

In The Matter Of:
REPUBLIC SERVICES, INC. v.
McLEAN COUNTY, ILLINOIS

ILLINOIS POLLUTION CONTROL BOARD
July 29, 2024

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ILLINOIS POLLUTION CONTROL BOARD

REPUBLIC SERVICES, INC.,

Petitioner,

-vs-

No. PCB 24-65

McLEAN COUNTY, ILLINOIS
McLEAN COUNTY BOARD, and LAKESHORE
RECYCLING SYSTEMS, INC.,

Respondents

HEARING
July 29, 2024
10:00 AM
115 E. Washington
Bloomington, IL

Reported In Person By:

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EXHIBITS MARKED FOR IDENTIFICATION:

- Republic Exhibits No. 1 through 13.
- LRS Exhibits No. 14, 15, 16 and 18.
- County Exhibit 17.

**NOT RETAINED BY THE COURT REPORTER AND NOT
REQUESTED ATTACHED TO THE TRANSCRIPT.**

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1 (The time is 9:56 a.m.)

2 HEARING OFFICER WEBB: Good morning. My
3 name is Carol Webb. This is the hearing for PCB
4 24-65, Republic Services versus McLean County and
5 Lakeshore Recycling Systems, which I will refer to
6 as LRS. It is July 29th and we are beginning at
7 ten o'clock AM.

8 In this case, petitioner appeals on the
9 grounds that LRS failed to comply with the notice
10 requirements of Section 39.2(B) of the act, and
11 that the proceedings before the McLean County
12 Board were not fundamentally fair.

13 Petitioner also appeals on the grounds
14 that LRS failed to show that its proposed facility
15 would comply with several criteria of Section 39.2
16 of the act, and that the County's approval on
17 those criteria is not supported by the record and
18 is against the manifest weight of the evidence.

19 The Pollution Control Board members will
20 make the final decision in this case. My purpose
21 is to conduct the hearing in a neutral and orderly
22 manner so that we have a clear record of the
23 proceedings.

24 The decision deadline is currently

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1 September 19th, but LRS has agreed to file a
2 waiver until October 3rd. The Board's procedural
3 rules on public comment may be found at 35
4 Illinois Administrative Code 101.628. Public
5 comment will be taken at the end of this hearing
6 if time permits. Written public comment may be
7 filed with the clerk of the board by August 13th.
8 Written public comment carries the same weight as
9 oral comment.

10 This hearing was noticed pursuant to the
11 act and the Board's rules, and will be conducted
12 pursuant to Sections 101.600 through 101.632 of
13 the Board's procedural rules.

14 At this time I will ask the parties to
15 please make their appearances on the record.

16 MR. SIEVERS: Scott Sievers on behalf of
17 petitioner.

18 MR. HALL: Lucas Hall on behalf of the
19 petitioner.

20 MS. MEYER: Claire Meyer on behalf of the
21 petitioner.

22 MS. WILLIAMS: Taylor Williams, an
23 Assistant State's Attorney, on behalf of the
24 County and County Board respondents.

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1 MS. STOTTS: Stacy Stotts on behalf of
2 respondent LRS.

3 MS. CHAMBERLAIN: Sarah Chamberlain on
4 behalf of respondent Lakeshore Recycling Systems.

5 HEARING OFFICER WEBB: Okay. Thank you.
6 Now, are there any preliminary matters to discuss
7 on the record?

8 MS. STOTTS: Yes. We have one
9 objection, is the late supplemental initial
10 disclosure which was actually a supplement to the
11 final disclosure. There was a previous initial
12 disclosure deadline. The parties had a very
13 truncated discovery schedule. So meeting every
14 deadline, especially one that's only a few days
15 before the hearing, was very important. The
16 supplement was made with no motion or contact to
17 respondents.

18 So, we received it on Sunday at 4:30,
19 which did not give us much time to review that.
20 People were traveling, and we have had some
21 limited ability to do that.

22 So we object to the failure to meet the
23 deadlines and to supplement on a non-business day
24 before the hearing.

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1 MR. HALL: As counsel mentioned, there
2 was kind of a truncated discovery schedule. We
3 tendered our prehearing disclosures in accordance
4 with that schedule. The next day we sent out some
5 notices to appear for witnesses. We were informed
6 that McLean County witness Connie Clifford would
7 be unavailable to attend, and therefore we felt
8 the need to tender in our supplemental disclosures
9 an additional e-mail from Connie Clifford that we
10 had anticipated asking her about.

11 Other than that e-mail, and a couple of
12 documents pulled straight from the McLean County
13 clerk's public records portal, it's largely a
14 supplemental disclosure that organizes exhibits
15 into different numerical fashion. And therefore
16 we feel that it was appropriate to tender that
17 disclosure just as a means of getting organized
18 and expediting these proceedings.

19 HEARING OFFICER WEBB: Okay. I'm going
20 to overrule the objection, but I'm willing to give
21 you a few minutes to review each of the documents
22 before they're introduced if you would like to do
23 that. Okay.

24 Would the petitioner like to make an

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1 opening statement?

2 MR. HALL: Yes, please. So, today we're
3 going to be here talking about Section 39.2 and
4 Section 22.14 of the Environmental Protection Act.
5 Section 39.2 states that notice of a request must
6 be served either in person or by registered mail,
7 return receipt requested, on the owners of all
8 property within the subject area not solely owned
9 by the applicant, and on the owners of all
10 property within 250 feet in each direction of the
11 lot line of the subject property. Said owners
12 being such persons or entities which appear from
13 the authentic tax records of the county in which
14 such facility is to be located.

15 And then Section 22.14 of the
16 Environmental Protection Act, this is Subsection
17 A, says that no person may establish any pollution
18 control facility for use as a garbage transfer
19 station which is located less than one thousand
20 feet from the nearest property zoned for primarily
21 residential uses or within one thousand feet of
22 any dwelling.

23 So today you're going to hear that there
24 is a manufactured home park immediately to the

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1 west of Bunn Street and well within both of those
2 statutory distance markers because it's adjacent
3 from Bunn Street to this proposed facility.

4 You're going to hear testimony from
5 various McLean County officials and it's going to
6 demonstrate that on August 18th of 2023, the
7 parcel that the proposed facility was going to be
8 located on, was parcel number 21-15-152-010. And
9 this was an approximately 30 acre parcel and it
10 went all the way up to the edge of Bunn Street.
11 And you're also going to hear that James and
12 Marion Moore, as trustees of the Moore Living
13 Trust, were the owners of the manufactured home
14 park immediately to the west of Bunn Street, and
15 they did not receive written notice of these
16 proceedings.

17 Because there was no notice provided to
18 them, and because this proposed facility is going
19 to be located within one thousand feet of the
20 nearest dwelling, which is in that mobile home
21 park, the County Board did not have jurisdiction
22 to hear the initial siting application due to
23 faulty notice and this facility can not be located
24 as proposed. Thank you.

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1 HEARING OFFICER WEBB: Would the County
2 like to make an opening statement?

3 MS. WILLIAMS: Miss Chamberlain is going
4 to make an opening statement and we will join with
5 her.

6 MS. CHAMBERLAIN: My name is Sara
7 Chamberlain. I'm here with my co-counsel Stacy
8 Stotts, and the county attorney as well, Taylor
9 Williams; and myself, I represent Lakeshore
10 Recycling Systems, also known as LRS.

11 Just give you a brief background about
12 who LRS is. They have been in the waste
13 management and recycling business for
14 approximately 20 years. They operated in five
15 states. And they do a wide variety of recycling
16 waste management activities, waste transfer
17 stations. They also have a landfill, and do
18 recycling work as well.

19 So, the subject of today's hearing is
20 obviously the proposal to site a new waste
21 transfer facility here in McLean County.

22 And a couple key dates to keep in mind
23 as you're listening to the evidence. The first
24 one is August 18th, 2023. And that's the date

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1 that LRS submitted its application for siting
2 approval to the McLean County and the board. Now,
3 in the application LRS explains that it was
4 seeking approval to construct a waste transfer
5 facility in a specific location; a 3.09 acre piece
6 of property, a parcel, within the Henson Recycling
7 Campus. The HRC, the Henson Recycling Campus, is
8 home to several different operations. There's a
9 mulching operation, there's a concrete batch
10 facility, there's a concrete facility. There's
11 also a construction and demolition recycling
12 facility there as well.

13 But, those are not operations that are
14 made part of the waste transfer facility. That is
15 going to be located on a very specific part of the
16 property, approximately on the northeast corner on
17 a 3.09 acre portion of that facility. I say that
18 3.09, we're confident that is the size of the site
19 because it's been surveyed. Those lines have been
20 surveyed by a certified surveyor, David Brown, who
21 you're going to hear from during this hearing.

22 He also prepared a separate legal
23 description for the site of the facility, not just
24 the actual building itself, but where the actual

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1 property where it would be permitted to be
2 constructed. And again that permit would occur,
3 that application for the permit would occur after
4 this period of time to the Illinois pollution, or
5 to the IEPA, and the approximate .09 acre portion
6 of the campus would be where they would be
7 proposing to site that facility.

8 And as I'm sure that the Board is aware,
9 that the permit would govern where those
10 operations can actually take place on the specific
11 site.

12 So not only was there a survey for the
13 property, there was -- the boundaries were also
14 determined on an assessment plat that was recorded
15 with the county. It was also, those lines were
16 also documented on a preliminary plan of
17 subdivision, which was presented to and approved
18 by the McLean County Board back in February of
19 2023. And separate pin tax identification numbers
20 were assigned to that property, to the 3.09 acre
21 property.

22 And additionally, that 3.09 acre
23 property is more than one thousand feet from any
24 dwelling or from any property that is zoned for

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1 primarily residential use.

2 The second date to keep in mind is July
3 25th, 2023. That was the date that LRS served its
4 notice of the intent to file its request for local
5 siting approval on the property owners who are
6 located at least 250 feet of the site of where the
7 subject property is. This is a requirement under
8 Illinois law, specifically Section 39.2, which
9 governs local siting.

10 As required by the statute, LRS did use
11 the authentic tax records of McLean County to
12 determine the owners of the property who were
13 located within 250 feet of the surveyed lines of
14 the proposed facility. And in fact, LRS actually
15 went a little bit further and provided notice to
16 owners within at least 400 to 500 feet of the
17 facility's lot lines. Those notices were provided
18 by registered mail, return receipt requested, and
19 the proof was provided during the hearing.

20 As you listen to the evidence and the
21 arguments, I would ask that you keep in mind
22 specifically the language of the statute that
23 we're talking about, 39.2. In relevant part it
24 reads, no later than 14 days before the date on

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1 which the County Board receives a request for
2 siting approval, the applicant shall cause written
3 notice of such request to be served either in
4 person or by registered mail return receipt
5 requested, and that part is not really in dispute.

6 The next part is the disputed part. On
7 the owners of all property within 250 feet in each
8 direction of the lot line of the subject property.
9 Said owners being such persons or entities which
10 appear from the authentic tax records of the
11 county in which the facility is located.

12 Here the subject property has been
13 defined by LRS in its application, in the notices
14 that it sent to all the owners within 250 feet,
15 and that subject property is the 3.09 acre site of
16 the facility.

17 You're likely to hear a lot of evidence
18 on what constitutes the authentic tax records of
19 the county. But keep in mind that the context and
20 the location of that phrase within the statutes,
21 under the statute the authentic tax records are to
22 be used for determining the owners to whom notice
23 must be provided, not for determining the
24 boundaries of the proposed facility or the subject

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1 property.

2 And this is really where the key dispute
3 between the parties lies. Republic wants to argue
4 that for the purposes of providing notice and
5 determining a setback distance the boundaries of
6 the entire campus, the 42 acres or 30 acre parcel,
7 that's what should be used for determining notice.
8 However, that's inconsistent with the language in
9 LRS's application, what we're asking to be sited.
10 We are asking to be sited that 3.09 acre portion.
11 And it's inconsistent also with the notices that
12 were sent out that defined the property that would
13 be used for the waste transfer facility.

14 As far as fundamental fairness goes,
15 there were multiple opportunities that were
16 provided for the public to speak both during the
17 hearing and after the hearing. There was a robust
18 time after that period of time for written comment
19 to be provided, and during the hearing there are
20 multiple opportunities provided by the hearing
21 officer for the public to participate. Not only
22 those who were in person, but those who found it
23 difficult to stay for the end. The hearing
24 officer did give them an opportunity to make

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1 arrangements to be able to testify at a later time
2 or to make arrangements with him. So there was no
3 one not afforded an opportunity to speak who
4 wanted to speak.

5 Additionally, there's ample evidence in
6 the record to support the criteria on the Board's
7 decision on criteria one, two and three, which are
8 the ones that are challenged here today.

9 So we would just ask that the Board
10 would listen to the evidence, and the decision
11 would be in accordance with that.

12 HEARING OFFICER WEBB: Thank you. You
13 may call your first witness.

14 MR. SIEVERS: Actually, petitioner first
15 moves for exclusion of the witnesses pending their
16 testimony, exclusion from the hearing room, until
17 after they have testified.

18 HEARING OFFICER WEBB: Okay. I think I
19 am going to need you to turn your microphone on.
20 I'm having a little trouble hearing you.

21 MR. SIEVERS: Petitioner moves for the
22 exclusion of witnesses from the hearing room
23 pending completion of their testimony.

24 HEARING OFFICER WEBB: Any objection to

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1 that?

2 MS. STOTTS: Is there a basis for this?

3 MS. CHAMBERLAIN: These are public
4 proceedings. I don't know why witnesses would
5 need to be excluded.

6 MR. SIEVERS: It's an adjudicatory
7 proceeding, and in an adjudicatory proceeding we
8 don't normally have other witnesses here to hear
9 them testify and shape their testimony
10 accordingly.

11 MS. STOTTS: Is there a rule that would
12 preclude witnesses being here if they wanted to
13 provide comment in addition to testimony?

14 HEARING OFFICER WEBB: We don't usually
15 do this, but I think we have done it in the past.
16 So, I guess I'm willing to do that if you feel
17 it's necessary. I'll allow that. Having said
18 that, are all these people witnesses?

19 MR. HALL: Is Mark Bounds in the room?
20 He would be our first witness.

21 HEARING OFFICER WEBB: Are there any
22 other witnesses in here that you are referring to?

23 MS. CHAMBERLAIN: Yeah, so there would
24 be some witnesses or potential witnesses that may

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1 be called tomorrow. I don't think -- it's unfair
2 for them not to be able to hear what other people
3 state during this hearing. I mean, I don't think
4 there's any unfairness to either party by not
5 allowing them to stay in the room. Especially
6 when it's a public hearing.

7 MS. STOTTS: There haven't been specific
8 accommodations made for them to sit anywhere else,
9 except in the hallway.

10 HEARING OFFICER WEBB: Well, I guess -- I
11 don't know. I'll allow it. We'll see. Just 'cuz
12 this has been so contentious, some of these facts.
13 If we can have Mr. Bounds, is that our first
14 witness, could you please come up to the witness
15 stand and the court reporter will swear you in and
16 the other, is it two ladies? Three? No? One?
17 Just one person? Would you mind waiting outside?

18 MARKUS BOUNDS,
19 called as a witness, after having been first duly
20 sworn, testified as follows:

21 EXAMINATION BY

22 MR. HALL:

23 Q. Good morning, Mr. Bounds. Can you hear
24 me okay?

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1 A. Yes, sir.

2 Q. Can you please state and spell your name
3 for the record?

4 A. My name is Markus Bounds, M-A-R-K-U-S.
5 B-O-U-N-D-S.

6 Q. And what is your job title?

7 A. I'm program administrator for the
8 recording office.

9 Q. Okay. And what does that job entail?

10 A. Basically the management of our records
11 system from 1829 until current.

12 Q. And when you say the management of the
13 records system, what would you say your day-to-day
14 duties are?

15 A. Oversight of the recordings that come in
16 the office, as well as dealing with vendors. A
17 lot of IT issues; electronic, you know, issues
18 that can arise day-to-day.

19 Q. And how long have you worked in that
20 capacity?

21 A. Since 2014.

22 Q. So about ten years?

23 A. Yeah.

24 Q. So I'm going to show you what's been

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1 marked as Republic's Exhibit No. 1.

2 And for LRS this one was previously
3 disclosed as Exhibit No. 11. Once you guys have
4 had the opportunity to review, we can proceed.
5 Okay.

6 So, have you seen a document like
7 Republic Exhibit No. 1 before?

8 A. I don't believe I've seen this exact
9 exhibit.

10 Q. But, have you seen a parcel control
11 change request before?

12 A. No, that would kind of seem like
13 assessment related possibly.

14 Q. Do you understand what is in that
15 document?

16 A. I do see that there's legal descriptions
17 and parcel identification numbers. I understand
18 what those are.

19 Q. Okay. And if you see where it says like
20 "parcel control completed by" on the top line
21 there?

22 A. Yes.

23 Q. Do you know what that means?

24 A. I just, from looking at the rest of it,

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1 I would believe that it's a set of initials.

2 Q. A set of initials?

3 A. Yes. By a person or party.

4 Q. Okay. And then it says, "mapped by"
5 underneath that; do you see that?

6 A. Yes, I do.

7 Q. Do you know what that would mean?

8 A. I believe that would be the gentleman in
9 mapping, in the assessment office.

10 Q. Okay.

11 A. I believe those are his initials.

12 Q. Okay. And then, "Devnet entry completed
13 by"?

14 A. Again, initials of someone within the
15 organization I'm assuming.

16 Q. And what is Devnet?

17 A. Devnet is a software that is used on the
18 tax assessment site of data inputting.

19 Q. So, I know you said you haven't seen one
20 of these documents before; do you understand what
21 this is?

22 A. Just under assumption, I would assume
23 that it is a request to obviously change the
24 control of the parcel.

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1 Q. Okay. I'm going to show you a couple of
2 more exhibits. This one is Republic Exhibit No.
3 2. And these were previously disclosed as Exhibit
4 No. 16.

5 So these at the top it says, "respondent
6 County Board's responses and objections to
7 Petitioner's interrogatories." Have you ever seen
8 this document before?

