

Transcript of Public Hearing Petition No. 4462 Volume 1

Date: August 1, 2018

Case: Kane County Zoning Board of Appeals

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PRESENT:
     BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS
                                                                                 WENDY MELGIN, Chairwoman
                                                                                 TRACY ARIS, Member
   MAXXAM PARTNERS, LLC,
                                                                                 MARC FALK, Member
5 GLENWOOD ACADEMY,
                                                                                 MARY LAKE, Member
6 Special Use request in the
                                                                         6
                                                                                 MARGUERITE MILLEN, Member
   F-Farming District for a
8 private-pay alcoholism and
                                                                             ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC:
                               : Petition No. 4462
  substance abuse treatment
                                                                                 CAESAR A. TABET, ESQUIRE
10 facility, 41W400 Silver Glen
                                                                                 CHRISTOPHER D. LIGUORI, ESQUIRE
                                                                         10
11 Road, Section 19, Campton
                                                                         11
                                                                                 JORDAN WILKOW, ESQUIRE
12 Township (08-19-400-004) and
                                                                                 TABET DIVITO & ROTHSTEIN LLC
13 Section 34, Plato Township
                                                                                 209 South LaSalle Street
14 (05-34-300-032 & 05-34-400-025)
                                                                                 7th Floor
   -----y
                                                                                 Chicago, Illinois 60604
16
                                                                         16
                                                                                 (312) 762-9458
17
               PUBLIC HEARING - VOLUME I
                St. Charles, Illinois
                                                                            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
22 Job No.: 198558
                                                                         22
                                                                                 St. Charles, Illinois 60174
23 Pages: 1 - 129
                                                                                 (630) 513-9800
24 Reported by: Paula M. Quetsch, CSR, RPR
      PUBLIC HEARING, held at the location of:
                                                                             ON BEHALF OF KANE COUNTY:
                                                                                 JOSEPH F. LULVES, ESQUIRE
           KANE COUNTY CIRCUIT COURT CLERK -
                                                                                 MICHELLE NIERMANN, ESQUIRE
           BRANCH COURT
                                                                                 KANE COUNTY STATE'S ATTORNEY JOSEPH MC MAHON
           530 South Randall Road
                                                                                 100 South Third Street
           St. Charles, Illinois 60174
                                                                                 Fourth Floor
           (630) 232-3495
                                                                                 Geneva, Illinois 60134
                                                                                  (630) 208-5320
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                                                                            ON BEHALF OF THE KANE COUNTY BOARD.
      Before Paula M. Quetsch, a Certified Shorthand
                                                                         11
                                                                                 YORDANA J. WYSOCKI, ESQUIRE
                                                                                 HERVAS, CONDON & BERSANI, PC
12 Reporter, Registered Professional Reporter, and a
   Notary Public in and for the State of Illinois.
                                                                                 333 Pierce Road
                                                                                 Suite 195
15
                                                                         15
                                                                                 Itasca, Illinois 60134
                                                                                 (630) 773-4774
16
                                                                         16
                                                                            ON BEHALF OF OBJECTOR JOLINE ANDRZEJEWSKI:
18
19
                                                                         19
                                                                                 TRACY KASSON, ESQUIRE
                                                                         20
20
                                                                                 RATHJE WOODWARD, LLC
                                                                         21
                                                                                 300 East Roosevelt Road
                                                                                 Suite 300
23
                                                                                 Wheaton, Illinois 60187
24
                                                                                  (630) 668-8500
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Conducted on August 1, 2018		Conducted on August	t 1, 2018
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1 ON BEHALF OF FOX RIVER & COUNTRYS	TDF	5 PROCEEDINGS
2 FIRE RESCUE DISTRICT:		2 CHAIRWOMAN MELGIN: Good evening. We're
KENNETH SHEPRO, ESQUIRE		
KENNETH SHEPRO, ESQUIREKENNETH SHEPRO, COUNSELOR AT	ΙΔW	
5 33W542 Army Trail Road	LAII	4 Keith, do you want to do roll call?
		5 MR. BERKHOUT: Yes, Madam Chairwoman.
6 Wayne, Illinois 60184 7 (630) 377-7372		6 Aris.
` '		7 MEMBER ARIS: Here.
8		8 MR. BERKHOUT: Falk.
9		9 MEMBER FALK: Present.
10 ALSO PRESENT:	2000	10 MR. BERKHOUT: Lake.
11 MARK VANKERKHOFF, Zoning Enf	orcing Officer	11 MEMBER LAKE: Here.
12 KEITH BERKHOUT, Secretary		12 MR. BERKHOUT: Melgin.
13		13 CHAIRWOMAN MELGIN: Here.
14		14 MR. BERKHOUT: Millen.
15		15 MEMBER MILLEN: Here.
16		16 MR. BERKHOUT: Barbosa.
17		17 (No response.)
18		18 CHAIRWOMAN MELGIN: We can do the Pledge
19		19 of Allegiance.
20		20 (The Pledge of Allegiance was recited.)
21		21 CHAIRWOMAN MELGIN: Thank you for comin
22		· · · · · · · · · · · · · · · · · · ·
23		22 tonight. Since the last time the petitioners were
24		23 before us, on this Board we lost a member of the
		24 Zoning Board who moved out of state. And normally
1		6
1 CONTENTS	B. 05	1 our chair is the Honorable Manuel Barbosa, who is
2 TESTIMONY OF POPERT HANDLEY	PAGE	2 a very capable leader of us. He recused himself
3 TESTIMONY OF ROBERT HANDLEY	35	3 the last time, and he's also recused at this time
4	B. 05	4 from this hearing.
5 EXAMINATION OF JOHN NIXON	PAGE	So is there a motion to appoint an acting
6 By Mr. Shepro	39	6 chair for this meeting?
7 By Mr. Liguori	52	7 MEMBER FALK: Yes, I would like to make
8 By Mr. Shepro	56	8 that motion and appoint you as the acting chair
9		9 for this meeting in hearing Petition 4462.
10 PETITIONER'S STATEMENT	18	10 MEMBER ARIS: I'll second.
11 ADJACENT PROPERTY OWNERS	22	11 CHAIRWOMAN MELGIN: All in favor say aye.
12 UNITS OF GOVERNMENT	31, 58	12 (Ayes heard.)
13 PUBLIC COMMENT	72	13 CHAIRWOMAN MELGIN: I have experience
14		14 running public hearings, maybe not quite exactly
15 EXHIBITS		15 like this one. So please be patient with me. I'm
16 (Retained by the Boa	•	16 going to be asking sometimes for the State's
17	PAGE	17 Attorney's advice when I think it's necessary.
18 Exhibit 1 Proposed Consent Decr	ee 15	
19 Exhibit 2 Notice	15	So I'm going to go through some background.
20 Exhibit 3 Publication	15	So good evening to the petitioners and
21 Exhibit 4 Sign Posted	16	20 their representatives, the representatives of units
22 Exhibit 5 Public Letters	16	21 of government, adjacent property owners, and other
23 Exhibit 6 Campton Township Lett	er 69	22 interested parties of the public. The public
24 Exhibit 7 Natural Resources Zon	e Map 102	23 hearing this evening is for Maxxam Partners, LLC,
		24 Glenwood Academy Petition 4462 for special use in

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the F-Farming District for private-pay alcoholism 2 and substance abuse treatment facility.

3 To go over some of the background, the 4 history, a lot of you have been through this and you know, but here's a recap of this.

The petitioner had filed a petition for 6 7 special use at this location in August of 2015, 8 Petition 4364, and public hearings were heard in 9 the petition from December 14th, 2015, through 10 February 9th, 2016.

On November 8th, 2016, the Kane County 11 12 board rescinded their previous vote to deny 13 Petition 4364 and remanded the petition back to 14 the Zoning Board of Appeals.

The Board held continued public hearings 16 on the remanded petition from January 10th, 2017, 17 through February 21st, 2017, and the Kane County 18 Board denied the petition on May 9th, 2017.

On August 4th, 2017, the petitioners filed 20 a Federal lawsuit against the County. As part of 21 a proposed consent decree, petitioners filed a new 22 Petition 4462 incorporating their previously filed 23 Petition 4364 in their new application.

At this time I will entertain a motion to

evidence related to Petition 4462 and the conditions outlined in the proposed consent decree.

3 This Board, the Zoning Board of Appeals, 4 is a recommending body. Our job here, like it was last time, is to hear the evidence presented, hear

6 the public comment, and make a recommendation to 7 the County Board as to Petition 4462 as modified

8 by the conditions negotiated in the proposed

9 consent decree. After this hearing this Board's

10 recommendation is forwarded directly to the County

11 Board for its consideration.

So this is the order for this evening's 13 public hearing. The petitioners can make an 14 opening statement. Adjacent property owners or 15 property owners who received personal notice of 16 today's hearing may present new evidence or make 17 comments. Units of government who are present 18 tonight can present new evidence or make comments,

19 and then we'll open it up to the public. 20 To ensure that everyone who wishes to 21 speak has the opportunity to speak, we ask that 22 each speaker limit their comments to three minutes 23 and not to repeat previously made evidence or 24 comments. If you wish to indicate agreement or

1 incorporate the evidence, including exhibits, and

2 testimony, and public comment previously submitted

3 related to Petition 4364 into the record for

4 Petition 4462 for the Board's consideration.

5 MEMBER ARIS: So moved.

6 CHAIRWOMAN MELGIN: Second?

MEMBER FALK: I'll second.

8 CHAIRWOMAN MELGIN: All in favor say aye.

(Ayes heard.)

10 CHAIRWOMAN MELGIN: This Board has reviewed

11 all evidence, including exhibits, and testimony,

12 and the public comment previously submitted in

13 Petition 4364, which is now incorporated into the

14 record for Petition 4462.

This Board is very familiar with the details

16 of that testimony, evidence, and argument, so

17 there is no need to repeat submittal of evidence,

18 testimony, or comments already presented in previous

19 hearings. The entire record for Petition 4364,

20 Petition 4462, and the proposed consent decree have

21 been made publicly available on the County's

22 website since July 16th, 2018. So tonight's public

23 hearing, as well as any subsequent public hearings,

24 if needed, are to receive public comment and

disagreement with a previously heard comment,

please just state that you agree or disagree with

the previously made comment.

So we're trying to limit the time. We'll be flexible but we're trying to give everybody an opportunity to speak.

MR. SHEPRO: Madam Chairman, may I inquire if that three-minute also limit also applies to

the units of government?

10 CHAIRWOMAN MELGIN: We would like it to be 11 the units of government.

12 MR. KASSON: And to the adjoining property 13 owners, as well?

CHAIRWOMAN MELGIN: We'll be a little bit 14

15 flexible, but we won't go much over that. We'll

16 see how it's going, but I would think -- what

17 we're trying to do is if you have new information

18 that's going to be presented tonight and it's

19 testimony, we'll swear the person in and have that

20 as testimony. Otherwise, if it's information that

21 we previously heard, we'd like to keep it limited

22 to a certain time amount.

MR. SHEPRO: Okay. But we have some 24 significant new evidence, and it's going to take

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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 the County Board with County's recommendation. 3 to the fire district participating in this hearing Please state your name and address clearly. under those conditions. Try to speak slowly. I have a hard time with CHAIRWOMAN MELGIN: You can't have your that, so I've told her to tell me I need to slow testimony in -down if I need to. So just remember somebody is 7 MR. SHEPRO: In three minutes? No. 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 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 MEMBER FALK: That's all new evidence? 13 13 of this proceeding to property owners within 14 MR. SHEPRO: It's all new evidence. 14 250 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 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. 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 3. 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 All speakers shall be civil with no of the sign placed at the entrance of the property 2 profanity or name calling. During the hearing 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 letters -- I don't know how many -- letters from --6 cooperation. Silence all cell phones; do not three letters from members of the public relating 7 engage in side talk. Disruptive audience members to Petition 4462. These letters and emails are 8 will be asked to leave. We hope that doesn't being made part of the record this evening as 9 happen, but we please ask for your cooperation. Group Exhibit 5. 10 We've had several hearings previously in 10 (Exhibit 5 marked for identification.) CHAIRWOMAN MELGIN: Do I have a motion to 11 this matter, and we've learned the process as we 11 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 MEMBER LAKE: So moved. 14 CHAIRWOMAN MELGIN: Second? 15 make it a lot easier; I can call up a person's 15 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? 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.

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The first one in Exhibit 5 is dated

July 19th, 2018. That is from Kevin Carrara on

behalf of one of the adjacent property owners.

Second one, dated July 19th, 2018, is an

email from Mr. and Mrs. Cartee, close proximity

neighbor.

