

BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS

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In Re: :

MAXXAM PARTNERS, LLC :

Special Use request in the :

F Farming District for a :

private-pay alcoholism and :

substance abuse treatment : Petition No. 4364

facility, 41W400 Silver Glen :

Road, Section 19, Campton :

Township (08-19-400-004) and :

Section 34, Plato Township :

(05-34-300-032 & 05-34-400-025) :

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PUBLIC HEARING - VOLUME XIV

St. Charles, Illinois

Thursday, February 9, 2017

7:06 p.m.

Job No.: 134678

Pages: 1943 - 2026

Reported by: Paula M. Quetsch, CSR, RPR

1 PUBLIC HEARING, held at the location of:

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KANE COUNTY CIRCUIT COURT CLERK -

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BRANCH COURT

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530 South Randall Road

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St. Charles, Illinois 60174

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(630) 232-3495

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Before Paula M. Quetsch, a Certified Shorthand

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Reporter, Registered Professional Reporter, and a

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Notary Public in and for the State of Illinois.

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1 PRESENT:
2 ANN MICHALSEN, Vice Chairwoman
3 TRACY ARIS, Member
4 MARY LAKE, Member
5 WENDY MELGIN, Member
6 MARGUERITE MILLEN, Member

7

8 ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC:

9 ANDREW E. KOLB, ESQUIRE
10 VANEK, LARSON & KOLB, LLC
11 200 West Main Street
12 St. Charles, Illinois 60174
13 (630) 513-9800

14

15 ON BEHALF OF THE KANE COUNTY BOARD:

16 PATRICK KINNALLY, ESQUIRE
17 KINNALLY FLAHERTY KRENTZ LORAN
18 HODGE & MASUR, PC
19 2114 Deerpath Road
20 Aurora, Illinois 60506
21 (630) 907-0909

22

23

24

1 ON BEHALF OF OBJECTOR JOLINE ANDRZEJEWSKI:

2 KEVIN M. CARRARA, ESQUIRE

3 RATHJE WOODWARD, LLC

4 300 East Roosevelt Road

5 Suite 300

6 Wheaton, Illinois 60187

7 (630) 668-8500

8

9 ON BEHALF OF FOX RIVER AND COUNTRYSIDE

10 FIRE RESCUE DISTRICT:

11 KENNETH SHEPRO, ESQUIRE

12 KENNETH SHEPRO, COUNSELOR AT LAW

13 33W542 Army Trail Road

14 Wayne, Illinois 60184

15 (630) 377-7372

16

17

18 ALSO PRESENT:

19 MARK VANKERKHOFF, Zoning Enforcing Officer

20 KEITH BERKHOUT, Secretary

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P R O C E E D I N G S

1
2 VICE CHAIRWOMAN MICHALSEN: Good evening
3 everyone. We're going to go ahead and get started.
4 Do you want to take your seats.

5 All right. If I could ask the secretary to
6 do roll call, please.

7 MR. BERKHOUT: Aris.

8 MEMBER ARIS: Here.

9 MR. BERKHOUT: Falk.

10 (No response.)

11 MR. BERKHOUT: Lake.

12 MEMBER LAKE: Yes.

13 MR. BERKHOUT: Melgin.

14 MEMBER MELGIN: Yes.

15 MR. BERKHOUT: Michalsen.

16 VICE CHAIRWOMAN MICHALSEN: Yes.

17 MR. BERKHOUT: Millen.

18 MEMBER MILLEN: Yes.

19 MR. BERKHOUT: Barbosa.

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: All right. We
22 do have five ZBA members present this morning, so we
23 do have a quorum.

24 At this time if we would all stand for the

1 Pledge of Allegiance.

2 (The Pledge of Allegiance was recited.)

3 VICE CHAIRWOMAN MICHALSEN: Thank you and
4 good evening to the petitioner, representatives of
5 units of government, adjacent property owners, and
6 other interested parties. This evening's meeting is
7 for the ZBA to deliberate and potentially take action
8 on findings of fact and recommendations concerning
9 Petition No. 4364 requesting a special use in the
10 F Farming District for a private-pay alcoholism and
11 substance abuse treatment facility located at
12 41W400 Silver Glen Road, Section 3, Campton Township,
13 and Section 34 Plato Township. The applicant is
14 Glenwood Academy and Maxxam Partners, LLC.

15 The Board concluded the public hearing on
16 this petition as of its meeting on January 26th, 2017.
17 The purpose of this meeting is for the Board to
18 deliberate regarding possible conditions and
19 guarantees regarding the petition for recommendation
20 to the Kane County Board. We thank everyone who
21 attended the previous hearings and participated and
22 provided comments at the multiple public hearings.

23 The order for this evening's meeting will be
24 a discussion and recommendation on the proposed

1 conditions and guarantees if the Kane County Board
2 were to approve the special use permit.

3 We are missing one of our ZBA members due to
4 illness, so we will just be doing the conditions this
5 evening, and we will be finding another date to meet
6 to deliberate and vote on the actual special use
7 request.

8 We do apologize. We had really hoped to
9 finish it this evening, but since all of the members
10 have been here for all of the other meetings and
11 have read the very voluminous record, we'd like for
12 all members to be able to participate in voting on
13 the special use allowance.

14 Please note again that the public hearing
15 on this petition was closed at the meeting on
16 January 26th, 2017. Attendance this evening by the
17 petitioner, units of government, and the public is
18 appreciated, but comments or questions from anyone
19 other than members of the ZBA, staff, and the
20 County's legal counsel is not appropriate and will
21 not be recognized or considered.

22 There is a public comment included on the
23 agenda. This is a requirement for all open meetings.
24 To avoid confusion, please note that this is not a

1 time for additional public comments or submission of
2 evidence for this petition. Other public comments
3 may be limited depending on the time of the evening.

4 In the event an additional meeting is needed
5 for the Zoning Board's deliberation and recommendation,
6 it will be scheduled and noticed in accordance with
7 the Open Meetings Act.

8 As I previously stated, unfortunately, we
9 will be having another meeting so that all of Kane
10 County Zoning Board members appealing -- I'm sorry --
11 participating in the petition can be here on that
12 final decision.

13 With that I'm going to refer my fellow Board
14 members to the potential conditions and guarantees
15 draft provided to us by staff, and we'll go down the
16 listing. There's I believe 49 or 50 -- I'm sorry --
17 46 on the list with a reminder that Board members
18 are invited to add any additional conditions they
19 would like considered here tonight when we get
20 through the list.

21 We're going to begin with item No. 1,
22 proposed condition is that, "Maxxam Partners, LLC,
23 will agree to provide Kane County with 1,000 doses
24 of Narcan per year for a total of 10,000 doses over

1 a 10-year period."

2 Does anyone have any comments they want to
3 make on this proposed condition?

4 MEMBER LAKE: I do, Madam Chairman.

5 VICE CHAIRWOMAN MICHALSEN: Thank you.

6 MEMBER LAKE: I would be in favor of this
7 with the potential guarantee that a bond be placed
8 in the value of the Narcan that would be reduced
9 annually.

10 VICE CHAIRWOMAN MICHALSEN: Thank you. Does
11 anyone have any other comments on this condition?

12 (No response.)

13 VICE CHAIRWOMAN MICHALSEN: Hearing none,
14 all those in favor of the condition as drafted by
15 staff, say aye.

16 (Ayes heard.)

17 VICE CHAIRWOMAN MICHALSEN: All those opposed,
18 same sign.

19 (No response.)

20 VICE CHAIRWOMAN MICHALSEN: This one will be
21 recommended unanimously.

22 Proposed Condition No. 2 is that, "The site
23 plan included in the petition does not propose
24 expansion or construction of additional buildings or

1 infrastructure. Any future proposed construction of
2 additional buildings and/or infrastructure, including
3 additional access roads or access locations would
4 not be permitted unless the special use site plan is
5 amended per Section 4.8 Special Uses."

6 Does anyone have any comments?

7 MEMBER MILLEN: The only thing I would say
8 is this is kind of redundant because the special use
9 section of the zoning ordinance does require that
10 the development hold to the approved site plan. So
11 I don't -- whether you want it or not, it's
12 redundancy.

13 VICE CHAIRWOMAN MICHALSEN: Thank you.

14 Anything else?

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: I agree that it
17 is redundant. I do think I will be voting for
18 including it in our recommendation to the Board
19 because I think it's a good reminder to the petitioner
20 that they would need to come back, and it would just
21 be a helpful reminder for anyone in the future
22 connected to the site.

23 So with that we'll take a vote. All those
24 in favor say aye.

1 (Ayes heard.)

2 VICE CHAIRWOMAN MICHALSEN: All those
3 opposed, same sign.

4 MEMBER MILLEN: Aye.

5 VICE CHAIRWOMAN MICHALSEN: 4 to 1 it will
6 go through as a recommendation to the County Board.

7 No. 3, "The petitioner stated that there will
8 be no outpatient treatment of methadone patients or
9 any other program that solely administers medications
10 on an outpatient basis. The addition of any
11 outpatient program will require an amendment to the
12 special use and require a public hearing and full
13 County Board approval."

14 Any comments?

15 MEMBER MELGIN: I do have a comment. I would
16 rewrite this to make it enforceable in some way. So
17 find a way that it would be an enforceable condition.

18 VICE CHAIRWOMAN MICHALSEN: Thank you.

19 Staff has noted that it may be enforceable
20 as written. If this is recommended, we would
21 encourage the County Board if they accept this
22 recommendation that they work to draft it so it's as
23 enforceable as possible.

24 Any other comments?

1 (No response.)

2 VICE CHAIRWOMAN MICHALSEN: All those in
3 favor of Condition No. 3 say aye.

4 (Ayes heard.)

5 VICE CHAIRWOMAN MICHALSEN: All those opposed.

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: It will go
8 through as a recommendation.

9 No. 4, "The petitioner has stated that
10 patients will be private pay only. Admission of any
11 patients with public aid will require an amendment
12 to the special use and require a public hearing and
13 full County Board approval."