9 A. No, I have not.

10 Q. Okay. And the County Board identified
11 that you provided responses to interrogatories
12 number 4 through 8, and then 11 and 12. So I want
13 to talk about each of those interrogatory
14 responses, and figure out what information you
15 provided with respect to those, okay?

16 A. Okay.

17 Q. So starting with interrogatory number
18 four, it says on what date was McLean County
19 parcel number 21-15-151-021 first assessed for
20 property taxes. And when was the first property
21 tax bill for that parcel generated. Did you
22 provide input in that response?

23 A. I did not. That would be an assessment
24 related response required.

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1 Q. Okay. And then with interrogatory
2 number five, similar question. But the parcel
3 number ends in 022. Would it be the same answer?

4 A. It would be. Yes.

5 Q. And then if we look at interrogatories
6 six through eight. They're all very similar
7 questions, they just have different parcel
8 numbers. Would your answer be the same for those?
9 You provided no input for that?

10 A. Correct.

11 Q. Okay. Moving on to interrogatory number
12 11.

13 Interrogatory number 11 asks, what are
14 the addresses and parcel identification numbers of
15 the three nearest properties to the site which are
16 zoned for primarily residential uses. Did you
17 provide any responsive information for this
18 interrogatory?

19 A. I have not, no.

20 Q. Okay. And then lastly, interrogatory
21 number 12 asks what the County considers to be its
22 authentic tax records as that term is used in the
23 Environmental Protection Act Section 39.2B. Did
24 you provide any input in that response?

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1 A. No, sir.

2 Q. So, out of interrogatory responses 4
3 through 8, 11 and 12, you provided no information
4 with respect to those?

5 A. No, I did not.

6 Q. Okay. Thank you. Now I'm going to show
7 you another exhibit. This is one is Exhibit No.
8 3.

9 In this document is McLean County's
10 response to Republic Service's request to produce,
11 number eight. And it looks like you were
12 identified as providing responsive information for
13 this request.

14 So, if you can turn to page 26 of this
15 document, and at the top right it says RFP number
16 eight and then a dash. Those are the page numbers
17 for you.

18 A. Okay.

19 HEARING OFFICER WEBB: I'm sorry, what
20 was that?

21 Q. At the top right of these pages it says
22 RFP number eight, and then it has a dash. Those
23 are the page numbers. So if we go to RFP number
24 8-26.

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1 So do you see page number 26 there?

2 A. Yes, sir.

3 Q. And does that appear to be an e-mail
4 from Rebecca McNeil to Trevor Sierra at the top?

5 A. Yes.

6 Q. So, if we go down on the page a little
7 more there's a second e-mail from an individual
8 named Connie Clifford. Do you see that?

9 A. Uh-huh.

10 Q. And that's dated --

11 A. July 1st.

12 Q. So that was a yes?

13 A. Yes.

14 Q. Okay. And are you identified as a
15 recipient of that e-mail?

16 A. I don't recall seeing these replies on
17 that thread.

18 Q. Okay. But do you see where it says to,
19 Sierra, Trevor, then it has Trevor's e-mail
20 address, then the next one is Bounds comma Mark?

21 A. Yes.

22 Q. Is that your e-mail address?

23 A. That is.

24 Q. Do you recall receiving this e-mail?

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1 A. You know, I do not recall reading this
2 portion of the e-mail. No.

3 Q. Okay. And could I ask you to just read
4 through that first paragraph that Connie sent.

5 A. Parcel numbers 21-15-151-021, 022, and
6 023, did not exist in tax year 2023. They were
7 created for tax year 2024 as a result of a split
8 combination of 2115152010, and 2115151018. These
9 three new parcels will be assessed for the first
10 time effective in 1/1/2024. The parent parcels
11 were retired effective 12/31/2023.

12 Q. Do you have any reason to disagree with
13 that statement?

14 A. No, sir.

15 Q. Okay. Do you understand what Connie is
16 saying there?

17 A. Yeah. She's basically saying that
18 parcels 21, 22 and 23 didn't exist in the tax year
19 of 2023. That they are new because of a split
20 that had occurred.

21 Q. Okay. And who is Connie Clifford?

22 A. She is assistant to the tax
23 administrator in the assessment office.

24 Q. Okay. So, if we look back at that

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1 Republic Exhibit 1, and this was the parcel
2 control change request, it says new parcels about
3 halfway down the document. And then it lists off
4 2115151021, 022 and 023, is that correct?

5 A. Uh-huh.

6 Q. Okay. Is that yes?

7 A. That's correct.

8 Q. Okay. Is it your understanding that
9 those quote, unquote, "new parcels" are the
10 parcels that Connie was referring to in that
11 e-mail to you on July 1st of 2024?

12 A. Yeah.

13 Q. Yes?

14 A. Uh-huh.

15 Q. Okay. And she said that they were being
16 formed as a result of a split/combination of
17 152010 and 151018, correct?

18 A. Yes, sir.

19 Q. Okay. And would this parcel control
20 change request be the request to make that
21 split/combination?

22 A. I couldn't answer that because I don't
23 work in the assessment office.

24 Q. Okay. I guess about a third of the way

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1 down the page it says retired parcels and it lists
2 that 152-010. Do you see that?

3 A. Help me out.

4 Q. About a third of the way down the page?

5 A. Okay.

6 Q. Can you tell me what the listed acreage
7 is on that parcel?

8 A. For the 010 parcel?

9 Q. Yes, sir.

10 A. 31.7.

11 Q. Okay. Now, if I flip to page two of
12 Republic Exhibit 1, I see a map. Have you seen a
13 map similar to this before?

14 A. I use GIS a lot, so yeah, I've seen maps
15 like that before.

16 Q. Does this appear to be a GIS map?

17 A. Yeah.

18 Q. Okay. And what does this GIS map appear
19 to show?

20 A. A rough outline of -- it's hard to say
21 because it's very poor quality. I would assume
22 it's a parcel that's obviously somebody has
23 written a parcel number over it.

24 Q. Okay. And that parcel number that's

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1 written over it, is that 2115-152-010?

2 A. Yes.

3 Q. And then do you also see that same
4 number printed just below that kind of outlined in
5 white?

6 A. Oh, yes. In the center of owner's sub.

7 Q. So would the printed number that is
8 outlined in white be the number that the GIS
9 website automatically puts on there?

10 A. That would be what's entered in the
11 system, yes.

12 Q. And then that blackout line would be an
13 outline around that parcel number?

14 A. I would assume without looking at real
15 time GIS for that day; it's constantly changing.

16 Q. And how would you get real time GIS for
17 August 17th of 2023?

18 A. That would be a question for Crystal
19 Williams.

20 Q. And then if we go to page three of
21 Republic Exhibit 1. Does that appear to be a
22 similar map with more lines drawn on it?

23 A. What page?

24 Q. Page three of Republic Exhibit 1?

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1 A. Okay. Could you ask the question again?

2 Q. Does that appear to be a very similar
3 map to the one that was on page two, but with more
4 lines drawn on it?

5 A. Yes.

6 Q. And those additional lines that were
7 drawn on it, do they appear to match up with the
8 quote, unquote, "new parcels" from the parcel
9 control change request on page one of Republic
10 Exhibit 1?

11 A. Possibly, yeah.

12 Q. Possibly?

13 A. Yeah.

14 Q. And do you say possibly because you see
15 that handwritten on this page three is
16 21-15-151-021, and then dash 022 and then dash
17 023?

18 A. Uh-huh.

19 Q. Okay. What date is identified on page
20 one of the parcel control change request as the
21 date the request was received?

22 A. 8-17-2023.

23 Q. Okay. I'm now going to show you what's
24 been marked as Republic's Exhibit No. 4. Do you

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1 recognize this document?

2 A. I recognize it to be probably a deed
3 from our inventory, yeah.

4 Q. And who is going to be the owner of the
5 property on this deed after the conveyance takes
6 place?

7 A. James A. Moore and Marion Moore. Well,
8 actually the Moore Living Trust.

9 Q. So James R. Moore and Marion Moore as
10 trustees of the Moore Living Trust?

11 A. That's correct.

12 Q. And what date was this document
13 recorded?

14 A. It was recorded on 11-24-2009.

15 Q. Okay. Can you tell me what parcel
16 numbers this deed applied to?

17 A. 2116127001, 2116226006, 2116276003.

18 Q. Okay. And are those PINS commonly known
19 as 1902 South Main Street in Bloomington,
20 Illinois?

21 A. I am assuming so, yeah.

22 MR. HALL: At this time we'd like to move
23 to admit Exhibit 4 into evidence.

24 MS. CHAMBERLAIN: I don't have any

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1 objection.

2 HEARING OFFICER WEBB: No objection?

3 MS. WILLIAMS: No objection.

4 HEARING OFFICER WEBB: Okay. Exhibit 4
5 is admitted. Were 1 through 3 already in the
6 record?

7 MR. HALL: We didn't move to admit
8 those.

9 HEARING OFFICER WEBB: Okay.

10 CONTINUED EXAMINATION

11 BY MR. HALL:

12 Q. I am passing out Republic Exhibit No. 5.
13 Mr. Bounds, when was this exhibit recorded?

14 A. It was recorded on 11-9-to 23.

15 Q. And do you recognize what this document
16 is?

17 A. A special warranty deed.

18 Q. Okay. And it appears to be recorded?

19 A. Yes.

20 Q. Okay. And that's what that official
21 record stamp at the top right would be?

22 A. Correct.

23 Q. Okay. And who does it appear is going
24 to be the owner of this property after the

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1 conveyance takes place?

2 A. Is it buried here on the first page?

3 Q. Yes, I believe it's in the first
4 paragraph.

5 A. Okay. Okay. Hilltop MH LLC.

6 Q. And who conveyed the property to Hilltop
7 MH LLC?

8 A. James A. Moore and Marion Moore as
9 trustees of the Moore Living Trust.

10 Q. Okay. And those were the same
11 individuals that were identified as going to be
12 the owners of the property on Republic Exhibit 4,
13 correct?

14 A. Correct.

15 Q. Okay. And you said this document was
16 recorded on November 9th of 2023?

17 A. Yes, sir.

18 MR. HALL: Okay. At this time we'd like
19 to move for admission of Exhibit 5 into evidence.

20 MS. CHAMBERLAIN: No objection.

21 HEARING OFFICER WEBB: Exhibit 5 is
22 admitted.

23 CONTINUED EXAMINATION

24 BY MR. HALL:

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1 Q. And Mr. Bounds, one more question about
2 Exhibit 5. Can you tell me what the PIN number of
3 the property that this deed applies to is?

4 A. It appears to be 2116276003, 2116127001,
5 2116226006. That appears to be all.

6 Q. Okay. So, can you determine which
7 documents have been recorded with respect to a
8 particular parcel of property through the McLean
9 County Circuit Clerk's public records search
10 portal?

11 A. Through the recorder's records page you
12 can search by parcel number, name; various
13 methods.

14 Q. Okay. I'm going to show you what's been
15 marked as Exhibit 7. So Mr. Bounds, you just
16 testified that through the McLean County
17 recorder's portal you can search by PIN number for
18 all of the documents recorded on a parcel,
19 correct?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes.

23 Q. And Exhibit No. 7; what does that appear
24 to be to you?

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1 A. This is going to be a search criteria
2 for the parcel number 2116276003.

3 Q. Okay. To refresh me, is that one of the
4 PIN numbers that was identified on Republic
5 Exhibits 4 and 5?

6 A. I'd have to refer back to them, to be
7 honest.

8 Q. Okay. I think it's in the record so
9 we'll be okay with that.

10 So, this search, it's filtered to that
11 PIN number, and it looks like it gives me records
12 all the way back to 2002, is that correct?

13 A. That is correct.

14 Q. Okay. And the date of the last record
15 on it is November 9th of 2023, is that correct?

16 A. That's correct.

17 Q. Okay. And then the second entry there,
18 line two, it says there was a deed recorded on
19 November 24th of 2009.

20 A. That's correct.

21 Q. And do you recall seeing that deed as
22 Republic's Exhibit No. 4?

23 A. Yes.

24 Q. Okay. Now, can you please identify for

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1 me when the next deed was recorded on this
2 property after 2009?

3 A. Looks like 2021.

4 Q. Okay. Is that line 10?

5 A. Yes.

6 Q. Okay. Does that say the grantors are
7 James A. Moore and Marion Moore as trustees of the
8 Moore Living Trust?

9 A. It does.

10 Q. And the grantee, does that say City of
11 Bloomington?

12 A. Yes.

13 Q. Okay. I'm going to show you what's been
14 marked as Republic's Exhibit No. 6. Do you
15 recognize this document?

16 A. It looks like a trustee's deed.

17 Q. Okay. And when was that recorded?

18 A. 2-4 of 2022.

19 Q. 2-4 of 2022?

20 A. Uh-huh.

21 Q. If we look at line 10 on Republic
22 Exhibit 7; does it say date filed, 2-4-2022?

23 A. Yes, it does.

24 Q. Okay. Now, this document appeared to be

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1 a trustee's deed, correct?

2 A. Uh-huh.

3 Q. And who -- is that a yes?

4 A. Yes. Sorry.

5 Q. And who appeared to be the grantors
6 under this trustee's deed?

7 A. The grantors were James A. Moore and
8 Marion Moore, trustees of a trust agreement dated
9 March 17th, 1993, known as the Moore Living Trust.

10 Q. And who was the grantee?

11 A. City of Bloomington.

12 Q. Okay. Now, if you can look at this
13 second page of Exhibit 6 for me, and I'm looking
14 at the end of the legal description in all caps.
15 Do you see where it says, said parcel 100
16 containing .381 of an acre, and then it ends with
17 362 square feet more or less; or more of less.

18 A. Yeah, I do see that.

19 Q. Okay. So, does this document appear to
20 be conveying a 362 square foot parcel from the
21 Moores to the City of Bloomington?

22 A. Yes.

23 Q. Okay. And if we can refer back to
24 Republic's Exhibit 7. Does that line 10 appear to

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1 be the document referenced as Republic's Exhibit
2 6?

3 A. Yes.

4 Q. Okay. Do you see any other deeds on
5 this list?

6 A. Yes, just below line 10, line 11.

7 Q. So you said line 11 on Exhibit 7 was the
8 next deed?

9 A. Yes.

10 Q. Okay. And did we look at that deed
11 previously as Exhibit No. 4?

12 A. I believe it was Exhibit 5.

13 Q. Exhibit 5? Okay. So, based on your
14 review of this list, and the deeds we've seen, can
15 you tell me who the owner of parcel number --
16 based on what we've seen, can you tell me who the
17 owner of parcel number 2116276003 was on August
18 17th of 2023?

19 A. The City of Bloomington.

20 Q. So, we saw that there was a deed
21 recorded on November 24th of 2009 with respect to
22 this parcel, correct?

23 A. Yes.

24 Q. And that deed conveyed the parcel to the

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1 Moores as trustees, correct?

2 A. Yes.

3 Q. Okay. And then we saw that the Moores
4 conveyed 360 square feet of that parcel in
5 February of 2022, correct?

6 A. Yes.

7 Q. Okay. And then on November 9th of 2023,
8 it looks like the Moores conveyed the remainder of
9 that parcel to Hilltop MH, LLC, is that correct?

10 A. Yes.

11 Q. So on August 17th of 2023, wouldn't the
12 owners have been the Moores?

13 A. Maybe I'm getting confused. But, I was
14 thinking it would be -- and for which parcel
15 exactly?

16 Q. It would be parcel number 2116276003?

17 A. I have a conveyance here on line ten
18 where it goes to the City of Bloomington.

19 Q. And that was a conveyance of
20 approximately 260 square feet, correct?

21 A. Yeah. I don't know the acreage.

22 Q. 260 square feet is pretty small,
23 correct?

24 A. Yes, it is.

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1 Q. That's not a trailer park, right?

2 A. That is correct.

3 Q. Okay. So, assuming these deeds referred
4 to parcels that were a trailer park, could that
5 deed that conveyed 260 square feet have conveyed
6 the entire trailer park?

7 A. I don't see that as being possible.

8 Q. Okay. So, but for that one conveyance
9 on line ten, would you conclude that the owners
10 were the Moores?

11 A. Who conveyed the property on line ten?

12 Q. Yeah. And then the Moores also conveyed
13 some property on line 11, correct?

14 A. That's correct. Yes.

15 Q. And if they conveyed the entire property
16 in February of '22, they wouldn't have been able
17 to convey the entire property in November of '23,
18 correct?

19 A. That is correct.

20 Q. Okay. Just a couple more questions for
21 you.

22 Are you familiar with the process for
23 subdivision of land as set forth in the McLean
24 County code?

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1 A. Yes.

2 Q. So, this is Republic Exhibit No. 8. Do
3 you recognize this document?

4 A. I do not.

5 Q. Okay. Are you familiar with Section
6 317-19 of the McLean County code with respect to
7 subdivision of land?

8 A. Is it within this exhibit?

9 Q. So, I will represent to you that this is
10 Section 317-19?

11 A. Okay.

12 Q. It's Appendix D.

13 A. Okay. Yes, I am not familiar with this.
14 I'm just familiar with the requirements for the
15 recordation.

16 Q. And if you could just briefly review
17 these steps here; do they look like the
18 requirements that you're familiar with?

19 A. Not at all.

20 Q. Not at all?

21 A. No. Recording of a final plat of
22 subdivision is far different than this for the
23 requirements of the recording.

24 Q. Okay. So, what is your understanding of

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1 the subdivision process that you're familiar with?
2 Could you explain that for me?

3 A. To record a final plat of the
4 subdivision it has to meet requirements of, and
5 bear with me, I have it in writing, I've recited
6 it so many times it's become hard.

7 The approval of the municipality, so the
8 town, city, or county. It needs to have the
9 surveyor's certificate of an Illinois licensed
10 land surveyor. The tax certificate from the
11 county clerk of no back taxes. And I believe just
12 because of the time and place here today, I may be
13 not reciting all of the requirements. But, there
14 are a set list of requirements that we have on our
15 fee schedules.

16 Q. So what would this Republic Exhibit 8
17 apply to?

18 A. Possibly the building and zoning aspect,
19 or for the county code as a whole. Maybe -- I
20 really couldn't tell you.