The third one is from Edward Schreiber to

the Chairman and includes an Exhibit A, which is a

copy of a letter that had also been sent to the

10 Kane County Board members.

The fourth one is an email dated

12 July 27th, 2018, from Kathleen Smith.

And the final one, fifth one, dated

14 Monday, July 30th, is from a Mr. Bill Rees

15 representing Pine Haven Homeowners Association.

CHAIRWOMAN MELGIN: Okay. Thank you, Mark.

17 Some of the letters and emails received by

18 the Board, Group Exhibit 5, requested that the

19 start of this hearing be continued to a later date

20 to accommodate various vacation schedules. Is

21 there any motion from this Board to continue this

22 hearing to a later date this month?

23 (No response.)

24 CHAIRWOMAN MELGIN: Hearing none, 1 connection with the initial Petition No. 4364. We

rely on no new evidence except for Exhibit 1, which

is the proposed Federal Court consent decree.

That consent decree, as stated by the

Zoning Board of Appeals in the opening remarks,

has been listed on the Kane County website since

at least July 16, 2018. Proper notice has been

given, and I have a copy of Exhibit 1 that I

printed off of that website.

10 The consent decree contains many important

11 provisions that are designed to specifically

12 ensure, and protect, and promote the public

13 health, welfare, and safety for all members of the

14 community. It also is specifically designed to

15 ensure that all limitations and restrictions on

16 Maxxam and the operation of the facility are

17 mandatory, and subject to enforcement by Federal

18 Court order, and by all the remedies available in

19 the Federal Court.

20 I would like to briefly highlight

21 three critical provisions of the consent decree.

22 There are many provisions, but I'd like to

23 highlight just three in the interest of brevity.

The first is at page 5, Section 3C, and it

1 petitioners, you may begin.

2 MR. SHEPRO: Madam Chair, for the record,

the fire district would join in that request for a

one-week postponement.

5 CHAIRWOMAN MELGIN: Noted.

6 Petitioners, you may begin.

MR. TABET: Thank you. May it please the

8 Kane County Zoning Board of Appeals, all of its

9 members, Mr. VanKerkhoff, all counsel of record who

10 have appeared during these proceedings, including

11 the original proceeding on Petition 4364 and

12 through the present refiled Petition No. 4462, and

13 also may it please all members of the community

14 who are here and present and participating in this

15 hearing. My name is Caesar Tabet. With me is

16 Chris Liguori, Jordan Wilkow, and Andrew Kolb.

17 Together we represent the petitioner, Maxxam

18 Partners.

We thank the Zoning Board of Appeals for

20 conducting the hearing tonight, and we thank all

21 the members of the community who are participating 22 in this hearing tonight.

In support of our petition, we rely on all

24 of the evidence that was previously submitted in

states that the purpose of the Federal consent

decree is, quote, "intended to ensure that the

operation of the approved special use is beneficial

to and does not negatively impact the health,

safety, and general welfare of the Kane County

residents," end quote.

In that paragraph of the consent decree, it

goes on to say if any of the conditions that are

set forth in the consent decree at any time are

10 inconsistent with or violate any of the terms of

11 any Kane County ordinance, that condition will be

12 null and void. That's the first provision that I

13 highlight.

The second is at pages 5 through 8 where

15 the consent decree states in mandatory language

16 many obligations of Maxxam that are specifically

17 enforceable by Federal Court order and then again

18 ensure the operation will be consistent with the

19 public health, safety, and general welfare. There

20 are 17 specific conditions, each one designed to

21 promote the public health, safety, and general

22 welfare.

23 Finally, Section 5 at pages 8 through 9 of

24 the consent decree state -- and I'm paraphrasing --

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2.1

1 that Maxxam's obligations are enforceable,

2 Section 5(e)2, that the Federal Court has

3 jurisdiction to enforce these mandatory obligations

4 and to resolve any dispute consistent with broad

5 Federal powers under consent decrees Sections

6 5(a)1 and 3, and the agreement also contains a

7 full and complete integration clause in Section 5

8 that provides -- and I'm paraphrasing -- that all

9 of the obligations of the parties are set forth in

10 the decree and supersede all prior discussions,

11 agreements, or understandings so there is no 12 ambiguity.

13 At the last hearing I understood one of

14 the big concerns was are these obligations

15 enforceable and are they clear and unambiguous,

16 and this consent decree answers those concerns.

17 And, again, if there's any concern in the

18 future about the operation or a risk to public

19 health, safety, or welfare, the consent decree

20 provides a quick immediate and powerful remedy by

21 Federal Court enforcement.

22 Based on the clear terms of the proposed

23 Federal Court consent decree and all of the

24 evidence submitted previously by Maxxam in support

1 of its petition, we ask that the Zoning Board of

2 Appeals find that the six factors set forth in

3 Section 4.82 A through F of the Kane County zoning

4 ordinance are satisfied in light of the provisions

5 of the consent decree and all of the evidence and

6 that you recommend that the petition be granted by

the Kane County Board.

8 Thank you.

9 CHAIRWOMAN MELGIN: Thank you.

10 So adjacent property owners. We didn't

11 have them sign the same sheet. So do we have

12 adjacent property owners who wish to speak?

MR. KASSON: Good evening, my name is

14 Tracy Kasson. I'm here on behalf of Kevin Carrara

15 of Rathje & Woodward representing Joline

16 Andrzejewski, trustee of Trust No. 204 for the

17 property located at 41W547 McDonald Road, Campton

18 Hills, as an objector to this petition.

19 Again, we'll note Mr. Carrara's letter

20 requesting a continuance because he's out of town.

21 As you're well aware, he's been part of all these

22 other proceedings representing the objector and

23 would like to be here in order to again represent

24 her. I understand your motion has been -- there's

1 been no motion but we'd like to again have that

2 noted for the record.

CHAIRWOMAN MELGIN: It's noted.

4 MR. KASSON: We incorporate all of our

5 previous testimony, arguments, exhibits, and any

6 other materials submitted by the objector as part

7 of our previous petitions filed by the applicant,

8 as well.

9 What you are here for again is a proposed

10 special use under the Kane County zoning ordinance

11 and the proposed consent decree. This Board must

12 make findings and recommendations as to whether

13 the applicant has satisfied all the special use

14 standards under 4.8-2 of the zoning ordinance.

15 That was actually also referenced by petitioner.

So as we go to the special use, is this

17 use still a 120-bed ultra-lux alcohol abuse and

18 substance treatment facility, or is it changed as

19 presented? If nothing has changed, then the ZBA

20 should deny the petition again because the

21 applicant has failed to meet the six special use

22 standards in the zoning ordinance just like you

23 had found previously.

If the application has changed with the

1 proposed conditions in the consent decree, then

2 the petitioner must provide clear and convincing

3 evidence how it satisfies those special use

4 standards.

5 We also would have the right to question

6 the applicant about any new conditions or changes

7 in this application. For example, if you take a

8 look at Condition 13 on page 7 of the consent

9 decree, previously there had been all the testimony

10 by the applicant and all of his experts that this

11 was going to be a 120-bed facility. That is not

12 now part of Condition 13. Condition 13 now talks

13 about number of spacing requirements and bed

14 requirements and that's it. It talks about

15 requirements of no more than four beds per room,

13 requirements of no more than rour beds per roof

16 and if that's the case, can you have more than 17 120 beds be provided?

It appears by looking at Exhibit E of the

19 January 12, 2017, hearing, which was a schematic

20 of the residence center, that at least nine rooms

21 with up to four beds in each room can be created

22 in the seven buildings and nine beds in the detox

23 facility if you're able to have four beds in a

24 room. And those can have bunk beds except in the

25 detox facility. This would be 261 beds. 2 Condition 14 discusses a fence around the 3 property except in floodplain areas. It references 4 Exhibit 6 for the location and Exhibit 7 for the 5 depiction. What I was able to download on the 6 consent decree, I was able to get the decree, but 7 I did not get any exhibits and was not able to see 8 any exhibits. Does the Exhibit 1 of the consent 9 decree have the exhibits referenced in the consent 10 decree? CHAIRWOMAN MELGIN: On the website you're 11 12 asking? 13 MR. KASSON: Anywhere. Exhibit 1 that 14 you've marked as the consent decree, does that 15 have the exhibits? CHAIRWOMAN MELGIN: I don't know what --17 MR. KASSON: The consent decree references 18 seven or more exhibits. CHAIRWOMAN MELGIN: I see, yes. No. 20 MR. KASSON: They're not attached? 21 CHAIRWOMAN MELGIN: No. MR. KASSON: I did not find them either on 22 23 the website. We have a right to review those 24 exhibits, look at them because that's a change as 26 1 far as the fence, what that fence is going to 2 consist of, and what it's going to look like. The applicant's expert testimony cannot be 4 placed into the record without the ability to 5 question them further on these 13 conditions. We 6 would ask to strike the reports of the experts

27 1 prescription drugs being used by clients on the shallow aguifer system. As to police and fire calls, at the previous 4 hearings you heard testimony from Fox River and Countryside Fire Protection District estimating 6 150 calls a year for a 120-bed facility -- you're going to hear more from them I assume -- and stated 8 those additional calls would have a negative 9 effect on the ability to provide public health 10 safety to all of the residents. Your sheriff 11 estimated 300 calls per year for a 120-bed facility. CHAIRWOMAN MELGIN: If you can start 12 13 wrapping it up, we'd appreciate it. 14 MR. KASSON: I'm trying to get to how this 15 could change based on if there are under that 16 Condition 13 more than 120 beds. We had presented 17 data from Timberline Knolls about 167 calls for 18 fire and 213 for police. The closest hospital is 19 20 minutes away. So that all impacts that. Now, 20 under Condition 13 can that be exasperated even 21 further? Again, you've denied the petition based on 22 23 the 120 beds. Now there has to be further 24 examination as to those conditions and how those

10 to see if their opinions would change based on the

11 new factors or conditions outlined in the consent One would be questions of Sheaffer & 14 Roland -- they did the study -- as to whether their 15 opinion would be the same as to the wastewater 16 treatment and disposal system, whether it's the 17 correct size to accommodate the proposed facility 18 if it could contain more than 120 clients. It said in that report it's only permitted

20 for 160 PE. When you take the 120 plus the 21 40 employees, that would be maximum PE. We just 22 don't know because right now there's nothing in 23 the consent decree that says it's going to be for 24 120 patients. What is the potential impact of

7 because we don't have the meaningful

12 decree.

13

8 cross-examination on the new application.

We'd have the right to test those opinions

welfare. If it couldn't meet it for 120 beds, it certainly can't meet if it there's more. We need to determine how petitioner's appraisal report by Rous & Company would change if there could be more than 120 beds. Previously, at page 424 he had agreed police and fire calls from

8 Timberline Knolls were significant and could probably impact his valuation conclusion.

can impact further the health, safety, and

Again, we would like to know how -- if a 11 report has been looked at how that could change, 12 how any of these expert reports can change because 13 they have not looked at or given any reports as to 14 these new 13 conditions.

The traffic evaluation, as well, prepared 16 by applicant was not a complete traffic study, 17 just a valuation, didn't take into account police 18 and fire call volumes, school safety, and the like 19 on surrounding roadways for the proposed 120-bed 20 facility.

21 Finally, and I know we made this in our 22 previous testimony, the applicant claims its 23 proposed use is similar to a hospital as part of 24 its special use application. We made it clear

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that we object, and it's not similar to a hospital
 in a farming district. Among other things, it
 doesn't have doctors 24/7, it is not open to the
 general public, and it doesn't have siting
 criteria like a hospital does.
 As noted by the objector in previous

7 hearings, a text amendment should be conducted to 8 allow the County to evaluate the impacts and

9 standards for an alcoholism and substance abuse 10 facility and where it should be located.

Lastly, we did not hear under this new 12 petition whether the applicant has a current

13 written contract with the property. In the rider

14 it said that they were a contract purchaser. We

15 have not heard any testimony from them if that is 16 still currently the case.

Finally, as noted by us in the previous

18 hearings, the objector for all those reasons 19 previously noted and argued in the previous

20 hearings and as outlined today, the ZBA should

21 deny this petition because it has not satisfied

22 the six special use standards.

23 CHAIRWOMAN MELGIN: All right. Thank you.

24 (Applause.)

30

CHAIRWOMAN MELGIN: Please keep that to a

2 minimum so we can move through the hearing.

3 Are there any other adjacent property4 owners or people who received -- land owners who

5 received notice.

6 MR. KASSON: I think one of the requests

7 from the adjacent property owner was for a

8 continuance, as well, because they were out of

9 town. I don't think that was made clear. There

10 was an email from them, but it was to continue 11 this hearing, as well.

