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Transcript of Public Hearing Petition No. 4462 Volume 1

Date: August 1, 2018

Case: Kane County Zoning Board of Appeals

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BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS

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In Re: :
MAXXAM PARTNERS, LLC, :
GLENWOOD ACADEMY, :
Special Use request in the :
F-Farming District for a :
private-pay alcoholism and : Petition No. 4462
substance abuse treatment :
facility, 41W400 Silver Glen :
Road, Section 19, Campton :
Township (08-19-400-004) and :
Section 34, Plato Township :
(05-34-300-032 & 05-34-400-025)

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PUBLIC HEARING - VOLUME I
St. Charles, Illinois
Wednesday, August 1, 2018
7:06 p.m.

Job No.: 198558
Pages: 1 - 129
Reported by: Paula M. Quetsch, CSR, RPR

1 PUBLIC HEARING, held at the location of:

2

3 KANE COUNTY CIRCUIT COURT CLERK -

4 BRANCH COURT

5 530 South Randall Road

6 St. Charles, Illinois 60174

7 (630) 232-3495

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11 Before Paula M. Quetsch, a Certified Shorthand

12 Reporter, Registered Professional Reporter, and a

13 Notary Public in and for the State of Illinois.

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1 PRESENT:

2 WENDY MELGIN, Chairwoman

3 TRACY ARIS, Member

4 MARC FALK, Member

5 MARY LAKE, Member

6 MARGUERITE MILLEN, Member

7

8 ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC:

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7 (630) 377-7372

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9

10 ALSO PRESENT:

11 MARK VANKERKHOFF, Zoning Enforcing Officer

12 KEITH BERKHOUT, Secretary

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P R O C E E D I N G S

CHAIRWOMAN MELGIN: Good evening. We're going to call this meeting to order.

Keith, do you want to do roll call?

MR. BERKHOUT: Yes, Madam Chairwoman.

Aris.

MEMBER ARIS: Here.

MR. BERKHOUT: Falk.

MEMBER FALK: Present.

MR. BERKHOUT: Lake.

MEMBER LAKE: Here.

MR. BERKHOUT: Melgin.

CHAIRWOMAN MELGIN: Here.

MR. BERKHOUT: Millen.

MEMBER MILLEN: Here.

MR. BERKHOUT: Barbosa.

(No response.)

CHAIRWOMAN MELGIN: We can do the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

CHAIRWOMAN MELGIN: Thank you for coming tonight. Since the last time the petitioners were before us, on this Board we lost a member of the Zoning Board who moved out of state. And normally

1 our chair is the Honorable Manuel Barbosa, who is
2 a very capable leader of us. He recused himself
3 the last time, and he's also recused at this time
4 from this hearing.

5 So is there a motion to appoint an acting
6 chair for this meeting?

7 MEMBER FALK: Yes, I would like to make
8 that motion and appoint you as the acting chair
9 for this meeting in hearing Petition 4462.

10 MEMBER ARIS: I'll second.

11 CHAIRWOMAN MELGIN: All in favor say aye.

12 (Ayes heard.)

13 CHAIRWOMAN MELGIN: I have experience
14 running public hearings, maybe not quite exactly
15 like this one. So please be patient with me. I'm
16 going to be asking sometimes for the State's
17 Attorney's advice when I think it's necessary.

18 So I'm going to go through some background.

19 So good evening to the petitioners and
20 their representatives, the representatives of units
21 of government, adjacent property owners, and other
22 interested parties of the public. The public
23 hearing this evening is for Maxxam Partners, LLC,
24 Glenwood Academy Petition 4462 for special use in

1 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
5 you know, but here's a recap of this.

6 The petitioner had filed a petition for
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.

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

15 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.

19 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.

24 At this time I will entertain a motion to

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?

7 MEMBER FALK: I'll second.

8 CHAIRWOMAN MELGIN: All in favor say aye.

9 (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.

15 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

1 evidence related to Petition 4462 and the conditions
2 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
5 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.

12 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 disagreement with a previously heard comment,
2 please just state that you agree or disagree with
3 the previously made comment.

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

7 MR. SHEPRO: Madam Chairman, may I inquire
8 if that three-minute also limit also applies to
9 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?

14 CHAIRWOMAN MELGIN: We'll be a little bit
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.

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

1 more than three minutes, and if the Board is not
2 going to allow that, I don't see really much point
3 to the fire district participating in this hearing
4 under those conditions.

5 CHAIRWOMAN MELGIN: You can't have your
6 testimony in --

7 MR. SHEPRO: In three minutes? No.

8 CHAIRWOMAN MELGIN: How much time do you
9 think you're going to need?

10 MR. SHEPRO: Perhaps as much as 30 minutes.
11 I don't know. It depends on the cross-examination;
12 it depends on the questions from the Board.

13 MEMBER FALK: That's all new evidence?

14 MR. SHEPRO: It's all new evidence.

15 CHAIRWOMAN MELGIN: Testimony is a little
16 bit different. So you were going to have a witness?

17 MR. SHEPRO: I'm going to have at least
18 two witnesses. I may have a third depending on
19 the direction that the testimony takes.

20 CHAIRWOMAN MELGIN: Well, each witness
21 could be limited to 10 minutes each. We would
22 consider that.

23 MR. SHEPRO: Will consider it?

24 CHAIRWOMAN MELGIN: Thank you.

1 All speakers shall be civil with no
2 profanity or name calling. During the hearing
3 audience members please remain quiet. We realize
4 that many of you have very strong feelings about
5 this issue, but we would appreciate your
6 cooperation. Silence all cell phones; do not
7 engage in side talk. Disruptive audience members
8 will be asked to leave. We hope that doesn't
9 happen, but we please ask for your cooperation.

10 We've had several hearings previously in
11 this matter, and we've learned the process as we
12 went through those. So to ensure that everybody
13 has an opportunity to speak in an orderly fashion,
14 each speaker was asked to sign in, and that will
15 make it a lot easier; I can call up a person's
16 name rather than having multiple people trying to
17 speak at the same time. After nearby property
18 owners, adjacent property owners, and units of
19 government speak, speakers will be taken in the
20 order in which they signed up. So I'll be calling
21 your name for that.

22 So as you can see, our court reporter is
23 back, and she's taking down verbatim everything
24 that's said tonight. A copy of the transcript

1 from tonight's hearing will be made available to
2 the County Board with County's recommendation.

3 Please state your name and address clearly.
4 Try to speak slowly. I have a hard time with
5 that, so I've told her to tell me I need to slow
6 down if I need to. So just remember somebody is
7 taking down what you're saying.

8 Before we begin, a couple of housekeeping
9 matters. The proposed consent decree will be
10 marked as Exhibit 1 and made part of the record.

11 (Exhibit 1 marked for identification.)

12 CHAIRWOMAN MELGIN: The County sent notice
13 of this proceeding to property owners within
14 250 feet of the petitioner's property, published
15 notice in the Daily Herald and Kane County
16 Chronicle, and placed three signs around the
17 property. A copy of the notice mailed to nearby
18 property owners and a list of those owners is
19 being made part of the record as Exhibit 2.

20 (Exhibit 2 marked for identification.)

21 CHAIRWOMAN MELGIN: A copy of the notice
22 from the papers is being marked as Exhibit 3.

23 (Exhibit 3 marked for identification.)

24 CHAIRWOMAN MELGIN: Finally, a photograph

1 of the sign placed at the entrance of the property
2 is marked as Exhibit 4.

3 (Exhibit 4 marked for identification.)

4 CHAIRWOMAN MELGIN: The Board received
5 letters -- I don't know how many -- letters from --
6 three letters from members of the public relating
7 to Petition 4462. These letters and emails are
8 being made part of the record this evening as
9 Group Exhibit 5.

10 (Exhibit 5 marked for identification.)

11 CHAIRWOMAN MELGIN: Do I have a motion to
12 accept Exhibits 1 through 5 as part of the Board's
13 record in this matter?

14 MEMBER LAKE: So moved.

15 CHAIRWOMAN MELGIN: Second?

16 MEMBER ARIS: I'll second.

17 CHAIRWOMAN MELGIN: All in favor say aye.

18 (Ayes heard.)

