

BEFORE THE VILLAGE BOARD  
OF THE VILLAGE OF ROUND LAKE PARK  
SITING 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 at the hearing  
of the above-entitled cause on the 20th day of  
September, 2013, at the hour of 12:00 p.m.

(Proceedings concluded at 12:35 p.m.)

REPORTED BY ELVIRA M. MOLNAR

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1 APPEARANCES:

2 SCHI ROTT, LUETKEHANS & GARNER, LLC

3 MR. PHILLIP A. LUETKEHANS

4 The Hearing Officer;

5 HINSHAW & CULBERTSON, LLP

6 MR. RICHARD S. PORTER

7 On behalf of Groot Industries;

8 THE LAW OFFICES OF RUDOLPH F. MAGNA

9 MR. PETER S. KARLOVICS

10 On behalf of Board of Trustees of the

11 Village of Round Lake Park;

12 THE SECHEN LAW GROUP, P.C.

13 MR. GLENN C. SECHEN

14 On behalf of Village of Round Lake Park;

15 TRESSLER, LLP.

16 MR. STEPHEN T. GROSSMARK

17 On behalf of Village of Round Lake;

18 JEEP & BLAZER, L.L.C.

19 MR. MICHAEL S. BLAZER

20 On behalf of Timber Creek Homes, Inc.;

21 MR. LARRY M. CLARK

22 On behalf of The Solid Waste Agency of

23 Lake County, Illinois

24

1 ALSO PRESENT:

2

3 MS. LINDA LUCASSEN

4 Village of Round Lake Park Mayor

5 MS. JEAN McCUE

6 Village of Round Lake Park Trustee

7 MS. CANDACE KENYON

8 Village of Round Lake Park Trustee

9 MR. WALTER WILLIS

10 Solid Waste Agency of Lake County, Ill.

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1 THE HEARING OFFICER: This is the hearing on  
2 the informational session for the hearing on the  
3 application for local siting approval for Groot  
4 Industries Lake Transfer Station.

5 We don't really appear to have much public  
6 here today, but we'll go through it, anyway, and  
7 put it on the web site, so that if anybody sees it,  
8 we do what we said, and to prepare for next week at  
9 least it's there.

10 Thanks for coming today. This is an  
11 informational meeting related to the Groot  
12 Industries Lake Transfer Station. I am  
13 Phillip Luetkehans, Hearing Officer that has been  
14 assigned by the Village of Round Lake Park Village  
15 Board to oversee the hearing. It is important for  
16 everyone to know that the Village Board's and my  
17 number one goal is to give everyone an opportunity  
18 to participate in this process. That goes to all  
19 people who wish to participate; the Resident, the  
20 Applicant, and those either opposing or supporting  
21 Groot's application.

22 I would ask I think we have a couple of  
23 Village Board members here. Peter, if you want to  
24 identify yourself and the Village Board members for

1 the record.

2 MR. KARLOVICS: Peter Karlovics,  
3 K-A-R-L-O-V-I-C-S, representing the Village Board  
4 of the Village of Round Lake Park. With me today  
5 are Mayor Linda Lucassen and Trustee Jean McCue.

6 THE HEARING OFFICER: Would the rest of the  
7 attorneys and anybody else who wish to identify  
8 themselves, please.

9 MR. SECHEN: For the benefit of the record,  
10 Glen Sechen with Sechen Law Group on behalf of the  
11 Village of Round Lake Park.

12 MR. PORTER: Good afternoon. Rick Porter on  
13 behalf of the Applicant, Groot Industries.

14 MR. BLAZER: Good afternoon. Michael Blazer  
15 for Timber Creek Homes.

16 MR. CLARK: Larry Clark on behalf of Solid  
17 Waste Agency of Lake County.

18 MR. GROSSMARK: Stephen Grossmark of Tressler,  
19 LLP, for the Village of Round Lake.

20 THE HEARING OFFICER: Thank you. I have  
21 previously issued several orders that are available  
22 on the Village of Round Lake Park's and SWALCO's  
23 web sites. The most important thing for most of  
24 the public's purpose is that those orders set forth

1 a proposed schedule of our hearing dates, including  
2 time for public comment. It also states how to  
3 file a document or appearance of a public  
4 participant if they wish to do that. The web sites  
5 also include an appearance of public participant  
6 form, a hearing outline, witness list and documents  
7 disclosed, as well as several other documents and  
8 filings made by the parties. The web site also  
9 includes the Village of Round Lake Park's pollution  
10 control facility siting ordinance, which sets forth  
11 the procedures under which we will be operating.  
12 If at any time you would like to review a document  
13 you cannot find on those web sites, I know the  
14 Village Clerk's office will be happy to help you  
15 find what you're looking for.