12 CHAIRWOMAN MELGIN: Right. It's very hard

13 to schedule a hearing with everybody's vacations,

14 so we did the best we could, and we had to have 15 the hearing today.

MR. KASSON: You can also enter and continue 17 the hearing for when they get back, as well.

18 CHAIRWOMAN MELGIN: Property owners?

(No response.)

20 CHAIRWOMAN MELGIN: We're not having

21 anybody else step up, so units of government.

22 So Campton Hills -- Village of Campton Hills,

23 Campton Township, and the fire district. Are

24 those the three?

1 MR. BLECKER: I will defer to the fire

2 district, let them go first so I'll not repeating.

CHAIRWOMAN MELGIN: Okay. Fire district,

4 you're up.

5 MR. SHEPRO: I couldn't help but feel this

6 little ground hog was appropriate to these

7 proceedings because it feels like Ground Hog Day.

8 My name is Kenneth Shepro, Wayne, Illinois. I'm

9 the attorney for the Fox River & Countryside Fire

10 Rescue District.

11 As at the previous hearing, we are an

12 objector. We are, as we were then, forced to be

13 an objector because it was the only way we were

14 enabled to participate meaningfully in the

15 hearing.

16 At the risk of repeating something that --

17 well, it actually happened subsequent to the

18 previous hearing, so it's not part of the record

19 in this case. Following the Zoning Board's

20 recommendation on the second round, the fire

21 district at the request of the petitioner agreed

22 to an agreement with respect to providing

23 additional services and also for the petitioner to

24 provide benefits to the fire district that were

a 1 not otherwise available, and that agreement

contrary to the sworn allegations of the complaint

3 has not expired. I don't really know where that

4 came from, but that is addressed in the complaint,

5 and I'm very disappointed frankly that after

6 having called me on Easter Sunday frantically to

7 get the agreement they now say that it's no longer

8 in effect. The notion that it was somehow

9 extorted from the County on our behalf is also 10 equally untrue.

11 So we're here because primarily our

12 agreement as we read the complaint and we read the

13 consent decree has been torn up by Maxxam.

14 Another example of what we believe is the bad

15 faith that has characterized this application from 16 the beginning.

7 I would like to associate myself and the

18 district with number of the comments made by

19 counsel for Andrzejewski.

20 Counsel for the applicant has rested on

21 presenting no new evidence. I don't know how you

22 can go forward when there's no new evidence, and

23 as counsel points out, the testimony that they

24 dump into the record in this hearing is not

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1 subject to cross-examination on anything related 2 to the consent decree, and, in fact, there's not 3 even been any testimony presented as to why the 4 consent decree should change the decision that 5 this Board previously made. I certainly don't 6 think that the comments of counsel would 7 constitute as testimony. So you're left at this point with no 9 record at all to suggest why the consent decree 10 should be signed other than the County apparently

11 and the applicants have cut a deal. We were not part of that deal. We were 12 13 not invited to participate, we were not invited to 14 submit comments, and it was made in our view in 15 derogation of our interests and rights, and we 16 also have an obligation to serve the community, 17 and we believe that this does not serve the 18 community.

In terms of our specific other objections, 20 we believe that there has not been an adequate 21 disclosure under the terms of the Kane County 22 zoning ordinance of the parties at interest, the 23 coapplicant. Very little has been made public 24 about that, and we believe the zoning ordinance 1 referendum that has resulted in further service

cutbacks, further diminution of our ability to

service even our existing residents, and the

consequences that will have to be put into place

this December if that's not done.

With that I would like to ask our district president, Robert Handley, to step forward and

offer a statement and sworn testimony.

9 CHAIRWOMAN MELGIN: So you're presenting 10 him as a witness?

MR. SHEPRO: Yes.

12 (Witness sworn.)

MR. HANDLEY: For the record, Robert Handley 13

14 on behalf of the Fox River & Countryside Fire

15 Protection District. Can you hear me okay?

I'm just going to address you on a few

17 things that have occurred since -- Mr. Shepro has

18 talked about several of them, but a few things

19 that have occurred since we were last before you,

20 new stuff -- stuff that's not in the record.

As you know, after the Zoning Board of

22 Appeals recommended against approving the petition

23 last time, we entered into an agreement with

24 Mr. Marco on April 27th. This seven-page agreement

1 requires disclosures to be made which have not

2 been made. They have not been made at any point

3 in this proceeding. I believe that is a fatal

4 flaw, as well.

We have new testimony to present, and I

6 will introduce it and then call my witnesses. As you will recall, the testimony that we

8 presented at the last hearing was prior to the 9 March 19 -- or 2017 referendum. That referendum

10 failed, and as a result additional hardships were

11 imposed on the district, additional cutbacks were 12 imposed.

13 We resubmitted a new question at the

14 March 2018 general primary election, and on the

15 face of the returns it was defeated by 34 votes.

16 Subsequently an election contest was brought to

17 nullify the result of that referendum because the

18 County Clerk failed to put the entire question on

19 the ballot, and on July 13th of this year, Judge

20 Akemann of the Kane County Circuit Court entered

21 an order ordering and allowing that question to be

22 submitted to the voters again in November.

You will hear testimony in a few moments

24 about the effect of that failure to pass the

provided a lot of stuff. It was complete with all

kinds of provisions, and I'll just highlight a few

of them.

34

There was a transition payment based on

anticipated real estate tax increases in addition

6 to -- well, in advance of the actual reassessment.

There were guaranteed payments of the transport

8 fees. There was a development of an emergency

plan that we were going to work out together and

10 training for -- between our personnel. And it also

11 provided for incremental payments for contributions

12 to the District. And it started out with a payment

13 of \$50,000 to the district, and in addition to

14 that there would be payments funding additional

15 district personnel. The purpose was to be

16 determined.

17 There were additional increases in annual

18 payments based on occupancy levels, based on

19 50 percent occupancy level, 70 percent occupancy

20 level. 50 percent was 40,000 per year; 70 percent

21 was 81,000 per year. When we reached 90 percent,

22 \$163,000 per year based on the total number of

23 patients that we had, and so forth and so on.

We entered into that agreement in good

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37	39		
1 faith. The consent decree has essentially ripped	1 MR. SHEPRO: I have no further questions of		
2 this agreement up and said the only thing they're	2 Mr. Handley. He's available for cross-examination		
3 going to do is just pay for our fees, that's it,	3 or questions by the Board.		
4 none of the additional problems that we had.	4 CHAIRWOMAN MELGIN: Does anyone have any		
5 The next thing that happened, as	5 questions of Mr. Handley?		
6 Mr. Shepro indicated, was that our referendum	6 (No response.)		
7 failed by 34 notes. There was an election	7 MR. HANDLEY: I was that thorough.		
	8 CHAIRWOMAN MELGIN: I see that three- to		
	9 five-minute thing is working really well.		
9 in November. So we're hopeful, but it's a tax	10 MR. HANDLEY: I was pretty close.		
10 referendum, so we're always edgy.	11 CHAIRWOMAN MELGIN: You were good. I		
But based on our financial situation which	12 think with these type of testimonies we'll be a		
12 has deteriorated to the point that we've had to	13 little bit more flexible than with a general		
13 already you're going to hear this from the	14 comment.		
14 chief we've already had to reduce staff, we've	15 MR. SHEPRO: Thank you. My next witness		
15 had to brown out the station, and it doesn't look	16 is our fire chief, John Nixon.		
16 like we're going to be able to provide for our	17 (Witness sworn.)		
17 existing residents much less another 120, 150 calls	18 JOHN NIXON,		
18 that we anticipate. Although, we're not sure; we	19 having been duly sworn, testified as follows:		
19 don't know how many beds there are going to be;	20 DIRECT EXAMINATION BY COUNSEL FOR THE FOX RIVER &		
20 it's unclear from the petition here.	21 COUNTRYSIDE FIRE PROTECTION DISTRICT		
21 The petitioner filed a suit this is the	22 BY MR. SHEPRO:		
22 next thing, the third thing. The petitioner filed	23 Q Would you state your name and address for		
23 a suit which resulted in this proposed consent	24 the record, please. And I guess we'll both share		
24 decree. Now, the fire district wasn't a party to			
38	40		
1 the suit; the fire district wasn't a part of the	1 the microphone.		
2 consent decree; the fire district didn't have	2 A My name is John Nixon. I'm the fire chief		
3 anything to do with it until we found about it in	3 for the Fox River & Countryside Fire District.		
4 this proceeding today, and as I indicated, this	4 Q How long have you been chief?		
5 is gone.	5 A Two years.		
Now, with this being gone, we don't even	6 Q Are you familiar with the request for		
7 have those payments. And without any financial			
8 contribution now Maxxam is asking to increase our			
1	, e		
9 workload substantially as we anticipate. And	0 41 3015 444		
14036 1 11 14 4411 4 1 1	9 the 2017 petition.		
10 Maxxam has alleged that this agreement expired.	10 Q As the fire chief for the district, you		
11 There's no expiration agreement in here or	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw.	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district?		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. So what we have as we sit here with a	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am.		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and 16 facilities were immediately after the close of the		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the 16 likelihood of increased substantially increased	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and 16 facilities were immediately after the close of the		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the 16 likelihood of increased substantially increased 17 calls, and we've already had to cut our staffing	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and 16 facilities were immediately after the close of the 17 last public hearing in 2017?		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the 16 likelihood of increased substantially increased 17 calls, and we've already had to cut our staffing 18 due to the failed referendum.	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and 16 facilities were immediately after the close of the 17 last public hearing in 2017? 18 A Yes. We were operating with a staff on duty		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the 16 likelihood of increased substantially increased 17 calls, and we've already had to cut our staffing 18 due to the failed referendum. 19 So at a minimum what we're asking is if	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and 16 facilities were immediately after the close of the 17 last public hearing in 2017? 18 A Yes. We were operating with a staff on duty 19 at both fire stations that included five personnel		
11 There's no expiration agreement in here or 12 provision in here anyway that I saw. 13 So what we have as we sit here with a 14 consent decree that we didn't consent to, an 15 agreement that's been repudiated, and we have the 16 likelihood of increased substantially increased 17 calls, and we've already had to cut our staffing 18 due to the failed referendum. 19 So at a minimum what we're asking is if 20 this Board sees fit to approve or recommend the	10 Q As the fire chief for the district, you 11 are familiar with the operations and personnel of 12 the district? 13 A Yes, I am. 14 Q Could you summarize for the Board the 15 basically what the services, personnel, and 16 facilities were immediately after the close of the 17 last public hearing in 2017? 18 A Yes. We were operating with a staff on duty 19 at both fire stations that included five personnel 20 at Fire Station 1, four personnel at Fire Station 2,		

23

A Yes.

Q -- station, and that is the station that

23 requirement to be approved.

And that's where we sit right now.

41

1 is nearest to the Glenwood School?

A That would be the assigned station as a 3 primary response area for the facility.

- Q As a result of the financial shortages in 5 the district, have you been required to make 6 cutbacks in the services and personnel of the district?
- A Yes. As a result of a failed referendum, 9 we were forced to eliminate one position which 10 diminished the staffing at Fire Station 2 by one 11 staff position every day.
- Q Would you explain what you mean by "staff 13 position"?
- A Our firefighters work a 24-on and 48-hour-15 off shift. Consequently, one position means that 16 there must be someone there every day, and it's 17 usually in a platoon system of rotation that 18 requires three full-time personnel.
- Q And so that position has been eliminated 20 at the moment?
- A That's correct, due to budgetary 22 constraint we had to eliminate that position.
- Q What has the impact been on the operations 24 out of the two fire stations?

42

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.
- Q What is the cost of the three full-time 15 personnel that would be required for that one
- 16 round-the-clock slot?
- A The financial impact of that cutback would 18 be approximately \$250,000 that would need to be 19 replaced.
- Q Has there also been a change in the --
- 21 strike that. Let me go back to the personnel.
- You've divided the fire district into 22
- 23 service zones for purposes of monitoring calls?
 - A To determine the effective response areas

- 1 we have built response zones in our 38-square-mile
- Q And the Wasco station is currently located 4 in Zone 2?
- A That's considered Area 2 for response
- 6 purposes, the division being the Randall Road
- corridor. Area 2 would be west of that, and
- 8 everything east of that would be in Area 1.
- Q So does Area 2 include the Glenwood School?
- 10 A Yes, it does.
- 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?
- A Sure. During the month of July, this past
- 15 month that just closed yesterday there were
- 16 133 emergencies in the fire district. 89 were
- 17 emergency medical calls. In Area 2, of the 133,
- 18 73 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
- 21 23 overlapping calls where both of our ambulances 22 were committed.
- Q I was going to ask you what the definition 24 of an overlapping call is but --

- A An overlapping call situation would be if
- I went on Call 1 in Area 1 at 9:00, and then at
- 9:30 we had a call in Area 2 for another medical
- 4 emergency, that's an overlapping call because both
 - medical units are committed on calls.
- Q Now, during the month of July, have there
- been occasions when the jump company has not been
- available to provide service and what are the
- 9 circumstances?
- 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.
- 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.
- O How does the mutual aid affect the
- 20 response time?
- 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

1 our current response time if we were back prior to 2 this would be approximately 7 minutes and 20 seconds

3 based on an historical average for one year.