14 Does anyone have any comments on this one?

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: I have a comment.
17 My concern for this one is enforceability. I don't
18 see how it would be possible if staff were to get a
19 complaint about this condition how they would be
20 able to -- with the HIPAA laws that we have in place
21 ascertain who is on public aid, who is not, who is
22 on self-insurance, who is on regular insurance, and
23 I think it involves the staff in a determination that
24 is not appropriate for staff to have to wade into.

1 So that's my thought on Condition No. 4.

2 Any other comments?

3 (No response.)

4 VICE CHAIRWOMAN MICHALSEN: All right. All
5 those in favor of Condition No. 4 say aye.

6 (Ayes heard.)

7 VICE CHAIRWOMAN MICHALSEN: All those opposed,
8 same sign.

9 (Ayes heard.)

10 VICE CHAIRWOMAN MICHALSEN: This will not go
11 through as a recommendation to the County Board.

12 No. 5, "The petitioner must submit a
13 security plan, including a copy of post orders,
14 procedures, and proof of contracts prior to
15 Kane County issuing a certificate of occupancy."

16 Any comments on this one?

17 MEMBER ARIS: Madam Chairman?

18 VICE CHAIRWOMAN MICHALSEN: Yes.

19 MEMBER ARIS: I think we should stipulate
20 that it needs to be reviewed and approved by the
21 Kane County sheriff.

22 VICE CHAIRWOMAN MICHALSEN: I agree. And so
23 that we're clear, when we vote on these, we're
24 accepting all of the language on the draft conditions

1 unless we specifically change it. So that would be --
2 I would consider that included in a yes vote on this
3 condition if that's acceptable to the other members
4 for getting through this list.

5 MEMBER ARIS: Right.

6 VICE CHAIRWOMAN MICHALSEN: I have to say I
7 like it because they can't do their occupancy permit
8 without it. So they promised they'd do it, and this
9 will make sure it actually gets done.

10 I'm going to go ahead and take a vote. All
11 those in favor say aye.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: All those opposed,
14 same sign.

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: This will go
17 through as a recommendation.

18 No. 6, "The special use is only for Maxxam
19 Partners, LLC, and is not transferrable to any other
20 entity."

21 Any comments on this one?

22 (No response.)

23 VICE CHAIRWOMAN MICHALSEN: I will note that
24 on this particular condition there's a question as

1 to its enforceability, and it is not recommended
2 by staff.

3 MR. VANKERKHOFF: I believe that's a typo.
4 I'm sorry; highlighted yellow is one of the ones to
5 be recommended by staff.

6 VICE CHAIRWOMAN MICHALSEN: Okay.

7 MR. VANKERKHOFF: Even though we do have
8 concern about its enforceability, it was included
9 and was the one proposed by the petitioner.

10 VICE CHAIRWOMAN MICHALSEN: Thank you for
11 that clarification. If you can make a note on No. 6
12 that it is recommended by staff.

13 All right. Any other comments on No. 6?

14 (No response.)

15 VICE CHAIRWOMAN MICHALSEN: All those in
16 favor say aye.

17 (Ayes heard.)

18 VICE CHAIRWOMAN MICHALSEN: All those
19 opposed, same sign.

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: It will go through
22 as a recommendation to the County Board.

23 No. 7, "License approvals from the State of
24 Illinois are required prior to Kane County issuing a

1 certificate of occupancy."

2 Any comments?

3 (No response.)

4 VICE CHAIRWOMAN MICHALSEN: I think this one
5 is pretty straightforward.

6 All those in favor say aye.

7 (Ayes heard.)

8 VICE CHAIRWOMAN MICHALSEN: All those opposed,
9 same sign.

10 (No response.)

11 VICE CHAIRWOMAN MICHALSEN: It will go
12 through as a recommendation.

13 No. 8, "Maxxam Partners, LLC, will use
14 reasonable effort to pursue accreditation for the
15 facility by the Joint Commission on Accreditation of
16 Healthcare Organizations (JCAHO) and (CARF),
17 Commission on Accreditation of Rehabilitation
18 Facilities."

19 Any comments on this one?

20 MEMBER ARIS: Madam Chairman, could we hold
21 discussion on this until we get to two other items
22 so that we can discuss all three items at one time?

23 VICE CHAIRWOMAN MICHALSEN: Certainly. This
24 item -- there's a note from staff that this is

1 similar to Nos. 11 and 13. So when we get to the
2 13, we'll circle back to 8 and 11.

3 No. 9, "Maxxam Partners, LLC, or its
4 successors shall pay all costs and recovery fees for
5 patients and any persons on the premises for fire
6 and EMS calls and services to the responding fire
7 district or provider according to the adopted fee
8 scheduled by that district or provider."

9 This was the last of the conditions proposed
10 by Maxxam at the beginning of these hearings. Any
11 comments?

12 MEMBER MELGIN: Well, just the conditions that
13 the petitioner presents this to the fire department
14 with an agreement prior to the County Board vote,
15 and the enforceability is with the department.

16 VICE CHAIRWOMAN MICHALSEN: Yes. We think -- I
17 think that's a key piece of success on this particular
18 item because this is really between Maxxam and the
19 fire district. I don't think Kane County needs to
20 be involved in enforcing if this condition is not
21 lived up to.

22 Any other comments?

23 (No response.)

24 VICE CHAIRWOMAN MICHALSEN: All those in

1 favor of Condition No. 9 say aye.

2 (Ayes heard.)

3 VICE CHAIRWOMAN MICHALSEN: All those opposed,
4 same sign.

5 (No response.)

6 VICE CHAIRWOMAN MICHALSEN: It will go
7 through as a recommendation.

8 All right. No. 10 is an item that was stated
9 by the petitioner in a previous public hearing.

10 "Petitioner agreed to provide information as to what
11 drugs would be used at the facility, where they
12 would be stored, and how they would be safeguarded"
13 from pages 274 and 276 of the transcripts.

14 Does anyone have any comments?

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: Hearing no
17 comments, all those in favor of No. 10 say aye.

18 (Ayes heard.)

19 VICE CHAIRWOMAN MICHALSEN: All those opposed,
20 same sign.

21 (No response.)

22 VICE CHAIRWOMAN MICHALSEN: It will go through
23 as a recommendation to the County Board.

24 We're going to skip No. 11 for a moment.

1 No. 12, "Petitioner agreed to have a medical
2 director on-site 40 hours per week" per page 554 of
3 the transcripts.

4 Any comment on No. 12? Although, it's
5 referring us back to 8. So apparently, we have
6 four that are similar. So we'll just take them now.

7 So we have No. 8, which is Maxxam's -- a
8 proposed condition that they will use reasonable
9 efforts to pursue further accreditation once they
10 are eligible to do so.

11 No. 11 is that they will "provide a staffing
12 plan as to operations and security before the County
13 Board decided the matter" per page 550 of the
14 transcript.

15 No. 12, "Petitioner agreed to have a medical
16 director on site 40 hours per week," page 554 of the
17 transcript.

18 And No. 13, "Petitioner agreed to provide
19 staffing plans for the levels of additional
20 certification" on page -- is that 632, Mark? Is
21 that a typo?

22 MR. VANKERKHOFF: That could be, yes.

23 VICE CHAIRWOMAN MICHALSEN: Okay. So I
24 believe it's on page 632 of the transcripts.

1 So I'm not sure how we want to discuss these
2 four or if we just want to -- well, any discussion
3 on 8, 11, 12, or 13?

4 MEMBER MILLEN: I just was curious on No. 12.
5 Do we need to say at least 40 hours, or can we leave
6 it 40 hours?

7 VICE CHAIRWOMAN MICHALSEN: I like your
8 addition of at least because it encourages more time
9 on-site for a medical director but it doesn't
10 require it.

11 MEMBER MILLEN: They don't want to have to
12 make somebody leave.

13 VICE CHAIRWOMAN MICHALSEN: Right.

14 MEMBER MELGIN: I also think the
15 clarification of who the -- what agency would be
16 enforcing this condition. Is it the State? All of
17 these conditions.

18 MR. VANKERKHOFF: I think staff's thought on
19 trying to combine these is they all have to do with
20 staffing plans which would be submitted prior to
21 their occupancy. I think as we heard from the
22 petitioner, some of those need to be provided, at
23 least the minimums for the State licensing
24 requirements. Staff would anticipate that this

1 condition would also roll in the additional staffing
2 that they had also identified during the course of
3 the hearings, how that would be required to meet the
4 minimums for the additional certifications. So that
5 would be identified, and then also identifying
6 potentially in that the presence of a medical
7 director at least 40 hours per week.

8 Although that might still be significant
9 enough just to be a stand-alone, but the other ones
10 could I think be combined potentially into one more
11 concise condition prior to the County Board adopting
12 it if you feel all those components are important
13 conditions to be included.

14 VICE CHAIRWOMAN MICHALSEN: Thank you.

15 MEMBER MELGIN: I guess I'm still unclear
16 who would enforce these provisions, though.

17 MR. VANKERKHOFF: This would have to be
18 County zoning staff.

19 MEMBER MELGIN: The County would determine
20 if somebody was there 40 hours a week?

21 MR. VANKERKHOFF: Well, I don't think that
22 they would have an obligation to do that because
23 it's not part of their minimal licensing requirements.
24 That -- unlike some of the patient-related HIPAA

1 requirements, I don't believe that how many hours a
2 medical director has clocked in would be subject to
3 HIPAA. I think that's something that they could
4 provide much like in other types of things the
5 County may require payroll and other information to
6 show that they are meeting the prevailing wage law
7 or other types of things.

8 VICE CHAIRWOMAN MICHALSEN: Any other
9 questions or comments about 8, 11, 12, and 13?

10 MEMBER LAKE: So staff is going to rewrite
11 these all into one proposal?

12 VICE CHAIRWOMAN MICHALSEN: Staff was going
13 to maybe do 8, 11, and 13 into one?

14 MR. VANKERKHOFF: Yes. I think 12 might
15 still be a stand-alone one, but we'd also be looking
16 for that rolled into their staffing plan that's
17 submitted.

