

THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,)
Petitioner,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.)
Respondents.)

PCB 04-33
(Third Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS)
INC.,)
Petitioner,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-34
(Third Party Pollution Control Facility
Siting Appeal)

COUNTY OF KANKAKEE, ILLINOIS,)
and EDWARD D. SMITH, KANKAKEE)
COUNTY STATE'S ATTORNEY,)
Petitioners,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-35
(Third Party Pollution Control Facility
Siting Appeal)
(Consolidated)

**RESPONDENT, TOWN & COUNTRY UTILITIES, INC.'S
RESPONSE TO PETITIONERS, COUNTY OF KANKAKEE, ILLINOIS
AND EDWARD D. SMITH, KANKAKEE COUNTY STATE'S ATTORNEY'S,
DOCUMENT REQUESTS**

Now come Respondents, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., by and through one of their attorneys, George Mueller, P.C., for their Response to Petitioners, County of Kankakee, Illinois and Edward D. Smith, Kankakee County State's Attorney's Document Requests, state as follows:

1. Identify and produce any and all documents, letters, or memoranda which were read, reviewed, or examined by the City of Kankakee during the consideration of the Town and Country Utilities, Inc. Landfill Siting Application, which either are or are not a part of the public record of the hearing.

Response:

Respondents are unaware of what, if any, documents outside the record were reviewed by the City of Kankakee.

2. All communications, reports, correspondence, and other documents received or sent by the City of Kankakee to or from Town and Country Utilities, Inc. regarding the planning, development, and siting of the facility.

Response:

Respondents object to this Request as over broad in that it contains no time parameters. Without waiving said objection, Respondents identify those documents referenced in the record of the proceedings in PCB Case No.: 03-31. Respondents have no other responsive documents.

3. All notes, minutes, and other documents of all communications, phone calls and meetings between Town and Country Utilities, Inc. and the City of Kankakee, Illinois, the Kankakee City Council or their agents, relating to the planning, development, and siting of the facility.

Response:

See Answer to Request No. 2.

4. Any and all documents relied upon or reviewed by or received by City of Kankakee, its officers, Department heads, supervisors and staff or the Kankakee City Council (including but not limited to its consultants, attorneys or experts) concerning or relating to the landfill or siting of the landfill which is not contained in the application or the City of Kankakee public record.

Response:

Respondents are unaware of what documents, if any, outside the record were reviewed or received by the City of Kankakee from other sources.

5. Any and all documents, agendas, computer messages, telephone message memos, which reference, mention, memorialize or in any way relate to any communications between the City of Kankakee and Town and Country Utilities, Inc.

Response:

See answer to #9.

6. Any and all documents, correspondence, memoranda, e-mail, computer messages, telephone message memos, or other evidence, items, records or things in any way referencing or memorializing any communication of anyone with Hearing Officer Boyd, which are not part of the public record, including any and all drafts of the Hearing Officer's report or recommendations that were reviewed or amended by the City of Kankakee, or the Applicant.

Response:

Respondent is unaware of documents relating to communications, if any, between Hearing Officer Boyd and other individuals.

7. Any and all agendas, documents, correspondence, memos, e-mails, computer messages or the like authored, generated or drafted by any City Council member concerning the Application.

Response:

Respondents are unaware of what, if any, documents were authored, generated or drafted by any City Council member.

8. Any and all documents, correspondence, exhibits, memoranda, writings or recordings in any way referencing the deliberation or consideration of the Application or any condition upon approval suggested, considered or imposed by Hearing Officer Boyd or the City Council, its members, agents, employees, attorneys and staff.

Response:

Respondents have no such documents.

9. Any and all communications, documents, memoranda, recordings, agendas, notes, or evidence concerning any communication between the City of Kankakee and Town and Country Utilities, Inc., which refers to or relates to any potential or actual lawsuit, dispute or claim against the County of Kankakee, including, but not limited to any declaratory judgment action filed by the City against the County, any injunctive action filed by the City against the County, any other County sitting hearing, any civil action or other lawsuit filed against the County, or any appeal of any of the aforementioned actions or claims.

Response:

See minutes of the Kankakee City Council meeting of February 3, 2003 at which Thomas

Volini appeared and participated in an executive session of the council.

10. Any and all communications between the City of Kankakee or Town and Country Utilities, Inc. and Mr. Michael Watson or Mr. Merlin Karlock, or any agent or employee of said individuals or any agent, employee, consultant or person affiliated with any company that Mr. Watson or Mr. Karlock are affiliated with in any way, concerning the County of Kankakee or an action, suit or proceeding of which the County is a party or participant.

Response:

Respondents object to this Request as documents relating to its communications with other parties and entities who are not parties or participants herein are irrelevant and not reasonably calculated to lead to the discovery of relevant information. Respondents further object to this Request as being over broad.

11. All correspondence, contracts or other communications between each opinion witness or other witness and the City of Kankakee in connection with the subject matter of this action.

Response:

None

12. All demonstrative exhibits which City of Kankakee, Illinois, the Kankakee City Council or their agents may offer or use at hearing.

Response:

Respondents are unaware of what documents the City intends to offer at hearing.

13. All exhibits which City of Kankakee, Illinois, the Kankakee City Council or their agents may offer into evidence or otherwise use at hearing including but not limited to documents, summaries, objects, charts, and other items.

Response:

See Answer to Request No. 12.

14. All transcripts, statements, articles, writings or other documents or tangible items which City of Kankakee may use at hearing in direct or cross-examination of any witness.

Response:

See Answer to Request No. 12.

15. All releases, covenants or other agreements, promises or understandings (including any document reflecting or referring to the same) with respect to the subject matter of this action, which is not contained in the Landfill Siting Application nor admitted into evidence at the City of Kankakee hearing on the Application.

Response:

None

16. Any and all documents or things set forth or referred to in Respondent's answers to interrogatories propounded by this or any Petitioner, or which Respondent or Respondent's counsel consulted to prepare said answers.

Response:

See the record developed by the City of Kankakee herein. See also the record of the proceedings in PCB Case No.: 03-31. Additional documents relating to service of notices are also attached..

17. Any and all communications, documents, reports, recommendations, memoranda, e-mails, evidence or the like in any way referencing authored, received by or sent to Mr. Ralph Yarborough, Ph.D.

Response:

None

18. Any and all communications, documents, e-mails, reports or recommendations between the City of Kankakee, the City Council or its agents, attorneys, staff and employees and Hearing Officer Boyd in any way referencing Mr. Ralph Yarborough, Ph.D., or any opinion, recommendation or report of Mr. Yarborough.