Q Have there been occasions in the most 5 recent month where you have had to actually close 6 one of the two stations?

A We have. The Area 2 station had to be 8 closed five times since May 1st due to shortfalls 9 of staffing where we weren't able to fill out that 10 jump company, and we didn't have enough personnel, 11 so we had to temporarily close it for either 12 or 12 24 hours and that happened five times.

13 Q Has the financial condition of the district 14 also had an impact on the equipment of the district 15 both in terms of apparatus and other equipment 16 such as heart monitors or radios?

17 A We've had to defer or extend the life of 18 equipment such as cardiac defibrillating monitors 19 which are currently about to go end of life which 20 we don't have any resources to replace, and 21 without the funding to do anything with it, we 22 have extended wear and tear on our apparatus and 23 extended life on our vehicles, also, as well. 24 Q Recently the district obtained an

1 additional -- I won't say new -- fire truck? 2 A No, it's not new. It was a 1988 fire 3 engine that we bought used for \$15,000 so that we 4 could replace the reserve apparatus that failed.

Q What are the condition of the ambulances

6 owned and operated by the district?

A Ambulance work is 67 percent of what we do 8 annually. In last fiscal year we responded to 9 1392 calls. 996 of those were ambulance calls. 10 Our ambulances receive -- extra wear is a good way 11 to put it because of the demands for responding to 12 emergency situations. That extra wear requires 13 constant maintenance and upkeep, and because the 14 ambulances are over five years old, they're 15 reaching end of life, so the maintenance costs are 16 increasing, causing us to concern ourselves with 17 the future of the ability for those ambulances to

Q In your experience what is the typical 20 useful life of an ambulance if purchased new?

A With this call volume a primary response 22 time -- or a primary useful life would be six years 23 and eight years in a slow fire district.

O Is this a slow fire district?

18 be reliable.

A No. We're considered above average.

2 Q Are there any other ways in which you believe that the Maxxam project could affect negatively the ability of the district to service either Maxxam or the other residents of the

district?

A Well, I represent the health and safety of 8 the residents with regard to fire and emergency 9 medical services, and without an agreement 10 otherwise, the additional work that volume that 11 would be imposed by the facility would tax us 12 beyond our capable limits, and we would have no 13 alternative but to watch as our district residents 14 experienced extended response times and possibly 15 medically negative outcomes of our fire losses in 16 extent of what we want.

17 Q Have you and the board of trustees reviewed 18 the options available to the district in the event 19 that the referendum does not pass in December? A Due to our unsustainable condition, we 21 need to start replacing equipment, and in order to

22 do that we will have to allocate funds from our 23 existing funds out of taxes to do that. The only 24 area we have left in our budget that would be able

1 to do that would mean that we would have to reduce

46

staffing. 3 So it's anticipated that if it failed, we would have to close permanently on a rotating basis one fire station.

Q So one particular station would not necessarily be closed, but there would only be one station that would be open at any one time?

A We would reduce the number of slots so that 10 we wouldn't be able to adequately staff two fire 11 stations. So based on whatever agreement the 12 Board decided, we would only have five personnel 13 at one fire station as opposed to our current nine.

MR. SHEPRO: I have no further questions 15 of the chief. He's available for cross-examination.

16 CHAIRWOMAN MELGIN: I had one question.

17 Can you refresh my memory on Elburn? They 18 also provide --

19 THE WITNESS: That is correct. Our neighbors 20 to the fire protection district in Elburn has been 21 a very good partner with us and has helped us when 22 we were not available on regular times.

We have agreements with the Village of 24 South Elgin and the South Elgin Fire Protection

51 MEMBER LAKE: Fire Chief Nixon, I'm curious. 1 District, Elburn Fire Protection District, the 2 Tri-City Ambulance, the West Chicago Fire 2 It sounds like out of the nine employees and 3 Protection District, the Bartlett Fire Protection you're down to eight, and rather than splitting 4 District, all of which would be our partners when them four plus four, you chose to keep one at five and the other down to three, shorting your manpower 5 we're out of resources. But as you can envision 6 by looking at a map, the response times to those at that. What was the rationalization behind that? 7 emergencies climbs above 15 minutes even to the THE WITNESS: That's a good question. The 8 extent where, you know, it could be dangerous. 8 five at Fire Station 1 includes the shift captain. MR. SHEPRO: If I may follow up. 9 He's not on the fire truck or the ambulance. He's 10 BY MR. SHEPRO: 10 the area supervisor for the district 38-square-mile Q Is there an auto aid agreement with the 11 area. He doesn't count in the attack crew. 12 Elburn Fire Protection District? What we did was take one position out, and A We have an auto aid or mutual aid agreement 13 we did it on a basis where we could run most 14 with all of our fire districts when we're out of 14 effectively as a jump company, and that was at 15 resources. 15 Fire Station 2. So our attack crews were four and Q But there's a difference between an auto 16 four plus one supervisor. So now the attack crews 17 aid and a mutual aid? 17 are four and three, plus one supervisor. A Right. Mutual aid is usually deployed for The NFPA recommends that we assemble 19 fire situations or mass casualty situations. 19 15 firefighters on the scene of a working structure 20 That's why we need multiple agencies to respond. 20 fire, so that's the mutual aid that the attorney 21 But when our assets are simply depleted, an 21 was referring to. 22 automatic aid agreement would kick in, and it's 22 MEMBER LAKE: Thank you. 23 based on our assignment to the closest fire 23 CHAIRWOMAN MELGIN: Tracy? 24 district near. 24 MEMBER ARIS: Are you meeting current 50 52 Q And do we have an agreement with Elburn State minimum requirements? 2 for auto aid in all circumstances? THE WITNESS: Yes. With the help of our neighbors on mutual aid we do. A Yes. MEMBER ARIS: Okay. Q And South Elgin, as well? 5 THE WITNESS: If you're referring to 5 A Yes. medical requirements, the Illinois Department of MEMBER MILLEN: Just a quick question. Do Public Health has recently recertified us as an you know because of the situation of your advanced life support caregiver for both of our district, do your citizens pay higher insurance ambulances and both of our primary fire engines. premiums? 10 So we had the -- prior to the failed referendum, 10 THE WITNESS: What you're referring to is 11 we had the ability to provide advanced life care 11 the Insurance Services Organization rating for 12 from four pieces of equipment. 12 fire districts, and currently we're proud that 13 CHAIRWOMAN MELGIN: Does the Board have 13 we're a 3 in hydranted areas and a 6 in unhydranted 14 any other questions? 14 areas, but one of those components includes a 15 (No response.) 15 staffing model for operating from two fire MR. LIGUORI: I have a couple of questions 16 16 stations. It's highly likely if this were to fail 17 if that would be all right. 17 and we closed a fire station that a resident in CHAIRWOMAN MELGIN: Okay. 18 the community would see an increase in their 19 CROSS-EXAMINATION BY COUNSEL FOR THE PETITIONER 19 property insurance. 20 BY MR. LIGUORI: 20 MEMBER FALK: It's likely? 21 Q Good evening, Chief. My name is Chris 21 THE WITNESS: Very likely because ISO 22 Liguori. How are you? 22 would rerate us at a higher level, and that would 23 It sounds like the fire district is in pretty

24 dire financial straits right now. Is that fair?

23 reflect in higher bills to your homes for

24 insurance.

53 55 A Yes, that's a fair assessment. 1 the fire district for the cost of any emergency Q In part because of that financial situation, 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? A That's just like all of our residents do 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 Q And you understand that Maxxam has also asking for a modest increase in our taxes. agreed in Condition 17 that to the extent a mutual Q As I understand it, the referendum failed? aid agreement is implemented, it will reimburse A It has twice. 9 the village or the township that's providing that Q It has twice. The residents of 10 service? 10 11 Kane County have voted down that referendum? A That's true. 11 A The residents of our fire district have. Q You also understand that Maxxam has agreed 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? MR. LIGUORI: Thank you. 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 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? 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. A That's not me and that's not my fire 22 additional work burden. 22 23 district. Q You understand from the prior testimony 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 in Condition 11 Maxxam has agreed to contribute 2 facility; right? \$15,000 a year to the Fox River? MR. SHEPRO: I'm going to object because I A Correct. And I agree that that is difficult think the question is irrelevant who else they're 4 to predict because the fire district doesn't know going to contribute to. If it's not us, it's how many beds you have. meaningless. Q I take it that any money that the fire A Question 11 as I read it didn't apply to me. 7 district could get would be money that was Q Okay. 8 welcomed. Is that fair? A So I didn't consider that. A I think the money that was in our existing 10 MR. LIGUORI: That's all we have. Thank you. 10 agreement with your company was to assist us in MR. SHEPRO: I have one question on redirect. 11 continuing adequate care to our community and your 12 REDIRECT EXAMINATION BY COUNSEL FOR THE FOX RIVER 12 facility. & COUNTRYSIDE FIRE PROTECTION DISTRICT Q You understand that if Maxxam Partners 14 BY MR. SHEPRO: 14 was -- its permit was granted that it would be a 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 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? A No. I'm not aware of any contributions A Absolutely. I understand that. 20 being received by any foundation directly to the 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 A Not line by line. A summary of it. 22 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

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57 1 this Board and the County Board several times. State's Attorney. 2 Can the public ask questions? 2 The Village only has -- the Village of 3 MR. LULVES: That's your decision. That's Campton Hills is the closest first responder for up to the Board in the interest of everybody's due the police department. Kane County only has 5 two sheriff officers to cover an entire district. process rights. 6 CHAIRWOMAN MELGIN: I'll allow it. 6 The Village of Campton Hills has only two officers to cover 18 square miles, 101 miles of road, and AUDIENCE MEMBER: Simple technical question. serves 11,000 people. 8 What is the primary path that would you take, the 9 streets from the Wasco fire station to the If one officer is on call at a Maxxam 10 Glenwood School property? 10 facility, this leaves one officer to cover this THE WITNESS: Probably up Burlington Road. 11 101 miles of road and 11,000 people. If the need 11 AUDIENCE MEMBER: Up Burlington Road to 12 is for two officers, then we have nobody; we 12 13 Silver Glen? 13 depend on the County or mutual aid from Elburn, or 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. Maxxam in their petition refused to talk 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?" 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. I 21 some help, and they sat down with them, and they 22 came up with an agreement that was torn up, but 22 would reserve the right to argue at the conclusion 23 of the testimony. Thank you. 23 never did they come to the Village and say, "Let's CHAIRWOMAN MELGIN: Is this for Mr. --24 work together." 58 MR. TYRRELL: -- Shepro. If, in fact, a call at Maxxam requires 2 CHAIRWOMAN MELGIN: Okay. two people, two officers, we have nobody. And 3 MR. TYRRELL: Hi, my name is Mike Tyrrell. quite often when a fire call goes out or an With Maxxam reneging on the Fox River ambulance goes out, quite often a police car goes district agreement, how does the Federal Court out with them because several times they need guarantee fire and ambulance coverage and public extra hands for help, traffic control, whatever. safety to the existing public? 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. 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, 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 CHAIRWOMAN MELGIN: So it will be three 20 first requirement of being detrimental -- not

21 being detrimental to the residents of the area and

22 Kane County. I have faith in you that you will

23 not be bullied by money interests and that you'll

24 do the right thing for the residents of Kane County

21 minutes; right?

MR. BLECKER: I'll be under three minutes.

Reading the consent decree we see nothing

24 about police protection. This was brought up to

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and once again give this a no recommendation.

2 Thank you for your time.

3 (Applause.)

4 CHAIRWOMAN MELGIN: Do we have any other

5 units -- one more.

6 MR. STUTESMAN: Madam Chairman, I have a

7 statement that I'd like to have entered as an

8 exhibit in the record.

9 CHAIRWOMAN MELGIN: State your name.

10 MR. STUTESMAN: The mic was a little

11 taller than I was. Who do I give that to?