18 VICE CHAIRWOMAN MICHALSEN: Thank you.

19 I think if there's no other questions or
20 comments, I would just ask that we go through each
21 one individually with the understanding that staff
22 may combine recommendations or tweak them to make
23 them more enforceable or more clearly written before
24 it goes to the County Board for consideration.

1 So for No. 8, which was Maxxam's condition
2 that they will use reasonable efforts to pursue
3 accreditation, all those in favor say aye.

4 (Ayes heard.)

5 VICE CHAIRWOMAN MICHALSEN: All those opposed,
6 same sign.

7 (No response.)

8 VICE CHAIRWOMAN MICHALSEN: That will go
9 through as a recommendation.

10 No. 11, providing a staffing plan as to
11 operations and security before the County Board
12 decides the matter, all those in favor say aye.

13 (Ayes heard.)

14 VICE CHAIRWOMAN MICHALSEN: All those opposed,
15 same sign.

16 (No response.)

17 VICE CHAIRWOMAN MICHALSEN: That will go
18 through as a recommendation.

19 No. 12, petitioner will agree to have a
20 medical director on-site, we -- I believe we're
21 amending it to say at least 40 hours per week. Is
22 that amendment correct?

23 MEMBER MILLEN: Yes.

24 VICE CHAIRWOMAN MICHALSEN: So all those in

1 favor of No. 12 as amended say aye.

2 (Ayes heard.)

3 VICE CHAIRWOMAN MICHALSEN: All those opposed,
4 same sign.

5 (No response.)

6 VICE CHAIRWOMAN MICHALSEN: No. 12 will go
7 as a recommendation.

8 No. 13, "Petitioner agreed to provide the
9 staffing plans for the levels of additional
10 certification," all those in favor say aye.

11 (Ayes heard.)

12 VICE CHAIRWOMAN MICHALSEN: All those opposed,
13 same sign.

14 (No response.)

15 VICE CHAIRWOMAN MICHALSEN: That will go
16 through as a recommendation.

17 MR. KOLB: Real quick question. With
18 respect to Condition 10, do you guys want to specify
19 to whom that disclosure is made?

20 VICE CHAIRWOMAN MICHALSEN: I'm sorry? I
21 didn't catch that.

22 MR. KOLB: To whom the disclosure is made
23 regarding the information requested in No. 10.

24 MEMBER MELGIN: That's a good point. Who

1 would this information go to, and would it be
2 considered confidential?

3 VICE CHAIRWOMAN MICHALSEN: Mr. Vankerkhoff?

4 MR. VANKERKHOFF: It could be potentially
5 included in the security plan, which is Condition --

6 VICE CHAIRWOMAN MICHALSEN: 5.

7 MR. VANKERKHOFF: -- 5.

8 MR. KOLB: Can someone find that out with
9 a FOIA?

10 MR. VANKERKHOFF: I believe it could be
11 redacted from a FOIA.

12 MEMBER MELGIN: Would you consider this
13 confidential business information?

14 MR. VANKERKHOFF: I would suspect that most
15 of the security plan could be considered confidential
16 information and that this condition would be part of
17 that so that the sheriff's department and potentially
18 other responders to the site would know where those
19 are at not just in case of a break-in but also in
20 case of a clear type of emergency, storm damage,
21 fire, those types of things where they'd want to
22 make sure along with the petitioner that those were
23 secured.

24 VICE CHAIRWOMAN MICHALSEN: And it is my

1 understanding that staff would take these concerns
2 into consideration in writing the final language to
3 be considered by the County Board, that we don't
4 have to work out all the details tonight because
5 there's still time for it to be adjusted. And,
6 also, the County Board can do what they want. These
7 are simply recommendations; they don't have to take
8 any of them. So I think we're sort of the big picture,
9 and staff will work on the details.

10 MR. VANKERKHOFF: Yes.

11 VICE CHAIRWOMAN MICHALSEN: Is that fair to
12 do to staff?

13 All right. So No. 14, "As to the fire
14 protection district it was stipulated that Maxxam
15 would pay all the expenses for ambulance calls that
16 went unpaid" from page 1025. I believe that that --
17 staff recommendation could be combined with No. 9 is
18 appropriate.

19 All those in favor of No. 14 say aye.

20 (Ayes heard.)

21 VICE CHAIRWOMAN MICHALSEN: All those opposed,
22 same sign.

23 (No response.)

24 VICE CHAIRWOMAN MICHALSEN: It will go through

1 as a recommendation.

2 No. 15, "Set up a foundation and funding it
3 through the Fox Valley Foundation for outreach to
4 the Kane County community in connection with drug
5 use and addiction issues."

6 Stated in previous public hearings, I don't
7 have the page number, but I do know that it was
8 discussed when Mr. Marco was here at one of the
9 public hearings in 2017. I don't have the page,
10 though, and staff has recommended it be set up and
11 funded prior to occupancy at \$25,000 per year for
12 10 years, and it is recommended by staff.

13 Any comments or questions about No. 15?

14 (No response.)

15 VICE CHAIRWOMAN MICHALSEN: All those in
16 favor say aye.

17 (Ayes heard.)

18 VICE CHAIRWOMAN MICHALSEN: All those opposed,
19 same sign.

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: It will go through
22 as a recommendation.

23 All right. No. 16, in previous public
24 hearings petitioner agreed to a separate entranceway

1 at the rear of the facility. The staff comment is
2 that it would be enforceable but was determined not
3 to be needed by the fire protection district. It is
4 not recommended by staff.

5 Do we have any questions or comments?

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: Hearing none,
8 all those in favor of No. 16, say aye.

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: All those opposed,
11 same sign.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: That will not go
14 through as a recommendation.

15 No. 17, this is coming from Campton Township's
16 list. "No EPA studies have been conducted that
17 address the release of Schedule II drugs (through
18 urination and defecation) into a septic system and
19 an area with shallow aquifers. Kane County has
20 extensive programs to collect medications from the
21 general population so as to prevent the release into
22 the environment, yet no study has been done to
23 ascertain the safety and efficacy of Glenwood's
24 septic system on a surrounding area entirely

1 dependent on well water and proximate to streams and
2 other wetlands (some of which occur on the property
3 itself). No monitoring program has been suggested
4 or established to ensure the ongoing safety of these
5 releases over time."

6 Staff's comment is that petitioner would
7 provide water test results from monitoring wells and
8 spray irrigation charges, both testing for
9 pharmaceuticals on an annual basis.

10 Any comments or questions about No. 17?

11 MEMBER MELGIN: I have a couple comments.

12 First, you need to make it clear that -- it
13 would be the Illinois EPA, so no Illinois EPA
14 studies.

15 Also, rather than providing water test
16 results, they really should develop a monitoring
17 plan to sample the wells, and the plan should
18 determine, you know, where the wells are, what the
19 locations are, what the depth of the water table is,
20 what kind of constituents have been sampled in the
21 past, and then what needs to be sampled, you know,
22 if this was an operating facility such as the
23 pharmaceuticals.

24 So a monitoring plan would establish all

1 that. There are monitoring wells on the site, so I
2 think it would be a doable thing.

3 VICE CHAIRWOMAN MICHALSEN: Mr. Vankerkhoff?

4 MR. VANKERKHOFF: Yes. Are you suggesting
5 wells beyond the monitoring wells that are already
6 on the site?

7 MEMBER MELGIN: Right. And evaluate those,
8 what has been -- you know, how old they are, are
9 they functioning, are they -- what have they sampled
10 in the past, can they be used for future sampling.
11 So they can develop a plan that would evaluate that
12 and then propose a sampling methodology.

13 VICE CHAIRWOMAN MICHALSEN: Any other comments
14 or questions from ZBA members?

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: All right. Do
17 we want to vote on the condition as written or vote
18 on the condition as proposed by Member Melgin? What
19 are people's preferences?

20 MEMBER ARIS: I say we vote as discussed
21 with the amendments.

22 VICE CHAIRWOMAN MICHALSEN: Okay. All those
23 in favor of No. 17 with the amendments from
24 Member Melgin say aye.

1 (Ayes heard.)

2 VICE CHAIRWOMAN MICHALSEN: All those opposed,
3 same sign.

4 (No response.)

5 VICE CHAIRWOMAN MICHALSEN: It will go through
6 as a recommendation.

7 No. 18, "Maxxam has still not addressed how
8 it plans to manage the issue of dispensing controlled
9 substances on a property which zoning specifically
10 prohibits dispensing them."

11 Staff's comment is that it's covered by
12 proposed Condition No. 10, as well as being a use
13 similar to a hospital.

14 Any comments or questions about No. 18?

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: So No. 10 was
17 petitioner agreed to provide information as to what
18 drugs would be used at the facility, where they
19 would be stored, and how they would be safeguarded
20 which has already been approved as a recommendation
21 to the Board.

22 Any further questions or comments?

23 (No response.)

24 VICE CHAIRWOMAN MICHALSEN: All those in

1 favor of No. 18 say aye.

2 (No response.)

3 VICE CHAIRWOMAN MICHALSEN: All those opposed,
4 same sign.

5 (Ayes heard.)

6 VICE CHAIRWOMAN MICHALSEN: That will not go
7 through as a recommendation.

8 No. 19, "The water supply may be used by the
9 fire protection district without charge and that the
10 petitioner will pave the access within one year."

11 Staff's comment is that it's similar to
12 No. 9 in that the fire district could negotiate that
13 into their agreement with Maxxam for No. 9 and that
14 it would not be enforced by Kane County; it would be
15 enforced by the fire district.

16 Any other comments or questions?

17 (No response.)

18 VICE CHAIRWOMAN MICHALSEN: All those in
19 favor of No. 19 say aye.

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: All those
22 opposed, same sign.

23 (Ayes heard.)

24 VICE CHAIRWOMAN MICHALSEN: That will not go

1 through as a recommendation.

2 No. 20, "The petitioner will make a
3 transition payment based on the prior tax year."

4 Same comment from staff that this could be
5 negotiated between petitioner and the fire district.

6 Any other comments or questions?

7 (No response.)

