

**In the Matter Of:**  
**HAYMARKET DuPAGE LLC**

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**REPORT OF PROCEEDINGS**

*April 07, 2021*

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1 PRESENT VIA REMOTE VIDEOCONFERENCE:

2 MR. BRENDAN DALY, Chairman;

3 MR. FRANK CARELLO, Commissioner;

4 MS. LORI DRUMMOND, Commissioner;

5 MR. JEFFREY HOLMES, Commissioner;

6 MS. KRISTA RAY, Commissioner;

7 MR. ANTHONY RUSSO, Commissioner.

8 ALSO PRESENT VIA REMOTE VIDEOCONFERENCE:

9 MR. MO KHAN, Village Planner;

10 MS. YORDANA WYSOCKI, Village Attorney;

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15 Appeared on behalf of 865 West Irving Park  
16 Road, LLC;

17 OTTOSEN, DiNOLFO, HASENBLAG & CASTALDO, LTD., by  
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23 Appeared on behalf of Itasca Fire Protection  
24 District.

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I N D E X

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EXHIBITS: ID RECEIVED  
(No exhibits identified or received.)

1 CHAIRMAN DALY: Welcome to the April 7th  
2 meeting of the Itasca Plan Commission. I call this  
3 meeting to order.

4 Will the secretary please call the  
5 roll.

6 MR. KHAN: Commissioner Carello.

7 Commissioner Drummond.

8 COMMISSIONER DRUMMOND: Here.

9 MR. KHAN: Commissioner Holmes.

10 COMMISSIONER HOLMES: Here.

11 MR. KHAN: Commissioner Ray.

12 COMMISSIONER RAY: Here.

13 MR. KHAN: Commissioner Russo.

14 COMMISSIONER RUSSO: Here.

15 MR. KHAN: Chairman Daly.

16 CHAIRMAN DALY: Here.

17 And please call Commissioner  
18 Carello again. I believe he joined.

19 MR. KHAN: Commissioner Carello.

20 COMMISSIONER CARELLO: Here.

21 CHAIRMAN DALY: Thank you. I declare a  
22 quorum present.

23 Good evening, everyone. Today is  
24 Wednesday, April 7th, 2021. The case before the

1 Plan Commission is PC 19-014 continued from  
2 March 17th. The petitioner and owner is Haymarket  
3 DuPage LLC. The location is 860 West Irving Park  
4 Road.

5 The procedures for tonight and  
6 meetings moving forward are as follows: The Plan  
7 Commission has adopted new rules of procedure which  
8 are now in effect. We are proceeding remotely due  
9 to COVID-19, and the public may watch the  
10 proceedings through the Village's YouTube channel.

11 Anyone wishing to make public  
12 comment will be able to do so after the presentation  
13 of cases. They need to sign up on the Village's  
14 website. Anyone wishing to ask questions of the  
15 petitioner, the Village staff, or other parties will  
16 be able to do so after the presentation of cases.  
17 The sign-up form is also on the Village's website.

18 Remote staff is monitoring the  
19 video streaming. If the video streaming does not  
20 work during the proceedings, we will stop and wait  
21 until the video streaming is fixed or reschedule for  
22 another date.

23 With that, I would like to invite  
24 our legal counsel, Mr. Charles Hervas, to make his

1 opening remarks.

2 MR. HERVAS: Thank you, Mr. Chairman.

3 Again, my name is Chuck Hervas. I  
4 am the attorney advising the Plan Commission in this  
5 matter.

6 This is a legal proceeding with  
7 legal significance. A court reporter is swearing in  
8 witnesses and is transcribing the testimony. This  
9 is not a trial, but we are developing a record of  
10 proceedings before the Plan Commission. This is a  
11 legal public hearing on a zoning petition.

12 My job is to protect the rights of  
13 the petitioner, any objectors, and the public. The  
14 Plan Commission will make findings and a  
15 recommendation to the Village Board. Please  
16 understand that the Plan Commission is a  
17 recommending body. The Village Board will make the  
18 final decision on the Haymarket zoning petition.

19 Due to the pandemic and the  
20 Governor's emergency orders, we are unable to meet  
21 in person. While a virtual hearing is not the  
22 preferred method for hearing this zoning petition,  
23 the business of government must move forward and the  
24 virtual hearing has been approved by state statute

1 and is used by local governments across the state.  
2 Everyone is doing the best they can under the  
3 circumstances.

4 The procedures used by the Plan  
5 Commission for large hearings during the pandemic  
6 are available on the Village's website. The website  
7 has a lot of information including a comprehensive  
8 step-by-step guide about this hearing.

9 The public will have an opportunity  
10 to ask questions and provide public comment at the  
11 appropriate time.

12 Witnesses will be presented by the  
13 petitioner and possibly by other interested parties.  
14 In fact, that's where we are right now, other  
15 interested parties are submitting witnesses.  
16 Cross-examination will be allowed only by the  
17 attorneys or anyone who has been legally recognized  
18 as an interested party.

