

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 17th day of
September, 2013, at the hour of 1:30 p.m.

(Proceedings concluded at 2:15 p.m.)

REPORTED BY ELVIRA M. MOLNAR

CERTIFIED SHORTHAND REPORTER LICENSE NO. 84-3309

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1 APPEARANCES:

2 SCHIROTT, LUETKEHANS & GARNER, LLC

3 MR. PHILLIP A. LUETKEHANS

4 The Hearing Officer;

5 MUELLER, ANDERSON & ASSOCIATES

6 MR. GEORGE MUELLER

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

22 ALSO PRESENT:

23 SOLID WASTE AGENCY OF LAKE COUNTY, IL

24 MR. PETER ADRIAN

1	THE HEARING OFFICER: This is the application	13:40:42
2	for local siting approval for Groot Industries	13:40:42
3	Lake Transfer Station. It is the pre-conference	13:40:46
4	hearing or pre-hearing conference. If everyone	13:40:52
5	would please identify themselves.	13:40:56
6	MR. MUELLER: George Mueller, one of the	13:40:58
7	attorneys for the applicant, Groot Industries.	13:41:00
8	MR. GROSSMARK: Steve Grossmark of Tressler,	13:41:04
9	LLP, and we represent The Village of Round Lake.	13:41:08
10	MR. KARLOVICS: Peter Karlovics representing	13:41:12
11	The Village Board of Round Lake Park.	13:41:14
12	MR. SECHEN: Glen Sechen, Sechen Law Group, for	13:41:16
13	The Village of Round Lake Park.	13:41:22
14	MR. BLAZER: And Michael Blazer with	13:41:24
15	Jeep & Blazer, L.L.C., representing Timber Creek	13:41:24
16	Homes, Inc.	13:41:28
17	MR. ADRIAN: Peter Adrian with the Solid waste	13:41:30
18	Agency of Lake County.	13:41:32
19	THE HEARING OFFICER: For the record, I	13:41:34
20	received a phone call from Larry Clark when we set	13:41:34
21	this just advising that he would not be able to	13:41:38
22	make it today. Just a procedural phone call. I	13:41:40
23	asked him if he had any preliminary motions he	13:41:42
24	intended on filing. He said no. But I wanted	13:41:44

1 everybody to be aware of that conversation. 13:41:48

2 We are here for a few things. One is 13:41:50

3 preliminary motions. Before we do, I have to say 13:41:52

4 that I have one scheduling conflict that I could 13:41:56

5 not get out of. So, Thursday, which would make it 13:41:58

6 September 26th, I have to be back in DuPage County 13:42:02

7 at 6:00 for a hearing that got continued, and I 13:42:06

8 couldn't switch it. So, my suggestion is we go 13:42:08

9 till 4:00, keep this moving as long as possible, 13:42:12

10 and we take one evening off. 13:42:14

11 MR. SECHEN: Along those lines, I have an 13:42:18

12 appraiser whose son is getting married on the 27th. 13:42:22

13 He will not be here, and I would love to have him 13:42:26

14 present during any of the appraisers, other 13:42:32

15 appraisers, that may testify, if that's possible. 13:42:34

16 THE HEARING OFFICER: Who is your appraiser 13:42:36

17 again? 13:42:38

18 MR. SECHEN: It's Dale Kozinski. 13:42:40

19 THE HEARING OFFICER: Anybody have a problem 13:42:42

20 with that? 13:42:44

21 MR. BLAZER: On the same, since we are on the 13:42:50

22 subject of witness availability, I have two who are 13:42:52

23 both going to be out on assignments for the first 13:42:54

24 week of the hearing. Charles McGinley, who is our 13:42:58

1 criterion two witness, and Mike Maroose, who is or 13:43:02
2 criterion three witness. I am not going to ask, 13:43:06
3 obviously, that the applicant hold off on his 13:43:10
4 witnesses with respect to those issues. I don't 13:43:12
5 want to put the burden on the applicant. Since we 13:43:16
6 are getting daily transcripts, I don't know that 13:43:18
7 it's that critical. But I know Maroose is back 13:43:20
8 September 30th, and McGinley will be in Los Angeles 13:43:26
9 on an assignment until that Friday. He will be 13:43:28
10 back in the area on that Saturday. 13:43:32
11 THE HEARING OFFICER: So, the 29th, give or 13:43:34
12 take? 13:43:36
13 MR. BLAZER: Right. 13:43:36
14 THE HEARING OFFICER: So, you're just worried 13:43:38
15 about -- you're not going to be able to present 13:43:38
16 those two people in the first week? 13:43:42
17 MR. BLAZER: Correct. 13:43:44
18 THE HEARING OFFICER: Does anybody have a 13:43:44
19 problem with that? 13:43:46
20 MR. MUELLER: If we get done with the hearing 13:43:48
21 by the end of the week of September 23rd, I don't 13:43:50
22 see why we need to hold it over. This is a 13:43:54
23 transfer station hearing. This is not something 13:43:56
24 that ought to take two weeks. 13:43:58