16 The official hearing shall begin on  
17 Monday, September 23rd, at noon, and will last  
18 approximately eight to ten hours with a short  
19 dinner break, assuming we have the space. We'll  
20 talk about that in a little bit, as well. We have  
21 space -- I'll talk about it real quickly. We have  
22 space, which I think is this room, or we have a  
23 bigger room from 12:00 to 4:00. Afterwards we come  
24 into this room, is that correct, Peter?

1 MR. KARLOVICS: For the first two days of the  
2 hearing.

3 THE HEARING OFFICER: So, if we have too many  
4 people, we are going to have to play it by ear and  
5 see what we decide to do once we have to switch  
6 rooms and we'll figure out where we are going.

7 MR. PORTER: Which room is it?

8 THE HEARING OFFICER: It's the big one in the  
9 corner. The largest one.

10 MR. KARLOVICS: I can show you today after the  
11 hearing.

12 MR. PORTER: I am sure you're going to cover  
13 this, Mr. Luetkehans, but one thing I was asked to  
14 find out today was the ability to have PowerPoints,  
15 a contact person for coordinating that type of  
16 thing, whether or not it's wired, screens,  
17 projectors.

18 MR. KARLOVICS: I can address that --

19 THE HEARING OFFICER: Please.

20 MR. KARLOVICS: -- Mr. Hearing Officer.

21 The facility that I can show you after our  
22 orientation meeting holds about 150 people. It  
23 features a stage. It will have a screen and a  
24 projector that can connect to computers.

1 Monica Marr is your contact person. I'll introduce  
2 you to her after the meeting, so that you can ask  
3 questions of her. There will be a podium on the  
4 stage which will allow the person presenting to  
5 have -- we'll have a microphone and the ability to  
6 change the screen with the projector. There will  
7 be a place for public comment designated. There  
8 will be a second wireless microphone for  
9 cross-examination. And, then, the Village Board  
10 will be seated in the middle on the floor with the  
11 other public, so that they will be able to see all  
12 of the proceedings from the floor. But this  
13 basically is a stage and a public viewing area, so  
14 if you can picture that, that's kind of the way  
15 it's set up.

16 MR. PORTER: Perfect. And from what I heard,  
17 then, we need to bring laptops in order to utilize.

18 MR. KARLOVICS: Correct. Groot in the past has  
19 brought -- they brought an extra projector and  
20 screen just in case. I recommend that.

21 MR. PORTER: Okay.

22 THE HEARING OFFICER: Especially in here when  
23 we are here for the second half of those first two  
24 days, I think that would be -- you would probably

1 wish to do that, Mr. Porter.

2 MR. PORTER: Thank you very much.

3 THE HEARING OFFICER: Because I am sure that's  
4 when you're presenting for the most part.

5 MR. BLAZER: If I can ask, I was going to bring  
6 one, but if you are, I won't.

7 MR. PORTER: I will have the CVI personnel  
8 bring their screen and put it up.

9 MR. BLAZER: I'll have a projector, anyways,  
10 just in case we need a backup, but --

11 MR. PORTER: We'll take care of it.

12 THE HEARING OFFICER: The first day for the  
13 hearing and any subsequent hearing dates are  
14 currently scheduled to occur at this place, the  
15 Village of Round Lake Beach Cultural and Civic  
16 Center, 2007 Civic Center Way, Round Lake Beach,  
17 Illinois.

18 At this time, other than a couple of  
19 exceptions, which we kind of mentioned, the hearing  
20 is scheduled to continue each successive weekday at  
21 12 noon until complete. It is contemplated most of  
22 the hearings will last approximately eight to ten  
23 hours a day with a short dinner break.

24 One thing we talked about is this Thursday

1 in particular, September 26th, we'll probably be  
2 ending around 4 o'clock due to a conflict of mine  
3 that couldn't be avoided.

4 There are also a couple of days as we said  
5 Monday, Tuesday next week, the 23rd and 24th, as  
6 well as maybe some later dates, that we have some  
7 room size issues. If that's the case and we have  
8 too many people for the room capacity, we'll be  
9 forced to improvise. We'll either shut down for  
10 the night or figure out some other way to make sure  
11 people get involved. What we don't want to do is  
12 have anybody not be able to participate.