21 Q. It's in the section called subdivision
22 of land, so I'm trying to --

23 A. Yeah, no. That's -- it may be more of a
24 building and zoning side, like before when we

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1 mentioned in testimony that some things were more
2 assessment related. This may be more of steps and
3 process on the zoning side. I really can not say.

4 Q. Okay.

5 A. I'm not familiar with it.

6 Q. Thank you. I don't have any further
7 questions.

8 HEARING OFFICER WEBB: Any cross?

9 CROSS EXAMINATION BY

10 MS. WILLIAMS

11 Q. Yes. Thank you. Mr. Bounds, you
12 testified a little bit about your job duties.
13 Could you explain a little bit further, or restate
14 them, please.

15 A. Yeah. I manage the recording office.
16 Basically, maintenance of the record set from 1829
17 to current, processing day-to-day.

18 Q. Okay. Is it within your job duties to
19 interpret the records at all?

20 A. No.

21 Q. Okay. You simply record the documents?

22 A. Correct.

23 Q. Okay. Looking at Exhibit 7, are you
24 familiar with this document and recognize it to be

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1 the internal website accessible from the County's
2 website for the recording division?

3 A. Yes.

4 Q. Do you need a user name and password to
5 be able to access this website?

6 A. Yes.

7 Q. Does that user name and password need to
8 be approved?

9 A. It does.

10 Q. Who approves that user name and
11 password?

12 A. Myself or my assistant.

13 Q. What are your working hours or her
14 working hours?

15 A. 8 AM to 4:30 PM Monday through Friday.

16 Q. Thank you. A question was asked of you
17 that whether these documents are recorded through
18 the circuit clerk's public portal. Is that
19 accurate?

20 A. Wouldn't be accurate, the circuit clerk.
21 I think possibly county clerk. And with language
22 -- so the county clerk is my direct supervisor.
23 So, if meaning county clerk, that would be
24 somewhat accurate, yes.

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1 Q. One moment, please.

2 HEARING OFFICER WEBB: Sure.

3 BY MS. WILLIAMS:

4 Q. Do you still have the exhibits up there
5 with you?

6 A. Yes.

7 Q. Could you please pull up Exhibit 3.
8 Could you please turn to page 27.

9 Do you recognize this to be an e-mail
10 from attorney Trevor Sierra that you are a
11 recipient on?

12 A. Yes.

13 Q. Do you see that there are multiple
14 questions on this e-mail, some of which may or may
15 not apply to your office, but Trevor included
16 multiple county officials on that e-mail?

17 A. Yes.

18 Q. And those county officials work in
19 different offices, correct?

20 A. Correct. Yes.

21 Q. Do you remember testifying that you had
22 never seen some of the interrogatory questions in
23 Exhibit 2, and that you did not contribute to
24 them?

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1 A. That is correct.

2 Q. Okay. Do you recognize the questions
3 within Exhibit 3 to be within this e-mail?

4 A. Yes.

5 Q. So, you were listed as contributing to
6 those questions because they were contained within
7 this e-mail that you were included on?

8 A. Correct.

9 Q. Okay. That concludes my portion, but
10 I'll pass it over to other counsel.

11 CROSS EXAMINATION BY

12 MS. CHAMBERLAIN:

13 Q. Mr. Bounds, I just have a couple
14 questions for you, which is a deadly statement to
15 say so maybe I'll retract that.

16 First, when you were testifying earlier
17 you mentioned that the GIS system is constantly
18 changing.

19 A. Yes.

20 Q. Could you explain what you meant by
21 that?

22 A. Well, prior to GIS, you may have seen
23 plat books. When those were printed they were
24 outdated immediately. Our records change

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1 day-to-day. There could have been changes in
2 those plat books. But, it's more of a real time
3 scenario. So if there's a split, by the time it
4 gets recorded it goes through a series of
5 processes after recording, and then the mapping
6 will change on the GIS. So that's why it's
7 constantly a work of art.

8 Q. I'm going to talk to you about one of
9 the documents that's in front of you. I think
10 it's labeled as Republic's Exhibit 3. It would be
11 page -- at the top you will see RFP number 8-16.

12 A. Okay.

13 Q. Give you a little time to get there.

14 A. Okay.

15 Q. At the top of that document do you see
16 it says, "recorded notice"?

17 A. Yes.

18 Q. And was that a document that was
19 recorded in your office?

20 A. Yes.

21 Q. And was the date of that recording
22 8-17-2023?

23 A. It was.

24 Q. Would you agree that property owners can

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1 choose to divide property that they own into
2 smaller lots or parcels?

3 A. I believe that's possible under
4 statutory requirements.

5 Q. And can those subdivisions be evidence
6 in documents other than a deed?

7 A. That's more of a legal question. I
8 can't get into that.

9 Q. Okay. That's fine. I want to talk
10 about, still staying on this document. If you
11 turn to another page, you will see it says,
12 "Exhibit A to recorded notice"?

13 A. Uh-huh.

14 Q. And then it says, "legal description of
15 subject premises"?

16 A. Uh-huh.

17 Q. As the recording program administrator,
18 are you generally familiar with legal
19 descriptions?

20 A. I am.

21 Q. How would you describe the purpose of a
22 legal description?

23 A. The purpose of a legal description is to
24 give a description of land, and it's usually a

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1 section, township and range or lot, block and
2 subdivision, which means the property has been
3 subdivided.

4 Q. I want to talk to you specifically about
5 that subject, that legal description.

6 A. Okay.

7 Q. So, if you kind of see some of the
8 language, it says, "a part of lot one", and the
9 subdivision has other language. Then it says
10 later, "a part of lot two". Later it says, "lot
11 two and lot three"?

12 A. Uh-huh.

13 Q. Do you see that language?

14 A. Yes. Yes.

15 Q. So, can you have multiple different lots
16 as part of a single parcel?

17 A. I believe it happens quite often, yeah.
18 And it's very difficult to manage and track that
19 type of stuff when the splits occur.

20 Q. So, the parcel that we're talking about,
21 Exhibit A, that parcel is actually already made up
22 of several different lots or parts of lots?

23 A. It looks to be that, yes.

24 Q. And can you have multiple lots or parts

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1 of lots within a property that's identified by a
2 single PIN number?

3 A. Yes.

4 Q. So, would you agree that the boundaries
5 of a lot can be identified separately from a
6 parcel number or a PIN number?

7 A. Can you ask that question again? I'm
8 sorry.

9 Q. Does a lot need to have a specific lot,
10 does it need to have its own PIN number?

11 A. It does.

12 Q. A specific lot needs to have its own PIN
13 number?

14 A. Well, if a legal description is going to
15 be recorded in our office, it has to have an
16 associated parcel identification number; one or
17 the other. You can't just have a legal
18 description, no parcel number. We have to have a
19 parcel number for a legal description.

20 Q. But within that legal description, there
21 might be multiple different lots that are
22 described?

23 A. Correct.

24 Q. And if you just look at a PIN number,

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1 that wouldn't tell you necessarily where the
2 individual lots are located, right?

3 A. There is a break down of the PIN number
4 that geographically locates that number, fits into
5 a geographical map that's laid out.

6 Q. But another way to identify where the
7 actual boundaries of the lots that are described
8 as part of the legal description would be to
9 perform a survey, right?

10 A. Correct.

11 Q. So is that the best way to determine
12 where the actual boundaries of a lot line are?

13 A. That is.

14 Q. If you turn another couple pages, we're
15 talking about the document that's actually
16 attached; it would be RFP 8, page 20.

17 A. Okay.

18 Q. And that's the actual document that was
19 attached to that notice, is that right?

20 A. Yes.

21 Q. And that's the preliminary plan of the
22 HDI subdivision?

23 A. Yes.

24 Q. And then that was actually recorded on

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1 the same date; on August 17th, 2023?

2 A. I believe so. I don't have it in front
3 of me.

4 Q. You don't have it, on page --

5 A. Was there another document?

6 Q. I'm talking about the same document,
7 just over a couple more pages. I'm sorry. I
8 didn't realize you were not there. So, Republic
9 Exhibit 3, and then the page number up at the top
10 would be RFP number 8-20?

11 A. Yeah, I've got it.

12 Q. Okay. So that would be the preliminary
13 plan, the HDI subdivision?

14 A. Yeah.

15 Q. Is that correct?

16 A. Yeah, it looks to be so.

17 Q. And that was the same, that was recorded
18 on the same date, that's what the notice was
19 referring to, right? Go back on to page 16.

20 A. Yes, it's a notice.

21 Q. So you will see number three of that
22 notice?

23 A. Uh-huh.

24 Q. So, it says that notice is given that

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1 the preliminary plan of the HDI subdivision
2 described on the attached Exhibit A received
3 approval. So that was attached as Exhibit A to
4 this recorded notice, is that right?

5 A. Yes, uh-huh.

6 Q. I want to talk to you about, you can set
7 that document aside for now. Another document
8 that you should have up there, it's labeled
9 Republic Exhibit 5.

10 A. Okay.

11 Q. So that document says the special
12 warranty deed, right?

13 A. Yes.

14 Q. I want to turn your attention to at the
15 bottom of the page there's some page number; do
16 you see that?

17 A. Yes.

18 Q. If you go down to page five of 11?

19 A. Okay.

20 Q. So it lists, at the top it says Exhibit
21 A of a couple different legal descriptions, is
22 that right?

23 A. That's correct.

24 Q. A couple descriptions, there's tract

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1 one, tract two, tract three, tract four and tract
2 five, is that right?

3 A. That's correct.

4 Q. So in those descriptions, again, let's
5 just look at tract number three?

6 A. Okay.

7 Q. So, in that one it uses the term "lot"
8 multiple times, doesn't it?

9 A. It does.

10 Q. So, that specific tract is made up of
11 multiple different lots, is that right?

12 A. Yes.

13 Q. And in Exhibit A, it has five tracts
14 that are listed, right?

15 A. Yes.

16 Q. But if you turn over to page eight of
17 11, you see the PIN numbers?

18 A. Yes.

19 Q. There's only three PIN numbers listed
20 there, right?

21 A. Correct.

22 Q. So some of these tract numbers must be
23 combined as part of different pins, is that right?

24 A. That would be my assumption.

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1 Q. Okay. I don't have anything further.

2 HEARING OFFICER WEBB: Thank you. Any
3 redirect?

4 MR. HALL: Just briefly.

5 REDIRECT EXAMINATION BY

6 MR. HALL:

7 Q. You had mentioned that lots require
8 parcel identification numbers, correct?

9 A. Legal descriptions.

10 Q. You said that there would be a parcel
11 identification number that geographically
12 identified where the line would be, right?

13 A. Yes.

14 Q. And do you recall testifying about how
15 sometimes parcel owners choose to create smaller
16 lots out of their big lots?

17 A. Yes.

18 Q. Do you know how that numbering works
19 when you go from a big lot to several smaller
20 lots?

21 A. I do not. But, I can say that the
22 assessment office does.

23 Q. Okay. So, in looking at Republic
24 Exhibit 1, just the front page, would you be able

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1 to tell me whether those three new parcels are
2 going to be the geographic identifiers of the
3 formal retired parcels?

4 A. I'm sorry, I just got to the exhibit. I
5 was trying to go in time with you. Ask that
6 again, please.

7 Q. So on Exhibit 1, the front page, you
8 have the three new parcel numbers, correct?

9 A. Yes.

10 Q. Do you think that those new parcel
11 numbers are the subdivision of the two retired
12 parcels?

13 A. Yes.

14 Q. Okay. That's all I have. Thank you.

15 HEARING OFFICER WEBB: Anything further
16 for you?

17 MS. CHAMBERLAIN: No.

18 HEARING OFFICER WEBB: All right. Thank
19 you, sir.

20 (Witness excused.)

21 HEARING OFFICER WEBB: You may call your
22 next witness.

23 MR. HALL: Rebecca McNeil.

24 HEARING OFFICER WEBB: We'll go off the

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1 record while we're waiting.

2 (The time is 11:13 a.m.)

3 REBECCA McNEIL,

4 called as a witness, after having been first duly
5 sworn, testified as follows:

6 EXAMINATION BY

7 MR. HALL:

8 Q. Good morning, Ms. McNeil. My name is
9 Lucas Hall, I'm here on behalf of Republic
10 Services. Can you please state and spell your
11 name for the record.

12 A. Yes. My name is Rebecca McNeil.
13 R-E-B-E-C-C-A. McNeil. M-C-N-E-I-L.

14 Q. Perfect. And what is your job title?

15 A. I am the county treasurer and county
16 collector for McLean County.

17 Q. And what does that entail?

18 A. Involves governmental accounting work,
19 as well as the collection and distribution and
20 billing of property taxes.

21 Q. Okay. How long have you done that?

22 A. I have been the county treasurer since
23 2003, and employed with the office since 1999.

24 Q. Okay. So, do you recall providing any

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1 input for McLean County's discovery responses in
2 this matter?

3 A. Yes.

4 Q. Okay. And you should have Exhibit 1 in
5 front of you. There should be a document called
6 Republic Exhibit 1. It has a parcel control
7 change request at the very top. Do you see that
8 document?

9 A. Yes.

10 Q. And there should be two other pages with
11 it. Do you have those two other pages?

12 A. Yes. I do.

13 Q. Have you seen a document like this
14 before?

15 A. I have. Yes. This is on the GIS system
16 that we utilize when we are working with our tax
17 payers. We don't go out to the system very often
18 because it's not necessary with billing and
19 collection and the distribution. But yes, I am
20 familiar with it.

21 Q. Okay. So, what then does this document
22 do?

23 A. Well, this document provides a visual of
24 a parcel, which the parcel number on this document

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1 is, and I'm not going off of the written parcel
2 number, I'm going off of the typed parcel
3 2115152010. Our office would only utilize this if
4 we were talking with a tax payer and they were not
5 able to confirm their parcel number. And we
6 needed to go to a visual to see.

7 Q. Okay. So, where does the information in
8 this parcel control change request come from?

9 A. This, I do not know. I know that we go
10 to the GIS system. But how they get that
11 information and populate it, I do not know how
12 that is imported in. Or where that's imported
13 from.

14 Q. Okay. And you referenced the parcel
15 number ending in 152-010, correct?

16 A. That's correct.

17 Q. And if you flip to the second page of
18 this exhibit, and this should be the one that
19 looks like this, it has the big square around it
20 or the big outline?

21 A. I have the big outline. That was the
22 one that I have as my first document.

23 Q. Okay.

24 A. After that is the page that has -- that

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1 refers to some other numbers overlaying that.

2 Q. Okay. So, I want to look at the one
3 with the big parcel. And -- do you understand
4 this map to show parcel number 21-15-152-010?

5 A. Yes.

6 Q. Okay. And on the front page of this
7 parcel control change request, does it appear that
8 that parcel ending in 010 along with the parcel
9 ending in 018 are being split into three new
10 parcels?

11 A. No. It doesn't. This does not tell me
12 that that split is in process. This simply tells
13 me that they're two different parcels. That 018
14 is different than 010. This map.

15 Q. And page one says that those two parcels
16 are to be retired, correct?

17 A. This is not a document that would come
18 to my office. I don't know what office receives
19 such document. So, it does reference that, but
20 this is not something that we receive. This is
21 maybe received by the county supervisor of
22 assessments, but it does not come to the McLean
23 County treasurer's office.

24 Q. Okay. Does this document say for tax

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1 year 2024, payable 2025?

2 A. The document does say for tax year 2024,
3 payable 2025 on the upper right-hand corner.

4 Q. Okay. You said that you mainly deal in
5 the taxes, right?

6 A. We deal with the billing, collection and
7 distribution. We do not deal with parcel split or
8 parcel combination. So I have never received a
9 document like this in the office of the county
10 treasurer and tax collector.

11 Q. Okay. So I am going to show you the
12 document that was initially disclosed as Republic
13 Exhibit 3; is now being disclosed at Republic
14 Exhibit 13.

15 Do you recognize this document?

16 A. I do recognize this document. This is
17 our tax bill for tax year 2023 payable 2024.

18 Q. Okay. And which parcel is this document
19 for?

20 A. The parcel this document is for, is
21 2115152010.

22 Q. Okay. And what tax year is this
23 document for?

24 A. This document is for tax year 2023,

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1 payable 2024.

2 Q. Okay. So does that represent the
3 property taxes on that parcel for tax year 2023?

4 A. On which parcel? The parcel 2115152010?

5 Q. That is correct.

6 A. This tax bill represents the property
7 taxes due on parcel 2115152010.

8 Q. Okay. And that's for the entire year of
9 2023?

10 A. That is tax year 2023, payable 2024.

11 Q. Okay. And can you tell me when tax year
12 2023 is?

13 A. Tax year, in the State of Illinois taxes
14 are billed in arrears. So tax year 2023
15 encompasses the period of January 1, 2023, through
16 December 31, 2023, which is then payable in 2024.

17 Q. Okay. So, this tax bill then is showing
18 me that parcel number 21-15-152-010 received a
19 \$30,638.96 tax bill for the year starting with
20 January 1 of 2023, and ending with December 31st
21 of 2023.

22 A. That is my understanding, yes.

23 MR. HALL: At this time I would like to
24 move to have Exhibit 13 admitted into evidence.

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1 MS. CHAMBERLAIN: I don't object to the
2 content of the exhibit. This is, again, a problem
3 with the supplemental discovery because they did
4 not include this document on the supplemental
5 discovery and now are adding it.

6 HEARING OFFICER WEBB: I understand. Do
7 you want more time to look it over?

8 MS. CHAMBERLAIN: No, I don't have an
9 objection to the actual document itself. We can
10 just keep moving forward.

11 HEARING OFFICER WEBB: Okay. Then
12 Exhibit 13 is admitted.

13 CONTINUED EXAMINATION BY

14 MR. HALL:

15 Q. So I want to move on to Exhibit No. 2,
16 and you should have that up there as well. It is
17 the responses to Petitioner's interrogatories.