19 MR. SHEPRO: Madam Chair, could you indicate
20 for the record the identity of the persons
21 submitting the three letters?

22 MR. VANKERKHOFF: Sure. And for
23 clarification, there were five letters that were
24 received.

1 The first one in Exhibit 5 is dated
2 July 19th, 2018. That is from Kevin Carrara on
3 behalf of one of the adjacent property owners.

4 Second one, dated July 19th, 2018, is an
5 email from Mr. and Mrs. Cartee, close proximity
6 neighbor.

7 The third one is from Edward Schreiber to
8 the Chairman and includes an Exhibit A, which is a
9 copy of a letter that had also been sent to the
10 Kane County Board members.

11 The fourth one is an email dated
12 July 27th, 2018, from Kathleen Smith.

13 And the final one, fifth one, dated
14 Monday, July 30th, is from a Mr. Bill Rees
15 representing Pine Haven Homeowners Association.

16 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 petitioners, you may begin.

2 MR. SHEPRO: Madam Chair, for the record,
3 the fire district would join in that request for a
4 one-week postponement.

5 CHAIRWOMAN MELGIN: Noted.

6 Petitioners, you may begin.

7 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.

19 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.

23 In support of our petition, we rely on all
24 of the evidence that was previously submitted in

1 connection with the initial Petition No. 4364. We
2 rely on no new evidence except for Exhibit 1, which
3 is the proposed Federal Court consent decree.

4 That consent decree, as stated by the
5 Zoning Board of Appeals in the opening remarks,
6 has been listed on the Kane County website since
7 at least July 16, 2018. Proper notice has been
8 given, and I have a copy of Exhibit 1 that I
9 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.

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

1 states that the purpose of the Federal consent
2 decree is, quote, "intended to ensure that the
3 operation of the approved special use is beneficial
4 to and does not negatively impact the health,
5 safety, and general welfare of the Kane County
6 residents," end quote.

7 In that paragraph of the consent decree, it
8 goes on to say if any of the conditions that are
9 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.

14 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 --

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
7 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?

13 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.

3 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.

16 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.

24 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,
16 and if that's the case, can you have more than
17 120 beds be provided?

18 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

1 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?

11 CHAIRWOMAN MELGIN: On the website you're
12 asking?

13 MR. KASSON: Anywhere. Exhibit 1 that
14 you've marked as the consent decree, does that
15 have the exhibits?

16 CHAIRWOMAN MELGIN: I don't know what --

17 MR. KASSON: The consent decree references
18 seven or more exhibits.

19 CHAIRWOMAN MELGIN: I see, yes. No.

20 MR. KASSON: They're not attached?

21 CHAIRWOMAN MELGIN: No.

22 MR. KASSON: I did not find them either on
23 the website. We have a right to review those
24 exhibits, look at them because that's a change as

1 far as the fence, what that fence is going to
2 consist of, and what it's going to look like.

3 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
7 because we don't have the meaningful
8 cross-examination on the new application.

9 We'd have the right to test those opinions
10 to see if their opinions would change based on the
11 new factors or conditions outlined in the consent
12 decree.

13 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.

19 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

1 prescription drugs being used by clients on the
2 shallow aquifer system.

3 As to police and fire calls, at the previous
4 hearings you heard testimony from Fox River and
5 Countryside Fire Protection District estimating
6 150 calls a year for a 120-bed facility -- you're
7 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.

12 CHAIRWOMAN MELGIN: If you can start
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?

22 Again, you've denied the petition based on
23 the 120 beds. Now there has to be further
24 examination as to those conditions and how those

1 can impact further the health, safety, and
2 welfare. If it couldn't meet it for 120 beds, it
3 certainly can't meet if it there's more.

4 We need to determine how petitioner's
5 appraisal report by Rous & Company would change if
6 there could be more than 120 beds. Previously, at
7 page 424 he had agreed police and fire calls from
8 Timberline Knolls were significant and could
9 probably impact his valuation conclusion.

10 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.

15 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

1 that we object, and it's not similar to a hospital
2 in a farming district. Among other things, it
3 doesn't have doctors 24/7, it is not open to the
4 general public, and it doesn't have siting
5 criteria like a hospital does.

6 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.

11 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.

17 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.)

1 CHAIRWOMAN MELGIN: Please keep that to a
2 minimum so we can move through the hearing.

3 Are there any other adjacent property
4 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.

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

18 CHAIRWOMAN MELGIN: Property owners?

19 (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.

3 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

1 not otherwise available, and that agreement
2 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.

17 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

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.

8 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.

12 We were not part of that deal. We were
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.

19 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 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.

5 We have new testimony to present, and I
6 will introduce it and then call my witnesses.

7 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.

23 You will hear testimony in a few moments
24 about the effect of that failure to pass the

1 referendum that has resulted in further service
2 cutbacks, further diminution of our ability to
3 service even our existing residents, and the
4 consequences that will have to be put into place
5 this December if that's not done.

6 With that I would like to ask our district
7 president, Robert Handley, to step forward and
8 offer a statement and sworn testimony.

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

11 MR. SHEPRO: Yes.

12 (Witness sworn.)

13 MR. HANDLEY: For the record, Robert Handley
14 on behalf of the Fox River & Countryside Fire
15 Protection District. Can you hear me okay?

16 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.

21 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 provided a lot of stuff. It was complete with all
2 kinds of provisions, and I'll just highlight a few
3 of them.

4 There was a transition payment based on
5 anticipated real estate tax increases in addition
6 to -- well, in advance of the actual reassessment.
7 There were guaranteed payments of the transport
8 fees. There was a development of an emergency
9 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.

24 We entered into that agreement in good

1 faith. The consent decree has essentially ripped
2 this agreement up and said the only thing they're
3 going to do is just pay for our fees, that's it,
4 none of the additional problems that we had.

5 The next thing that happened, as
6 Mr. Shepro indicated, was that our referendum
7 failed by 34 notes. There was an election
8 contest, and it's going to be on the ballot again
9 in November. So we're hopeful, but it's a tax
10 referendum, so we're always edgy.

11 But based on our financial situation which
12 has deteriorated to the point that we've had to
13 already -- you're going to hear this from the
14 chief -- we've already had to reduce staff, we've
15 had to brown out the station, and it doesn't look
16 like we're going to be able to provide for our
17 existing residents much less another 120, 150 calls
18 that we anticipate. Although, we're not sure; we
19 don't know how many beds there are going to be;
20 it's unclear from the petition here.

21 The petitioner filed a suit -- this is the
22 next thing, the third thing. The petitioner filed
23 a suit which resulted in this proposed consent
24 decree. Now, the fire district wasn't a party to

1 the suit; the fire district wasn't a part of the
2 consent decree; the fire district didn't have
3 anything to do with it until we found about it in
4 this proceeding today, and as I indicated, this
5 is gone.

6 Now, with this being gone, we don't even
7 have those payments. And without any financial
8 contribution now Maxxam is asking to increase our
9 workload substantially as we anticipate. And
10 Maxxam has alleged that this agreement expired.
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
21 petition, at a minimum that it do so on the
22 condition that this agreement become part of their
23 requirement to be approved.

24 And that's where we sit right now.

1 MR. SHEPRO: I have no further questions of
2 Mr. Handley. He's available for cross-examination
3 or questions by the Board.

4 CHAIRWOMAN MELGIN: Does anyone have any
5 questions of Mr. Handley?

6 (No response.)

7 MR. HANDLEY: I was that thorough.

8 CHAIRWOMAN MELGIN: I see that three- to
9 five-minute thing is working really well.

10 MR. HANDLEY: I was pretty close.

11 CHAIRWOMAN MELGIN: You were good. I
12 think with these type of testimonies we'll be a
13 little bit more flexible than with a general
14 comment.

15 MR. SHEPRO: Thank you. My next witness
16 is our fire chief, John Nixon.

17 (Witness sworn.)

18 JOHN NIXON,
19 having been duly sworn, testified as follows:
20 DIRECT EXAMINATION BY COUNSEL FOR THE FOX RIVER &
21 COUNTRYSIDE FIRE PROTECTION DISTRICT

22 BY MR. SHEPRO:

23 Q Would you state your name and address for
24 the record, please. And I guess we'll both share

1 the microphone.

