

BEFORE THE VILLAGE BOARD
OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS A POLLUTION CONTROL FACILITY
SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITING)
APPROVAL FOR GROOT INDUSTRIES)03-01
LAKE TRANSFER STATION,)

Transcript of proceedings of the Special
Meeting - Deliberations of the Village of Round
Lake Park on the 11th day of December, 2013, at the
hour of 6:08 p.m.

(Proceedings concluded at 9 p.m.)

Reported by: Shelly S. Rubas

License No.: 084-004298

1 APPEARANCES:

2 Round Lake Village Board:

3 Mayor Linda Lucassen

4 Village Clerk Karen Eggert

5 Trustee Candace Kenyon

6 Trustee Patricia M. Williams

7 Trustee Robert P. Cerretti, Sr.

8 (present via telephone)

9 Trustee Donna Wagner

10 Trustee Raeanne McCarty

11 Trustee Jean McCue

12

13 THE LAW OFFICES OF RUDOLPH F. MAGNA

14 MR. PETER S. KARLOVICS

15 On behalf of Board of Trustees of the

16 Village of Round Lake Park.

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1 MAYOR LUCASSEN: I would like to call the
2 special meeting to order at 6:08.

3 Would everyone stand for the Pledge of
4 Allegiance.

5 (Whereupon, the Pledge of
6 Allegiance was cited.)

7 MAYOR LUCASSEN: Roll call.

8 VILLAGE CLERK EGGERT: Trustee Kenyon?

9 TRUSTEE KENYON: Present.

10 VILLAGE CLERK EGGERT: Trustee Williams?

11 TRUSTEE WILLIAMS: Present.

12 VILLAGE CLERK EGGERT: Trustee Cerretti?

13 TRUSTEE CERRETTI: Present by phone.

14 VILLAGE CLERK EGGERT: Trustee McCue?

15 TRUSTEE McCUE: Present.

16 VILLAGE CLERK EGGERT: Trustee Wagner?

17 TRUSTEE WAGNER: Present.

18 VILLAGE CLERK EGGERT: Trustee McCarty?

19 TRUSTEE McCARTY: Present.

20 VILLAGE CLERK EGGERT: We have a quorum.

21 MAYOR LUCASSEN: Thank you.

22 MR. KARLOVICS: The Mayor is having some
23 difficulty speaking today, so I am going to not
24 necessarily take over her stead, but she has asked

1 me to read the agenda as it comes up.

2 Item four is public comment and I just
3 want to read the statement that's indicated the
4 agenda: "Pursuant to 5 ILCS 120/2.06, any person
5 shall be permitted an opportunity to address public
6 officials at a public meeting. However, such time
7 to address public officials is limited to three
8 minutes under rules previously established by the
9 Village Board and recorded by the Village Clerk.
10 Public comment provided at this meeting cannot be
11 considered by the Village Board in reviewing the
12 Application below, since the Mayor and Village
13 Board cannot consider any public comment outside of
14 that provided at the public hearing on the
15 Application or in writing during the public comment
16 period ending on November 1, 2013."

17 So in layman's terms, what I've just read
18 to you, any public comment, although we are
19 required to provide it, is a waste of breath. We
20 cannot consider it. And, in fact, if you provide
21 it and the Board relies on your public comment,
22 that gives the Applicant a chance to -- any party
23 to challenge the findings that we have here today.

24 So although you have a right to public

1 comment, we would discourage such public comment,
2 but nonetheless, it is available to you. We are
3 required by the Open Meetings Act to provide that
4 public comment.

5 So anybody who wishes to address the Board
6 at this time is allowed to do so for a period of
7 three minutes. Does anybody wish to address the
8 Village Board?

9 Okay. Nobody wishes to address the
10 Village Board.

11 MS. SEEGER: I do.

12 MR. KARLOVICS: You do? Okay. You have three
13 minutes.

14 MS. SEEGER: I just want to get on record that
15 I went around to all the businesses in town and the
16 surrounding area and I know that the time has
17 passed, however, the undersigned signatures
18 represent the business owners of Round Lake Park
19 that do not want Groot.

20 And surprisingly enough, many of them did
21 not even know about it. I'm assuming they rent,
22 they don't get a water bill. I do not know if it
23 was posted on the water bill, but between residents
24 and businesses that didn't know, I think it's very

1 unfair. The Village did not let it out to people.
2 It was hidden for years. I just don't think it was
3 very user friendly.

4 I went to Artistic beauty salon, Botanca
5 Santa Barbara barber shop, Carnitas Don Roy,
6 Dr. Latino, Galati, Home Run Liquors, Pavi ta
7 (phonetic), Lara's Garage, Londono's Auto,
8 My Laundromat, P.J.'s Park Inn, R & M Auto Body,
9 Rosewood Apartments, Stop and Save, Subway, Super
10 Mercado, the Village of Timber Creek, of course,
11 Eli's Bakery, American Legion, Carranza Insurance,
12 Maguey Accessories, El Jaliciense -- I'm not good
13 at these names -- Mexican Restaurant, Fab Nails,
14 and Circa Tastic (phonetic) Photography.

15 I'd say half of those didn't even hear of
16 this before. And how could that be? I don't get
17 it. And so what we have now is a group of trustees
18 who are going to decide for the whole village of
19 what the business community wants. It's not fair
20 and it's not right.

21 MR. KARLOVICS: I just want to clarify for the
22 record that there was public notice published. The
23 hearing itself was -- the dates of public comment
24 were provided on the Village web site. There was

1 extensive public notice that the Village provided
2 for this hearing for people to participate within
3 the statutory timeframe that's required.

4 In fact, you, Ms., yourself, I believe for
5 a period of time participated as well and had
6 knowledge of the hearing. It's just too bad you
7 didn't go out and notify the residents of the
8 hearing date instead of notifying them after the
9 fact.

10 But nonetheless, we have followed the law
11 and above and beyond the law, we have placed the
12 matter on our web site and we have hardly held this
13 -- these proceedings in secret. They were well
14 publicized. I think everybody knew that they were
15 happening.

16 I would note with interest that there was
17 a lifecycle assessment which approximately
18 150 people showed up and had a chance to get some
19 information on the proposed application. And of
20 those 150 people, they were notified of the hearing
21 dates, none of them returned. So that was somewhat
22 interesting to us.

23 But nonetheless, we just wanted to place
24 as a matter of record that there has been extensive

1 notice. This is hardly a hearing or a proceeding
2 that has been held in secret

3 Does anybody else have any public comment?

4 All right. Madam Mayor, then we need to
5 go to new business.

6 Mr. Cerretti, are you still with us?

7 TRUSTEE CERRETTI: Yes.

8 MR. KARLOVICS: Okay. Do you want me to read
9 that for you, Mayor?

10 The Mayor has asked me to read the next
11 item on the agenda. That is item five, new
12 business. Item A is: Deliberations by the Mayor
13 and Board of Trustee on the Application for Local
14 siting approval for Groot Industries Lake Transfer
15 Station. That is the Application pursuant to
16 Section 160.06 of the Code of Round Lake Park
17 entitled hearing procedures.

18 This is for the members of the Village
19 Board. After a considerable amount of time and
20 hearing and a lot of preparation, I think this is
21 the night that everybody has been waiting for to
22 deliberate and come to a final decision.

23 Members of the Board, what I have done to
24 attempt to assist you -- this is not anything that

1 you must do, but in knowing that the process in
2 which we're engaging tonight is a process of
3 consensus, finding consensus, it's possible that
4 everybody may or may not agree. However, a meeting
5 of the minds does require some type of procedure to
6 take the six opinions here on the Board and distill
7 them into one finding.

8 So the process that I'm suggesting tonight
9 involves -- I'm suggesting the use of two
10 worksheets. One can help us deliberate, if the
11 Village Board wishes to, criteria point by criteria
12 point and then examine conditions on each criteria
13 point if necessary.

14 There is another potential process that is
15 available to you is that if there is a particular
16 party that filed a findings of fact and conditions
17 of law that you approve of, you could simply adopt
18 that if you wish and not go point by point if that
19 is what you wish to do. Or you could take portions
20 of a findings of fact and eliminate others. For
21 example, you could take a findings of fact of one
22 party and substitute different conditions.

23 So there is a variety of options you have
24 in deciding tonight. I think what we probably need

1 to do is see if the Board wants to decide this
2 matter criteria point by criteria point or if the
3 Board wishes to examine a specific finding of fact.

4 What would the Board like to do?

5 TRUSTEE McCARTY: I know I'm comfortable going
6 point to point.

7 MR. KARLOVICS: Do you want to make a motion to
8 that effect then?

9 TRUSTEE KENYON: Could we ask each one?

10 MR. KARLOVICS: We can have a debate. We were
11 going to make a motion and see. But actually in
12 terms of finding a consensus on how we want to
13 proceed, absolutely, everybody should speak up
14 because this is your process, so absolutely.

15 But it helps for us to at least have a
16 motion on the table, so we can debate at least one
17 potential approach which is Trustee McCarty's
18 suggestion which is point by point.

19 TRUSTEE KENYON: I'll second that.

20 MR. KARLOVICS: So, Mayor, you can call for
21 just a voice vote, please.

22 MAYOR LUCASSEN: Voice vote, please.

23 MR. KARLOVICS: Just an all those in favor.

24 VILLAGE CLERK EGGERT: All those in favor?

1 TRUSTEE WILLIAMS: Aye.

2 TRUSTEE McCUE: Aye.

3 TRUSTEE WAGNER: Aye.

4 TRUSTEE McCARTY: Aye.

5 MAYOR LUCASSEN: All opposed?

6 MR. KARLOVICS: So it's unanimous.

7 So what we are going to do is we're going
8 to go point by point. And what we have before you
9 is a specific worksheet that goes through each
10 individual criteria.

11 Now, in order to speed the process is up,
12 there may be criteria upon which there is no issue.
13 The only way we can know that is to discuss it. So
14 this is not the actual process of going through
15 each individual point, but this is a process of
16 trying to take those noncontroversial criteria and
17 put them out of the way, so we can spend time on
18 those that might be controversial.

19 Is everybody okay with this approach so
20 far?

21 MAYOR LUCASSEN: Yes.

22 MR. KARLOVICS: So what we have is nine
23 criteria. And I guess what I'd look for is -- my
24 recommendation is if anybody objects and wishes to

1 debate that particular criteria, my recommendation
2 is that we then consider that item individually.

3 So on the second page of the worksheet
4 that I have provided for you, the nine criteria are
5 listed. Also listed are the individuals who
6 testified on that particular criteria. And what I
7 can do is I can go and read each of the nine
8 criteria and if anybody objects, if you'd just say
9 your name and say that you object, then we can set
10 that aside.

11 Where there is no objection, what we can
12 do then is lump those up together into one motion
13 and vote on those and then we can go to the
14 remaining that are left over and we can decide
15 those one by one if that makes sense. That will
16 save us some time instead of going through all nine
17 and having a discussion on all nine, there may be
18 ones that are not controversial.

19 So right now I'm going to go and read each
20 of the nine. If a trustee objects, please state
21 your name and state that you object, okay, so it's
22 on the record. Everybody follow me so far?

23 Item one or criteria one: "The facility
24 is necessary to accommodate the waste needs of the

1 area it is intended to serve."

2 Does anybody object to this particular
3 criteria?

4 TRUSTEE KENYON: I do.

5 MR. KARLOVICS: Okay. So we are going to set
6 that aside.

7 Item two: "The facility is so designed
8 located, and proposed to be operated, so that the
9 public health, safety, and welfare will be
10 protected."

11 Does anybody object to that criteria?

12 TRUSTEE KENYON: I do.

13 MR. KARLOVICS: Okay. So we will set that
14 aside.

15 Item three -- Bob, can you hear me?

16 TRUSTEE CERRETTI: Yes, I can.

17 MR. KARLOVICS: Okay. Item three: "The
18 facility is located so as to minimize the
19 incompatibility with the character of the
20 surrounding area and to minimize the effect on the
21 value of surrounding property."

22 Does anybody object to this criteria?

23 TRUSTEE KENYON: I do.

24 TRUSTEE WILLIAMS: So do I.

1 MR. KARLOVICS: Item four is: "For a facility
2 other than a sanitary landfill or waste disposal
3 site, the facility is located outside the boundary
4 of the 100 year floodplain or the site is
5 flood-proofed. B, for a facility that is a
6 sanitary landfill or waste disposal site, the
7 facility is located outside the boundary of the
8 100 year floodplain, or if the facility is a
9 facility described in Section (b)(3) of Section
10 22.19a, the site is flood-proofed?

11 Does anybody believe that this is
12 controversial?

13 Okay. So this is one that we can place on
14 the omnibus motion.

15 Item five: "The plan of operations for
16 the facility is designed to minimize the danger to
17 the surrounding area from fire, spills, or other
18 operational accidents."

19 Does anybody object to this?

20 Item six: "The traffic patterns to or
21 from the facility are so designed as to minimize
22 the impact on existing traffic flows."

23 Does anybody object to this particular
24 one?

1 TRUSTEE KENYON: I do.

2 MR. KARLOVICS: Item seven: "If the facility
3 will be treating, storing, or disposing of
4 hazardous waste, an emergency response plan exists
5 for the facility which includes notification,
6 containment, and evacuation to be used in case of
7 accidental release."

8 Does anybody object to this criteria?

9 TRUSTEE McCARTY: I do.

10 MR. KARLOVICS: You do?

11 TRUSTEE McCARTY: I do.

12 MR. KARLOVICS: Okay. Item eight: "If the
13 facility is to be located in a county where the
14 county board has adopted a solid waste management
15 plan consistent with the planning requirements of
16 the Local Solid Waste Disposal Act or Solid Waste
17 Planning and Recycling Act, the facility is
18 consistent with that plan; for purposes of this
19 criteria eight, the solid waste management plan
20 means the plan that is in effect as of the date the
21 application for siting approval is filed."

22 Does anybody object to this?

23 Okay. Item nine: If the facility will be
24 located within a regulated recharge area, any

1 applicable requirements specified by the Board for
2 such areas have been met."

3 Does anybody object to that?

4 So what I have according to my count
5 -- and I ask for all the Board members to pay heed
6 and make sure that you follow me. The
7 noncontroversial items by this Board which can be
8 approved by one vote would be items 4, 5, 8, and 9.

9 Does anybody object to considering
10 4, 5, 8, or 9 by one vote? This would basically be
11 a motion to find that Groot has met its burden as
12 to those particular four criteria.

13 Okay. So what we would need now is a
14 motion from a trustee to make a finding that Groot
15 has met its burden as to criteria 4, 5, 8, and 9.

16 TRUSTEE KENYON: I would like to make the
17 motion that Groot has met its burden on criteria 4,
18 5, 8, and 9.

19 MR. KARLOVICS: Mary, you need to call for a
20 second.

21 TRUSTEE WILLIAMS: I second.

22 MR. KARLOVICS: Okay.

23 VILLAGE CLERK EGGERT: Voice vote?

24 MR. KARLOVICS: This will be a roll call.

1 MAYOR LUCASSEN: Roll call.

2 VILLAGE CLERK EGGERT: Trustee Kenyon?

3 TRUSTEE KENYON: Yes.

4 VILLAGE CLERK EGGERT: Trustee Williams?

5 TRUSTEE WILLIAMS: Yes.

6 VILLAGE CLERK EGGERT: Trustee Cerretti?

7 TRUSTEE CERRETTI: Yes.

8 VILLAGE CLERK EGGERT: Trustee McCue?

9 TRUSTEE MCCUE: Yes.

10 VILLAGE CLERK EGGERT: Trustee Wagner?

11 TRUSTEE WAGNER: Yes.

12 VILLAGE CLERK EGGERT: Trustee McCarty?

13 TRUSTEE MCCARTY: Yes.

14 MAYOR LUCASSEN: And the Mayor votes yes.

15 VILLAGE CLERK EGGERT: Motion carried.

16 MR. KARLOVICS: What I'm asking everybody to do

17 now is in your worksheet you'll see after the nine

18 listed criteria, there is a worksheet on each

19 criteria, so that everybody can keep up with what

20 we've done. I'm suggesting that you put an X mark

21 through criteria 4, 5, 8, and 9 because those have

22 already been approved.

23 So now as we get into this process, since

24 we are going point by point, there's various ways

1 to vote on the consideration of what I will call
2 the controversial criteria. The criteria for which
3 there is going to be debate, the final motion can
4 be a motion to find that Groot has not met its
5 burden, you can make a motion that Groot has met
6 its burden, but with conditions, meaning to that
7 specific criteria, we would attach conditions, or
8 you can make a motion that Groot has outright met
9 its burden without conditions.

10 What I have done for you is another tool
11 for you to assist you is your second document that
12 you have with you is a list of all of the
13 conditions that have been suggested by all of the
14 parties. What I tried to do for all of you is
15 group them together such that you can see the
16 different types of criteria, the different
17 variations on the same type of theme.

18 The criteria one, the only condition I
19 could find is regarding -- it was SWALCO's
20 suggestion regarding the service area being
21 restricted to Lake County. If you look at criteria
22 two and criteria three, I saw the criteria that
23 were suggested being very similar and I listed all
24 the remaining criteria -- excuse me -- all the

1 remaining conditions, I misspoke, to be attached to
2 the two individual criteria.

3 So for the criteria two and criteria
4 three, there is the exact listed conditions
5 suggested by the parties because I believe that
6 could apply to either one. I could not think of
7 any other criteria that would apply to any of the
8 other -- excuse me. I could not think of any other
9 conditions or see any other conditions applying to
10 any of the other criteria.

11 Now, although there is a suggested list of
12 criteria supplied by all the parties involved, we
13 are not restricted to this sheet which means that
14 any time should a board member wish to add a
15 condition to a criterion, you can do so.