8 VICE CHAIRWOMAN MICHALSEN: All those in
9 favor of No. 20 say aye.

10 (No response.)

11 VICE CHAIRWOMAN MICHALSEN: All those opposed,
12 same sign.

13 (Ayes heard.)

14 VICE CHAIRWOMAN MICHALSEN: That will not go
15 through as a recommendation.

16 No. 21, "The petitioner will develop a joint
17 emergency response plan with the fire protection
18 district."

19 Again, as staff noted, this is similar to
20 No. 9.

21 My only comment is that I would hope that
22 the petitioner and the fire district would develop a
23 joint plan to make responding to any emergencies at
24 the property more efficient and safer for everyone.

1 MEMBER LAKE: Agreed.

2 VICE CHAIRWOMAN MICHALSEN: Any other comments
3 or questions?

4 (No response.)

5 VICE CHAIRWOMAN MICHALSEN: All those in
6 favor of No. 21 as a formal recommendation say aye.

7 (No response.)

8 VICE CHAIRWOMAN MICHALSEN: All those opposed,
9 same sign.

10 (Ayes heard.)

11 VICE CHAIRWOMAN MICHALSEN: That will not go
12 through as a recommendation.

13 No. 22, "The petitioner will make monetary
14 donations to the fire protection district in
15 stipulated amounts and schedule."

16 Staff note on this one is that it is like
17 No. 9; it could be negotiated between the two parties.

18 Any further comments or questions?

19 (No response.)

20 VICE CHAIRWOMAN MICHALSEN: All those in
21 favor of No. 22 say aye.

22 (No response.)

23 VICE CHAIRWOMAN MICHALSEN: All those opposed,
24 same sign.

1 (Ayes heard.)

2 MR. KOLB: Could I ask a quick question
3 regarding No. 9?

4 VICE CHAIRWOMAN MICHALSEN: Yes.

5 MR. KOLB: What happens if the fire protection
6 district simply doesn't want to enter into an
7 agreement with the applicant?

8 MR. SHEPRO: Or vice versa.

9 VICE CHAIRWOMAN MICHALSEN: Mr. Vankerkhoff?

10 MR. VANKERKHOFF: Well, again, in this case
11 the stipulation on No. 9 that's being recommended by
12 your action tonight is that they would present an
13 agreement to the fire district prior to a County Board
14 vote. So I guess potentially that could have the
15 effect of delaying a County Board action if that
16 condition has not been met. Hopefully it would be
17 that these two parties would get together and have
18 an agreement on these important issues.

19 VICE CHAIRWOMAN MICHALSEN: Thank you.

20 It is my feeling from Maxxam's No. 9 condition
21 that it really is between Maxxam and the fire
22 protection district. It's not for the County Board
23 to negotiate, or enforce, or run. So it's just
24 important that those two parties work together in

1 good faith to work out an agreement, and we're
2 hopeful that both parties would work together in good
3 faith to work out an agreement. If there were
4 extenuating circumstances, that either party would
5 let staff know, and they would go from there as to
6 what the County Board wanted to do with those
7 extenuating circumstances.

8 MR. KOLB: Is the condition that there be an
9 actual agreement in place prior to County Board vote,
10 or is it as drafted here that simply a template
11 agreement be presented?

12 VICE CHAIRWOMAN MICHALSEN: It is my
13 understanding -- and I won't speak for -- I'll only
14 speak for myself, that you would have a legal
15 document drafted, a contract between you and -- your
16 client and the fire protection district that outlines
17 how No. 9 works. So it's not simply a template --
18 it's not simply copying what's here. It's actual
19 enforceable, going-to-court kind of document that
20 either party could take if either party didn't live
21 up to it.

22 MR. KOLB: So, for instance, if the fire
23 protection district were to say, "We would like an
24 extraordinary contribution well beyond what was

1 discussed," and the parties cannot agree, is your
2 condition that we have the agreement signed or that
3 we have an agreement presented, considered?

4 VICE CHAIRWOMAN MICHALSEN: Mr. Vankerkhoff?

5 MR. VANKERKHOFF: I think staff's position
6 on this -- and Mr. Kinnally can chime in, as well --
7 is that No. 9 was a condition that was proposed by
8 the petitioner. We're trying to -- but there still
9 is no agreement, as you heard from the testimony
10 from both the petitioner and from the fire district.

11 So I think we're trying to incorporate that
12 condition in a way that gets them to the table but
13 yet not trying to allow either party to hold the
14 County Board hostage to making a vote on the petition
15 based on the inaction of either party.

16 And to what degree the County Board members
17 would consider what the status is, any perceived
18 notion of which party isn't cooperating, that I
19 can't predict. Trying not to tie anybody's hands on
20 this but to try to get that important aspect of the
21 condition proposed by the petitioner, as you heard
22 in the public testimony a concern of the fire district
23 and the community at large is to get that advanced
24 in a more quantifiable measure.

1 VICE CHAIRWOMAN MICHALSEN: Thank you.

2 Mr. Kinnally?

3 MR. KINNALLY: This is a provision that came
4 out of the original hearings, and we were told
5 originally that this would be worked out. And
6 apparently -- I'm not sure what the stumbling block
7 is. But Mark's is correct; I mean, this is an
8 agreement between the applicant and the fire district.

9 In that regard, as we have tried to do, the
10 Zoning Board as well as the County Board, both
11 parties have -- as I understand it under our
12 ordinance they have some obligation to give and take
13 with respect to this and that's what -- I've heard
14 this throughout these proceeding about reasonable
15 accommodations. So we've tried to do that, and I
16 think I would remind both the applicant and the fire
17 protection district they have the same obligations.

18 VICE CHAIRWOMAN MICHALSEN: Thank you.

19 Any further comments from the Board on that?

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: Does that
22 sufficiently answer your question, Mr. Kolb?

23 MR. KOLB: So it sounds like we need to have
24 a deal cut is what your recommendation is by the

1 time we get to the Board.

2 VICE CHAIRWOMAN MICHALSEN: That is the ideal
3 situation, yes, that you would have a concrete
4 agreement worked out.

5 MR. KOLB: Thank you.

6 VICE CHAIRWOMAN MICHALSEN: Thank you.

7 No. 23, "The maximum number of patients at
8 the facility at any one time shall be limited to 96."

9 The staff note on this one is that -- they
10 have no comments, although, they say the ZBA could
11 select a number they feel is appropriate. It is
12 also noted that it likely is enforceable but may be
13 difficult to enforce.

14 Are there any comments or questions about
15 No. 23?

16 MEMBER MELGIN: I think it would be impossible
17 to determine what the number would be at this point.
18 We don't have a staffing plan. We don't know how
19 many people would be staff, so I don't know how you
20 could determine what the appropriate number of
21 patients would be.

22 VICE CHAIRWOMAN MICHALSEN: Well, as I
23 understand it, the petitioner is asking for 120 beds.
24 I'm going to jump in here with one of the conditions

1 that I've been thinking about as I've been going
2 through all the materials, and that would be my
3 recommendation would be that it actually be limited
4 to 75 patients for the reason that Mr. Marco
5 testified under oath he's never run one of these
6 facilities before. I think it's a mistake to start
7 at the largest number when you're in new territory.

8 It would address I think resident concerns
9 about the number of emergency calls because you'd
10 have fewer people at full occupancy on the site, and
11 I would hope that staff would find a way to make it
12 enforceable in terms of how the buildings are
13 built out.

14 But I think it would be reasonable to limit
15 it to 75, and if they want to expand the facility
16 further, they could come back before the Kane County
17 Board, do this process to expand it, and at that
18 point there would be historical data about this
19 site, about how it's run, and about how comfortable
20 people would feel having more patients on that
21 property.

22 So I'm happy to hold that to the end on one
23 of the blank spaces, but I did want to say that I
24 had thought of -- I had thought about a condition

1 similar to this, and I had come up with a number
2 of 75.

3 So do we want to take 23 as written and add
4 mine at the end or amend No. 23 to 75?

5 MEMBER LAKE: Madam Chair, my preference would
6 be to amend this to 75. I like the logic behind that.
7 Thank you.

8 VICE CHAIRWOMAN MICHALSEN: Then we will
9 amend No. 23 to say the maximum number of patients
10 at the facility would be limited to 75.

11 All those in favor of No. 23 as amended
12 say aye.

13 (Ayes heard.)

14 VICE CHAIRWOMAN MICHALSEN: All those opposed,
15 same sign.

16 MEMBER MILLEN: Aye. I think that's limiting
17 them a little bit.

18 VICE CHAIRWOMAN MICHALSEN: Thank you. With
19 4 to 1 it will go through as a recommendation to the
20 County Board.

21 No. 24, "Prior to occupancy a black metal
22 fence with a minimum of 6 feet in height shall be
23 installed on or near the boundary of the entire
24 property."

1 Staff says the color of the fence does not
2 have to be stipulated other than there would be no
3 chain link fence. Their recommendation is the
4 height could be 4 feet to provide a visual barrier
5 to anyone using the forest preserve or otherwise
6 coming near the edge of the property.

7 Any comments or questions about No. 24?

8 MEMBER LAKE: I do have a comment, Madam Chair,
9 regarding the positive on the fence, and that is that
10 when you come across a being or item on one side of
11 the fence, you better understand the deliberate
12 placement of that versus no fence. Do you know what
13 I'm saying?

14 VICE CHAIRWOMAN MICHALSEN: I'm not sure I
15 understand.

16 MEMBER LAKE: Somebody could say without a
17 fence that, "I didn't realize the property ended
18 here." If they're on the opposite side of that
19 fence, then it's a little bit more deliberate in
20 intention.

21 MEMBER MELGIN: It marks the boundary better.

22 MEMBER LAKE: Yes.

23 VICE CHAIRWOMAN MICHALSEN: I would agree.
24 I think that's part of the reason that this was

1 recommended by the Village of Campton Hills is to
2 make it clear what's private property and what's not.

