

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 18 2014

STATE OF ILLINOIS
Pollution Control Board

ROXANA LANDFILL, INC.)
)
 Petitioner,)
)
 v.)
)
 VILLAGE BOARD OF THE VILLAGE OF)
 CASEYVILLE, ILLINOIS; VILLAGE OF)
 CASEYVILLE, ILLINOIS; and)
 CASEYVILLE TRANSFER STATION, L.L.C.)
)
 Respondents.)
)

No. PCB 15-65
(Third Party Pollution Control
Facility Siting Appeal)

2014
DEC 18

VILLAGE OF FAIRMONT CITY, ILLINOIS,)
)
 Petitioner,)
)
 v.)
)
 VILLAGE OF CASEYVILLE, ILLINOIS BOARD)
 OF TRUSTEES and CASEYVILLE TRANSFER)
 STATION, L.L.C.)
)
 Respondents.)
)

No. PCB 15-69
(Third Party Pollution Control
Facility Siting Appeal)
(Consolidated)

MOTION FOR COSTS OF PREPARING AND CERTIFYING THE RECORD

NOW COME, Respondents, Village of Caseyville, Illinois and Village Board of the Village of Caseyville, by and through their attorneys, and for their Motion for Costs and Attorney's Fees moves for an order granting their Motion for Costs of Preparing and Certifying the Record and in support thereof states:

1. The Pollution Control Board Rules provide, "[T]he petitioner must pay the costs of preparing and certifying the Record to the Board..." 35 Ill. Admin Code 107.306.
2. Respondents, Village of Caseyville, Illinois and Village Board of the Village of Caseyville, have incurred the following costs for the preparation and certification of the Record on Appeal:


Rob Watt	\$607.04
Leslie McReynolds	\$944.88
Document & Network Tech	\$440.84
PohlmanUSA Court Reporting	\$407.01
Postage	\$71.30
Weilmuenster Law Group, P.C.	<u>\$2,425.50</u>
Total	\$4,896.57

3. That attached hereto is the Affidavit of Leslie McReynolds verifying the costs incurred by the Village of Caseyville along with invoices and receipts.

Wherefore, Respondents respectfully request an order be entered requiring that the Petitioners pay the costs of \$4,896.57 incurred by the Village of Caseyville for the preparation and certification of the record and for such other relief deemed to be just.

Respectfully Submitted,

WEILMUENSTER LAW GROUP, P.C.

BY: 
J. Brian Manion
IL No. 06283445

3201 West Main Street
Belleville, IL 62226
(618) 257-2222 – phone
(618) 257-2030 – fax

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Belleville, Illinois, on the 9th day of December, 2014.

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Donald J. Moran
Pedersen & Houpt
161 N. Clark Street
Suite 2700
Chicago, IL 60601

Jennifer J. Sackett Pohlenz
Clark Hill PLC
150 N. Michigan Avenue
Suite 2700
Chicago, IL 60601

Penni S. Livingston
Livingston Law Firm
5701 Perrin Road
Fairview Heights, IL 62208

Robert J. Sprague
Sprague & Urbana
26 E. Washington Street
Belleville, Illinois 62220

RECEIVED
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DEC 12 2014
STATE OF ILLINOIS
Pollution Control Board

Kelley Folmer

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROXANA LANDFILL, INC.)
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 Petitioner,)
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 v.)
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 VILLAGE BOARD OF THE VILLAGE OF)
 CASEYVILLE, ILLINOIS; VILLAGE OF)
 CASEYVILLE, ILLINOIS; and)
 CASEYVILLE TRANSFER STATION, L.L.C.)
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 Respondents.)
 _____)

No. PCB 15-65
(Third Party Pollution Control
Facility Siting Appeal)



VILLAGE OF FAIRMONT CITY, ILLINOIS,)
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 VILLAGE OF CASEYVILLE, ILLINOIS BOARD)
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 STATION, L.L.C.)
)
 Respondents.)

No. PCB 15-69
(Third Party Pollution Control
Facility Siting Appeal)
(Consolidated)

AFFIDAVIT OF LESLIE MCREYNOLDS

I, Leslie McReynolds, of lawful age, being duly sworn upon my oath, have personal knowledge of the following and hereby depose and state as follows:

1. That I am an adult and have no legal disabilities and I reside in Caseyville, Illinois.
2. That I am employed by the Village of Caseyville and I serve as Deputy Village Clerk.
3. That the hourly rate for my wages and benefits paid by the Village of Caseyville is \$39.37 per hour.

4. That I expended 24 hours of time working on the preparation and certification of the Record on Appeal.

5. That Village Clerk Rob Watt's hourly rate for his wages and benefits is \$37.94 per hour.

6. That Rob Watt expended 16 hours of time working on the preparation and certification of the Record on Appeal to the Pollution Control Board.