16 So what I'm going to suggest we do is we
17 consider the -- and what I'm recommending for
18 everybody -- this is something I think the Board
19 has developed a bit of an ability to do. It's
20 absolutely essential tonight regardless of the
21 opinions here, that everybody respect the opinions
22 or the rights of opinions of other trustees. We
23 should remain cordial to each other as we have in
24 the past. And my suggestion is as you present your

1 case, let's keep it on the issues. Let's not get
2 personal. Let's keep it on the issues. And this
3 is something I think the Board is known for is
4 focus on the issue, not the person.

5 So as we move through the remaining
6 criteria, the first criteria is: "The facility is
7 necessary to accommodate the waste needs of the
8 area it is intended to serve." Now, if a trustee
9 wishes to speak out on that area, state your name
10 for the court reporter and make your statement for
11 the record, so that your statement can be
12 adequately noted for the record.

13 Who wants to go first on this particular
14 criteria?

15 TRUSTEE KENYON: Candy Kenyon. I am going to
16 adopt findings of fact by TCH.

17 MR. KARLOVICS: So you believe that TCH has
18 adequately expressed your view?

19 TRUSTEE KENYON: Yes.

20 MR. KARLOVICS: Do you want to expound on that
21 at all or do you just wish to adopt their specific
22 finding?

23 TRUSTEE KENYON: I just wish to adopt their
24 specific finding.

1 MR. KARLOVICS: Does anybody have a contrary
2 view?

3 TCH is Timber Creek Homes. There is no
4 motion. Unless you are making that in way of a
5 motion --

6 TRUSTEE WAGNER: Is there a particular area
7 that you're adopting or are you just adopting the
8 whole thing?

9 MR. KARLOVICS: For criteria one, she's stating
10 that --

11 TRUSTEE WAGNER: Well, that's what I'm asking.

12 TRUSTEE KENYON: We are discussing criteria one
13 and I am adopting TCH's findings for criteria one.

14 MR. KARLOVICS: Any discussion? Anybody want
15 to provide a different view?

16 TRUSTEE McCUE: I disagree with those findings.
17 I think the need is a matter of timing. I think
18 that it will be necessary and the facility being
19 built, it cannot be built the day that the
20 landfills close. There needs to be planning ahead
21 of time and it is a necessity to plan well in
22 advance because of the years that it may take to
23 get the facility finished.

24 Sorry. Trustee McCue.

1 TRUSTEE KENYON: Excuse me, attorney, are we --

2 MR. KARLOVICS: This is a matter of discussion,
3 so please make your argument as well.

4 TRUSTEE KENYON: My question to you is are we
5 or are we not limited to the evidence --

6 MR. KARLOVICS: We are limited to the evidence
7 presented on the record.

8 TRUSTEE KENYON: -- And have our own opinions.

9 MR. KARLOVICS: We are required to follow the
10 evidence that is on the record, that's correct.

11 TRUSTEE KENYON: Does that mean that we cannot
12 state our opinions?

13 MR. KARLOVICS: You can state your view of the
14 evidence. So, you know, much like you've seen in
15 courtroom dramas, you can state I am looking at
16 witness so and so and I compared that witness'
17 testimony to so and so and I believe witness A was
18 more credible than witness B. So you can comment
19 on the evidence, but we are keeping this to the
20 evidence.

21 One of the things you did by adopting
22 Timber Creek Homes' argument, is that their entire
23 argument is basically what you are saying is that's
24 your argument.

1 TRUSTEE KENYON: Right.

2 MR. KARLOVICS: So I think Trustee McCue was --

3 TRUSTEE McCUE: My comments were based on
4 Christina Siebert's testimony that it takes seven
5 years or more to site the facility. There's
6 12 years of -- or less of life remaining in the
7 Lake County landfills and you just -- the time is
8 now. You just -- there is a need now in order for
9 the transfer station to be operational when they
10 close. Zion brings in from other counties and
11 timing is everything. Times is needed.

12 TRUSTEE KENYON: According to TCH's findings of
13 fact, which also goes on Groot's evidence, the need
14 is not there until 2027.

15 TRUSTEE WAGNER: However, on cross-examination,
16 he also stated that the 2027 date wasn't something
17 permanent. The landfills could fill up much
18 quicker than that. He did not do his own needs
19 analysis. He went only the Groot's --

20 MR. KARLOVICS: When you say he, who are you
21 talking about

22 TRUSTEE WAGNER: Sorry. Thorsen.

23 MR. KARLOVICS: You're talking about the
24 witness for --

1 TRUSTEE WAGNER: Timber Creek.

2 MR. KARLOVICS: I just wanted to clarify it for
3 the record.

4 So does anybody have anything else that
5 they wish to present on the issue of need?

6 TRUSTEE KENYON: It was a statement allegedly
7 by Groot that the need was not there until
8 2027 also.

9 TRUSTEE McCUE: Do you know what witness that
10 would have been?

11 TRUSTEE KENYON: I am looking for it.

12 TRUSTEE McCUE: I'm sorry?

13 TRUSTEE KENYON: I'm looking for it.

14 VILLAGE CLERK EGGERT: She's looking for it.

15 TRUSTEE KENYON: It is on Page 11.

16 MR. KARLOVICS: Is this --

17 TRUSTEE KENYON: Oh, on TCH --

18 MR. KARLOVICS: -- the brief of TCH.

19 TRUSTEE KENYON: The findings of fact.

20 MR. KARLOVICS: The suggested findings of fact
21 by TCH?

22 TRUSTEE KENYON: Yes.

23 TRUSTEE McCUE: Sorry. Page 11?

24 TRUSTEE KENYON: Page 11, top of the page, last

1 sentence: "This conclusion is likewise based on
2 Groot's own figures which demonstrates sufficient
3 in county landfill capacity through 2027."

4 This also states the transcript of
5 9/25/13, hearing transcript 2 at line -- 40, 41.
6 So you can also refer to that transcript.

7 TRUSTEE McCUE: In the Hearing Officer's
8 comments --

9 THE HEARING OFFICER: When you say the Hearing
10 Officer's comments, what are you referring to? Are
11 you referring to his suggested findings of fact?

12 TRUSTEE McCUE: In his suggested findings of
13 fact.

14 TRUSTEE WAGNER: The testimony right here.
15 Siebert has additional six years guaranteed --

16 MR. KARLOVICS: If you can speak louder for the
17 court reporter.

18 TRUSTEE McCUE: Yeah. I'm reading off of
19 Siebert's testimony that I have.

20 It says though the capacity will take them
21 through 2017 and that will be at the Zion landfill.

22 Let's see. There is a limited amount of
23 capacity remaining at in county landfills -- will
24 have at best 12 years of combined capacity to serve

1 the county's disposal needs. That combined
2 capacity that looks at the total amount of -- the
3 total air space capacity, how much they have
4 remaining and divide by the waste they have taken
5 in over the last five years that only provides a
6 partial fixture of how your waste goes throughout
7 the county because the Countryside Landfill has
8 less capacity and expect that facility to close by
9 2020 and just five years or so after the transfer
10 station might start operating.

11 TRUSTEE WILLIAMS: What page is that?

12 TRUSTEE WAGNER: That is Page 20 of Siebert's
13 testimony.

14 MR. KARLOVICS: You are referring to a
15 particular transcript?

16 TRUSTEE WAGNER: Yes.

17 MR. KARLOVICS: Can you give the date of the
18 transcript?

19 TRUSTEE WAGNER: Yes, I can. I have to go back
20 to my notes here.

21 9/24/13.

22 TRUSTEE McCUE: It's also in Mr. Luetkehans'
23 findings starting on Page 10 and proceeding through
24 Page 11. He pretty much references that same

1 testimony.

2 MR. KARLOVICS: Can you read what you are
3 referring to into the record, so that can be a part
4 of the record?

5 TRUSTEE McCUE: "Ms. Siebert explained that the
6 Countryside Landfill will have less than five years
7 capacity remaining when the Lake Transfer Station
8 begins operating."

9 MR. KARLOVICS: What page are you on?

10 TRUSTEE McCUE: I'm sorry. 10, Mr. Luetkehans.

11 I'm quoting TR 9/24/13 C at 19. "American
12 Disposal Zion Landfill's capacity commitment to
13 Lake County will expire in 2017, and that facility
14 is projected to close within 12 years of the Lake
15 Transfer Station opening." TR 9/24/13 C at 20.

16 Finally, the Pheasant Run Landfill will
17 not provide any significant disposal capacity for
18 Illinois because Wisconsin has dramatically
19 increased its tipping fees making that facility
20 economically infeasible for waste disposal. That
21 is TR 9/24/13 C at 36 to 37.

22 Ms. Siebert observed upon reviewing the
23 appropriate data that Lake County was expected to
24 experience growth and population, the number of

1 households, as well as employment resulting in
2 increased quantities of waste needing to be
3 managed. TR 9/24/13 C at 26 to 27.

4 She testified that the Lake County
5 landfills will not provide the needed 20 years'
6 capacity and that new landfills are generally being
7 developed farther and farther away from Lake County
8 thereby necessitating the use of transfer stations.
9 TR 9/24/13 C at 42.

10 She also states -- Ms. Siebert testified
11 that the Lake County solid waste management plan
12 cited a need to develop new facilities including
13 transfer stations and that those facilities need to
14 be developed prior to the closing of the existing
15 facilities. Transcript 9/24/13 C at 21 to 23.

16 Ms. Siebert testified that there are no
17 transfer stations currently operating in Lake
18 County which in her opinion results in a transfer
19 capacity deficit far in excess of the proposed
20 capacity of the facility. Transcript 9/24/13 C at
21 34.

22 Specifically using the 2011 disposal
23 rates, the projected daily waste requiring disposal
24 for 2015 was 2,899 tons per day for the service

1 area and 3,550 tons per day by 2035. Transcript
2 9/24/13 C at 29.

3 Using the historical average rates for
4 1996 through 2011, the 2015 projected daily waste
5 disposal need was 3,422 tons per day. And by the
6 year 2035, the projected waste disposal needs would
7 be 4,191 tons per day. Transcript 9/24/13 C at
8 29 to 30.

9 The facility is designed to accept
10 approximately 750 tons per day. Transcript 9/24/13
11 C at 34.

12 The service area is in need of between
13 3,550 tons per day and 4,191 tons per day of
14 disposal capacity to meet the 20-year disposal
15 capacity needs. All of the landfill capacity
16 servicing Lake County will be exhausted in
17 approximately 12 years of the facility beginning
18 its operation. However, this capacity could be
19 exhausted much sooner than that. Transcript
20 9/24/13 C at 20.

21 Finally, Ms. Siebert testified that each
22 of the regional landfills in the area have taken
23 nine years or more to permit and the planning for
24 the Lake Transfer Station began in 2008 resulting

1 in a projected development timeframe of seven
2 years. Transcript 9/24/13 C at 22 - 25.

3 In addition, there is a growing trend for
4 landfills to be farther and farther away from
5 Chicago in the collar county area which creates a
6 greater need for transfer station capacity.
7 Transcript 9/24/13 C at 42.

8 I could go on with Mr. Thorsen's testimony
9 and his opinion on that.

10 MR. KARLOVICS: I think just to provide a
11 little bit of guidance for the members of the
12 Board, I think it might be of some assistance to
13 evaluate the two witnesses that testified on this
14 particular criterion, Mr. John Thorsen and
15 Ms. Christina Siebert, because they -- well, they
16 said various things, but I think credibility is
17 something that you need to ascertain and you need
18 to pull portions of their testimony to determine
19 your decision on this particular criterion.

20 So I don't know if anybody wants to
21 comment on that at all.

22 TRUSTEE KENYON: If I could comment on this one
23 sentence that Trustee McCue said Siebert said was
24 that within 12 years beginning its operation.

1 If we assume that Groot would begin its
2 operation within one or two years, that would put
3 it out 14 or 15 years past its inception for the
4 landfill capacity to be...

5 TRUSTEE McCUE: But it also states that with
6 the increase in residents and in businesses, that
7 it could run out sooner.

8 TRUSTEE KENYON: Can we also refer to -- well,
9 cross-examination?

10 MR. KARLOVICS: Absolutely. It's all referring
11 to the evidence, absolutely.

12 TRUSTEE KENYON: 2027 is sprinkled throughout
13 hearing transcript 09/25/13 B as the date. This is
14 within cross-examination as the date of landfill
15 capacity and that was by Groot.

16 MR. KARLOVICS: I think one of the things that
17 the Board has to probably take a good look at as to
18 what constitutes need -- and I want to read from a
19 seminal case on the issue that might help the Board
20 evaluate all of the evidence you have out there.

21 And this is a case of Fox Moraine, LLC,
22 versus the United City of Yorkville and that is
23 cited at 960 NE 2d, 1144. And specifically, I'm
24 turning to the Second District appellate court,

1 which is the appellate court for Lake County,
2 serves Lake County commented on specifically the
3 law regarding criterion one and the legal standard,
4 so I wanted to read word for word from the opinion.
5 Give me just a second here.

6 Let me provide another cite which is
7 211 Ill. App. 2d, 10017. I've got under theirs
8 -- I have the NE 2d page. I found a NE 2d on Page
9 1180. "Although an Applicant need not show
10 absolute necessity, it must demonstrate an urgent
11 need for the new facility as well as the reasonable
12 convenience of establishing it. The Applicant must
13 show that the landfill is required by the waste
14 needs of the area including consideration of its
15 waste production and disposal capabilities. Here
16 the landfill's current within outside Kendall
17 County have a capacity of approximately another
18 decade. The Board did not factor that from its
19 conception that it would take nearly eight years
20 before the landfill would be ready to accept
21 waste."

22 And in the Fox Moraine case specifically,
23 there was expert capacity of landfills around the
24 site, but specifically, the Board did not weigh the

1 evidence which is what we're doing here. But I
2 think there's an issue between the Board needs to
3 make a finding as to whether this is an issue of
4 timing or whether this is an issue of need.

5 So there can be a need even though the
6 timing may not be exactly on. There may be a need
7 for something and that is something the Board has
8 to determine, whether or not there is a need versus
9 whether the timing -- otherwise a waste transfer
10 station couldn't be developed until the day a
11 landfill closed.

12 So it's something that you have to
13 determine judging between the two witnesses. I
14 believe Mr. Thorsen states that there's plenty of
15 capacity and Ms. Siebert states that basically,
16 we're coming within what appears to be a planning
17 period.

18 So that's what I think the Board has to
19 evaluate.

20 TRUSTEE KENYON: The verbiage that you quoted,
21 Peter, also stated urgent need.

22 MR. KARLOVICS: Yeah.

23 TRUSTEE KENYON: Urgent is vital, pressing,
24 imperative, burning, critical.

1 MR. KARLOVICS: Right. There's two contrary
2 terms that have tortured -- people have to make
3 this decision. Urgent need and reasonable
4 convenience. So that's part of the issue.

5 But what constitutes urgent need, you
6 know, that is something that this Board has to
7 determine. So I don't know if anybody else has
8 anything else on this at all.

9 TRUSTEE KENYON: My determination is that
10 2027 would not be urgent. That gives plenty of
11 time to find a more appropriate state.

12 MR. KARLOVICS: Anybody else have any other
13 comments?

14 TRUSTEE McCUE: I disagree. I think it needs
15 to be sooner than that. I think the timing is
16 there for the -- it needs to be considered and
17 worked on long before that to have it up and
18 running by that time of the urgent need.

19 I feel that, you know, according to the
20 testimony, the capacity could run out sooner rather
21 than a longer time. There is no guarantees that
22 things won't increase, that the economy won't come
23 back which would increase the businesses and the
24 residents and the garbage disposal.

1 TRUSTEE KENYON: My response to that would be
2 if it could, if the need -- sorry.

3 If the capacity could be reached before
4 then, the adverse can also happen. There could be
5 more time given for the landfill. Maybe someone
6 will come up with more efficient method of
7 disposing of garbage. Maybe the landfill will be
8 there for many, many decades after that. You can't
9 base a conclusion on an "if."

10 TRUSTEE WAGNER: It took nine years for the
11 Countryside landfill to get an expansion. They're
12 not guaranteed another expansion. It took nine
13 years. They got denied the first two times.

14 TRUSTEE KENYON: And like I said, in the
15 meanwhile, anything can happen. You can't base it
16 on "if."

17 TRUSTEE WAGNER: Mr. Thorsen also did not look
18 at a 20-year plan. He merely looked at the
19 landfill capacity versus the transfer station. He
20 didn't do an independent study. He went off of
21 Groot's study. And he cannot state that it is
22 going to be there until 2027. He cannot rest
23 assured that that's going to be there.

24 TRUSTEE McCUE: In his testimony, actually,

1 Thorsen saw no evidence that the transfer station
2 was not necessary. That statement was made by
3 Mr. Thorsen.

4 MR. KARLOVICS: Yes, Bob, you want to say
5 something?

6 TRUSTEE CERRETTI: Yes. I would like to make a
7 short statement about Mr. Thorsen's testimony.

8 Mr. Thorsen disputed the timing, but he
9 did not dispute the need itself.

10 MR. KARLOVICS: Did everybody get that?

11 TRUSTEE WAGNER: Yes.

12 MR. KARLOVICS: Any response to Trustee
13 Cerretti's statement?

14 TRUSTEE WAGNER: I have to go along with him.

15 TRUSTEE McCUE: I agree.

16 TRUSTEE KENYON: Unfortunately, we cannot
17 predict the future and if we are going on an "if,"
18 I can also say if someone else comes up with a more
19 efficient processing solution, we won't even face a
20 capacity landfill.