Response:

Respondents are unaware of such documents.

19. Any and all documents or evidence in any way memorializing that a report from Mr. Ralph Yarborough, Ph.D. was made part of the City public record at any time.

Response:

Respondents are unaware of any documents relating to Dr. Yarborough other than the documents in the public record herein.

20. It is further requested that each party and/or his or its attorney in compliance with this request for production shall furnish an Affidavit stating whether the production is complete.

Response:

STATE OF ILLINOIS)
) SS
COUNTY OF Lafayette)

AFFIDAVIT OF COMPLIANCE

Thomas A. Volini, having been duly sworn on oath states that the foregoing Response by Town & Country Utilities, Inc. to the Document Requests tendered by Petitioners, County of Kankakee, Illinois and Edward D. Smith, Kankakee County State's Attorney, is accurate and complete to the best of his knowledge, information, and belief.


Thomas A. Volini

Subscribed and Sworn to Before Me This 6th
Day of November, 2003.


Notary Public



GEORGE MUELLER, P.C.
Attorney at Law
501 State Street
Ottawa, IL 61350
Phone: (815) 433-4705

1:33:49.13

CITY OF KANKAKEE
CITY COUNCIL MEETING
FEBRUARY 3, 2003 7:00 P.M.

MAYOR GREEN: I'd like to call the meeting to order, please. I'd like to ask Pastor Martin Gutzmer from Trinity United Methodist Church to come forward and open our meeting with a prayer.

REV. GUTZMER: I've been doing this now off and on for six years. I'm going to do something different tonight. I want to pray for Ken Hearn and for Norman Coy. And, I think we can do that and just ask God to bless the rest of our meeting, but especially to pray for them tonight. Norman, has.....twelve more meetings?.....I believe, in your capacity? Is that right? And, so, we want to certainly remember you. Holy and wonderful God, we do pray for Ken, he's come out of the hospital, we pray for his health and his strength. We pray for Norman Coy, he has these last meetings here. We pray that things go well, that his health continues to go well. We pray for the health and safety of all the members of this Council. We pray for the work that they do. And, we pray your blessing upon us, each one, for our safety and for our judiciousness that all that we do and all that we are about will be a blessing to you. We pray in our Lord's name. Amen.

MAYOR GREEN: While you're still standing, I'd like you just to take a moment of silence for the loss of our astronauts this past Saturday. Amen. Now, I'd like to ask Breytta Johnson and Eshawn Williams if they'd come forward and open our meeting with the Pledge? They look like they're all business, don't they?

BREYTTA JOHNSON AND ESHAWN WILLIAMS AND ALL: Pledge of Allegiance.

MAYOR GREEN: Thank you very much. Roll call.

CLERK DUMAS:

PRESENT: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn (*In spirit, but not body via speaker phone*); Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (14)

MAYOR GREEN: Department Heads.

CLERK DUMAS:

PRESENT: Kinkade; Kamerad; Dear; Spice; Bohlen; Simms; Schaeffer; Nolan; Gordon; Fuerst (10)

ABSENT: Power; Leshen; Tyson (3)

MAYOR GREEN: Thank you. On your agenda tonight there will be two changes. Under New Business, Item C, the economic development agreement between the City and SPS will not be presented tonight. The proper documentation is not here. And, we will add an item, F, which is a Broker of Record letter for our dental insurance. Okay, you've got the minutes of the January 21, 2003, meeting. I need a motion to approve.

7:10 P.M. Attorney Leshen arrives

ALDERMAN HUNTER: Mayor Green, with the concurrence of the seconder, Alderman Hearn, I move they be approved.

MAYOR GREEN: Is there a second?

ALDERMAN HEARN: Second.

MAYOR GREEN: Motion by Alderman Hunter, seconded by Alderman Hearn. All in favor, AYE. Opposed same sign.

MOTION TO APPROVE CITY COUNCIL MEETING MINUTES OF JANUARY 21, 2003

MAYOR GREEN: Motion carries. I don't know what we would have done, if we didn't have him here. Ah, we have Petitions tonight. First, we have the minutes from the Planning Commission of January 14. That's information only. And, we need a motion to accept the Findings and Recommendations.

ALDERMAN NUGENT: Mayor, I make the motion we accept the Findings and Recommendations of the Planning Board.

ALDERMAN WILLIAMS: Second.

MAYOR GREEN: Motion by Alderman Nugent, seconded by Alderman Williams to accept the findings of the Planning Commission. Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (13)

ABSTAIN: Baron (I have a conflict and I have to abstain) (1)

MOTION TO ACCEPT THE FINDINGS AND RECOMMENDATIONS FOR
CASE #PB03-01: AN APPLICATION BY JOSEPH M. KANE REQUESTING A
ZONING MAP AMENDMENT TO CHANGE THE ZONING CLASSIFICATION
OF THE PROPERTY COMMONLY KNOWN AS 719 N. KENNEDY DRIVE FROM
R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL

MAYOR GREEN: Motion carries. Now, we have the Ordinance which, ah, changes the zoning classification at 719 N. Kennedy Drive. Is there a motion to Suspend the Rules?

ALDERMAN NUGENT: Mayor, I make the motion we Suspend the Rules and pass the Ordinance.

ALDERMAN WILLIAMS: Second.

MAYOR GREEN: Motion by Alderman Nugent, seconded by Alderman Williams to Suspend the Rules that would interfere with the passage of this Ordinance. Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (13)

ABSTAIN: Baron (1)

MAYOR GREEN: Motion carries. Is there a motion to put the Ordinance on its Final Passage and Pass?

ALDERMAN NUGENT: I make that motion.

ALDERMAN WILLIAMS: Second.

MAYOR GREEN: Motion by Alderman Nugent, seconded by Alderman Williams to put this Ordinance on its Final Passage and Pass. Any questions? Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (13)

ABSTAIN: Baron (1)

MOTION TO APPROVE ORDINANCE CASE #PB03-01:
AN APPLICATION BY JOSEPH M. KANE REQUESTING A
ZONING MAP AMENDMENT TO CHANGE THE ZONING CLASSIFICATION
OF THE PROPERTY COMMONLY KNOWN AS 719 N. KENNEDY DRIVE FROM
R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL

MAYOR GREEN: Motion carries. There are no further Petitions from the Chair. Are there any from the floor? Hearing none, Communications. The Chair has none. Are there any from the floor? Standing Committees. Public Works. Alderman Trost.

ALDERMAN TROST: It's general information in our packets, sir.

MAYOR GREEN: Any questions? Alderman Gathing. License and Franchise.

ALDERMAN GATHING: It's all there in everybody's packet.