1 THE HEARING OFFICER: We'll take it and see 13:44:00
2 where we go and go from there. 13:44:00
3 MR. KARLOVICS: I have three dates that -- I 13:44:04
4 have no idea how long this is going to take, but 13:44:06
5 October 1st is a Round Lake Park Village Board 13:44:08
6 meeting that takes place at 6:00 p.m. I obviously 13:44:10
7 need to be at that Village Board meeting. And, 13:44:14
8 then, I have a City Council meeting on October 3rd. 13:44:16
9 And, the facility itself is not available on 13:44:20
10 October 7th. That was a previous date that was -- 13:44:24
11 for which the facility was available, but now it's 13:44:28
12 not. 13:44:30
13 THE HEARING OFFICER: October 3rd you're 13:44:32
14 unavailable. Is it 6:00 for you? 13:44:34
15 MR. KARLOVICS: That's at 7:00. 13:44:38
16 THE HEARING OFFICER: We'll kind of play this 13:44:40
17 by ear and see how far we get. Obviously, we have 13:44:42
18 time constraints we have to meet, and the sooner we 13:44:46
19 can finish, the better for everyone. 13:44:50
20 Motions. Today is the day we are supposed 13:44:54
21 to address pre-hearing motions. I am aware that 13:45:00
22 Mr. Mueller and his client have filed one motion, 13:45:02
23 and I have not received anything else. Are there 13:45:06
24 any other motions that anyone intends to file at 13:45:08

1 this point or is aware of that they intend to file? 13:45:10

2 Hearing none, I guess the best thing would 13:45:14

3 be to address Mr. Mueller's motion at this time. 13:45:18

4 MR. MUELLER: The motion was filed I think 13:45:22

5 actually by my co-counsel, Mr. Porter, deals with 13:45:24

6 the size of the exhibits that Mr. Blazer filed 13:45:28

7 approximately 25,000 pages. It appears to us the 13:45:34

8 intent is to make someone waste time going through 13:45:38

9 all of that material to try to find out what's 13:45:40

10 relevant. If he put all that material together, he 13:45:42

11 knows what he intends to use, and it's buried 13:45:46

12 within there, I think the hearing officer in his 13:45:48

13 discretion has the ability to compel Mr. Blazer to 13:45:52

14 tell us what he is really interested in using as 13:45:56

15 exhibits within those 25,000 pages. 13:46:00

16 THE HEARING OFFICER: Mr. Blazer, I assume you 13:46:04

17 want time to respond? 13:46:06

18 MR. BLAZER: I'd just resolve this today, 13:46:10

19 Mr. Hearing Officer, if at all possible, unless you 13:46:12

20 want a written response. 13:46:14

21 THE HEARING OFFICER: Go ahead. 13:46:16

22 MR. BLAZER: Well, first of all, we went 13:46:18

23 through this at great length via the e-mail 13:46:20

24 exchange among all the attorneys last week when I 13:46:24

1 first asked you for a preliminary ruling on whether 13:46:26
2 or not I even had to pre submit any or all of the 13:46:30
3 materials that we ultimately did submit. We are 13:46:32
4 all familiar with the ruling you made. And as I 13:46:36
5 then responded in the aftermath of your ruling, 13:46:42
6 based on that ruling and in an abundance of 13:46:44
7 caution, we provided to all parties in advance in 13:46:50
8 partly response, actually, to the Village's concern 13:46:54
9 that we might be holding something back. That was 13:46:56
10 Mr. -- I am paraphrasing Mr. Sechen here, but I 13:46:58
11 believe that was, in essence, his intent that we 13:47:02
12 might dump a CD full of stuff on somebody during 13:47:06
13 cross-examination. So, we tendered to everyone, 13:47:08
14 and everyone had an opportunity to review, 13:47:10
15 everything that we may use in the course of this 13:47:12
16 hearing. Or everything that as of now that we 13:47:16
17 believe we may use. 13:47:20
18 This motion which we received roughly an 13:47:20
19 hour and a half before this hearing first states 13:47:24
20 that on filing fails to follow the spirit of the 13:47:32
21 letter from the Village ordinance. Well, the 13:47:34
22 Village ordinance, specifically Subsection (G)(2), 13:47:38
23 requires that all exhibits be filed. It doesn't 13:47:42
24 say just some. It doesn't provide a specific 13:47:46