2 A My name is John Nixon. I'm the fire chief
3 for the Fox River & Countryside Fire District.

4 Q How long have you been chief?

5 A Two years.

6 Q Are you familiar with the request for
7 special use previously filed by Maxxam Partners?

8 A Yes. And I was -- testimony was given on
9 the 2017 petition.

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,
21 plus myself from two locations in our fire district.

22 Q Fire Station 2 is the Wasco --

23 A Yes.

24 Q -- station, and that is the station that

1 is nearest to the Glenwood School?

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

4 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
7 district?

8 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.

12 Q Would you explain what you mean by "staff
13 position"?

14 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.

19 Q And so that position has been eliminated
20 at the moment?

21 A That's correct, due to budgetary
22 constraint we had to eliminate that position.

23 Q What has the impact been on the operations
24 out of the two fire stations?

1 A Because we can't staff with four personnel,
2 we're required to run a constant call to jump
3 company from that fire station, which means that
4 when we take a call for that area, it could be
5 either a fire engine or an ambulance that
6 responds, but all three personnel respond together
7 on that piece of equipment. Where previously if
8 an ambulance call occurred we would only need to
9 send the ambulance to the hospital and keep the
10 other two people available for a second call. The
11 fire engine in that area was also advanced life
12 support equipped. So we've lost the ability to
13 serve that portion of our district effectively.

14 Q What is the cost of the three full-time
15 personnel that would be required for that one
16 round-the-clock slot?

17 A The financial impact of that cutback would
18 be approximately \$250,000 that would need to be
19 replaced.

20 Q Has there also been a change in the --
21 strike that. Let me go back to the personnel.

22 You've divided the fire district into
23 service zones for purposes of monitoring calls?

24 A To determine the effective response areas

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

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

5 A That's considered Area 2 for response
6 purposes, the division being the Randall Road
7 corridor. Area 2 would be west of that, and
8 everything east of that would be in Area 1.

9 Q So does Area 2 include the Glenwood School?

10 A Yes, it does.

11 Q In the most recent month, can you describe
12 the calls and operations in Area 2 as it pertains
13 to the fire district?

14 A Sure. During the month of July, this past
15 month that just closed yesterday there were
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.

23 Q I was going to ask you what the definition
24 of an overlapping call is but --

1 A An overlapping call situation would be if
2 I went on Call 1 in Area 1 at 9:00, and then at
3 9:30 we had a call in Area 2 for another medical
4 emergency, that's an overlapping call because both
5 medical units are committed on calls.

6 Q Now, during the month of July, have there
7 been occasions when the jump company has not been
8 available to provide service and what are the
9 circumstances?

10 A Our condition response is that if the jump
11 company is not available because of the primary
12 call being in Area 2, the ambulance from Area 1
13 would have to respond, and the additional response
14 time is taken into account.

15 If for some reason we're busy districtwide
16 with overlapping calls, then we have agreements
17 with our neighboring communities for mutual aid
18 ambulances to respond to our district.

19 Q How does the mutual aid affect the
20 response time?

21 A If the residents in Area 2 are expecting
22 an ambulance, and it's coming from Area 1, the
23 typical response would be between 12 and 15 minutes
24 to get to the home to begin care, as opposed to

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.

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

7 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.

5 Q What are the condition of the ambulances
6 owned and operated by the district?

7 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
18 be reliable.

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

21 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.

24 Q Is this a slow fire district?

1 A No. We're considered above average.

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

7 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?

20 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
2 staffing.

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

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

9 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.

14 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.

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

1 District, Elburn Fire Protection District, the
2 Tri-City Ambulance, the West Chicago Fire
3 Protection District, the Bartlett Fire Protection
4 District, all of which would be our partners when
5 we're out of resources. But as you can envision
6 by looking at a map, the response times to those
7 emergencies climbs above 15 minutes even to the
8 extent where, you know, it could be dangerous.

9 MR. SHEPRO: If I may follow up.

10 BY MR. SHEPRO:

11 Q Is there an auto aid agreement with the
12 Elburn Fire Protection District?

13 A We have an auto aid or mutual aid agreement
14 with all of our fire districts when we're out of
15 resources.

16 Q But there's a difference between an auto
17 aid and a mutual aid?

18 A Right. Mutual aid is usually deployed for
19 fire situations or mass casualty situations.
20 That's why we need multiple agencies to respond.
21 But when our assets are simply depleted, an
22 automatic aid agreement would kick in, and it's
23 based on our assignment to the closest fire
24 district near.

1 Q And do we have an agreement with Elburn
2 for auto aid in all circumstances?

3 A Yes.

4 Q And South Elgin, as well?

5 A Yes.

6 MEMBER MILLEN: Just a quick question. Do
7 you know because of the situation of your
8 district, do your citizens pay higher insurance
9 premiums?

10 THE WITNESS: What you're referring to is
11 the Insurance Services Organization rating for
12 fire districts, and currently we're proud that
13 we're a 3 in hydranted areas and a 6 in unhydranted
14 areas, but one of those components includes a
15 staffing model for operating from two fire
16 stations. It's highly likely if this were to fail
17 and we closed a fire station that a resident in
18 the community would see an increase in their
19 property insurance.

20 MEMBER FALK: It's likely?

21 THE WITNESS: Very likely because ISO
22 would rerate us at a higher level, and that would
23 reflect in higher bills to your homes for
24 insurance.

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

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

12 What we did was take one position out, and
13 we did it on a basis where we could run most
14 effectively as a jump company, and that was at
15 Fire Station 2. So our attack crews were four and
16 four plus one supervisor. So now the attack crews
17 are four and three, plus one supervisor.

18 The NFPA recommends that we assemble
19 15 firefighters on the scene of a working structure
20 fire, so that's the mutual aid that the attorney
21 was referring to.

22 MEMBER LAKE: Thank you.

23 CHAIRWOMAN MELGIN: Tracy?

24 MEMBER ARIS: Are you meeting current

1 State minimum requirements?

2 THE WITNESS: Yes. With the help of our
3 neighbors on mutual aid we do.

4 MEMBER ARIS: Okay.

5 THE WITNESS: If you're referring to
6 medical requirements, the Illinois Department of
7 Public Health has recently recertified us as an
8 advanced life support caregiver for both of our
9 ambulances and both of our primary fire engines.
10 So we had the -- prior to the failed referendum,
11 we had the ability to provide advanced life care
12 from four pieces of equipment.

13 CHAIRWOMAN MELGIN: Does the Board have
14 any other questions?

15 (No response.)

16 MR. LIGUORI: I have a couple of questions
17 if that would be all right.

18 CHAIRWOMAN MELGIN: Okay.

19 CROSS-EXAMINATION BY COUNSEL FOR THE PETITIONER
20 BY MR. LIGUORI:

21 Q Good evening, Chief. My name is Chris
22 Liguori. How are you?

23 It sounds like the fire district is in pretty
24 dire financial straits right now. Is that fair?

1 A Yes, that's a fair assessment.

2 Q In part because of that financial situation,
3 a referendum was put on the ballot to help the
4 fire district with its finances; is that also fair?

5 A Right. In order to have the adequate
6 funding necessary for our fire district, we're
7 asking for a modest increase in our taxes.

8 Q As I understand it, the referendum failed?

9 A It has twice.

10 Q It has twice. The residents of
11 Kane County have voted down that referendum?

12 A The residents of our fire district have.

13 MR. SHEPRO: If I may, Counsel,
14 technically the second referendum did not fail; it
15 was nullified by the Court. But it didn't pass.

16 MR. LIGUORI: Thank you.

17 Q Would you agree, Chief, that Maxxam Partners
18 had nothing to do with the current financial
19 situation that the district is looking at; right?

20 A Yes. We're not looking at what that impact
21 was but what it would be should you impose upon us
22 additional work burden.

23 Q You understand from the prior testimony
24 that there was a disagreement about the number of

1 calls that the fire district may receive from the
2 facility; right?

3 A Correct. And I agree that that is difficult
4 to predict because the fire district doesn't know
5 how many beds you have.

6 Q I take it that any money that the fire
7 district could get would be money that was
8 welcomed. Is that fair?

9 A I think the money that was in our existing
10 agreement with your company was to assist us in
11 continuing adequate care to our community and your
12 facility.