MAYOR GREEN: Report of Officers.

ALDERMAN WILLIAMS: Mayor Green, I make a motion to approve the Report of Officers, place the money in proper accounts and pay the bills in the amount of \$866,459.65.

ALDERMAN NUGENT: Second.

MAYOR GREEN: Motion by Alderman Williams, seconded by Alderman Nugent to accept the Report of Officers, place the money in the proper accounts and pay the bills in the amount of \$866,459.65. Any questions on any of the bills? If not, roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (14)

REPORT OF OFFICERS APPROVAL OF BILLS \$866,459.65

MAYOR GREEN: Motion carries. Next, is New Business. We have 11A, the Redevelopment Agreement between the City of Kankakee and Heritage Executive Center. I need a motion to allow the Mayor to enter into this Redevelopment Agreement.

ALDERMAN WILLIAMS: So moved.

MAYOR GREEN: Motion by Alderman Williams. Is there a second?

ALDERMAN KINKADE: Second.

MAYOR GREEN: Second by Alderman Kinkade.

ALDERMAN HUNTER: I had a question. Yeah, I've just got a question. Um, looking on page two, *The City shall pay to Heritage* x number of dollars and stuff and I had made a phone call to Mr. Franco and I have not heard back regarding some minority provisions in this proposal. And, I don't.....for the life of me, I have not seen those particular references in this document. And, so I assume, Mr. Gordon, that your particular office will have oversight regarding the implementation of those provisions that.....in that companies interface with us shall.....not will.....but shall comply with all the requisite civil rights requirements. Is that correct?

MAYOR GREEN: I....you know, I think Alderman, I can answer that question because they have to because of the Executive Order we have issued. They must do that. We've never.....this has never been a part of our redevelopment agreement, but as we go into expending funds--and it is City funds in this particular case--they will have to do that. They have to comply with our Executive Order.

ALDERMAN HUNTER: So, the answer is affirmative?

MAYOR GREEN: Yes, absolutely. Alderman Schwade?

ALDERMAN SCHWADE: Um, I was a little.....well, I just had a few questions. And, Alderman

Nugent helped me with some of them, but, ah, with this *Section Six* on page two under *Donations*, would the additional rent payment obligations? So, that's for the.....

ATTORNEY BOHLEN: That will be clarified in the lease. The only rent, if we proceed on it in this manner, the only rent that will be paid will be the taxes, insurance and the common area maintenance.

ALDERMAN SCHWADE: And, the parking lot, is that both parking lots that we will essentially give them.....or just the one that we.....

ATTORNEY BOHLEN: We're not giving them. But, we are committing that they are available for the use of this facility, yes.

ALDERMAN SCHWADE: Okay.

MAYOR GREEN: That really, Alderman, would be the same as we did when it was the Executive Center before and then when Provena moved in.

ALDERMAN SCHWADE: Provena, right.

MAYOR GREEN: The parking is provided. We own and control the parking around that building.

ALDERMAN SCHWADE: And, I had a little question, but that was cleared up, too. Because I thought that it might be more marketable since you already had the three floors taken care of with, you know, rent, but evidently it's not. For sale.....because it said that *the lack of marketability of the property due to the City's lease of three floors.*

ATTORNEY BOHLEN: I think, quite frankly, what we're trying to do is create language that will comply with the TIF Act there.

ALDERMAN SCHWADE: Oh.

ATTORNEY BOHLEN: To be blunt.

ALDERMAN HUNTER: Are there any other areas which we need to address in this document here that maybe we have missed?

ATTORNEY BOHLEN: It's a pretty straightforward proposition. The cost of renovation is not to exceed figure.....the payment for the acquisition cost of the three floors is.....that's what the \$1.5 million is. It's left on the tax rolls under the ownership of Heritage Development for the purposes of being able to pay the necessary bonds that will have to be paid in the future.

ALDERMAN HUNTER: And, my rationale, and let me be clear so nobody will try to interpret what my motivations are, we're expending a lot of money here. Of course, we're getting some product back. And, I want to make sure that people who look like me and maybe talk like me and.....are there working during the refurbishing and renovation of the.....

ATTORNEY BOHLEN: And you don't mean bald headed, Hispanic speaking.

ALDERMAN HUNTER: No. No. But, I just want to be sure, you know, that there are people.....I was talking to some folks recently and we were talking about some of the infrastructure projects that we're involved in. And, I remember one particular project--a curb and sidewalk project--went by and took some pictures, and it looked like the United Nations, the people that were working there. You had Hispanics and you had women, and you had blacks and you may have even had an American Indian there. But, it was amazing. I just wanted to make sure that people who look like me and work like me and pay taxes like me, those people are reflected in the work force when they renovate that location.

- ATTORNEY BOHLEN: And, I think that's a fair comment and that is something that we will stress back to whomever he hires as contractors.
- ALDERMAN BROWN: Chris, does it go into detail on what our responsibility to maintain once we move into that building, what the maintenance is?
- ATTORNEY BOHLEN: That's the subject of the lease which is still not finally negotiated yet. Hopefully, in the next.....at your next City Council meeting we'll have a draft of the lease.
- ALDERMAN BROWN: Okay.
- ATTORNEY BOHLEN: But, in terms of the maintenance, the outside, the structure, HVAC, electrical are all going to be maintained by the owner of the building which is still Heritage Development. The interior maintenance, meaning cleaning, keeping it clean, if something, I guess, interior maintenance. It's a classic lessor/lessee relationship in terms of renting a building.
- ALDERMAN BROWN: Okay, will that be brought to the Council meeting?
- ATTORNEY BOHLEN: You will have the lease. That has to be approved both by the Library Board and by the City Council.
- MAYOR GREEN: And, more than likely, at the next City Council meeting which will be a week.....two weeks from tomorrow, ah, we will also have Mr. Kniffen here because we will start the process of selling the bonds for this project. Okay? Any other questions? If not, roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Cox (12)

ABSTAIN: Baron; Gathing (2)

REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF KANKAKEE
AND HERITAGE EXECUTIVE CENTER, INC.

- MAYOR GREEN: Motion carries. Ah, next, is an economic development agreement between the City of Kankakee and MTS Consulting. This is a sales tax sharing agreement. MTS Consulting is a subsidiary company of the business that is rehabing the Day's Inn right now for extended housing. We've gone through this. I've met with Mr. Klein and Mr. Porush. I've had this contract reviewed by Mr. Power, so I'm asking for you to allow us to sign this agreement. It is the same agreement that we have done with Inspired Development and the other companies we've done the sales tax with.
- ALDERMAN HUNTER: Motion to approve.
- ALDERMAN BROWN: Second.
- MAYOR GREEN: Motion by Alderman Hunter, seconded by Alderman Brown. Any questions? Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (14)

ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF
KANKAKEE AND MTS CONSULTING

- MAYOR GREEN: Motion carries. Next, is the agreement with IDOT for the placement of an outdoor advertising sign. Mr. Bohlen passed that out tonight. It's on your desk. I think he would be more than happy to answer any questions regarding this

item.