1 number. It says all. We have submitted all that 13:47:48
2 we are aware of at this time. 13:47:52
3 Is it a lot of material? It is. Do I 13:47:54
4 intend to use most, if not all of it? I do. But 13:47:58
5 what you're being asked to do right now is make a 13:48:02
6 preliminary determination on relevance without 13:48:04
7 having any context. And I suggest that the way to 13:48:10
8 deal with this motion is the way you dealt with my 13:48:14
9 request for a preliminary ruling. Deal with it as 13:48:16
10 the hearing comes up with any particular document 13:48:18
11 or any particular exhibit that I have tendered to 13:48:20
12 the parties. 13:48:22
13 But I should just mention this reference 13:48:26
14 to Supreme Court Rule 214 in this motion. 13:48:28
15 Procedural rules applicable to this hearing are 13:48:32
16 those contained in the Round Lake Park ordinance, 13:48:34
17 not the Supreme Court Rules. That's all I have to 13:48:38
18 say. 13:48:42
19 THE HEARING OFFICER: Anybody else have 13:48:42
20 anything to add before I let Mr. Mueller reply? 13:48:42
21 MR. SECHEN: Just a couple short things. 13:48:48
22 214 is there, I am sure, for guidance. Obviously, 13:48:48
23 it's not directly applicable. But I think that 13:48:52
24 Mr. Mueller hit the nail on the head when he 13:48:56

1 suggested it would be nice not to have to waste 13:49:00
2 your time reviewing slightly over 25,000 pages 13:49:02
3 worth of documents. Is something buried in there 13:49:04
4 we may use? Probably. Where is it? I have no 13:49:08
5 idea. And I think we need an idea. 13:49:12
6 THE HEARING OFFICER: Anybody else? 13:49:16
7 Mr. Mueller. 13:49:18
8 MR. MUELLER: Well, lastly, it's not just the 13:49:20
9 applicant and other parties that we are seeking to 13:49:22
10 protect, but to the extent that the public is 13:49:24
11 supposed to become informed as to what people 13:49:28
12 intend to use, the volume of this material is 13:49:32
13 clearly designed to discourage the public from even 13:49:34
14 attempting to find out what's relevant, what's 13:49:38
15 germane, what's likely to be used. And the guiding 13:49:40
16 principle in these hearings is fundamental 13:49:46
17 fairness, and anything that discourages the public 13:49:50
18 from being informed or involved in our judgment 13:49:52
19 violates that guiding principle. 13:49:54
20 MR. BLAZER: Can I respond to that? 13:50:00
21 THE HEARING OFFICER: Yes. 13:50:00
22 MR. BLAZER: Thank you. I had a fairly lengthy 13:50:02
23 conversation with Mr. Karlovics last week about 13:50:06
24 these exhibits, and one of the things he asked was 13:50:08

1 that I keep the download link alive, which has now 13:50:10
2 been posted on the Village's web site, so anyone 13:50:14
3 interested can download the entire thing. And we 13:50:18
4 are doing that. We are going to do that throughout 13:50:20
5 the course of the entire hearing. 13:50:22
6 Again, last week I dealt with I am not 13:50:24
7 providing enough. Now I am hearing I am providing 13:50:28
8 too much. Again, the relevance of anything that I 13:50:30
9 may elect to use during the course of this hearing 13:50:34
10 is something that you, Mr. Hearing Officer, are 13:50:36
11 going to have to address at the time I attempt to 13:50:38
12 use it. What they are trying to do now is preclude 13:50:42
13 us effectively from participating. Not 13:50:44
14 effectively, that's what the motion asked that we 13:50:46
15 be precluded from participating. And when we talk 13:50:50
16 about fundamental fairness, I am amazed that 13:50:52
17 counsel can use that phrase in the context of this 13:50:56
18 motion, because that's exactly what he seeks to 13:50:58
19 deny to my client. Our ability to effectively 13:51:00
20 participate in this case by using whatever 13:51:04
21 materials are available either in our case in chief 13:51:06
22 or for cross-examination. 13:51:10
23 So, the notion that first we weren't 13:51:12
24 providing enough and now we are providing too much 13:51:16