3 MEMBER MELGIN: But is this replacing the
4 cameras or the sensors?

5 VICE CHAIRWOMAN MICHALSEN: Mr. Vankerkhoff?

6 MR. VANKERKHOFF: No, this is a condition
7 that would be in addition to the security that the
8 petitioner is proposing.

9 The petitioner's proposal of the thermal fence
10 would be around the ring road of the campus portion.
11 This particular condition would be delineating the
12 entire property, again, as a means of letting the
13 public know who is using the forest preserve around
14 that that's no longer forest preserve property and
15 would also keep inadvertent dogs or other pets who
16 might be on the forest preserve or people from
17 trespassing onto the Maxxam Glenwood site unknowingly
18 and for people who have used the facility for years,
19 the campus used to be open to the public for little
20 league and all sorts of other uses.

21 So anyway, again, this was a suggestion from
22 the Village of Campton Hills. Staff seems to think
23 that -- is of the opinion that having a physical
24 barrier that would help people stay in the forest

1 preserve without crossing over would be a good thing.

2 And, again, it's up to the ZBA what they
3 might want to recommend designwise. We just know
4 that black didn't need to be singled out, and the
5 height didn't need to be that high just a
6 delineating barrier.

7 VICE CHAIRWOMAN MICHALSEN: Thank you.

8 Any further comments or questions for No. 24?

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: All those in
11 favor of No. 24 say aye.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: All those
14 opposed, same sign.

15 (No response.)

16 MR. KOLB: Can we back up to 23? I'm just
17 sort of digesting that.

18 That represents about a 40 percent decrease
19 to our facility's revenue. How did we come up
20 with 75?

21 VICE CHAIRWOMAN MICHALSEN: A lot of the
22 FOIAs that were part of the exhibits had beds that
23 were 80 or fewer. I think 120 is a lot for a person
24 who has never run a rehab center to run. That was

1 just my number.

2 MR. KOLB: That was just based on your
3 personal opinion?

4 VICE CHAIRWOMAN MICHALSEN: It's based on
5 the fact that a lot of these places have -- seems to
6 be an 80-bedish population and that the petitioner
7 had overreached in terms of what they were going to
8 be able to handle in running this facility.

9 I don't have the confidence that they could
10 run 120 -- if they had 120 patients with no
11 experience from Mr. Marco running it, I'm not
12 confident it would be a well-run facility. I think
13 fewer patients and the ability to come back to the
14 County Board to ask for more when you have historical
15 data to go on is a much smarter way to grow the
16 business than start out too big, fail, and lose the
17 whole thing.

18 Start out small, show your success, show
19 that they're good neighbors to the community, and
20 then when they want to build it bigger, you'll have
21 community support behind you because you'll have
22 historical data.

23 There's no magic to the number 75. The
24 County Board is welcome to ignore it completely. I

1 just felt like that was a reasonable number for
2 somebody who has never done this before.

3 MEMBER MILLEN: It would take them years to
4 get to that number, won't it? I mean, they're not
5 going to have 75 patients when they first open up.

6 MR. KOLB: There's a demand for this service
7 in the community.

8 MEMBER MILLEN: Pardon me?

9 MR. KOLB: I couldn't tell you the timing
10 exactly, but I believe there's a strong demand. A
11 40 percent decrease in anticipated revenue is
12 significant.

13 MR. SHEPRO: May I just object?

14 VICE CHAIRWOMAN MICHALSEN: We're not here --
15 I apologize -- we're not here to question the
16 petitioner. I have been trying to be helpful by
17 clarifying. We're not here to debate with you.

18 MR. KOLB: I was just answering her question
19 but I understand.

20 VICE CHAIRWOMAN MICHALSEN: Right. But
21 Mr. Marco did testify I believe -- it wasn't the day
22 that he testified on the stand; it was one of the
23 testimonies he gave from -- sitting next to his
24 attorney that he anticipated that his client would

1 take 12 to 18 months to ramp up to full occupancy.

2 And I do want to make a comment as to
3 petitioner's attorney's objection to a 40 percent
4 reduction. We're talking about -- 75 patients is
5 still a ton of money, a ton of money. So it's not --
6 I don't feel that's going to put this business out
7 of business because 75 people paying \$1,000 or more
8 dollars a day is a lot of money to be had there. So
9 we're going to shut down that discussion and
10 continue on.

11 No. 25, "A state-of-the-art campus security
12 system shall be installed, maintained, and monitored
13 by personnel trained in security measures, and
14 security personnel will be maintained on staff
15 24 hours per day when clients are present on the
16 property."

17 The staff had no comments but did make -- I
18 guess they did make a comment that it would be
19 required prior to occupancy.

20 Any questions or comments about No. 25 from
21 the Board?

22 MEMBER ARIS: Is that covered in No. 5?

23 MEMBER MELGIN: Yeah, kind of.

24 VICE CHAIRWOMAN MICHALSEN: Well, No. 5 is

1 simply the plan. No. 25 I think is --

2 MEMBER LAKE: Speaks to the hardware.

3 VICE CHAIRWOMAN MICHALSEN: -- with the details
4 that Campton Hills thinks we should recommend be
5 seen in the plan.

6 MEMBER MELGIN: But you're right. That's
7 the plan and then the implementation of the plan.

8 MEMBER ARIS: My assumption is No. 5 that
9 there would be a proposal put in with every single --
10 who is staffing it, what are they wearing, how many
11 hours a day are they going to be there, what's all
12 the technology, the whole shooting works because to
13 me that's a plan.

14 I guess my thought is do we -- do we limit
15 what the plan could be by giving too many details
16 about what we want to see unless it's critically
17 important because my assumption is they're going to
18 come in with the world's best plan because it's
19 supposed to be the world's best business. I mean,
20 that's what the petitioner said.

21 VICE CHAIRWOMAN MICHALSEN: Any other
22 questions or comments?

23 Mr. Vankerkhoff.

24 MR. VANKERKHOFF: I was just going to comment,

1 again, this was in the letter from the Village of
2 Campton Hills. It just adds a little bit more
3 specificity to No. 5 in terms of the security plan
4 in terms of measurables.

5 I think if the Zoning Board likes this
6 suggested condition from the Village in crafting
7 this for the County Board, I think we actually would
8 be even a little bit more technical with things like
9 the thermal fence and some of the other things that
10 came out in the testimony. But we felt that this in
11 conjunction with No. 5 just added a little bit more
12 level of detail as to the intent of the petitioner
13 in his testimony.

14 VICE CHAIRWOMAN MICHALSEN: Thank you.

15 And my thought is that 25 as it's worked in
16 to supplement No. 5 might be an at-least, like the
17 at least 40 hours with the expectation that they
18 could exceed it if they so desire.

19 Any other questions or comments on 25?

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: All those in
22 favor say aye.

23 (Ayes heard.)

24 VICE CHAIRWOMAN MICHALSEN: All those opposed,

1 same sign.

2 (No response.)

3 VICE CHAIRWOMAN MICHALSEN: This will go
4 through as a recommendation.

5 No. 26, "Exterior lighting fixtures upon
6 replacement of existing fixtures or upon installation
7 of new fixtures shall be full cut-off and have a
8 color temperature of less than 3,000 Kelvin,
9 provided that such fixtures do not compromise
10 security as determined by security testimony
11 provider."

12 This was also noted that it would be required
13 prior to occupancy which helps with the enforceability
14 of it.

15 Any other questions or comments about No. 26?

16 (No response.)

17 VICE CHAIRWOMAN MICHALSEN: All those in
18 favor of No. 26 say aye.

19 (Ayes heard.)

20 VICE CHAIRWOMAN MICHALSEN: All those opposed,
21 same sign.

22 (No response.)

23 VICE CHAIRWOMAN MICHALSEN: It will go
24 through as a recommendation.

1 No. 27, "The operator shall not accept State
2 or Federal funding for or related to the property
3 which in any way inhibits the compliance with any
4 special use conditions."

5 Any questions or comments on this one?

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: I will say that
8 staff has not recommended this one. I agree with
9 that recommendation because I don't know -- I don't
10 see how it could possibly be enforceable, and I
11 don't think anybody wants to try to figure out how
12 to enforce No. 27.

13 All those in favor of No. 27 say aye.

14 (No response.)

15 VICE CHAIRWOMAN MICHALSEN: All those
16 opposed, same sign.

17 (Ayes heard.)

18 VICE CHAIRWOMAN MICHALSEN: It will not go
19 through as a recommendation.

20 No. 28, "Wetlands on the property shall be
21 delineated and protected in perpetuity by
22 conservation easements granted to Kane County and
23 accepted by the Kane County Board."

24 Do we have comments on this one? I know we

1 had some comments perhaps from Mr. Vankerkhoff about
2 this one.

3 MR. VANKERKHOFF: Yes. Since distributing
4 this I did get some feedback from our water resources
5 staff and from the forest preserve district. Forest
6 preserve being the adjacent property owner, they
7 could possibly be interested not in an easement but
8 an outright dedication of the wetlands, but that
9 would depend on the condition of the wetlands in
10 terms of whether they were high quality or not.

11 Water resources noted that if there's
12 jurisdictional wetlands they're protected anyway.
13 I'm not exactly sure what the purpose of the
14 easement or who it would be dedicated to. They did
15 note that on private property oftentimes there's a
16 wetlands easement that's maybe given to a
17 conservation foundation or someone along with a
18 management plan.

19 So anyway, from staff's standpoint I think
20 this still needs a little bit more work in terms of
21 what that might look like as a condition working
22 with the forest preserve. And I know Board
23 Member Melgin also has a great deal of experience,
24 so some of her feedback at this meeting and maybe

1 then also continuing to work with the various staffs
2 at the County and the forest preserve district
3 on that.

4 I think the intent of this from the Village
5 is recognizing that this is a sensitive water aquifer
6 area, and the forest preserve is definitely
7 interested in anything that happens in conjunction
8 with their properties and holdings. But in terms of
9 what this actually looks like in terms of
10 delineation, or development of a management plan, or
11 any type of way to work with enhancing the wetlands
12 I think needs a little bit of work.