ATTORNEY BOHLEN: What this does, at the time that the IDOT was ready to let bids they had one issue that they were not able to settle in their budget is the cost of relocation of a billboard located on south....at the intersection of Court Street and South West Avenue. They don't have any money for the acquisition or payment for the lease rights of that in their budget and were going to have to.....because they weren't able to come to terms on the acquisition rights, we're going to have to go to court which was going to delay this proceeding for the construction season. They wouldn't be letting bids until next fall. As a means of inducing this.....trying to solve this problem despite, I think, a general feeling that we weren't necessarily all excited about having the billboard moved from the corner of Court Street and South West Avenue to the corner of Court Street and North East Avenue, ah, the decision was made to make sure this project was accomplished, we would agree to that with the understanding that there'd be a sunset clause of eight years. Meaning he could put it up for eight years and after that he had the right to petition the City Council and Planning Board for a variance to keep it up, but it explicitly says we do not.....we are not agreeing to leave it up and not agreeing to the extension. That would be up to the Planning Board and the City Council that was here eight years from now.

MAYOR GREEN: So, we need a motion to allow us to enter into this Resolution.

ALDERMAN GATHING: I'll make the motion.

ALDERMAN SCHWADE: I second it.

MAYOR GREEN: Motion by Alderman Gathing, seconded by Alderman Schwade. Any questions? Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (14)

AGREEMENT WITH IDOT REGARDING OUTDOOR ADVERTISING

MAYOR GREEN: Motion carries. Next, I'm asking for a reappointment of Mr. Simms to the Appeals Board. We had two other individuals on there, Mike Gingrich who was an engineer and is no longer living in the City. His engineering company is in the Village of Bradley. And, Mike Olin, who is a contractor. And, I'm asking for you to reappoint Mr. Simms to the Appeals Board. I'm asking for you to appoint Dale Piggush from PSI who is a local contractor in the City of Kankakee and the third appointment is Vince Thompson who works for the City of Kankakee as the Construction Manager at the Kankakee Municipal Utility.

ALDERMAN HUNTER: Mayor Green, I would request of the Council that we affirm your appointments *en masse* and have a roll call. I move that we accept your appointments.

ALDERMAN GATHING: I second.

MAYOR GREEN: Motion by Alderman Hunter, seconded by Alderman Gathing. Any questions? I think all of those individuals you all know anyway. Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (14)

APPOINTMENTS: APPEALS BOARD

MAYOR GREEN: Motion carries. Thank you. The last is, the City has carried dental insurance or

the employees have had the option of purchasing it. The City does not pay that premium. It's entirely up to the employees to do that. We have had several different carriers providing this coverage, so it basically hasn't been uniform. We've gone to Mack and Parker who is our consultant and asked them to bid out this insurance for one carrier, so if we're going to make.....if people want to participate in the program, you make one deduction and we make one premium payment. So, what we're asking for is to allow us to sign what we call an Agent of Record letter which appoints them as our Agent of Record in negotiating this for the City. So, I'm looking for a motion tonight.

ALDERMAN SCHWADE: So moved.

ALDERMAN EPSTEIN: Second.

MAYOR GREEN: Motion by Alderman Schwade, seconded by Alderman Epstein. Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (14)

MOTION TO ALLOW ADMINISTRATION TO SIGN AGENT OF RECORD LETTER

MAYOR GREEN: Motion carries. Is there any other New Business from the floor? If not, we'll go into Motions and Resolutions. There is a Resolution for the NAACP. Someone make a motion.

ALDERMAN HUNTER: Mayor Green, move that we approve this Resolution and also thank Madame Clerk, Anjanita Dumas, and her staff, Linda, for their assistance in pulling this together.

ALDERMAN BROWN: Second.

MAYOR GREEN: Motion by Alderman Hunter, seconded by Alderman Brown to approve the Resolution for the NAACP. All in favor, AYE. Opposed same sign.

RESOLUTION: NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)-94 YEARS OF SERVICE

MAYOR GREEN: Motion carries. That brings me to the last item of business, and I think Nancy has passed out the material to you. Mr. Wayne Drake is here in the audience tonight from Ring Can Company. I had the opportunity to talk to him about it, I guess, three weeks ago. Ah, Ring Can is a very viable business in our community. They're in the Kankakee Industrial Park on the north side of Kankakee, north of.....by American Spring Wire. And, Ring Can is going.....is starting a project this year of almost doubling the size of your building. They're going from 50,000 square feet to 100,000 square feet and are going to be adding, I believe, if I understood correctly, somewhere around 50 employees. And, what they're asking us to do, as you're well aware, the City of Kankakee every year, under what we call our Volume Cap, we get a bond commitment from the State of Illinois, and sometimes I refer to it as an industrial revenue bond, where we can give support to companies such as Ring Can. And, what we're doing here, what I'm asking you today, is to approve an inducement resolution that cedes our money to the Will Kankakee Development Authority which will then float a bond issue for Ring Can in the amount of \$4.5 million for the expansion of their plant. Wayne would you like to make some comments? If you want, you can come up here or use the microphone in the back. Whatever you'd like. It's always a pleasure having you here, too.

WAYNE DRAKE: It's a pleasure for me to come back for the third time to this august body because it's expansion and it's jobs and it's important to us and important to this community. When we do this, we need your help, so that's the reason we have done that. I'd be glad to answer some question if there are any. We're going to spend about \$5 1/2 million, double the size of the plant to put in some manufacturing equipment to make more bottles, plastic bottles.

MAYOR GREEN: I think.....am I correct Wayne? Your company, really, one of your main companies that you supply is Bunge, correct?

WAYNE DRAKE: Here in this community, yes, Bunge Products.

ALDERMAN HUNTER: Making this kind of investment, it appears that you have some commitment and trust in Kankakee, is that correct?

WAYNE DRAKE: Absolutely. Absolutely.

ALDERMAN HUNTER: And these are primary jobs? Alderman Baron always likes to do deals like this because these are primary jobs. Glad to be of assistance in that. Move to approve, Mayor.

MAYOR GREEN: Motion by Alderman Hunter. Is there a second?

ALDERMAN TROST: Second.