1 is frankly in our view silly. And I believe, and I 13:51:18
2 would ask Mr. Karlovics to weigh in on this, I 13:51:24
3 believe the Village Board is interested in as much 13:51:28
4 information as they can possibly get, and that they 13:51:30
5 certainly don't desire to have their ability to 13:51:32
6 review all relevant information artificially 13:51:36
7 limited by the applicant. 13:51:38
8 THE HEARING OFFICER: Well, Peter, I don't 13:51:42
9 think that's a fair question for you to -- 13:51:44
10 MR. KARLOVICS: I think I -- the only thing I 13:51:46
11 don't think I want to chime in on is that I am 13:51:48
12 concerned in the way the material is organized. 13:51:50
13 There could be some guidance as to whether counsel 13:51:52
14 is going to be using a portion -- is more likely to 13:51:56
15 use one portion of the record than the other. 13:51:58
16 25,000 pages is a considerable amount of material. 13:52:00
17 I personally don't necessarily agree with the idea 13:52:04
18 of barring testimony. It seems a bit extreme from 13:52:08
19 a board's perspective. However, going to Groot's 13:52:12
20 point about hiding relevant material in a ream of 13:52:16
21 documents, there has to be some type of probably 13:52:18
22 more artfully crafted remedy here where Mr. Jeep 13:52:22
23 hones the information that it's more usable. It's 13:52:26
24 very difficult to use. It is indexed, so the 13:52:32

1 actual documents are indexed. We can have access 13:52:34
2 to them or have some type of guidance as to what 13:52:38
3 Mr. Jeep intends to use the specific documents for 13:52:40
4 might be helpful. 13:52:44
5 MR. GROSSMARK: Mr. Hearing Officer, may I 13:52:46
6 comment? 13:52:48
7 THE HEARING OFFICER: Please. 13:52:52
8 MR. GROSSMARK: I lean toward having more 13:52:54
9 information and being more transparent rather than 13:52:56
10 less. With all respect to counselor, I don't know 13:52:58
11 that the applicant can speak on behalf of the 13:53:00
12 public. And to the extent that part of the public 13:53:04
13 is the Village of Round Lake, we would like to be 13:53:08
14 able to have more information and use more 13:53:12
15 information rather than less information. 13:53:14
16 Perhaps, and again with all due respect to 13:53:18
17 counsel, the issue is hiding information. When you 13:53:20
18 look at the information, it's a lot of paper, and I 13:53:24
19 am not happy about 25,000 pieces of paper being 13:53:26
20 disclosed recently, or it's a difficult situation. 13:53:30
21 But there is an index, and it seems to me that most 13:53:38
22 of the information or a good portion of it is 13:53:40
23 information that came from the applicant perhaps in 13:53:46
24 earlier situations. I don't know what percentage 13:53:50

1 of it is that information. So, a considerable 13:53:54
2 amount of it is information that the applicant 13:53:58
3 already knows what's in there. If anybody, the 13:54:04
4 applicant knows what's in there better than anybody 13:54:06
5 else. 13:54:10
6 So, we would lean toward the kind of 13:54:10
7 remedy that addresses this as we proceed through 13:54:12
8 the hearing, as I sent in an e-mail to everybody, 13:54:16
9 to weigh the needs of both sides to an issue and to 13:54:20
10 resolve this so that we do achieve fundamental 13:54:24
11 fairness that the public has more rather than less 13:54:28
12 information. And I think the remedy in the motion 13:54:30
13 is rather specific, barring use of the exhibits, 13:54:34
14 which we would not favor, or requiring 13:54:36
15 identification of the exact exhibits that are going 13:54:40
16 to be used. I don't know how counsel for 13:54:44
17 Timber Creek can use 25,000 pieces of paper in a 13:54:54
18 hearing. I don't know how that's going to be done. 13:54:58
19 But I think somewhere in-between there is perhaps 13:55:00
20 most fair and best off for the public, which my 13:55:02
21 client is a part of the public. 13:55:06
22 THE HEARING OFFICER: Let me ask this question. 13:55:10
23 I mean, you're correct, the 25,000 pages of 13:55:16
24 documents is a lot of pages. Many of them are -- 13:55:20

1 but it's 38 exhibits. Many of them are hearing 13:55:26
2 transcripts that I am assuming, and I don't want to 13:55:30
3 foreclose you from using, but I am assuming they 13:55:34
4 are there for cross-examination purposes of people. 13:55:36
5 MR. BLAZER: Absolutely. 13:55:44
6 THE HEARING OFFICER: I am also seeing some of 13:55:44
7 these are resumes, except for Mr. Kozinski and 13:55:46
8 Mr. McGinley, those are your witnesses. 13:55:52
9 MR. BLAZER: Correct, and their reports. 13:55:56
10 THE HEARING OFFICER: And their reports. So, I 13:55:56
11 guess where I think it would be helpful for me to 13:55:58
12 understand before I rule -- to understand before I 13:56:02
13 rule is which of these exhibits do you intend to 13:56:06
14 really use in your case in chief versus 13:56:10
15 cross-examination. I think that would be helpful, 13:56:14
16 because I think many of the pages are clearly -- I 13:56:16
17 mean, I was at West DuPage, obviously. I was a 13:56:18
18 hearing officer and I remember (inaudible) 13:56:24
19 testified. I am assuming other people in this 13:56:26
20 hearing, I know the expert, one of the experts, for 13:56:28
21 the applicant is going to be testifying. So, I am 13:56:32
22 assuming that's what the use of some of these are. 13:56:36
23 I am not going to preclude you from using that 13:56:40
24 prior testimony. I don't think that would be fair. 13:56:42

