |
| 20 THE COURT REPORTER: I can only take one | 20 tonight because it's not on the agenda that you're |
| 21 at a time. | 21 voting. |
| 22 MR. SHEPRO: No disrespect to the comments | 22 CHAIRWOMAN MELGIN: I don't think that's |
| 23 of others and recognizing the importance of | 23 correct. |
| 24 National Night Out, it appears that Tuesday night | 24 But do we have a motion to have this |
| 126 | 128 |
| 1 is convenient for those who were not able to be | 1 meeting continued on Tuesday, August 7th? |
| 2 here tonight, and I would respectfully reques | 2 MEMBER LAKE: I stand by my motion. |
| 3 that that date be chosen. | 3 MEMBER FALK: Could we do a later start? |
| 4 MEMBER LAKE: You're requesting August 7th? | 4 CHAIRWOMAN MELGIN: 7:30? |
| 5 MR. SHEPRO: As made in the motion. | 5 MEMBER ARIS: So, Mary, can you amend your |
| 6 MR. LAUZEN: We're checking right now on | 6 motion? |
| 7 the Night Out. I recognize how important it is, | 7 MEMBER LAKE: I motion that we have a |
| 8 but we've gone through 20, 25 meetings, and we | 8 continuance of this meeting on Tuesday, August 7th, |
| 9 appreciate your patience, but I really appreciate | 9 beginning time of 7:30 to give the public an |
| 10 the hundreds of people that come to these meetings. | 10 opportunity who missed tonight's meeting to have |
| 11 I understand that you want time to consider | 11 their turn to be able to speak and go from there. |
| 12 it . We're checking right now if the night out | 12 MEMBER ARIS: I'll second. |
| 13 isn't from 5:00 to 7:00. I remember it being in | 13 CHAIRWOMAN MELGIN: All those in favor. |
| 14 the early evening. | 14 (Ayes heard.) |
| 15 AUDIENCE MEMBER: 6:00 to 8:00. | 15 CHAIRWOMAN MELGIN: Okay. The meeting |
| 16 MR. LAUZEN: Well, I think there's many | 16 will continue next Tuesday at 7:30, August 7th. |
| 17 important things going on. If it's tomorrow night, | 17 Do I have a motion to adjourn? |
| 18 first, they have less than a day to consider it. | 18 MEMBER ARIS: I'll move we adjourn. |
| 19 It's also that the people that were not able to be | 19 (Off the record at 10:15 p.m.) |
| 20 here today. If they're out of state, they're not | 20 |
| 21 going to be here tomorrow. So I would suggest | 21 |
| 22 that this is worth six days' wait. | 22 |
| 23 MEMBER LAKE: We appreciate the input, | 23 |
| 24 thank you. | 24 |



Transcript of Public Hearing Petition No. 4462 Volume 1
Conducted on August 1, 2018


PLANET DEPOS

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