MAYOR GREEN: Second by Alderman Trost. He raised his hand quicker.

ALDERMAN HUNTER: He likes those jobs.

MAYOR GREEN: Any questions from anybody? Roll call.

CLERK DUMAS:

AYE: Brown; Hunter; Epstein; Baron; Nugent; Williams; Hearn; Coy; Diersen; Trost; Kirkade; Schwade; Gathing; Cox (14)

INDUCEMENT RESOLUTION FOR RING CAN

MAYOR GREEN: Motion carries. Wayne, thank you. We appreciate you doing business in Kankakee very much. I would like to ask for a motion now to go into Executive Session to discuss litigation.

ALDERMAN BARON: So moved.

ALDERMAN WILLIAMS: Second.

MAYOR GREEN: Motion by Alderman Baron, seconded by Alderman Williams to go into Executive Session to discuss litigation. Roll call.

MOTION TO GO INTO EXECUTIVE SESSION

MAYOR GREEN: Motion carries. I'm going to ask for the Chambers to be cleared. Only the Aldermen need to stay.

7:33 P.M.

8:20 P.M.

MAYOR GREEN: Ken, you wanted to say something?

ALDERMAN HEARN: Ah, yes, are you back into Open Session?

MAYOR GREEN: Yeah, we are. We're opening the door now.

ALDERMAN HEARN: Okay, thank you. Thank you, Mayor and the reason I'm thanking you is, I really appreciate all your efforts tonight to put this together. And, I appreciate my Council colleagues for letting me be part of this evening. And, whether you all know it or not, this is probably a historical moment in City government. Thanks to everyone and good night.

MAYOR GREEN: Good night, Ken. We'll see you later.

ALDERMAN HEARN: Okay.

MAYOR GREEN: Okay, I'm looking for two motions. Will anyone make the first one?

ALDERMAN HUNTER: I move that we grant authority to the administration to pursue an appeal to the 3rd District decision. Additionally, we further authorize that the administration file the necessary litigation against the County Board regarding the Waste Management siting decision.

ALDERMAN BARON: Could we do that in separate rulings?

MAYOR GREEN: Let's do them separately. Let's do the appeals as one.

ALDERMAN HUNTER: No problem.

MAYOR GREEN: Is there a second to that motion?

ALDERMAN EPSTEIN: I'll second.

MAYOR GREEN: Second by Alderman Epstein. Motion by Alderman Hunter, seconded by Alderman Epstein to authorize the administration to enter.....

ATTORNEY BOHLEN: To file.....to pursue the appeal of the Pollution Control Board decision.

MAYOR GREEN: Okay. Any questions on that? Roll call.

CLERK DUMAS:

AYE: Hunter; Epstein; Nugent; Williams; Coy; Diersen; Trost; Kinkade; Schwade; Gathing;

Cox (11)

ABSTAIN: Brown; Baron (2)

ABSENT: Hearn (1)

MOTION TO AUTHORIZE CITY OF KANKAKEE TO PARTICIPATE IN THE
APPEAL OF THE POLLUTION CONTROL BOARD DECISION REVERSING THE
SITING OF A LANDFILL BY TOWN & COUNTRY UTILITIES

MAYOR GREEN: Motion carries.

ALDERMAN BARON: On another issue, I would move that we take the necessary steps to appeal to the Illinois Pollution Control Board the County's siting decision on their landfill.

ALDERMAN GATHING: Second.

MAYOR GREEN: Motion by Alderman Baron, seconded by Alderman Gathing to take the necessary steps to appeal the County's decision on the siting of their landfill. Questions? Roll call.

CLERK DUMAS:

AYE: Hunter; Epstein; Baron; Nugent; Williams; Coy; Diersen; Trost; Kinkade; Schwade; Gathing; Cox (12)

ABSTAIN: Brown (1)

ABSENT: Hearn (1)

MOTION TO AUTHORIZE THE APPEAL OF THE DECISION OF THE KANKAKEE
COUNTY BOARD TO GRANT A SITING APPLICATION OF A LANDFILL FILED
BY WASTE MANAGEMENT, INC.

MAYOR GREEN: Motion carries. I need a motion to adjourn.

ALDERMAN COY: So moved.

ALDERMAN TROST: Second.

MAYOR GREEN: Motion by Alderman Coy, seconded by Alderman Trost. All in favor, AYE.
Opposed same sign.

MOTION TO ADJOURN CITY COUNCIL MEETING

MAYOR GREEN: Motion carries.

8:24 P.M.

Kankakee County Real Estate Tax Bill

Kankakee County Collector's Office, 192 N. East Ave., Kankakee, IL 60901 (815)-937-2960

MARK J. FRECHETTE, KANKAKEE COUNTY TREASURER

Township: OTTO	Tax Code: 13002	BRADSHAW, JAMES &	Legal Description
Parcel Number: 13-16-23-400-001	Prop Class: 0021	BRADSHAW, TED ETAL	SEQ
Parcel Address:		SKATES, JUDITH A	BAL 160.00AC
KANKAKEE, IL 60901		203 S LOCUST ST	23-30-14W
		ONARGA, IL 60955-1224	

DUPLICATE

Equalized Assessed 21,190


2001 TAXES PAYABLE 2002				
TAXING DISTRICTS		CHANGE	TAXABLE VALUE / 100	
		FROM	x RATE + DRAINAGE = TAX	
		LAST YEAR	Tax Rate	Tax Amount
Minnie Creek	Drainage	0.00		223.50
KANKAKEE COUNTY		-16.48	0.669	141.75
KANKAKEE COUNTY	Pension	-5.13	0.208	44.08
KANKAKEE CC #520		1.58	0.233	49.37
KANKAKEE CC #520	Pension	-0.12	0.005	1.06
CLIFTON CENTRAL UD #4		-93.29	4.711	998.26
CLIFTON CENTRAL UD #4	Pension	-7.88	0.245	51.92
OTTO FIRE		-11.00	0.457	96.84
CENTRAL CITIZENS LIBRARY		-15.12	0.262	55.52
OTTO TOWNSHIP ROAD		-7.30	0.270	57.21
OTTO TOWNSHIP		-5.12	0.218	46.20
OTTO TOWNSHIP	Pension	-0.50	0.011	2.33
TOTAL CHANGE FROM LAST YEAR		-160.36		
TOTAL TAX DUE			7.289	1,768.04

Assessed Value	21,190
Township Multiplier x	1.0000
Equalized Assessed	21,190
HIE or Veterans Exemption -	0
State Multiplier x	1.0000
Taxable Assessed	21,190
Limited Exemption -	0
Senior Exemption -	0
Senior Freeze Exemption -	0
Taxable Value	21,190
Tax Rate x	7.289