1 So, what I am trying to figure out is which of 13:56:44
2 these exhibits, first of all, would be used in case 13:56:46
3 in chief versus cross-examination. Is that 13:56:50
4 something you can do for us? 13:56:54
5 MR. BLAZER: Right now? 13:56:54
6 THE HEARING OFFICER: Yes.
7 MR. BLAZER: As far as I can tell right now, 13:56:54
8 one through nine and 16 to 22. As I sit here now, 13:56:58
9 those are the ones that definitely jump out at me, 13:57:14
10 Mr. Hearing Officer. 13:57:18
11 THE HEARING OFFICER: Okay. I am going to deny 13:57:20
12 the motion as it stands right now. I would ask 13:57:24
13 that by Friday when we come back here with the 13:57:26
14 public informational hearing you provide us with 13:57:30
15 the list of those that are direct case in chief 13:57:36
16 exhibits versus cross-examination. 13:57:38
17 MR. BLAZER: Sure. 13:57:40
18 THE HEARING OFFICER: I think we are all 13:57:42
19 assuming this is probably the list, there may be 13:57:42
20 some modifications, but that will help I think 13:57:46
21 everybody be well aware of what we are doing. 13:57:50
22 MR. BLAZER: I can tell you now, and if you 13:57:50
23 want I'll do it formally in a document, but I can 13:57:52
24 tell you now on the record. You hit it on the 13:57:56

1 head. First of all, I won't say every lawyer, but 13:57:58
2 all of the applicant's attorneys have been involved 13:58:00
3 in one way or another in all of the proceedings 13:58:04
4 that are part of these other exhibits. Most 13:58:08
5 important, most of the applicant's witnesses have 13:58:10
6 been involved in all of these proceedings. I don't 13:58:14
7 know who all the witnesses will be, that was going 13:58:18
8 to be one issue I raise today, but Lannert, 13:58:24
9 Poletti, Moots, Worthman, (phonetics) you're 13:58:24
10 familiar with them, too, Mr. Hearing Officer. You 13:58:28
11 have seen them. They are throughout all this. I 13:58:30
12 can tell you right now the transcripts are all of 13:58:34
13 the cross. Probably most, if not all of the siting 13:58:36
14 applications that we have included in here are for 13:58:42
15 cross on a number of the criteria. So hopefully 13:58:44
16 that helps. Again, it's only 38 exhibits. I am 13:58:48
17 hoping there won't be any more. 13:58:52
18 THE HEARING OFFICER: Here is what I am asking 13:58:54
19 for. I think for Friday if you could be ready to 13:58:56
20 state on the record or submit, I don't care, 13:59:00
21 whatever the rest of the attorneys want, which 13:59:02
22 exhibits at this point are headed for case in chief 13:59:06
23 versus cross-examination. I think that will be 13:59:08
24 helpful to everyone. 13:59:10