21 TRUSTEE McCUE: But that's an if also, so --

22 TRUSTEE WAGNER: That's a big if.

23 TRUSTEE McCUE: -- you cannot wait until that
24 if happens. The timing is very important to have

1 it ready before they do fill up. If they don't
2 fill up and it's ready, then so be it.

3 TRUSTEE WAGNER: It's also part of the solid
4 waste plan that things like this are put into place
5 before the landfills close. It's stipulated.

6 TRUSTEE WILLIAMS: In Ms. Siebert's testimony
7 and the transcript is here says she equates urgent
8 with immediate.

9 And then when she was asked, so in her
10 opinion, and it says in your position, that is as
11 of 2015, there will not be any sufficient capacity
12 in the two Lake County landfills to accept Lake
13 County waste?

14 She answers no, I didn't say that at all.

15 But up top, she says it's urgent and it
16 needs to be done immediately.

17 TRUSTEE McCUE: Right. But she stated 2015.
18 They were asking a question about 2015. This is
19 2013 and if it takes three to four years to build a
20 transfer station, we are well past 2015.

21 TRUSTEE WILLIAMS: The question was they were
22 asking her if she thought that there would not be
23 sufficient capacity in the two Lake County
24 landfills.

1 TRUSTEE McCUE: In 2015?

2 TRUSTEE WILLIAMS: Yes.

3 TRUSTEE McCUE: Correct. It could take longer.
4 This is 2013, almost 2014 and three years to build.
5 Three to five years to build from now, would take
6 it until 2019.

7 So she was correct in saying that, you
8 know, she didn't feel the capacity would be gone at
9 2015. But she also stated that it would take
10 longer to build one, so you had to be prepared and
11 there is a timing issue.

12 TRUSTEE KENYON: There is nothing that dictates
13 that it must be done here and there is still time
14 to find another appropriate site as I stated
15 before, a more appropriate site.

16 MR. KARLOVICS: Does anybody have anything
17 else?

18 TRUSTEE McCUE: I remember testimony, but I
19 can't tell you where it is and it was right at the
20 moment, there are no other sites that do qualify as
21 this site does.

22 TRUSTEE KENYON: They haven't explored the
23 possibility. They need to explore other
24 possibilities.

1 TRUSTEE McCUE: Correct. And that's where
2 exploration could take four years --

3 TRUSTEE KENYON: Or it could take a day. Who
4 is to tell?

5 TRUSTEE McCUE: -- and then another three to
6 five to -- correct.

7 Does the Mayor have something to say?

8 MAYOR LUCASSEN: No. I was just kind of like
9 your turn, your turn.

10 TRUSTEE McCUE: Okay. All right. I wasn't
11 sure. We are debating. We are not arguing. We
12 are debating.

13 MAYOR LUCASSEN: No, no, no.

14 TRUSTEE KENYON: One recurrent theme that I
15 have noticed throughout is that everything, no
16 matter what the experience, what the degrees,
17 everything all seems to be based on conjecture and
18 everyone has their own opinion. I'd hate to sit
19 here and debate something that has already been
20 debated, experts have been called, witnesses have
21 been -- cross-examination has gone on.

22 I think everybody here probably has their
23 own opinions already set forth, how they are going
24 to vote. I don't see a reason to debate something

1 that better qualified people have already debated
2 because now what it comes down to is our own
3 opinion.

4 TRUSTEE McCUE: Right.

5 TRUSTEE KENYON: We could sit here and pick
6 apart, we could say he said, she said, we said,
7 they did, they didn't and it's not furthering
8 anything. We are not going forward.

9 MR. KARLOVICS: Well, I think that basically,
10 in this type of deliberation, you heard testimony,
11 you pick an expert, and you pick testimony, and you
12 rely on that testimony. So if you are relying on
13 particular testimony, I encourage you to put that
14 testimony on the record that you are relying upon.

15 If you want to expound, I think there's
16 been some attempt by Trustee McCue and Trustee
17 Wagner to state what they were relying on. But
18 just for everybody to bring this issue to a head,
19 why don't you go ahead and place on the record what
20 you are relying on and if you want to clarify any
21 further what both of you are relying on, we can
22 maybe try to get this to some type of motion and
23 get a decision on this and move on to the next
24 criteria.

1 TRUSTEE KENYON: Then I would like to state
2 that I am adopting TCH's findings of fact.

3 MR. KARLOVICS: That is what your argument is?

4 TRUSTEE KENYON: That is what my argument is.

5 MR. KARLOVICS: Okay.

6 TRUSTEE McCUE: I would like to make a motion
7 that Groot has met its burden of proof on criterion
8 one.

9 MR. KARLOVICS: Now, when you make that motion,
10 Trustee, there is one suggested condition by SWALCO
11 and that condition would be that the service area
12 of the transfer station shall be Lake County
13 generated municipal waste, recyclables, and
14 landscape waste/food scraps only. No out of county
15 waste shall be accepted at the transfer station.

16 Do you wish to make that condition a part
17 of your motion?

18 TRUSTEE McCUE: No, I do not.

19 MR. KARLOVICS: Go ahead and ask if there is
20 any further discussion.

21 MAYOR LUCASSEN: Is there any further
22 discussion?

23 TRUSTEE McCUE: Do we need a second?

24 MR. KARLOVICS: We need a second.

1 TRUSTEE WAGNER: I'll second.

2 MR. KARLOVICS: Do you have that Trustee Wagner

3 seconded it, Madam clerk?

4 VILLAGE CLERK EGGERT: Yes, I do.

5 MAYOR LUCASSEN: Roll call.

6 VILLAGE CLERK EGGERT: Trustee Williams?

7 TRUSTEE WILLIAMS: No.

8 VILLAGE CLERK EGGERT: Trustee Cerretti?

9 TRUSTEE CERRETTI: I'm sorry. What are we

10 voting on now?

11 MR. KARLOVICS: There is a motion to -- I'm

12 sorry.

13 Madam Clerk, could you possibly repeat the

14 motion?

15 VILLAGE CLERK EGGERT: Trustee McCue made a

16 motion seconded by Trustee Wagner that Groot met

17 its burden of proof as to criteria number one

18 without conditions.

19 TRUSTEE CERRETTI: I agree with that.

20 MR. KARLOVICS: You have to vote aye, nay,

21 or --

22 TRUSTEE CERRETTI: Aye.

23 VILLAGE CLERK EGGERT: Trustee McCue?

24 TRUSTEE McCUE: Aye.

1 VILLAGE CLERK EGGERT: Trustee Wagner?
2 TRUSTEE WAGNER: Aye.
3 VILLAGE CLERK EGGERT: Trustee McCarty?
4 TRUSTEE McCARTY: No.
5 VILLAGE CLERK EGGERT: Trustee Kenyon?
6 TRUSTEE KENYON: No.
7 MR. KARLOVICS: Mayor?
8 MAYOR LUCASSEN: Yes.
9 VILLAGE CLERK EGGERT: Motion carried.
10 MR. KARLOVICS: Everybody ready for item two,
11 criterion two?
12 Criterion two is the facility is so
13 designed, located, and proposed to be operated that
14 the public health, safety, and welfare will be
15 protected.
16 Does anybody wish to make their point on
17 this particular issue?
18 TRUSTEE KENYON: I do. Candace Kenyon.
19 I, again, wish to adopt TCH's findings of
20 fact and I also believe it's in Round Lake's.
21 MR. KARLOVICS: I'm sorry. Say that again.
22 TRUSTEE KENYON: I believe it's also in Round
23 Lake's. I have to --
24 MR. KARLOVICS: Okay. Does anybody have

1 a --

2 TRUSTEE McCUE: Candy, can you tell me where it
3 is in --

4 MR. KARLOVICS: 17, Page 17.

5 TRUSTEE WAGNER: I have a problem with this one
6 because he was not qualified as an engineer for the
7 state of Illinois. He can only testify --

8 MR. KARLOVICS: When you say "he," who is "he"?

9 TRUSTEE WAGNER: I'm sorry. McGinley. He
10 could only testify on odor. He is not a licensed
11 engineer for the state of Illinois. So I would
12 have to go with Moose on that one.

13 TRUSTEE McCUE: He also was asked
14 -- Mr. McGinley was asked to review the application
15 for the design for the transfer station.

16 TRUSTEE WAGNER: On August 15th --

17 TRUSTEE McCUE: Yes.

18 TRUSTEE WAGNER: -- and he made a decision by
19 August 30th which only gave him 15 days. He did no
20 independent analysis.

21 TRUSTEE McCUE: Mr. McGinley also never
22 designed a transfer station, he never visited the
23 site or Timber Creek, and only reviewed the CDI
24 report. He never performed an analysis as

1 Trustee Wagner stated and he only used math
2 equations. To me that is not a hands-on testimony
3 or expert.

4 MR. KARLOVICS: So what you've done is you have
5 criticized the suggested finding by Trustee Kenyon.

6 Do you have an alternative finding or an
7 alternative argument?

8 TRUSTEE McCUE: Sure. I never read so fast in
9 my life.

10 TRUSTEE WAGNER: I have to go with Moose's
11 30 years of experience in building transfer
12 stations and designing them.

13 MR. KARLOVICS: It would help the court
14 reporter if you could please state your name before
15 you make your statement. Trustee Kenyon has
16 actually been doing a very good job on that, so if
17 everybody could follow her example

18 TRUSTEE WAGNER: Sorry. I am used to Karen
19 taking notes.

20 TRUSTEE WILLIAMS: Trustee Williams.

21 In regard to McGinley, the transcript says
22 that he has 40 years of experience in his field.
23 It says that he's trained Illinois -- let me just
24 read it. He has provided training to major -- to

1 every major waste company in the United States.

2 TRUSTEE WAGNER: On odor control.

3 TRUSTEE WILLIAMS: He's -- well, hold on.

4 Landfill -- training applies to both
5 landfills and transfer stations. That's what the
6 transcript says. He's provided services to various
7 government environmental agencies. He holds three
8 patents for devices and processes in fields in odor
9 measurement and analysis.

10 TRUSTEE WAGNER: Yes, that I'm not disputing.
11 I'm just stating he can't testify as an engineer.
12 He is not licensed in the state of Illinois.

13 TRUSTEE McCUE: And the hearing officer stated
14 that fact, too, that he could testify on --

15 TRUSTEE WAGNER: Odor only.

16 TRUSTEE McCUE: I'm sorry. Trustee McCue.

17 TRUSTEE WAGNER: Trustee Wagner.

18 TRUSTEE McCUE: I am not totally convinced that
19 they have met the criterion and, Peter, I want to
20 know, we can make suggested conditions to make
21 certain that they are met?

22 MR. KARLOVICS: Are you saying -- are you
23 asking you are not certain that they have met
24 the --

1 TRUSTEE McCUE: Totally met criterion two.

2 MR. KARLOVICS: What you can do is if you
3 believe they have not totally satisfied the
4 criteria, you could place conditions and approve
5 with conditions which is part of the process I was
6 talking about in the beginning of our deliberation.

7 If you believe that -- if anybody wants to
8 make a motion for or against, if we are looking at
9 approving with conditions, there are a list of
10 criteria to conditions that I have provided which
11 are from all the parties total --

12 TRUSTEE KENYON: I'd like to make a motion that
13 Groot --

14 MR. KARLOVICS: -- 24.

15 TRUSTEE KENYON: -- did not meet its burden of
16 proof as to criteria number two.

17 MR. KARLOVICS: We need a second on that.

18 TRUSTEE WILLIAMS: I second it.

19 MR. KARLOVICS: We need a roll call vote on
20 that.

21 VILLAGE CLERK EGGERT: I am going to read it so
22 Trustee Cerretti can hear it.

23 Trustee Kenyon made a motion seconded by
24 Trustee Williams that Groot did not meet its burden

1 of proof as to criteria number two.

2 TRUSTEE CERRETTI: Groot did not meet criteria
3 two?

4 VILLAGE CLERK EGGERT: That is correct.

5 TRUSTEE CERRETTI: Okay.

6 VILLAGE CLERK EGGERT: Trustee Cerretti?

7 TRUSTEE CERRETTI: I vote no. I am voting that
8 they did meet it.

9 MR. KARLOVICS: You have to vote, aye, nay, or
10 abstain.

11 VILLAGE CLERK EGGERT: Nay.

12 TRUSTEE CERRETTI: No.

13 VILLAGE CLERK EGGERT: Okay. Trustee McCue?

14 TRUSTEE McCUE: Nay.

15 VILLAGE CLERK EGGERT: Trustee Wagner?

16 TRUSTEE WAGNER: No.

17 VILLAGE CLERK EGGERT: Trustee McCarty?

18 TRUSTEE McCARTY: Aye.

19 VILLAGE CLERK EGGERT: Trustee Kenyon?

20 TRUSTEE KENYON: Yes.

21 VILLAGE CLERK EGGERT: Trustee Williams?

22 TRUSTEE WILLIAMS: Yes.

23 VILLAGE CLERK EGGERT: Mayor Lucassen?

24 MAYOR LUCASSEN: Nay.

1 VILLAGE CLERK EGGERT: Motion did not carry.

2 TRUSTEE McCUE: I would like to make a motion
3 that Groot met its burden of proof as to criterion
4 two subject to conditions, and I need a minute to
5 put those conditions together.

6 MR. KARLOVICS: Do we maybe want to -- subject
7 to conditions what we can do is we can have a vote
8 on that and then we can vote on each individual
9 condition, so that the --

10 TRUSTEE McCUE: Okay.

11 MR. KARLOVICS: So everybody can participate in
12 the conditions.

13 TRUSTEE McCUE: Okay.

14 VILLAGE CLERK EGGERT: Is there a second to her
15 motion?

16 TRUSTEE WAGNER: I'll second it.

17 VILLAGE CLERK EGGERT: Okay. I am going to
18 read it, so Trustee Cerretti can hear.

19 Trustee --

20 TRUSTEE CERRETTI: I heard it.

21 VILLAGE CLERK EGGERT: You heard it? You're
22 good? Okay.

23 TRUSTEE CERRETTI: Made a motion that Groot
24 meets its burden of criteria two subject to

1 criteria, correct?

2 VILLAGE CLERK EGGERT: That is correct,

3 TRUSTEE CERRETTI: I vote Aye.

4 VILLAGE CLERK EGGERT: Trustee McCue?

5 TRUSTEE McCUE: Aye.

6 VILLAGE CLERK EGGERT: Trustee Wagner?

7 TRUSTEE WAGNER: Aye.

8 VILLAGE CLERK EGGERT: Trustee McCarty?

9 TRUSTEE McCARTY: Aye.

10 VILLAGE CLERK EGGERT: Trustee Kenyon?

11 TRUSTEE KENYON: No.

12 VILLAGE CLERK EGGERT: Trustee Williams?

13 TRUSTEE WILLIAMS: No.

14 VILLAGE CLERK EGGERT: Motion carried.

15 TRUSTEE McCUE: Will you go back to those

16 conditions later?

17 MR. KARLOVICS: We can go to the conditions. I

18 recommend we do that now.

19 TRUSTEE McCUE: Okay.

20 MR. KARLOVICS: So basically, I'm going to

21 explain the way I've got this set up and this is

22 not restrictive. The suggested worksheet that I

23 have prepared for you does document every condition

24 that we have received.

1 And if you look at the first page of
2 criteria two conditions, you have item 1A through
3 1D which talks about the operating hours.

4 If you look at item two, there is 2A
5 through 2C. That is the issue of when the doors
6 must be closed, the truck doors must be closed.

7 Item 3A through 3D pertains to the
8 limitation on the annual transfer station output
9 or -- intake or output.

10 Item 4 has 4A and 4B which discusses the
11 cleaning of the tipping floor and the push-walls.
12 I'm sorry. There's also a 4C. So 4A through 4C.

13 5 has two proposed criteria regarding
14 parking of transfer trailers.

15 Item 5 is one item which is a Round Lake
16 proposed submission that trucks will be cleaned one
17 time each month.

18 Item 7 is a Round Lake proposed submittal
19 that two loads of waste will be randomly checked
20 each day from Monday through Friday and one load
21 randomly checked on Saturday.

22 Item 8 is that the transfer station must
23 maintain a negative air pressure.

24 Item 9 has two different variations

1 regarding filtering. 9A is one proposed by SWALCO.
2 9B is one proposed by Round Lake.

3 Item 10 is that requirement that the
4 applicant retain a pest control service.

5 Item 11 is no shipping out via rail.

6 Item 12 is the requirement to use public
7 sewer.

8 Item 13 is plants and trees to be
9 installed per the landscaping should be replaced in
10 a reasonable time if they die.

11 Item 14 has three different variations,
12 A through C, and that is regarding the east side of
13 the property, that if Groot obtains the ownership
14 of the parcel to the east, they must install
15 appropriate landscaping.

16 15 is litter control.

17 16 is the requirement to provide a street
18 sweeper.

19 17 has two variations, A and B. The
20 requirement of mufflers or sound-suppressing
21 devices for vehicles and equipment located on the
22 site.

23 Item 18 is the requirement that the
24 special conditions imposed by the Village be

1 included as part of the Applicant's request to the
2 IEPA for its permit.

3 19 has two variations, 19A and 19B and
4 that's the issue of the solid fence along the
5 northern boundary of the site.

6 Item 20 is a special -- should a special
7 condition be violated, the Village has the ability
8 to take enforcement action at the Applicant's
9 expense.

10 Item 21 is any action permitted in the
11 condition of operation that the Village has to
12 partake in enforcement has to be funded by the
13 Applicant under our escrow of funds rule in our
14 code of Round Lake Park.

15 Item 22 is that Groot must maintain record
16 information and maintain documents.

17 Item 23 is that -- this is something that
18 I've suggested that Groot will operate and maintain
19 the transfer facility and property upon which it's
20 located in substantial conformity with the
21 statements and representations contained in its
22 application for local siting approval and testimony
23 of its witnesses on the hearing.