12 CHAIRWOMAN MELGIN: Me. Thank you.

We're entering this letter to the Board

14 into the record from Joseph Miller, Campton

15 Township Trustee.

MR. STUTESMAN: Right. I'm Thomas Stutesman

17 representing Campton Township. I'm a trustee

18 also. And what I'd like to do is I will read into

19 the record at a very expedient rate to maintain

20 all the things. I believe very firmly on what is

21 stated here, and I wanted to just make sure that

22 that is entered into the record accordingly.

23 First off, this is from the letter. Do I

24 need to be sworn in at all?

1 are now being asked to approve zoning that

2 includes a series of conditions not proposed in

3 the original application nor in any previous

4 hearing. Each of these significantly changes the

5 former petition for the worse, so much so that it is

6 unconscionable to not hold entirely new hearings

7 to examine their impact of this application." I

8 think that's been stated by others, also, but I

9 wanted it to remain that this is part of our

10 statement. "I urge you to resist and deny the

11 false choices being pushed on you by the State's

12 Attorney and vote no to one of the largest

13 giveaways in the history of Illinois of public

14 wealth to a private, for-profit entity.

15 "To be specific, first, whereas Maxxam had 16 previously stated no desire to expand beyond the

17 current number of buildings on-site, we now find

18 language in Section III Special Use Approval, C3

19 and C4 of the consent decree addresses future

20 growth of this type. Though these specify that

21 any additional buildings would be subject to the

22 zoning process for approval, your vote of yes on

23 their revised petition will become a de facto

24 nullification of the entire zoning process, making

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CHAIRWOMAN MELGIN: No, you don't need to

2 be sworn in. I'm just -- do we need to put into

3 the record --

4 MR. STUTESMAN: I think you have to

5 actually read it.

6 MEMBER FALK: We don't know what we're

7 putting into the record, so let's hear it.

8 MEMBER ARIS: We'll hear it and point of

9 order, if we decide to accept it, does it become

10 Exhibit 8?

11 CHAIRWOMAN MELGIN: Well, we can accept it

12 into the record. We lost our attorney and I'm a

13 hydrologist, but we're doing the best we can.

14 MR. STUTESMAN: I'm an engineer.

15 May I begin? Is that appropriate?

16 CHAIRWOMAN MELGIN: Okay. Go ahead.

17 MR. STUTESMAN: Thank you again for your

18 time. Thank you for all your patience. Thank

19 everybody here. Again, Joe Miller and myself both

20 very much agree, the entire Campton Township board

21 is very supportive of this.

First off, "More than being asked to rubber

23 stamp a consent decree that overturns two separate

24 and well-documented hearings in this matter, you

any future approvals or oversight moot. In other

2 words, your vote yes would be an historical

3 precedent and open a Pandora's box of virtually

4 unfettered growth on this site. To be clear, once

5 Maxxam has a foothold on the site, there will be

6 no opportunity to object to future growth. Rather 7 than being the safeguard of County zoning policies

8 tonight, you are being asked to be the midwife in

9 their very destruction.

10 "In Section III, C5 now allows for the

11 continuing care of patients that have been

12 released and will return to the site for ongoing

13 care. This additional traffic was never part of

14 the original study provided by KDOT. Section III,

15 C13 allows for the increase of patient density

16 and, thereby, its overall capacity, now allowing

17 up to three to four times the original application's

18 number of patients to be on-site even without

19 additional buildings. This represents a significant

20 change to the original petition which, again, has

21 not been modeled for KDOT to ensure public safety.

22 "Throughout the previous hearings objectors

23 to this petition provided certified data specific

24 to Maxxam's stated model that confirms the

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1 emergency traffic required to support any facility 2 of this type would be at least 300 combined calls 3 annually, and increasing capacity would up to 4 1,000 calls annually. Despite Maxxam's denials, 5 even Kane County's own sheriff estimated the 6 annual call volume to be around 200 or around 700 calls annually at this new potential capacity.

"As a result, your vote yes will force 9 Kane County taxpayers to pay nearly \$10 million 10 potentially to widen roads like Silver Glen, 11 Corron, Burlington to be more safe, though even 12 this still wouldn't address the burden on local 13 emergency services, which both of them have

14 stated. It was inept of the petitioner to have 15 never examined these impacts during the original 16 statement and would be malfeasance now to approve

17 these petitions without further studies that use 18 very real numbers. Your vote yes would be made 19 knowing that this application used misleading data

20 and was flawed in the application.

"Third, throughout this process objectors 22 have noted that despite what we were being told by 23 Mr. Marco, it is not the model of a developer to 24 own and operate business. To be clear, Mr. Marco

1 has no experience in owning or operating a business 2 of this type, which was highlighted throughout the

process under oath and in public.

14 doors for business.

"All along and despite his denials, objectors 5 suspected that there was just another developer 6 that would flip the property to some other entity. 7 Our suspicions have now been justified through the 8 inclusion of Section III, C4 and C7 and Section IV, 9 Successor Owners and Recordation. Especially 10 troubling is that this settlement runs with the 11 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

"In other words, after pocketing some 16 quick cash through settlement, Mr. Marco and his 17 unknown partners can simply sell their rights to 18 some other entity, including someone with 19 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 24 described. Kane County would have no recourse. "Finally, during the second hearing

objectors exposed that the wastewater treatment

system was designed only to manage normal biologic

loads. It was never designed to manage

medications that would be excreted into the

system, some of which would be unknown and of the

type typically found in any given population -

8 antibiotics, anti-depressants, hormone replacements,

9 et cetera. If allowed, this cocktail of biological

10 and chemical agents, some of which still would be

11 active and have half-lives that are unknown would

12 be sprayed -- yes, sprayed -- onto an open field.

"Our region has shallow aquifers, creeks,

14 and general wetlands. Section III C12 only

15 promises to adhere to the most basic environmental

16 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

19 contaminants. In other words, since there are no

20 regulations specific to medications in the

21 wastewater, Maxxam would not have to measure these

22 items, and the surrounding community would be

23 helpless to protect ourselves against the

24 environmental impact. Your vote yes would put our

66 water, our environment, and our health at risk.

2 "In closing, Maxxam was previously denied

permit on two occasions on three grounds: Lies

and misrepresentations throughout the hearings,

lack of credibility as an applicant, and that the

proposed business places an unfair burden on both

the local emergency services and taxpayers to pay

the cost that would be required to make our roads

safe again.

10 "Denying Maxxam's petition is not about

11 discrimination at all. It is about the inadequate

12 application that was mismanaged throughout the

13 petition process and should be therefore denied.

14 I urge you not to reward bullying from either the

15 petitioner or the State's Attorney. Please vote

16 no and preserve Kane County's ordinance and deny 17 bad petitions.

"Sincerely, Joseph Miller, Campton Township 18 19 Trustee."

20 (Applause.)

21 CHAIRWOMAN MELGIN: Please keep that to

22 minimum. Appreciate it. Thank you.

Thank you, Mr. Miller. He's a Campton

24 trustee. I recommend we put this into the record

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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 record.	3 haven't made that		
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 favor.	6 CHAIRWOMAN MELGIN: By noon tomorrow.		
7 (Ayes heard.)	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	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		
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		
MR. SHEPRO: Madam Chair, before you	15 somebody is talking.		
16 recess, I would inquire that the agreement between	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 time.	MEMBER ARIS: They just weren't up on the		
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 a	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.	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	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	We have heard from counsel from Maxxam		
23 comment on those exhibits at that time, too.	23 about the enforcement provisions of the consent		

72	75
1 without consent.	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
<u> </u>	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. Turner.
So not only do they not limit themselves to	11 Mark Atkinson. And please state your
12 120 beds, they allow for the building of buildings.	12 address for the record.
13 so you couple that with the testimony from the	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
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,	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.
1 has to make it at Maxxam remember, they are 2 doing detox, and they're going to have a lot of	1 problems.2 So I don't want to repeat everything I've
 has to make it at Maxxam remember, they are doing detox, and they're going to have a lot of calls over there. We've heard from the fire 	 problems. So I don't want to repeat everything I've said in the past. Thank you very much. I am
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I do big data analytics. All right? To
be able to prove or disprove the crime in an area,
it's very hard for any mathematician to link this
data as it's reported. The fact is, if you have
more people, there's a potential for more crime
and things like that. So it's a general stereotype
and stigmatism.

8 I'm definitely opposed to this, but now 9 this is very much impacting me because now I'm 10 questioning my decision of purchasing a piece of 11 property in this neighborhood, like I said, based 12 on the fact that this has already been shut down.

13 And I just don't understand why we're even 14 here tonight further discussing this. It's really 15 a waste of everyone's time.

16 (Applause.)

17 CHAIRWOMAN MELGIN: Thank you.

The next speaker, Doris Wolter.

19 MS. WOLTER: Hi, Doris Wolter,

20 6N743 Brierwood Drive. I keep hearing about that

21 the DA and these gentlemen over here have been

22 talking about this for months or something behind

23 our back. Why haven't we been included in all

24 this conversation? I'll direct this to the DA.

78

CHAIRWOMAN MELGIN: Well, I think this was

2 a Federal Court negotiation. So this hearing is

3 for the petition, not for the settlement. So if

4 you have comments on the petition, we'd like to

5 hear those, but as far as the lawsuit or the

6 settlement, that's not what this hearing is for.

MS. WOLTER: Okay. But this was the first

8 I had heard about the lawsuit and everything. I

9 mean, it should have been brought up sooner and 10 everything.

One thing I want to say is I've been in
the neighborhood for 33 years, and it's a very
indicates neighborhood; you don't have to worry about
anything. The other day a helicopter came down,
and it came down real low in our neighborhood, and
because I knew this was coming up, I mean, I
freaked out. I was out working in my yard, and I
went in the house, locked the door because -- and

18 went in the house, locked the door because -- at 19 this is the way it will be if you put this rehab

20 place in here.

These people can enter in and out at 22 anytime day or night they can leave. That fence 23 isn't going to stop anything. My dog can jump

24 that fence, so it's not going to stop anything.

1 And then they're not even putting in the wetland,

2 so why bother with the fence if you're going to

3 do that.

4 Another thing is the last time they were

5 petitioning, we came up and we asked them

6 questions, and they held the Fifth on everything

7 and wouldn't answer anything. If that doesn't

8 tell you something is wrong with this, please,

9 please vote this down again. Do what's right for

10 our community. You're representing us, not them.

11 You're representing us, so please vote no.

12 Thank you.

13 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

vas 1 Board's job.

MR. SHEPRO: But just to be clear, the

3 consent decree and its provision are fair game.

4 CHAIRWOMAN MELGIN: The conditions of the

5 consent decree.

6 MR. SHEPRO: Thank you.

7 CHAIRWOMAN MELGIN: The next speaker is

8 Catherine Johnson.

9 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.

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

83 should remain the same. It should be not approved The basis for the Federal suit was 2 tonight or as we go forward. discrimination against disabled. Okay? Now, if 3 If changes are being presented such as this consent decree had any meat to it, it would 4 potential patient head count increases, a new require that the folks in the facility would have 5 analysis of the effect of more patients needs to some qualification to be disabled. Otherwise, 6 be performed, does it meet that requirement of the there's no discrimination as far as I'm concerned. So we're discriminating against a nonentity, 7 special use permit, not providing any detriment to 8 the citizens of Kane County. but the Federal judge for some reason includes I also agree with the previous comments 9 that entity under a general category and says, 10 "Well, you know, we're just going to approve this 10 that the proposed facility is not like a hospital, 11 along the way." My problem is just the general 11 and, therefore, it does not meet the requirements 12 of the special use permit. 12 concept of the fact that you can enter a Federal 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 That's all I have to say. I've been 16 battling this for years and years and years, all 16 provide outpatient treatment of any methadone 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. CHAIRWOMAN MELGIN: Thank you, Mr. Bennett. 20 So we always hear that it's an inpatient 21 facility, but they will be providing outpatient 21 (Applause.) 22 22 services, and the way this condition is written, 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 Condition No. 8 states Maxxam shall use appreciate it. We know how hard this must be for 2 reasonable efforts to pursue accreditation by the you, but please listen to these people. They're 3 Joint Commission on Accreditation of Healthcare so smart. They're saying everything and they're 4 Organizations and the commission of accreditation saying it right. They're good people. 5 5 rehabilitation facilities. Thank you. It, again, is stating "reasonable effort." 6 CHAIRWOMAN MELGIN: Thank you. 7 Reasonable effort is a relative term. It does not (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. MEMBER FALK: Does he have an address? 11 CHAIRWOMAN MELGIN: Corron Road. 12 That's all I had to add. Thank you. 12 13 CHAIRWOMAN MELGIN: Thank you. 13 6N805 Corron Road. 14 14 AUDIENCE MEMBER: He left. (Applause.) CHAIRWOMAN MELGIN: We'll come back to him 15 CHAIRWOMAN MELGIN: Bob Bennett. 15 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 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 going back to 1989 when Glenwood came to the Board It's really a question -- and I realize 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 23 say, "Well, there was no objections." There were

24 objections. There were a lot of objections from

24 understood what I'm going to talk about.