1 MR. BLAZER: Sure. 13:59:12

2 THE HEARING OFFICER: Speaking to that next 13:59:12

3 question is something to ask Mr. Helsten, and I 13:59:14

4 don't know if Mr. Mueller is ready for this, but I 13:59:20

5 don't think I asked Mr. Mueller if you would at 13:59:24

6 least for Friday one thing we discussed at the 13:59:26

7 preliminary conference, for lack of a better word, 13:59:28

8 was Mr. Helsten providing an order of witnesses so 13:59:32

9 that everybody is ready to go. And, Mr. Mueller, 13:59:36

10 if you know your first two witnesses today, I think 13:59:40

11 that would be helpful for all of us, so no one is 13:59:42

12 going crazy over the weekend preparing for the 13:59:44

13 first couple. 13:59:48

14 MR. MUELLER: I do not have the order, and I 13:59:48

15 will tell you honestly it hasn't been established. 13:59:50

16 We are meeting with witnesses tomorrow and 13:59:54

17 Thursday. 13:59:54

18 THE HEARING OFFICER: There is nothing in the

19 ordinance that requires it. However, by Friday, 13:59:56

20 when we are here, I have asked Mr. Helsten to 13:59:58

21 provide that by Friday originally, so I am going to 14:00:00

22 renew that, and so if that can come Friday, I think 14:00:04

23 -- 14:00:06

24 MR. MUELLER: We will be prepared to tell you 14:00:06

1 that on Friday. 14:00:08

2 THE HEARING OFFICER: That will be great. 14:00:08

3 The other thing I have planned on doing 14:00:10

4 at, both, the informational session and at the 14:00:14

5 first meeting and probably the first couple is 14:00:22

6 making available for everyone in hard copy form the 14:00:26

7 hearing outline that I think we put on the web 14:00:28

8 site. The notice of participant -- appearance of 14:00:34

9 public participant. I understand that people 14:00:36

10 should have been doing it already, but I am not 14:00:38

11 going to -- if someone from the public says, hey, I 14:00:40

12 want to ask some questions, I am not going to say 14:00:44

13 no chance in hell because the ordinance says it. 14:00:46

14 We will look at it on a case by case basis. But I 14:00:50

15 want people to take that opportunity and know they 14:00:52

16 have that opportunity. 14:00:54

17 The third thing is I have typed up, and if 14:00:54

18 anybody wants to see it, I will give it today, the 14:00:58

19 Section 39.2, the non-siting criteria language. I 14:01:02

20 think that's also something helpful for the public 14:01:08

21 to have. So, if anyone has a question about what 14:01:12

22 are the criteria, we are not letting people go off 14:01:14

23 on things that are not part of the criteria, 14:01:18

24 especially the public. You all know it, the 14:01:20

1 criteria, but I think if the public has it 14:01:22
2 typewritten out for them would be helpful. 14:01:26
3 If there is anything else anyone has 14:01:26
4 suggestions about that we can do to make sure this 14:01:30
5 runs smoothly, I am willing to listen. I am 14:01:34
6 assuming there is no other preliminary motions at 14:01:36
7 this time. And is there anything else? 14:01:38
8 MR. MUELLER: I have one item, Mr. Hearing 14:01:40
9 Officer. 14:01:42
10 THE HEARING OFFICER: Yes. 14:01:42
11 MR. MUELLER: I couldn't help but notice that 14:01:44
12 Mr. Blazer named me as a witness on his witness 14:01:46
13 list. To cut to the chase, I presume that was a 14:01:52
14 combination of both tweaking me and also because 14:01:58
15 Mr. Blazer is aware that I may have said on behalf 14:02:04
16 of other clients things that could be construed 14:02:08
17 negatively about witnesses for my client. And to 14:02:12
18 the extent that he is going to intend to call an 14:02:16
19 attorney with regard to arguments made by that 14:02:20
20 attorney in other cases about some of these same 14:02:24
21 witnesses, I don't have a motion on that today, but 14:02:26
22 I am going to tell you right now that there is no 14:02:28
23 probative value in calling an attorney with regard 14:02:32
24 to arguments made in different cases. 14:02:36

1 THE HEARING OFFICER: Mr. Blazer, do you want 14:02:40
2 to respond to that or wait until we get to that 14:02:42
3 point? 14:02:44
4 MR. BLAZER: I didn't do it to tweak him. I 14:02:48
5 don't think it requires any further response at 14:02:52
6 this point. 14:02:54
7 THE HEARING OFFICER: Mr. Mueller, I have my 14:02:54
8 personal feelings about that thought, but I will 14:02:56
9 let the parties, when the time comes, provide me 14:02:58
10 with whatever case law or whatever arguments they 14:03:00
11 have, but I think everybody is warned and everybody 14:03:04
12 is aware of your concern, and I appreciate you 14:03:08
13 bringing it up. 14:03:10
14 MR. MUELLER: I mean, this is a small group of 14:03:12
15 lawyers and witnesses that do a lot of this work, 14:03:16
16 and I have been on the side of objectors, I have 14:03:24
17 been on the side of applicants, I have been a 14:03:26
18 hearing officer. I think the same is true for 14:03:28
19 Mr. Sechen and Mr. Clark. And there have been 14:03:32
20 times when I have been on the opposite side of 14:03:36
21 cases that had witnesses who are now being called 14:03:38
22 by my client. And, you know, lawyers' statements 14:03:44
23 of opinion and inference with regard to the 14:03:50
24 credibility of those witnesses in different cases 14:03:54