7. That the Village of Caseyville incurred \$440.84 in costs from Document and Network Tech for the copying and scanning of the Record on Appeal.

8. That the Village of Caseyville incurred \$407.01 from PohlmanUSA Court Reporting for the preparation of the transcripts for the Record on Appeal.

9. That the Village of Caseyville incurred \$71.30 in postage for the mailing of the Record on Appeal to the Pollution Control Board.

10. That the Village of Caseyville incurred \$2,425.50 in attorney's fees from Weilmuenster Law Group, P.C. for the preparation and certification of the Record on Appeal.

FURTHER AFFIANT SAYETH NAUGHT.

Leslie McReynolds
Leslie McReynolds

Subscribed and sworn to before me on this 9th day of December, 2014.

Leonard Black
Notary Public

My Commission Expires: 09-2017



Rob Watt	16 hrs @ 37.94	607.04
Leslie McReynolds	24 hrs @ 39.37	944.88

VILLAGE OF CASEYVILLE
ACCOUNTS PAYABLE INQUIRY
Thursday November 20, 2014

Invoice #	Tran Date	Due Date	Code	Check #	PO/GL #	Amount	Comment
=====							
DOC01 DOCUMENT & NETWORK TECH							
56516A	10/31/14	11/30/14	Invoice			440.84	TRANSFER STATION
					01-00-5537	440.84	TRANSFER STATION

01 GENERAL FUND 440.84

Invoices Total: 440.84
Payments Total: .00

TOTAL FISCAL YTD-15 PAYMENTS: .00

TOTAL CALENDAR YTD-2014 PAYMENTS: .00

SYS DATE:112014 [NI]

VILLAGE OF CASEYVILLE
A C C O U N T S P A Y A B L E I N Q U I R Y
Thursday November 20, 2014

SYS TIME:13:45:23.52
Page # 1

Invoice #	Tran Date	Due Date	Code	Check #	PO/GL #	Amount	Comment
POH01 POHLMANUSA COURT REPORTING							
562668	09/30/14	10/30/14	Invoice			344.03	TRANSFER STATION
					01-00-5537	344.03	TRANSFER STATION
562671	09/30/14	10/30/14	Invoice			62.98	TRANSFER STATION
					01-00-5537	62.98	TRANSFER STATION

01 GENERAL FUND 407.01

Invoices Total: 407.01
Payments Total: .00

TOTAL FISCAL YTD-15 PAYMENTS: 407.01 TOTAL CALENDAR YTD-2014 PAYMENTS: 407.01

Waste
Tran. Station
01-10-5557

Caseyville
Caseyville, Illinois
622329998
2871440532 -0098
10/09/2014 (618)344-4594 04:47:17 PM

Product Description	Sale Qty	Unit Price	Final Price
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@@ ** CHICAGO IL 60601-3233 Zone-3 Priority Mail 2-Day By Weight 20 lb. 12.0 oz. Expected Delivery: Sat 10/11/14 Includes \$50 insurance			\$20.90
---	--	--	---------

Return Rcpt (Green Card)			\$2.70
@@ Certified			\$3.30

USPS Certified Mail #:
70140510000184071326

=====
Issue Postage: \$26.90

CHICAGO IL 60601-3233 Zone-3 Priority Mail 2-Day By Weight 43 lb. 2.8 oz. Expected Delivery: Sat 10/11/14			\$38.40
--	--	--	---------

Return Rcpt (Green Card)			Void
Certified			Void

USPS Certified Mail #:
70140510000184071203

=====
Issue Postage: \$44.40

Postage Line Item Void			-\$44.40
@@ ** CHICAGO IL 60601-3233 Zone-3			\$38.40

Priority Mail 2-Day By Weight
43 lb. 2.6 oz.
Expected Delivery: Sat 10/11/14
Includes \$50 insurance

Return Rcpt (Green Card)			\$2.70
@@ Certified			\$3.30

USPS Certified Mail #:
70140510000184071203

=====
Issue Postage: \$44.40

Total: \$71.30

Paid by:
MasterCard \$71.30
Account #: XXXXXXXXXXXX4901
Approval #: 961620
Transaction #: 471
23 903074458

@@ For tracking or inquiries go to
USPS.com or call 1-800-222-1811.

** Save this receipt as evidence of
insurance. For information on filing an
insurance claim go to
usps.com/ship/file-domestic-claims.htm.

Order stamps at usps.com/shop or call


WEILMUNSTER
LAW GROUP, P.C.