13 Anyone who has filed an appearance of  
14 public participant will have an ability to present  
15 testimony and evidence, as well as an opportunity  
16 to cross-examine witnesses. Besides that  
17 opportunity, we'll provide approximately one hour  
18 each evening or each day for any member of the  
19 public to present public comment. Public comment  
20 shall be rotated at different times each day each  
21 week. We do know the public comment for the first  
22 week, that has been set, and it's on the notices  
23 that went out, but I'll say them again here.  
24 Public comment is proposed will happen Monday,

1 September 23rd, around at 3:00 or as close thereto  
2 as we can. We are not going to -- we will try and  
3 make breaks as they are appropriate. The 24th will  
4 be at noon. Wednesday, the 25th, and Thursday, the  
5 26th, will be at 8:00 p.m., and Friday, the 27th,  
6 will be at noon. As we get closer to the end of  
7 the week and see how this works out and how it's  
8 going, we'll schedule for the following week the  
9 actual public comment time period.

10 Just so it's clear, my rule as the hearing  
11 officer is to run the hearing, listen to the  
12 evidence, make sure everybody gets a fair  
13 opportunity to be heard, keep the hearing moving  
14 and moving smoothly. After the hearing, I will  
15 make a recommendation to the Village Board based  
16 upon the evidence presented and the siting criteria  
17 set by state statute. The Village Board will then  
18 make the final decision regarding this application.  
19 State statutes that cover this hearing require that  
20 the Village Board make a decision on this matter  
21 within a time certain. If the board does not make  
22 a decision in that time period, the application may  
23 be automatically granted. Accordingly, in order to  
24 do this properly, we need to keep this hearing

1 moving and get it finished in a timely fashion.

2 As you can see, we have a court reporter  
3 here who will be transcribing all the statements  
4 made. Accordingly, all the statements, if they are  
5 to be included in the record, have to be oral. The  
6 court reporter cannot take down shrugs, nods of the  
7 head, et cetera, nor can she transcribe when two  
8 people are talking at the same time.

9 Please make sure you're recognized by the  
10 Hearing Officer before talking, or the court  
11 reporter will probably not be able to transcribe  
12 what you say, and it will not make it into the  
13 record.

14 My goal is to make sure that all of you  
15 have your statements placed in the record so the  
16 Village Board can read your comments, et cetera,  
17 before they make the decision. We are also  
18 endeavoring to have the transcripts available to  
19 the public by being placed on the Village's web  
20 site and SWALCO's web site during the next business  
21 day.

22 As we said, the decision will be based on  
23 the Board and the recommendation I will be making  
24 will be based on the nine criteria that are set

1    forth on the County siting ordinance, as well as  
2    the state statute. One of the handouts here, and  
3    we'll have them again here Monday, sets forth those  
4    same criteria. I would ask that anyone who is  
5    going to participate to ensure that they keep their  
6    comments and testimony relevant to those nine  
7    criteria. While I will try and give everyone the  
8    opportunity to speak and everyone will have the  
9    opportunity to speak, you must focus your comments  
10    and testimony on those nine criteria. That is the  
11    only criteria that the County Board can rule upon,  
12    and I will endeavor to limit this hearing to  
13    discussing those criteria.

14            I will also ask especially the attorneys  
15    involved and the public to try and make sure that  
16    we do not have a lot of repetitive and duplicate  
17    questioning or comments. If someone has asked a  
18    question once or said a statement once, that is  
19    enough to put it in the record.

20            If you're not recognized by myself to  
21    speak, the court reporter will not be able to hear  
22    you and will not be able to transcribe your  
23    statement.

24            It is not me who is making the final

1 decision. It's the Village Board that will make  
2 the decision based upon a review of the records  
3 that exist. Accordingly, it is very important if  
4 you want to participate and you want to make public  
5 comments that you do it in the order and the  
6 fashion that we have set up here in order for  
7 everybody to get their opinions heard, and we do  
8 want to hear your opinions. That's what this is  
9 about.

10 The order of the hearings will be as  
11 follows. There will be exhibits. We will start  
12 off on Monday when we mark or enter into evidence  
13 the exhibits that have been filed by certain  
14 parties in accordance with the ordinance. After  
15 the exhibits have been put into evidence, we will  
16 have opening statements starting with the  
17 petitioner and any other participants who want to  
18 make an opening statement who have filed a notice  
19 of participation.

20 After the opening statements, the  
21 petitioner will start with what they call their  
22 case in chief. They will put on a live witness or  
23 testimony, however they wish to do that, and any  
24 other people who have filed a notice and want to

1 participate will have an opportunity to  
2 cross-examine. Then there will be an opportunity  
3 for redirect, rebuttal, et cetera, almost like you  
4 would in a normal trial. Understand, though, that  
5 the rules of evidence are not strictly applicable  
6 to this hearing. I will make rulings based upon  
7 fundamental fairness, but the actual rules of  
8 evidence are or strict use of rules of evidence  
9 that are used in the courtroom are not the same as  
10 what we will use here.