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1 the people in that community for this exact same

2 reason, that if the school did not stay there,

3 that someone else would come in and want

4 something else. Glenwood said at that time that

5 they would never be a burden to the citizens in

6 that area, that they would not be a problem, and

7 that is not the truth.

Campton -- they went before Campton. This

9 was turned down. These people have -- the

10 residents have come time and time again before

11 this Board. I grew up in an area where there were

12 people sitting in front of my home as a child

13 shooting up with needles and that, so I'm well

14 aware of addictions. I'm well aware of where

15 people who use drugs come from. It is not always

16 low-income areas. It is your neighbor; it's my

17 neighbor.

18 However, I have lived in this area for

19 34 years. I worry about our wells because if this

20 is allowed to be expanded in any way, where is

21 that water all coming from? I also worry about

22 the pollution with the drugs going into the

23 groundwater.

A few years back Northwest Bible Baptist

86

1 Church wanted to put a college on the corner of 47

2 and McDonald Road, and they came before the Board,

3 and I was at those meetings. And when they told

4 what their facility size was going to be, the Board

5 had all kinds of stipulations as to what they

6 could and could not do on that property. Now, I

7 have to say that the stipulations were extensive,

8 and as a result, they decided to go elsewhere, and

9 they did not build on that land.

10 I am very concerned. This is a 120-acre

11 parcel. This could be a subdivision-sized

12 facility given one foot in the door. I mean, if

13 this is approved, there will be no stopping any

14 future building. I realize that the Board thinks

15 that they will have control. They will not.

There has been no discrimination. I would

17 be against this facility if it was an assisted-

18 living facility or a nursing facility, and I will

19 tell you why. It is for the exact same reasons that

20 I am against this facility as a drug and rehab. I

21 care about residents; I care about alcohol and

22 drug residents; I care about senior citizens.

23 When you are so far from a medical facility -- I

24 have lived in my home for 34 years. I have had

1 multiple accidents on the corner of McDonald and

Dittman Road, and I know that the County is aware

of it because now we have a four-way stop. It was

just one way all this time, now a four-way stop.

It takes so long for somebody to respond,

6 and if you are that person that needs assistance

and you are waiting, whether you are in that

8 facility or whether you are outside of that

9 facility, whether it's a resident that will not

10 get help because they're responding to somebody

11 from the facility or whether somebody in the

12 facility doesn't get help because they're

13 responding to a resident.

You can only stretch things so far. The

15 money is just not there for all the services that

16 we demand time and time again. The sheriff's

17 department can't respond to everything.

This has been voted down multiple times,

19 and I don't understand why everybody has to keep

20 coming back and asking time and time again for

21 this to be turned down again. It's not a good fit

22 for that area. I realize to locate somewhere else

23 would be more expensive, and I realize that the

24 people who invested their money in Glenwood, the

bonds are up; they want their money back.

2 I want them to produce somebody who was discriminated against because they were turned away

from being -- if you're filing a discrimination

lawsuit, who are you discriminating against?

Maxxam? Glenwood? I don't think so.

You know, if Glenwood is suffering

8 financially, why aren't they bussing the students

9 that are in Glenwood out to this facility rather

10 than closing this facility and bussing those

11 students into Glenwood? Why didn't they reverse

12 it? It's because they were too far from

13 facilities. There's no public transportation, so

14 the people who would come and visit those students

15 could not come because they had no way to get there.

This is just -- it's a nightmare and it's 16

17 awful. You cannot -- you just cannot realize when

18 you're standing there waiting for help how awful

19 it is. I ask you to come out there.

20 You know, when they first built the

21 facility, it flooded McDonald Road because all the

22 dirt -- they built a big mountain, and when our

23 road commissioner was out there, he said, "Why?

24 Why is it flooding?" I said, "Look at the

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89	91		
1 mountain of dirt. Follow where it comes from."	1 changes our zoning, as well.		
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 case.		
10 association. I'm here in opposition to this	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,		
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 1 AUDIENCE MEMBER: What?	MRS. PELLING: Yes, I do want to say		
2 MR. REESE: We don't have near the impact			
3 that Maxxam would have on the facilities, on the			
4 police, fire department, on the roadways.			
	4 old. He's in his 80s and he's a neighbor of ours,		
	5 and he just broke his hip, and it took the		
6 of Silver Glen and Burlington Roads. So I've 7 heard numbers of over 1,000 calls a year coming up	6 ambulance to get out there over about 20 minutes.		
8 Burlington and down Silver Glen. That's going to	7 And I have atrial fib and Parkinson's, and when I		
	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.11 I urge you to turn down this petition.	10 tell you, "Call an ambulance. Don't get in your		
	11 car because they treat you better at the emergency		
12 Thank you.	12 room if you get an ambulance."		
13 (Applause.) 14 CHAIRWOMAN MELGIN: Thank you, Mr. Reese.	Anyway, so I would like you to also		
• •	14 consider those of us that are old. Thank you.		
15 Ray Pelling. 16 MP, PELLING: I'm Pay Polling, Llive et	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 23 have already said, the zoning was like it is. Now	22 CHAIRWOMAN MELGIN: This is a natural		
	22		
24 we're going to change that zoning, which really	23 resources zoning map?24 MR. TYRRELL: Correct, prepared for		

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Campton Hills.

2 CHAIRWOMAN MELGIN: So a topographic map.

3 MR. TYRRELL: And it refers to in here --

- 4 by the way, let me get an introduction in here.
- 5 Again, it's Mike Tyrrell, 5N042 Forest Trials,
- 6 Campton Hills. Good evening and thank you so much
- 7 for letting us participate.
- By way of introduction, I've been a
- 9 resident of nearly 35 years here in the community.
- 10 Those who know me, I've worn many hats. Today I'm
- 11 representing E3, Inc., a grassroots environmental
- 12 advocacy group organized and founded in 1989. I'm
- 13 here to speak to you about the Glenwood wastewater
- 14 treatment facility and the real potential for
- 15 environmental and health consequences that a drug
- 16 pharmaceutical operation will bring. You've heard
- 17 from others here, and I'm hoping to supplement
- 18 those comments.
- 19 Just by way of education, the wastewater
- 20 treatment site for those who don't know is what's
- 21 known as a slow-rate application treatment model
- 22 sometimes referred to as a Sheaffer Roland design.
- 23 What does that mean? The sewage generated on the
- 24 site is processed, filtered for particulates, and
- 94
- 1 the affluent is sprayed on the land on that site.
- 2 The concept by its nature may be environmentally
- 3 sound; I repeat may be. When used for its
- 4 intended design and permitted use, it may achieve
- 5 this goal.
- 6 The design process and chemistry are
- 7 designed to process human waste only. There is
- 8 nothing in the design standards which incorporate
- 9 treatment of industrial waste or for that matter
- 10 pharmaceutical waste. Pharmaceuticals are not
- 11 processed out or filtered out in the treatment
- 12 process.
- In January 1994 I represented the E3 board
- 14 in Springfield at a roundtable meeting with the IEPA,
- 15 the Illinois Bureau of Water, various engineers,
- 16 and then State Senator Steve Rauschenberger. Up
- 17 until that time these land application systems were
- 18 loosely regulated both in design and operation.
- 19 The one at the Glenwood site predates any of those
- 20 regulations. It is currently grandfathered.
- We have taken -- we were taken by the
- 22 number of LAS sites, land application sites,
- 23 around the country and hit with the environmental
- 24 radar. In the late '70s, Muskegon, Michigan,

- 1 which used the same designer of these systems
- 2 resulted in a large settlement with area residents
- 3 when they complained about odors and upper
- 4 respiratory issues. They won. It required that
- 5 Muskegon, Michigan, spend \$55 million in the 1970s
- 6 to redesign the system.
- In 2007 Attorney General Lisa Madigan sued
- 8 the development known as Lakemoor out of Lake County
- 9 over complaints on the operation of their land
- 10 application system.
- On a more local level, following three years
- 12 of reported violations and on initiative of the
- 13 IEPA, Lisa Madigan in 2010 filed suit against the
- 14 Wasco Sanitary District in our own community. The
- 15 suit made claims in which wastewater affluent was
- 16 discharging to Mill Creek, and the spray was
- 17 drifting across the road right-of-ways and hiking
- 18 paths in a nearby subdivision. The Wasco Sanitary
- 19 District paid a substantial fine to settle with
- 20 the Attorney General.
- All were violations of their operational
- 22 permits. It's not the problem with the design in
- 23 a sense; it's operating outside the permits.
- 4 Glenwood is not designed -- there is not a
- 1 land application system in the state of Illinois
 - 2 which is designed to filter, or treat, or process
 - 3 pharmaceuticals.
 - 4 Back to Glenwood, as mentioned, the design
 - 5 of the land application system is based upon normal
 - 6 biological human waste, period. Fact, the
 - 7 processing of pharmaceutical waste was never
 - 8 factored; I've already mentioned that.
 - 9 This would be a first if Kane County adopted
 - 10 this site. There is nothing in the IEPA permit
 - 11 which even mentions regulations of pharmaceuticals,
 - 12 and I only have one copy here but I do have a copy
 - 13 of the permit issued by IEPA for the Glenwood site.
 - 15 of the permit issued by 121 A for the Glenwood site
 - 14 There is chlorine, and nitrogen, and BOD, and all
 - 15 kinds of other chemicals. There's not a person in
 - 16 this room, if I may brag, that knows more about land 17 applications than I do. I have been a follower of
 - 18 what's going on with Wasco Sanitary for over
 - 19 25 years and participated in bringing to the
 - 20 attention of Ms. Madigan's office the Wasco
 - 21 violations.
 - In fact, the IEPA does not make regular
 - 23 visits or pull samples of its own for these
 - 24 systems. They are site self-reporting. The only

1 way the IEPA comes out is if there is a claim or a

2 violation that has been well documented. That's

3 the only way the IEPA comes out.

I say that with importance because keep in 5 mind it will be the Maxxam folks who report the

6 conditions of that wastewater treatment, not the

7 IEPA. It is a secure site. It is a site that's

8 governed under HIPAA. How does one as a concerned

9 citizen or one in knowledge ever get access to any

10 of the violations? It can't be done.

We've heard that the court is going to

12 take responsibility for full enforcement. We all

13 understand the restrictions on HIPAA. How do you

14 report that to court to get it done? It took

15 three years and a pressuring of the IEPA attorney

16 to take action. Had full access in Wasco, had

17 full access up in Lakemoor, but you don't have

18 access at Glenwood.

Pharmaceuticals do pass through the human

20 body and are excreted to the wastewater. Now,

21 please refer to the map. In the map I've

22 highlighted for you in the lower corner a copy of

23 the Glenwood site. If you'll notice the color

24 coding on there, there are two basic colors on

1 Health and safety are absolutely key in this. You

have the ability to protect the community, protect

its residents, and for that matter protect the

potential individuals who would be candidates and

clients of this.

6 It's not the right location; it's a

jeopardy to the community; it's a jeopardy to the

potential patients. This service is better suited

9 in close proximity to a hospital. What do all of

10 the other locations in Illinois know that is amiss

11 here with Maxxam?

12 Please vote no. Thank you.

13 (Applause.)

14 CHAIRWOMAN MELGIN: Thank you, Mr. Tyrrell.

15 Monica -- I can't read the rest of the

16 name. It starts with a G.

17 AUDIENCE MEMBER: Monica had to leave.

CHAIRWOMAN MELGIN: Oh, she had to leave? 18

19 Okay.

Paul Mar -- how do you pronounce your 20

21 last name?

22 MR. MARSCHINKE: Paul Marschinke,

23 6N766 Palomino Drive, 34-year resident at that

24 location. I am a retired municipal water manager

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1 there. There's a pale green, and if you look at

2 the legend up in the right-hand side, it identifies

3 that green which encompasses the land application

4 site at this point as a fen recharge area. If

5 there's anyone on this panel who doesn't understand

6 the significance of a fen, please raise your hand.

They are significant groundwater recharge areas.