13 Q You understand that if Maxxam Partners
14 was -- its permit was granted that it would be a
15 source of tax revenue?

16 A Absolutely.

17 Q And you understand that a portion of that
18 tax revenue would go to the fire district?

19 A Absolutely. I understand that.

20 Q Have you reviewed the consent decree
21 that's Exhibit 1 to this hearing?

22 A Not line by line. A summary of it.

23 Q You understand that the consent decree
24 provides in Condition 17 that Maxxam will reimburse

1 the fire district for the cost of any emergency
2 medical services that are provided at the property;
3 right?

4 A That's just like all of our residents do
5 when they get a bill from us.

6 Q And you understand that Maxxam has also
7 agreed in Condition 17 that to the extent a mutual
8 aid agreement is implemented, it will reimburse
9 the village or the township that's providing that
10 service?

11 A That's true.

12 Q You also understand that Maxxam has agreed
13 to establish a foundation for Kane County where it
14 will pay the Fox River Valley \$15,000 a year,
15 right, as Condition 11?

16 A I'm the fire protection district, not the
17 Fox River Valley.

18 Q And you understand they will do that for a
19 period of 10 years; right?

20 A To who?

21 Q To the Fox River Valley.

22 A That's not me and that's not my fire
23 district.

24 Q But nevertheless, sir, you understand that

1 in Condition 11 Maxxam has agreed to contribute
2 \$15,000 a year to the Fox River?

3 MR. SHEPRO: I'm going to object because I
4 think the question is irrelevant who else they're
5 going to contribute to. If it's not us, it's
6 meaningless.

7 A Question 11 as I read it didn't apply to me.

8 Q Okay.

9 A So I didn't consider that.

10 MR. LIGUORI: That's all we have. Thank you.

11 MR. SHEPRO: I have one question on redirect.

12 REDIRECT EXAMINATION BY COUNSEL FOR THE FOX RIVER
13 & COUNTRYSIDE FIRE PROTECTION DISTRICT
14 BY MR. SHEPRO:

15 Q Has the Fox River Fire District to your
16 knowledge ever received any contributions,
17 financial or otherwise, from the community
18 foundation for the Fox River Valley?

19 A No. I'm not aware of any contributions
20 being received by any foundation directly to the
21 fire department.

22 AUDIENCE MEMBER: Am I allowed to ask a
23 question?

24 CHAIRWOMAN MELGIN: I'm going to ask the

1 State's Attorney.

2 Can the public ask questions?

3 MR. LULVES: That's your decision. That's
4 up to the Board in the interest of everybody's due
5 process rights.

6 CHAIRWOMAN MELGIN: I'll allow it.

7 AUDIENCE MEMBER: Simple technical question.
8 What is the primary path that would you take, the
9 streets from the Wasco fire station to the
10 Glenwood School property?

11 THE WITNESS: Probably up Burlington Road.

12 AUDIENCE MEMBER: Up Burlington Road to
13 Silver Glen?

14 THE WITNESS: Yes.

15 AUDIENCE MEMBER: I just wanted to know if
16 you'd cut through the neighborhood.

17 THE WITNESS: No, that would be an
18 indirect route. We wouldn't do that.

19 CHAIRWOMAN MELGIN: Okay. Thank you.

20 You have one more witness?

21 MR. SHEPRO: No, I don't believe so. I
22 would reserve the right to argue at the conclusion
23 of the testimony. Thank you.

24 CHAIRWOMAN MELGIN: Is this for Mr. --

1 MR. TYRRELL: -- Shepro.

2 CHAIRWOMAN MELGIN: Okay.

3 MR. TYRRELL: Hi, my name is Mike Tyrrell.

4 With Maxxam reneging on the Fox River
5 district agreement, how does the Federal Court
6 guarantee fire and ambulance coverage and public
7 safety to the existing public?

8 MR. SHEPRO: I think you'd have to ask the
9 judge. As far as I know, there's nothing in the
10 decree that would permit the judge to have
11 jurisdiction over that issue as it is presently
12 proposed, but I'm willing to be educated.

13 MR. TYRRELL: Thank you.

14 CHAIRWOMAN MELGIN: Do we have other units
15 of government who wish to make a statement?

16 MR. BLECKER: Harry Blecker, president,
17 Village of Campton Hills. I wrote a big long
18 speech, but the objector's attorney and the fire
19 district stole all my thunder.

20 CHAIRWOMAN MELGIN: So it will be three
21 minutes; right?

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

23 Reading the consent decree we see nothing
24 about police protection. This was brought up to

1 this Board and the County Board several times.

2 The Village only has -- the Village of
3 Campton Hills is the closest first responder for
4 the police department. Kane County only has
5 two sheriff officers to cover an entire district.
6 The Village of Campton Hills has only two officers
7 to cover 18 square miles, 101 miles of road, and
8 serves 11,000 people.

9 If one officer is on call at a Maxxam
10 facility, this leaves one officer to cover this
11 101 miles of road and 11,000 people. If the need
12 is for two officers, then we have nobody; we
13 depend on the County or mutual aid from Elburn, or
14 South Elgin, or Elgin, or wherever else we can get
15 it from. This is totally unacceptable.

16 Maxxam in their petition refused to talk
17 to us about this, refused -- have never contacted
18 us to say, "What can we do to help you people?"
19 They just haven't done it. Why? They decided
20 they think that the fire department should get
21 some help, and they sat down with them, and they
22 came up with an agreement that was torn up, but
23 never did they come to the Village and say, "Let's
24 work together."

1 If, in fact, a call at Maxxam requires
2 two people, two officers, we have nobody. And
3 quite often when a fire call goes out or an
4 ambulance goes out, quite often a police car goes
5 out with them because several times they need
6 extra hands for help, traffic control, whatever.

7 This is a big detriment to our residents,
8 the 11,000 residents of the Village of Campton
9 Hills that are paying property taxes to the County
10 for these services. And that also includes --
11 these 11,000 residents do not pay any village tax,
12 and there is no referendum for that to be coming
13 forward.

14 So I think it would only behoove Maxxam
15 and this Board if they want to open this facility,
16 which I don't think should happen, that they
17 should be talking to everybody involved, just not
18 some of the people involved.

19 This facility does not fulfill the very
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

1 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.

13 We're entering this letter to the Board
14 into the record from Joseph Miller, Campton
15 Township Trustee.

16 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 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.

22 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

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

1 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

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
7 700 calls annually at this new potential capacity.

8 "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.

21 "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
3 process under oath and in public.

4 "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
14 doors for business.

15 "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.

1 "Finally, during the second hearing
2 objectors exposed that the wastewater treatment
3 system was designed only to manage normal biologic
4 loads. It was never designed to manage
5 medications that would be excreted into the
6 system, some of which would be unknown and of the
7 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.

13 "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

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

2 "In closing, Maxxam was previously denied
3 permit on two occasions on three grounds: Lies
4 and misrepresentations throughout the hearings,
5 lack of credibility as an applicant, and that the
6 proposed business places an unfair burden on both
7 the local emergency services and taxpayers to pay
8 the cost that would be required to make our roads
9 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.

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

20 (Applause.)

21 CHAIRWOMAN MELGIN: Please keep that to
22 minimum. Appreciate it. Thank you.

23 Thank you, Mr. Miller. He's a Campton
24 trustee. I recommend we put this into the record

1 as Exhibit 6.

2 MEMBER FALK: I'll make a motion to put it
3 into the record.

4 MEMBER ARIS: I'll second.

5 CHAIRWOMAN MELGIN: Move Exhibit 6. All
6 in favor.

7 (Ayes heard.)

8 (Exhibit 6 marked for identification.)

9 CHAIRWOMAN MELGIN: Since there's no other
10 units of government, I recommend that we take like
11 a 10-minute break before we get the general public
12 up so we can get the list and get that in order.

13 So 10 minutes. Of course, you know, my
14 time isn't being held to. So 10 minutes, please.

15 MR. SHEPRO: Madam Chair, before you
16 recess, I would inquire that the agreement between
17 Maxxam and the fire district is in the record, and
18 if it is not, I believe that's been furnished to
19 staff, and I would ask that that be included in
20 the record.