11 I don't want anyone to feel intimidated by  
12 the process. If you have a question that you want  
13 to ask, feel free, and we'll talk about that a  
14 little more in a minute. After the petitioner is  
15 done with their case and all their witnesses and  
16 the cross-examination of those witnesses, then the  
17 other people who have filed notice of participation  
18 will have the opportunity to testify or bring live  
19 witnesses to testify.

20 MR. KARLOVICS: Mr. Hearing Officer, may I just  
21 interrupt? I just want to place it on matter of  
22 record Trustee Candy Kenyon arriving at 12:11.

23 THE HEARING OFFICER: Thank you, Peter.

24 Welcome, Trustee Kenyon.

1 I forgot where I was. Petitioner is done  
2 with their case and the witnesses and  
3 cross-examination of witnesses, then other people  
4 will have an opportunity to proceed. After that,  
5 the petitioner will have an opportunity for  
6 rebuttal by using testimony of live witnesses,  
7 et cetera. And depending on how that goes, we may  
8 or may not have the surrebuttal.

9 As I said, we'll have the opportunity for  
10 public comment throughout the hearing. If you just  
11 want to come in and say I am for this, I am against  
12 this, and here is two minutes or three minutes as  
13 to why, that's really your opportunity to do so.  
14 We will not limit the amount of time you speak, but  
15 we will make sure that you talk about these nine  
16 criteria and try to keep it relatively brief,  
17 because I am sure we will have a number of people  
18 here, and we want them to have the opportunity to  
19 speak.

20 After that there will be closing arguments  
21 made by the parties, again starting with the  
22 petitioner and, then, the participants. After the  
23 meeting is adjourned on the last night, there is a  
24 process for anyone who wants to file written

1     submittals within 30 days thereafter.

2             I will tell you, however, I would suggest  
3     filing them as soon as possible after the  
4     adjournment of the hearing. Doesn't mean if you  
5     file it on the 30th day it won't be considered, but  
6     it will make it a lot easier on everyone the  
7     earlier you file.

8             Now, we have talked about appearances of  
9     public participants. If you wish to ask questions  
10    of the witnesses who are testifying, other than  
11    during the public comment stage, you will need to  
12    file what is called appearance of public  
13    participant. That was one of the documents that's  
14    over on the side again and will be here on Monday  
15    for everyone to grab. That has to be filed before  
16    the end of the meeting on Monday night. I would  
17    ask that if possible you try and file that Monday  
18    with the Clerk early in the afternoon or early in  
19    the hearing so that we can get a handle on the  
20    logistics of this.

21            The other thing the public has the right  
22    to do if anyone wishes is during the examination or  
23    after the examination you can submit written  
24    questions to me that you would like me to ask. You

1 may hand it to me one night, and I may not decide  
2 to ask that question that night, because honestly  
3 people have a tendency sometimes of wanting to ask  
4 a question about pollution when we may have someone  
5 on the stand that has nothing to do with pollution  
6 that evening. If so, I will keep the question and  
7 try to ask it when it becomes more appropriate for  
8 the particular witness. Feel free to submit those  
9 questions.

10 As I said earlier, I know this process may  
11 intimidate some people. We don't want that. We  
12 don't want you to feel intimidated. We want your  
13 input. Feel free to hand in written questions if  
14 you don't feel like asking them yourself or don't  
15 feel comfortable with it.

16 The Village Board members and myself have  
17 the opportunity to ask questions if they please, so  
18 it is not just going to be the lawyers and the  
19 participants asking questions. If I have a  
20 question or something I am unsure about, I will  
21 ask, as well. All evidence was to be filed with  
22 the Clerk by I think the date was September 12th.  
23 Now the ordinance does give an exception to that,  
24 and it is Section 160.06(g)9, if any of the public

1 wants to look it up, but it states in essence that  
2 the late filed written evidence may be accepted  
3 upon good cause shown.

4 Any exhibits that members of the public  
5 wish to use during public comment must be filed  
6 with myself or the Village Clerk prior to your  
7 public comment about that document. The ordinance  
8 requires at least three copies of such exhibits be  
9 filed, but in order to make this go smoothly, I  
10 would ask that you bring one for me, one for the  
11 Clerk, and one for each of the law firms involved,  
12 which right now I think is a total of seven law  
13 firms. So, if you can bring in ten, just to be  
14 safe, that would be great.