24 Item 24 is a suggested condition that I've

1 developed which is Groot will comply with the terms
2 and conditions of the Host Agreement with the
3 Village of Round Lake Park as a condition of its
4 permit. Where there is a conflict between the
5 terms of the Host Agreement and the conditions
6 provided herein, the stricter requirement shall
7 apply.

8 So those are the 24 suggested criteria.
9 There may be other criteria. If any Trustee wishes
10 to add a criteria item, you can add -- excuse me.
11 Add a condition, you can add a condition.

12 Nonetheless, what I'm recommending we do
13 is if you look through starting with item one,
14 first of all, determine whether you would like one
15 of the four listed conditions and if you do, pick
16 one of the four or come up with your own condition.

17 The submittals, as I've noted, are -- the
18 party who submitted the condition is noted on the
19 criteria. So 1A is submitted by the Hearing
20 Officer. 1B is submitted by Glenn Sechen. 1C is
21 submitted by SWALCO. 1D is submitted by Round
22 Lake.

23 TRUSTEE KENYON: I would like to make a motion
24 that all of these conditions are adopted by the

1 Village.

2 MR. KARLOVICS: The problem, though, Trustee
3 Kenyon, is when you say "all of them" --

4 TRUSTEE KENYON: All of them.

5 MR. KARLOVICS: The problem with "all of them"
6 is that there are variations, so you need to tell
7 me which one of the variations because they
8 contradict each other.

9 For example, if we go A through D, for
10 example, Hearing Officer's recommendation is to
11 allow operating hours from 4:00 a.m. to 8:00 p.m.
12 Glenn Sechen's is 4:00 a.m. to 9:00 p.m. SWALCO's
13 is 4:00 a.m. to 8:00 p.m. Round Lake's is 6:00
14 a.m. to 6:00 p.m. so you need to kind of pick one.

15 And then there's -- again, there's
16 variations. For example, the Hearing Officer's
17 -- although SWALCO's and the Hearing Officer's are
18 very similar, the Hearing Officer has a provision
19 that allows the Village by resolution to alter the
20 operating hours versus no such ability with SWALCO.

21 So basically, what I am suggesting we do
22 is we go criteria by criteria and pick one of the
23 variations if that's what you wish to do or pick
24 none of them if you believe none of them are

1 adequate or wish to draft your own, you can do that
2 as well.

3 TRUSTEE WILLIAMS: When it says submitted by
4 Round Lake, is that all of the Lakes?

5 MR. KARLOVICS: Round Lake is the Village of
6 Round Lake, so it's not -- it's the Village of
7 Round Lake proper, the corporate body, the Village
8 of Round Lake that participated in the hearing.

9 Glenn Sechen -- I listed Glenn Sechen who
10 was hired by the Village to represent the people of
11 the Village of Round Lake Park. I listed him as
12 Glenn Sechen, so you don't confuse him with Round
13 Lake.

14 Does anybody have a preference as to
15 condition one?

16 TRUSTEE CERRETTI: For criteria two, condition
17 1A.

18 MR. KARLOVICS: That is the Hearing Officer's
19 version.

20 Did everybody hear Mr. Cerretti?

21 TRUSTEE WILLIAMS: I make a motion that we
22 adopt criteria two, 1D.

23 TRUSTEE KENYON: I will make a second -- I
24 mean, I'll second that.

1 MR. KARLOVICS: Okay. Although Trustee
2 Cerretti stated he preferred 1A, there's actually
3 been a motion and that motion is for the acceptance
4 of 1D. So why don't we go ahead and have a roll
5 call vote on that motion.

6 Did you want to perhaps maybe do this a
7 little more informally, so we don't have the Clerk
8 burn up paper? Maybe we can come to some kind of a
9 consensus to each of these instead of taking them
10 one by one and having a roll call vote on each one.

11 Basically, I think we can maybe poll the
12 Board and be a lot more efficient and I can come up
13 with a list then and I can reread it and then that
14 can be made part of the motion.

15 Does everybody find that acceptable?

16 TRUSTEE McCUE: Let's go for it.

17 MR. KARLOVICS: So we have two different
18 competing criteria -- conditions for criteria two,
19 1A and 1D.

20 What specifically -- I guess maybe what we
21 should do is have each board member say whether
22 they prefer 1A or 1D.

23 So, Madam Clerk, could you poll the board?

24 Does anybody else have any other criteria

1 to suggest other than 1A or 1D?

2 TRUSTEE WAGNER: 1B.

3 MR. KARLOVICS: 1B.

4 VILLAGE CLERK EGGERT: So do you want me to

5 poll the Board?

6 MR. KARLOVICS: Yeah, poll the Board. Just say

7 1A, 1B or 1D.

8 VILLAGE CLERK EGGERT: Trustee McCue?

9 TRUSTEE McCUE: 1B.

10 VILLAGE CLERK EGGERT: Trustee Wagner?

11 TRUSTEE WAGNER: 1B.

12 VILLAGE CLERK EGGERT: Trustee McCarty?

13 TRUSTEE McCARTY: 1D.

14 VILLAGE CLERK EGGERT: 1D?

15 TRUSTEE McCARTY: D as in dog.

16 VILLAGE CLERK EGGERT: Trustee Kenyon?

17 TRUSTEE KENYON: 1D as in dog.

18 VILLAGE CLERK EGGERT: Trustee Williams?

19 TRUSTEE WILLIAMS: 1D as in David.

20 VILLAGE CLERK EGGERT: Trustee Cerretti?

21 TRUSTEE CERRETTI: 1A.

22 VILLAGE CLERK EGGERT: And, Mayor Lucassen?

23 MR. KARLOVICS: Trustee Cerretti, since you

24 have -- since we are looking at 1A and 1B and

1 there's two votes for 1B, do you have a second
2 pick? Because what we are trying to do is get one
3 motion to cover all of these, so we are just trying
4 to get a consensus together.

5 TRUSTEE CERRETTI: Do I have a second pick?

6 MR. KARLOVICS: Do you have a second pick.

7 TRUSTEE CERRETTI: 1B --

8 MR. KARLOVICS: Okay. I don't know if --

9 THE COURT REPORTER: I couldn't hear him.

10 VILLAGE CLERK EGGERT: He said he would pick
11 1B. If he has a second pick, he would pick 1B.

12 MR. KARLOVICS: Are you able to hear us
13 clearly?

14 TRUSTEE CERRETTI: I can hear you clearly. The
15 others Trustees sometimes and sometimes not.

16 MR. KARLOVICS: Okay. So basically, we have a
17 consensus on -- it's a decision between 1B and 1D.

18 Mayor, do you have a preference?

19 MAYOR LUCASSEN: I would say B.

20 MR. KARLOVICS: So let's go on to the next
21 criteria two.

22 We have 2A, 2B, 2C. And the essential
23 difference is we have one by the Hearing Officer,
24 one submitted by Glenn Sechen, one submitted by

1 SWALCO.

2 SWALCO's is the strictest which requires
3 the doors to be maintained in a closed fashion
4 during all operating hours. And the other two
5 -- Mr. Sechen's has a specific time period in which
6 they are supposed to be closed as does the Hearing
7 Officer.

8 So I think maybe -- does everybody need a
9 moment to review those?

10 MAYOR LUCASSEN: Please.

11 TRUSTEE KENYON: Mayor, what did you say for
12 the last one?

13 MAYOR LUCASSEN: What time did you say?

14 MR. KARLOVICS: Under criteria one? 1B.

15 TRUSTEE KENYON: I couldn't hear.

16 MR. KARLOVICS: She said 1B for the first
17 criteria.

18 I want to make sure that people feel free
19 to suggest your own criteria as well.

20 TRUSTEE WILLIAMS: I vote that we adopt
21 condition 2A.

22 MR. KARLOVICS: You support 2A. Maybe just
23 poll the Board if everybody is ready.

24 Is everybody ready or do you want extra

1 time? These were contained in each of the
2 suggested findings of fact and conclusions of law.
3 TRUSTEE McCUE: All right.
4 VILLAGE CLERK EGGERT: Is everybody ready? Do
5 you want me to poll?
6 MR. KARLOVICS: Is everybody ready?
7 Madam Clerk, if you could poll.
8 VILLAGE CLERK EGGERT: Trustee Wagner?
9 TRUSTEE WAGNER: 2A.
10 VILLAGE CLERK EGGERT: Trustee McCarty?
11 TRUSTEE McCARTY: 2A.
12 VILLAGE CLERK EGGERT: Trustee Kenyon?
13 TRUSTEE KENYON: 2C.
14 VILLAGE CLERK EGGERT: Trustee Williams?
15 TRUSTEE WILLIAMS: 2A.
16 VILLAGE CLERK EGGERT: Trustee Cerretti?
17 TRUSTEE CERRETTI: 2A.
18 VILLAGE CLERK EGGERT: Trustee McCue?
19 TRUSTEE McCUE: 2A.
20 MAYOR LUCASSEN: I vote 2A also.
21 MR. KARLOVICS: Okay. Item -- or suggested
22 condition three, there is 3A through D. One is
23 submitted by the Hearing Officer which limits the
24 annual output of the transfer station or he calls

1 it a throughput on average to 750 tons per day and
2 that is assuming 280 working days per year equal to
3 5.5 days per week at 52 weeks, six holidays, with a
4 peak amount, daily amount not to exceed 900 tons
5 per day for a total amount of 210,000 tons in a
6 12-month period, however, the Applicant
7 authorization to increase those limits and the
8 Village of Round Lake Park may increase these
9 limits by resolution.

10 3B is transfer station shall be limited to
11 an average annual intake of 750 tons per day
12 assuming 280 working days per year. It's the same
13 -- a similar calculation. The peak daily amount
14 shall be allowed to be 900 tons per day. If the
15 transfer station has a need to increase these
16 limits, it must first obtain approval from the
17 Round Lake Park Village Board.

18 Between the two, they are very similar to
19 one another. I personally from a legal
20 perspective, I prefer 3A because of its statement
21 as to the process the Village can use which is a
22 resolution to authorize the limit. So 3A seems
23 clearer than 3B.

24 TRUSTEE McCUE: More --

1 MR. KARLOVICS: It seems more clear to me as to
2 the process the Village would use to increase if
3 they choose to do it.

4 3C is that the Applicant shall not exceed
5 a maximum daily tonnage of 500 tons for the first
6 two years of operation. The Village shall
7 designate a contact person who can authorize
8 temporary operation in excess of the daily maximum
9 tonnage as circumstances dictate. The Village may
10 by resolution increase the maximum daily tonnage as
11 circumstances, including but not limited to the
12 operating record, traffic, and roadway conditions
13 warrant. This is Glenn Sechen's.

14 So the last is was SWALCO and the one
15 before was the Hearing Officer. The difference
16 between Mr. Sechen's and the other two was a lower
17 daily tonnage amount of 500 tons.

18 3D is that the transfer station can accept
19 at most 750 tons of waste each day and that is
20 Round Lake.

21 Does everybody understand the different
22 -- the four different variations of three?

23 TRUSTEE KENYON: I would like to make a
24 motion --

1 MR. KARLOVICS: You know what? If we just
2 continue the poling. You can make a motion at any
3 time if you wish, but I was going to suggest the
4 poling because we seem to be moving a little faster
5 by doing the polling.
6 VILLAGE CLERK EGGERT: Are we ready to take a
7 poll?
8 TRUSTEE McCUE: Yes.
9 VILLAGE CLERK EGGERT: Trustee McCarty.
10 TRUSTEE McCARTY: 3A.
11 VILLAGE CLERK EGGERT: Trustee Kenyon?
12 TRUSTEE KENYON: 3C.
13 VILLAGE CLERK EGGERT: Trustee Williams?
14 TRUSTEE WILLIAMS: 3C.
15 VILLAGE CLERK EGGERT: Trustee Cerretti?
16 TRUSTEE CERRETTI: 1A.
17 VILLAGE CLERK EGGERT: Trustee McCue?
18 TRUSTEE McCUE: 3A.
19 VILLAGE CLERK EGGERT: Trustee Wagner?
20 TRUSTEE WAGNER: 3A.
21 VILLAGE CLERK EGGERT: Mayor Lucassen?
22 MAYOR LUCASSEN: 3A.
23 MR. KARLOVICS: Condition four has three
24 variations. The first variation, which was

1 suggested both by the Hearing Officer and Glenn
2 Sechen, and that is that the tipping floor shall be
3 cleaned and free of waste at least once each day
4 the facility operates. No waste or other materials
5 shall be left on the floor inside the transfer
6 building or outside the transfer building overnight
7 when the facility is not operating. Waste may be
8 kept temporarily in transfer stations (sic) for not
9 more than 24 hours except on weekends and holidays
10 provided that such trailers are stored indoors and
11 suitably covered. Empty transfer trailers may be
12 stored outdoors for no more than 24 hours except on
13 weekends and holidays.

14 Item B is that the push-walls in the
15 transfer station where municipal waste,
16 recyclables, and landscape waste/food scraps are
17 stored on the tipping floor shall be pressure
18 washed at least once every two weeks. This was
19 submitted by SWALCO.

20 This provides for a more specific process
21 regarding the cleaning of the push-walls. 4C was a
22 Round Lake submittal. The push-walls will be power
23 washed one time each week including using a
24 detergent and disinfectant on alternating weeks;

1 the tipping floor will be power washed one time
2 each month with detergent and disinfectant; this
3 power washing will be performed more frequently if
4 necessary in order to address odors.

5 So the Round Lake -- the difference
6 between the Round Lake and the SWALCO is the
7 detergent and disinfectants. And, of course, we
8 can combine because 4A talks about the tipping
9 floor being cleaned, but doesn't specifically say
10 how it's to be cleaned.

11 So you can, if you wish, combine 4A with
12 4B or 4C if you wish or you can leave 4A as is.

13 TRUSTEE McCARTY: I prefer to combine A and C.

14 MR. KARLOVICS: That was one opinion.

15 Does anybody want to venture an opinion?

16 Do you want to poll the Board, Madam
17 Clerk?

18 VILLAGE CLERK EGGERT: Trustee Kenyon?

19 TRUSTEE KENYON: Combine A and C.

20 VILLAGE CLERK EGGERT: Trustee Williams?

21 TRUSTEE WILLIAMS: A and C.

22 VILLAGE CLERK EGGERT: Trustee Cerretti?

23 TRUSTEE CERRETTI: 4A.

24 VILLAGE CLERK EGGERT: Just a.

1 TRUSTEE CERRETTI: 4A, a as in apple.

2

3 VILLAGE CLERK EGGERT: Thank you.

4 Trustee McCue?

5 TRUSTEE McCUE: 4A.

6 VILLAGE CLERK EGGERT: Trustee Wagner?

7 TRUSTEE WAGNER: 4A.

8 VILLAGE CLERK EGGERT: Trustee McCarty?

9 TRUSTEE McCARTY: 4A and C.

10 VILLAGE CLERK EGGERT: Mayor Lucassen?

11 MAYOR LUCASSEN: A and B.

12 VILLAGE CLERK EGGERT: A and B?

13 MR. KARLOVICS: Okay. Since that is not a
14 -- since that is not one of the two options in the
15 majority, do you want to take your second pick?

16 MAYOR LUCASSEN: A.

17 MR. KARLOVICS: Moving to five, there's 5A and
18 5B.

19 5A is SWALCO suggested that transfer
20 trailers full of municipal waste, recyclables, and
21 landscape waste/food scraps shall not be stored
22 during operating hours for longer than two hours.
23 If they are to be stored overnight, the trailers
24 must be parked inside the transfer station. Empty

1 transfer trailers may be stored outside for no more
2 than 24 hours.

3 B is loaded trucks that are parked stacked
4 outside are required to return to the transfer
5 station building if not departed within two hours
6 to ensure odor control. That is from a letter
7 submitted by the Village of Hainesville. The
8 letter was dated October 2nd, 2013. The Village of
9 Hainesville letter was part of the public comment
10 that was submitted to the Village received within
11 the public comment period.

12 You are not required to pick one of the
13 two. You can also pass that up as well. So
14 -- and, again, we can also write our own
15 conditions. So if there is a portion of a
16 condition you like, you can change it or we can
17 draft a whole new condition.

18 TRUSTEE McCUE: Can conditions be put on later?
19 Do they have to --

20 MR. KARLOVICS: They have to be put on now.

21 TRUSTEE McCUE: Can we go reference the Host
22 Agreement? Is there something in the Host
23 Agreement --

24 MR. KARLOVICS: I suggested language that

1 requires them to comply with the Host Agreement, so
2 that would be covered by the Host Agreement. If
3 you believe that it's covered adequately by the
4 Host --

5 TRUSTEE McCUE: I believe it's covered in the
6 Host Agreement.

7 MR. KARLOVICS: -- Agreement, you can pass this
8 one up if you wish, but I guess what we can do is
9 poll the Board to see if you want to pass this up,
10 go for 5A, or 5 B.

11 VILLAGE CLERK EGGERT: Are we ready to poll?
12 Trustee Williams?

13 TRUSTEE WILLIAMS: 5A.

14 VILLAGE CLERK EGGERT: Trustee Cerretti?

15 TRUSTEE CERRETTI: 5A like in apple.

16 VILLAGE CLERK EGGERT: Trustee McCue?

17 TRUSTEE McCUE: Pass.

18 VILLAGE CLERK EGGERT: Trustee Wagner?

19 TRUSTEE WAGNER: Pass.

20 VILLAGE CLERK EGGERT: Trustee McCarty?

21 TRUSTEE McCARTY: 5A.

22 VILLAGE CLERK EGGERT: Mayor Lucassen?

23 MAYOR LUCASSEN: A.

24 MR. KARLOVICS: So we have a majority going for

1 5A.