21 CHAIRWOMAN MELGIN: I don't think it's in
22 the record at this time.

23 MR. SHEPRO: I've been suggested that it
24 might be in the record from the previous hearing,

1 but it couldn't be because it was reached after
2 the hearing closed -- oh, the previous County Board.

3 MEMBER FALK: That's not us.

4 MR. SHEPRO: I would request that that be
5 included in the record of this proceeding since
6 reference was made to it.

7 CHAIRWOMAN MELGIN: Can I get a
8 recommendation? We don't have a copy.

9 MEMBER ARIS: We don't have a copy and
10 haven't seen it and had time to look at it.

11 MR. SHEPRO: That's the point of my
12 request.

13 (Recess taken, 8:27 p.m. to 8:41 p.m.)

14 CHAIRWOMAN MELGIN: Okay. We're going to
15 get started. One of the comments was the exhibits
16 that were referred to in the consent decree weren't
17 available on the website. So he's putting those
18 up right now, and they will be on the website by
19 tomorrow for review. So you can review and
20 comment on these; you can send written comments.
21 It's likely we'll be continuing through to
22 tomorrow tonight, and you'll have a chance to
23 comment on those exhibits at that time, too.

24 AUDIENCE MEMBER: You say we're having a

1 continuance already tomorrow?

2 CHAIRWOMAN MELGIN: It's likely. We
3 haven't made that --

4 MR. SHEPRO: Just to clarify, you think
5 they will be up this evening?

6 CHAIRWOMAN MELGIN: By noon tomorrow.

7 MEMBER ARIS: And they're up right now.

8 CHAIRWOMAN MELGIN: So we're going to --

9 MR. LIGUORI: Excuse me. I'm sorry.

10 CHAIRWOMAN MELGIN: That's okay.

11 MR. LIGUORI: Because there are exhibits
12 to the consent decree, do they need to be moved
13 into evidence?

14 CHAIRWOMAN MELGIN: I can't hear because
15 somebody is talking.

16 MR. LIGUORI: Do these need to be moved
17 into evidence because they are exhibits to the
18 consent decree?

19 CHAIRWOMAN MELGIN: Should we move these
20 into evidence?

21 MEMBER FALK: They're already there.

22 MEMBER ARIS: They just weren't up on the
23 website.

24 MEMBER FALK: I think you already had

1 them; right?

2 MR. LULVES: We had them.

3 CHAIRWOMAN MELGIN: There was a request to
4 put the agreement with the fire department, the
5 agreement dated April 2018 into the record. Do I
6 have a motion on that?

7 MEMBER MILLEN: I'll so move.

8 CHAIRWOMAN MELGIN: Is there a second?

9 (No response.)

10 CHAIRWOMAN MELGIN: No? All right. We
11 will not put this into the record at this time.

12 MR. SHEPRO: For the record, we object to
13 its not being placed into the record.

14 CHAIRWOMAN MELGIN: So we'll start with the
15 list. The first person on the list is Van Richards.
16 Please come up.

17 I've already stated your name. You can
18 state your address.

19 MR. RICHARDS: My name is Van Richards.
20 I'm a retired attorney, practiced in Kane County
21 for 55 years.

22 We have heard from counsel from Maxxam
23 about the enforcement provisions of the consent
24 decree, but what we have is a consent decree

1 without consent.

2 After hearing the fire testimony, it is
3 very clear that the public safety and welfare is
4 impacted by the lack of an ability to respond, and
5 that's coupled with the fact that the consent
6 decree that is not consented to has no restrictions
7 on the number of beds, and on page -- as has been
8 addressed by the last speaker, there is a provision
9 on page six, paragraph four, about should Maxxam
10 or its successor desire to add new buildings.

11 So not only do they not limit themselves to
12 120 beds, they allow for the building of buildings.
13 so you couple that with the testimony from the
14 fire department which is devastating, if you
15 approve this or consent to this, you're putting
16 the community at risk.

17 The new things are, they've addressed the
18 fact that they have had to have cutbacks. This
19 Board has reviewed thousands of pages of testimony,
20 and our recommendation is important, and I ask you
21 to stand behind the community and protect the
22 community. We're not talking here about something
23 that is minimal. We're talking about human life.
24 Because if that ambulance can't make a call, it

1 has to make it at Maxxam -- remember, they are
2 doing detox, and they're going to have a lot of
3 calls over there. We've heard from the fire
4 department, and we've heard from Mr. Shepro that
5 explains that situation very clearly to us.

6 This consent decree that is not consented
7 to yet should be denied.

8 CHAIRWOMAN MELGIN: Thank you, Mr. Richards.
9 (Applause.)

10 CHAIRWOMAN MELGIN: And thank you for
11 keeping to the time.

12 Norm Turner, next speaker.

13 MR. TURNER: Hello, I'm Norm Turner.
14 I'm a 23-year resident of the Campton Hills area,
15 and I just have two comments because of the
16 proposed program, and my biggest concern is our
17 safety.

18 Because if you look at what's going on in
19 the general area where this proposed facility will
20 be, there's currently construction for 450-plus
21 homes at the corner of Corron Road and McDonald Road.
22 So the traffic there will be at least 900 more
23 cars that are going to be riding up and down the
24 same streets and jeopardize our safety.

1 And, lastly, if you haven't done so
2 already, I would suggest you folks go to the Kane
3 CountyGuide.org website and put the key words of
4 drug rehabilitation centers, and you will see that
5 in the Kane County Guide there are 357 current
6 locations that would do the same thing as these
7 folks, so we don't need another one.

8 (Applause.)

9 CHAIRWOMAN MELGIN: All right. Thank you,
10 Mr. Turner.

11 Mark Atkinson. And please state your
12 address for the record.

13 MR. ATKINSON: Mark Atkinson, 7N290 Fox
14 Bend Drive. I've spoken in the past, and I would
15 be repeating everything I said before but I'm
16 opposed to it. I'm a 30-year police veteran, and
17 what we heard from the president of the village is
18 absolutely true and also from the fire chief.

19 Police officers should always be in pairs
20 if you're ever dealing with a drunk, drugged, or
21 deranged person, and paramedics are not equipped
22 to defend themselves and should have a police
23 officer or two police officers with them anytime
24 they're dealing with people dealing with these

1 problems.

2 So I don't want to repeat everything I've
3 said in the past. Thank you very much. I am
4 opposed.

5 (Applause.)

6 CHAIRWOMAN MELGIN: Thank you.

7 I'm going to need help with this next one.
8 Kenneth --

9 MR. SIERCKS: Siercks, I live at
10 6N715 Longacre Drive. I bought my house in April
11 of 2017. One of the considerations I made for
12 purchasing my home was -- you know, I'm a little
13 bit confused why we're even here tonight because
14 from what I understand by reviewing the testimony
15 and everything like that, that this was tried in
16 2012, and it's already been shot down two times,
17 and now we get this sanctimonious response that we
18 as nonattorney citizens have made comments, and we
19 are, you know, basically violating the rights of
20 people with disabilities.

21 The Social Security Administration doesn't
22 provide or consider alcoholism or drug addiction,
23 in fact, a disability. You can't get disability
24 for that.

1 I do big data analytics. All right? To
2 be able to prove or disprove the crime in an area,
3 it's very hard for any mathematician to link this
4 data as it's reported. The fact is, if you have
5 more people, there's a potential for more crime
6 and things like that. So it's a general stereotype
7 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.

18 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.

1 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.

7 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.

11 One thing I want to say is I've been in
12 the neighborhood for 33 years, and it's a very
13 nice neighborhood; you don't have to worry about
14 anything. The other day a helicopter came down,
15 and it came down real low in our neighborhood, and
16 because I knew this was coming up, I mean, I
17 freaked out. I was out working in my yard, and I
18 went in the house, locked the door because -- and
19 this is the way it will be if you put this rehab
20 place in here.

21 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.

14 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

1 Board's job.

2 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.

20 I do agree with many of the previous
21 comments made such that as we are not aware of any
22 changes being presented tonight in regards to the
23 use of the special use permit, and if due diligence
24 was done on the previous two votes, then the vote

1 should remain the same. It should be not approved
2 tonight or as we go forward.