19 Finally, this is a slow and  
20 deliberate process that creates a record appropriate  
21 for a Plan Commission hearing. I ask that everyone  
22 please respect the process even if you do not agree  
23 with it.

24 That's all I have, Mr. Chairman.

1 CHAIRMAN DALY: Thank you, Mr. Hervas.

2 So the order of business before the  
3 Commission tonight is a public hearing on Case  
4 Number PC 19-014. The request is for petition for a  
5 planned development by special use with exceptions  
6 and Class I site plan approval all in order to  
7 permit a mixed-use residential and healthcare  
8 facility and other accessory uses in the B-2  
9 Community Business District at 860 West Irving Park  
10 Road.

11 I will now entertain a motion to  
12 open this continued public hearing.

13 COMMISSIONER HOLMES: So moved. Commissioner  
14 Holmes.

15 COMMISSIONER CARELLO: Second. Commissioner  
16 Carello.

17 CHAIRMAN DALY: Will the secretary please  
18 call the vote.

19 MR. KHAN: Commissioner Carello.

20 COMMISSIONER CARELLO: For.

21 MR. KHAN: Commissioner Drummond.

22 COMMISSIONER DRUMMOND: For.

23 MR. KHAN: Commissioner Holmes.

24 COMMISSIONER HOLMES: For.

1 MR. KHAN: Commissioner Ray.

2 COMMISSIONER RAY: For.

3 MR. KHAN: Commissioner Russo.

4 COMMISSIONER RUSSO: For.

5 MR. KHAN: Chairman Daly.

6 CHAIRMAN DALY: For.

7 Motion carries. The public hearing  
8 is now open.

9 So would the interested parties  
10 please brief us on who will be presented for  
11 testimony this evening. As I remember, four weeks  
12 ago, I believe Mr. Bruce Moeller was testifying as  
13 he was brought by Mr. DiNolfo.

14 Is that still the case this  
15 evening? I see Mr. Benes on the line as well.

16 MR. DI NOLFO: This is Steve DiNolfo,  
17 Mr. Chairman.

18 Between the attorneys and  
19 Mr. Hervas, we reached scheduling that I will  
20 actually be bringing Mr. Moeller back on the 14th;  
21 and I believe Ms. Smith is going to be presenting  
22 her witness this evening.

23 CHAIRMAN DALY: Thank you for that  
24 clarification.

1 Ms. Smith, will you please have  
2 your witness sworn in by the court reporter and  
3 begin the testimony.

4 MS. SMITH: Yes. Mr. Benes is here to be  
5 sworn in.

6 THE REPORTER: Will you raise your right  
7 hand.

8 (Witness sworn.)

9 MS. SMITH: We would also request, we have  
10 submitted a presentation and if that could be  
11 projected.

12 CHAIRMAN DALY: Please do.

13 MS. SMITH: With that, I will turn it over to  
14 Mr. Benes to present his direct testimony.

15 CRAIG BENES  
16 called as a witness by the Itasca School District,  
17 having been first duly sworn, was examined and  
18 testified as follows:

19 THE WITNESS: Before I start, on behalf of  
20 the school board, the district educators, and many  
21 families that we serve, I'd like to thank both the  
22 Village and the Plan Commission for their service.  
23 I know many of you as parents and community members;  
24 and in working with the Board myself, I know how

1 time-consuming yet important this work is, and I  
2 appreciate your commitment to this process and the  
3 opportunity to testify tonight.

4 I would also like to thank the  
5 Haymarket. There is no debate that society can  
6 benefit from more drug treatment. I think many of  
7 us perhaps know this personally through some family  
8 member or professionally through our work. We have  
9 respect and appreciate the mission and work of  
10 Haymarket. Even though we may disagree tonight,  
11 there is respect for the service they provide to  
12 society.

13 Next slide, please.

14 In working with my board in  
15 presentations, I like to preview and offer a table  
16 of contents of what we are to cover tonight. And I  
17 can appreciate the first few sections may not seem  
18 to directly impact, but they lay the foundation and  
19 basis for my conclusions; so please bear with me as  
20 we work through these sections.

21 I thought I'd share a little bit  
22 about my experience and credentials, give an  
23 overview of the district, our goals and mission,  
24 discuss our finances, our commitment to disability.

1 I'd like to talk about why we're here in relation to  
2 the Plan Commission and providing testimony, and  
3 then express some concerns regarding economic impact  
4 and safety regarding the petitioner's application.  
5 We'll wrap up with a conclusion and certainly have  
6 time for questions.

7                   Additionally, there's an addendum  
8 section. I may refer to other documents through the  
9 presentation that either will be linked there or you  
10 may go to the addendum to link in full.

11                   Next slide, please.

12                   The older I get, I understand that  
13 I can no longer claim to be an expert. I do speak  
14 to you tonight as a leader committed to learning and  
15 serving students and their families.

16                   My experience in short is most  
17 recently I have had the pleasure of serving as the  
18 superintendent for the last six years for Itasca  
19 School District 10.

