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STATE OF ILLINOIS
Pollution Control Board

Public Comment submitted to the Pollution Control Board
RE: Case # PCB 2007-146, Fox Moraine LLC v. United City of Yorkville
April 28, 2009

I am Judy Gilmour, resident of Yorkville, IL, and secretary of "Friends of Greater Yorkville," also known as FOGY. I have held this position since the beginning of FOGY in November, 2006. FOGY is a small group of citizens who opposed the application for siting of the Fox Moraine landfill in Yorkville.

PCB # 2

I wish to comment on the "Amended Motion of Petitioner, Fox Moraine, LLC, for a Finding That Valerie Burd Was Not a Credible Witness". This was presented on April 23, 2009, at the conclusion of the appeal public hearing, by the Fox Moraine attorney. It contains several inaccuracies, which I can attest to, as I was present during the times referred to in this motion and have first-hand knowledge of the individuals who are mentioned by name. I am offering the following observations:

1. In item #3, Fox Moraine admits that the complete transcript of the hearing is absent. Indeed, in its absence, Fox Moraine assumes some things that are just plain inaccurate, as the transcripts will prove when they are read.
2. Item #4 claims that Valerie Burd ran as an "anti-landfill candidate" in her campaign for mayor, and "prejudged the merits of the case". Fox Moraine is unable to show any evidence in this Motion to this, just as they were unable to substantiate this during the hearing. Furthermore, in her role as mayor, Burd did not vote on the landfill application in May, 2007.
3. In Item #5, even though Burd said that Ron Parrish and Todd Milliron were members of her campaign committee, she testified in the hearings that they never discussed the landfill. Therefore, the issue of an individual's right to help in a campaign, even if it coincides with a 39.2 landfill siting hearing, should not be a matter of concern, as it is that person's Constitutional rights of freedom of speech and freedom of assembly. And if Burd testified that they never discussed the landfill, she therefore fulfilled the spirit of the law by not exchanging in ex parte contact.
4. The series of quotations by Ron Parrish, Todd Milliron, and Randy Scott are all protected under the Constitution, Amendment I, which protects a citizen's freedom of speech. Parrish's and Scott's statements referred to in the Motion were all made prior to the date of the landfill application (12-1-06) and are therefore outside of the record. Additionally, Burd's testimony in the appeal hearing was that she did not recall statements made by Parrish or Milliron and that they did not discuss the landfill. Fox Moraine cannot hope to prove what is or is not part of Burd's recall, just by reprinting excerpts of statements made by Parrish and Milliron in the Motion.
5. Item #6 says that other witness had no difficulty acknowledging that both Parrish and Milliron were landfill opponents. Again, does Fox Moraine think that this in some way proves what Burd recalls? Furthermore, Fox Moraine says in this same item that Parrish remained a "vocal landfill opponent through the siting hearing process." I attended every siting hearing, and can say that Parrish absolutely was not a vocal landfill opponent during the hearings, and did not speak publicly during this time. Fox Moraine makes this statement, but offers absolutely no proof of it. This is another example of an inaccurate and unsubstantiated statement by Fox Moraine.

6. Item #7 discusses campaign contributions from members of FOGY to Burd's campaign. I wish to emphasize that any member of FOGY has a right to contribute his or her money to any cause, acting as an individual apart from his or her role in FOGY. Furthermore, Parrish was a member of FOGY but only for a very brief time, and Burd testified in the appeal hearings that she did not know Parrish was a member of FOGY.

7. Item #8 mentions Ed Sleezer, who was an acquaintance of Burd's, but was not an official member of her campaign committee. Again, even though he appeared as a witness in the siting hearings, this fact should not hinder his right to help support Burd as a mayoral candidate. This is another example of Fox Moraine's attempt to trample on a person's freedom of speech. A statement made by Arden Plocher, saying that Sleezer was on Burd's campaign committee, is absolutely untrue, and can be proven by checking with the campaign statement submitted to the State of Illinois during Burd's campaign. I believe Plocher was simply mistaken about this.

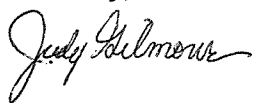
8. Item #9 is an untrue statement: "In his testimony, Werderich identified Plocher as another FOGY member." Werderich did not say this, and this can easily be proven by reading the transcripts of the hearings. Additionally, as Secretary of FOGY, I can attest to the fact that at no time was Plocher ever a FOGY member and had no affiliation with FOGY at any time.

The above statements made by Fox Moraine are just more examples of unsubstantiated attempts to show bias, which will be made clear when they are examined using the actual facts

Along with the above unsubstantiated statements by Fox Moraine, remains another false accusation made against FOGY by Fox Moraine in their "Petition for Review." Here FOGY is accused of engaging in prejudicial ex parte contacts with members of the Yorkville City Council. This is absolutely untrue; furthermore, Fox Moraine has been unable to offer any proof or substance to this statement. In the appeal hearing proceedings, Fox Moraine was even unclear who the members of FOGY are, and confused us with other people who were never members of FOGY, namely Todd Milliron and Arden Plocher. Ron Parrish was briefly a member of FOGY, but resigned on December 15, 2006, and had no further contact with FOGY after his resignation.

I wish to thank the Pollution Control Board for its consideration of my comments in this matter.

Sincerely,



Judy Gilmour
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