2 TRUSTEE KENYON: I didn't get a vote.

3 VILLAGE CLERK EGGERT: I'm sorry. I'm so
4 sorry.

5 Trustee Kenyon?

6 TRUSTEE KENYON: 5A.

7 VILLAGE CLERK EGGERT: I apologize.

8 MR. KARLOVICS: There seems to be a majority
9 consensus on 5A.

10 VILLAGE CLERK EGGERT: It was five to two.

11 MR. KARLOVICS: Six is an up or down. It's a
12 Round Lake submittal that transfer trailers and
13 collection trucks owned by Groot will be cleaned
14 one time each month including by using detergent
15 and disinfectant on alternating months. Groot will
16 for transfer trailers and collection it does not
17 own or operate have followed the same cleaning
18 procedures by requiring this in contracts with the
19 owners and operators of those vehicles.

20 Now, that's the only cleaning condition
21 that we received. We can alter this, we can take
22 it as is, we can pass this one up, or write our
23 own.

24 TRUSTEE McCUE: I suggest passing it.

1 MR. KARLOVICS: Does everybody understand the
2 choices on that?

3 TRUSTEE KENYON: I would like to adopt it.

4 VILLAGE CLERK EGGERT: Are we ready to take a
5 poll?

6 MR. KARLOVICS: Why don't we just poll
7 everybody on that.

8 VILLAGE CLERK EGGERT: Trustee Cerretti?

9 TRUSTEE CERRETTI: I'm going to pass on that.

10 VILLAGE CLERK EGGERT: Trustee McCue?

11 TRUSTEE McCUE: Pass.

12 VILLAGE CLERK EGGERT: Trustee Wagner?

13 TRUSTEE WAGNER: Pass.

14 VILLAGE CLERK EGGERT: Trustee McCarty?

15 TRUSTEE McCARTY: Pass.

16 VILLAGE CLERK EGGERT: Trustee Kenyon?

17 TRUSTEE KENYON: Yes.

18 VILLAGE CLERK EGGERT: Trustee Williams?

19 TRUSTEE WILLIAMS: Yes.

20 VILLAGE CLERK EGGERT: Mayor Lucassen?

21 MAYOR LUCASSEN: Pass.

22 MR. KARLOVICS: Item seven is that two loads of
23 waste will be randomly checked each day from Monday
24 through Friday and one will be randomly checked on

1 Saturday. This was submitted by Round Lake.

2 Again, the same choices.

3 TRUSTEE McCUE: I would like to pass.

4 TRUSTEE KENYON: It doesn't say by whom.

5 MR. KARLOVICS: Round Lake. This is the
6 condition submitted word for word submitted by
7 Round Lake. By whom, I am assuming it would be
8 Groot.

9 TRUSTEE KENYON: For what?

10 TRUSTEE McCUE: Can we have discussion on this?

11 MR. KARLOVICS: This is a condition. I can't
12 really explain their condition. If you believe
13 that it should be checked and you want to add
14 something to it if you wish --

15 MS. WAGNER: They are randomly going to check,
16 spot check --

17 MR. KARLOVICS: Well, if you read, I've got
18 Groot's position. Groot objects to this because if
19 you remember the -- you remember the response?
20 They filed a response.

21 TRUSTEE WAGNER: Yes.

22 MR. KARLOVICS: So they objected on that basis.

23 TRUSTEE McCUE: They are going to check them,
24 just not on these increments.

1 MR. KARLOVICS: No. This is a specific
2 standard.

3 TRUSTEE McCUE: Okay. I would like to pass.

4 MR. KARLOVICS: Why don't we just poll the
5 Board again.

6 VILLAGE CLERK EGGERT: Trustee McCue?

7 TRUSTEE McCUE: Pass.

8 VILLAGE CLERK EGGERT: Trustee Wagner?

9 TRUSTEE WAGNER: Pass.

10 VILLAGE CLERK EGGERT: Trustee McCarty?

11 TRUSTEE McCARTY: Pass.

12 VILLAGE CLERK EGGERT: Trustee Kenyon?

13 TRUSTEE KENYON: Pass.

14 VILLAGE CLERK EGGERT: Trustee Williams?

15 TRUSTEE WILLIAMS: Pass.

16 VILLAGE CLERK EGGERT: Trustee Cerretti?

17 TRUSTEE CERRETTI: Pass.

18 MR. KARLOVICS: Item eight is that the transfer
19 station building must maintain a negative air
20 pressure inside the facility at all times during
21 its operating hours. This was submitted by the
22 Hearing Officer with no Groot objection and
23 submitted by SWALCO with no Groot objection.

24 Does everybody understand the negative air

1 pressure? Is everybody ready for a poll?

2 VILLAGE CLERK EGGERT: Trustee Wagner?

3 TRUSTEE WAGNER: Yes.

4 VILLAGE CLERK EGGERT: Trustee McCarty?

5 TRUSTEE McCARTY: Yes.

6 VILLAGE CLERK EGGERT: Trustee Kenyon?

7 TRUSTEE KENYON: Yes.

8 VILLAGE CLERK EGGERT: Trustee Williams?

9 TRUSTEE WILLIAMS: Yes.

10 VILLAGE CLERK EGGERT: Trustee Cerretti?

11 TRUSTEE CERRETTI: Yes.

12 VILLAGE CLERK EGGERT: Trustee McCue?

13 TRUSTEE McCUE: Yes.

14 MR. KARLOVICS: For item -- for condition

15 number nine, there's two suggested conditions that

16 the -- well, item A is suggested by SWALCO to which

17 Groot objects. The transfer station building must

18 filter all exhaust air from the building in order

19 to effectively treat the exhaust air potential

20 odors and dust. The filter must be preapproved by

21 the Village of Round Lake Park.

22 Version B is submitted by the Village of

23 Round Lake to which Groot objects. Groot will

24 install air exhaust vents and use filters that

1 remove odor from exhaust air before the air is
2 exhausted from the building.

3 Does everybody understand that as it sits
4 right now, there is no requirement under the
5 application to filter air? So if you adopt one of
6 these two, we would be requiring a filtering of
7 air. In the alternative, we can write our own
8 condition.

9 TRUSTEE McCUE: In the testimony, I believe
10 that there was an air filter system used -- or put
11 in, but never used.

12 MR. KARLOVICS: I think you are referring to an
13 experience with a different waste transfer station.

14 TRUSTEE McCUE: Correct, I am and I am going
15 back on that, but what I would -- I don't really
16 want to see the filter, but with the odor
17 neutralizing system, I would like it to be able to
18 add a deodorizing -- deodorizer to the misting
19 system if it became necessary. I'm not saying I
20 want that deodorizer added. I want the unit to be
21 capable of doing that if it becomes necessary.

22 MR. KARLOVICS: So you are looking at a
23 condition that requires an odor neutralizing
24 system.

1 TRUSTEE McCUE: I believe there is going to be
2 -- there is odor neutralizing that was given in the
3 testimony that there would be odor neutralization.
4 In the cross-examination, I think they were asking
5 about a deodorizer being added to it.

6 I don't necessarily feel that it needs to
7 be added to it, but if the system comes with the
8 capability of adding it to it, I would like that
9 system to be there in case it is necessary without
10 including a whole new system to be put in.

11 MR. KARLOVICS: So your condition would be that
12 Groot install an odor neutralizing system as part
13 of its misting system?

14 TRUSTEE McCUE: Capable of.

15 MR. KARLOVICS: Have odor neutralizing
16 capability with a misting system?

17 TRUSTEE McCUE: No. They already have that.

18 TRUSTEE WAGNER: It's on Moose's testimony.

19 TRUSTEE McCUE: It's under Moose's testimony
20 that the neutralization system will be there.

21 TRUSTEE WAGNER: Also nontoxic odor neutralizer
22 which will be more in the summer months when odors
23 have the potential to be the greatest.

24 TRUSTEE McCUE: It may not be necessary, so

1 i t' s an opinion of mine. I j ust don' t want to
2 require i t. I want the ability to be -- possi bly
3 the ability to have a deodorizer.

4 MR. KARLOVIC S: That i s a di ffi cul t condi ti on
5 to wri te.

6 TRUSTEE McCUE: Then I want no condi ti ons.

7 MR. KARLOVIC S: Ei ther we have them -- require
8 them to put a system i n that coul d serve as an odor
9 neutralizer or we don' t.

10 TRUSTEE McCUE: They are putting --

11 MR. KARLOVIC S: If they are --

12 TRUSTEE McCUE: If they are putting one i n.

13 The deodorizer i s the part that I had heard
14 comments and that i s why I wanted to --

15 MR. KARLOVIC S: So you don' t want to make any
16 suggestion on that?

17 TRUSTEE McCUE: I believe i t was suggested that
18 the neutralizing system had worked and that there
19 were no noxious odors coming out i f that i s the
20 right word.

21 MR. KARLOVIC S: So you are not suggesting
22 anything about --

23 TRUSTEE McCUE: No, I won' t. I wi thdraw that.

24 MR. KARLOVIC S: Okay. So we sti ll have 9A and

1 9B or pass both.

2 TRUSTEE McCUE: I would like to pass.

3 MR. KARLOVICS: Is everybody ready for polling?

4 VILLAGE CLERK EGGERT: Trustee McCarty?

5 TRUSTEE McCARTY: Pass.

6 VILLAGE CLERK EGGERT: Trustee Kenyon?

7 TRUSTEE KENYON: 9A.

8 VILLAGE CLERK EGGERT: Trustee Williams?

9 TRUSTEE WILLIAMS: 9A.

10 VILLAGE CLERK EGGERT: Trustee Cerretti?

11 TRUSTEE CERRETTI: Let me get this straight.

12 We're voting either on 9A or 9B. Is that --

13 VILLAGE CLERK EGGERT: Or pass.

14 MR. KARLOVICS: Or pass this all together.

15 TRUSTEE CERRETTI: Okay. I pass.

16 VILLAGE CLERK EGGERT: Trustee McCue?

17 TRUSTEE McCUE: Pass.

18 VILLAGE CLERK EGGERT: Trustee Wagner?

19 TRUSTEE WAGNER: Pass.

20 MAYOR LUCASSEN: Pass.

21 TRUSTEE McCUE: Peter, can we take a couple

22 minute break?

23 MR. KARLOVICS: Do you want to call a recess?

24 MAYOR LUCASSEN: We are going to take a short

1 recess for five minutes.

2 All those in favor?

3 MR. KARLOVICS: I recommend that nobody speak
4 with anybody from the audience during the
5 deliberation period, so I am asking everyone please
6 not speak to anyone.

7 (Whereupon, recess taken.)

8 MAYOR LUCASSEN: I would like to reconvene the
9 meeting, please. It's 7:48.

10 Roll call, please.

11 VILLAGE CLERK EGGERT: Trustee Kenyon?

12 TRUSTEE KENYON: Present.

13 VILLAGE CLERK EGGERT: Trustee Williams?

14 TRUSTEE WILLIAMS: Present.

15 VILLAGE CLERK EGGERT: Trustee Cerretti?

16 TRUSTEE CERRETTI: Present by phone.

17 VILLAGE CLERK EGGERT: Trustee McCue?

18 TRUSTEE McCUE: Present.

19 VILLAGE CLERK EGGERT: Trustee Wagner?

20 TRUSTEE WAGNER: Present.

21 VILLAGE CLERK EGGERT: Trustee McCarty?

22 TRUSTEE McCARTY: Present.

23 VILLAGE CLERK EGGERT: We have a quorum.

24 MR. KARLOVICS: Is everybody ready?

1 Okay. We are at condition ten. The next
2 four conditions 10, 11, 12, and 13 are single
3 conditions. There are no variations.

4 Item ten is regarding pest control
5 service. Item 11 is the Applicant will not be
6 allowed to ship out municipal waste via rail.
7 12 is a requirement utilizing the public sewer.
8 And 13 is that all plants and trees installed per
9 the landscaping plan shall be replaced in a
10 reasonable amount of time.

11 Does anybody want to make motions on any
12 of these?

13 TRUSTEE McCUE: I would make a motion --

14 MR. KARLOVICS: Not a motion, but in terms of
15 polling is there a suggested -- these don't seem to
16 be all that controversial. Are these four that
17 could be accepted all at once?

18 TRUSTEE WAGNER: Yes.

19 MR. KARLOVICS: Does anybody object to any one
20 of the four?

21 Trustee Cerretti, we are talking about
22 items 10 through 13.

23 TRUSTEE CERRETTI: Right.

24 MR. KARLOVICS: Is there any objections?

1 Everybody favors these four being added? Okay.

2 14 has three variations. The version
3 submitted by the Hearing Officer has no objection
4 from Groot and that's if the Applicant obtains
5 control of the ownership of the parcel to the east
6 of the subject site and if it decides to remove the
7 deciduous trees on that parcel such that the
8 natural barrier provided by the trees is no longer
9 sufficient, then the Applicant must install
10 appropriate landscaping along the eastern border of
11 the property that is consistent with the other
12 existing landscaping and screening at the facility.

13 14B submitted by SWALCO, which also has no
14 Groot objection, is substantially the same. That
15 -- it has slightly different wording, but it's
16 essentially the same.

17 Item C is a Round Lake submitted with
18 entirely different language to which Groot objects.
19 Groot will landscape the east side of the property
20 if the nature and appearance of the property to the
21 east changes; landscaping at and around the entire
22 site will, within three years of the start of site
23 operations, block the site from offsite view,
24 including the building, trucks, and truck traffic

1 at the site, to the fullest extent reasonably
2 possible.

3 Does anybody have any opinions they wish
4 to express as to any one of the three versions?

5 TRUSTEE McCUE: I would go for A and B.

6 MR. KARLOVICS: You have to pick one or the
7 other.

8 TRUSTEE McCUE: They are basically the same.

9 MR. KARLOVICS: I think the Hearing Officer's
10 is more clearly written.

11 TRUSTEE McCUE: Okay. Poll or just --

12 MR. KARLOVICS: Yeah, I recommend a poll. Is
13 everybody ready for a polling on 14?

14 VILLAGE CLERK EGGERT: Trustee Kenyon?

15 TRUSTEE KENYON: Yes -- I mean 14A.

16 VILLAGE CLERK EGGERT: Trustee Williams?

17 TRUSTEE WILLIAMS: 14A.

18 VILLAGE CLERK EGGERT: Trustee Cerretti?

19 TRUSTEE CERRETTI: 14A.

20 VILLAGE CLERK EGGERT: Trustee McCue?

21 TRUSTEE McCUE: 14A.

22 VILLAGE CLERK EGGERT: Trustee Wagner?

23 TRUSTEE WAGNER: 14A.

24 VILLAGE CLERK EGGERT: Trustee McCarty?

1 TRUSTEE McCARTY: 14A.

2 MAYOR LUCASSEN: That makes it unanimous.

3 MR. KARLOVICS: 15 is litter control. It's
4 submitted by the Hearing Officer and Glenn Sechen.
5 There was no Groot objection. It was to control
6 litter. It provides for specific procedures.

7 Is there any objection to it? I think we
8 can --

9 TRUSTEE McCUE: No.

10 MR. KARLOVICS: Anybody object? Trustee
11 Kenyon? Okay.

12 16 is a requirement to provide a street
13 sweeper. This was presented by or submitted by the
14 Hearing Officer and Glenn Sechen with no Groot
15 objection.

16 Does anybody have any objection to this
17 one? Anything that should be added? No objection,
18 okay.

19 There's two different versions of the
20 mufflers or other sound-suppressing devices. The
21 Hearing Officer's is -- well, basically the version
22 that Glenn Sechen provided -- adds issues regarding
23 back-up beepers, so I will read Glenn Sechen's
24 first. It's 17B.

1 Noise control. All equipment utilized for
2 operations shall be equipped with mufflers or other
3 sound-suppressing devices required for compliance
4 with applicable state statutes and regulations.
5 The Village may require the use of available
6 alternatives to back-up beepers.

7 And essentially, the language that is
8 different between the two is the Hearing Officer
9 removes the language, "the Village may require the
10 use of available alternatives to back-up beepers."

11 Does anybody want to express --

12 TRUSTEE McCUE: 7A.

13 MR. KARLOVICS: Do you want to do a poll?

14 VILLAGE CLERK EGGERT: Trustee Williams?

15 TRUSTEE WILLIAMS: 7A.

16 VILLAGE CLERK EGGERT: Trustee Cerretti?

17 TRUSTEE CERRETTI: 17A.

18 VILLAGE CLERK EGGERT: Trustee McCue?

19 TRUSTEE McCUE: 17A.

20 TRUSTEE WILLIAMS: 17A. I said 7.

21 VILLAGE CLERK EGGERT: TRUSTEE WAGNER?

22 TRUSTEE WAGNER: 17A.

23 VILLAGE CLERK EGGERT: Trustee McCarty?

24 TRUSTEE McCARTY: 17A.

1 VILLAGE CLERK EGGERT: Trustee Kenyon?

2 TRUSTEE KENYON: 17A.

3 MR. KARLOVICS: Item 18, the Applicant shall be
4 required to request that all the special conditions
5 imposed by the Village be included as part of the
6 operating permit from the IEPA. This was submitted
7 by both the Hearing Officer and SWALCO with no
8 Groot objection.

9 My suggestion is -- this is more of an
10 enforcement recommendation and I am recommending
11 this be adopted as a condition. Does anybody have
12 an objection to it?

13 TRUSTEE McCUE: No.

14 MR. KARLOVICS: 19A and B is regarding
15 landscaping and fencing. This pertains to fencing
16 -- and, of course, one of the things that I have to
17 continue to invite everybody to add conditions, to
18 alter the conditions. So far we have been
19 basically, which you are allowed to do, accept
20 conditions presented to us, but we are allowed to
21 alter conditions. So I want to remind everybody
22 that you are allowed to do that, so all your
23 options are available to you.