15 Petitioner has filed probably about  
16 12 inches of documents, and those are available at  
17 the Village Clerk's office. Again, also, on the  
18 Village's web site and SWALCO's web site has  
19 everything else that gets filed. I would ask that  
20 anybody who is planning on filing exhibits bring a  
21 fair amount of copies. We already talked about  
22 that.

23 Are there any procedural questions from  
24 the public? We'll get to the attorneys because we

1 have some more things to talk about.

2 Having heard none, couple outstanding  
3 issues from the final prehearing conference that  
4 occurred this past Tuesday. One thing I asked for  
5 was an order of witnesses from the Applicant.  
6 Mr. Porter, on behalf of the Applicant, has filed  
7 that with me and the Clerk today. So, that's taken  
8 care of. Timber Creek was also going to confirm.

9 MR. PORTER: I'm sorry for interrupting again.  
10 I also handed a copy to each attorney that's in the  
11 room.

12 THE HEARING OFFICER: Absolutely. And I  
13 apologize.

14 MR. PORTER: No problem.

15 THE HEARING OFFICER: Timber Creek's attorney  
16 was going to confirm the exhibits they have already  
17 produced that it plans to use at this point in its  
18 case in chief versus those that are intended for  
19 strictly cross-examination. Mr. Blazer, have you  
20 had the opportunity to do that?

21 MR. BLAZER: Yes, they are Timber Creek  
22 Exhibits --

23 THE HEARING OFFICER: This is the case in  
24 chief?

1 MR. BLAZER: Yes. I should add, though, it's  
2 entirely possible some of those will also be used  
3 on cross, but just to focus on the ones in case in  
4 chief; 1 through 8 and 16 through 22 and 27.

5 THE HEARING OFFICER: Great. That's honestly  
6 all I had. Do any of the attorneys have any  
7 questions, procedural questions, items, they wish  
8 to bring up?

9 MR. BLAZER: Just for Rick, are your witnesses  
10 going to have an actual physical copy of the  
11 application with them?

12 MR. PORTER: They will, and there will be  
13 PowerPoints.

14 MR. BLAZER: Okay.

15 MR. PORTER: The only other thing that we did  
16 before we went on the record is I did hand to  
17 yourself and the Village a copy of errata to one of  
18 the pages in the application. Another one had been  
19 filed previously, which is already part of the  
20 record.

21 MR. KARLOVICS: Village is acknowledging  
22 receipt.

23 THE HEARING OFFICER: And you say the other one  
24 was filed electronically, correct?

1 MR. PORTER: Correct. Mr. Mueller filed one  
2 electronically last week, I believe.

3 THE HEARING OFFICER: Oh, so the one we  
4 received today electronically, I didn't get a  
5 chance to look at it, is the same one we received  
6 last week?

7 MR. PORTER: It was not. They are different.  
8 Mr. Mueller filed one previously. I filed one  
9 yesterday. I knew I was coming here today, so I  
10 brought a hard copy with me.

11 THE HEARING OFFICER: Thank you. Anyone else  
12 have anything? I know Mr. Blazer had questions  
13 about a number of exhibits, hard copies. Honestly,  
14 we have kind of talked. Obviously, one for the  
15 Clerk's file, and I'll let him deal with any  
16 individual attorney who wants their hard copy  
17 instead of electronic. You guys have all been  
18 doing this long enough and are professional. You  
19 don't need me to -- figure out what you want and  
20 just deal with it. If there is a problem, I will  
21 get involved at that point.

22 MR. BLAZER: We served it all digitally, but if  
23 anybody needs -- if you need a hard copy of 25,000  
24 pages, don't ask me. If you need printed subsets

1 of anything, I am sure -- well, Peter, you're going  
2 to get the Clerk's copy, anyway, I assume, the hard  
3 copies.

4 MR. KARLOVICS: The hard copies? You're filing  
5 hard copies with the Village? Right now we have  
6 it in electronic form. We didn't have any  
7 intention --

8 MR. BLAZER: No, no, the exhibits -- one thing  
9 that I discussed with the Hearing Officer was to  
10 the extent we are going to be using exhibits or  
11 portions of exhibits, we will have a hard copy to  
12 be filed with the Clerk, is that correct,  
13 Mr. Hearing Officer?

14 THE HEARING OFFICER: Yes.

15 MR. KARLOVICS: Okay.

16 THE HEARING OFFICER: And what we talked about  
17 is that would be the copy we would use with the  
18 witness.

19 MR. KARLOVICS: Is there any chance you  
20 anticipate in advance knowing what exhibits you're  
21 going to -- can you file them with me or so we can  
22 get them over to the Clerk?

