

ILLINOIS POLLUTION CONTROL BOARD
June 19, 2014

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JUN 19 2014

STATE OF ILLINOIS
Pollution Control Board

TIMBER CREEK HOMES, INC.,)
)
Petitioner,)
)
v.)
)
VILLAGE OF ROUND LAKE PARK,)
ROUND LAKE PARK VILLAGE BOARD)
and GROOT INDUSTRIES, INC.,)
)
Respondents.)



ORIGINAL

PCB 14-99
(Pollution Control Facility Siting Appeal)

HEARING REPORT

On June 2, 2014, a hearing was held in the above-captioned appeal. The hearing was held at the Round Lake Park Village Hall, Board Chambers, 203 E. Lake Shore Drive, Round Lake Park, Illinois 60073. Attorney Michael S. Blazer appeared on behalf of the petitioner, Timber Creek Homes, Inc. (TCH). Attorney Peter S. Karlovics appeared on behalf of the respondent Round Lake Village Board (Village Board). Attorney Glenn Sechen appeared on behalf of respondent Village of Round Lake Park (Village). Attorney Richard S. Porter appeared on behalf of respondent Groot Industries, Inc. (Groot).

Preliminary Matter

The first part of the hearing dealt with evidentiary issues. Only one witness was presented at hearing and that witness, Dale Kleszynski, was called by the Village. Mr. Kleszynski testified as to TCH Exhibit 33 and 58. Mr. Kleszynski's testimony as to TCH Exhibit 33 was elicited only as a counter offer of proof. (See Hearing Transcript at pages 152-155).

It is noted that TCH filed a motion for sanctions regarding discovery on May 29, 2014. The Village filed its response on June 2, 2014. On June 3, 2014, the Village Board filed a motion adopting the Village's response. On June 3, 2014, TCH filed its reply.

Exhibits

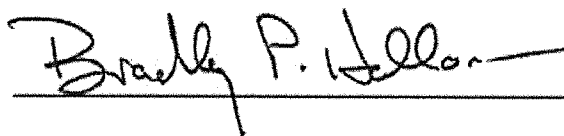
A list itemizing the parties' exhibits and status is attached to this order.

Briefing Schedule

A post-hearing briefing schedule was addressed in the February 4, 2014 hearing officer order and again at the close of the June 2, 2014 hearing and is as follows: TCH's post-hearing brief is due to be filed on or before June 23, 2014; the respondents' post-hearing briefs are due to be filed on or before July 3, 2014; TCH's reply is due to be filed on or before July 10, 2014; Public Comment must be filed on or before June 25, 2014. The record in the above-captioned appeal closes on July 10, 2014.

The mailbox rule does not apply to any of the above-mentioned post-hearing schedules, and all electronic or approved telefax filings must be received by the Clerk's Office no later than 4:30 p.m. of the due date.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line underneath.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917
Brad.halloran@illinois.gov

PCB 14-99

Exhibit List

Exhibit	Description	Status
Hearing Officer Exhibit A	Stipulation with the parties Exhibit chart attached.	Admitted
Petitioner's Exhibit 1	First American Title Insurance Company, Schedule A	Admitted over objection
Petitioner's Exhibit 2	Public Informational Meeting Announcement, dated February 16	Admitted over objection
Petitioner's Exhibit 3	Village of Round Lake Park Committee Meeting Minutes, dated June 11, 2013	Admitted over objection
Petitioner's Exhibit 4	Village of Round Lake Park Board Meeting Minutes, dated June 18, 2013	Admitted over objection
Petitioner's Exhibit 5	Village of Round Lake Park Board Meeting Minutes, dated August 6, 2013	Admitted over objection
Petitioner's Exhibit 6	Village of Round Lake Park Ordinance No. 12-13, dated November 6, 2012	Admitted over objection
Petitioner's Exhibit 7	Village of Round Lake Park Ordinance No. 13-15, dated August 6, 2013	Admitted over objection
Petitioner's Exhibit 8	Village of Round Lake Park Certification of Documents Ordinance 12-14, dated November 6, 2012	Admitted over objection
Petitioner's Exhibit 9	Village of Round Lake Park Certification of Documents Resolution No. 13-09, dated December 12, 2013	Admitted over objection
Petitioner's Exhibit 10	Village of Round Lake Park Deliberation Meeting on Criteria, dated December 12, 2013	Admitted over objection
Petitioner's Exhibit 11	Village of Round Lake Park Deliberation Meeting on Criteria, dated December 10, 2014	Admitted over objection
Petitioner Exhibit 12	Village of Round Lake Park Transcript of Proceedings, dated December 11, 2013	Admitted over objection