24 The Hearing Officer, which has no Groot

1 objection, submitted the following: The Applicant
2 shall place a solid fence along the northern
3 boundary of the site. This fence shall be placed
4 from the northeast property corner to the eastern
5 edge of the stilling basin located in the northwest
6 corner of the site.

7 Glenn Sechen presented one to which Groot
8 objects that the Applicant shall place additional
9 landscaping and utilize a solid fence at or near
10 the north side property line and the northwest
11 corner of the facility. A plan to do so shall be
12 submitted to the Village and be approved or
13 rejected in the building permit process.

14 Essentially, what happened was Glenn
15 Sechen suggested a condition, Groot objected to it,
16 and the Hearing Officer reacted to that and he
17 prepared his, so the solid fence meets Groot's
18 objection.

19 TRUSTEE McCUE: I have suggestion to that.

20 MR. KARLOVICS: Yes.

21 TRUSTEE McCUE: I do like 19A, but I do
22 remember during the hearings, they testified that
23 they would be putting in a cyclone fence around the
24 rest of the building where there weren't trees or

1 such. I would like to suggest for aesthetic
2 reasons, that it be a wrought iron rather than a
3 cyclone. I think it would look any much better or
4 pleasing.

5 MR. KARLOVICS: Do you have any standard or
6 comparison that you would make for purposes of
7 wrought iron? Is there an example of such a fence
8 in existence that you have seen that you like?

9 TRUSTEE McCUE: Give me a minute. I am
10 picturing, but I don't know where.

11 MR. KARLOVICS: Is there a place you have seen
12 one?

13 TRUSTEE McCUE: Not as tall, but JAWA has a
14 6 foot wrought iron fence. I would like to see it
15 shorter because it's on top of a berm, but same
16 idea.

17 MR. KARLOVICS: So 6 foot wrought iron fence?

18 TRUSTEE McCUE: No. Not 6 foot. It doesn't
19 have to be 6 foot.

20 MR. KARLOVICS: Okay. Just replace --

21 TRUSTEE McCUE: A wrought iron fence that looks
22 like what JAWA has around their facility, but
23 because our fence is going to be on top of a berm,
24 I believe it is, that fence is going to be on top

1 of a berm, it doesn't -- I don't know that it needs
2 to be 6 foot. It needs to be the height the
3 cyclone fence was going to be.

4 MR. KARLOVICS: So replace --

5 TRUSTEE McCUE: Cyclone fence with wrought
6 iron.

7 MR. KARLOVICS: With wrought iron.

8 TRUSTEE McCUE: 4 to 6 foot. Is that good?

9 MR. KARLOVICS: Well, you would want it similar
10 in height or in the same height as the cyclone
11 fence.

12 TRUSTEE McCUE: As the proposed cyclone fence.
13 And that is -- the explanation of the JAWA facility
14 is good enough?

15 MR. KARLOVICS: Substantially similar to JAWA
16 fence. Which facility? Is there a facility?

17 TRUSTEE McCUE: What? The JAWA, Joint --

18 MR. KARLOVICS: Is there only one JAWA
19 facility?

20 TRUSTEE McCUE: The main facility where their
21 offices are. No, there are pumping stations, too.
22 Their main facility in Lake Bluff.

23 MR. KARLOVICS: So I think I've got that.

24 Does anybody disagree with the suggested

1 condi ti on?

2 Trustee Cerretti , do you have any
3 disagreement with what trustee McCue suggested?

4 TRUSTEE CERRETTI: What is --

5 MR. KARLOVICS: What Trustee McCue is
6 requesting is that Groot be required to install a
7 fence in place of the cyclone fence contained on
8 the Application. That would be made out of a
9 wrought iron and same height as a cyclone fence
10 that is proposed and it would be substantially
11 similar in style to the wrought iron fence at the
12 JAWA, Joint Action Water Agency main facility.

13 TRUSTEE CERRETTI: Okay. Now, on what item?

14 MR. KARLOVICS: This is 19. I think Trustee
15 McCue doesn't like either.

16 Trustee McCue?

17 TRUSTEE McCUE: I don't care for A or B. I
18 would like to suggest --

19 MR. KARLOVICS: A with the addition of the
20 wrought iron.

21 TRUSTEE KENYON: Are you proposing to replace
22 the cyclone with the wrought iron? But does that
23 also include placing fencing along the northern
24 boundary?

1 TRUSTEE McCUE: No. I agree with the solid
2 fence along the northern boundary and it goes up to
3 the --

4 TRUSTEE KENYON: So that is in addition?

5 TRUSTEE McCUE: -- basin. I agree with that
6 solid fence, but I would like to require that the
7 cyclone fence be replaced with a wrought iron
8 fence.

9 MR. KARLOVICS: So 19A -- so Trustee McCue,
10 basically, 19A, the language I just stated
11 replacing the cyclone fence with a wrought iron
12 fence substantially similar to JAWA.

13 Okay. I guess on this one, I think since
14 Trustee McCue has suggested something, probably the
15 best way to handle this would be to see if
16 everybody agrees and possibly just a yes or no on
17 Trustee McCue's suggestion.

18 If anybody wants to suggest either 19A or
19 19B or another, feel free to speak up on this, but
20 why don't we go ahead and poll the Board.

21 TRUSTEE McCUE: Peter, one more thing before we
22 poll. Just a question. There was going to be a
23 cyclone gate also, was there not?

24 MR. KARLOVICS: Right.

1 TRUSTEE McCUE: So the whole thing replaced
2 with a wrought iron?

3 MR. KARLOVICS: Right.

4 TRUSTEE McCUE: Just want to be specific and
5 make it all look the same.

6 TRUSTEE KENYON: Is there any mechanisms on the
7 gate itself?

8 TRUSTEE McCUE: Hand -- oh, I don't know. I
9 mean, there is at JAWA for security purposes. I'm
10 not asking that that be put in place here.

11 MR. KARLOVICS: I am using the words
12 substantially similar, so you'll get something
13 similar in appearance.

14 TRUSTEE McCUE: It will do the same job that
15 the cyclone was doing only it will be wrought iron.

16 MR. KARLOVICS: Poll the Board as to Trustee
17 McCue's suggested --

18 VILLAGE CLERK EGGERT: Trustee Cerretti, did you
19 hear Trustee McCue's proposal?

20 TRUSTEE CERRETTI: Could you repeat it, please?

21 MR. KARLOVICS: It would be 19A as you see on
22 your sheet and it would add that the cyclone fence
23 would be required to be replaced with a wrought
24 iron fence the same height as the cyclone fence and

1 the style would be substantially similar to that of
2 the Joint Action Water Agency main facility and
3 this would include the gate as well as the fence.

4 TRUSTEE CERRETTI: So that is 19A?

5 MR. KARLOVICS: 19A with the additional
6 language I just stated.

7 TRUSTEE CERRETTI: Right. Okay.

8 VILLAGE CLERK EGGERT: So I am going to poll
9 now.

10 Trustee Cerretti?

11 TRUSTEE CERRETTI: 19A.

12 VILLAGE CLERK EGGERT: With the -- I assume
13 it's with amended 19A?

14 TRUSTEE CERRETTI: Amended, correct.

15 VILLAGE CLERK EGGERT: Thank you.

16 Trustee McCue?

17 TRUSTEE McCUE: Aye.

18 VILLAGE CLERK EGGERT: Trustee Wagner?

19 TRUSTEE WAGNER: Aye.

20 VILLAGE CLERK EGGERT: Trustee McCarty?

21 TRUSTEE McCARTY: Yes. Aye for amending 19A.

22 VILLAGE CLERK EGGERT: Trustee Kenyon?

23 TRUSTEE KENYON: Amended 19A.

24 VILLAGE CLERK EGGERT: Trustee Williams?

1 TRUSTEE WILLIAMS: Amended 19A.

2 MR. KARLOVICS: Item 20 and 21 are more
3 enforcement provisions. I actually recommend them
4 because they were submitted by the Hearing Officer
5 and Glenn Sechen, but they are specifically
6 pertaining to should a special condition be
7 violated.

8 So the -- one is a requirement that the
9 Applicant -- given that the Village has limited
10 resources, the Village would be able to enforce
11 that condition at the Applicant's expense.

12 And 21 makes that subject to our escrow of
13 funds. An escrow of funds would have to be
14 deposited. So I am suggesting 20 and 21 as
15 conditions.

16 Does anybody object to 20 or 21? Maybe if
17 we can do a quick polling of 20 and 21 together.
18 If anybody feels that one of the two should be
19 polled, you can poll them. Basically Hearing
20 Officer and Glenn Sechen submitted these two
21 conditions and Groot objected to them.

22 VILLAGE CLERK EGGERT: So this is for
23 conditions 20 and 21.

24 Trustee McCue?

1 TRUSTEE McCUE: Aye.
2 VILLAGE CLERK EGGERT: Trustee Wagner?
3 TRUSTEE WAGNER: Aye.
4 VILLAGE CLERK EGGERT: Trustee McCarty?
5 TRUSTEE McCARTY: Yes.
6 VILLAGE CLERK EGGERT: Trustee Kenyon?
7 TRUSTEE KENYON: Yes.
8 VILLAGE CLERK EGGERT: Trustee Williams?
9 TRUSTEE WILLIAMS: Yes.
10 VILLAGE CLERK EGGERT: Trustee Cerretti.
11 TRUSTEE CERRETTI: Yes.
12 MR. KARLOVICS: 22 is a -- was submitted by the
13 Village of Round Lake and I actually find it
14 somewhat confusing, but it states that Groot will
15 record information about and maintain documents
16 regarding its operations including as to compliance
17 with these conditions. Groot will permit
18 inspection of the facility and these documents by
19 the Board and Lake County.
20 It seems to me that this is something that
21 for the most part the Village is already allowed to
22 inspect and requires documents according to the
23 Host Agreement which is going to be required to be
24 complied with.

1 I don't know if this is necessary, but I
2 leave it up to the Board as to what you think
3 is --

4 TRUSTEE McCUE: I would say no. Reading the
5 Host Agreement, the Health Department also has the
6 right to inspect besides the Village, so I don't
7 think this is necessary.

8 MR. KARLOVICS: Anybody have any feelings on
9 this?

10 TRUSTEE WILLIAMS: I agree with Trustee McCue.

11 MR. KARLOVICS: Trustee Kenyon? You agree?

12 TRUSTEE McCUE: The court reporter can't hear
13 that.

14 TRUSTEE KENYON: I agree with Trustee McCue.

15 MR. KARLOVICS: So that one we are going to
16 pass on.

17 Then 23 and 24 are conditions that I've
18 developed that I've suggested to the Board that the
19 Board consider.

20 23 is that Groot will operate and maintain
21 the transfer station facility and the property upon
22 which it is located in substantial conformity with
23 the statements and representations contained in its
24 Application for local siting approval and in the

1 testimony of its witnesses at the hearing.

2 Item 24 is Groot will comply with the
3 terms and conditions of its Host Agreement with the
4 Village of Round Lake Park as a condition of its
5 permit. Where there is a conflict between the
6 terms of the Host Agreement and the conditions
7 provided herein, the stricter requirement shall
8 apply.

9 Is there any objection?

10 TRUSTEE McCUE: No objection.

11 MR. KARLOVICS: Does anybody wish different
12 language or wish one to be eliminated?

13 Poll the board.

14 VILLAGE CLERK EGGERT: This is for 23?

15 MR. KARLOVICS: 23 and 24 together.

16 VILLAGE CLERK EGGERT: Trustee Wagner?

17 TRUSTEE WAGNER: Yes.

18 VILLAGE CLERK EGGERT: Trustee McCarty?

19 TRUSTEE McCARTY: Yes.

20 VILLAGE CLERK EGGERT: Trustee Kenyon?

21 TRUSTEE KENYON: Yes.

22 VILLAGE CLERK EGGERT: Trustee Williams?

23 TRUSTEE WILLIAMS: Yes.

24 VILLAGE CLERK EGGERT: Trustee Cerretti?

1 TRUSTEE CERRETTI: Yes.

2 VILLAGE CLERK EGGERT: Trustee McCue?

3 TRUSTEE McCUE: Yes.

4 MR. KARLOVICS: So we now have a list and I was
5 going to suggest that because these motions today
6 are directory, there is going to be a resolution
7 that I am going to be drafting that is going to be
8 incorporating your wishes as you are expressing
9 them tonight and we will be discussing that at the
10 next Village Board meeting. I am going to try to
11 get that to you by tomorrow.

12 But basically, as I see it, I am going to
13 ask you to give me new direction on two with the
14 conditions of -- now those of you who voted no will
15 probably still want to maintain your no vote. You
16 were supplying input into the conditions even
17 though you are against it. But nonetheless, more
18 input is better than less input, so you get to
19 participate in the deliberations on that.

20 But the conditions then as they are being
21 suggested are going to be 1B, 2A, 3A, 4A, 5A, 8,
22 10, 11, 12, 13, 14A, 15, 16, 17A, 18, 19A, 20, 21,
23 23, and 24.

24 Now, one of them specifically has been

1 amended, so it's 19A as amended.

2 Does everybody agree that this accurately
3 reflects the deliberations that we had regarding
4 conditions?

5 TRUSTEE McCARTY: Yes.

6 TRUSTEE McCUE: Yes.

7 TRUSTEE WAGNER: Yes.

8 MR. KARLOVICS: Does anybody have any objection
9 to what I just stated?

10 I was going to ask the motion be remade
11 that Groot has met its burden as to criterion two
12 subject to the conditions listed 1B, 2A, 3A, 4A,
13 5A, 8, 10, 11, 12, 13, 14A, 15, 16, 17A, 18, 19A,
14 20, 21 --

15 VILLAGE CLERK EGGERT: 19A as amended.

16 MR. KARLOVICS: Thank you, Madam Clerk. 23 and
17 24.

18 VILLAGE CLERK EGGERT: Trustee McCue?

19 TRUSTEE McCUE: I would like to amend my motion
20 to be as Attorney Karlovics stated.

21 MR. KARLOVICS: Do you want to second?

22 TRUSTEE WAGNER: I will second.

23 MR. KARLOVICS: Take another roll call on that.

24 VILLAGE CLERK EGGERT: Give me one second.

1 Trustee Cerretti?

2 TRUSTEE CERRETTI: Yes, subject to the
3 conditions that were just made.

4 MR. KARLOVICS: Right. The motion is -- did
5 you hear the motion? The motion is that Groot met
6 its burden as to criteria two 1B through 24.

7 TRUSTEE CERRETTI: Yes.

8 VILLAGE CLERK EGGERT: Trustee McCue?

9 TRUSTEE MCCUE: Yes.

10 VILLAGE CLERK EGGERT: Trustee Wagner?

11 TRUSTEE WAGNER: Yeah.

12 VILLAGE CLERK EGGERT: I'm sorry. Can you
13 repeat that?

14 TRUSTEE WAGNER: Yes.

15 VILLAGE CLERK EGGERT: Yes, okay.

16 Trustee McCarty?

17 TRUSTEE MCCARTY: No.

18 VILLAGE CLERK EGGERT: Trustee Kenyon?

19 TRUSTEE KENYON: No.

20 VILLAGE CLERK EGGERT: Trustee Williams?

21 TRUSTEE WILLIAMS: No.

22 VILLAGE CLERK EGGERT: Mayor Lucassen?

23 MAYOR LUCASSEN: Yes.

24 VILLAGE CLERK EGGERT: Motion carried.

1 MR. KARLOVICS: I think things should speed up
2 from here.

3 Item three, what I've done for you on item
4 three, the criteria is the facility is located so
5 as to minimize incompatibility with the character
6 of the surrounding area and to minimize the effect
7 on the value of the surrounding property.

8 If you look at the criteria three
9 conditions, they are exactly the same as the
10 criteria two conditions, so if you wish, you can
11 make a motion to adopt the same exact criteria for
12 criteria three if you felt that Groot would meet
13 its -- if Groot would meet its burden subject to
14 conditions.

15 You can also make a motion that Groot met
16 its burden without conditions or you can make a
17 motion that Groot did not meet its burden as to
18 criteria three.

19 So at this point, it would be appropriate
20 for someone perhaps to make a motion and then to
21 have discussion.

22 TRUSTEE CERRETTI: I make a motion that Groot
23 met it's burden on criterion three subject to
24 conditions.

1 MR. KARLOVICS: Do you want the conditions to
2 be the same as for those for criteria two? I gave
3 a list of conditions for criteria two --

4 TRUSTEE CERRETTI: Right. I have them down
5 here.

6 MR. KARLOVICS: You don't have to state them.
7 You just want them to be the same conditions?

8 TRUSTEE CERRETTI: Yes. I would like the same
9 conditions.

10 MAYOR LUCASSEN: Is there a second?

11 TRUSTEE McCUE: I will second that motion.

12 TRUSTEE KENYON: I would just like to state,
13 Trustee Kenyon, that I adopt the findings of fact
14 by TCH on this, on criteria three.

15 MR. KARLOVICS: So TCH obviously has specific
16 arguments that are -- so you are adopting all the
17 arguments.

18 Does anybody want to adopt a contrary
19 finding of fact or present their own finding of
20 fact, argument as was done in the previous
21 criteria? The finding of fact is a basis for
22 adopting a position for or against. So, for
23 example, TCH is in opposition to criterion three.
24 There were findings of fact drafted by the Hearing

1 Officer and by Groot and by Glenn Sechen that Groot
2 met the criterion.

3 Does anybody want to -- anybody want to
4 present a contrary view to Trustee Kenyon? Trustee
5 Kenyon, by adopting TCH's position on this, she is
6 adopting an entire series of argument on this.