20                   Prior to that, for 16 years, I  
21 worked as a regional administrator in the Chicago  
22 Public Schools supervising 20 to 40 schools in a  
23 network of schools for the city. I also served as a  
24 principal, assistant principal, and was a New

1 Leaders fellow, which is an urban fellowship  
2 training program for principals that came out of  
3 Harvard University. I have also served as a special  
4 ed teacher, district curriculum writer, and coached  
5 many students in different sports in Chicago.

6 Prior to that, for 10 years I  
7 worked in the social service sector. I worked in  
8 early intervention and a therapeutic school for  
9 severely disabled children through United Cerebral  
10 Palsy on the west side of Chicago.

11 I also supervised a crisis system  
12 that triaged psychiatric, drug addiction, and  
13 emotional problems, homeless and runaway youth, and  
14 served adults for all of McHenry County and  
15 supervised over two dozen therapists in that  
16 program. And finally I also worked in youth and  
17 family services with homeless and runaway youth.

18 In total, that's over 30 years in  
19 public service and education and the social service  
20 sector.

21 As far as credentials go -- next  
22 slide, please -- I do have a master's in marriage  
23 and family therapy, master's in special education,  
24 master's in education for administration and

1 supervision. That's the Type 75 principal  
2 administrator degree. I also have an additional  
3 certificate with advanced studies for the  
4 superintendent.

5 I have endorsements for learning  
6 behavior specialist, working with social-emotional  
7 disorders and learning disabilities, secondary  
8 education, general administrative, and I am a  
9 licensed superintendent.

10 The testimony is not about me  
11 tonight. It's about our district. It's about our  
12 teachers. It's about our board. It's about our  
13 students and the families we serve.

14 Next slide, please.

15 I just want to make note we did --  
16 if you'd go back, please.

17 We did put in different pictures  
18 because this is about the students. Sometimes  
19 you'll see students socially distanced with masks,  
20 sometimes you won't. Those are older pictures. And  
21 in this case, you see our students learning outside  
22 during the pandemic.

23 Next slide.

24 To give a brief overview, we serve

1 approximately a thousand students in grades pre-K  
2 through 8. We have three grade center schools.  
3 That's a unique design that allows our students to  
4 have leadership opportunities in each school rather  
5 than more typical design of clustering K through 5  
6 schools together.

7 We are part of NDSEC, which is the  
8 North DuPage Special Education Cooperative. The  
9 cooperative works with several neighboring school  
10 districts, including high school districts and  
11 elementary districts, in northeast DuPage County;  
12 and they work with us to provide a continuum of  
13 support for our special ed students. So we may  
14 serve some students within the district within our  
15 classrooms. Other students may be served in a  
16 specialty room that provides more support for our  
17 students. And yet other students may go off to  
18 Lincoln School, which is a specialty school run by  
19 NDSEC itself. As part of that cooperative, a  
20 continuum of support for our students is offered.

21 We're separate from Lake Park High  
22 School. That's its own school district. I will  
23 mention briefly an impact with them and have  
24 discussed that with their superintendent.

1                   District 10 provides both in-person  
2 and remote academy. And I'm going to go off on a  
3 tangent a little bit; and if you'd please bear with  
4 me, I think you'll understand why.

5                   I have heard the district in the  
6 past characterized as operating out of fear in prior  
7 testimony, and I think a more accurate word that  
8 would describe our district is courage and  
9 relationship. And I can think of no better evidence  
10 to describe this than what we have done this year.

11                   There are very few districts in the  
12 region, in the state, in the county that have  
13 provided both in-person and remote instruction  
14 throughout the whole school year. Over 80 percent  
15 of our students have been in-person school every  
16 single day the whole year.

17                   And I could tell you how we relied  
18 on science and data and safety, and I could tell you  
19 that the board had the wisdom and the commitment to  
20 allocate resources and use their savings to serve  
21 students during the pandemic.

22                   But what I most want you to  
23 understand is the value behind this. And this is  
24 not to compete with any other school district as all

1 their situations are different from ours.

2 But the value I want you to  
3 understand is that our teachers have courage to do  
4 what's right for children. We don't operate out of  
5 fear in this district. We operate out of a deep  
6 commitment and belief to serve our children.

7 I want to thank the parents for  
8 allowing us to do what we love to do, and that's  
9 teach your children.

10 So when I talk about policies and  
11 impact, there's a value underneath all of this that  
12 anchors back to our commitment to serve all of our  
13 children and have them here. And I can think of no  
14 greater evidence than what we've done this year to  
15 demonstrate that.

16 Next slide, please.

17 You'll notice on this there's  
18 science and there's band. We believe education is  
19 holistic. It's not just about core content areas,  
20 although we've overturned and updated our science  
21 curriculum. Music is important, and we have one of  
22 the best music programs in the region.