18 A. Okay.

19 Q. So, you are identified as providing
20 information with respect to interrogatory number
21 seven. So if you could please flip to number
22 seven. So the response to interrogatory number
23 seven reads, McLean County parcel number
24 21-15-152-010 was retired with an effective date

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1 of December 31st, 2023. Do you see that?

2 A. So, let me ask you a question, if you
3 don't mind.

4 Q. Could you please just answer mine first?

5 A. I do. I do see. But is this, was this
6 my response?

7 Q. That is what we're getting ready to get
8 into.

9 A. Okay. Thank you very much. I
10 appreciate that. I do see what you're referring
11 to.

12 Q. Have you seen this document before?

13 A. This document right here?

14 Q. Uh-huh.

15 A. No, I have not seen this document.

16 Q. Have you seen that question before?
17 Interrogatory number seven?

18 A. I do recall responding to some
19 questions. But if I could see my response, then I
20 would feel more comfortable.

21 Q. Okay. And which questions do you think
22 you responded to?

23 A. I know that there were questions about
24 the taxes that were billed, and if they were

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1 current, if they were paid. I don't recall the
2 rest of the response. If you would like to
3 provide it, I would be -- I would appreciate that.

4 Q. And that's the thing we're trying to
5 figure out, which interrogatories you provided
6 responsive information for.

7 A. Okay.

8 Q. The list I have says that you provided
9 information for interrogatories number 4 through
10 8, number 11, and number 12. And that was the
11 list that was tendered to us by McLean County.

12 A. Okay. All right. So, I would be able
13 to, yes, I would have been able to have replied
14 with, when was the first property tax bill for the
15 parcel generated.

16 Q. Okay. And can you tell me when the
17 first tax bill --

18 A. I can not tell you without looking at my
19 system. I said McLean County -- okay. So, on
20 what date was McLean County parcel 2115151021
21 first assessed for property taxes. And when was
22 the first property tax due, first property tax
23 bill for that parcel generated.

24 So, the response says that McLean County

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1 property tax number has not yet been assessed for
2 property taxes, nor has a tax bill. But this is a
3 different parcel number. The first page says on
4 what date was McLean County parcel number
5 2115151021 first assessed property taxes and when
6 was the first property tax bill for that parcel
7 generated.

8 The response includes a different parcel
9 number. McLean County parcel number 2115151022
10 has not yet been assessed for property taxes, nor
11 has a tax bill been generated for that parcel.

12 Q. Okay. So are you saying the response
13 was unresponsive to the interrogatory?

14 A. Well, I think that the next question
15 goes on to say, on what date was McLean County
16 parcel 2115151022 first assessed property taxes,
17 and when was the first property tax bill due for
18 that parcel. Then it goes on to say that McLean
19 County parcel 211515022 has not yet been assessed
20 for property taxes nor has the tax bill been
21 generated for that parcel. So those two parcels
22 match.

23 The interrogatory four, the parcel
24 number and the response, the parcel number in the

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1 interrogatory and the parcel number in the
2 response is different.

3 Q. Okay. And does your office, are they
4 typically the ones who would respond to questions
5 like this?

6 A. We would respond, I do recall receiving
7 an e-mail asking if, when were the property taxes
8 billed. We would respond on what was billed.
9 Yes.

10 Q. So, could your office determine whether
11 a parcel has been assessed for property taxes?

12 A. We would, when you say assessed, because
13 of the way in which State of Illinois operates,
14 taxes are assessed -- assessment is in arrears.
15 So, they may have been assessing something, and we
16 may be billing in a different year. That's what
17 I'm saying. So, I can certainly tell you if a
18 parcel has been billed, yes. That's my
19 responsibility.

20 Q. Okay. And if this response is saying,
21 this parcel has not yet been assessed for property
22 taxes, nor has a tax bill been generated for that
23 parcel, do you have any reason to dispute that?

24 A. No, I don't have any reason to dispute

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1 that. I believe that the e-mail that we received
2 was referring to back in August of 2023. So, if
3 something, back in August of 2023, the assessor's
4 office might have been assessing it, or the
5 township might have been assessing it. They may
6 have been working with it. But, we're not going
7 to get the data until 2024 to bill.

8 Q. Okay. And then would the tax records
9 show that the first tax bill went out January 1st
10 of 2024?

11 A. No. We don't issue tax bills January
12 1st of 2024. We issue our tax bills in late
13 April, early May, of 2024 for tax year 2023.

14 Q. Okay. So, you referenced an e-mail that
15 you received, and I think that e-mail is contained
16 within Exhibit 6. Not exhibit 6. My apologies.

17 Exhibit 3.

18 A. Okay.

19 Q. And I would just direct your attention
20 to page 26 of Exhibit 3. And the page numbers are
21 on the top right. So do you see on the top of
22 page 26 there is an e-mail from yourself to Trevor
23 Sierra?

24 A. Correct, yes.

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1 Q. Can you tell me what you said in that
2 e-mail?

3 A. The taxes for the assessment on parcels
4 2115152010 and 2115151008 are billed and paid in
5 arrears. As of August 23rd, 2023, the tax bills
6 covering the 2023 assessment that Connie has noted
7 below were not produced. Rates and bills were not
8 established until April of 2024. As of August
9 23rd, 2023, we were collecting for tax year 2022.
10 Assessment payable 2023. Copies of the tax bills
11 and payment statements for 2022 payable 2023 are
12 attached.

13 Q. Okay. So, you had mentioned an
14 assessment that Connie had noted below, and you
15 said that the tax bills were not produced,
16 correct?

17 A. The parcels that that statement
18 references are parcels 2115152010 and 2115151008.
19 The ones below -- just a second. Hold on. Yes.
20 My statement references parcels 2115151021, 022
21 and 023, which did not exist in tax year 2023.
22 Those are the ones that as of August 23rd, 2023,
23 we did not have, we did not create a bill for
24 because they were not, they had not, they did not

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1 exist.

2 Q. Okay. You said those parcels didn't
3 exist as of August 2023?

4 A. Yes.

5 Q. Okay. And it says in Connie's e-mail,
6 these three new parcels will be assessed for the
7 first time effective January 1st, 2024. Do you
8 see that?

9 A. That's correct.

10 Q. So, does that mean that these three new
11 parcels are going to come into existence on
12 January 1st of 2024?

13 A. Yes. That's what I understand. And
14 what I understand is that that tax bill for these
15 three parcels, 211515021, 022, 023, the tax bill
16 will be, they will be generated their first tax
17 bill in tax year 2024, payable 2025.

18 Q. Okay. At this time I'd like to have
19 Exhibits 2 and 3 admitted into evidence. And
20 those are the interrogatory responses and the
21 response to request for production number eight.

22 MS. CHAMBERLAIN: 3 is a large document
23 that has not been touched on completely. So I'd
24 object to that one in its entirety being admitted.

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1 MS. WILLIAMS: Additionally, neither
2 witness has testified that they have knowledge,
3 sufficient knowledge, of this document. This
4 document does not come from Mr. Bounds or Miss
5 McNeil's office, and they have both testified that
6 they don't have much knowledge of this document at
7 all.

8 MR. HALL: Which document?

9 MS. WILLIAMS Exhibit 3.

10 MR. HALL: And if I could just make a
11 new motion, I would just like to have page number
12 26 of Republic Exhibit 3 admitted into evidence.
13 That's the e-mail from Rebecca McNeil to Trevor
14 Sierra.

15 HEARING OFFICER WEBB: That narrows it
16 down quite a bit. Any objection to that? So,
17 Exhibit 3 would only be this one page?

18 MR. HALL: Yeah, if we could call it
19 Exhibit 3-26.

20 MS. WILLIAMS: That's not the entirety
21 of the e-mail. So, I would object to that.

22 MR. HALL: Okay. 3-26 through 29.

23 HEARING OFFICER WEBB: Does that resolve
24 that issue? I mean, so you're not moving to admit

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1 the Exhibit 3 except for --

2 MR. HALL: Just this e-mail we heard
3 about.

4 MS. CHAMBERLAIN: What are we calling
5 this?

6 HEARING OFFICER WEBB: What are we
7 calling it?

8 MR. HALL: If 3A works, we can call it
9 3A. Or we can call it 3-26 through 29, whatever
10 is best for everybody.

11 HEARING OFFICER WEBB: Okay. Petitioner
12 puts on Exhibit 3 pages RFP 826 through 829. I
13 will call it 3A. That might be an easy way to
14 shorthand it. Okay. Exhibit 3A is admitted.

15 MR. HALL: Ms. McNeil, I don't have any
16 further questions. Thank you.

17 CROSS EXAMINATION BY

18 MS. WILLIAMS

19 Q. Miss McNeil, do you still have page 26
20 in front of you, or could you turn to it?

21 A. I do have that in front of me.

22 Q. Okay. Do you see that first line where
23 you responded? Do you see that you perhaps made
24 just a typo that I'd just like to clarify in that

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1 second number, 2115151008. Do you see below an
2 e-mail from Connie where it was 018?

3 A. Yes, ma'am. I do. And I agree.

4 Q. Okay. What system do you use to look up
5 tax bills and tax information in your office?

6 A. We use our Devnet system. We are
7 typically working in a -- we work on usually in a
8 different tax year than the assessor works in.
9 Because of the fact that taxes are billed in
10 arrears, we are typically working in, like right
11 now we're working tax year '23, payable '24. When
12 splits are going on, that's not something that we
13 are usually involved in or even aware of until we
14 are billing for a parcel.

15 Q. So, you use the word parcel; what is the
16 purpose or the difference of using the word PIN?
17 Is that different to you? Could you explain that?

18 A. Um, PIN stands for parcel identification
19 number. So, when I'm referring to a PIN or a
20 parcel or a parcel number, they are all three the
21 same thing.

22 Q. Okay. When a tax bill is generated,
23 what information is used or needed to do so?

24 A. When a tax bill is generated, we require

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1 the assessment, and that would be for example in
2 2024, when our bill in 2024 generated, we were
3 given the tax year 2023 assessment. We would be
4 given the exemptions information the parcel is
5 entitled to. We would be given the taxable
6 assessment. And then we would also be given the
7 tax rates. We would use all of that data to
8 generate the property tax bill. We are not
9 physically given that information. It flows
10 through our system since all three offices operate
11 on the same property tax ware system called
12 Devnet.

13 Q. And then who would the tax bill then be
14 sent to?

15 A. The tax bill would be sent to the most
16 current updated address that we have on record for
17 the parcel as the billing address. Our parcels
18 have a section which we're able to delineate if a
19 tax bill is to go to a mortgage company, if a tax
20 bill is to go to an owner. And so we will send
21 the -- we will direct the tax bill to the tax bill
22 mailing address.

23 Q. Is that always just one address or could
24 there be multiple?

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1 A. That is one address.

2 Q. Okay. If there has not been a tax bill
3 that's been generated, does that mean that the
4 parcel does not exist?

5 A. No. That does not mean that the parcel
6 does not exist. The parcel may exist, and the
7 information is still on its -- for example, the
8 parcel, it would probably exist in the assessor
9 system. But, it may just not be billable yet,
10 since taxes are billed in arrears. The taxes that
11 we bill in 2024, those are parcels that the
12 assessor's office would be putting into their
13 system and assessing in 2023.

14 And also, your question was if a bill
15 was not generated could the parcel still exist.
16 There are some parcels that are not taxable. So,
17 for example a parcel that's exempt, when it comes
18 over to us, 2023 payable 2024, if the parcel is
19 exempt, then we would not generate a bill for it.

20 Q. Okay. Because taxes are billed in
21 arrears, if there's a new parcel that's generated,
22 it could be almost a year before that is reflected
23 in your system, is that correct?

24 A. That is correct. It could be almost a

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1 year before we generate the tax bill.

2 Q. Okay. At this time I will pass it over
3 to co-counsel.

4 CROSS EXAMINATION BY

5 MS. CHAMBERLAIN:

6 Q. Ms. McNeil, my name is Sara Chamberlain,
7 I represent Lakeshore Recycling Systems. I just
8 have a couple questions for you.

9 Earlier you mentioned the term splits.
10 Can you explain what you meant by a split?

11 A. Okay. The terminology split in
12 combination. First of all, we as the individual,
13 the office that handles billing, collection and
14 distribution, we do not handle splits. It is not
15 our responsibility. That is a function, that's a
16 process that's handled in the supervisor of
17 assessments office.

18 So, when a parcel comes in to my office,
19 when we get ready to bill, we are billing based
20 off of what's been certified to us for our tax
21 year 2023 payable 2024 or vice-versa. Whatever.

22 But, I mean, a split and a combination,
23 that is something that's handled in the supervisor
24 of assessments office. We do not receive

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1 documentation regarding those splits or
2 combinations. We are not involved in them. We
3 are able to look back and see the genealogy of a
4 parcel, that it was part of a split or it was part
5 of a combination. But, we are not responsible for
6 the action that took place.

7 Q. So, is the supervisor of assessments
8 office the ones that they actually assign the
9 PINS?

10 A. That is correct. It's my understanding
11 that they assign them, and also obviously I think
12 the township assessor are also involved in
13 reporting those values to them.

14 So, I should go on record and say I
15 don't know specifically who does assign the PIN.
16 I believe it is the supervisor of assessments
17 office because the entry when they're doing that
18 entry.

19 Q. So as far as the time frame of actually
20 billing, if you have a split of -- a split of a
21 property into two separate PIN numbers, you would
22 not receive -- you would not bill them until the
23 next year, right?

24 A. It could be -- yes, it could be the next

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1 year. Or it could be the following year. It
2 depends on when that new parcel is created. And
3 if a value, a taxable value is placed on it.

4 Q. That's a function of Illinois law too,
5 right? As far as the subdivision of the property,
6 when it's actually billed for the first time, is
7 that correct?

8 MR. HALL: Objection, that calls for a
9 legal conclusion.

10 Q. I think within her knowledge she can
11 testify as to whether she knows whether or not
12 Illinois law governs that. If she doesn't know,
13 she doesn't know.

14 HEARING OFFICER WEBB: You can answer
15 that.

16 A. All I can tell you is that when the
17 supervisor of assessments office provides me with
18 a parcel number, that has an assessed value,
19 that's the year that we're going to bill for, that
20 tax year. That's what we're going to bill for.
21 As far as the effective date, that is not -- that
22 is not my realm of expertise.

23 Q. So you're just telling us exclusive with
24 when the taxes are billed for a property?

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1 A. That is correct.

2 Q. I don't have anything further.

3 MR. HALL: We don't have anything
4 further either. Thank you.

5 (Witness excused.)

6 HEARING OFFICER WEBB: Let's go off the
7 record.

8 (At this point there was an off the
9 record discussion.)

10 (The time is 11:49 a.m.)

11 (The time is 12:02 p.m.)

12 HEARING OFFICER WEBB: Back on the
13 record. Before we start with our next witness, I
14 want to address Republic Exhibit 2 was moved to be
15 admitted and I did not rule on it. Do you want to
16 record an objection before I rule on it? I don't
17 recall if you did. I apologize.

18 MS. CHAMBERLAIN: No.

19 HEARING OFFICER WEBB: Then Republic
20 Exhibit 2 is admitted. Please call your next
21 witness.

22

23

24

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1 JOSHUA SCHUSTER,
2 called as a witness, after having been first duly
3 sworn, testified as follows:

4 EXAMINATION BY

5 MR. HALL:

6 Q. Good afternoon, Mr. Schuster. My name
7 is Lucas Hall and I'm here on behalf of Republic
8 Services. Could you please start out by stating
9 and spelling your name for the record?

10 A. Sure. My name is Joshua Schuster.
11 J-O-S-H-U-A. S-C-H-U-S-T-E-R.

12 Q. What is your job title, Mr. Schuster?

13 A. I am the GIS specialist for the McLean
14 County Supervisor of Assessments office.

15 Q. And what does the GIS specialist for the
16 McLean County Supervisor of Assessments office do?

17 A. I typically handle the parcel control
18 change request mapping changes.

19 Q. So, I would like to refer you to Exhibit
20 No. 1. I believe you have that in front of you,
21 at the top it says, "parcel control change
22 request".

23 A. Yes, sir.

24 Q. Do you see that document?

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1 A. Yes.

2 Q. And are you familiar with documents like
3 this?

4 A. Yes.

5 Q. Okay. And what is a parcel control
6 change request?

7 A. It is our office's internal way of
8 tracking when we create changes in parcels.

9 Q. Okay. So, if I see at the top where it
10 says type, combination/division. What does that
11 mean?

12 A. A combination is when two parcels are
13 combined. And a division is when, or a parcel is
14 split. A combination can be more than one or two
15 parcels. A division has to be at least one parcel
16 that is split. If it is a combination/division,
17 it means that some parcels are combined and some
18 are split.

19 Q. Okay. And just for to the right of
20 combination/division, it says date received. Do
21 you see that?

22 A. Yes.

23 Q. What is the date this document was
24 received?

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1 A. August 17th, 2023.

2 Q. And who do you think would have received
3 that?

4 A. Shaun Harner as indicated by the
5 completion by SH.

6 Q. Is Mr. Harner within your office?

7 A. Miss Harner does work within our office.

8 Q. And it looks like Miss Harner received
9 it on August 17th of 2023?

10 A. That is when this parcel change or
11 parcel control change request was completed, at
12 least the initial document.

13 Q. And what does, "document completed"
14 mean?

15 A. It means that everything that is not
16 filled out by -- as is written? That is what's
17 completed. So typically all of the written
18 aspects of the form; the typed documents.

19 Q. And what typed documents?

20 A. Everything that you see before Republic
21 Exhibit 1, all of the typed aspects of it are what
22 was completed when it was completed.

23 Q. Okay. So then underneath parcel control
24 completed by, it says mapped by JS. Is that you?

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1 A. Yes.

2 Q. Okay. And does that mean that you
3 mapped this parcel control change on August 21 of
4 2023?

5 A. Yes.

6 Q. What does mapping it mean?

7 A. We have a system called ArcGIS Pro. It
8 is administered by ESRI. It allows us to make
9 geospatial interpretations of a legal description
10 that is provided to us by a deed reference.