7 So does anybody have anything they want to
8 say on this?

9 TRUSTEE WAGNER: Yeah, I have to on Michael
10 MaRous' testimony -- Trustee Wagner. He did not do
11 his own value study. He did not do -- he did not
12 do any of his own research. He was only hired to
13 look -- and draw conclusions. Does not know what
14 the percentage of the negative impact will be. Did
15 not verify a lot of the Poletti and Lannert general
16 comments and has done no study to properties
17 impacted by transfer stations.

18 He does not agree that if Groot properly
19 maintains the grounds -- I'm sorry. He does agree
20 that if Groot properly maintains the grounds, it
21 will help minimize the -- did not show or have his
22 research with him when testifying. Did not offer
23 his computation in his report of how he drew his
24 conclusion.

1 MR. KARLOVICS: Do you have any comment as to
2 the Groot witnesses?

3 TRUSTEE WAGNER: Groot witnesses on Poletti's?

4 MR. KARLOVICS: Are you making a finding that
5 one -- are you suggesting that one is more credible
6 than the other or --

7 TRUSTEE WAGNER: MaRous -- well, I am just
8 going off of what he based his -- what his
9 testimony, MaRous for the trailer court.

10 MR. KARLOVICS: So you were critiquing the
11 TCH --

12 TRUSTEE WAGNER: She was adopting and I was
13 critiquing what she adopted.

14 MR. KARLOVICS: Do you have a suggested finding
15 of your own?

16 TRUSTEE WAGNER: I have to go with Poletti and
17 Lannert and I have to go with Kleszynski. I have
18 to believe their reports. They each did their own
19 independent studies. Even Kleszynski. I hope I am
20 saying it right. He even polled some of Poletti's
21 and Lannert's reports, so he could verify that
22 their information was accurate on the sales and
23 stuff. And the Timber Creek witness, Mr. MaRous,
24 did not. MaRous also testified -- which is less

1 than I believe 30 feet from the mobile home park
2 that the rents have increased at the mobile home
3 park and stabilized. So I do not believe there
4 will be an impact since it will be over 1,038 feet
5 away from the nearest mobile home.

6 MR. KARLOVICS: Anybody else have commentary on
7 this, on the motion?

8 TRUSTEE McCUE: So the motion is to approve
9 criterion three with the same --

10 MR. KARLOVICS: Conditions as criteria two.

11 Right now we are specifically looking at
12 the findings of fact that support -- basically
13 Trustee Kenyon has provided a critique of the
14 motion. She stated in opposition that by adopting
15 TCH's, she has adopted a whole body of argument.
16 Trustee Wagner provides specific argument of her
17 own.

18 Does anybody else have anything to add
19 either in support of either position or another
20 position all together?

21 TRUSTEE McCUE: Mr. Lannert pointed out that
22 the comprehensive plans are not rules and they are
23 not factual and that that shouldn't be considered.
24 They were specifically talking about the property

1 on the south side of 120 across from the proposed
2 site and I agree with that, that comprehensive
3 plans are not rules and they can be changed at any
4 time and they will be changed throughout the year,
5 so no stock should be taken in that statement.

6 MR. KARLOVICS: Any other commentary?

7 Anybody else have anything to say on this
8 at all?

9 VILLAGE CLERK EGGERT: Ready for a vote?

10 MR. KARLOVICS: You can call a vote on it.

11 MAYOR LUCASSEN: Roll call.

12 VILLAGE CLERK EGGERT: Trustee McCue?

13 TRUSTEE McCUE: Yes.

14 VILLAGE CLERK EGGERT: Trustee Wagner?

15 TRUSTEE WAGNER: Yes.

16 VILLAGE CLERK EGGERT: Trustee McCarty?

17 TRUSTEE McCARTY: No.

18 VILLAGE CLERK EGGERT: Trustee Kenyon?

19 TRUSTEE KENYON: No.

20 VILLAGE CLERK EGGERT: Trustee Williams?

21 TRUSTEE WILLIAMS: No.

22 VILLAGE CLERK EGGERT: Trustee Cerretti?

23 TRUSTEE CERRETTI: I did not hear anything that
24 is going on. What are we voting on exactly?

1 MR. KARLOVICS: The motion was that Groot met
2 its burden of proof as to criterion three subject
3 to the same conditions. It was your motion, so we
4 are voting on your motion.

5 TRUSTEE CERRETTI: My motion is what we are
6 voting on?

7 MR. KARLOVICS: Yes.

8 VILLAGE CLERK EGGERT: Yes.

9 TRUSTEE CERRETTI: I vote yes.

10 VILLAGE CLERK EGGERT: Okay. Mayor Lucassen?

11 MAYOR LUCASSEN: Yes.

12 VILLAGE CLERK EGGERT: Motion carried.

13 MR. KARLOVICS: Item four was approved by the
14 omnibus as was five.

15 Six, the traffic patterns from the
16 facility are so designed as to minimize the impact
17 on existing traffic flows.

18 Again, there's three different motions. I
19 suggest that you can make another motion of your
20 own. There were criteria that were submitted to
21 the Village for consideration. Thank goodness
22 there are not as many. There are basically two
23 classes of criteria.

24 One was pertaining to the issue of left

1 turns. If you look at your conditions page,
2 criteria six, there is 1A through F and then 2A and
3 2B. So the 1A through F pertains to prohibiting
4 left hand turns and it basically -- they are
5 conditions that govern traffic.

6 So the thing that can be done is that we
7 could either adopt one of the conditions, combine
8 two different versions of the condition --
9 provisions, come up with our own, or not provide
10 any condition at all.

11 1A was submitted by the Hearing Officer
12 and Glenn Sechen with no Groot objection.

13 1B was submitted by SWALCO. Groot
14 objected to the increased duration of the left turn
15 ban in comparison to the Glenn Sechen
16 recommendation.

17 1C, all transfer trailers must enter the
18 facility eastbound from Route 120 and must exit the
19 facility westbound on Route 120. That was
20 submitted by the Hearing Officer with no Groot
21 objection and by SWALCO with no Groot objection.

22 1D, prohibit trucks from the facility from
23 turning left from Porter Drive onto Route 120 during
24 the morning peak traffic periods, 6:00 a.m. to

1 9:00 a.m. That is submitted by the Village of
2 Grayslake.

3 1E was submitted to the -- by the Village
4 of Grayslake to prohibit trucks who enter the
5 facility from using Route 120 between Ivanhoe Road
6 and Porter Drive during the afternoon peak traffic
7 periods.

8 1F is Applicant shall work with the
9 Village to provide enforceable measures that will
10 keep trucks from turning left on Route 120. That
11 is a request from the Village of Hainesville.

12 What potentially could be done here are a
13 combination of either -- 1A or 1B are variations of
14 a very similar condition. 1C is slightly
15 different. 1D is a variation of 1A and 1B. 1E is
16 an entirely new condition regarding traffic flow
17 that prohibits trucks from entering the facility
18 from using Route 120. That wasn't suggested by
19 anyone else other than the Village of Grayslake.
20 And then 1F was that the Applicant shall work with
21 the Village to provide enforceable measures. That
22 was submitted by the Village of Hainesville.

23 Does anybody have any input they want to
24 give on this?

1 Basically, the essential difference
2 between the Hearing Officer and Glenn Sechen's
3 recommendations and SWALCO is SWALCO has increased
4 duration and the ban on left turns and the SWALCO
5 version actually has a requirement that the Village
6 -- it's almost a condition against the village of
7 Round Lake Park. Shall evaluate the effect of the
8 condition and have the authority to extend hours.

9 The Hearing Officer and Glenn Sechen's
10 condition allows you by motion to modify, eliminate
11 any restrictions which allow you to enhance,
12 eliminate, modify, reduce. So that by way of
13 explanation is the difference in the conditions.

14 Anybody have --

15 TRUSTEE McCUE: I like 1A. I think 1C was
16 understood in the testimony that the transfer
17 trailers would only be going eastbound on 120 when
18 entering Porter and only exit westbound.

19 MR. KARLOVICS: Do you want to add that as a
20 condition or not?

21 TRUSTEE McCUE: If it's necessary to add it.

22 MR. KARLOVICS: Well, it's the only way to have
23 anything enforceable is to add it.

24 TRUSTEE McCUE: 1A and 1C combined.

1 MR. KARLOVICS: What does everybody think of
2 that?

3 TRUSTEE KENYON: We haven't even made a motion
4 yet.

5 MR. KARLOVICS: There is no motion. This is
6 just a discussion of conditions, so we are
7 discussing conditions. You can vote against the
8 whole thing, but right now should this be approved,
9 these would be conditions that would be attached.

10 Anybody have a different opinion?

11 Do you want to poll the Board?

12 VILLAGE CLERK EGGERT: Trustee McCue?

13 TRUSTEE McCUE: 1A and 1C.

14 VILLAGE CLERK EGGERT: Trustee Wagner?

15 TRUSTEE WAGNER: 1A, 1C.

16 VILLAGE CLERK EGGERT: Trustee McCarty?

17 TRUSTEE McCARTY: 1A and 1C.

18 VILLAGE CLERK EGGERT: Trustee Kenyon?

19 TRUSTEE KENYON: 1A and 1C.

20 VILLAGE CLERK EGGERT: Trustee Williams?

21 TRUSTEE WILLIAMS: 1A and 1C.

22 VILLAGE CLERK EGGERT: Trustee Cerretti?

23 TRUSTEE CERRETTI: 1A and 1C.

24 MR. KARLOVICS: And then the remaining

1 condition that was proposed to us would be that
2 that the Applicant, there's two versions of the
3 same or similar condition. Submitted by the
4 Hearing Officer and by SWALCO, the Applicant shall
5 be required to contact the Lake County Department
6 of Transportation within three months of local
7 siting approval being granted and coordinate with
8 and keep informed Lake County Department of
9 Transportation regarding its roadway improvements.
10 Again Hearing Officer and SWALCO with no objection
11 by Groot.

12 B was the Village of Hainesville, portion
13 of the Village of Hainesville letter dated October
14 2nd, 2013, that the Applicant shall be required to
15 conduct a traffic radius study, minimally a one
16 mile, and include and work with the Lake County
17 Department of Transportation on the traffic issues.

18 So they are very similar. It seems that
19 the one submitted by Hearing Officer and SWALCO was
20 more articulate, but it's a matter of style.

21 TRUSTEE McCUE: I would like to see 2A as a
22 condition.

23 MR. KARLOVICS: Can you poll the Board?

24 VILLAGE CLERK EGGERT: Trustee Wagner?

1 TRUSTEE WAGNER: 2A.
2 VILLAGE CLERK EGGERT: Trustee McCarty?
3 TRUSTEE McCARTY: 2A.
4 VILLAGE CLERK EGGERT: Trustee Kenyon?
5 TRUSTEE KENYON: 2A and 2B.
6 VILLAGE CLERK EGGERT: Trustee Williams?
7 TRUSTEE WILLIAMS: 2A.
8 VILLAGE CLERK EGGERT: Trustee Cerretti?
9 TRUSTEE CERRETTI: 2A.
10 VILLAGE CLERK EGGERT: Trustee McCue?
11 TRUSTEE McCUE: 2A.
12 MR. KARLOVICS: Next I think it's for us -- for
13 the Village to take a look at criteria six. And
14 the potential actions that the Trustees could take
15 on this is to make a motion that Groot did not meet
16 its burden of proof, that Groot met its burden of
17 proof subject to conditions, or that Groot met its
18 burden of proof as to criteria six without
19 conditions.
20 So does anybody want to make a motion and
21 have discussion?
22 TRUSTEE WAGNER: I make a motion that Groot met
23 its burden subject to conditions.
24 MR. KARLOVICS: And that would be 1A, 1C, and

1 2A.

2 TRUSTEE WAGNER: Yes.

3 TRUSTEE McCUE: I would second that motion.

4 VILLAGE CLERK EGGERT: Any discussion before

5 I --

6 MR. KARLOVICS: I am recommending discussion on
7 this. I am not sure everybody agrees. I think we
8 are discussing conditions just to provide some
9 guidance to people forming a motion, but as to the
10 issue of traffic patterns and criteria six, does
11 anybody want to express an opinion as to whether
12 Groot met its burden?

13 Everybody I take it is satisfied with the
14 conditions on the motion?

15 TRUSTEE KENYON: No.

16 MR. KARLOVICS: Okay. Sorry, Trustee Kenyon.
17 Go ahead.

18 TRUSTEE KENYON: I do not believe it's been met
19 simply because with -- I mean, it's just obvious
20 with our construction traffic everybody that lives
21 here knows that it's been a problem navigating
22 through and now with additional traffic, it's just
23 going to make it worse. If you have a traffic
24 accident or anything else, it's just made travel

1 horrible.

2 MR. KARLOVICS: I just want to make sure you
3 are clear. The language of the criteria says the
4 traffic patterns to or from the facility are so
5 designed as to minimize the impact on existing
6 traffic flows. So it's not necessarily a standard
7 that requires eliminating the impact, but minimizes
8 the impact.

9 So that would be specific of what I would
10 suggest to you to address in making your arguments,
11 so it's correctly stated.

12 Believe it or not, Groot can appeal this
13 as well as any other party, so we need to make sure
14 that we're accurate in terms of how we're
15 determining --

16 TRUSTEE KENYON: Right. Could we make an added
17 condition that after working with the Lake County
18 Department of Transportation, if it is determined
19 that it would not, that it would be too much impact
20 on traffic conditions, that it could be reversed?

21 MR. KARLOVICS: No, we can't do that. No.
22 That is not a condition. Basically approve of
23 conditions meaning we approve conditions or
24 rejecting.

1 It sounds like you are not convinced that
2 they have minimized their impact. Do you have any
3 basis you want to state for the record?

4 TRUSTEE KENYON: Both findings of fact from
5 Round Lake, from the letters submitted by
6 Grayslake. Can we include those?

7 MR. KARLOVICS: If you wish.

8 TRUSTEE KENYON: From IDOT, from Hainesville.
9 Everyone that submitted a letter with their
10 concerns. Also TCH's findings of fact.

11 So, in other words, it would be Round
12 Lake's findings of fact, TCH's findings of facts,
13 Lake County letter, letter from Grayslake, letter
14 from Hainesville.

15 TRUSTEE McCUE: I have a comment. I believe
16 the key word in criteria six is "minimize" and with
17 the left turn lanes being installed, that is a
18 great improvement to that intersection which will
19 help alleviate some of the traffic that is going on
20 as well as the hours that we have set limits on the
21 turn lanes.

22 We have also required that all transfer
23 traffic will come in from the west and leave going
24 west. I think that the minimization has been met

1 and the objective of this was to minimize the
2 traffic impact on the flow, not to mitigate it or
3 eliminate it.

4 There will only be -- right at the moment,
5 there are approximately 60 trucks that go in and
6 out that road already. They expect a total daily
7 amount of collection trucks to be 111. That is an
8 increase of 41 trips which divide it in half would
9 be about 20 and a half trucks. And I don't know
10 how we are going to do 20 and a half, but I believe
11 they have minimized it. And the additions of the
12 right turn lane and the deceleration lane have
13 greatly improved that and not much more can be done
14 at this point.

15 MR. KARLOVICS: Does anybody else have any
16 other points they wish to make in terms of the
17 motion that is on the table?

18 Second call. Anybody? Nobody?

19 Trustee Cerretti, did you hear what was
20 said?

21 TRUSTEE CERRETTI: Are we voting on --

22 MR. KARLOVICS: We are going to be voting. I
23 just want to make sure --

24 TRUSTEE CERRETTI: -- on the motion that it met

1 its burden subject to the condition 1A, 1B.

2 MR. KARLOVICS: Right.

3 TRUSTEE CERRETTI: Is that what we are voting
4 on?

5 MR. KARLOVICS: We are going to be voting. We
6 haven't voted yet. I just wanted to make sure you
7 are with us. You are very much with us.

8 MAYOR LUCASSEN: Call the question.

9 VILLAGE CLERK EGGERT: Trustee Wagner?

10 TRUSTEE WAGNER: Yes.

11 VILLAGE CLERK EGGERT: Trustee McCarty?

12 TRUSTEE McCARTY: Yes.

13 VILLAGE CLERK EGGERT: Trustee McCue?

14 TRUSTEE McCUE: Yes.

15 VILLAGE CLERK EGGERT: Trustee Kenyon?

16 TRUSTEE KENYON: No.

17 VILLAGE CLERK EGGERT: Trustee Williams?

18 TRUSTEE WILLIAMS: No.

19 VILLAGE CLERK EGGERT: Trustee Cerretti?

20 TRUSTEE CERRETTI: Yes.

21 VILLAGE CLERK EGGERT: Motion carried.

22 MR. KARLOVICS: Number seven is our last
23 because items eight and nine were already agreed
24 to.

1 If the facility will be treating, storing,
2 or disposing of hazardous waste, an emergency
3 response plan exists for the facility which
4 includes the notification, containment, and
5 evacuation procedures to be used in case of an
6 accidental release.

7 TRUSTEE McCARTY: Yeah, my question is, my -- I
8 realize that they are not intentionally taking in
9 hazardous waste, but the potential is there where
10 as in the Application, it says that they will have
11 containers, they are going to wait until they are
12 filled in order to have them removed.

13 So technically, there is still hazardous
14 waste that could be potentially stored at that
15 facility. So I see contingency plans in the
16 Application for other types of accidents,
17 petroleum, other types of liquid spills, but I
18 don't see one in there for specifically hazardous
19 waste. That is my issue I have with criteria
20 seven.