If you look to the south at the lower end

9 of the ring going around two-thirds of the site,

10 you'll see that it is a Zone A floodplain. These

11 are low water tables. Glenwood is grandfathered;

12 it is not conditioned by current standards in all

13 cases. This is a case where pharmaceuticals do

14 pass through the human body, they're processed

15 through the wastewater treatment plant, sprayed on

16 the land, and they wind up in the ground water.

17 It's a fact.

If there are issues here of public safety,

19 health, and welfare, this is one. This is a big

20 one. Please don't feel that it's going to go

21 away. We can't monitor at the site.

Number two, you heard testimony from the 22

23 Fox River Countryside fire rescue. There is no

24 way for the court to monitor their activities.

1 with a local municipality and very familiar with

groundwater, groundwater activities, and also

shallow aquifers.

When I drilled my well 34 years ago, my

5 neighbors were at 4-, 500 feet, pulled into the

dolomite formation. I, knowing the shallow sand

and gravel, finished in the glacial till. So I am

8 a direct resident looking at and I am very aware

9 of what happens with recharge areas and what can

10 happen downstream. In municipal settings we're

11 able to post signage that says, "In the event of a

12 spill, you must contact local authorities to

13 manage the spill and make sure the cleanup is done

14 properly."

15 Not knowing what's going to happen at

16 Glenwood, I am very familiar with what happens

17 with pharmaceuticals in the groundwater supply.

18 I'm looking at multiple surface water communities

19 that are dealing with that issue right now because

20 there are no regulations regarding groundwater or

21 surface water contamination, groundwater under the

22 direct influence of surface water, either.

So at that point, without knowing where

24 we're going to be going in the future regarding

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101 103 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 Especially hearing that this group is not even 3 in jeopardy based on the pharmaceuticals that will certified to do it, that doesn't make any sense 4 be present in the wastewater stream that's going to be provided. 5 So I want to thank you guys, but I would Thank you. ask you guys, please protect this community and 6 7 vote against this request. Thank you. CHAIRWOMAN MELGIN: Thank you. 8 8 (Applause.) (Applause.) 9 CHAIRWOMAN MELGIN: We're talking about CHAIRWOMAN MELGIN: Thank you, Mr. Barlow. 10 10 putting the topographic map into evidence. Do I Robert Peterson. MR. PETERSON: Good evening. Robert 11 have a motion for that? 11 MEMBER LAKE: I move to allow the 12 Peterson. I'm at 40W095 Carl Sandburg Road. What's new? What's changed? Well, we're 13 topographical map into evidence. 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 the mayor -- I live in Campton Hills -- after 16 CHAIRWOMAN MELGIN: Move this in as 17 Exhibit 7. It is the Natural Resources Evaluation 17 listening to our mayor talk about the stress on 18 the police department, and then the fire 18 Zone Data Map, Area 1. MEMBER LAKE: Yes. We do have to take 19 department, that really scared me. So that has 20 changed me, and I'm certainly going to tell my 20 a vote. 21 21 neighbors. And a lot of them -- and I told them I CHAIRWOMAN MELGIN: Everyone in favor. 22 was going to come here, several by email. It 22 (Ayes heard.) 23 CHAIRWOMAN MELGIN: Against. 23 probably just was happenstance, but it's amazing 24 how this just fell on a date in the middle of the 24 (No response.) 102 104 CHAIRWOMAN MELGIN: Vote passes. summer with two weeks that it was up on the 2 (Exhibit 7 marked for identification.) website -- it wasn't even complete on the website. 3 CHAIRWOMAN MELGIN: Vince Barlow. So if you look at the decree -- and I've had MR. BARLOW: Vince Barlow, 41W650 McDonald 4 very little chance to read it, but they're going 5 Road. to use reasonable effort to pursue accreditation. First of all, I've been at all the Well, I'm using reasonable activity to 7 different hearings here, and I want to thank you reduce my weight, and it's not going as well. So 8 guys for sitting through it all. I want to thank yesterday was my anniversary, and somehow I blew 9 all my neighbors. We've come here before just into a Blizzard for the celebration. 10 passionate. This time you guys came prepared, and 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 are we going to change that? That's important. 17 one -- they broke into a pharmacy and drink Sterno 18 and aftershave. I know what desperate people do. And in the end -- and we have talked about 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.

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So the fence. Is the fence thermal, I read? Is the fence not a fence? Is the fence 4 feet and somebody's dog could jump over it?

How many facilities do we have in the state that run on septic? And that's the extent of my knowledge. We probably don't. At least what I was able to quickly look at we don't have facilities that run on septic in this state.

9 How many facilities do we have in the 10 state or in the country that are only served by 11 two-lane roads, two-lane roads for the fire, 12 two-lane roads for the police? It's a stretch. 13 We're stretching.

So the elephant to me is -- you know, it's 15 a private pay. It's a \$1,000 a day we were told. 16 I have a PhD in marketing; I teach marketing. No 17 one is coming up to Campton Hills in February in 18 Illinois if they can go to Florida, Malibu.

19 So some of the things that have been said 20 and claimed, I find it hard to believe. So the 21 private pay is not enforceable as we know. ADA 22 and the judges are not going to let us tell these 23 people what to do once we have a change to our 24 zoning.

1 to sue you, and we have an agreement from some

- 2 Federal judge." Which, again, when it comes to an
- 3 ADA situation, we're not going to be able to tell
- 4 these people what to do. Even if it's not, it's
- 5 these gentlemen up here representing another client,
- 6 you're not going to be able to say that we can't
- 7 take these particular patients or we can't sell
- 8 this facility right and treat other patients --
- 9 excuse me -- other patients to different 10 ownership.
- So there's a lot of people who couldn't be
- 12 here, and I can tell you where they are. They're
- 13 in Michigan; they're in California; they're in
- 14 Florida -- I think that's too hot -- but they're
- 15 not here because it's August 1st. So I would ask
- 16 you guys after all this to say no, we should not
- 17 change our zoning rules to accommodate someone.
- 18 Thank you.
- 19 CHAIRWOMAN MELGIN: Thank you.
- 20 (Applause.)
- 21 CHAIRWOMAN MELGIN: Darice -- if you can
- 22 pronounce your last name for me.
- MS. TIRITILLI: Hi. It's Darice Tiritilli.
- 24 I live at 42W976 Brierwood Lane, Campton Hills.

Maintaining staff levels, I saw that. We can't tell them how to run their business. Again,

- 3 HIPAA, ADA. The number of people, is it 75; is it
- 4 96; is it 120? I saw those. Again, once they got
- 5 what they want, they're not going to be able to
- 6 listen to us. And then the permit I read was good
- 7 for five years, and we'll renegotiate or see how
- 8 to be a good corporate citizen. That's not going
- 9 to happen, either. They're going to have every 10 protection that is known.
- Do these people need help? Yes. Do these people need help in a different location? Probably.
- 13 And that's what you're being asked to yet again -- 14 it's gotten kicked downstairs. What has changed?
- Taxx II
- 15 Well, our good friends have decided that they
- 16 didn't like the outcome -- not necessarily the
- 17 process, they didn't like the outcome so they sued
- 18 us. That's not a good way -- as somebody else
- 19 mentioned, that's not a good way to approach this.
- 20 So for a host of reasons some of you heard, 21 and this elephant in the room is we're not going
- 22 4 1 11 4 4 1 41 T 1117
- 22 to be able to control anything, I would like us
- 23 not to change our zoning rules and just keep it --
- 24 I haven't heard anything other than, "We're going

- 1 Okay. I probably won't be as like interesting or
 - 2 eloquent as the people who have been up here
 - 3 talking.

- 4 I do have a quick question, though. I
- 5 didn't hear what they said they were going to pay
- 6 in property taxes.
 - AUDIENCE MEMBER: 330,000.
- 8 MS. TIRITILLI: And that's for sure.
- 9 AUDIENCE MEMBER: Go to the tax assessor's 10 website.
- MS. TIRITILLI: Okay. I wasn't for sure.
- 12 So anyway, I've lived in Campton Hills for 25 years,
- 13 and this morning I was sitting on my patio, having
- 14 my coffee, just looking around and thinking, boy,
- 15 this is -- it's so serene, and peaceful, and
- 15 this is -- it's so science, and peaceto
- 16 wonderful where I live.
- 17 And I don't have anything -- I am all
- 18 about people who need help for alcoholism and drug
- 19 addiction. I'm all about that but my main concern
- 20 is this is not where this facility belongs. If
- 21 you drive down the streets in our neighborhood,
- 22 you'll see farms, and it's open, and I have deer
- 23 coming through my back yard and that. I pay about
- 24 \$10,000 in taxes a year. We don't go on vacation --

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1 well, we did; it was like once in 10 years.

2 My point is when I'm paying those \$10,000 a 3 year in taxes, there really is nothing other than

open land and serenity. It's worth it because

that's what I get.

6 That's my main concern is just keeping it 7 rural and how our community should be. And I guess that's it.

CHAIRWOMAN MELGIN: Thank you.

10 (Applause.)

CHAIRWOMAN MELGIN: Okay. Just to give 11

12 everybody an idea on time here, we've got four more

13 speakers that have signed up. So I want to make

14 sure everybody gets a -- we might as well go

15 through the last couple speakers, and then we'll

16 take a recess, and we'll figure out where we're

17 going after that. But everybody that signed up, I

18 want to make sure they had a chance to speak.

Patti Anne -- I can't read your last name --20 Patti Anne --

21 MS. ABEAR: It's Abear. Good luck.

22 My name is Patti Anne Abear. I live at

23 41W900 Hunters Ridge. I've been to all of these

24 meetings, and I want to thank you for being at yet

1 again another meeting, and I'd just like to make a

2 few comments.

At the beginning of today's meeting

4 Attorney Tabet had made some comments regarding

5 Maxxam's obligations and the fact that they're

6 enforceable, but we haven't really gotten

7 information as to how these things are enforceable.

8 We've talked about reasonable efforts getting

9 JACHO accreditation, but it seems as though we're

10 kind of at the same place we were a couple of

11 years ago talking about enforceability even though

12 we're at this consent place. So just some

13 questions around the enforceability, saying it's

14 enforceable without proving it's enforceable is a

15 question I have, and I'm sure some of my neighbors 16 do, as well.

17 We know based upon the testimony that the

18 fire department is understaffed, and they said

19 today about continued risk of delayed response

20 time, and it could reach dangerous levels.

21 I have lived right off of Silver Glen for

22 over 20 years, and right as you go into the

23 Glenwood School for Boys, using the route that

24 Fire Chief Nixon talked about, taking Burlington

1 Road up to Silver Glen, and then turning right

onto Silver Glen and then taking that into

Glenwood, it causes you to take a left to go into

4 Glenwood. There is no left-hand turning lane, and

5 it is a blind S-curve.

In the 20 years that I have lived there

7 there have been a multitude of accidents, a

8 multitude. I can tell you I know of two that were

9 fatalities. One was a young man on a motorcycle,

10 and one was a young man that was in a Jeep. And

11 that's concerning to me because if we're going to

12 have increased police, increased ambulances, people

13 panic when they see ambulances, and they panic

14 when they see police. There really isn't anywhere

15 to pull over safely to allow to emergency vehicles

16 through, and if you make a mistake on the S-curve,

17 you can have a terrible accident unintentionally.

So I wanted to bring that to your attention

19 because if you haven't driven that area, you don't

20 really understand how blind that S-curve can be as

21 you come around. There's no turn lane; it's just 22 not safe.

23 So I'm asking you for the public safety

24 and for the patients' safety. The patients are

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going to be coming and going in those ambulances,

as well. I'm not just talking about the people

that are sitting there; I'm talking about the

people that are going to be using that facility,

as well. Their safety is at risk, as well. It's

just not a safe place.

So thank you for giving me the opportunity

8 to speak this evening.

9 CHAIRWOMAN MELGIN: Thank you.

10 (Applause.)

11 CHAIRWOMAN MELGIN: I'm going to ask you to

12 please limit your sidebar conversations. Thank you.

13 Kathleen Smith.

MS. SMITH: I'm Kathleen Smith,

15 7N020 Brierwood Drive in Campton Hills. I live

16 just a block from the entrance to Glenwood.

I sent an email to all of you, and you

18 know my feelings as being a neighbor of the thing,

19 how I felt about -- you know, what we thought as

20 neighbors. But now I'm also concerned about the

21 patients there, the possible patients.