RE Tax Before Drainage 1544.54

PENALTIES		
PENALTY INTEREST OF 1 1/2% PER MONTH ADDED AFTER EACH INSTALLMENT DUE DATE FOR EACH MONTH OR PART OF MONTH		
1st INSTALL DUE:	06/14/2002	884.02
2nd INSTALL DUE:	09/03/2002	884.02

**PLEASE READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

Paid by	
CHECK	Parcel Number Bill Number DUPLICATE
CASH	13-16-23-400-001
CHANGE	FIRST INSTALLMENT 884.02
2001	DUE DATE 06/14/2002
PAYABLE	INTEREST PENALTY PAID
2002	PRIOR YEAR BALANCE
	TOTAL TAX DUE 1,768.04


RETURN STUB WITH PAYMENT #1

1

3-DIGIT 609
SKATES, JUDITH A
203 S LOCUST ST
ONARGA, IL 60955-1224



PAY TO: COUNTY COLLECTOR, 192 N. East Ave., KANKAKEE, IL 60901

Paid by	
CHECK	Parcel Number Bill Number DUPLICATE
CASH	13-16-23-400-001
CHANGE	SECOND INSTALLMENT 884.02
2001	DUE DATE 09/03/2002
PAYABLE	INTEREST PENALTY PAID
2002	PRIOR YEAR BALANCE
	TOTAL TAX DUE 1,768.04

RETURN STUB WITH PAYMENT #2

2

SKATES, JUDITH A
203 S LOCUST ST
ONARGA, IL 60955-1224

PAY TO: COUNTY COLLECTOR, 192 N. East Ave., KANKAKEE, IL 60901

NAME AND ADDRESS CHANGE ONLY

PARCEL NUMBER: 13-16-23-400-001

Skates, Judith & Bradshaw

203 South Locust St.

ONARGA, IL 60955

☒ Judith Bradshaw Skates

OWNER'S SIGNATURE AUTHORIZING CHANGE

FIRST PAYMENT RECEIVED

1

NAME AND ADDRESS CHANGE ONLY

PARCEL NUMBER: 17-08-02-300-001

Bradshaw, Sarajane & Skates, Judith

203 (S) Locust St.

ONARGA, IL 60955

☒ Judith Bradshaw Skates

OWNER'S SIGNATURE AUTHORIZING CHANGE

FIRST PAYMENT RECEIVED

1



Law Offices of
GEORGE MUELLER, P.C.

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NOV 10 2003

501 State Street
Ottawa, IL 61350-3578

STATE OF ILLINOIS
Pollution Control Board

Telephone: (815) 433-4705
Fax: (815) 433-4913
e-mail: gmueller@wideopenwest.com

November 6, 2003

To All Counsel of Record:

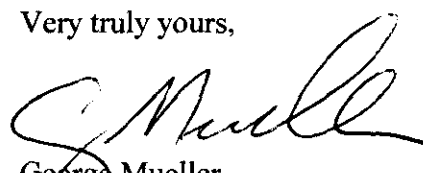
At this point Town & Country does not plan to depose any witnesses. That may change pending completion of paper discovery. To facilitate scheduling of depositions that others may wish to take, please be advised that I am available as follows:

- November 11, 17 and 26 All day
- November 13, 14 and 25 Afternoon only

Mr. Volini will not be available for deposition during the week of November 10.

Pending resolution of the question regarding Claire Manning's appearance as co-counsel, she will not be participating in depositions.

Very truly yours,



George Mueller

GM/sm

Suburban Office
3015 Ashbury, Naperville, IL 60564
Phone: (630) 904-3505

THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 10 2003

STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,)
Petitioner,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.)
Respondents.)

PCB 04-33
(Third Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS)
INC.,)
Petitioner,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-34
(Third Party Pollution Control Facility
Siting Appeal)

COUNTY OF KANKAKEE, ILLINOIS,)
and EDWARD D. SMITH, KANKAKEE)
COUNTY STATE'S ATTORNEY,)
Petitioners,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-35
(Third Party Pollution Control Facility
Siting Appeal)
(Consolidated)

RESPONDENT, TOWN & COUNTRY UTILITIES, INC.'S
ANSWERS TO INTERROGATORIES TENDERED BY PETITIONER,
WASTE MANAGEMENT OF ILLINOIS, INC.

Now come Respondents, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., by and through one of their attorneys, George Mueller, P.C., for their Answers to Interrogatories propounded by Petitioner, Waste Management of Illinois, Inc., state as follows:

1. Identify all persons who provided information regarding or assisted in answering these interrogatories.

Answer:

Thomas A. Volini

George Mueller

2. Identify all communications of T & C that refer or relate to the 2002 Siting Application or the Facility with the following persons:

- (a) Donald Green;
- (b) Christopher Bohlen;
- (c) Ralph Yarborough;
- (d) Robert Boyd
- (e) Any City Council member.

Answer:

Respondent objects to this Interrogatory as communications relating to the 2002 Siting Application are not relevant to the proceedings herein. Without waiving such objection, Respondents state that they are unaware of any such communications beyond those set forth in the record of proceedings in PCB Case No.: 03-31 with the exception of a meeting of the Kankakee City Council attended by Thomas Volini on February 3, 2003..

3. Identify all communication of T & C that refer to relate to the 2003 Siting Application or the Facility with the following persons:

- (a) Ralph Yarborough;

(b) Robert Boyd.

Answer:

(a) None

(b) None

4. Please identify all communications between the City and T & C that refer or relate to the 2003 Siting Application.

Answer:

Respondents object to this Interrogatory as it contains no time parameters and pre-filing communications between the City and Respondents are not probative of any issue herein. Without waiving such objection, Respondents state that Thomas A. Volini had numerous casual and informal communications with various City officials after August 19, 2002 and before March 7, 2003. The details of these communications cannot be recalled, but they did not refer to or relate to the 2003 Siting Application with the exception of Mr. Volini advising City officials of Respondents' intent to file the 2003 Application. Mr Volini also met with the City Council on February 3, 2003, at which time he advised the council of his intent to file a new application for siting approval.

5. If you deny any of the requests to admit (nos. 1 through 37) previously served upon you on October 16, 2003, indicate what you are denying, the factual basis therefor, the source of your information and identify all documents that support your denial.

Answer:

Respondents object to this Interrogatory as vague, over broad, burdensome, calling for

legal conclusions, and relating to matters on which the record is already complete and on which, therefore, there cannot be additional discovery.