11 Q. And that was completed in this instance
12 on August 21 of 2023 by yourself?

13 A. Yes.

14 Q. And then below that I see something that
15 says, "Devnet entry completed by". Do you see
16 that?

17 A. Yes.

18 Q. Who completed that Devnet entry, do you
19 know?

20 A. It is my understanding that that is Mary
21 within our office.

22 Q. And when did Mary complete that Devnet
23 entry?

24 A. Based off of the exhibit provided before

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1 me, it would appear January 18th of 2024.

2 Q. Okay. And what is Devnet?

3 A. Devnet is our internal system that we
4 use to track parcels, including tax information.
5 It's used within the treasurer office, the
6 assessor office, as well as the clerk's office.

7 Q. Okay. So, does this document then show
8 me that Devnet would not have reflected this
9 parcel control change until January 18th of 2024?

10 A. Yes.

11 Q. Okay. And then what's "scanned by"
12 mean?

13 A. Scanned by is when it is digitally
14 entered. So, we keep a digital record of this
15 application.

16 Q. Okay. So getting into the substance of
17 this parcel control change request, can you tell
18 me based on this document which parcels are being
19 retired?

20 A. It would, from my understanding, be the
21 ones mentioned under retired parcels.

22 Q. Okay. Those are the parcels ending in
23 018 and 010?

24 A. I believe so.

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1 Q. Okay. And what is the listed acreage on
2 the parcel ending in 010?

3 A. 31.7 as documented by this exhibit.

4 Q. Okay. And do you know where that
5 information would have come from?

6 A. Typically within the Devnet system of
7 the prior entry.

8 Q. Okay. So, this would have been a prior
9 entry for that parcel ending in 010 that you
10 pulled the acreage from for this document?

11 A. Yes.

12 Q. Okay. So, it looks like there are three
13 new parcels being created. Does that sound
14 accurate?

15 A. Yes.

16 Q. And those parcels end in 021, 022 and
17 023?

18 A. Yes.

19 Q. Okay. Now, if you look at the map on
20 page two of Exhibit 1, does it appear to be a GIS
21 map?

22 A. What do you mean by GIS map?

23 Q. Does it appear to be one of the maps
24 that you would see in your McLean County GIS

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1 system?

2 A. This is a map that utilizes GIS. But it
3 is not a map that I created.

4 Q. Okay. And when you say it utilizes GIS,
5 what do you mean there?

6 A. There is a website at the very top it is
7 mentioned, the McLean County GIS consortium. That
8 website provides this map in which I believe Shaun
9 Harner takes a map of, or takes a representation
10 of the area, and then maps out the related parcel
11 in a darker ink.

12 Q. So, then Shaun Harner would have drawn
13 that outline around parcel number 2115152010 and
14 also parcel 018?

15 A. The darker part, yes.

16 Q. Is that a yes?

17 A. The darker outline, yes.

18 Q. And then did he also outline the parcel
19 ending in 018 towards the west end of that parcel?

20 A. The darker outline, yes.

21 Q. Okay. So, does that mean that those two
22 parcels he outlined on page two were the parcels
23 that were going to be retired?

24 A. Yes. That would be my interpretation.

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1 Q. Okay. And then if we look at page
2 three, is that again Shaun Harner outlining the
3 new parcels?

4 A. Yes.

5 Q. Okay.

6 A. You can see it is dated before and
7 after, although I believe that part is cut off at
8 the very top left.

9 Q. Okay. So, at the top left, it should
10 say "after" on page three and "before" on page
11 two?

12 A. Yes.

13 Q. Okay. And you said that this was mapped
14 on August 21 of 2023, right? By yourself?

15 A. We created the digital representation of
16 the "after" on August 21st, yes.

17 Q. And then it was ultimately entered into
18 Devnet on January 18th of 2024?

19 A. Is how I believe.

20 Q. Okay. And then when it says for tax
21 year 2024, payable 2025, what does that mean?

22 A. We operate at a county level on
23 different tax years. So each tax year we pay in
24 arrear. So, right now in 2024, people that are

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1 paying their tax bill presently pay in 2023. So
2 when we say that the tax bill is for 2024 and
3 payable 2025, we mean that this is applicable, all
4 of the finalized new parcels here are applicable
5 in 2024, paid for in 2025.

6 Q. Okay. So, then would it be safe to say
7 that the new parcels would not have gotten a tax
8 bill for 2023 payable 2024?

9 A. Yes.

10 Q. Would the old parcels have gotten such a
11 tax bill?

12 A. It is possible.

13 Q. It is possible? Okay. Why do you say
14 it's possible, but not definite?

15 A. The retired parcels I do not know the
16 history; if they existed in 2023 but were changed
17 again, they might not have generated a tax bill.

18 Q. At this time I'd like to have Exhibit 1
19 admitted into evidence.

20 MS. CHAMBERLAIN: I don't have an
21 objection.

22 HEARING OFFICER WEBB: Exhibit 1 is
23 admitted.

24 Q. Mr. Schuster, I'm going to give you

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1 documents that we have labeled Republic Exhibit
2 No. 9 and Republic Exhibit No. 10.

3 Have you had the opportunity to look at
4 Republic Exhibit No. 9?

5 A. Yes.

6 Q. And I want you to compare that to page
7 two of Republic Exhibit 1. So, in looking at
8 Republic Exhibit 9, what do you recognize that to
9 be?

10 A. Could you elaborate?

11 Q. Yes. What does Exhibit 9 show in -- is
12 Exhibit No. 9 a record from your office?

13 A. No.

14 Q. And is Exhibit No. 9 a map?

15 A. Yes.

16 Q. And is there kind of a dashed line
17 around a polygon shaped parcel in that map?

18 A. Yes.

19 Q. And that dashed line, does that appear
20 to be the border of the parcel 010 that we
21 identified on page two of Republic's Exhibit No.
22 1?

23 A. It does not appear to reflect our
24 internal mapping.

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1 Q. And what do you mean by that?

2 A. There appear to be differences between
3 your dashed line as provided by this page of
4 Exhibit 9, and page two of Exhibit 1 of that
5 parcel outline.

6 Q. And is the difference on the southwest
7 corner of the parcel?

8 A. There are multiple differences, but that
9 is one.

10 Q. Okay. What's another difference?

11 A. The northwest corner there.

12 Q. Okay. Other than those two differences,
13 does that appear to be parcel 010?

14 A. In terms of the differences, I'm not
15 quite sure.

16 Q. So geographically speaking are these
17 maps looking at the same thing?

18 A. They're looking at the same area of
19 geography.

20 Q. Okay.

21 A. At least to what appears to be so.

22 Q. And it appears as though on Exhibit 9
23 there is a rectangle within that larger parcel.
24 Do you see that?

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1 A. I do.

2 Q. And then there's a circular shape around
3 that rectangle called a one thousand foot setback
4 line. Do you see that?

5 A. I do.

6 Q. Do you have any reason to dispute the
7 one thousand foot setback?

8 A. Could you clarify?

9 Q. Do you think that the boundaries of that
10 rectangle are one thousand feet in any direction
11 from that one thousand foot setback line that
12 encircles the rectangle?

13 A. It's possible.

14 Q. It's possible? How would you know how
15 far it is from that rectangle to one thousand feet
16 in any direction?

17 A. I could use the scale that's provided,
18 or I could use a similar scale on-line.

19 Q. Okay. And how would you go about using
20 the scale that was provided?

21 A. I would have to probably get a ruler.

22 Q. Get a ruler? I won't make you do that.
23 But, assuming that that one thousand foot setback
24 line is accurate, I want to draw your attention to

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1 the westernmost portion of that big dashed parcel.
2 And I'm looking kind of in the center of the map
3 here. Right on the western side of Exhibit 9 in
4 the center?

5 A. Okay.

6 Q. Assuming the one thousand foot setback
7 line is correct?

8 MS. CHAMBERLAIN: Can you point where
9 you're pointing to?

10 Q. Sorry, I'm just pointing right there.
11 For the record, I'm just pointing towards the
12 western border of this parcel in the middle of the
13 page of Exhibit 9.

14 Assuming that one thousand foot setback
15 line scale is correct, can you approximate how far
16 it is from the westernmost portion of that parcel
17 to Bunn Street?

18 A. Where is Bunn Street?

19 Q. Bunn Street would be the roadway that is
20 on the west side of that one thousand foot setback
21 line heading north and south?

22 A. You want me to approximate the distance
23 between the solid circle and the street?

24 Q. I want you to approximate the distance

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1 between the solid circle and the dashed line
2 immediately to the right of it? Again, that's on
3 the center?

4 A. Based off of the scale provided, it
5 could be anywhere from 20 to 50 feet.

6 Q. 20 to 50 feet?

7 A. Possibly.

8 Q. Okay. Could it in any event be greater
9 than 500 feet?

10 A. It does not appear likely.

11 Q. Okay. Does it appear that it could be
12 greater than 250 feet?

13 A. It does not appear likely.

14 Q. Okay. So, approximately 50 feet?

15 A. Somewhere abouts.

16 Q. Okay. And then again looking at
17 Republic's Exhibit No. 10, page two of that
18 document, it should be in color. And it should
19 look similar, but instead of being a satellite
20 image it's just a map image. Do you see that?

21 A. I do.

22 Q. And it's very small in the middle there,
23 but do you see the parcel number immediately to
24 the west of the proposed facility site?

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1 A. Which parcel?

2 Q. So, you see the green rectangle that
3 says, proposed facility site?

4 A. Yes.

5 Q. And then immediately to the left of
6 that, there's some very small numbers that say
7 2115152010?

8 A. I do see that.

9 Q. Do you see that? And does that appear
10 like the map on page two of Exhibit 1? That
11 parcel?

12 A. These two look familiar, yes. Similar.

13 Q. Okay. So, again, would you approximate
14 that distance from the westernmost portion of that
15 parcel to be about 50 feet from Bunn street?

16 A. Could be whereabouts there.

17 Q. Could be whereabouts? But less than
18 250?

19 A. Yes.

20 Q. And that is the same parcel that was
21 divided as referenced in Exhibit 1, correct?

22 A. It would appear so.

23 Q. Okay. And that division was, again,
24 effective for tax year 2024, payable 2025,

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1 correct?

2 A. Yes.

3 Q. At this time I'd like to move to admit
4 Exhibits 9 and 10 into evidence.

5 MS. CHAMBERLAIN: We're definitely going
6 to object to Exhibit 10. It's dated 2019. He
7 hasn't said that he confirms any of the
8 information on this document. He didn't prepare
9 it. He hadn't seen it before today. It doesn't
10 accurately even represent the proposed facility
11 site as it currently was in the application.

12 HEARING OFFICER WEBB: I have to ask,
13 compared to 9 and -- wait, are you talking about
14 this page or this page?

15 MS. CHAMBERLAIN: I'm talking about this
16 page. Both of them are different dates. We're
17 not talking about the same dates even. But as far
18 as the facility site, the second page is
19 different.

20 HEARING OFFICER WEBB: Which one is dated
21 2019?

22 MS. CHAMBERLAIN: So, on the first page
23 it's dated 2019.

24 HEARING OFFICER WEBB: This is the first

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1 page, okay. Sorry.

2 MS. CHAMBERLAIN: The second page it is
3 dated 2020. This was not from the same
4 application, this document. He said he didn't
5 prepare it. He's never seen it before. There's
6 not adequate foundation to admit this document.

7 HEARING OFFICER WEBB: Yeah; well, I have
8 to say maybe you can address it. I don't really
9 even understand this document. This page.

10 MR. HALL: That is just showing the
11 zoning of the area. And we included it because it
12 was part of the same PDF document. We're not
13 referencing that.

14 MS. CHAMBERLAIN: In 2019.

15 MR. HALL: This was a document that was
16 submitted by Henson Recycling the first time they
17 submitted their application.

18 MS. CHAMBERLAIN: Not for the current
19 application --

20 MS. STOTTS: -- at issue in this case.

21 HEARING OFFICER WEBB: And this page is
22 also out of date.

23 MS. CHAMBERLAIN: Right, that's from
24 like a previous application that was filed --

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1 MR. HALL: That one is dated July 17th
2 of 2020.

3 MS. STOTTS: But again, it's not the
4 application.

5 HEARING OFFICER WEBB: What about Exhibit
6 9?

7 MS. CHAMBERLAIN: I don't have an
8 objection to Exhibit 9. That's in the record
9 already actually.

10 HEARING OFFICER WEBB: Okay. Exhibit 9
11 is already in the record. Why do you need these
12 two pages?

13 MR. HALL: We would just like the second
14 page.

15 MS. CHAMBERLAIN: Again, that's from a
16 different application, the proposed facility site
17 is not accurately represented as it is in the
18 application.

19 HEARING OFFICER WEBB: I mean, you
20 already have the picture. What does this show
21 that this doesn't?

22 MR. HALL: All that shows is the same
23 thing with the parcel number on it. And we're
24 trying to establish that the westernmost border of

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1 that parcel ending in 010 was less than 250 feet
2 from Bunn Street. Now, there wasn't a parcel
3 number on the first exhibit. And we can't pull a
4 GIS map from 2023 because we just don't have
5 access to that. We requested all documents
6 referred to in responding to the interrogatories,
7 but it didn't appear that the GIS map from 2023
8 was --

9 HEARING OFFICER WEBB: So this one just
10 has the parcel number on it?

11 MR. HALL: Yes it does.

12 MS. CHAMBERLAIN: It doesn't have the
13 parcel number. It has the proposed facility site,
14 which is not accurate.

15 MR. HALL: We're not referencing the
16 proposed facility site. We are just referencing
17 the distance between the westernmost portion of
18 that parcel and Bunn Street.

19 MS. STOTTS: The fact that they're using
20 a map that doesn't reflect our actual site is --
21 surely there's a different way to do that.

22 HEARING OFFICER WEBB: Can we just
23 reference the parcel numbers in here? I mean, why
24 do we need to use an old --

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1 BY MR. HALL:

2 Q. Yeah; Mr. Schuster, are you comfortable
3 saying that the parcel identified on Republic's
4 Exhibit 9 is parcel number 21-15152010?

5 A. It is inaccurate. It is inaccurate.
6 But I can see that there are aspects of 010 within
7 this parcel boundary.

8 Q. Okay. And those inaccuracies, would
9 those be the ones that we discussed about five
10 minutes ago?

11 A. Yes.

12 Q. Okay. And those inaccuracies did not
13 change the western border that I was pointing to
14 in the middle of that parcel, correct?

15 A. At least in our prior discussions.

16 Q. Okay.

17 HEARING OFFICER WEBB: Okay. Well, did
18 you have anything to say?

19 MR. HALL: We were just going to ask for
20 a ruling on Exhibit 9.

21 HEARING OFFICER WEBB: Exhibit 9, there
22 was no objection to that, right? Exhibit 9 is
23 admitted. Exhibit 10 I'm just worried is going to
24 be confusing to the board. I can take it as an

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1 offer of proof if you want, but if it's not an
2 accurate representation and it's old, I'm not
3 inclined to admit it.

4 MR. HALL: We would be willing to just
5 scribble out "proposed facility site" if you're
6 inclined to admit it that way, but otherwise it's
7 fine if it doesn't.

8 MS. CHAMBERLAIN: I mean, the whole
9 thing is part of a different application.

10 HEARING OFFICER WEBB: I get it. No,
11 let's just stick -- I will admit Exhibit 9 and not
12 Exhibit 10. I just don't want to confuse the
13 issue.

14 MR. HALL: We were just trying to make
15 it clear for the record that Exhibit 9 is that
16 parcel that we've been talking about.

17 HEARING OFFICER WEBB: Yeah, okay.

18 BY MR. HALL:

19 Q. Okay. Mr. Schuster, I'd like to refer
20 you to Exhibit No. 2. And that is McLean County's
21 responses to Republic's interrogatories. And
22 specifically, I would like to refer you to
23 interrogatory number 11. That's going to be on
24 the last page of Exhibit 2.

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1 A. Okay.

2 Q. So, did you provide input for response
3 number 11?

4 A. Yes.

5 Q. And how did you determine what the three
6 nearest properties to the site would be?

7 A. I used a measurement tool that allows
8 you to track between the distance of property
9 boundaries or parcel boundaries to the nearest
10 apparent structures.

11 Q. And when you found those nearest
12 apparent structures, how did you determine their
13 addresses?

14 A. That is a tool you can use on the same
15 website.

16 Q. Okay. And you concluded that 1324, 1326
17 and 1328 13th Street in Bloomington, Illinois,
18 were the three nearest properties to the site?

19 A. Yes.

20 Q. Okay. I don't have any further
21 questions.

22 HEARING OFFICER WEBB: Any cross?

23 CROSS EXAMINATION BY

24 MS. WILLIAMS

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1 Q. Mr. Schuster, could you please explain
2 the difference between the GIS system that you use
3 and MCGIS?

4 A. Sure. So, I operate on a separate
5 program than MCGIS, as MCGIS is a display of all
6 of the parcels which are created in this back end
7 program, our GIS Pro. It is a program
8 administered by ESRI. MCGIS is a consortium. The
9 website MCGIS.org is a public facing website that
10 displays these features and shape files that we
11 create in our GIS Pro for this website.

12 Q. Are you familiar with MCGIS? Have you
13 used it?

14 A. Yes, I am familiar with it.

15 Q. Are you aware of the feature where you
16 can change the years and see previous years?

17 A. Previous years of --

18 Q. Of the data? You can change the photos
19 so that you can see previous aerial photos? You
20 can see how the zoning used to look in previous
21 years? Things like that?

22 A. I am privy to the aerial photography
23 years. I was unaware that you could see previous
24 zoning years.

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1 Q. Okay. I'm at least for sure of the
2 photos. I guess I'm not sure if I've used the
3 other features, but I absolutely used the previous
4 aerial photos. But you're aware of at least the
5 aerial photos. Okay.

6 And anyone can use that? They don't
7 have to be here in the county? It's public
8 facing?

9 A. Yes, it's completely open to all members
10 of the public that have an internet service within
11 the United States as I know.

12 Q. Okay. When you answered interrogatory
13 11, which begins in Exhibit 2, did Mr. Sierra
14 provide you with any context to the question? Or
15 did he just provide you the question itself?