22 We've lived there since -- we bought the

23 property in 1972. So we've been there, you know,

24 in that area for a long time, and I think we have --

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1 you have a responsibility to Kane County, but I 2 think everybody has a responsibility to the 3 possible patients there. If the ambulance is at our house or our 5 neighborhood, they are not going to get it. They 6 are going to be the ones waiting the extra time. 7 They're saying 15, 20 minutes. That's to the 8 hospital. That's not leaving the station, getting 9 there, servicing the person, and getting them to 10 the hospital. It will be even longer. Same with the fire -- or police. If they're 12 being occupied somewhere else, they're not going

13 to be able to make it there in time. So those too 14 for the patients, that's what we have to think about. The distances from businesses. We're 16 seeing a fence but I don't think they're going to 17 be locked in. Those patients are going to be able 18 to come and go as they please. They're not going 19 to be locked in, and where are they going to go? 20 There's not a store around there; there's not a 21 restaurant. Unless you're driving -- which you're 22 there because of alcohol; you're probably not --23 you're going to be stuck. There's nothing out 24 there for them. Public transportation, they'd

1 have to call a taxi or something, but I don't know 2 how many will have brought their own vehicles. So 3 that's another thing to think about. These 4 patients are going to be trapped there. Again, I'm thinking the way the news is

6 going all you hear about is drug abuse and drug 7 problems in the areas especially like the city but 8 it's everywhere. I'm wondering if Maxxam is just 9 jumping on the band wagon. I mean, if they charge 10 1,000 a week, that's a \$6 million business. If 11 they're charging \$1,000 a day, that's a \$43 million 12 business.

13 So I'm hoping they're just not jumping on 14 the band wagon. They have no experience in 15 operating a place like this, and I wouldn't go to 16 a doctor that has never had any experience or a 17 dentist, and these people have no experience in 18 running a place like this.

So I'm here now -- even though my email 20 was about the neighbors, I'm here now thinking 21 more about the patients there, how we have a 22 responsibility as -- humanity to these patients. So that's another thing to consider.

24 Thank you.

CHAIRWOMAN MELGIN: Thank you. 1

2 (Applause.)

CHAIRWOMAN MELGIN: Maureen Zwier.

4 MS. ZWIER: I'm Maureen Zwier, 41N660 Fox

5 Bend Drive. I will be referencing two studies.

6 First, the Screening Level of Pharmaceuticals in

7 Septic Tanks, Groundwater, and Surface Water in

8 Missoula, Montana, from the University of Montana

9 2004. Second, a 2008 article from Montana State

10 University based on several global studies. I do

11 not have the copies of these articles or studies,

12 but I can provide links to them if you need them.

Both reference and state that

14 pharmaceuticals used by humans are not broken down

15 within their bodies. Per the University of Montana

16 study, many pharmaceuticals are not filtered out

17 through the septic process. This study also shows

18 many pharmaceuticals do not end up in shallow

19 aguifers -- I'm sorry -- this study shows

20 pharmaceuticals do end up in shallow aquifers.

Per the Montana State University study,

22 the only process that removes all pharmaceuticals

23 from septic systems, shallow aquifers, and

24 drinking water is reverse osmosis. I do not know

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how many people that get their water from shallow

aguifers in our area have reverse osmosis filters. No studies have measured the antipsychotics,

4 the antidepressants, and the opioid antagonists

that detox/rehab patients are prescribed. However,

other pharmaceuticals have been measured, and

according to the University of Montana paper, they

8 are present in septic tanks of people taking the

9 drugs. They are present in the shallow water

10 aquifers, and they are present in the septic used,

11 and they are only eliminated by reverse osmosis.

The effect of these drugs is unclear and

13 unproven. Studies are currently being done. I

14 guess it depends on your conscience whether you

15 wish to prevent this potential risk or if you

16 choose to gamble with people's well-being.

17 Thank you.

CHAIRWOMAN MELGIN: Thank you. 18

19 (Applause.)

20 CHAIRWOMAN MELGIN: Jeff Zwier.

21 MR. ZWIER. My name is Jeff Zwier,

22 41N660 Fox Bend Drive in Campton Hills, Illinois,

23 very close to the facility under discussion.

24 Thank you for the opportunity to speak to

PLANET DEPOS

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1 you again. We've been here before. Brought back.

- 2 I've talked to you in the past, and all of us over
- 3 here have talked in the past about how we believe
- 4 based on the evidence presented that the petitioner's
- 5 case, whether it's augmented by a side deal with
- 6 the fire department or with the consent decree
- 7 bullied through lawsuits does not satisfy the
- 8 six conditions that you, our trusted experts on
- 9 zoning, use to figure out should we do this.
- 10 We trust you as stewards of our community,
- 11 of our future, of our land. You're the ones that
- 12 were appointed, volunteered, did research, read a
- 13 heck of a lot of boring papers I'm sure to figure
- 14 out if the water going this way is going to screw
- 15 something up or a guy building something over here
- 16 is going to screw something up and say yes, no,
- 17 make this work in the public interest on those
- 18 six criteria.
- You asked for new evidence. You got all
- 20 that stuff already. In the words of other people
- 21 who have been at this microphone I won't comment
- 22 on that but just refer you to the record.
- The thing I'd like to ask you to consider
- 24 now is empathy. And it's not about keeping our
- 1 pastoral lifestyle; it's not about whether or not
- 2 our health might be threatened in 30 years or in
- 3 50 years when a child gets sick and it's from the
- 4 groundwater coming out of the well a few hundred
- 5 yards away from this facility from some unknown
- 6 substance, and there's really no one around left
- 7 to sue at that point really because things could
- 8 have changed hands since then. I'd like you to
- 9 have some empathy for the patients of this 10 facility.
- Based on evidence presented by the people 11
- 12 sitting here, the owner of this initiative is a
- 13 third-generation luxury real estate developer.
- 14 Personally, if I needed a hangnail taken care of,
- 15 that's not the expertise I'd be seeking out for
- 16 treatment, let alone if I was an addict who is
- 17 struggling with addiction of any kind. It's not
- 18 about "Not in My Back Yard"; it's about doing the 19 job right.
- There's a lot of evidence that says in the
- 21 State of Illinois that if you do the job right
- 22 you're collocated with a hospital; you're not
- 23 20 minutes away from the nearest hospital. There's
- 24 a lot of evidence if you're going to do the job

- 1 right, you're in an area where the infrastructure
- is sufficient to handle traffic from emergency
- vehicles in consideration of public safety, not at
- the end of a blind S-curve with nowhere to pull to
- the side if an ambulance comes by.
- In 1990 I was a student at the University
- 7 of Illinois, and we had a medical crisis in my
- dormitory. That crisis was someone overdosing on
- 9 drugs. He did survive barely. The transit time
- 10 between my dormitory and where he was treated was
- 11 under eight minutes. It was up an unobstructed
- 12 two-lane road with one light to the nearest
- 13 hospital and he barely made it.
- 14 I'd like to ask you once again, vote your
- 15 expertise, vote your conscience, vote your empathy,
- 16 and do the job right. Thank you.
- 17 (Applause.)
- 18 CHAIRWOMAN MELGIN: Thank you, Mr. Zwier.
- 19 It's about 10 to 10:00 so I'm going to take a
- 20 recess, and we are going to confer on how to go
- 21 forward with this continuation. So 10 minutes.
- 22 (Recess taken, 9:49 p.m. to 10:02 p.m.)
- 23 CHAIRWOMAN MELGIN: All right. First, I
- 24 want to ask, was there anybody that wanted to give

118 a statement that wasn't able to?

- AUDIENCE MEMBER: I would like to.
- 3 CHAIRWOMAN MELGIN: All right. Come on up.
- 4 MS. FREDA: My name is Ellen Freda. I live
- at 41W670 Barberry Lane, and I've spoken many times.
- I didn't want to speak tonight because when
- I read the newspaper article about the lawsuit, I
- was quoted, and it was a quote that kind of made
- us all look like idiots, something about the
- 10 paparazzi, and that's not what I meant.
- 11 We've discussed this it is over 20 times I
- 12 think. We've had meetings where all of our time
- 13 has been spent here trying to be respectful,
- 14 trying to be passionate and it's been turned down.
- 15 It was kicked back and it was turned down again.
- 16 The reasons are still the same why it should be
- 17 turned down.
- Mr. Marco, the thing that struck me is
- 19 this man says he's so caring, and he wants to help
- 20 people, and we really do have a need for these
- 21 places. So instead it's been brought up that
- 22 they're better suited to be on a four-lane road to
- 23 get the ambulances and more suitable to be near a
- 24 hospital. Does he go and buy land by a hospital

121 123 1 and build a facility that'll be state of the art? Here's the other thing that I've been 2 No. What he does is threaten a lawsuit to sue the wondering about. As I was looking at this on the 3 heck out of this county, and we in this room feel last go-around I spoke to our representative Barb 4 bullied. We all feel bullied. We have been here, 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 Board members before it went to the Board, and I discovered that Kane County is really two counties 7 hurt our property values; it's going to hurt our 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 east of Randall, and it basically follows the Fox. 10 am fed up. Thank you. I think you need to think about where you 11 12 12 live relative to this. I think it would be worth (Applause.) 13 13 your while to drive out there and take a look at it CHAIRWOMAN MELGIN: Thank you, Ellen. Is there anyone else that wants to provide 14 if you haven't already. Those are my suggestions. 14 15 a comment? 15 It's rural. It's not city yet. It's slowly being 16 sucked up into the city but it's not city yet. MEMBER FALK: The gentleman in the back. 16 17 CHAIRWOMAN MELGIN: Okay. 17 We're still on well and septic out there. What else can I tell you? Do the right 18 MR. WAGNER: You didn't get my name; sorry 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. Thank you for your time. 22 AUDIENCE MEMBER: I can't hear you. 22 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. CHAIRWOMAN MELGIN: What I'm asking the 2 So what's different here? Same lawyers, staff is if staff could forward us the agreement 3 same story -- different lawyers, though, now. with the fire district, and the Board will review 4 Different lawyers so that's something, but it's that and consider it's possible to be put into the 5 still the same story. "Hey, we're going to have a record after we've had a chance to review it. 6 fence now, a 4-footer. That will do it." Doesn't And what was the other thing? It's 7 seem to me that's the answer. getting late. Now I've forgotten my third thing. 7 You know, if I were sitting in your shoes, 8 But I'm going to have a motion to continue 9 this public meeting to next Tuesday, August 7th. 9 I'd want my client to prepare a hell of a proposal, 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

14 Foure trying to sen something that hobody wants
15 to buy. Am I wrong? You know, it's common sens
16 fellas.
17 Here's the thing. I've heard about the
18 lawsuit. I don't know all the details, but I have
19 personally been involved in a lawsuit, and I guess
20 my feelings are, so sue me. If you think you've
21 got that good a case, try it. Let's see what
22 happens. I have no problem with that, and I think
23 you folks, if I were sitting in your shoes, I'd
24 say the same thing, too, the hell with you.

MEMBER LAKE: Motion to do so.

MEMBER ARIS: I'll second.

MR. BLECKER: The continuance is fine but

ment Tuesday is National Night Out, and many, many

people -- Kane County Sheriff's Department has a

big National Night Out; Campton Hills has a

hational Night Out where people are going to be in

their communities. I think continuing it until

mext Tuesday is not in favor of the people that

method are here tonight.

We all want to be here at the next meeting,

and if you schedule it for something when we have

another extremely important event going on all over

the county, it is disrespectful to these people.

CHAIRWOMAN MELGIN: That certainly wasn't

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125	127
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
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
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	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
24 Wational Wight Out, it appears that I desday hight	24 But do we have a motion to have this
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 request	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	
I	16 will continue next Tuesday at 7:30, August 7th.
17 important things going on. If it's tomorrow night,	Do I have a motion to adjourn? MEMBER ARIS: I'll may a we adjourn
18 first, they have less than a day to consider it.	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

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1 CERTIFICATE OF SHORTHAND REPORTER	
2	
3 I, Paula M. Quetsch, Certified Shorthand	
4 Reporter No. 084-003733, CSR, RPR, and a Notary	
5 Public in and for the County of Kane, State of	
6 Illinois, the officer before whom the foregoing	
7 proceedings were taken, do certify that the foregoing	
8 transcript is a true and correct record of the	
9 proceedings, that said proceedings were taken by	
10 me stenographically and thereafter reduced to	
11 typewriting under my supervision, and that I am	
12 neither counsel for, related to, nor employed by	
13 any of the parties to this case and have no	
14 interest, financial or otherwise, in its outcome.	
15	
16 IN WITNESS WHEREOF, I have hereunto set my	
17 hand and affixed my notarial seal this 5th day of	
18 August, 2018.	
19	
20 My commission expires: October 16, 2021	
21 0	
22 Jauly Vantul,	
23 Notary Public in and for the	
24 State of Illinois	

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