3 If changes are being presented such as
4 potential patient head count increases, a new
5 analysis of the effect of more patients needs to
6 be performed, does it meet that requirement of the
7 special use permit, not providing any detriment to
8 the citizens of Kane County.

9 I also agree with the previous comments
10 that the proposed facility is not like a hospital,
11 and, therefore, it does not meet the requirements
12 of the special use permit.

13 And two additional comments. Condition
14 No. 5 of the decree allows for outpatient services.
15 It states as written, "The facility shall not
16 provide outpatient treatment of any methadone
17 patients or any other outpatient program or
18 service unless it is related to a patient's
19 inpatient continuum of care."

20 So we always hear that it's an inpatient
21 facility, but they will be providing outpatient
22 services, and the way this condition is written,
23 it doesn't even say it's an outpatient to Maxxam;
24 it could be outpatient of another facility.

1 Condition No. 8 states Maxxam shall use
2 reasonable efforts to pursue accreditation by the
3 Joint Commission on Accreditation of Healthcare
4 Organizations and the commission of accreditation
5 rehabilitation facilities.

6 It, again, is stating "reasonable effort."
7 Reasonable effort is a relative term. It does not
8 require it. I do understand the requirement is to
9 be licensed by the requirements of the State of
10 Illinois, but I would question why the condition
11 here does not require the accreditation.

12 That's all I had to add. Thank you.

13 CHAIRWOMAN MELGIN: Thank you.

14 (Applause.)

15 CHAIRWOMAN MELGIN: Bob Bennett.

16 MR. BENNETT: My formal name is
17 Robert W. Bennett. I live at 41W493 Silver Glen
18 Road. I've been a resident at that location since
19 1974, so a few years.

20 It's really a question -- and I realize
21 that you're not going to get into the consent
22 decree. My problem is really with the State's
23 Attorney, and I wish somebody was here that even
24 understood what I'm going to talk about.

1 The basis for the Federal suit was
2 discrimination against disabled. Okay? Now, if
3 this consent decree had any meat to it, it would
4 require that the folks in the facility would have
5 some qualification to be disabled. Otherwise,
6 there's no discrimination as far as I'm concerned.

7 So we're discriminating against a nonentity,
8 but the Federal judge for some reason includes
9 that entity under a general category and says,
10 "Well, you know, we're just going to approve this
11 along the way." My problem is just the general
12 concept of the fact that you can enter a Federal
13 suit on anything and then have a totally nonrelated
14 outcome from the initial suit.

15 That's all I have to say. I've been
16 battling this for years and years and years, all
17 the way back, folks know the SuperCollider, and
18 really all I think is they're here to wait for us
19 to die or wear us out. Sorry.

20 CHAIRWOMAN MELGIN: Thank you, Mr. Bennett.

21 (Applause.)

22 CHAIRWOMAN MELGIN: Bonnie Blank.

23 MS. BLANK: I don't want to talk. I just
24 want to say thank you for your time and we so

1 appreciate it. We know how hard this must be for
2 you, but please listen to these people. They're
3 so smart. They're saying everything and they're
4 saying it right. They're good people.

5 Thank you.

6 CHAIRWOMAN MELGIN: Thank you.

7 (Applause.)

8 CHAIRWOMAN MELGIN: All right. Andre
9 Burkowski. Am I getting that right? It's very
10 difficult to read.

11 MEMBER FALK: Does he have an address?

12 CHAIRWOMAN MELGIN: Corron Road,
13 6N805 Corron Road.

14 AUDIENCE MEMBER: He left.

15 CHAIRWOMAN MELGIN: We'll come back to him
16 if he comes back in the room.

17 Janice Ziegler.

18 MS. ZIEGLER: I am going to ask for a
19 little leniency in what I'm going to say. I'm
20 going back to 1989 when Glenwood came to the Board
21 and asked them to approve a special use permit.
22 And at that time I know that there are people who
23 say, "Well, there was no objections." There were
24 objections. There were a lot of objections from

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.

8 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.

24 A few years back Northwest Bible Baptist

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.

16 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
2 Dittman Road, and I know that the County is aware
3 of it because now we have a four-way stop. It was
4 just one way all this time, now a four-way stop.

5 It takes so long for somebody to respond,
6 and if you are that person that needs assistance
7 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.

14 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.

18 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

1 bonds are up; they want their money back.

2 I want them to produce somebody who was
3 discriminated against because they were turned away
4 from being -- if you're filing a discrimination
5 lawsuit, who are you discriminating against?
6 Maxxam? Glenwood? I don't think so.

7 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.

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

1 mountain of dirt. Follow where it comes from."

2 That's what I'm asking you to do, follow
3 where it comes from. Please vote it down.

4 CHAIRWOMAN MELGIN: Thank you.

5 (Applause.)

6 CHAIRWOMAN MELGIN: Bill Reese.

7 MR. REESE: Hi. My name is Bill Reese.

8 I'm at 6N935 Gilmore Drive in Campton Hills, and
9 I'm the president of the Pine Haven homeowners
10 association. I'm here in opposition to this
11 Maxxam facility. We feel that Maxxam has operated
12 in bad faith all the way along. It's been -- like
13 everybody said before, it's been turned down twice,
14 and now here we are again.

15 I have a question, though. Our subdivision
16 is about 40 acres, and we pay about close to a
17 million and a half in property taxes each year.
18 Does anybody know how much Maxxam is going to be
19 paying in property taxes for a site that's about
20 three times as large?

21 AUDIENCE MEMBER: 330,000.

22 MR. REESE: That's appalling.

23 AUDIENCE MEMBER: How much?

24 MR. REESE: 330,000.

1 AUDIENCE MEMBER: What?

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.

5 In addition, our location is at the corner
6 of Silver Glen and Burlington Roads. So I've
7 heard numbers of over 1,000 calls a year coming up
8 Burlington and down Silver Glen. That's going to
9 have a huge impact on our neighborhood, and our
10 property values, and our quality of life.

11 I urge you to turn down this petition.
12 Thank you.

13 (Applause.)

14 CHAIRWOMAN MELGIN: Thank you, Mr. Reese.
15 Ray Pelling.

16 MR. PELLING: I'm Ray Pelling. I live at
17 41W501 Silver Glen Road, which is just across the
18 street almost from this facility.

19 And I say what about our concerns and the
20 rights of the individuals who have lived there and
21 bought there and are now really having our zoning
22 changed. Because when we moved in, as many people
23 have already said, the zoning was like it is. Now
24 we're going to change that zoning, which really

1 changes our zoning, as well.

2 If I wanted to -- just, for example, if I
3 wanted to put in a dog pond at my house, and I
4 came here to the Board to get an okay to do that,
5 what would happen? What would you say to me?
6 Probably, "You can't have that." Well, I can say
7 you're discriminating against animals and pets,
8 but, in essence, you aren't but you would be in
9 that case.

10 So anyway, what I'm saying is I guess here
11 as far as our situation there on Silver Glen Road,
12 we've been changed because of what these folks are
13 planning to do. If a lawsuit from them is their
14 way of introducing themselves to the community,
15 then what do we have to look forward to in the
16 future? Are they going to sue every time we don't
17 do something or do anything else that they
18 don't like?

19 I'm just saying that and I'm asking you to
20 please turn down their request. Thank you.

21 CHAIRWOMAN MELGIN: Thank you, Mr. Pelling.

22 (Applause.)

23 CHAIRWOMAN MELGIN: Mrs. Pelling, are you
24 speaking?

1 MRS. PELLING: Yes, I do want to say
2 something since -- we just recently had a young
3 man -- I was going to say young man but he's very
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 ambulance to get out there over about 20 minutes.
7 And I have atrial fib and Parkinson's, and when I
8 need to call the doctor, I sure would like -- or
9 when I need to call the ambulance -- which they
10 tell you, "Call an ambulance. Don't get in your
11 car because they treat you better at the emergency
12 room if you get an ambulance."

13 Anyway, so I would like you to also
14 consider those of us that are old. Thank you.

15 CHAIRWOMAN MELGIN: Thank you.

16 (Applause.)