23 Next slide, please.

24 District 10 goals. Our principal

1 reports, our school reports, the superintendent  
2 reports are all aligned to these goals and this  
3 impacts our work on a daily basis. I'm just going  
4 to give you a few touch points for each goal, and  
5 this will be related to my testimony later on.

6 Academic excellence. Our 8th grade  
7 students go into Lake Park as ready as any other  
8 feeder district, if not more, in subject areas.  
9 We've turned over our curriculum in the last four  
10 years in science, mathematics, special education  
11 design, English language learn design, and  
12 technology and now social studies all within the  
13 last four years to modernize that.

14 Very proud of the performance of  
15 our students and their readiness to go on and  
16 succeed in high school.

17 Fiscal responsibility, I'll save  
18 that one for later because it does receive its own  
19 slide.

20 Community relationships. We pride  
21 ourselves and have a goal of getting along with all  
22 of the taxing bodies and governmental bodies and  
23 businesses in the community. Our students write  
24 thank-you notes to the businesses for their

1 partnership and support of our school district.

2 Student safety and citizenship.

3 It's a very important goal of the board that our  
4 students cultivate a sense of civic pride, that they  
5 have ownership over their community, they're part of  
6 the community. And something I'll talk more about  
7 later with police and fire is that they trust the  
8 police and fire department, and that we have a close  
9 relationship with those in our community who work to  
10 keep us safe.

11 Professional learning. We invest  
12 immensely in our teachers. We invest in our  
13 teachers. We're investing in our students. The  
14 more we can learn as educators the better off we are  
15 to serve our students. We've had eight years of  
16 labor peace and have a strong collaboration between  
17 union, board, and administration to serve our  
18 students.

19 And the more recent goal is capital  
20 development. I'll touch on this more later, but  
21 this is really about making sure that we have  
22 modernized and safe learning spaces for our  
23 students.

24 Next slide, please.

1                   Our District 10 mission, I'm going  
2 to pause for a moment and I'm going to ask you to  
3 read it to yourself and I'm going to give you a  
4 moment to do that, and then I'm going to come back  
5 and talk about it. And I think it will be more  
6 impactful if you read it for yourself rather than  
7 me.

8                   If I were to highlight some  
9 keywords, excellence, cultivation, strength,  
10 talents, safe, supportive, collaborative, and  
11 respect. This is the culture of our school  
12 district. We have a culture of inclusiveness, and  
13 I'll talk more about that later in regards to  
14 students with disability.

15                   In regards to our students learning  
16 a second language, over the last 10 years we've  
17 served students over 30 different languages. So  
18 we're a diverse community that's inclusive of all  
19 students.

20                   Next slide, please.

21                   I'm very proud that we have a new  
22 playground, so we always like putting those pictures  
23 up. And if you take note of the children learning,  
24 our children learn collaboratively. What we want

1 them to do is how to learn in a social context.

2 Next slide, please.

3 Going to district finances, this is  
4 off the 2020 ISBE state school report card. And the  
5 third bullet point is a more recent data point with  
6 this last year.

7 And just to walk you through, our  
8 spending per student is approximately \$11,800. Our  
9 total expenditures for the district is 14 million,  
10 and you may notice the total budget at 16 million.  
11 In this case, our capital fund and some money in  
12 regard to transportation with COVID can explain the  
13 difference. So that's money that's allocated for  
14 future usage or money that we're transferring to  
15 usage in the ed fund.

16 Our average teacher salary is  
17 approximately 58,000. We have about 77 teachers and  
18 150 staff.

19 We're one of the few districts in  
20 the region that has the second highest bond rating,  
21 an Aa1 from Moody's. And in this state, that's  
22 about as high as we can possibly get given some of  
23 the state context to that rating.

24 We have one of the lowest tax rates

1 of DuPage County. Out of over 30 school districts,  
2 we're typically in the bottom three to four in tax  
3 rate.

4 The district financial profile  
5 score, this is a measure done by ISBE for financial  
6 stability, is 4.0. That's the highest award  
7 possible. We've had that for the second consecutive  
8 year, and that's six years at the highest rating.  
9 That's never been done in the past 25-year history  
10 of the school district.

11 Recently the taxpayers, in the  
12 midst of a pandemic, out of their commitment to the  
13 district and their own children and this community,  
14 we feel very fortunate, passed a capital referendum.  
15 It's for life safety, student safety, learning  
16 spaces, modernization, outdoor learning spaces,  
17 which will be helpful in COVID, install safe secure  
18 entrances, upgrade our science labs, media centers,  
19 and it helps us maintain small class sizes, which is  
20 part of our success.

21 Next slide, please.

22 This slide is a little complicated,  
23 and I apologize for it; but the main takeaway here  
24 is 92 percent of the district's revenues come from

1 local funding. There's very little that comes from  
2 state and federal funding, and the federal funding  
3 typically flows through the state.

4 When you look at those first two  
5 bullet points, that speaks to a measure of adequacy  
6 by the state. It's a theoretical measure, and that  
7 96 percent has nothing to do with the other  
8 percentages on the page. It's separate from the 92  
9 and the other measures there.