13 MEMBER MELGIN: Because you're talking about
14 several different things. You're talking about
15 delineation, which only tells you if the wetlands
16 are wetland, meet the parameters to determine if
17 it's a wetland. Then you talk about jurisdiction,
18 and jurisdiction does not protect a wetland. It
19 just determines if a Federal permit would be
20 required to impact the wetland. So you can have a
21 wetland that's not under Federal jurisdiction.

22 Then you have a conservation easement, which
23 can be a deed restriction or similar instrument
24 placed over a wetland or even a stream that does

1 protect that property from future development in
2 perpetuity, and that can be transferred to a
3 third party like a forest preserve or like the
4 nature conservancy, or it can be maintained on the
5 property by the property owner, just that that
6 property is left alone. Often when it's transferred
7 it means it's if there's a restoration happening and
8 it needs to be monitored and maintained to control
9 invasive species, and sometimes they transfer it to
10 a third party to manage the property. Otherwise,
11 the property owner can keep it in a conservation
12 easement. That's recorded and transferred with the
13 property.

14 VICE CHAIRWOMAN MICHALSEN: Mr. Vankerkhoff?

15 MR. VANKERKHOFF: I just want to note, also,
16 with the special use the site plan is specific to
17 the use which also restricts other development and
18 activities on the site as part of the special use.
19 There's a couple layers of potential protection here.
20 I think part of the motivation is to actually enhance
21 or protect the quality of the wetlands that are on
22 the site and how it might impact the adjacent wetlands
23 on the forest preserve.

24 MEMBER MELGIN: That's another thing because

1 the delineation will not tell you the quality. So
2 you can do a quality assessment, also, in conjunction
3 with determining the boundaries of the wetland area.
4 You can do a quality assessment to determine are
5 these high-quality wetlands and would these be of
6 benefit to the forest preserve.

7 VICE CHAIRWOMAN MICHALSEN: Mr. Kinnally?

8 MR. KINNALLY: Thank you, Madam Chair. I've
9 been the forest preserve's lawyer about 25 years,
10 and I can tell you two things.

11 Number one, before this would -- they would
12 consider this but they'd have to do a study with
13 respect to this to determine what Member Melgin just
14 said with respect to the quality, what shape they're
15 in right now, what's going to be required to get
16 them back to where they should be.

17 And then the other thing that's important is
18 that on donations, the forest preserve district is a
19 separate board; it's a separate municipal organization.
20 They're going to have to take a vote on the donation.
21 So that can all happen, but I think they'll probably
22 want to get somebody out there and take a look at it.

23 VICE CHAIRWOMAN MICHALSEN: Thank you,
24 Mr. Kinnally.

1 MEMBER LAKE: I would just like to refer back
2 to part of the petitioner's packet here that included
3 the Kiva 2012 study from the Kane DuPage Soil and
4 Water Conservation District, and I go with their
5 opinion that there should be valuation of this wetland.

6 VICE CHAIRWOMAN MICHALSEN: So I think what
7 I might be hearing is that we may want to amend
8 No. 28 to say that the wetlands on the property
9 should be evaluated -- or evaluated -- I'm not sure
10 if it's evaluated or valuated.

11 MEMBER LAKE: Valuated. Determine value of.

12 VICE CHAIRWOMAN MICHALSEN: We assess the
13 wetlands?

14 MEMBER MELGIN: You do.

15 VICE CHAIRWOMAN MICHALSEN: And then if it's
16 appropriate, staff could draft some appropriate
17 language for the County Board to consider after
18 working in conjunction with the various departments
19 that would be interested in this -- in the forest
20 preserve district.

21 Is that a fair summary of the steps?

22 MR. VANKERKHOFF: Yes. I heard -- I mean,
23 it could include requiring a delineation, a quality
24 assessment, and some type of recommended management

1 plan that could be then considered by the forest
2 preserve for potential donation to the forest preserve
3 or if they don't want it, they don't have to have it.

4 It sounds like knowing what's out there
5 would be the first step, and that could potentially
6 be something that would require a condition prior to
7 occupancy.

8 MEMBER MELGIN: And you would also want to
9 determine jurisdictional status. That would be the
10 Army Corps of Engineers. Because sometimes if you
11 were going to do any work in them, it would require
12 a permit. It's just good to know so you don't have
13 an enforcement officer show up.

14 MR. VANKERKHOFF: I'll continue to work with
15 the forest preserve, water resources, and Board
16 Member Melgin.

17 VICE CHAIRWOMAN MICHALSEN: Thank you.

18 Mr. Kolb?

19 MR. KOLB: So there is potentially some
20 interest in having that land dedicated is what I'm
21 hearing, if it's of sufficient quality and we had
22 the right plan in place.

23 VICE CHAIRWOMAN MICHALSEN: I think
24 potentially is the way to answer it, yes.

1 Any further comments or questions on No. 28?

2 (No response.)

3 VICE CHAIRWOMAN MICHALSEN: All those in favor
4 of 28 as has been discussed at tonight's meeting and
5 amended at tonight's meeting say aye.

6 (Ayes heard.)

7 VICE CHAIRWOMAN MICHALSEN: All those opposed,
8 same sign.

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: It will go through
11 as a recommendation.

12 No. 29, "The operator shall develop a process
13 of communication with the Campton Hills Police
14 Department to ensure effective enforcement and
15 intervention in the event of incidents occurring on
16 the property to which the Campton Hills Police
17 Department responds."

18 Staff noted that this would be approved by
19 the Village of Campton Hills chief of police and
20 required prior to occupancy.

21 Any questions or comments on No. 29?

22 Mr. Vankerkhoff.

23 MR. VANKERKHOFF: I was just going to mention
24 this is somewhat also related to the security plan

1 which we recommended working with the sheriff, but I
2 think approval of this communication plan should
3 also be done in conjunction with the sheriff, as the
4 sheriff actually has the jurisdictional. But I
5 think as you heard in the testimony, due to its
6 location and whatnot, Campton Hills may be responding.

7 So I think staff would recommend that
8 additional notation that it be done in conjunction
9 with the sheriff and the Village's police chief.

10 VICE CHAIRWOMAN MICHALSEN: Thank you.

11 Member Aris?

12 MEMBER ARIS: My only question was, do we
13 want to include that they need to come up with
14 whatever the plan and the agreement is prior to the
15 County Board vote as we did in No. 9 so that the
16 fire district and the police, you know, are on the
17 same level field? Or do we feel that's not as much
18 of a requirement? Is the County Board going to want
19 to see what the plan is in the agreement before they
20 vote or look at it? That's my only question.

21 VICE CHAIRWOMAN MICHALSEN: Mr. Kolb.

22 MR. KOLB: We would much prefer to do that
23 prior to occupancy, as a condition of occupancy of the
24 premises. Because holding up the vote ultimately --

1 first of all, if the County Board votes against, we
2 would be spending a tremendous amount of time
3 negotiating these agreements and a tremendous amount
4 of resources.

5 Secondly, that process can take a considerable
6 amount of time. You can imagine the difficulty we
7 would have working with some of these processes, and
8 it would hold up the County Board vote and keep the
9 applicant in a tough posture. So I'm hesitant to
10 just agree to any condition that all of this be
11 finalized prior to a County vote.

12 VICE CHAIRWOMAN MICHALSEN: Just as a reminder,
13 you're not here to agree to anything tonight. This
14 is simply for our discussion.

15 Mr. Vankerkhoff.

16 MR. VANKERKHOFF: Staff's thought on this is
17 that in this case -- and, again, this was suggested
18 by the Village. I think you heard in the testimony
19 that there will be some level of impact that's hard
20 to assess since the sheriff's department is the
21 initial responder due to its jurisdiction being in
22 the unincorporated parts of the company. So unlike
23 the fire district who is the only responder for
24 the -- and the primary for the medical and other

1 emergencies on the site, that that's why we
2 recommended this be prior to occupancy as opposed to
3 prior to the County Board vote.

4 VICE CHAIRWOMAN MICHALSEN: Thank you.

5 Any other questions or comments?

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: All right. All
8 those in favor of No. 29 as amended to include
9 working with both the sheriff and the Village of
10 Campton Hills chief of police say aye.

11 (Ayes heard.)

12 VICE CHAIRWOMAN MICHALSEN: All those opposed,
13 same sign.

14 (No response.)

15 VICE CHAIRWOMAN MICHALSEN: That will go
16 through as a recommendation, and the recommendation
17 is that that be required prior to occupancy as
18 listed on the chart.

19 No. 30, "The operator agrees to maintain at
20 all times the staffing levels required by the
21 Illinois Department of Alcohol and Substance Abuse
22 and all other applicable licensing authorities."

23 Any questions or comments on No. 30?

24 (No response.)

1 VICE CHAIRWOMAN MICHALSEN: I will note that
2 staff noted that this would be enforced by the State
3 of Illinois and not by Kane County, and as such it
4 was not recommended since Kane County is not the
5 enforcing authority in this particular item.

6 All those in favor of No. 30 say aye.

7 (No response.)

8 VICE CHAIRWOMAN MICHALSEN: All those opposed,
9 say sign.

10 (Ayes heard.)

11 VICE CHAIRWOMAN MICHALSEN: This will not go
12 forward as a recommendation.

13 At this time it is 8:10. We're at No. 31.
14 Would the Board like to take a brief recess at this
15 time or continue on?

16 MEMBER MELGIN: Let's just go on.

17 MEMBER MILLEN: Let's go.

18 MEMBER LAKE: How's the recorder doing?

19 VICE CHAIRWOMAN MICHALSEN: Is the court
20 reporter --

21 THE COURT REPORTER: It's okay. Thank you.

22 VICE CHAIRWOMAN MICHALSEN: No. 31, "All
23 signage related to the proposed usual use shall be
24 restricted to the property. Further, such signage

1 or advertising shall not be placed on the water
2 tower located on the property."

3 Any questions or comments about No. 31?

4 (No response.)