23 MR. BLAZER: Honestly, until I hear what these  
24 people are doing, probably not, unfortunately, but

1 we are going to try and do what we can to at least  
2 have hard copies available of as much as possible.  
3 It's not going to be 25,000 pages. That's just a  
4 physical impossibility, nor do I intend to go  
5 through 25,000 pages of stuff, because I think  
6 Mr. Luetkehans will probably cut me off at the  
7 knees anyway if I tried to.

8 THE HEARING OFFICER: Mr. Porter, you had  
9 something you wanted to say?

10 MR. PORTER: Well, it goes to our motion  
11 previously discussed. Today Mr. Blazer identified  
12 those documents he intends to use on direct is my  
13 understanding. However, as his case progresses and  
14 he determines he is going to use a document on  
15 cross, we would ask that he at least have a copy  
16 available for the Applicant, so I don't have to lug  
17 around 25,000 pages of documents. That was part  
18 and parcel of the issue. And, I don't know -- I am  
19 assuming I will be able to get to it on a computer,  
20 but I don't want to. If you're going to go with  
21 your cross and you know when you're preparing the  
22 night before, I would ask that you bring a copy of  
23 those documents you intend to use on cross, just  
24 like I will.

1 THE HEARING OFFICER: As I said, I think  
2 electronically is great. If anybody wants a hard  
3 copy, I think you're going to have to bring it,  
4 Mr. Blazer.

5 MR. BLAZER: That's fine.

6 THE HEARING OFFICER: I'll let you guys work it  
7 out among yourselves, but if anybody wants a hard  
8 copy at any given time, I think Mr. Blazer has the  
9 obligation to do that.

10 MR. BLAZER: I'll try and make sure I have a  
11 couple somewhere in the back of my car.

12 THE HEARING OFFICER: Mr. Sechen, did I see you  
13 had something?

14 MR. SECHEN: No, actually, I don't.

15 MR. GROSSMARK: Mr. Hearing Officer, if  
16 possible, I was wondering whether the Applicant,  
17 Ms. Porter, might be able to give us an idea if he  
18 knows how much time each witness might take or how  
19 much time it might be for the presentation of their  
20 six witnesses, if he knows. If he has any idea.

21 THE HEARING OFFICER: I guess what I would like  
22 is, if you could, Mr. Porter, kind of -- and I am  
23 guessing at this point it's probably a little hard  
24 to do that for the entire six witnesses.

1 MR. PORTER: It's particularly difficult for me  
2 because direct examination is being handled by  
3 Mr. Helsten. However, I can tell you that it's  
4 likely Mr. Maroose (phonetic) will take most, if  
5 not all, of the first day. And, then, the question  
6 becomes how far we will get on day two, and that  
7 becomes much more guess work. I would suspect we  
8 would at least get through Mr. Pillety (phonetic)  
9 on day two, but I am not certain of that.

10 THE HEARING OFFICER: Just so I am  
11 understanding what you're saying, you're thinking  
12 obviously Mr. Maroose with the number of criteria  
13 he is involved in and --

14 MR. PORTER: And I am thinking direct and cross  
15 when I say all of that.

16 THE HEARING OFFICER: And having been involved  
17 with these before, as well as with that particular  
18 witness, I will -- I think we are looking at all  
19 day for the first witness most likely.

20 MR. PORTER: Unless Mr. Blazer has the flu that  
21 day, which in that case it will go much quicker.

22 THE HEARING OFFICER: We'll leave that alone.

23 MR. BLAZER: We love each other.

24 THE HEARING OFFICER: The question I have is I

1 think what we would like to do is -- so Mr. Maroose  
2 I think we have all planned will take most of the  
3 first day, especially with cross, so everybody  
4 should be ready for him the first day. Depending  
5 on how far we get, it sounds like the direct of  
6 Mr. Worth, Mr. Lannert and Mr. Pillety (phonetics)  
7 will be much shorter, and whoever is handling those  
8 the night before or the day before, if we can kind  
9 of get a handle on that, so everybody can get a  
10 fair shot of do I have to prepare for three or do I  
11 have to prepare for two, one, whatever it may be,  
12 for that particular day, and bring all the --  
13 because we are asking people to bring documents and  
14 to get them all here for six witnesses or actually  
15 five at one time would be hard.