10 And what it's essentially saying is  
11 that we're almost adequate in the state's eyes for  
12 school funding. Well, the interesting takeaway for  
13 this is 80 percent of the school districts in the  
14 state receive 99 percent of the state's total pot of  
15 money. Only 20 percent leave what's left over,  
16 which is 1 percent. That's what we are in Tier 3.  
17 We're eligible with 20 percent of the rest of the  
18 school districts in the state to carve up about  
19 1 percent of state funding. So we receive very  
20 little state funding for our school district. We're  
21 essentially run by local moneys.

22 And it lists off the general state  
23 aid, transportation aid, IDEA, Individuals with  
24 Disabilities Education Act, our special ed funds

1 which are a federal grant that's flowed through the  
2 state, and Medicaid money.

3 In prior testimony, there was some  
4 talk of Title I and Title II funds. That's also  
5 federal ESSA money, Every School Succeeds Act, and  
6 we receive a very minuscule appropriation there.  
7 That's about \$73,000 without rollover. And these  
8 funds are already allocated to targeted students who  
9 are at risk, students that we want to provide a  
10 supplement, not supplant, supplement their support,  
11 and we use that to develop our teachers to work with  
12 high-risk students and for technology for our  
13 high-risk students.

14 Well, if you understand that we  
15 have approximately 140 students that would be  
16 classified as high risk under this grant, the  
17 appropriation is about \$500 extra per student. So  
18 there's really not much money from Title I and  
19 Title II there to appropriate to our community.

20 Next slide, please.

21 I want to talk a little bit about  
22 the property tax in relation to the Holiday Inn.  
23 Historically this generated 51,000. In the prior  
24 year, it generated 58,000 to the school district,

1 179,000 to all the taxing bodies, approximately  
2 50,000 to the high school, 50,000 to the elementary  
3 school district, District 10.

4 While the district's tax extension  
5 is not impacted by the loss of the Holiday Inn  
6 property tax revenue, the burden is spread to other  
7 homeowners and businesses. And in the past, I think  
8 expert witnesses characterize this as the impact of  
9 a coffee cup on the homeowners. I would also say  
10 the cost of 50,000 being passed on is the cost of a  
11 teacher being passed elsewhere into the system.

12 We did appeal the petitioner's  
13 tax-exempt status, and I'll discuss that more later  
14 when I get to concerns. Because we do think  
15 everyone should pay their fair share towards the  
16 school district.

17 Next slide, please.

18 We have a board finance philosophy,  
19 and this is very unique. This is why Moody's did  
20 give us one of the highest ratings in the area that  
21 this philosophy has held out transparently.

22 It's on our website. Some key  
23 points here is our property tax assignment is  
24 assigned to the next year. That's a very

1 conservative but appropriate budgetary practice. We  
2 pass balanced budgets. During a pandemic, we can  
3 make exceptions and access our reserves, which show  
4 it as unbalanced.

5 We have a savings. We have  
6 triggers and thresholds for that savings and we  
7 maintain an amount in our savings, and we will only  
8 go to the taxpayers for annual expenses as a last  
9 resort.

10 So when we went for the referendum,  
11 it was for a capital bond that's time limited. But  
12 ongoing annual expenses we haven't gone to the  
13 taxpayers for.

14 And underneath all this philosophy  
15 and policy is a value. The value is what guides our  
16 decisions is needs to be in the best interests of  
17 both our current students and future students.

18 It was the board's wisdom to have a  
19 savings. That is exactly why we're able to offer  
20 both remote and in-person instruction this year.  
21 It's the board's wisdom that allowed us to invest  
22 and have a robust special education program.

23 Our commitment isn't just based on  
24 numbers in accountancy. It's based on a value of

1 doing what's right for children.

2 Next slide, please.

3 Our students are kind. When I  
4 first came out here and walked through the hall, I  
5 would say hi to a student and ask "How are you doing  
6 today?" as I made the rounds between schools; and  
7 I've never been in a school in my life where my  
8 students turned and around said, "Mr. Benes, how are  
9 you doing today?"

10 Part of the culture in this  
11 community is for students to be kind and to support  
12 one another.

13 Next slide.

14 We have a commitment to disability  
15 and diversity. I know this has come up in the past  
16 in testimony in regards to disability. When we  
17 think of disability, we can think of learning  
18 disabilities, cognitive, health, physical, and  
19 emotional disability.

20 Our district is inclusive, and we  
21 have respect and acceptance of all students.

22 Sometimes we talk about students  
23 with disability as a student with special needs or  
24 diverse learners. All terms are somewhat

1 interchangeably. I like to think of them as --  
2 diverse learners as students who learn a different  
3 way.

4 For us, all students means all.  
5 It's inclusive of everyone under every demographic  
6 variable. When I came out here, we had very few  
7 resources for English language learners; and now we  
8 have that through every single grade level.