5 VICE CHAIRWOMAN MICHALSEN: All those in
6 favor of No. 31 say aye.

7 (Ayes heard.)

8 VICE CHAIRWOMAN MICHALSEN: All those opposed,
9 same sign.

10 (No response.)

11 VICE CHAIRWOMAN MICHALSEN: That will go
12 through as a recommendation.

13 No. 32, "The special use permit shall run
14 for five years and shall require a public hearing
15 for renewal for an additional five-year term."

16 The note on this is that it is not
17 recommended by staff because petitioner did not
18 request an interim special use.

19 Any questions or comments on No. 32?

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: All those in
22 favor of No. 32 say aye.

23 (Ayes heard.)

24 VICE CHAIRWOMAN MICHALSEN: All those opposed,

1 same sign.

2 (Ayes heard.)

3 VICE CHAIRWOMAN MICHALSEN: That one will
4 not go through as a recommendation.

5 No. 33, "The parties acknowledge that because
6 of the proximity of the facility to the village of
7 Campton Hills a number of the calls for police
8 services will be responded by the Village's police
9 department. Because the Village of Campton Hills
10 does not levy a property tax, it has limited
11 resources available to fund necessary services for
12 village residents. In recognition of the facility's
13 need for police services that will in part be
14 provided by the Village's police department, Maxxam
15 agrees pay the Village of Campton Hills an annual
16 police impact fee in the amount of \$100,000 annual
17 paid quarterly to the Village in \$25,000 increments."

18 The staff note on this is that it would not
19 be enforceable by Kane County. It would be an
20 agreement directly between Maxxam and the Campton
21 Hills Police Department or Village.

22 I do have one comment on this one. I don't
23 know where the \$100,000 came from, but I don't think
24 it's fair at this time to assume that that's the

1 value of the impact that this facility would have on
2 the Campton Hills Police Department.

3 We don't know how many calls there will be
4 because the facility isn't operating. I feel that
5 if those two parties wanted to work out an agreement
6 based on actual calls, or after a certain period of
7 time, or even before calls started, they'd be
8 welcome to work out their own private agreement. I
9 don't feel that it's appropriate for the County to
10 have this as a recommendation because it's not --
11 the County is not a party to it.

12 Any other comments or questions?

13 (No response.)

14 VICE CHAIRWOMAN MICHALSEN: All those in
15 favor of No. 33 say aye.

16 (No response.)

17 VICE CHAIRWOMAN MICHALSEN: All those opposed,
18 same sign.

19 (Ayes heard.)

20 VICE CHAIRWOMAN MICHALSEN: This will not go
21 forward as a recommendation.

22 MR. CARRARA: Madam Chair -- I'm sorry -- I
23 hate to interrupt, and if you want to overrule me,
24 you can.

1 I'm getting confused and I think a number of
2 people out here may, also. You keep saying this is
3 going forward to the County Board without having
4 determined whether the special use factors have been
5 met. So is it fair to say we've already approved
6 the special use factors or --

7 VICE CHAIRWOMAN MICHALSEN: Not at all,
8 Mr. Carrara.

9 MR. CARRARA: -- are you just suggesting
10 these may subject to a future vote?

11 VICE CHAIRWOMAN MICHALSEN: The purpose of
12 discussing the conditions first is so that no matter
13 what the Zoning Board recommends, the County Board
14 will have a list of recommended conditions available
15 to it, and it can do with those recommendations what
16 it pleases. It can take all of them, none of them,
17 some of them.

18 There is nothing here tonight that is talking
19 about the underlying special use application yes-or-no
20 vote. That is going to happen on another night when
21 all the members can be present. There's nothing
22 here that guarantees that the special use is going
23 to be granted or denied. It's simply providing the
24 County Board a list of recommendations from people

1 who are very familiar with this record for them to
2 use as they see fit.

3 MR. CARRARA: Thank you.

4 VICE CHAIRWOMAN MICHALSEN: No. 34, "The
5 operator agrees to put up a performance bond in the
6 amount of \$100,000 and keep said bond in place while
7 facility is in operation."

8 I'm not sure -- this is a recommendation that
9 came from the Village of Campton Hills. I'm not
10 sure what that performance bond is for, what its
11 purpose is, who is benefitting from it, who can
12 enforce it.

13 I don't know if anyone else has any thoughts
14 on this particular item.

15 MEMBER MILLEN: I agree with you. I don't
16 know what it's for.

17 VICE CHAIRWOMAN MICHALSEN: All those in
18 favor of No. 34 say aye.

19 (No response.)

20 VICE CHAIRWOMAN MICHALSEN: All those opposed,
21 same sign.

22 (Ayes heard.)

23 VICE CHAIRWOMAN MICHALSEN: No. 34 will not
24 go forward as a recommendation.

1 No. 35, "All patients shall pay the operator
2 directly for their treatment. The operator's staff
3 shall work with patients to provide a courtesy bill
4 in order to assist patients in obtaining any allowable
5 reimbursement from their insurance companies, but
6 such reimbursements shall be payable to the patient
7 and not the operator."

8 This was also from the Village of
9 Campton Hills.

10 I have a comment on this one. I don't
11 understand what benefit it would provide to the
12 County in terms of ensuring a quality facility is
13 being run. I don't think it's -- I personally don't
14 think it's the County's place to be in the
15 bookkeeping business of this facility if it were to
16 be approved.

17 Any other questions or comments?

18 (No response.)

19 VICE CHAIRWOMAN MICHALSEN: All those in
20 favor of No. 35 say aye.

21 (No response.)

22 VICE CHAIRWOMAN MICHALSEN: All those opposed,
23 same sign.

24 (Ayes heard.)

1 VICE CHAIRWOMAN MICHALSEN: It will not go
2 forward as a recommendation.

3 No. 36, "Patients shall not be accepted
4 directly from the criminal justice systems."

5 Any questions or comments on No. 36?

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: All those in
8 favor of No. 32 say aye.

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: All those opposed,
11 same sign.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: It will not go
14 forward as a recommendation.

15 No. 37, "Any patient found to have a primary
16 addiction other than alcohol or substance abuse
17 shall be promptly referred to another facility for
18 treatment."

19 Any questions or comments.

20 MEMBER LAKE: Madam Chair, I just almost feel
21 as though we owe a comment to those listening that,
22 again, this goes under the fact that Kane County
23 would not be able to enforce this, and, therefore,
24 it doesn't fit what we're trying to do here.

1 VICE CHAIRWOMAN MICHALSEN: Thank you. I
2 also have a comment that it would violate all -- pretty
3 much all of the HIPAA rules in terms of determining
4 who has what primary diagnosis or not, and it's
5 definitely not the business that Kane County is in,
6 reevaluating all of their patients to see if they're
7 actually proper patients.

8 All those in favor of No. 37 say aye.

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: All those opposed,
11 same sign.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: It will not go
14 forward as a recommendation.

15 No. 38, "Drug testing for both employees and
16 patients will be performed by the operator on a
17 regular schedule."

18 Any questions or comments?

19 (No response.)

20 VICE CHAIRWOMAN MICHALSEN: My only comment
21 is that I don't believe Kane County is the
22 appropriate authority to request this and enforce
23 it. If petitioner felt that was an appropriate way
24 to run their facility, they'd be more than able to

1 do that, but I don't think it's for the County to be
2 involved in.

3 Any other questions or comments?

4 (No response.)

5 VICE CHAIRWOMAN MICHALSEN: All those in
6 favor of No. 38 say aye.

7 (No response.)

8 VICE CHAIRWOMAN MICHALSEN: All those opposed,
9 same sign.

10 (Ayes heard.)

11 VICE CHAIRWOMAN MICHALSEN: No. 39, "The
12 operator shall seek Joint Commission accreditation.
13 The Joint Commission is an independent, not-for-profit
14 organization which accredits and certifies more than
15 19,000 health care organizations and programs in
16 the U.S."

17 The staff note is that this is very similar
18 to No. 8.

19 Any questions or comments on this one?

20 (No response.)

21 VICE CHAIRWOMAN MICHALSEN: All those in
22 favor of No. 39 say aye.

23 (No response.)

24 VICE CHAIRWOMAN MICHALSEN: All those opposed,

1 same sign.

2 (Ayes heard.)

3 VICE CHAIRWOMAN MICHALSEN: It will not go
4 forward as a recommendation.

5 No. 40, "Drug-sniffing dogs shall be used to
6 check the facility on a random basis no less frequently
7 than monthly with reports filed semiannually with
8 the County."

9 Any questions or comments on No. 40?

10 (No response.)

11 VICE CHAIRWOMAN MICHALSEN: All those in
12 favor of No. 40 say aye.

13 (No response.)

14 VICE CHAIRWOMAN MICHALSEN: All those opposed,
15 same sign.

16 (Ayes heard.)

17 VICE CHAIRWOMAN MICHALSEN: It will not go
18 forward as a recommendation.

19 No. 41, "Potential patients shall be screened,
20 and patients who are registered sex offenders who
21 have been convicted of a felony involving violence
22 but excluding DUI or other substance abuse violation
23 shall not be accepted."

24 Any questions or comments on No. 41?

1 (No response.)

2 VICE CHAIRWOMAN MICHALSEN: All those in
3 favor of No. 41 say aye.

4 (No response.)

5 VICE CHAIRWOMAN MICHALSEN: All those opposed,
6 same sign.

7 (Ayes heard.)

8 VICE CHAIRWOMAN MICHALSEN: It will not go
9 forward as a recommendation.

10 No. 42, "The operator shall agree to engage
11 in significant community activities, including
12 educational activities related to but not limited to
13 drug and alcohol abuse such as school forum and
14 teacher education seminars in cooperation with local
15 school district and annually report such activity to
16 the County."

17 MEMBER MILLEN: It's similar to 15.

18 MEMBER LAKE: It's also similar to what was
19 stated in the original petition.

20 VICE CHAIRWOMAN MICHALSEN: Any other
21 questions or comments on No. 42?

22 (No response.)