16 So, the more if we could kind of toward  
17 the end of every night, every day, look to the next  
18 day and say, okay, I have let's say Mr. Lannert for  
19 an hour and a half direct. No one can plan -- you  
20 can't plan how long their cross is going to be. We  
21 are not asking you to. But, you know, after day  
22 one Worth is X, Lannert is X, and we all know it's  
23 an estimate. We got objections. We got things  
24 that don't go as exactly planned, but just so

1 everyone can try and schedule their night, morning,  
2 whatever that may be, trying to get ready, because  
3 as we know these are all pretty full days.

4 MR. SECHEN: Mr. Hearing Officer, just to  
5 repeat, one thing you have already covered, you  
6 have that one conflict on that one day. Just  
7 repeat what day it is and how you expect to handle  
8 the break in terms of where we might be in  
9 testimony, et cetera. In fact, breaks, daily  
10 breaks or whatever for testimony witnesses, I  
11 assume that you don't want someone on the stand  
12 overnight if you can avoid it, but that's your  
13 call.

14 THE HEARING OFFICER: Let me talk about that,  
15 because we talked about this at the first informal  
16 hearing conference. Not everyone was there. Not  
17 everybody had appeared yet at that point.

18 The goal, and let's be honest, it is a  
19 goal, it's not -- there is nothing -- there is --  
20 we are obviously not going to be able to keep going  
21 till 2:00 in the morning if we have a witness. The  
22 goal would be to have people, if at all possible,  
23 given the fact we have to fit public comment in,  
24 et cetera, to have cross-examination of any

1 witnesses not extensive the next day. Not begin  
2 one day, start the next. I don't really care if a  
3 guy like Devan Maroose or Mr. Whoever starts and  
4 finishes at 8 o'clock that night and we start cross  
5 the next day. What I am trying to avoid for all  
6 your witnesses, not just the Applicant, not just  
7 the opposition, is having a witness go two, three  
8 hours on cross-examination one night and, then,  
9 everybody getting a free shot again the next day  
10 maybe after they have seen a transcript or  
11 whatever. The goal is -- it's going to happen. I  
12 understand that.

13           So, everybody needs to know this is not a  
14 hard and fast rule, but if we finish someone at  
15 7:30 and we have public comment at 8:00, I am not  
16 going to, unless the witness is going to say three  
17 sentences, I am probably not going to start that  
18 direct exam or at least the cross-examination of  
19 that guy until the next day. And I am going to try  
20 and do that for everyone so it's fair both ways,  
21 but in my experience, like a trial, like these  
22 hearings, if you get cross started, someone gets to  
23 read the transcript, and now they are  
24 cross-examining on the same things they

1 cross-examined the night before on. I am trying to  
2 avoid that, especially with these daily  
3 transcripts. So, thank you, Mr. Sechen. Is that  
4 clear to everyone?

5 MR. SECHEN: And you're conflict again?

6 THE HEARING OFFICER: The conflict I have is  
7 Thursday night I have to be in DuPage at 6:00, this  
8 first Thursday. So, we will go -- we will probably  
9 have a shorter day on Thursday and go noon to 3:00,  
10 3 o'clock public comment, till approximately 4:00,  
11 and leave. Again the following week we have some  
12 conflicts with the Village Board with  
13 Mr. Karlovics, but we'll deal with those later in  
14 the week and see how far we get and how far we get  
15 with the Applicant. I know we will also have  
16 conflicts with some of Mr. Blazer's witnesses until  
17 next week they are not available. Two of them, I  
18 think, Mr. Maroose and somebody else.

19 MR. BLAZER: Maroose and McGinley. My other  
20 two are available.

21 THE HEARING OFFICER: So, at the very least, if  
22 we are finished with Mr. Porter's or the  
23 Applicant's case middle of the week, we'll put  
24 those on, and as we also discussed at the hearing,

1 we have 15 nights or 15 days scheduled. When we  
2 are done, we are done. We are going to work with  
3 the witnesses. If we are done, and Mr. Blazer  
4 doesn't have anybody Friday because he has put  
5 everybody on Wednesday, Thursday, we'll continue  
6 that till Monday at that point. We are going to  
7 have to play it by ear just like we would any  
8 normal trial, but I will try and endeavor to be  
9 fair to both sides, and the goal is to get this  
10 done as soon as possible for everyone. And the  
11 sooner we get it done, the better chance we have of  
12 allowing you to file findings of facts, conclusions  
13 of law, in a timely manner, so we get things done.

14 MR. SECHEN: And, again, my appraiser will  
15 have -- will not be available on Friday, nor will  
16 he be here all day on Thursday. If it's for  
17 purposes of cross, we'll live with the transcript,  
18 but obviously we should be so lucky to need him for  
19 direct.