9 We've reinvested in special  
10 education in such a way that we have a much more  
11 robust program to serve our students.

12 About 13 percent of our students  
13 are eligible for an IEP. And I do want to draw your  
14 attention to this link, and I'm going to ask that  
15 the presenter go to this link so I can highlight it  
16 briefly, if you wouldn't mind.

17 MR. KHAN: Mr. Benes, can you repeat what you  
18 said? I didn't catch what you said.

19 THE WITNESS: Could you go to the link on the  
20 last bullet point, please, and open that.

21 MR. KHAN: Is it showing you the letter on  
22 yours?

23 THE WITNESS: Correct. Could you bring that  
24 to screen, please?

1                   Or let me ask this question. Is  
2 every Plan Commission member able to access and read  
3 it?

4           MR. KHAN: Hold on one second.

5           CHAIRMAN DALY: No. We still see the -- I  
6 still --

7           MR. KHAN: Is this the letter, Mr. Benes?

8           THE WITNESS: It is that letter.

9           MR. KHAN: All right.

10          THE WITNESS: In this letter -- I'm not going  
11 to read the whole letter for you, and underneath it  
12 is the elements of the state report card. And NDSEC  
13 comes in and works with us, as I mentioned, and all  
14 the feeder districts, on the quality of our special  
15 ed program. And as you look at this, the data shows  
16 that we educate students with special needs in the  
17 general education setting at a rate well above the  
18 targets set by the state. We have no -- absolutely  
19 no findings or exceptions on the state report card  
20 regarding our service of students with disability.  
21 That is exceptionally rare to have that finding.

22                   And underneath that -- you don't  
23 need to go to the stack, but it lists off all those  
24 fields for the state report card.

1                   And the takeaway from this is there  
2 is an inclusive, inclusivity of all students in our  
3 community. It doesn't mean that all students are  
4 served in a regular ed classroom all the time,  
5 because we base our decisions on meeting the needs  
6 of students and they may need additional support.  
7 But what it does mean is that we're doing this in a  
8 manner that's inclusive at a rate and meeting  
9 thresholds that few other districts have done.

10                   You can now please go back to the  
11 larger presentation.

12                   That's the correct slide. Thank  
13 you.

14                   Our students play together.  
15 Learning is also playing together and being  
16 together.

17                   Next slide, please.

18                   Testimony background. The  
19 district, we do have a financial responsibility  
20 goal. And I mentioned this earlier. And we do have  
21 a history with the Plan Commission of communicating  
22 economic impact of proposed developments or land use  
23 proposals on the school district. We've done so in  
24 the past. We'll likely do so again with any

1 potential development at the Itasca Country Club.

2 And I'm just going to -- we're not  
3 going to go there, but I'm going to leave this as a  
4 reference point, a board presentation I gave to my  
5 board back in November. And the takeaway is as a  
6 board, we respect the authority and decision-making  
7 ability of the Plan Commission to do what's best.  
8 It's our job to show the impacts for the district to  
9 the Plan Commission so they can make the best  
10 decision.

11 No matter what the decision is, we  
12 will honor the Plan Commission, and we're  
13 financially responsible for that decision. That's  
14 our responsibility.

15 But it's our duty to coordinate  
16 with other taxing bodies and share our assessment of  
17 economic impact.

18 Next slide, please.

19 Once again, our students are  
20 playing, and I like showing off the new playground.

21 Next slide.

22 I'm going to go into five areas of  
23 concern; and as we look at these areas of concern,  
24 they are driven by policy, law, and ISBE guidance.

1 We're going to focus on pre-K and Child Find,  
2 educational costs for pre-K through 8, students age  
3 18 to 22, residency status, and tax-exempt status.

4 I just want to highlight this  
5 picture. That's Director O'Connor and -- coming out  
6 for our D.A.R.E. program, drug awareness program,  
7 for friends in school and prevention program.

8 And I'll talk more about our  
9 partnership with the police later, but our  
10 partnership isn't just defined by responding to  
11 critical event. It's defined by learning together  
12 and supporting one another within the schools.

13 Next slide, please.

14 So the thing that's concerning for  
15 me is initially the petitioner included  
16 pre-K-eligible children in their proposal. In  
17 subsequent communications, which I've attached in  
18 the addendum, the petitioner communicated  
19 acknowledging that this a cost and resubmitted their  
20 proposal removing pre-K services. Subsequently I  
21 heard the petitioner, if I heard them right,  
22 indicating that a request for the program to change  
23 once again could occur in the future.

24 This could be an economic impact

1 for District 10. And I'll spell that out more.

2 And this is where I remember the  
3 adjective "fear" being used. So this was removed  
4 because the school district might be afraid. We're  
5 not afraid. Once again, fear is not an adjective  
6 that's useful for the school district. I think I've  
7 demonstrated that the school district demonstrates  
8 courage and commitment towards students.