1 really have no place as evidence in this case. 14:03:56

2 I'll just ask you, Mr. Luetkehans, to think about 14:04:02

3 that as we go forward. 14:04:04

4 THE HEARING OFFICER: I have, and I will tell 14:04:06

5 you there are certain people on this witness list 14:04:06

6 who I have called as experts in cases, so it's 14:04:10

7 something we are all going to have to deal with as 14:04:12

8 we go forward. 14:04:14

9 MR. BLAZER: All I can say is the more he 14:04:16

10 complains about it, the more interested I am in 14:04:18

11 calling him. 14:04:22

12 THE HEARING OFFICER: We'll leave that alone. 14:04:26

13 Let's get off that topic. 14:04:26

14 MR. GROSSMARK: The hearing outline, is that 14:04:26

15 the schedule of the hearing dates? 14:04:28

16 THE HEARING OFFICER: No. There was a hearing 14:04:30

17 outline, and I think it's on the web site, is it 14:04:32

18 not, Peter? 14:04:34

19 MR. KARLOVICS: I'll have to check. 14:04:36

20 THE HEARING OFFICER: If not, if you want to 14:04:38

21 send me an e-mail reminding me, it's pretty much 14:04:38

22 just the order of people's -- of how we are 14:04:42

23 proceeding with the hearing, not so much, you know, 14:04:44

24 the applicant is first, then cross, then the cross 14:04:46

1 is -- I think the Village gets the last -- 14:04:50

2 MR. KARLOVICS: Is that the order that you 14:04:52

3 previously submitted? If it is, then it's on the 14:04:54

4 web site. 14:04:56

5 THE HEARING OFFICER: I don't know if it was an 14:04:58

6 order. I don't think I made it an order, but I did 14:04:58

7 bring it to the first preliminary. I think 14:05:02

8 Mr. Sechen had -- 14:05:06

9 MR. BLAZER: It's not on the Village web site. 14:05:08

10 MR. KARLOVICS: I will make sure it gets on the 14:05:10

11 web site. 14:05:12

12 THE HEARING OFFICER: I'll send it out to make 14:05:12

13 sure it's the correct one, because I know 14:05:14

14 Mr. Sechen had raised concerns about certain 14:05:16

15 things, because I know one thing in particular I 14:05:20

16 didn't have the Village going last, which was how 14:05:22

17 the ordinance is set up. It's mostly -- it's one 14:05:26

18 page, maybe a page and three lines, it's just more 14:05:28

19 order. So, I'll send it to everybody tomorrow if I 14:05:32

20 can, or as soon as possible, tomorrow is kind of 14:05:36

21 screwy, but if anybody has a concern about it, let 14:05:38

22 me know, but the goal would be to get that to the 14:05:40

23 public so everybody knows kind of where they are. 14:05:42

24 As you know, the order does set forth the dates of 14:05:44

1 the hearings, as well as the public comment time 14:05:48
2 period how we are going to try and rotate that, but 14:05:50
3 this is a little different. It's more of the 14:05:52
4 applicant goes first, and, then, there is cross, 14:05:54
5 then cross by the Village, and then, you know, 14:05:56
6 whoever gets to go next. Whatever the order is. 14:06:04
7 MR. GROSSMARK: Another clarification, if I may 14:06:06
8 raise it or ask it? 14:06:08
9 THE HEARING OFFICER: Yes. 14:06:10
10 MR. GROSSMARK: There is lots of hearing dates 14:06:10
11 scheduled, 15, I think, and if the hearing finishes 14:06:12
12 before that, if everybody has presented their 14:06:16
13 witnesses, and they are done, might it be that not 14:06:18
14 all 15 days would be used? 14:06:20
15 THE HEARING OFFICER: Yes. I think it's all of 14:06:22
16 our, I shouldn't say my goal is, but I know 14:06:24
17 Mr. Karlovics went out and got these dates to be 14:06:30
18 more than less, so that we would have the place 14:06:32
19 reserved. When we are done, we are done, and the 14:06:34
20 goal is to move this along as quickly as possible 14:06:36
21 while giving everybody fundamental fairness and 14:06:40
22 doing it the right way. 14:06:42
23 And, then, the other thing we talked about 14:06:44
24 at the first preliminary hearing, which was not on 14:06:46

1 the record, which was not transcribed, was besides 14:06:50
2 these public comments possibly trying to find a 14:06:54
3 date, and I think it's in my order, of a single day 14:06:56
4 just for public comment hopefully on a Saturday or 14:07:00
5 something we can fit it in so that the public has a 14:07:02
6 day that they know they can do that and not, you 14:07:06
7 know, at noon or at 4 or 8 o'clock at night. 14:07:10
8 MR. KARLOVICS: Just to remind Mr. Hearing 14:07:14
9 Officer, the facility is not available on any 14:07:14
10 Saturday during the window that we have looked at. 14:07:16
11 The facility has been taken. So, as an 14:07:20
12 alternative, would anybody have any objection to 14:07:22
13 Murphy's School, which has a gymnasium, for using 14:07:26
14 that, or using the Village Hall? It will be a 14:07:30
15 little cramped, I suppose, but do you have any 14:07:34
16 objection to that? 14:07:36
17 THE HEARING OFFICER: I do not. I think as 14:07:36
18 long as we give people enough notice ahead of time 14:07:38
19 that here is where it is, a different location, as 14:07:40
20 long as it works, I don't have any concern about 14:07:44
21 that. 14:07:46
22 MR. KARLOVICS: Could we just kind of establish 14:07:46
23 a Saturday now so that we can kind of plan around 14:07:48
24 that day? When asking whether a facility is 14:07:50