Petitioner's Exhibit 13	Village of Round Lake Park Board Meeting Minutes, dated October 16, 2014	Admitted over objection
Petitioner's Exhibit 14	Host Community Agreement, dated October 16, 2012	Admitted over objection
Petitioner's Exhibit 15	Village of Round Lake Park Committee Meeting Minutes, dated October 9, 2012	Admitted over objection
Petitioner's Exhibit 16	Village of Round Lake Park Board Meeting Minutes, dated November 6, 2012	Admitted over objection
Petitioner's Exhibit 17	Village of Round Lake Park Committee Meeting Minutes, dated December 13, 2011	Admitted over objection
Petitioner's Exhibit 18	Village of Round Lake Park Board Meeting Minutes, dated December 4, 2012	Admitted over objection
Petitioner's Exhibit 19	Village of Round Lake Park Board Meeting Minutes, dated September 2, 2008	Admitted over objection
Petitioner's Exhibit 20	Village of Round Lake Park Board Meeting Minutes, dated September 16, 2008	Admitted over objection
Petitioner's Exhibit 21	Devin Moose of Shaw Environmental, Inc. Presentation, dated September 16, 2008	Admitted over objection
Petitioner's Exhibit 22	Aerial Photograph (See page 41 of Hearing Transcript for description)	Admitted over objection
Petitioner's Exhibit 23	Warranty Deed	Admitted over objection
Petitioner's Exhibit 24	Real Estate Acquisition Loan	Admitted over objection
Petitioner's Exhibit 25	Village of Round Lake Park Board Meeting Minutes, dated October 21, 2008	Admitted over objection
Petitioner's Exhibit 26	Village of Round Lake Park Committee Meeting Minutes, dated October 30, 2012	Admitted

Petitioner's Exhibit 27	Village of Round Lake Park Board Meeting Minutes, dated January 7, 2014	Admitted over objection
Petitioner's Exhibit 28	Village of Round Lake Park Committee Meeting Minutes, dated October 13, 2009	Admitted over objection
Petitioner's Exhibit 29	E-mail from Hinshaw, dated October 25, 2012 regarding Siting Ordinance	Denied-taken as offer of proof
Petitioner's Exhibit 30	E-mail from Charles Helsten to Peter Karlovics, dated October 31, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 31	E-mail from Round Lake Park Mayor to Martin Fallon, dated December 10, 2012	Admitted over objection
Petitioner's Exhibit 32	E-mail from Derke Price to Peter Karlovics, dated June 27, 2013	Admitted over objection
Petitioner's Exhibit 33	E-mail from Glenn Sechen to Dale Kleszynski, dated September 22, 2013	Denied-taken as offer of proof
Petitioner's Exhibit 34	Village of Round Lake Park Committee Meeting Minutes, dated August 11, 2009	Denied-taken as offer of proof
Petitioner's Exhibit 35	Village of Round Lake Park Board Meeting Minutes, dated April 15, 2008	Denied-taken as offer of proof
Petitioner's Exhibit 36	Village of Round Lake Park Ordinance No. 09-17, dated November 3, 2009	Denied-taken as offer of proof
Petitioner's Exhibit 37	Village of Round Lake Park Ordinance No. 09-16, dated November 3, 2009	Denied-taken as offer of proof
Petitioner's Exhibit 38	Web Home Page of the Village of Round Lake Park (4 pages)	Admitted over objection
Petitioner's Exhibit 39	Village of Round Lake Park Board Meeting Minutes, dated April 3, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 40	Village of Round Lake Park Board Meeting Minutes, dated May 15, 2012	Denied-taken as offer of proof

Petitioner's Exhibit 41	Withdrawn	Withdrawn
Petitioner's Exhibit 42	Web Site for Village of Round Lake Park regarding Trustee Jean McCue	Denied-taken as offer of proof
Petitioner's Exhibit 43	Village of Round Lake Park Committee Meeting Minutes, dated March 11, 2008	Denied-taken as offer of proof
Petitioner's Exhibit 44	Village of Round Lake Park Committee Minutes, dated February 10, 2009	Denied-taken as offer of proof
Petitioner's Exhibit 45	Village of Round Lake Park Board Meeting Minutes, dated November 3, 2009	Denied-taken as offer of proof
Petitioner's Exhibit 46	Village of Round Lake Park Committee Meeting Minutes, dated December 8, 2009	Denied-taken as offer of proof
Petitioner's Exhibit 47	Village of Round Lake Park Board Meeting Minutes, dated January 19, 2010	Denied-taken as offer of proof
Petitioner's Exhibit 48	Village of Round Lake Park Board Meeting Minutes, dated February 16, 2010	Denied-taken as offer of proof
Petitioner's Exhibit 49	Village of Round Lake Park Board Meeting Minutes, dated April 5, 2011	Denied-taken as offer of proof
Petitioner's Exhibit 50	Village of Round Lake Park Board Meeting Minutes, dated June 7, 2011	Denied-taken as offer of proof
Petitioner's Exhibit 51	Village of Round Lake Park Committee Meeting Minutes, dated March 13, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 52	Village of Round Lake Park Board Meeting Minutes, dated March 20, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 53	E-mail from Glenn Sechen to Peter Karlovics, dated September 28, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 54	E-mail from Glenn Sechen to Jean McCue, dated October 3, 2012	Denied-taken as offer of proof