9 Next slide, please.

10 The first impact cost is pre-K and  
11 Child Find. Child Find is a law that primarily  
12 targets students age 3 and 4, but it can impact  
13 students birth to age 2 also. And the goal of the  
14 law is to find and determine students if they have  
15 eligibility for special education services at a  
16 pre-K and early age level. Of course we know  
17 intervention works far more effectively if we get to  
18 children earlier.

19 And we actually do this not only  
20 with children in the community, for our own  
21 students, but also with children that go to private  
22 placements or to private pre-K. Some of those we  
23 provide and some of them NDSEC provides that  
24 assessment, that evaluation, and then we pay NDSEC

1 to do that. So that's part of the co-op. And those  
2 happen throughout the year at different points in  
3 time.

4 So an evaluation can range from  
5 1500 to \$5,000. Itinerant services, speech,  
6 occupational therapy, physical therapy can range  
7 from a thousand dollars or more for a student.  
8 Pre-K services for a student with an IEP can run up  
9 to \$25,000 per student.

10 NDSEC student, when we have a  
11 student who is more severe and needs a placement to  
12 a support supportive program that can offer more  
13 services, we place the student in Wood Dale, for  
14 instance. That can also cost 25,000 or more.

15 And so when we talk about this  
16 notion that there might be a pre-K program there,  
17 there might not, or there could be or that could  
18 change in the future, there's tangible cost to that.  
19 And no matter what is worked out by the Haymarket,  
20 these rights are held, if the service is offered, by  
21 individuals. And individuals that would receive  
22 services in the Haymarket could access these  
23 services.

24 Of course we're inclusive. But to

1 be transparent, there's a cost with that.

2 Next slide.

3 We also have educational costs for  
4 children in grades pre-K through 8 in general. So  
5 when we look at the cost, an average cost of a  
6 student, our district average is almost 12,000, for  
7 regular ed student it's under 10,000. We do have a  
8 percentage of students who have an IEP. That's  
9 typically on average \$18,000 of additional services  
10 and expenditure to meet student need. And that  
11 brings our average up for a student with an IEP to  
12 approximately 27-, if not 28,000.

13 So there's many different scenarios  
14 with homelessness, pre-K, and special education in  
15 K through 8 where these numbers and these costs can  
16 become relevant.

17 Students age 18 to 22, there are  
18 possible additional costs. With this one, this  
19 really speaks to the school district at Lake Park  
20 High School, which is separate from us.

21 However, I did consult with  
22 Dr. Jeff Feucht, the superintendent, and Jim Nelson,  
23 the director of NDSEC, on this very point. Students  
24 with a disability or students who have not graduated

1 are eligible for additional services from 18 to 22.

2 So if an individual age 18 to 22 is  
3 receiving services at Haymarket, they may also be  
4 eligible for educational services. Certainly if  
5 they have a disability, that would be true. And  
6 there would be varied costs with that.

7 Next slide, please.

8 I want to come back to residency,  
9 and residency is somewhat complicated and nuanced.  
10 We go by residency policy. We go by the school  
11 code. IDEA gives guidance for students with an IEP.  
12 PRESS policy gives us guidance, and state law gives  
13 us guidance.

14 And PRESS policy is a service we  
15 use to make sure that all our policy are currently  
16 update -- many school districts use it -- as we  
17 update our policy, but we have to rely on several  
18 points to look at this issue.

19 So students with an IEP potentially  
20 can establish residency based on a parent's  
21 residence. So when we think of a parent who might  
22 be receiving treatment at Haymarket, if they were  
23 there for just a few days, it would be unlikely.  
24 But if they're there for a few months, it could be

1 quite possible that residency could be established  
2 and a student would be eligible for services; and  
3 that cost would be incurred.

4 Homeless students, whether they  
5 have an IEP or are regular ed, any student may claim  
6 homelessness. And under McKinney-Vento Homeless  
7 Education Assistance, we have to enroll them.

8 Until -- and there's different hearings and  
9 procedures to establish residency; but we're not  
10 able to turn students, nor would turn students away  
11 who claimed homelessness.

12 Length of treatment can vary at  
13 Haymarket, from what I understand, from days or  
14 weeks to years; and this different time continuum  
15 can impact residency and enrollment eligibility  
16 under many different scenarios. In those scenarios,  
17 the key takeaway is the cost per student can range  
18 anywhere from approximately 9,000 to almost 30,000  
19 per student.

20 Next slide, please.

21 The petitioner did file for a  
22 tax-exempt status, and you'll see in the addendum we  
23 have included some of the documents regarding that.  
24 The district and other taxing bodies oppose this

1 application. The joint objection to the exemption  
2 application was filed in June and is attached.

3 The petitioner did withdraw the  
4 application before the review board certified the  
5 nonexempt recommendation to IDR. The application  
6 was withdrawn by the petitioner; and if I understand  
7 the petitioner right, they intend to re-file on  
8 this. District 10 will object and respond if the  
9 petitioner re-files.