17 CHAIRWOMAN MELGIN: Mike Tyrrell.

18 MR. TYRRELL: Thank you. If I can, I'd
19 like to distribute copies of this particular map
20 and I'll speak to it. There should be a copy
21 for each.

22 CHAIRWOMAN MELGIN: This is a natural
23 resources zoning map?

24 MR. TYRRELL: Correct, prepared for

1 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.

8 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

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.

13 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.

21 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.

7 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.

11 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.

21 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.

24 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.
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.

22 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.

4 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.

11 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.

19 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 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.
7 They are significant groundwater recharge areas.

8 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.

18 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.

22 Number two, you heard testimony from the
23 Fox River Countryside fire rescue. There is no
24 way for the court to monitor their activities.

1 Health and safety are absolutely key in this. You
2 have the ability to protect the community, protect
3 its residents, and for that matter protect the
4 potential individuals who would be candidates and
5 clients of this.

6 It's not the right location; it's a
7 jeopardy to the community; it's a jeopardy to the
8 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.

18 CHAIRWOMAN MELGIN: Oh, she had to leave?
19 Okay.

20 Paul Mar -- how do you pronounce your
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

1 with a local municipality and very familiar with
2 groundwater, groundwater activities, and also
3 shallow aquifers.

4 When I drilled my well 34 years ago, my
5 neighbors were at 4-, 500 feet, pulled into the
6 dolomite formation. I, knowing the shallow sand
7 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.

23 So at that point, without knowing where
24 we're going to be going in the future regarding

1 regulations, I petition, I request that this be
2 denied based on the fact that the groundwater is
3 in jeopardy based on the pharmaceuticals that will
4 be present in the wastewater stream that's going
5 to be provided.

6 Thank you.

7 CHAIRWOMAN MELGIN: Thank you.

8 (Applause.)

9 CHAIRWOMAN MELGIN: We're talking about
10 putting the topographic map into evidence. Do I
11 have a motion for that?

12 MEMBER LAKE: I move to allow the
13 topographical map into evidence.

14 CHAIRWOMAN MELGIN: Do I have a second?

15 MEMBER FALK: I'll second.

16 CHAIRWOMAN MELGIN: Move this in as
17 Exhibit 7. It is the Natural Resources Evaluation
18 Zone Data Map, Area 1.

19 MEMBER LAKE: Yes. We do have to take
20 a vote.

21 CHAIRWOMAN MELGIN: Everyone in favor.

22 (Ayes heard.)

23 CHAIRWOMAN MELGIN: Against.

24 (No response.)

1 CHAIRWOMAN MELGIN: Vote passes.

2 (Exhibit 7 marked for identification.)

3 CHAIRWOMAN MELGIN: Vince Barlow.

4 MR. BARLOW: Vince Barlow, 41W650 McDonald
5 Road.

6 First of all, I've been at all the
7 different hearings here, and I want to thank you
8 guys for sitting through it all. I want to thank
9 all my neighbors. We've come here before just
10 passionate. This time you guys came prepared, and
11 I'm really proud of how my neighbors came ready to
12 really present some great facts.

13 So I would just again -- I'm about less
14 than 100 yards from this facility. I've worked at
15 treatment centers. I understand what happens to
16 people when they binge and they go to break into
17 one -- they broke into a pharmacy and drink Sterno
18 and aftershave. I know what desperate people do.

19 I care about them, I deeply care about
20 them, and I still work with people who are
21 addicted. I would tell you this isn't the best
22 place for them to be at a place where they're not
23 near help that can get there closely. Because
24 when they're bingeing and get ahold of something,

1 it's a quick situation that needs remedy.
2 Especially hearing that this group is not even
3 certified to do it, that doesn't make any sense
4 to me.

5 So I want to thank you guys, but I would
6 ask you guys, please protect this community and
7 vote against this request. Thank you.

8 (Applause.)

9 CHAIRWOMAN MELGIN: Thank you, Mr. Barlow.
10 Robert Peterson.

11 MR. PETERSON: Good evening. Robert
12 Peterson. I'm at 40W095 Carl Sandburg Road.

13 What's new? What's changed? Well, we're
14 here and it's almost 10:00, so that hasn't changed.
15 I'm a little scared straight after listening to
16 the mayor -- I live in Campton Hills -- after
17 listening to our mayor talk about the stress on
18 the police department, and then the fire
19 department, that really scared me. So that has
20 changed me, and I'm certainly going to tell my
21 neighbors. And a lot of them -- and I told them I
22 was going to come here, several by email. It
23 probably just was happenstance, but it's amazing
24 how this just fell on a date in the middle of the

1 summer with two weeks that it was up on the
2 website -- it wasn't even complete on the website.

3 So if you look at the decree -- and I've had
4 very little chance to read it, but they're going
5 to use reasonable effort to pursue accreditation.

6 Well, I'm using reasonable activity to
7 reduce my weight, and it's not going as well. So
8 yesterday was my anniversary, and somehow I blew
9 into a Blizzard for the celebration.

10 I guess what I'm saying is this decree is
11 really -- well, we haven't been able to talk about
12 it. We just saw it and counsel was just saying
13 Federal, Federal. I was like -- let me jump --
14 because I know we have three minutes. Let me just
15 jump to the elephant in the room. You're asking
16 to change our rules on how things are zoned. Why
17 are we going to change that? That's important.

18 And in the end -- and we have talked about
19 this. We've been here for years. In fact, there
20 were two Boy Scouts over here, and I walk in and I
21 say, "You guys are here for citizenship for
22 community merit badges." Yeah. My son has done
23 all his requirements first on Kiva and then on
24 this thing. He's come to all of -- not all of them.

1 So the fence. Is the fence thermal, I
2 read? Is the fence not a fence? Is the fence
3 4 feet and somebody's dog could jump over it?

4 How many facilities do we have in the
5 state that run on septic? And that's the extent
6 of my knowledge. We probably don't. At least
7 what I was able to quickly look at we don't have
8 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.

14 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 Maintaining staff levels, I saw that. We
2 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.

11 Do these people need help? Yes. Do these
12 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?
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 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 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.

11 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.

23 MS. TIRITILLI: Hi. It's Darice Tiritilli.
24 I live at 42W976 Brierwood Lane, Campton Hills.

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.

7 AUDIENCE MEMBER: 330,000.

8 MS. TIRITILLI: And that's for sure.

9 AUDIENCE MEMBER: Go to the tax assessor's
10 website.

11 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
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 --

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
4 open land and serenity. It's worth it because
5 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
8 guess that's it.

9 CHAIRWOMAN MELGIN: Thank you.

10 (Applause.)

11 CHAIRWOMAN MELGIN: Okay. Just to give
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.

19 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.

3 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
2 onto Silver Glen and then taking that into
3 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.

6 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.

18 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

1 going to be coming and going in those ambulances,
2 as well. I'm not just talking about the people
3 that are sitting there; I'm talking about the
4 people that are going to be using that facility,
5 as well. Their safety is at risk, as well. It's
6 just not a safe place.

7 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.

14 MS. SMITH: I'm Kathleen Smith,
15 7N020 Brierwood Drive in Campton Hills. I live
16 just a block from the entrance to Glenwood.

17 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 --

1 you have a responsibility to Kane County, but I
2 think everybody has a responsibility to the
3 possible patients there.

4 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.

11 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.

15 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.

5 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.

19 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.

23 So that's another thing to consider.
24 Thank you.

1 CHAIRWOMAN MELGIN: Thank you.

2 (Applause.)

3 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.

13 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 aquifers -- I'm sorry -- this study shows
20 pharmaceuticals do end up in shallow aquifers.

21 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

1 how many people that get their water from shallow
2 aquifers in our area have reverse osmosis filters.

3 No studies have measured the antipsychotics,
4 the antidepressants, and the opioid antagonists
5 that detox/rehab patients are prescribed. However,
6 other pharmaceuticals have been measured, and
7 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.

12 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.

18 CHAIRWOMAN MELGIN: Thank you.

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

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.

19 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.

23 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.

11 Based on evidence presented by the people
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.

20 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
2 is sufficient to handle traffic from emergency
3 vehicles in consideration of public safety, not at
4 the end of a blind S-curve with nowhere to pull to
5 the side if an ambulance comes by.