16 A. The question as posed in the record
17 appears to be what it was in the e-mail.

18 Q. Okay.

19 A. Which would be lacking some specifics,
20 yes.

21 Q. Okay. Did he then follow-up later with
22 another question and maybe some more context?

23 A. Yes.

24 Q. Did your answer then change?

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1 A. Yes.

2 Q. Do you recall how your answer changed?

3 A. I believe the answer changed from 324,
4 1324, 1326, 1328, to the teens of the 13th block.

5 Q. As in, 1324 changed to 1314?

6 A. Somewhere abouts there.

7 Q. Do you recall how you determined your
8 answers and how you determined that your answers
9 changed?

10 A. Well, it appeared in the prior answer I
11 had measured from the parcel boundary of
12 2115152010, or -- yeah, 010. And I instead then
13 measured it from the proposed site, which would
14 have been 022 of 151.

15 Q. Okay. This may be a little bit of a
16 silly question, but just for clarity in the
17 record; Shaun Harner is a woman, correct?

18 A. Yes.

19 Q. Okay. At this time I'll pass on to my
20 co-counsel.

21 EXAMINATION BY

22 MS. CHAMBERLAIN:

23 Q. Mr. Schuster, my name is Sara
24 Chamberlain and I represent LRS. And I have some

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1 questions for you about the GIS mapping that you
2 did and some of the exhibits that we've discussed
3 today.

4 So, first, a little bit about when you
5 were answering interrogatory number 11, which we
6 were just talking about, you mentioned that you
7 had a lack of context. What was the lack of
8 context that you were talking about?

9 A. It was not clear when referred to, first
10 of all, what he meant by properties. So, I
11 provided a longer answer, in which I referred to
12 all of the parcels within the zone as well as all
13 of the properties. Both were given the parcel ID
14 number of the property. And both were given the
15 address located within our data base, as well as
16 it was unclear from which area the proposed site
17 plan was.

18 Q. Had you seen a copy of the application
19 for siting approval?

20 A. No.

21 Q. So when you answered the question, did
22 you actually know specific location where LRS was
23 proposing to put the waste transfer facility?

24 A. No.

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1 Q. Did you actually at some point attempt
2 to measure the distance between the parcel
3 identified as 2115151-022?

4 A. Yes.

5 Q. The distance from there to the closest
6 parcel zoned primarily for residential use?

7 A. Yes.

8 Q. And was that lot, 2115151-022, located
9 more than 250 feet from the nearest residential
10 zoned property?

11 A. Yes.

12 Q. Was it located more than 400 feet from
13 the nearest residentially zoned property?

14 A. Yes.

15 Q. Was it at least, was it located at least
16 a thousand feet from the nearest residentially
17 zoned property?

18 A. It would have been around a thousand
19 feet.

20 Q. Okay. And the measurements that you
21 did, you did those using the GIS system, right?

22 A. Yes.

23 Q. So, like as between, there's another way
24 to do that, which would be field survey work,

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1 which would actually determine the distance, is
2 that correct?

3 A. Yes.

4 Q. As between a field survey and
5 calculations that are done in the GIS system,
6 which would be more accurate?

7 A. A field survey.

8 Q. I want to talk to you a little bit about
9 the parcel control change request form, which is
10 Exhibit 1. I think you said earlier that this is
11 a document you used to make changes to the way
12 that parcels are identified. Did I describe that
13 correctly?

14 A. Yes.

15 Q. Okay.

16 A. Generally.

17 Q. Okay. Are you familiar with the use of
18 PIN numbers?

19 A. In what way?

20 Q. What do you understand that the primary
21 purpose of a PIN number is?

22 A. To create a unique identifier for a
23 parcel.

24 Q. Is that unique identifier typically used

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1 for tax purposes?

2 A. Yes.

3 Q. Is the way that a property is described,
4 so you mentioned earlier that one way to divide a
5 property is through the use of a deed. Is that
6 correct?

7 A. Yes.

8 Q. The deed is not actually the only way to
9 identify changes in properties, is that right?

10 A. Yes.

11 Q. So you could have like a subdivision or
12 some other document that could document a change
13 in the property lines?

14 A. Absolutely.

15 Q. And the way that a property is actually
16 described on a deed, that may not actually
17 correspond to the assigned PIN numbers, is that
18 right?

19 So I guess to ask another way, so a deed
20 could have -- there could be multiple different
21 PIN numbers that you might have one deed, but
22 there could be multiple different PIN numbers that
23 relate to that same deed, is that right?

24 A. Yes.

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1 Q. Specific to this actual document, at the
2 time that you -- sorry, we're talking about
3 Republic Exhibit 1. At the time that you received
4 this document, was all the typewritten document,
5 the printed font, that was all in there at the
6 time you received it?

7 A. Yes.

8 Q. So, at that time under, do you see the
9 part where it says, "new parcels"?

10 A. Yes.

11 Q. So at that time those numbers had
12 already been assigned by someone else, is that
13 right?

14 A. Correct.

15 Q. And for instance, 21-15-151-022, that
16 was designated as lot one?

17 A. Yes.

18 Q. And then the next one, 2115-151-023,
19 that was designated as lot two?

20 A. Yes.

21 Q. And that lot one that's designated,
22 that's designated as 3.09 acres, right?

23 A. It would appear to be.

24 Q. Someone else added that information

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1 about the acreage, right?

2 A. I added the acreage.

3 Q. So that is your handwriting there?

4 A. Yes.

5 Q. And was that acreage determined based on
6 using the GIS system?

7 A. That acreage is a determination of
8 deeded acreage, which could be measured through
9 GIS systems. Or it could be measured through
10 division of prior acreage as given by deed work.

11 Q. As far as you doing the actual mapping
12 work, were you able to actually map these
13 individual new parcels based on the legal
14 descriptions that were provided?

15 A. Yes.

16 Q. So they provided you enough information
17 to be able to map them out on the GIS system?

18 A. Yes.

19 Q. And this legal description, did it
20 provide you enough information to specifically
21 determine the lines and the boundaries that are
22 depicted on the second page, that second map
23 there?

24 A. The second map was not drawn by me.

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1 Q. Okay. Sorry, who did draw that map?

2 A. Shaun Harner.

3 Q. I don't have any further questions.

4 MR. HALL: We have nothing further
5 either.

6 HEARING OFFICER WEBB: All right. Thank
7 you so much.

8 (Witness excused.)

9 HEARING OFFICER WEBB: Off the record.

10 (The time is 12:41 p.m.)

11 (The time is 1:44 p.m.)

12 HEARING OFFICER WEBB: Back on the
13 record. We are back from lunch and we are waiting
14 for petitioner to call their next witness.

15 MS. MEYER: We're going to call Susan
16 Schafer.

17 SUSAN SCHAFER,
18 called as a witness, after having been first duly
19 sworn, testified as follows:

20 EXAMINATION BY

21 MS. MEYER:

22 Q. Good afternoon. My name is Claire Meyer
23 on behalf of Republic Services. Can you please
24 state and spell your name for the record.

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1 A. Susan Schafer. S-C-H-A-F-E-R.

2 Q. And you're a member of the McLean County
3 Board, is that correct?

4 A. Correct.

5 Q. And were you a member from December to
6 February of this year?

7 A. Yes.

8 Q. 2023 and 2024?

9 A. Yes.

10 Q. And how long have you been a member of
11 the board?

12 A. December of 2010.

13 Q. And what do your duties related to that
14 role entail?

15 A. I'm chair of the health committee. And
16 I'm also on the justice committee and the
17 executive committee.

18 Q. And were you present at the public
19 hearing held on the application for the siting for
20 approval of the LRS facility that was held on the
21 29th and 30th of November of 2023?

22 A. Yes.

23 Q. Were you present on both of those days?

24 A. Yes.

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1 Q. And do you recall on the 30th, which was
2 the second day, people being called up to speak at
3 the end that were no longer present at the
4 hearing?

5 A. Yes.

6 Q. And was that because they had signed up
7 on the first day and then just couldn't make it,
8 or they weren't there on the second day?

9 A. Yes. I believe that's -- a lot of
10 people signed up on the first day.

11 Q. And then were very many people still
12 there on the second day?

13 A. No.

14 Q. So, now jumping ahead, do you recall if
15 the, I know you said you weren't a part of the
16 pollution control hearing committee; is that
17 correct?

18 A. Correct.

19 Q. But, do you know if they had met on
20 January 29th?

21 A. Yes.

22 Q. Of 2024, correct?

23 A. Correct.

24 MS. STOTTS: I'm having a little bit of

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1 hard time hearing you, if you could speak up a
2 little bit.

3 Q. And do you recall if public comment was
4 allowed at that meeting?

5 A. I do not know. I was not there.

6 Q. Okay.

7 MS. STOTTS: Which meeting were you
8 referring to?

9 Q. I was referring to the January 29th
10 meeting of the pollution control hearing
11 committee. But you do believe that they discussed
12 the LRS siting application?

13 A. Yes.

14 Q. Now, moving ahead to February 15th. Do
15 you recall if you were present at that meeting of
16 2024?

17 A. February 15th? What meeting?

18 Q. This would have been the County Board
19 meeting where the vote was taken?

20 A. Yes.

21 Q. So, you do remember that a vote was
22 taken pertaining to the LRS siting application?

23 A. Yes.

24 Q. And do you remember if public comment

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1 was allowed on the issue of the LRS facility?

2 A. It was not.

3 Q. And at that meeting it seemed like maybe
4 you had an issue that public comment was not
5 allowed there. Is that correct?

6 A. I wouldn't say I had an issue, but I
7 understood the frustration of the residents that
8 wanted to, or people that wanted to make public
9 comment.

10 Q. And do you recall a time when there had
11 been the ability of the community members to speak
12 on that topic of the LRS pollution or the LRS
13 siting application after the November 30th
14 meeting, prior to the vote?

15 A. I'm not sure I get your question.

16 Q. Do you recall if there was a time that
17 at a County Board meeting if any members of the
18 public were able to speak on the topic of the
19 siting application after the second day on
20 November 30th, between then and when it was voted
21 on, on February 15th?

22 MS. STOTTS: I'd like some clarity as to
23 that question, as to any meeting? Just as vague,
24 I'm --

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1 Q. At a McLean County Board meeting.

2 A. I don't know if anybody requested that
3 or not.

4 Q. But, to your knowledge no one did speak
5 publicly about that? No committee members?

6 A. Not to my knowledge.

7 Q. Okay. And then right before the vote on
8 February 15th, one thing that you had talked about
9 was that you thought the location was
10 incompatible with the surrounding community, is
11 that correct?

12 A. Correct.

13 Q. And is that partly because the mobile
14 home park is so close to the proposed site?

15 A. Yes.

16 Q. All right. That's all.

17 CROSS EXAMINATION BY

18 MS. WILLIAMS:

19 Q. Miss Schafer, when someone signs up in
20 advance using the on-line platform to make public
21 comment at a County Board meeting or committee
22 meeting, to your knowledge do they disclose the
23 general content of their public comments
24 beforehand?

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1 A. I believe so. But, I'm not sure they
2 have to.

3 Q. Okay. You don't know if it's a required
4 field on the form? Could you answer out loud for
5 the court reporter?

6 A. Yes, I don't know if it's required.

7 Q. Okay. During the pollution control
8 hearing process, were you aware of written public
9 comments that were submitted and the availability
10 of that, were members of the public allowed to
11 submit written public comments to your knowledge?

12 A. Yes.

13 Q. Was the submission period for written
14 public comments beyond the last day of the
15 hearing, the pollution control hearing?

16 A. Yes.

17 Q. You testified that you've been on the
18 County Board since 2010. Could you tell us what
19 your other professional experience has been, like
20 in your work history?

21 MS. MEYER: Objection, beyond the scope
22 of direct.

23 HEARING OFFICER WEBB: I think it is.

24 MS. WILLIAMS okay.

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1 MS. STOTTS: Just a general question
2 that usually gets asked of witnesses.

3 HEARING OFFICER WEBB: Repeat the
4 question?

5 Q. Her work history outside. And she
6 testified that she's on the County Board, but
7 what -- like what her job was or is?

8 HEARING OFFICER WEBB: Is it relevant?

9 MS. STOTTS: Just background.

10 HEARING OFFICER WEBB: You can answer it
11 if you want to.

12 A. I worked at State Farm for 10 years and
13 I was also a stay at home mom.

14 Q. Okay. Thank you.

15 A. If you want more about me, I can tell
16 you more. How much more do you want?

17 Q. Thank you. One second, please.

18 MS. STOTTS: My name is Stacy Stotts,
19 just going to ask a few questions myself.

20 CROSS EXAMINATION BY

21 MS. STOTTS:

22 Q. You stated you were at the hearing on
23 the November 29th and 30th?

24 A. Yes.

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1 Q. So, do you recall anything about the
2 opportunity for comment that was made by the
3 hearing officer at the hearing in terms of
4 schedule and when people would be able to comment
5 that weren't as a part of the hearing testimony?

6 A. The hearing officer offered, or repeated
7 several times to have people sign up for public
8 comment. But never really, other -- never really
9 gave a lot of indication as to when that would
10 really be. He might have said it at the very
11 beginning that it would be at the end. But, I
12 don't think people realized how long that hearing
13 was going to be. And that they thought that, like
14 County Board meetings, public comments usually are
15 at the beginning. And so they couldn't -- they
16 didn't stay. And so I don't really think that
17 they got a real good feel as to exactly when it
18 was going to occur, other than maybe at the end.
19 And didn't know when that was going to be.

20 Q. Do you recall him stating that there
21 could be, that, well, first of all, obviously you
22 recall the public notice for two days, right? Is
23 that correct?

24 A. I believe they had four or five days

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1 scheduled. So, I mean, that were on the calendar.
2 And it ended up not taking that long.

3 Q. Right. So, do you recall the hearing
4 officer did state to folks that had signed up for
5 comment that there were, there would be additional
6 days, aside from the 29th and 30th, that could be
7 arranged as additional dates to accommodate their
8 schedules?

9 A. I don't recall that.

10 Q. Do you recall him telling people that in
11 terms of trying to accommodate their schedules,
12 that they should, they could approach him on a
13 break and let him know what their issues were, and
14 there would be some accommodation?

15 A. That, I recall.

16 Q. Okay. And were -- are you aware that
17 any of the folks that you think left weren't aware
18 that there was the ability to provide written
19 comment in the same way?

20 A. I believe so. I don't know. I didn't
21 really talk to anybody other than one person that
22 said they didn't put a written comment in.

23 Q. So you didn't talk to anybody that said
24 hey, I'm leaving because I don't think I'm going

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1 to get an opportunity?

2 A. No.

3 Q. And do you recall that the hearing
4 officer, Dirk Price, was encouraging people to
5 approach him, to allow for accommodation, even if
6 it was past the hearing days that were allotted?

7 A. Like I said, I recall --

8 MS. MEYER: Objection, asked and
9 answered.

10 HEARING OFFICER WEBB: I don't think so.
11 Go ahead.

12 Q. Yeah. And you recall him making, or
13 letting people know they have the written comment
14 period?

15 A. Yes. But like I said, I don't know if
16 people, when you have an all day hearing like
17 that, people can't stay the whole time even on
18 that first day. So he may have said something
19 like that when people were not there. So that
20 they would not hear it. So --

21 Q. Do you recall that he said that at the
22 beginning of the hearing twice in the first
23 morning, I believe? So, do you recall at the
24 outset of the hearing that he did state public

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1 comment comes at the end of the hearing?

2 A. Say that again.

3 Q. Do you recall that he said at the outset
4 of the hearing when he was talking about the
5 opportunity to comment, that that comment would
6 come at the end?

7 A. Yes.

8 Q. Okay. So, I guess another question that
9 I have is did you actively participate in the
10 hearing? Did you discuss any questions you might
11 have for someone to --

12 MS. MEYER: Objection, compound.

13 Q. Are you aware that --

14 HEARING OFFICER WEBB: It's okay. Go
15 ahead. What are you trying to ask?

16 MS. WILLIAMS: During the hearing, did
17 attorney Trevor Sierra represent the County Board
18 members?

19 A. Yes.

20 MS. WILLIAMS: During the hearing, as
21 part of that representation, did County Board
22 members write their questions on pieces of paper
23 and pass them to attorney Sierra for him to ask on
24 your behalf?

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1 A. The members of the pollution control
2 committee did that.

3 MS. WILLIAMS: Right. Thank you for
4 that clarification. Did you participate in that
5 manner by writing notes?

6 A. No.

7 MS. WILLIAMS: Okay.

8 FURTHER EXAMINATION BY
9 MS. STOTTS:

10 Q. In terms of other participation, did you
11 have, or did you participate in the committee
12 process? The pollution board? The committee
13 that heard the recommendations and findings from
14 the hearing officer? There was a -- right? Yeah,
15 you did not attend that meeting on January 29th?

16 A. No, I was golfing in Arizona.

17 Q. Congratulations. Sounds a lot more
18 interesting. So, up until, so after -- up until
19 that time, had you had any other input into the
20 findings, the recommendations and findings that
21 were issued by the hearing officer on, I think
22 that was January 10th? Aside from attending the
23 board meeting later in mid-February?

24 A. I had nothing to do with anything with

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1 the findings or any recommendations on that at
2 all.

3 Q. Okay. And did you ask to speak at the
4 meeting?

5 A. At the County Board meeting?

6 Q. The County Board meeting?

7 A. I did because we can. I mean, as
8 members, we can speak.

9 Q. Correct. And going back to the -- did
10 the chair woman state why she did not allow
11 certain people to testify or provide comments at
12 the February board meeting?

13 A. Yes.

14 Q. Can you explain your recollection on
15 that?

16 A. Because it was a quasi-judicial
17 proceeding where we had to only consider the
18 evidence that was entered during the hearings.
19 And that we couldn't -- that would be like
20 providing testimony. So, that was why she did not
21 allow people to speak. That's my understanding of
22 that.

23 Q. And did she mention any regulations or
24 requirements that would allow for her to not

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1 permit certain testimony that might be repetitive
2 or cause disruption?