6. Please identify each witness you expect to present to testify at hearing, and state the subject of each witness' testimony and identify any document any witness will utilize in his or her testimony.

Answer:

Thomas A. Volini is expected to testify regarding service of Pre-filing Notices. Respondents reserve the right to supplement this Answer as investigation continues.

7. Please identify each document used or relied upon in preparation of the answers to these interrogatories.

Answer:

The record of proceedings in PCB Case 03-31; the record developed for the City Council on the pending Application; and the tax records of Kankakee County, Illinois.

Respectfully Submitted,
Kankakee Regional Landfill, LLC and
Town & Country Utilities, Inc.,
Respondents.


Thomas A. Volini

GEORGE MUELLER, P.C.
Attorney at Law
501 State Street
Ottawa, IL 61350
Phone: (815) 433-4705

THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 10 2003

STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,)
Petitioner,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.)
Respondents.)

PCB 04-33
(Third Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS)
INC.,)
Petitioner,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-34
(Third Party Pollution Control Facility
Siting Appeal)

COUNTY OF KANKAKEE, ILLINOIS,)
and EDWARD D. SMITH, KANKAKEE)
COUNTY STATE'S ATTORNEY,)
Petitioners,)
vs.)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-35
(Third Party Pollution Control Facility
Siting Appeal)
(Consolidated)

RESPONDENT, TOWN & COUNTRY UTILITIES, INC.'s,
RESPONSE TO PETITIONER, WASTE MANAGEMENT OF ILLINOIS, INC.'S
REQUEST FOR ADMISSION

Now comes the Respondents, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., by and through one of their attorneys, George Mueller, P.C., and for their Response to Petitioner, Waste Management Of Illinois, Inc.'s Request For Admission, state as follows:

1. Respondents admit the Request.

2. Respondents can neither admit nor deny this Request as it calls for a legal conclusion.

Without waiving such objection, Respondents state that the records of the Kankakee County Supervisor of Assessments speak for themselves.

3. Respondents object to this Request as calling for a legal conclusion. Without waiving such objection, Respondents state that the records of the Kankakee County Treasurer speak for themselves.

4. Respondents object to this request as the term “individually” has a legal meaning and this request therefore calls for a legal conclusion. Without waiving said objection, Respondents state that Judith Skates was served in accordance with all legal requirements for service..

5. Respondents object to this Request as being vague and calling for a legal conclusion. Without waiving such objection, Respondents state that the individuals identified in this Request were all served pursuant to certified mailing no.: 70022410000628156428.

6. Respondents admit this Request.

7. Respondents admit this Request.

8. Respondents admit this Request.

9. Respondents admit this Request.

10. Respondents admit this Request.

11. Respondents deny this Request.

12. Respondents deny this Request.

13. Respondents deny this Request.

14. Respondents deny this Request.

15. Respondents deny this Request.

16. Respondents admit this Request.

17. Respondents admit this Request.

18. Respondents admit this Request.

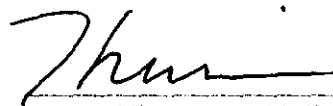
19-36. Respondents object to all of these Requests as calling for legal conclusions.

Moreover, Respondents object to these Requests as addressing issues on which the record is closed, and in which there can therefore be no additional discovery or evidence presented. The determination of whether the 2003 Application is substantially the same as the 2002 Application, to the extent that such determination is required, is a question of fact to be determined by the City Council. Accordingly, the PCB's review of said determination is confined to the record of evidence developed before the City Council, and it is improper by way of discovery to request a party to comment or opine on said record of evidence.

37. Respondent denies this Request.

Kankakee Regional Landfill, LLC and
Town & Country Utilities, Inc.,
Respondents.

BY:

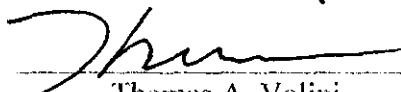


Thomas A. Volini

GEORGE MUELLER, P.C.
Attorney at Law
501 State St.
Ottawa, IL 61350
Phone: (815) 433-4705

STATE OF ILLINOIS)
) SS.
COUNTY OF LaSalle)

The undersigned, Thomas A. Volini, having read the foregoing Response by Town & Country Utilities, Inc. to the Petitioner, Waste Management of Illinois, Inc.'s Request For Admission, state that the same are true and correct to the best of his information, knowledge, and belief.



Thomas A. Volini

Subscribed and Sworn to Before Me This 6th Day of
November, 2003.



Notary Public



GEORGE MUELLER, P.C.
Attorney at Law
501 State St.
Ottawa, IL 61350
Phone: (815) 433-4705

THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 10 2003

STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,
Petitioner,

vs.

THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.)
Respondents.)

PCB 04-33

(Third Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS)
INC.,)
Petitioner,)

vs.

THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-34

(Third Party Pollution Control Facility
Siting Appeal)

COUNTY OF KANKAKEE, ILLINOIS,)
and EDWARD D. SMITH, KANKAKEE)
COUNTY STATE'S ATTORNEY,)
Petitioners,)

vs.

THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN & COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
Respondents.)

PCB 04-35

(Third Party Pollution Control Facility
Siting Appeal)
(Consolidated)

RESPONDENT, TOWN & COUNTRY UTILITIES, INC.'S
ANSWERS TO INTERROGATORIES TENDERED BY PETITIONERS,
COUNTY OF KANKAKEE, ILLINOIS AND EDWARD D. SMITH, KANKAKEE
COUNTY STATE'S ATTORNEY

Now come Respondents, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., by and through one of their attorneys, George Mueller, P.C., for their Answers to Interrogatories propounded by Petitioners, County of Kankakee, Illinois and Edward D. Smith, Kankakee County State's Attorney, state as follows:

1. Identify all persons who provided information regarding or assisted in answering these interrogatories.

Answer:

Thomas A. Volini

George Mueller

2. Please identify all persons of Town & Country Utilities, Inc. who met, talked or communicated with the City of Kankakee prior to the filing of the Landfill Siting Application on March 7, 2003 relating to the planning, development and siting of the facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Respondents object to this Interrogatory as being vague, burdensome and over broad in that the Interrogatory contains no time parameter or starting date for the requested communications. Respondents further object to the terms "planning, development and siting" as the same are vague and not precisely defined. Without waiving said objection, Respondent

indicates that it had those communications with the City of Kankakee identified in the record of the proceedings of PCB case number: 03-31. Without waiving the aforesaid objection.

Respondents further state that Thomas A. Volini had multiple, casual and informal conversations with various City officials and staff members after August 19, 2002 and before March 7, 2003.