21 TRUSTEE McCUE: So you are saying that they are
22 going to keep it in a container until it --

23 TRUSTEE McCARTY: In the Application --

24 TRUSTEE McCUE: -- comes to a certain level and

1 then di spose of i t?

2 TRUSTEE McCARTY: Ri ght. In the
3 Appl i cation --

4 TRUSTEE WAGNER: I have testimony here and i t
5 says that -- referring to steel containers to store
6 unacceptable waste, so we have a sufficient amount
7 ready to transport, they would be whi te goods,
8 washers, dryers, tires, and things l i ke that whi ch
9 i s our contingency plan contained in Append i x B.
10 There i s an emergency response action plan. I f
11 hazardous waste or l i quid waste somehow found a way
12 into the transfer station, the response plan has a
13 method to contain the spill, clean i t up, and
14 di spose of i t out properly.

15 TRUSTEE McCUE: So whi te goods, things l i ke
16 that that shoul dn't be there, they wi ll collect
17 unti l a certain time, but hazardous i s di sposed of?

18 TRUSTEE WAGNER: Hazardous wi ll be taken care
19 of.

20 I t says depending on the materi al , i f i t
21 i s a tire, whi te goods, si mi lar l i ke that we have
22 some storage on si te in an area that we are going
23 to store those on si te unti l we have a full load of
24 those materi als. And they wi ll go to the

1 appropriate recycler. If a hazardous waste or
2 liquid waste, there is a procedure where we cordon
3 off the area and call a response team to come in,
4 an emergency response contractor. That was Moose's
5 testimony from 9/23/13 on criteria seven, page 47
6 through 49.

7 MR. KARLOVICS: Does anyone else have anything
8 to add?

9 TRUSTEE KENYON: Is there a condition you would
10 like to see added to that?

11 MR. KARLOVICS: There's always conditions.
12 There were no submitted conditions on this from any
13 party, but if there are conditions that you would
14 like to add, you can definitely make a motion that
15 that be attached. Absolutely, you can make a
16 motion.

17 TRUSTEE KENYON: I was asking Raeanne if there
18 is a condition you would like to add, a solution to
19 that.

20 TRUSTEE McCARTY: I can't think of anything at
21 this time, no. Conditions, no, I can't think of
22 anything. That was my only question and my concern
23 with it.

24 TRUSTEE WAGNER: Peter, one question.

1 Hazardous conditions and stuff, we do have Hazmat
2 with the fire department. I assume they would also
3 be notified.

4 MR. KARLOVICS: I can't comment on the
5 evidence. I think there was a whole procedure laid
6 out.

7 TRUSTEE WAGNER: There was from the fire
8 department and fire chief.

9 MR. KARLOVICS: You have to go by the evidence
10 that was presented to you.

11 TRUSTEE WAGNER: It wasn't presented there, but
12 it's in the Application.

13 MR. KARLOVICS: And the Application is part of
14 the record, it is evidence.

15 TRUSTEE McCUE: I think because of the
16 testimony and because there was no rebut or
17 contradiction to the testimony, it seemed to be
18 satisfied in there and I would agree that it is
19 satisfied that they will not be -- treat, store, or
20 dispose of hazardous waste. According to the
21 testimony, the hazardous waste will be gone
22 immediately.

23 MR. KARLOVICS: Does anybody else have anything
24 they wish to add?

1 TRUSTEE WAGNER: There is one condition. If
2 they do hook up to sewer and there is a spill,
3 could we have that written that we are notified of
4 that?

5 MR. KARLOVICS: You want to state the condition
6 for me?

7 TRUSTEE WAGNER: So nothing would go down,
8 literally --

9 TRUSTEE McCUE: The Village would be included
10 in a notification of any hazardous --

11 TRUSTEE WAGNER: Spills especially if they are
12 going to be hooked up to the Village sewer.

13 TRUSTEE McCUE: We have already required them
14 to hook up to the sewers, so --

15 TRUSTEE WAGNER: Yeah.

16 TRUSTEE McCUE: Village public works would be
17 on that list, correct?

18 MAYOR LUCASSEN: Correct.

19 TRUSTEE WAGNER: Public works and the mayor I
20 think also.

21 MR. KARLOVICS: So what I have is if Groot is
22 hooked up to the Village sewer, the Village must be
23 notified of any hazardous waste spill.

24 TRUSTEE McCUE: Do we have to put the "if" in

1 there? Why aren't we just notified and then there
2 is no "if."

3 MR. KARLOVICS: So it will be that the Village
4 must be notified of any hazardous waste spill.
5 Which department of the Village, public works
6 department?

7 TRUSTEE WAGNER: And the mayor.

8 TRUSTEE McCUE: Mayor and public works.

9 MR. KARLOVICS: So I have a condition of the
10 Village -- the Mayor and the Department of Public
11 Works must be notified of any hazardous waste
12 spill.

13 TRUSTEE WAGNER: Yes.

14 MR. KARLOVICS: Any other suggested conditions
15 other than the one by Trustee Wagner?

16 TRUSTEE KENYON: Does it have to be a spill?

17 TRUSTEE WAGNER: I am assuming like a truck
18 comes in, if there is something in it, it tips over
19 onto the tipping floor, that would be considered a
20 spill. How else -- I don't know how else to put
21 it.

22 MR. KARLOVICS: How about must be notified of
23 the receipt of any hazardous waste of the facility.

24 TRUSTEE KENYON: Receipt. That works.

1 TRUSTEE WAGNER: Wouldn't that automatically go
2 in their records also?

3 MR. KARLOVICS: So the condition would be the
4 Mayor and public works must be notified of the
5 receipt of any hazardous waste.

6 Is that the condition?

7 TRUSTEE KENYON: Yes.

8 TRUSTEE WAGNER: Sounds good to me.

9 MR. KARLOVICS: Anybody have anything else to
10 add?

11 So is there a motion then -- I guess the
12 motion would be that Groot met its burden of proof
13 as to criterion seven subject to the condition that
14 the Mayor and Department of Public Works of the
15 Village must be notified of the receipt of any
16 hazardous waste substance.

17 TRUSTEE KENYON: I will make that motion.

18 TRUSTEE WAGNER: I will second.

19 MAYOR LUCASSEN: Roll call.

20 VILLAGE CLERK EGGERT: Trustee McCarty?

21 TRUSTEE McCARTY: Yes.

22 VILLAGE CLERK EGGERT: Trustee McCue?

23 TRUSTEE McCUE: Yes.

24 VILLAGE CLERK EGGERT: Trustee Wagner?

1 TRUSTEE WAGNER: Yes.

2 VILLAGE CLERK EGGERT: Wait I'm sorry. It's
3 all wrong on here.

4 Trustee Kenyon?

5 TRUSTEE KENYON: Yes.

6 VILLAGE CLERK EGGERT: Trustee Williams?

7 TRUSTEE WILLIAMS: Yes.

8 VILLAGE CLERK EGGERT: Trustee Cerretti?

9 TRUSTEE CERRETTI: Yes.

10 VILLAGE CLERK EGGERT: Trustee McCue?

11 TRUSTEE McCUE: Yes.

12 VILLAGE CLERK EGGERT: Trustee Wagner?

13 TRUSTEE WAGNER: Yes.

14 VILLAGE CLERK EGGERT: Motion carried.

15 MR. KARLOVICS: Criterion eight and nine were
16 already approved by the omnibus motion.

17 What we have is we have the responsibility
18 of meeting back here on Thursday for another
19 special board meeting. Probably won't take as long
20 as this, but today was more of the deliberations,
21 so this was the process of the Village Board coming
22 to a conclusion. The exact conclusion is where it
23 gets a little more tricky, so I've gotten some good
24 direction on what to write in terms of a

1 resolution.

2 However, one of the things that is missing
3 is a specific findings of fact on all of the
4 criteria and although there's been some statement
5 in determining whether or not Groot met its burden
6 on each of the criteria, there's several different
7 ways we can do this. I can attempt to write a new
8 findings of fact that encompasses what the Board
9 has stated. I think the Hearing Officer actually
10 thinking about this has come very darn close to the
11 findings of fact that it appears that the majority
12 of the Village Board holds.

13 Does the Village Board wish for me to
14 draft my own findings of fact or perhaps go with
15 the Hearing Officer's findings of fact or go
16 specifically with any other, the Glenn Sechen's,
17 Groot's?

18 TRUSTEE McCUE: I agree mostly with the Hearing
19 Officer's finding of facts and then you would
20 include the conditions that we specified.

21 MR. KARLOVICS: What I can do is I can adopt
22 -- I can draft a resolution to adopt the Hearing
23 Officer's findings of fact and his discussion of
24 law in the findings of fact and then what I can do

1 is substitute the conditions we discussed here
2 today in place of the conditions that he placed if
3 that is what the Board would like me to do.

4 TRUSTEE McCUE: I believe that would be fine.

5 MR. KARLOVICS: Trustee Wagner, you have a
6 cross look on your face.

7 TRUSTEE WAGNER: No. I was just reading over
8 the Hearing Officer's conditions too. I had it
9 highlighted. I don't have any qualms.

10 MR. KARLOVICS: My resolution would be placing
11 our conditions and specifically placing those
12 conditions and attaching the specific criteria. So
13 we would have the conditions attached to criteria
14 versus what the Hearing Officer did which was make
15 a blanket conditions and state that Groot met its
16 burden providing they meet all of the conditions
17 contained.

18 Our finding would be more specific than
19 the Hearing Officer because we are attaching the
20 conditions to specific criteria.

21 TRUSTEE McCUE: A lot that we approved
22 are --

23 MR. KARLOVICS: They are similar. They are
24 very similar in many cases. There are some

1 variations and there's some other parties that had
2 their conditions.

3 TRUSTEE McCUE: As long as the conditions are
4 what specified of what we voted.

5 MR. KARLOVICS: Anybody else have any comments?

6 TRUSTEE KENYON: Why can't I find the Hearing
7 Officer's --

8 MR. KARLOVICS: Do you need a copy of the
9 Hearing Officer's finding of fact? Do you not have
10 one? Everybody should have gotten a copy of it.

11 If you wish, Trustee Kenyon, I can e-mail
12 you another copy of it if that would assist you.

13 TRUSTEE KENYON: Yeah, could you do that?

14 MR. KARLOVICS: I would be happy to do that.

15 TRUSTEE WAGNER: It's on the web site.

16 VILLAGE CLERK EGGERT: On the web site is the
17 easiest way because from your e-mail addresses it
18 bounces back.

19 TRUSTEE KENYON: I loaded everything.

20 VILLAGE CLERK EGGERT: It's too big. It was
21 9 mi g.

22 TRUSTEE KENYON: What is the name of it?

23 MR. KARLOVICS: I think it's the Hearing
24 Officer's findings of fact and conclusions of law.

1 VILLAGE CLERK EGGERT: I can show you here on
2 the web site. It's broken into two separate files
3 on the web site.

4 TRUSTEE McCUE: I have it on paper.

5 MR. KARLOVICS: I have the paper copy. I can
6 photocopy.

7 TRUSTEE McCUE: I have the paper copy also.

8 TRUSTEE WAGNER: I have mine, but I have notes
9 all over it.

10 TRUSTEE KENYON: I found it. I've got it.

11 MR. KARLOVICS: All right.

12 Essentially, just so everybody is clear,
13 one last housekeeping matter. If you found that
14 Groot did not meet even one of the criteria, then
15 chances are you would be a no vote on the
16 resolution. So I just want to assist those of you
17 who -- unless you have changed your mind, then I
18 probably will seek for you to make a record as to
19 the fact that you changed your mind.

20 But otherwise the consistent method of
21 voting if you voted for -- against the finding that
22 Groot met any of the nine criteria, that you would
23 probably be voting against this resolution. This
24 resolution is going to, in a laundry list,

1 encapsulate everything discussed today.

2 So I don't want anybody to be confused if
3 you found that they met the criteria on some, but
4 not the others, you are going to want to vote no
5 because Groot cannot succeed in its application
6 unless it meets all nine criteria.

7 So if you changed your mind as a result,
8 you can definitely do that, but I ask that you
9 place that on the record. If you believe, as you
10 did today, you should vote consistent with the way
11 you voted today.

12 TRUSTEE McCUE: Do you need a motion to be
13 directed to create the resolution?

14 MR. KARLOVICS: That was my next. Trustee
15 McCue, yes, I was requesting a motion to
16 specifically direct me to prepare the resolution
17 and to direct me to incorporate the Hearing
18 Officer's findings of fact in addition to the
19 conditions as stated today.

20 TRUSTEE McCUE: I make that motion.

21 MR. KARLOVICS: Did you get the motion?

22 VILLAGE CLERK EGGERT: I got nothing of that.

23 MR. KARLOVICS: I will be glad to state it
24 again.

1 The motion would be to direct the Village
2 attorney to draft a resolution approving the
3 application adopting the Hearing Officer's findings
4 of fact and in place of the Hearing Officer's
5 conditions --

6 VILLAGE CLERK EGGERT: And in place of?

7 MR. KARLOVICS: The Hearing Officer's
8 conditions, replacing those conditions with those
9 conditions discussed today.

10 VILLAGE CLERK EGGERT: Okay. Got it.

11 MR. KARLOVICS: So that is the motion.

12 VILLAGE CLERK EGGERT: You made that motion?

13 TRUSTEE McCUE: I made the motion. Trustee
14 McCue, yes.

15 MAYOR LUCASSEN: Is there a second?

16 TRUSTEE WAGNER: I will second the motion.

17 MAYOR LUCASSEN: Roll call, please.

18 VILLAGE CLERK EGGERT: Trustee Kenyon?

19 TRUSTEE KENYON: Yes.

20 VILLAGE CLERK EGGERT: Trustee Williams?

21 TRUSTEE WILLIAMS: Yes.

22 VILLAGE CLERK EGGERT: Trustee Cerretti?

23 TRUSTEE CERRETTI: Yes.

24 VILLAGE CLERK EGGERT: Trustee McCue?

1 TRUSTEE McCUE: Yes.

2 VILLAGE CLERK EGGERT: Trustee Wagner?

3 TRUSTEE WAGNER: Yes.

4 VILLAGE CLERK EGGERT: Trustee McCarty?

5 TRUSTEE McCARTY: Yes.

6 VILLAGE CLERK EGGERT: Motion carried.

7 MAYOR LUCASSEN: Motion to adjourn?

8 TRUSTEE KENYON: I would like to make a

9 comment. The public hearings -- I mean, on the

10 public Hearing Officer's findings of fact was not

11 listed on the web site until recently. I did copy

12 the web site itself --

13 VILLAGE CLERK EGGERT: It was posted as soon as

14 I could get a copy. It was just a couple days

15 after. It was sent to me by the Hearing Officer

16 and it was as soon as I got a copy that was

17 uploadable that was broken into multiple files

18 because I tried several times.

19 MR. KARLOVICS: Part of the problem we had,

20 Trustee Kenyon, when I discussed this with the

21 Clerk, she couldn't get the web site to take the

22 Hearing Officer's document, so what we did was we

23 split it in half. So that is why it's in two

24 parts.

1 TRUSTEE KENYON: It was listed under Groot
2 transfer station proposed finding of fact and
3 conclusions of law?

4 VILLAGE CLERK EGGERT: Uh-huh.

5 TRUSTEE KENYON: I have a copy of it right
6 here. It wasn't listed.

7 MR. KARLOVICS: The Clerk placed the fact that
8 that document exist, but couldn't get the document
9 uploaded.

10 Correct me if I'm wrong, Madam Clerk.

11 VILLAGE CLERK EGGERT: No. That is correct.

12 When did you make that copy?

13 TRUSTEE KENYON: Last Thursday.

14 TRUSTEE McCUE: I printed mine off two weeks
15 ago.

16 TRUSTEE KENYON: I made a PDF file on Thursday.

17 VILLAGE CLERK EGGERT: Did I e-mail?

18 TRUSTEE WAGNER: You e-mailed all of us.

19 TRUSTEE CERRETTI: The e-mail you sent on the
20 Hearing Officer was sent on September 2nd if that
21 helps.

22 VILLAGE CLERK EGGERT: Thank you.

23 TRUSTEE WAGNER: It came on a Sunday night.

24 VILLAGE CLERK EGGERT: And it was just a -- I

1 sent it out to the Board on the day I received it
2 and it was uploaded probably three days after that
3 because it took a while to get the split file.

4 TRUSTEE CERRETTI: September 2nd is when I got
5 mine.

6 MR. KARLOVICS: So you have that on the record.

7 Anything else?

8 TRUSTEE KENYON: No. Just that I do have a
9 copy of the web site itself which did not show it
10 last Thursday. It's a PDF. If it was e-mailed,
11 that's fine, but I don't know if that makes any --

12 MR. KARLOVICS: Anything else from anybody
13 else?

14 MAYOR LUCASSEN: If there is nothing else,
15 motion to adjourn.

16 TRUSTEE KENYON: I make a motion to adjourn.

17 TRUSTEE WILLIAMS: I second.

18 MAYOR LUCASSEN: All those in favor?

19 Any opposed? We are adjourned. At 8:57.

20

21 (Whereupon, proceedings
22 concluded at 8:57 p.m.)

23

24

1 STATE OF ILLINOIS)

2) SS:

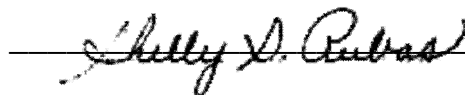
3 COUNTY OF COOK)

4

5 SHELLY S. RUBAS, being first duly sworn,
6 on oath says that she is a court reporter doing
7 business in the City of Chicago; and that she
8 reported in shorthand the proceedings of said
9 hearing, and that the foregoing is a true and
10 correct transcript of her shorthand notes so taken
11 as aforesaid, and contains the proceedings given at
12 said hearing.

13

14



Certified Shorthand Reporter

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