3 A. I don't --

4 Q. Did she mention any legal justification
5 or --

6 A. I don't recall.

7 Q. Okay.

8 A. What her exact words were.

9 Q. And in terms of, you had some other
10 comments, and was that based on your review of the
11 information and the full record? Or the hearing?
12 Just trying to get a sense of the comment that was
13 just mentioned and asked about.

14 A. What I said at that meeting was based
15 strictly on pretty much the testimony, and
16 actually I believe I gave examples and page
17 numbers when I did that.

18 Q. So, yeah; so, it included maybe some of
19 the presentation materials, is that also accurate?
20 Your testimony was short so --

21 A. Correct.

22 Q. So, I'm trying to get a --

23 A. Well, it was a page and a half.

24 Q. Okay. Thank you.

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1 HEARING OFFICER WEBB: Anything further?

2 MS. MEYER: Nothing further.

3 (Witness excused.)

4 HEARING OFFICER WEBB: Okay. Does the
5 petitioner have anything further to present?

6 MR. HALL: That is all the witnesses we
7 will be presenting in our case in chief. Just for
8 the record, I believe there's two exhibits that
9 were referenced earlier that we didn't move to
10 admit into evidence. And those are Exhibits 6 and
11 7 which our first witness testified with respect
12 to -- with respect to Exhibit 6 that was just the
13 trustee's deed for the mobile home park 362 square
14 foot parcel. At this time we'd move for admission
15 of that document into evidence.

16 HEARING OFFICER WEBB: Is there any
17 objection?

18 MS. CHAMBERLAIN: I don't have any
19 objection to Exhibit 6.

20 HEARING OFFICER WEBB: Okay. Exhibit 6
21 is admitted.

22 MR. HALL: Then with respect to Exhibit
23 7, that was the property record search that Mr.
24 Bounds testified was obtained from the McLean

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1 County clerk/records division. We would also
2 move for leave to admit that one as well.

3 MS. CHAMBERLAIN: That one we would have
4 an objection to. That search was not performed by
5 Mr. Bounds nor can he authenticate it. He agreed
6 with some information on this form but he did not
7 actually perform that search. It was performed by
8 counsel. I don't think there's a basis to
9 actually admit this evidence as exhibit.

10 HEARING OFFICER WEBB: Is there a
11 question as to whether it came from the website
12 that it --

13 MS. CHAMBERLAIN: There's no way to even
14 tell that. I mean, this was done by someone
15 completely outside of this hearing. He said how
16 he did it. But, he's not a witness here.

17 MS. WILLIAMS: Additionally, Mr. Bounds
18 testified that you need a log-in to even access
19 this website. That he would have to verify and
20 accept. And I don't believe that counsel has a
21 log-in to this website.

22 MR. HALL: Yes, I do; it's on the top
23 right, my name is.

24 MS. WILLIAMS: I meant our counsel;

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1 respondent.

2 MS. CHAMBERLAIN: It's somewhat also
3 related to the earlier objection, this was not
4 previously produced. For us to be able to check
5 this document to actually go into the public
6 records we would have to obtain a log-in number.
7 This was produced again on Sunday at 4:30. This
8 document was produced it looks like Friday at
9 4:17PM. So, there was no way for us to actually
10 even look at this document as far as validate the
11 information that was presented on here.

12 HEARING OFFICER WEBB: Okay. Well, I'll
13 do this: I'm not going to admit it, but I will
14 accept it as an offer of proof and you can talk
15 about it in your post hearing brief.

16 MR. HALL: Thank you.

17 HEARING OFFICER WEBB: I had some other
18 exhibits that -- are you done? Or were there some
19 other exhibits you were going to go through? 'Cuz
20 I think I have some -- I've got 1, 2, 3A, 4, 5, 6
21 and 7 we just did. What about 8?

22 MR. HALL: 8 was that section of the
23 McLean County code. And I believe the witness
24 testified that he was unfamiliar with that. So we

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1 weren't going to move to admit that. It is part
2 of the McLean County code. So, we would expect --

3 HEARING OFFICER WEBB: Can take notice of
4 it. Okay.

5 MR. HALL: There was Exhibit 13, that
6 tax bill that was admitted.

7 HEARING OFFICER WEBB: Okay. I think
8 that's all I had.

9 MR. HALL: Then also Exhibit 9 I believe
10 was in the record.

11 HEARING OFFICER WEBB: Yeah, that was
12 admitted. So anything else for you?

13 MR. HALL: No, that is it. Thank you.

14 HEARING OFFICER WEBB: Okay. Does the
15 County have anything that you would like -- anyone
16 you would like to call? Anything you'd like to
17 do?

18 MS. WILLIAMS: Just a moment please,
19 thank you.

20 HEARING OFFICER WEBB: Sure.

21 MS. WILLIAMS: We would offer the
22 written testimony of chair Catherine Metsker. I
23 did ask her to be here at 2:30 to be available for
24 cross. But, it is not yet 2:30.

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1 HEARING OFFICER WEBB: All right. Well
2 it's 2:15. So, you want to, we'll hold off until
3 -- is she definitely coming? Is there anything we
4 can do before she comes?

5 MR. HALL: She was just right there.

6 HEARING OFFICER WEBB: Let's go off the
7 record a minute.

8 (At this point there was an off the
9 record discussion.)

10 HEARING OFFICER WEBB: Back on the
11 record. We will skip over the County's witness
12 for the time being and go to LRS.

13 MS. CHAMBERLAIN: We would call David
14 Brown.

15 DAVID BROWN,
16 called as a witness, after having been first duly
17 sworn, testified as follows:

18 EXAMINATION BY

19 MS. CHAMBERLAIN:

20 Q. Good afternoon, Mr. Brown. My name is
21 Sara Chamberlain. I don't think we've actually
22 formally met in person before. Thank you for
23 attending today.

24 Could you just please state your name

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1 and spell your name for the record?

2 A. Yes, David P. Brown. B-R-O-W-N.

3 Q. And what do you do for a living?

4 A. I am a professional land surveyor at
5 Lewis Yockey and Brown Consulting Engineers and
6 land surveyors here in Bloomington.

7 Q. And what is your current position there?

8 A. I'm the president of the company.

9 Q. How long have you worked as a surveyor?

10 A. I've worked as a surveyor for probably
11 50 years, and here in town as a member of Lewis
12 Yockey and Brown since 1983. So that's 41 years.

13 Q. How would you describe your job
14 responsibilities as a surveyor?

15 A. Well, I'm charged with the public
16 interest to be unbiased in my assessment of the
17 location of land boundaries, which is my principal
18 function as a licensed land surveyor.

19 And I take a lot of pride and put a lot
20 of integrity into my efforts as a professional.

21 Q. What percentage of your work relates to
22 property that's located here in McLean County?

23 A. Well, I would say probably 60 percent.
24 Most of our engineering projects are founded or

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1 grounded in land surveying efforts on the very
2 beginning side of projects.

3 Q. Are you familiar with a 2023 proposal by
4 LRS to construct a waste transfer facility in
5 McLean County?

6 A. Yes, I am.

7 Q. Did you have any involvement in
8 delineating or drawing the boundaries of the site
9 for the proposed facility?

10 A. Yes, I did.

11 Q. And what work did you perform?

12 A. We provided a number of drawings. I
13 personally prepared, under my -- were prepared
14 under my direction, a number of plats of survey.
15 Various exhibits that were to be used as part of
16 that application process. We prepared -- as a
17 firm I had an engineer participate in the
18 preparation of a preliminary subdivision plan that
19 was filed with McLean County in the City of
20 Bloomington for review and approval.

21 But, just some other exhibits that I
22 prepared. I worked on preparing a final plat, an
23 assessment plat, a siting exhibit or setback
24 exhibit, I believe it was. And there were some

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1 other things that we did along the way that were
2 not made part of the application because they were
3 updated with the information that I'm presuming
4 was provided in the application packet. I have
5 not seen all of the submittals in the packet.
6 But, generally am aware that the work I provided
7 was to be included.

8 Q. Did you perform any formal survey work
9 to define the boundaries of the site property?

10 A. Yes, we did.

11 Q. Did you document that survey work that
12 you performed?

13 A. Yes, I did. That documentation would
14 be, I guess founded or grounded, again, in that
15 preliminary plan, subdivision preliminary plan,
16 which involved the perimeter of the entire 40, I
17 think it's 41.7 acres. That would be the evidence
18 of the boundary survey work that we did. And then
19 the other documents, exhibits and what have you,
20 were derived from that exterior perimeter.

21 Q. Did you also perform or prepare an
22 assessment plat?

23 A. Yes, I did.

24 Q. And do you know if that document was

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1 recorded with the county recorder of deeds?

2 A. I don't know if it got recorded with the
3 county recorder of deeds. But I am aware that it
4 went to the assessor's office and tax parcel ID
5 numbers were issued for both of the parcels or
6 tracts that were depicted on that particular map.

7 Q. I guess what, I'm not sure what exhibit
8 we left off on, I think we're going to start at
9 maybe 14?

10 HEARING OFFICER WEBB: Sure.

11 Q. Let's start at 14. Do you want me to
12 note it at LRS 14?

13 HEARING OFFICER WEBB: Yes.

14 Q. Hand you a document that's been marked
15 as LRS Exhibit 14. It's a two-sided document too,
16 I should note. Do you recognize that document?

17 A. I recognize the assessment plat proper.

18 Q. And is that, what we're talking about,
19 the assessment plat proper, is that the document
20 that you prepared?

21 A. Yes.

22 Q. And was that prepared in part to assist
23 in the application for the LRS proposed waste
24 transfer facility?

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1 A. Yes, it was.

2 Q. And what is actually the purpose of that
3 document?

4 A. Well, I think the purpose of the
5 document ultimately was to meet a language, I say
6 requirement; that's not the right word. But match
7 the language in terms of the use of the word "lot"
8 in particular that was being discussed having to
9 have the land areas identified as some sort of a
10 lot. I think legal counsel was trying to make
11 sure that they were adhering to being able to use
12 that word lot as a reference point because I
13 believe the application used that word
14 specifically in its language of qualification.

15 Q. Does that document actually specifically
16 identify two separate lots?

17 A. Yes, it does.

18 Q. And what is depicted there as lot one?

19 A. Lot one is the facility site.

20 Q. And what is the proposed, or what is the
21 acreage of that proposed site?

22 A. 3.09 acres.

23 Q. And were the boundaries of that site, as
24 far as how you drew those, were those determined

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1 by a field survey that was conducted?

2 A. Yes, they were.

3 Q. And also I see I know on the property
4 there's also a separate lot, lot two. What is
5 that depicting?

6 A. Well, that's a strip of land that's
7 roughly 70 feet in width. And it's shown as
8 future public road right-of-way. And it was
9 intended to show that the facility tract or lot
10 would be tied to an existing public road right
11 away by a future dedication or conveyance to
12 public entity for maintenance as a public street.

13 Q. Is that so the property had access to a
14 public road?

15 A. Exactly, yes.

16 Q. Do you know whether any waste activities
17 were actually proposed to be conducted on lot two,
18 the public road?

19 A. There were not. And if you would look a
20 little more closely at that lot two, you can see
21 the outline of pavement width of the cul-de-sac
22 turnaround at the east end, which is over near lot
23 one. And I believe it's also labeled as future
24 public street.

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1 Q. At this time I'd move to exhibit LRS
2 Exhibit 14.

3 MR. SIEVERS: No objection.

4 HEARING OFFICER WEBB: LRS Exhibit 14 is
5 admitted.

6 BY MS. CHAMBERLAIN:

7 Q. In addition to creating this assessment
8 plat, did you also create a separate legal
9 description for the site of the proposed facility?

10 A. I did.

11 Q. I'm going to hand you what's been marked
12 as LRS Exhibit 15. Is that a copy of the legal
13 description that you created for the subject
14 property?

15 A. Yes, I believe it is.

16 Q. When did you actually prepare that legal
17 description, do you recall?

18 A. Well, that would have been -- well, it
19 would have been prior to the time that I prepared
20 the assessment plat because we had originally been
21 working with this 3.09 acre tract of land on some
22 previous exhibit proposals that we were crafting
23 to become a part of the application. So,
24 typically I have a date and my initials in the

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1 upper right-hand corner of the document as I type
2 the legal description, and that doesn't show up
3 here. So I can't tell you the exact date that I
4 prepared this.

5 However, it's the same legal description
6 that's on Exhibit 14.

7 Q. Okay.

8 A. Assessment plat.

9 Q. And when was the assessment plat
10 prepared? Is there a date on that document?

11 A. Looks like it says September 14th, 2023.
12 Can't really read. It's a little small. My
13 glasses aren't very good.

14 Q. So we will let the document control, is
15 that fair, as far as what the document says?

16 A. That's fine, yes.

17 Q. How did you actually go about creating a
18 legal description?

19 A. Well, it came from our survey of the
20 property where we actually made ground
21 measurements to points of reference. Once we had
22 those reference points in hand where they were to
23 be located, we have mathematical calculations that
24 generate the distance and the angular direction

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1 between those reference points, those multiple
2 reference points.

3 And then part of my craft is to add
4 language to bring that to life and to some
5 configuration that can be incorporated into a
6 deed, if you will, to identify and enclose figure
7 and quantity of land area.

8 Q. Is part of the purpose of a legal
9 description to allow the reader to judge where
10 that property actually would be located?

11 A. Yes, it is. That's the primary
12 function.

13 Q. So that is the purpose of a legal
14 description?

15 A. Yes.

16 Q. I think earlier you mentioned preparing
17 a preliminary plan of subdivision, is that
18 correct?

19 A. Yes.

20 Q. Let me hand you what's been marked as
21 LRS Exhibit 16. I guess before we get to that
22 exhibit, I'd also move to admit Exhibit 15 before
23 we go further.

24 MR. HALL: No objection.

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1 HEARING OFFICER WEBB: Exhibit 15 is
2 admitted.

3 BY MS. CHAMBERLAIN:

4 Q. Do you recognize this document?

5 A. Yes, I do.

6 Q. Is that something that you actually
7 prepared?

8 A. Yes, I participated in the preparation
9 of this document with the assistance of one of our
10 licensed professional engineers.

11 Q. Do you know when it was prepared?

12 A. Yes. I believe it was in the fall of
13 2023.

14 Q. The fall of 2023? Are you sure that's
15 the correct year?

16 A. Well, let me see if I can read that.
17 Yeah, it's 2022. I'm sorry.

18 Q. The fall of 2022?

19 A. Yes.

20 Q. Okay. And what was the purpose of this
21 document?

22 A. Well, the purpose of the document was to
23 identify all of the land that was to be a part of
24 the, at the time, the Henson project area in

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1 accordance, to I guess try to bring all the land
2 into some sense of order for review by local
3 agencies, being the City of Bloomington and McLean
4 County who have jurisdiction over land use and
5 subdivision ordinance matters.

6 Their requirement for subdividing
7 property brought us to the need to create this
8 document for all of the land that was currently in
9 the Henson control. And then show how we would
10 intend to use all of the property.

11 I think a driving force was the waste
12 transfer facility station project. In addition to
13 the fact that Henson was at that time also looking
14 at some other -- well, they weren't -- looking at
15 segregating some of their other recycling
16 operations into various lot tracts to help with
17 their permitting process with IEPA.

18 Q. On the first page of that document, it
19 looks like there's a map, and there's an arrow
20 that says, project location. Do you see that?

21 A. Yes.

22 Q. When you referenced -- is that a
23 notation that you made?

24 A. Yes.

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1 Q. When you reference projects, what was
2 the project that you were speaking of?

3 A. The 42 acre perimeter of the Henson land
4 holdings. Which is gray shaded on that cover
5 sheet, with the arrow pointing and the project
6 location notation behind it.

7 Q. So, in the context of this document,
8 that it's a preliminary plan of subdivision, it
9 was the project here that you were proposing to
10 subdivide that large piece of property into
11 multiple different parcels?

12 A. That's correct.

13 Q. And let me turn your attention to the
14 next page, which is sheet two. Does that show the
15 different boundaries of the lots or the parcels
16 that were -- the property would be divided into?

17 A. Yes, it does.

18 Q. And what is the number that corresponds
19 to the area that would be used as the LRS waste
20 transfer facility station?

21 A. Well, the facility would have been, or
22 would be located on lot three as designated on
23 this comprehensive view.

24 Q. And was that preliminary plan actually

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1 presented to the McLean County board?

2 A. Yes, it was.

3 Q. And did they actually approve this
4 preliminary plan?

5 A. Yes, they did.

6 Q. Do you know the date that it was
7 approved?

8 A. I don't know the dates. I can cheat.

9 MR. SIEVERS: Objection. I'm going to
10 object.

11 Q. I don't want you to cheat.

12 A. I don't remember the date. I believe it
13 was in the fall of 2023, I think. I don't know.
14 I have a signed copy.

15 Q. If you look at the first page, that
16 might help you, of the actual document we're
17 talking about?

18 A. Yes, it was in 2023. It says February
19 of 2023. Signed by the county clerk's officer.

20 Q. Okay. And do you know if this document
21 was actually recorded with the recorder of deeds?

22 A. I don't know that it was recorded with
23 the recorder's office. Typically they do not
24 record the preliminary plan. That doesn't mean

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1 that they did not do that.

2 Q. You just don't know one way or the
3 other?

4 A. I don't.

5 Q. We'd have to look to the county records
6 to see?

7 A. That's correct.

8 Q. And then on sheet two of that document,
9 it looks like there's some notes on different
10 zoning. It's kind of a messy map. So do you see
11 where it's noted like county zoned M-2, or city
12 zoned R-4?

13 MR. SIEVERS: Objection. Vague. I
14 don't know where you're referencing.

15 Q. I'm asking him if he can see it or not?

16 A. I can see it.

17 MR. SIEVERS: Objection to the question
18 as vague. We've got a three page document. Are
19 you referring to page two? There's six pages on
20 this document.

21 HEARING OFFICER WEBB: Please specify.

22 Q. I was referencing sheet two. If you
23 would look at sheet two, please?

24 MR. SIEVERS: Which side of sheet two?

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1 Q. The document that's labeled sheet two at
2 the bottom. Do you see the document that is
3 labeled sheet two at the bottom?