The number, date, subject matter, and parties to these casual and informal conversations are too voluminous to recall with the exception that Thomas A. Volini specifically recalls appearing at the Kankakee City Council meeting of February 3, 2003.

3. Identify all persons of Town and Country Utilities, Inc. who met, talked, or otherwise communicated with the City of Kankakee after the filing of the Landfill Siting Application on March 7, 2003, relating to the County of Kankakee or any pending or contemplated lawsuit or action with or against the County of Kankakee, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

None

4. Pursuant to the testimony of Mr. Werthman there were meetings and communications between the experts, witnesses, employees, agents or consultants of Town and Country Utilities, Inc. with City personnel, including City staff, after the filing of the Application and before the Section 39.2 hearings from each such communication, please:

- (a) identify the individual(s) involved in the communications by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Michael Werthman had a telephone conversation with David Tyson of Tyson Engineering in early June, 2003 initiated by Michael Werthman wherein he inquired of Mr. Tyson when the traffic signals at the Route 45 Interstate 57 Interchange would become operational. He was advised that those signals would hopefully be operational within the next 30 days. No other persons were parties to this conversation.

Respondent is unaware of any other communications between its witnesses, experts, employees, agents or consultants with City personnel, including City staff, after the filing of the Application and before commencement of the hearings.

5. Identify all Kankakee City Officials or personnel, consultant, or employees that had any involvement in, made any recommendations, proposed any conditions, or made any decisions regarding the August 19, 2003 decision granting approval of Town and Country Utilities, Inc.'s Siting Application, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) describe the nature and extent of the person's involvement;
- (c) identify all documents reviewed by such person regarding the August 9, 2003 decision granting approval of the Siting Application;
- (d) identify all documents generated by such personnel having involvement in, making recommendations or decisions regarding the August 19, 2003 decision granting approval of the Siting Application.

Answer:

Respondents have no knowledge of the City of Kankakee's decision making process.

6. Identify all individuals from the City of Kankakee or Town and Country Utilities, Inc. who met, talked, wrote, or otherwise communicated with Hearing Officer Boyd before, at, or after the filing of the Landfill Siting Application on March 7, 2003, please:

- (a) the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;

- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Respondents have no knowledge of which City of Kankakee representatives met with Hearing Officer Boyd. No representatives of Respondents met, talked, wrote, or otherwise communicated with Hearing Officer Boyd either before or after the filing of the Landfill Siting Application.

7. Identify whether Town and Country Utilities, Inc. is aware of any communications Kankakee City Council Members with Mayor Green or any other City of Kankakee employee, agent, attorney, staff member or other City Council member after the filing of the Landfill Siting Application on March 7, 2003 relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Respondents have no knowledge regarding the communications between and among City of Kankakee officials, Council Members, employees, agents, attorneys and staff.

8. Identify each and every witness, consultant, employee or person associated with Town and Country Utilities, Inc., all Kankakee City Council Members who met, talked, or otherwise communicated with City Department Heads, supervisors, staff, employees or consultants before or after the filing of the Landfill Siting Application on March 7, 2003, relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Respondents object to this Interrogatory as vague and over broad in that the terms "planning, development and siting" are not capable of precise understanding and have not been defined. Without waiving said objection, Respondents state that they are not aware of any such communications other than the communication referenced in Interrogatory Answer No. 4.

9. Identify all communications of Hearing Officer Boyd with Town and Country Utilities, Inc. or its attorneys or agents before or after the filing of the Landfill Siting Application on March 7, 2003, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

None

10. Identify all communications by Hearing Officer Boyd with any other person before or after the filing of the Landfill Siting Application on March 7, 2003, in any way relating to the planning, development and siting of a solid waste management facility, or his recommendations or opinions concerning the same, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;

NONE

Answer:

Respondents have no knowledge regarding the communications between and among City of Kankakee officials, Council Members, employees, agents, attorneys and staff.

8. Identify each and every witness, consultant, employee or person associated with Town and Country Utilities, Inc., all Kankakee City Council Members who met, talked, or otherwise communicated with City Department Heads, supervisors, staff, employees or consultants before or after the filing of the Landfill Siting Application on March 7, 2003, relating to the planning, development and siting of the Facility, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Respondents object to this Interrogatory as vague and over broad in that the terms "planning, development and siting" are not capable of precise understanding and have not been defined. Without waiving said objection, Respondents state that they are not aware of any such communications other than the communication referenced in Interrogatory Answer No. 4.

9. Identify all communications of Hearing Officer Boyd with Town and Country

Utilities, Inc. or its attorneys or agents before or after the filing of the Landfill Siting Application on March 7, 2003, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

None

10. Identify all communications by Hearing Officer Boyd with any other person before or after the filing of the Landfill Siting Application on March 7, 2003, in any way relating to the planning, development and siting of a solid waste management facility, or his recommendations or opinions concerning the same, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;

- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

Respondents have no knowledge as to communications between Hearing Officer Boyd and other individuals.

11. Identify all Town and Country Utilities, Inc. personnel that had any involvement in, had any communications, made any recommendations, or made any decisions regarding any civil action brought by the City of Kankakee against the County of Kankakee, including, but not limited to, any declaratory judgment or injunctive action, and for each such individual, please:

- (a) identify the individual by name and title and identify what type of communication took place (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communication;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communications.

Answer:

None

12. Identify each and every communication that Town and Country Utilities, Inc. had which led it to conclude that Judith Skates was the only owner entitled to notice concerning the Bradshaw/Skates property, and for each such communication, please:

- (a) identify what type of communication occurred (written, oral, telephone, e-mail, etc.);
- (b) the subject matter of each such communication;
- (c) describe and delineate the exact statements made during the course of each such communications;
- (d) identify the date, time and duration of each such communication;
- (e) identify the location of each such communication; and
- (f) identify all persons present at such communication.

Answer:

See the Service Affidavit of Thomas A. Volini contained in the Siting Application. In addition, the record in PCB Case No.: 03-31 contains additional information regarding how Respondents ascertained information required to comply with the statutory service requirements herein. Respondents object to this Interrogatory as assuming a fact not in evidence, and further state that all owners of the subject property were properly served with notice.

13. Please identify each witness you expect to present to testify at hearing, and state the subject of each witness' testimony and identify any document any witness will utilize in his or her testimony.

Answer:

Thomas A. Volini is expected to testify regarding service of Pre-filing Notices.

Respondents reserve the right to supplement this Answer as investigation continues.

Respectfully Submitted,
Kankakee Regional Landfill, LLC and
Town & Country Utilities, Inc.,
Respondents,



Thomas A. Volini

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