1 available, it would be helpful if we can actually 14:07:54
2 set the Saturday. 14:07:56
3 MR. SECHEN: In terms of setting a Saturday, I 14:07:58
4 got a question, so we are careful of the cases out 14:08:02
5 there regarding a limited space for the public to 14:08:06
6 participate. 14:08:08
7 THE HEARING OFFICER: Correct. I'll be honest 14:08:10
8 with you, I would be leaning toward the gymnasium, 14:08:12
9 and if this place was -- 14:08:14
10 MR. SECHEN: If for no other reason. 14:08:16
11 THE HEARING OFFICER: Yes. I think we will get 14:08:18
12 a better handle as we are going through the hearing 14:08:20
13 as to the size that's necessary, but I understand. 14:08:22
14 So, I would be leaning toward the gymnasium. Let's 14:08:30
15 talk about that on Friday, if we could, about 14:08:38
16 possible dates. And the other thing we have left 14:08:40
17 open is everyone I think knows from the orders is 14:08:42
18 possible briefing and findings of fact at the end 14:08:46
19 depending on how fast we move along with the 14:08:48
20 hearing. The goal is to let everybody get their 14:08:52
21 say and create a full record for the Village Board. 14:08:54
22 MR. BLAZER: Just a quick question, if I may, 14:08:58
23 about physical facility. I have never been there. 14:09:02
24 THE HEARING OFFICER: Peter will be able to 14:09:06

1 answer questions much better than I would. 14:09:06

2 MR. KARLOVICS: We have different rooms on 14:09:08

3 different days. We do have there is a what they 14:09:10

4 call a banquet room, and that has capacity of 150. 14:09:14

5 And, then, there is a conference room that we have 14:09:20

6 also got on days. Most of the days we have the 14:09:22

7 banquet hall, but we have a conference room which 14:09:28

8 holds, like the Village Hall, about 70 people. So, 14:09:32

9 we have one or two days that the evening hours are 14:09:36

10 going to require us moving the conference room or 14:09:38

11 make some type of accommodations at that point. 14:09:42

12 MR. BLAZER: I am just thinking, as you all 14:09:44

13 know, I do so much of this digitally -- as he is 14:09:48

14 smiling. Should I be bringing a fairly lengthy 14:09:52

15 extension cord? Should I bring my own projection 14:09:58

16 screen? 14:09:58

17 MR. KARLOVICS: They have projection equipment 14:09:58

18 and they have Wi-Fi, so they do have those 14:10:00

19 facilities. In terms of your own projector -- 14:10:02

20 MR. BLAZER: I have a projector. That's not a 14:10:08

21 big deal. But if I don't have to schlep a 14:10:10

22 screen -- 14:10:12

23 THE HEARING OFFICER: We are there Friday, if I 14:10:14

24 am not mistaken, so everybody is able to get a good 14:10:14

1 handle on what facilities we have Friday. And 14:10:18
2 since nobody is presenting any evidence on Friday, 14:10:20
3 no one is going to be disturbed. 14:10:22
4 MR. MUELLER: That's my question. The schedule 14:10:24
5 for Friday says 12:00 to 5:00. 14:10:28
6 THE HEARING OFFICER: The schedule says we are 14:10:30
7 starting at 12:00, the official schedule. What you 14:10:32
8 have, Mr. Karlovics, on the web site, is the dates 14:10:34
9 that the place is reserved. We are going to start 14:10:38
10 at noon. I would suggest that we are going to be 14:10:40
11 done long before 5 o'clock. I have some 14:10:44
12 preliminary statements to make to the public, and 14:10:46
13 if anybody has questions that they want -- 14:10:48
14 procedural questions that they want to ask the 14:10:50
15 public at that time, I am going to endeavor to at 14:10:52
16 least put them in the right direction, but the goal 14:10:54
17 for Friday is just to get the public, have an 14:10:56
18 informational meeting, and have everybody ready to 14:11:02
19 go first thing Monday. Unless anybody has anything 14:11:06
20 further, we will adjourn. Thank you. 14:11:10
21 (Whereupon, which were all the
22 proceedings had.)
23
24

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF L A K E)

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.

14

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The image shows a handwritten signature in black ink that reads "Elvira M. Molnar". To the right of the signature is a circular seal with a yellow sunburst border. The text inside the seal reads "NDTC - Shorthand Electronic".

—
Elvira M. Molnar, CSR

Lic. No. 084-003309

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