4 A. Yes.

5 HEARING OFFICER WEBB: They have a number
6 at the bottom.

7 Q. Do you see on that document there's some
8 notations on zoning, county zoned M2 or city zoned
9 R4?

10 A. Yes.

11 Q. Where did that information come from?

12 A. It came from Government mapping
13 information on current zoning districts.

14 Q. As far as the locations of these
15 individual lots, were those locations all
16 confirmed by field surveys as well?

17 A. Well, they are. They're drawn within
18 the confines of the total perimeter boundary
19 that's on the preliminary plan. At this stage we
20 have identified those, the lot dimensions in the
21 configuration to the nearest foot. But, the
22 location that they're positioned within the
23 perimeter is representative of where they would
24 end up in a final plat.

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1 Q. From lot three, which you identified
2 earlier, which is the proposed location of the
3 waste transfer facility?

4 A. Yes.

5 Q. Where is the closest property that's
6 zoned for primarily residential use?

7 A. It would be the city zoned R4 property.
8 And that is -- well, I know it's 1,003 feet from
9 the westerly boundary of lot, what is known here
10 or shown here as lot three, to the title line,
11 which is the section, land section line of the
12 public land survey system. And that is not quite
13 on the center of the road. I believe it's a foot
14 or two off the center of the pavement. And that
15 distance is 1,003 feet.

16 Q. How is that distance actually measured?

17 A. It was measured by field survey and
18 mathematical calculation.

19 Q. Did you also measure the distance from
20 lot three to the nearest dwelling?

21 A. Yes, I did.

22 Q. And was that dwelling located more than
23 one thousand feet from lot three?

24 A. Yes, it was.

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1 Q. And how do you know that that distance
2 was greater than one thousand feet?

3 A. Because we field surveyed to the
4 structure, the corners of the structure. Those
5 nearest to the property. And located them by
6 field survey measurement and mathematical
7 calculation.

8 Q. Thank you, Mr. Brown. I don't have any
9 further questions. Actually, sorry, before we go
10 on I'd like to actually admit this as an exhibit,
11 LRS Exhibit 16.

12 MR. SIEVERS: No objection.

13 HEARING OFFICER WEBB: All right. No
14 objection. LRS exhibit 16 is admitted.

15 CROSS EXAMINATION BY

16 MR. SIEVERS:

17 Q. Mr. Brown, my name is Scott Sievers, I
18 am here on behalf of Republic Services. You spoke
19 about the document being recorded. You weren't
20 sure whether this document had been recorded,
21 correct?

22 A. What document, sir?

23 Q. The preliminary plan that we were last
24 talking about? The Exhibit No. 16, is that

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1 correct?

2 A. Yes, that's correct.

3 Q. You are not aware whether that's been
4 recorded or not?

5 A. That's correct.

6 Q. And there was -- subsequently would be a
7 final subdivision plan at some point, correct?

8 A. Yes.

9 Q. And what would be the procedure for this
10 preliminary plan as it moves through the county
11 authority process before it comes a final plan?
12 Are you familiar with that?

13 A. Yeah, I think so. The big hurdle in the
14 process has already occurred. They have approved
15 the county --

16 Q. That's not my question.

17 A. The county has approved the preliminary
18 plan, as we have in this exhibit. And then what
19 would happen is we would come back with a final
20 plat, which would be all of the lots within that
21 preliminary plan boundary. Or it might be one or
22 two lots. It depends on the subdivider's notion
23 of what he wants to actually go ahead and final
24 plat.

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1 Q. And so these plans can change in the
2 course of that process, correct?

3 A. No. Well, they can change. But, if
4 they change, the final plat as presented in this
5 preliminary plan would have to be altered
6 ultimately, which means we would go back and have
7 another preliminary plan process with the county,
8 if we were wanting to change. Fundamentally we
9 can't change very much from what has been
10 presented and approved in that preliminary plan
11 without having to go back through the process
12 again.

13 Q. Are you aware that there have been two
14 applications by LRS for a pollution control
15 facility at this Henson site?

16 MS. CHAMBERLAIN: Objection to
17 relevance. We are not here on those other
18 applications. We're here on the current
19 application.

20 HEARING OFFICER WEBB: I mean, you can go
21 ahead and answer it.

22 A. No, I'm not aware.

23 Q. Have you personally been involved in
24 recording documents with the county recorder's

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1 offices?

2 A. No, I really haven't physically taken
3 documents to the recorder's office and paid the
4 fee and then signed off on whatever instruments
5 they have to be executed.

6 Q. You've had documents recorded though, I
7 take it, with the county recorder's office?

8 A. Yes.

9 Q. Did somebody in your office physically
10 take the document to the recorder's office?

11 A. No. We don't actually go and do the
12 recording, or we're not in the direct line of
13 facilitating the recording. Typically what
14 happens is the county zoning office would record
15 the plat. They would facilitate the recording.
16 We typically would provide the copies to them,
17 likewise with the City of Bloomington city clerk.
18 They would then forward those to the recorder at
19 such time as fees were paid. And everything else
20 was in order in their respective governmental
21 offices regarding the land.

22 Q. Have you ever received a phone call from
23 a county recorder's office saying that they have
24 got a problem with the substance of a document

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1 that your firm has prepared that are seeking to
2 have recorded?

3 A. No.

4 Q. Is it your understanding that when a
5 document is recorded from your office, that the
6 recorder's office simply processes or records that
7 document? They're not reviewing the document for
8 substance?

9 A. I would say that's not true totally.
10 They're reviewing certifications to make sure that
11 those things are, that are required, are
12 appropriately displayed on the plat. They're
13 checking to make sure all of the signatures are
14 there. They're not doing a technical review of
15 the plat, if that's what you're asking directly.
16 I know that for a fact.

17 Q. So they're not evaluating whether this
18 survey was conducted appropriately within
19 professional standards for a surveyor?

20 A. No.

21 Q. Okay. And they're not checking to see
22 that the legal description that is set forth in a
23 document is accurate?

24 A. That's true. They are not.

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1 Q. I have nothing further.

2 HEARING OFFICER WEBB: Anything else?

3 MS. CHAMBERLAIN: No. Nothing further.

4 (Witness excused.)

5 HEARING OFFICER WEBB: Okay. So, let's
6 go back to you, Miss Williams. You had something
7 you wanted to move into evidence?

8 MS. WILLIAMS: Chair Metsker is here
9 now. I can go get her.

10 MS. CHAMBERLAIN: I guess we would want
11 to admit the written testimony and we can make her
12 available for cross. I'm assuming you want to
13 cross her? Should we admit the testimony first?

14 MS. WILLIAMS: I will move to admit the
15 testimony. I do have copies on the printer if
16 that would be more helpful.

17 MR. SIEVERS: That would be. I have no
18 objection.

19 HEARING OFFICER WEBB: Are we calling
20 this county, I believe we are on 17?

21 HEARING OFFICER WEBB: County 17 is
22 admitted. Please swear in the witness.

23

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1 CATHERINE METSKER,
2 called as a witness, after having been first duly
3 sworn, testified as follows:

4 CROSS EXAMINATION BY
5 MR. HALL:

6 Q. Good afternoon, Miss Metsker. My name
7 is Lucas Hall, and I'm here on behalf of Republic
8 Services in these proceedings.

9 HEARING OFFICER WEBB: Did we state her
10 name on the record?

11 Q. That was the first question. We'll go
12 ahead. Miss Metsker, can you please state and
13 spell your first name and last name?

14 A. My name is Catherine, C-A-T-H-E-R-I-N-E.
15 Metsker. M-E-T-S-K-E-R.

16 Q. And you submitted this direct testimony
17 on behalf of McLean County on July 22nd, 2024, is
18 that correct?

19 A. Yes, I did.

20 Q. Did you author this entire document?

21 A. Yes, I did.

22 Q. Did you write down the questions?

23 A. I'm not sure what you mean by, write
24 down the questions. The questions were there. I

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1 filled the information, and that's what I did.

2 Q. So, line one of your testimony says,
3 please state your name and address. Do you see
4 that?

5 A. Yes.

6 Q. Did you write that question in or did
7 somebody else write that question in?

8 A. I was told that they needed my
9 information. My specific information to who I am;
10 if I'm giving testimony, they need to know who I
11 am. So that was the first thing that I needed to
12 do, yes.

13 Q. And then you authored all of the
14 questions on this document?

15 A. Yes, I did.

16 Q. So I want to draw your attention to line
17 number 52. That's going to be on page four of
18 your direct testimony. And the question you posed
19 to yourself was, what authority were you acting
20 under in excluding public comment on the LRS
21 application, do you see that?

22 A. Yes.

23 Q. And can you please tell me what your
24 understanding that Chapter 20 Section 13(G)3 of

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1 the McLean County code says?

2 A. Basically if we have a public hearing,
3 that we can not hear additional testimony in the
4 County Board meeting as summary.

5 Q. Okay. And when you drafted that
6 response, did you reference that chapter and
7 section of the McLean County code in doing so?

8 A. With assistance from the State's
9 Attorney. By assistance, please, I needed to know
10 the exact -- I mean, I told them what I needed, he
11 said here is the -- this is the exact code for
12 that.

13 Q. Okay. And that section of the code was
14 amended on April 11th, 2024. Do you know whether
15 you were using the new version of the code or the
16 prior version of the code?

17 A. No, I don't.

18 Q. Okay. Now, you said that that section
19 of the code, whether it was the new version or the
20 old version, said that you can't allow public
21 comment where it would interfere with due process,
22 or where there was other public comment?

23 A. Correct.

24 Q. And was that other law then? What was

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1 that, that you were referring to?

2 A. That's just as a board member, whether
3 I'm the county chair or a board member, whether
4 it's zoning, or any public hearing, those are the
5 laws that we are aware of. What those specific
6 laws are, I'm not an attorney so I don't know
7 those specific laws. I just know that when we
8 have a hearing we are not to -- we are not to
9 listen to other comments. We don't allow it at a
10 board meeting because there are -- it's due
11 process and we have to make sure we follow, and we
12 don't jeopardize the integrity of that hearing.

13 Q. Okay. So, are you saying then that
14 somewhere in the Environmental Protection Act
15 there's a provision that says we can only have one
16 opportunity for public hearing on this matter?

17 A. Not -- no.

18 Q. No?

19 A. I know that a public hearing that has
20 nothing -- whether it's pollution control, or
21 whether it's a zoning board of appeals in McLean
22 County, that's what we've been directed to do.
23 And that's what we do as board members.

24 Q. Okay. As board members, do you

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1 traditionally hear public comment from members of
2 the public related to topics that are on the
3 agenda for any given board meeting?

4 A. We can, but not if it has to do with a
5 public hearing.

6 Q. Okay.

7 A. So, if it's something that we're working
8 on, yes. But, not if there is a -- it's
9 associated with a public hearing. Again, zoning
10 tends to be our primary, and we do not allow
11 public comment for those.

12 Q. Okay. And you're saying that that is
13 based on Chapter 20 Section 13?

14 A. Of our code, yes.

15 Q. Of your code. Okay. And are you
16 familiar with Section 39.2(d) of the Illinois
17 Environmental Protection Act at all?

18 A. No.

19 Q. Okay. I don't have any further
20 questions.

21 HEARING OFFICER WEBB: Any redirect?

22 REDIRECT EXAMINATION BY

23 MS. WILLIAMS:

24 Q. Yes. Just a moment, please. When you

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1 just answered about the old versions of the rules,
2 or the new versions of the rules, do you recall
3 that there have been some recent changes of the
4 rules with regard to public comment in that there
5 has been some changes with regard to the timing of
6 when people can sign up for public comment?

7 A. Yes. And those are unrelated to this.
8 Because they were changes that were to allow
9 people more public comment in non -- in
10 non-hearing related comments. And so yes, very
11 aware of those.

12 Q. Right. The changes weren't related to
13 your powers as chair to maintain the decorum,
14 prevent repetition, and limit public comments when
15 there have been other hearings with -- when there
16 have been other hearings?

17 A. Correct.

18 Q. With public comment?

19 A. Correct.

20 Q. Okay. Thank you, Chair Metsker. I
21 think that's all.

22 MR. HALL: Nothing further. Thank you.

23 HEARING OFFICER WEBB: Thank you.

24 (Witness excused.)

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1 HEARING OFFICER WEBB: Does the county
2 have anything further that you would like to
3 present?

4 MS. WILLIAMS: No. Thank you.

5 HEARING OFFICER WEBB: LRS, what would
6 you like to do? I understand you have a witness
7 who can not appear until tomorrow. Is there
8 anything more we can do for you today?

9 MS. CHAMBERLAIN: I think that's
10 probably it for today. We could ask, we could
11 submit the written testimony and then have him
12 available for cross first thing in the morning.

13 MR. HALL: If we could maybe take five
14 to ten minutes and look through his testimony, we
15 might not even want to cross examine him before we
16 conclude.

17 HEARING OFFICER WEBB: Then let's take a
18 break.

19 (At this point there was an off the
20 record discussion.)

21 (The time is 2:59 p.m.)

22 HEARING OFFICER WEBB: We will go back on
23 the record. LRS, please continue. You may state
24 your case.

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1 MS. CHAMBERLAIN: Well, at this point
2 the last piece of evidence we have is the
3 admission of written testimony of Richard Guerard.

4 HEARING OFFICER WEBB: I understand
5 there's no objection to that?

6 MR. HALL: No objection.

7 HEARING OFFICER WEBB: Okay. That is LRS
8 18. Is there any cross examination for Mr.
9 Guerard?

10 MR. HALL: No, there is not.

11 HEARING OFFICER WEBB: All right. So, I
12 guess is there anything else you would like to add
13 to your case?

14 MS. CHAMBERLAIN: I don't think we have
15 any further witnesses or exhibits to offer except
16 that the evidence that's in the record is in the
17 record. So, to the extent we're doing briefing on
18 that, we would just reference documents that are
19 in the record. I assume you guys will do the
20 same.

21 HEARING OFFICER WEBB: Sounds good.
22 Okay. Well, I just want to note for the record
23 that there are no members of the public who are
24 here to make comment. So, I will just make some

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1 concluding remarks.

2 The parties are reminded to please refer
3 to Section 101.627 of the Board's procedural rules
4 regarding the electronic filing of exhibits with
5 the clerk of the board. The transcript will be due
6 by August 6th. And will be posted on the Board's
7 website.

8 The public comment deadline is August
9 13th. Public comment must be filed in accordance
10 with Section 101.628 of the Board's procedural
11 rules. The petitioner's brief is due by August
12 20th and respondent's briefs are due by September
13 3rd. Would the petitioner like to make a closing
14 argument?

15 MR. HALL: No, thank you. We will put
16 that in our brief.

17 HEARING OFFICER WEBB: Would the County
18 like to make a closing argument?

19 MS. WILLIAMS: No, thank you. We will
20 also put that in writing.

21 HEARING OFFICER WEBB: Okay. Would LRS
22 like to make a closing argument?

23 MS. CHAMBERLAIN: No. We will put those
24 into the briefing.

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1 MS. STOTTS: No.

2 HEARING OFFICER WEBB: At this time I
3 will conclude the proceedings. We stand adjourned
4 and I thank you all for your participation.

5 MR. HALL: With respect to those
6 exhibits, is there a date that you need that done
7 by?

8 HEARING OFFICER WEBB: The procedural
9 rules specify five days. No need to collect the
10 exhibits from the witness, and no need to attach
11 them to the transcript.

12 (Hearing adjourned at 3:00 PM.)

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1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF CHAMPAIGN)

4 I, DEANN K. PARKINSON, a Notary Public
5 in and for the County of Champaign State of
6 Illinois, do hereby certify that the foregoing
7 hearing was taken on July 29, 2024.

8 That said hearing was taken down in
9 stenographic notes and afterwards reduced to
10 typewriting under my instruction and said
11 transcription is a true record of the testimony
12 given.

13 I do hereby certify that I am a
14 disinterested person in this cause of action; that
15 I am not a relative of any party or any attorney
16 of record in this cause, or an attorney for any
17 party herein, or otherwise interested in the event
18 of this action, and am not in the employ of the
19 attorneys for either party.

20 In witness whereof, I have hereunto set
21 my hand and affixed my notarial seal July 31,
22 2024.

23 _____
24 DEANN K. PARKINSON, CSR
NOTARY PUBLIC

	154:19	admit (18)	almost (2)	149:14,18
\$	action (1)	31:23;32:7;71:24;	75:22,24	applied (1)
\$30,638.96 (1)	77:6	95:3;96:6;100:3,6,11;	along (2)	31:16
62:19	actively (1)	126:10;127:2,9;	60:8;133:1	applies (1)
A	122:9	128:13;129:1;139:22;	altered (1)	34:3
	activities (2)	147:10;152:11,13,14	149:5	apply (2)
	10:16;136:16	admitted (20)	although (1)	42:17;45:15
ability (3)	actual (10)	32:5;33:22;62:24;	87:7	appreciate (2)
6:21;115:11;120:18	11:24,24;51:7,12,	63:12;70:19,24;	always (1)	64:10;65:3
able (16)	18;63:9;98:20;109:1;	71:12;72:14;79:15,	74:23	approach (2)
16:1;18:2;40:16;	110:11;143:16	20;88:19,23;99:23;	amended (1)	120:12;121:5
44:5;55:24;59:5;	actually (41)	126:21;129:6,12;	155:14	appropriate (1)
65:12,13;74:18;77:3;	6:10;12:10;13:14;	137:5;140:2;147:14;	ample (1)	7:16
110:12,17;115:18;	16:14;31:8;49:21;	152:22	16:5	appropriately (2)
119:4;128:4;135:11	51:15,24;77:8,19;	advance (1)	angular (1)	151:12,18
abouts (4)	78:6;97:9;105:22;	116:20	138:24	approval (10)
93:15;94:16,17;	106:1;107:1;108:8,	aerial (4)	answered (4)	4:16;11:2,4;13:5;
104:6	15,16;110:12;125:16;	102:19,22;103:4,5	103:12;105:21;	14:2;42:7;53:3;
absolutely (2)	127:7,9;128:5,9;	afforded (1)	121:9;158:1	105:19;112:20;
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