23 VICE CHAIRWOMAN MICHALSEN: All those in
24 favor of No. 42 say aye.

1 (No response.)

2 VICE CHAIRWOMAN MICHALSEN: All those opposed,
3 same sign.

4 (Ayes heard.)

5 VICE CHAIRWOMAN MICHALSEN: It will not go
6 forward as a recommendation.

7 No. 43, "The construction of additional
8 buildings and accessory structures shall require
9 operator to apply to amend its special use permit
10 with Kane County."

11 The note here from staff is to see No. 2,
12 which is that it's already required by the zoning
13 ordinance. They could not add any additional
14 buildings or accessory structures without coming
15 through the County process.

16 All those in favor of No. 43 say aye.

17 (No response.)

18 VICE CHAIRWOMAN MICHALSEN: All those opposed,
19 same sign.

20 (Ayes heard.)

21 VICE CHAIRWOMAN MICHALSEN: It will not go
22 forward.

23 No. 44, "The operator shall locate a public
24 pedestrian and/or bike path easement on the subject

1 property provided the easement is outside of any
2 fence to be constructed on the subject property."

3 The staff note here is that the property is
4 mostly surrounded by forest preserve and seems to be
5 at odds with security concerns raised during the
6 public hearings.

7 Any questions or comments from the Board?

8 (No response.)

9 VICE CHAIRWOMAN MICHALSEN: All those in
10 favor of No. 44 say aye.

11 (No response.)

12 VICE CHAIRWOMAN MICHALSEN: All those opposed,
13 same sign.

14 (Ayes heard.)

15 VICE CHAIRWOMAN MICHALSEN: It will not go
16 forward as a recommendation.

17 No. 45, "All clients must be medically
18 stable, and no acute detox shall occur on the
19 subject property. Any patient who needs to undergo
20 acute detox shall be referred to a hospital or other
21 appropriate facility for that purpose prior to
22 admission.

23 Any questions or comments?

24 (No response.)

1 VICE CHAIRWOMAN MICHALSEN: I have a comment
2 that I feel this condition inappropriately involves
3 Kane County in evaluating patients, and I don't
4 think it's -- I don't think it's legal, and I also
5 don't think it's appropriate for the County to be
6 involved in evaluating the patients that would come
7 to this facility.

8 All those in favor of No. 45 say aye.

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: All those opposed,
11 same sign.

12 (Ayes heard.)

13 VICE CHAIRWOMAN MICHALSEN: That will not go
14 forward as a recommendation.

15 No. 46, "The subject property shall be limited
16 to a maximum wastewater capacity of 110 PE, population
17 equivalent, as identified as the operational capacity
18 of the property in the RHMG Engineers, Inc., report
19 dated October 10, 2012, entitled the 'Glenwood School
20 for Boys and Girls Water and Wastewater System
21 Evaluation' until such time as items in the report
22 have been completed."

23 Any questions or comments on No. 46?

24 (No response.)

1 VICE CHAIRWOMAN MICHALSEN: All those in
2 favor of No. 46 say aye.

3 (Ayes heard.)

4 VICE CHAIRWOMAN MICHALSEN: All those opposed,
5 same sign.

6 (No response.)

7 VICE CHAIRWOMAN MICHALSEN: It will go
8 forward as a recommendation.

9 We're to our first blank spot. Are there
10 any additional conditions that the Board members
11 would like to propose for consideration at this time?

12 (No response.)

13 VICE CHAIRWOMAN MICHALSEN: All right. So
14 at this time I believe we have completed our review
15 of the 46 potential conditions and guarantees. Is
16 there anything that we missed, Mr. Vankerkhoff, from
17 a staff perspective?

18 MR. VANKERKHOFF: No. Only that some of --
19 the recommendations that staff would have brought
20 forward were included in either some or all of these
21 conditions so that staff does not have any
22 additional stand-alone conditions to recommend to
23 the Zoning Board at this time.

24 VICE CHAIRWOMAN MICHALSEN: Okay. Thank you.

1 Mr. Kinnally, do you have anything?

2 MR. KINNALLY: I do not, Madam Chairman.

3 Thank you.

4 VICE CHAIRWOMAN MICHALSEN: At this time I
5 believe that's all we're going to do for tonight's
6 meeting. We do appreciate your attendance here
7 tonight, and we are sorry that we are not able to
8 complete the petition process at this level tonight,
9 but we would prefer to have our full board present
10 for that discussion.

11 We will, pursuant to the Open Meetings Act,
12 notice up when the next meeting will be. That
13 meeting will hopefully have all of us there so we
14 can discuss and vote on the special use request.

15 MR. KOLB: Thank you.

16 VICE CHAIRWOMAN MICHALSEN: Do I have a motion
17 to adjourn?

18 MR. VANKERKHOFF: Madam Chair?

19 VICE CHAIRWOMAN MICHALSEN: I'm sorry.

20 Mr. Vankerkhoff.

21 MR. VANKERKHOFF: There are a few other
22 items on the agenda for tonight, any announcements,
23 public comment, and then adjournment.

24 VICE CHAIRWOMAN MICHALSEN: Well, my

1 understanding was public comment was not actually
2 open tonight.

3 MR. VANKERKHOFF: Not in regards to the
4 petition. The public hearing for the petition was
5 closed, but as a matter of standard agenda item, any
6 open meeting, public comment is a typical part of
7 the agenda.

8 Also, we could either recess briefly and
9 work with the Commission and the Zoning Board and
10 try to get ahold of Mr. Falk to see if we could come
11 up with a date this evening before you adjourn, or
12 otherwise we'd be coming up with a date and posting
13 it according to the Open Meetings Act on the County's
14 website. We also would notify the Village and the
15 other units of government that have been participating
16 all along.

17 VICE CHAIRWOMAN MICHALSEN: Thank you,
18 Mr. Vankerkhoff. Why don't we take a brief recess
19 to see if we can establish a date tonight. That way
20 when people leave here they know what the next
21 date is.

22 So it's 8:25 now. We'll take a 10-minute
23 recess until 8:35. Thank you.

24 (A recess was taken from 8:25 p.m. to

1 8:40 p.m.)

2 VICE CHAIRWOMAN MICHALSEN: Thank you. If
3 everyone would please take their seats, we're going
4 to get started. I apologize we're getting started a
5 few minutes later according to the clock on the wall.

6 All right. So I did want to let those who
7 are in attendance tonight know that we were able to
8 reach agreement on the next date, and what should be
9 the last date for this portion of the petition
10 hearings will be February 21st at 7:00 p.m. at this
11 location, 530 North Randall Road.

12 So if you'd like to attend, that one will be
13 similar to this one. We won't be taking comments,
14 but we will be deliberating in open as part of good
15 government.

16 Any announcements from staff, Mr. Vankerkhoff?

17 MR. VANKERKHOFF: No, just that your next
18 meeting will be on February 21st 7:00 p.m. in
19 this room.

20 VICE CHAIRWOMAN MICHALSEN: Thank you.

21 At this time we will open it up to public
22 comments. I would ask for a show of hands as to who
23 would like to make comments with the understanding
24 that the comments made tonight will be not part of

1 the record; it will not be considered testimony; it
2 will not be any part of the petition hearing. That
3 closed when we closed the public hearing portion of
4 this petition. But if you would raise your hand if
5 you're interested in speaking tonight not part of
6 the record -- I mean, part of the transcript but not
7 part of the official record that will be reviewed by
8 the County Board.

9 (No response.)

10 VICE CHAIRWOMAN MICHALSEN: All right. So
11 no hands, I'm going to assume that no one is
12 interested in making public comments at this time.

13 Do I have a motion to adjourn -- I apologize.
14 step forward.

15 MS. ZWIER: I just want to say --

16 VICE CHAIRWOMAN MICHALSEN: I'm sorry. If
17 you could state your name.

18 MS. ZWIER: Oh, Maureen Zwier. I'm a
19 resident of Campton Hills.

20 For No. 17 it says the petitioner provides
21 the water test results for monitoring the wells and
22 discharges. I just want to say that it's been my
23 experience -- I worked at Will County Health
24 Department for many, many, many years for the water

1 testing, and it's my experience that the County
2 always did the testing, the water testing at the
3 resident or client's expense.

4 So I was wondering -- and I don't even know
5 if this is appropriate to say this or not, but if
6 maybe we think about the County, Kane County Public
7 Health doing the water testing at Maxxam's expense
8 because that's typically how it's done in the
9 County.

10 VICE CHAIRWOMAN MICHALSEN: Thank you. I
11 believe staff has made a note, and that will be
12 considered when they're drafting these for
13 Kane County Board. Thank you.

14 Any other public comments at this time?

15 (No response.)

16 VICE CHAIRWOMAN MICHALSEN: I'm going to
17 close the public comment portion. Mr. Kolb, you
18 look like you have a question.

19 MR. KOLB: I was just going to thank everyone.

20 VICE CHAIRWOMAN MICHALSEN: Thank you. Do I
21 have a motion to adjourn?

22 MEMBER ARIS: I move we adjourn.

23 VICE CHAIRWOMAN MICHALSEN: I second.

24 All those in favor say aye.

1 (Ayes heard.)

2 VICE CHAIRWOMAN MICHALSEN: So meeting is
3 adjourned. Thank you.

4 (Off the record at 8:44 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER

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I, Paula M. Quetsch, Certified Shorthand

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Reporter No. 084-003733, CSR, RPR, and a Notary Public

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in and for the County of Kane, State of Illinois, the

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officer before whom the foregoing proceedings were

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taken, do certify that the foregoing transcript is a

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true and correct record of the proceedings, that

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said proceedings were taken by me stenographically

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and thereafter reduced to typewriting under my

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supervision, and that I am neither counsel for,

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related to, nor employed by any of the parties to

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this case and have no interest, financial or

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otherwise, in its outcome.

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IN WITNESS WHEREOF, I have hereunto set my

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hand and affixed my notarial seal this 12th day of

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February, 2017.

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My commission expires: October 16, 2017

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Notary Public in and for the

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State of Illinois