6 In 1990 I was a student at the University
7 of Illinois, and we had a medical crisis in my
8 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

1 a statement that wasn't able to?

2 AUDIENCE MEMBER: I would like to.

3 CHAIRWOMAN MELGIN: All right. Come on up.

4 MS. FREDA: My name is Ellen Freda. I live
5 at 41W670 Barberry Lane, and I've spoken many times.

6 I didn't want to speak tonight because when
7 I read the newspaper article about the lawsuit, I
8 was quoted, and it was a quote that kind of made
9 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.

18 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

1 and build a facility that'll be state of the art?
2 No. What he does is threaten a lawsuit to sue the
3 heck out of this county, and we in this room feel
4 bullied. We all feel bullied. We have been here,
5 and been here, and been here. Nothing has changed.

6 This is going to hurt us. It's going to
7 hurt our property values; it's going to hurt our
8 groundwater, our safety with all the things I've
9 heard tonight, and I'm telling you I've had it. I
10 am fed up.

11 Thank you.

12 (Applause.)

13 CHAIRWOMAN MELGIN: Thank you, Ellen.

14 Is there anyone else that wants to provide
15 a comment?

16 MEMBER FALK: The gentleman in the back.

17 CHAIRWOMAN MELGIN: Okay.

18 MR. WAGNER: You didn't get my name; sorry
19 about that. My name is Bob Wagner, and I live at
20 39W507 Kevin Court in St. Charles. The back of my
21 property faces Silver Glen Road.

22 AUDIENCE MEMBER: I can't hear you.

23 MR. WAGNER: Better? How is that?

24 Bob Wagner St. Charles, Campton Hills

1 strictly speaking.

2 So what's different here? Same lawyers,
3 same story -- different lawyers, though, now.
4 Different lawyers so that's something, but it's
5 still the same story. "Hey, we're going to have a
6 fence now, a 4-footer. That will do it." Doesn't
7 seem to me that's the answer.

8 You know, if I were sitting in your shoes,
9 I'd want my client to prepare a hell of a proposal,
10 something that people could sink their teeth into
11 and say, "You know, this is a good idea. This
12 really makes sense for the community."

13 You haven't done that. That's the problem.
14 You're trying to sell something that nobody wants
15 to buy. Am I wrong? You know, it's common sense,
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.

1 Here's the other thing that I've been
2 wondering about. As I was looking at this on the
3 last go-around I spoke to our representative Barb
4 and asked her if she needed any help, if there were
5 any things I could do, phone calls, talk to the
6 Board members before it went to the Board, and I
7 discovered that Kane County is really two counties
8 in a way. There's the rural side that is west of
9 Randall, and then there's the city side that's
10 east of Randall, and it basically follows the Fox.

11 I think you need to think about where you
12 live relative to this. I think it would be worth
13 your while to drive out there and take a look at it
14 if you haven't already. Those are my suggestions.
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.
17 We're still on well and septic out there.

18 What else can I tell you? Do the right
19 thing. I know you will do the right thing. It's
20 not about lawsuits. Don't be intimidated by the
21 threat of a lawsuit. That's BS.

22 Thank you for your time.

23 CHAIRWOMAN MELGIN: Thank you, Mr. Wagner.

24 (Applause.)

1 CHAIRWOMAN MELGIN: What I'm asking the
2 staff is if staff could forward us the agreement
3 with the fire district, and the Board will review
4 that and consider it's possible to be put into the
5 record after we've had a chance to review it.

6 And what was the other thing? It's
7 getting late. Now I've forgotten my third thing.

8 But I'm going to have a motion to continue
9 this public meeting to next Tuesday, August 7th.

10 MEMBER LAKE: Motion to do so.

11 MEMBER ARIS: I'll second.

12 MR. BLECKER: The continuance is fine but
13 next Tuesday is National Night Out, and many, many
14 people -- Kane County Sheriff's Department has a
15 big National Night Out; Campton Hills has a
16 National Night Out where people are going to be in
17 their communities. I think continuing it until
18 next Tuesday is not in favor of the people that
19 are here tonight.

20 We all want to be here at the next meeting,
21 and if you schedule it for something when we have
22 another extremely important event going on all over
23 the county, it is disrespectful to these people.

24 CHAIRWOMAN MELGIN: That certainly wasn't

1 the intent. I mean, we have some restrictions
2 here on the Board and when the Board members are
3 going to be available for a Board hearing, and one
4 of the reasons to put it off for a week was to
5 allow people to look at exhibits, potentially
6 provide written comments -- that was the other
7 thing -- to the Board via County staff on the
8 exhibits of the consent decree that weren't on the
9 website.

10 So it was just giving a little bit more
11 time for the information.

12 MR. BLECKER: I have no problem with
13 putting it off. But pick another day, make it
14 two weeks -- make it two weeks from tonight.

15 MEMBER ARIS: We won't have a quorum past
16 that date.

17 MR. BLECKER: What about Monday?

18 MEMBER ARIS: We can do it tomorrow.

19 (Simultaneous speaking.)

20 THE COURT REPORTER: I can only take one
21 at a time.

22 MR. SHEPRO: No disrespect to the comments
23 of others and recognizing the importance of
24 National Night Out, it appears that Tuesday night

1 is convenient for those who were not able to be
2 here tonight, and I would respectfully request
3 that that date be chosen.

4 MEMBER LAKE: You're requesting August 7th?

5 MR. SHEPRO: As made in the motion.

6 MR. LAUZEN: We're checking right now on
7 the Night Out. I recognize how important it is,
8 but we've gone through 20, 25 meetings, and we
9 appreciate your patience, but I really appreciate
10 the hundreds of people that come to these meetings.

11 I understand that you want time to consider
12 it. We're checking right now if the night out
13 isn't from 5:00 to 7:00. I remember it being in
14 the early evening.

15 AUDIENCE MEMBER: 6:00 to 8:00.

16 MR. LAUZEN: Well, I think there's many
17 important things going on. If it's tomorrow night,
18 first, they have less than a day to consider it.
19 It's also that the people that were not able to be
20 here today. If they're out of state, they're not
21 going to be here tomorrow. So I would suggest
22 that this is worth six days' wait.

23 MEMBER LAKE: We appreciate the input,
24 thank you.

1 CHAIRWOMAN MELGIN: Mr. Wagner.

2 MR. WAGNER: What are you hoping to
3 accomplish?

4 CHAIRWOMAN MELGIN: We will deliberate.
5 If there's other people that want to provide
6 comments, we would allow public comment -- that's
7 the purpose of this hearing -- and then we would
8 deliberate.

9 AUDIENCE MEMBER: If the next meeting
10 you're going to vote, in order to not violate the
11 Open Meetings Act you cannot have it tomorrow
12 because you have to post it 48 hours in advance.

13 MR. LULVES: That would be incorrect.
14 It's a continuation.

15 MEMBER ARIS: So it's not a violation of
16 the Open Meetings --

17 AUDIENCE MEMBER: But if it's a
18 continuation of tonight's agenda, you don't have
19 voting on tonight's agenda. So you cannot vote
20 tonight because it's not on the agenda that you're
21 voting.

22 CHAIRWOMAN MELGIN: I don't think that's
23 correct.

24 But do we have a motion to have this

1 meeting continued on Tuesday, August 7th?

2 MEMBER LAKE: I stand by my motion.

3 MEMBER FALK: Could we do a later start?

4 CHAIRWOMAN MELGIN: 7:30?

5 MEMBER ARIS: So, Mary, can you amend your
6 motion?

7 MEMBER LAKE: I motion that we have a
8 continuance of this meeting on Tuesday, August 7th,
9 beginning time of 7:30 to give the public an
10 opportunity who missed tonight's meeting to have
11 their turn to be able to speak and go from there.

12 MEMBER ARIS: I'll second.

13 CHAIRWOMAN MELGIN: All those in favor.

14 (Ayes heard.)

15 CHAIRWOMAN MELGIN: Okay. The meeting
16 will continue next Tuesday at 7:30, August 7th.

17 Do I have a motion to adjourn?

18 MEMBER ARIS: I'll move we adjourn.

19 (Off the record at 10:15 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 5th day of August, 2018.

My commission expires: October 16, 2021



Notary Public in and for the
State of Illinois

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