3201 West Main Street
Belleville, IL 62226
618/257-2222
EIN#37-1403700

Village of Caseyville
909 S. Main Street
Caseyville, IL 62232

November 19, 2014

In Reference To: Pollution Control Board Record

File No. 14-405

Professional Services

		<u>Hours</u>	<u>Amount</u>
9/23/2014	JBM Reviewed email from Clerk Rob Watt regarding waste transfer station appeal filings; researched administrative rules regarding preparation and filing of record with Pollution Control Board; reviewed and responded to emails from Clerk Watt regarding meeting to review record.	1.00	165.00
9/25/2014	JBM Drafted email to Leslie McReynolds regarding meeting on Friday regarding waste transfer station appeal;	0.20	33.00
9/26/2014	JBM Travel to Caseyville Village Hall; conference with Mayor Black, Leslie McReynolds and Village Clerk Watt regarding waste transfer station appeal to Pollution Control Board and rules and procedures for preparing, certifying, copying and filing the record pursuant to the Pollution Control Board record.	1.80	297.00
9/30/2014	JBM Telephone conference with hearing officer Webb regarding procedures and time for submission of record; telephone conference with Clerk John Therriault regarding procedures for filing of record.	0.40	66.00
	For professional services rendered	<u>3.40</u>	<u>\$561.00</u>
	Phone-postage-copies		\$28.05
	Total amount of this bill		<u>\$589.05</u>

Amount

Balance due

\$589.05

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
J. Brian Manion	3.40	165.00	\$561.00


WEILMUENSTER
LAW GROUP, P.C.

3201 West Main Street
Belleville, IL 62226
618/257-2222
EIN#37-1403700

Village of Caseyville
909 S. Main Street
Caseyville, IL 62232

December 08, 2014

In Reference To: Pollution Control Board Record

File No. 14-405

Professional Services

		<u>Hours</u>	<u>Amount</u>
10/1/2014	JBM Telephone conference with Leslie McReynolds regarding preparation of record for waste transfer station appeal.	0.20	33.00
10/2/2014	JBM E-mail to L. McReynolds regarding preparation of record for waste transfer station appeal.	0.20	33.00
10/7/2014	JBM Travel to Village Hall; conference with Clerk Watt to review record on appeal; revised index; telephone conference with Clerk Therriault regarding pagination of record and requirements for certificate; conference with Clerk Watt and Leslie McReynolds regarding instructions for copies to be obtained; reviewed email from Leslie McReynolds with index to record on appeal; email to Kelly regarding use of index in certificate of record. drafted certificate of record on appeal for Village Clerk; drafted cover letter for transmittal of record on appeal to the Pollution Control Board.	4.00	660.00
10/8/2014	JBM Reviewed and revised draft certificate of record on appeal; drafted email to Clerk Watt and Leslie McReynolds with certificate of record for signature; reviewed response from Clerk Watt;	0.60	99.00
10/9/2014	JBM Multiple telephone conferences with Leslie McReynolds regarding status of copying and scanning of record on appeal for waste transfer station application appeal; multiple telephone conference with Simon at BNT regarding questions regarding page numbering for record; travel to Caseyville Village Hall; reviewed original record, 2 hard copies, 1 electronic copy of record, original and copy of certificate and provided cover letter to clerk of Pollution Control Board to be filed; conference with Leslie McReynolds	2.00	330.00

	<u>Hours</u>	<u>Amount</u>
regarding instructions on mailing of same and copies to parties of record; conference with Clerk Watt regarding same.		
10/16/2014 JBM Telephone conference with John Thierriault, Clerk of Pollution Control Board regarding receipt of record on appeal	0.20	33.00
For professional services rendered	<u>7.20</u>	<u>\$1,188.00</u>
Phone-postage-copies		\$59.40
Total amount of this bill		<u>\$1,247.40</u>
Previous balance		\$589.05
Balance due		<u><u>\$1,836.45</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
J. Brian Manion	7.20	165.00	\$1,188.00



WEILMUNSTER
LAW GROUP, P.C.

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DEC 12 2014

STATE OF ILLINOIS
Pollution Control Board

December 9, 2014

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

 ORIGINAL

RE: Roxana Landfill, Inc. v. Village Board of the Village of Caseyville, Illinois, et al.; No. PCB 15-65; and Village of Fairmont City, Illinois v. Village of Caseyville, Illinois Board of Trustees, et al.; No. PCB 15-69

Dear Mr. Therriault:

Enclosed please find an original and one copy of our Motion for Costs and Attorney's Fees. Please verify receipt and filing by returning a file stamped copy of said document in the enclosed self-addressed envelope.

If you should require anything further, please feel free to contact me.

Very truly yours,

WEILMUNSTER LAW GROUP, P.C.

By: 
J. Brian Manion

JBM/kjf
Enclosure

cc: Jennifer J. Sackett Pohlenz
Carol Webb
Donald Moran
Penni S. Livingston
Robert Sprague

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jmw@weilmuensterlaw.com
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