20 THE HEARING OFFICER: Well, let's talk about  
21 that for a second. And please bring it up as we  
22 get closer, but, and I forget, Mr. Porter, who is  
23 your appraiser?

24 MR. PORTER: Pillety, Pete Pillety.

1 THE HEARING OFFICER: Clearly we are not going  
2 to be cross-examining Mr. Blazer's till next week,  
3 anyway, or putting Mr. Blazer's, Mr. Maroose, on  
4 till next week, anyway, so that may work out very  
5 well. Hopefully we can get Mr. Pillety done.

6 MR. SECHEN: That shouldn't be an issue. If  
7 there is an issue, I suspect it will be  
8 Round Lake's appraiser, Eddy -- last name escapes  
9 me at this point.

10 MR. GROSSMARK: Midarious (phonetic).

11 MR. SECHEN: And that may not even be an issue.  
12 Just a little too early to tell.

13 THE HEARING OFFICER: Mr. Grossmark's  
14 appraiser?

15 MR. SECHEN: Yes.

16 THE HEARING OFFICER: And I apologize, I don't  
17 recall off the top of my head, Mr. Grossmark, how  
18 many witnesses did you --

19 MR. GROSSMARK: We disclosed the one witness,  
20 and we may have more information on that later.

21 THE HEARING OFFICER: And we'll try and  
22 schedule this to keep it moving as well as we can  
23 and move this along, and we'll kind of all play it  
24 by ear. And I think at the end of every evening or

1 some time during toward the end of every hearing we  
2 all need to kind of have this conversation about  
3 what's going on the next day or two and try and  
4 work this out.

5 I personally, just so you know, am not all  
6 that concerned with the order of which witnesses go  
7 first. This is somewhat of a bench trial, for lack  
8 of a better word, and the Board is going to look at  
9 transcripts, anyway. So, if we have to take -- if  
10 it makes sense at the time, and we will all discuss  
11 it, I am not against calling witnesses slightly out  
12 of order, if we can agree to it, and keep this  
13 thing moving. I think that's our goal is to do  
14 this in an efficient way as possible and it's all  
15 the attorney's goals and I know it's mine, as well,  
16 and I am sure it's the Village Board's.

17 Anything else?

18 MR. BLAZER: Just because we had a little dust  
19 up with the dailies the last couple of days, do you  
20 have a sense of timing from one day to the next  
21 when we will be getting the dailies?

22 MR. KARLOVICS: You know what, as soon as I get  
23 them from the court reporter's office, now I  
24 understand what I am doing and you want, as soon as

1 I get them, they are going to go right to you.

2 THE HEARING OFFICER: I know we asked for them  
3 clearly by the end of business the next day, and I  
4 know Peter's goal is to turn it around as soon as  
5 he gets it.

6 MR. KARLOVICS: What I intend to do, actually,  
7 is after every hearing night, I may be getting some  
8 of the transcripts, I'll be trying to get them out.  
9 I'll make a visit to my office, use my computer,  
10 get the transcripts out to you whatever I get, and  
11 in the morning before coming here.

12 MR. BLAZER: That will be great. I assume the  
13 reporters will be working in shifts?

14 MR. KARLOVICS: There is supposed to be three  
15 shifts of reporters, so the idea is they will be  
16 able to transcribe and, then, we will be able to  
17 send out to the attorneys the transcripts.

18 THE HEARING OFFICER: And I would ask you and  
19 your office if some time we get out of control, I  
20 get too fast, please don't hesitate to stop us and  
21 say wait a second. I know how these hearings get.  
22 I don't have the control of the black robe that  
23 some people have when they do this, so if it gets  
24 out of control, let me know.

1                   And if there is nothing else, we'll  
2 adjourn for today and we'll see you all Monday  
3 noon.

4           MR. SECHEN: Just for the benefit of the  
5 record, it should reflect it's a little bit after  
6 12:30, and there are now and have been no members  
7 of the general public present.

8           THE HEARING OFFICER: Thank you very much,  
9 everyone.

10                                   (Whereupon, which were all the  
11                                   proceedings had on this date.)

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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF LAKE )  
4

5 Elvira M. Molnar being first duly sworn on  
6 oath says that she is a court reporter doing  
7 business in the City of Chicago;

8 That she reported in shorthand the  
9 proceedings given at the taking of said hearing;

10 That the foregoing is a true and correct  
11 transcript of her shorthand notes so taken as  
12 aforesaid and contains all the proceedings given at  
13 said hearing.

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Elvira M. Molnar, CSR

Lic. No. 084-003309

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