Petitioner's Exhibit 55	E-mail from Peter Karlovics to Glenn Sechen, dated October 6, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 56	E-mail from Peter Karlovics to Mayor McCue et. al, dated October 26, 2012	Admitted over objection
Petitioner's Exhibit 57	E-mail from Glenn Sechen to Peter Karlovics, dated October 29, 2012	Denied-taken as offer of proof
Petitioner's Exhibit 58	E-mail from Glenn Sechen to Peter Karlovics, dated January 18, 2013	Admitted over objection
Petitioner's Exhibit 59	Withdrawn	Withdrawn
Petitioner's Exhibit 60	E-mail from Peter Karlovics to Mayor et. al, dated December 2, 2013	Denied-taken as offer of proof
Petitioner's Exhibit 61	E-mail from Jean (Mayor) to Linda Lucassen, dated December 6, 2013	Denied-taken as offer of proof
Petitioner's Exhibit 70	Supplemental Answers to Petitioner's First Set of Interrogatories to Groot Industries, Inc.	Denied-taken as offer of proof
Petitioner's Exhibit 71	Village of Round Lake Park's First Supplemental Response to Petitioner's First Set of Interrogatories to Village of Round Lake Park and Round Lake Village Board	Denied-taken as offer of proof
Petitioner's Exhibit 72	Village of Round Lake Park's Response to Interrogatories Pursuant to Hearing Officer Order of April 7, 2014	Denied-taken as offer of proof
Petitioner's Exhibit 73	Petitioner's Deposition Designations	Admitted
Petitioner's Exhibit 74	Petitioner's Counter Deposition Designations	Admitted
Petitioner's Exhibit 75	Invoice from Dale Kleszynski to Village of Round Lake Park, dated October 7, 2013	Admitted over objection
Groot's Exhibit 1	Respondent Groot's Deposition Designations	Admitted over objection
Groot Exhibit 2	Affidavit of Round Lake Park Trustee Jean McCue, dated June 2, 2014, in Support of Counter Offer of Proof by Respondents	Admitted as counter offer of proof

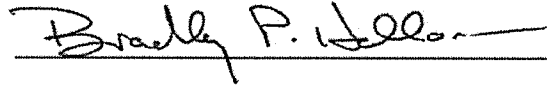
Village Exhibit 100	E-mail from Mayor to Glenn Sechen, dated October 6, 2012	Admitted
Village Board Exhibit 200	Affidavit of Round Lake Park Trustee Jean McCue, dated May 29, 2014	Admitted as counter offer of proof to TCH Exhibit 60

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on June 19, 2014, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on June 19, 2014:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois

SERVICE LIST

PCB 2014-099
Charles F. Culbertson
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

PCB 2014-099
Michael S. Blazer
Jeep & Blazer, L.L.C.
24 North Hillside Avenue
Suite A
Hillside, IL 60162

PCB 2014-099
Peter S. Karlovics
Law Offices of Rudolph F. Magna
495 N. Riverside Drive, Suite 201
Gurnee, IL 60031-5920

PCB 2014-099
Karen Eggert
Village of Round Lake Park
203 E. Lake Shore Drive
Round Lake Park, IL 60073

PCB 2014-099
Glenn Sechen
The Sechen Law Group
13909 Laque Drive
Cedar Lake, IN 46303-9658

PCB 2014-099
Richard S. Porter
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

PCB 2014-099
Jeffery D. Jeep
Jeep & Blazer, L.L.C.
24 North Hillside Avenue
Suite A
Hillside, IL 60162

PCB 2014-099
George Mueller
609 Etna Road
Ottawa, IL 61350

PCB 2014-099
Linda Lucassen
Village of Round Lake Park
203 E. Lake Shore Drive
Round Lake Park, IL 60073

PCB 2014-099
Peggy L. Crane
Hinshaw & Culbertson
416 Main Street
6th Floor
Peoria, IL 61602