10 If exempt, the district's tax base  
11 is slightly reduced; and that tax burden, although  
12 captured in the full levy, is put onto other  
13 taxpayers in the community and other businesses in  
14 the community. So we don't necessarily lose the  
15 funds, but the fund responsibility is carried  
16 elsewhere.

17 And we've done this in the past  
18 with other businesses where we feel; and in each  
19 case, it appears so far that the review board has  
20 agreed with our request to do so. We think it's  
21 very important if a partner comes in that they  
22 provide their fair share of taxes to the community  
23 and even though -- I still see this as an economic  
24 impact.

1 Next slide, please.

2 You know, safety, this one is a  
3 little bit complicated for me, but I'm going to try  
4 to make this very simple.

5 Safety is a core focus and a  
6 district goal. Our police and fire, Tom Poulakidas,  
7 Director O'Connor, Kalilh, and tactical officers  
8 have been incredible partners.

9 And if you'll allow me, I'm just  
10 going to pause and take a sip of water here.

11 And we work hard to establish trust  
12 between our students with the fire and the police.  
13 Many other districts, there's almost an adversarial  
14 relationship where superintendents are embarrassed  
15 if they have a police car out in front of the  
16 school.

17 I'm not embarrassed. I want the  
18 police at the school. I want our students to see  
19 the police there as partners, to establish safety  
20 and relational trust. And our police officers are  
21 always welcome in the building. They've been assets  
22 to help us make the building safer for our students,  
23 to do safety drills for our teachers. They're  
24 visible at entry and dismissal.

1                   And that exposure to our students,  
2 whether it's through an educational program or just  
3 incidental activities, is so important in building  
4 that sense of civic responsibility for our students,  
5 that we're all in this together.

6                   I don't know. I've heard testimony  
7 for over a year on the amount of incidents at  
8 Haymarket historically. I've heard the fire  
9 district. I don't know the impact, but I just want  
10 to express as a concern are the resultant calls to  
11 Haymarket going to draw the fire and police away  
12 from the school district. Will it impact their  
13 response time. Will it impact their ability to  
14 provide programming to us. Will it impact their  
15 ability to be here in an informal way and build that  
16 relational trust with the students.

17                   I don't pretend to understand all  
18 the data points and the response and the calls, but  
19 I do know that I'm concerned that there's a risk  
20 there.

21                   Next slide, please.

22                   Conclusion. And I think this is  
23 our students all looking down at us and -- here at  
24 Peacock and, you know, our students expect a lot of

1 us. We have to be their advocates, and we have to  
2 do what's right for them.

3 And I'd like to wrap it up with  
4 these final few points, please.

5 Next slide.

6 We're about excellence, safety,  
7 fiscal responsibility, civics, professional  
8 development, and capital development. We're  
9 inclusive and welcoming of all students.

10 There are significant economic  
11 impacts on the school district. These costs can be  
12 incurred in pre-K services. They can be costs with  
13 students establishing residency for -- with members  
14 of Haymarket that are receiving treatment, and they  
15 can be incurred with the tax-exempt status.

16 I do have safety concerns in  
17 regards to the police and fire's ability to continue  
18 that strong relationship.

19 The magnitude of the proposal by  
20 Haymarket is significant, and it is economically  
21 impactful to the district. We're not debating the  
22 need for drug treatment. What we're trying to  
23 outline transparently is in this proposal there are  
24 economic costs to the school district for it.

1                   Furthermore, I am concerned about  
2     the petitioner's commitment to open communication  
3     and collaboration. As you can see, I've laid out  
4     our letters and communication. We did approach the  
5     petitioner over a year ago, in 2019, asking for  
6     answers to many questions. And I can appreciate the  
7     petitioner was dealing with COVID and had many  
8     challenges that year, but we had no response for  
9     almost a year. And that response came back as that  
10    we had somehow agreed to pull out pre-K services.  
11    We hadn't discussed that. That decision was made  
12    unilaterally without us but represented as somehow  
13    we had discussed it together, and then it was  
14    projected that somehow that was done because we were  
15    fearful.

16                   Let me reiterate this. This  
17    district does not operate based on fear. The  
18    educators, children, the parents I know in this  
19    community are inclusive, caring, respectful, and  
20    courageous.

21                   So I have concerns about the  
22    petitioner's ability to transparently share that  
23    information and to follow through with that.

24                   The economic burden is adverse. It

1 is primarily carried by local property taxes.  
2 That's the information that we want the Plan  
3 Commission to have to make the best decision for  
4 this community and our students.

5 Thank you.

6 CHAIRMAN DALY: Thank you, Mr. Benes, for  
7 your testimony this evening.

8 At this point I would invite  
9 Ms. Dickson or Ms. O'Keefe to begin  
10 cross-examination.

11 THE WITNESS: Could I ask for a short  
12 two-minute break to get my water right here and get  
13 rid of a cough?

14 CHAIRMAN DALY: Yeah, why don't we --  
15 honestly, let's -- now is a good time to take our  
16 10-minute recess, our standard 10-minute break we'll  
17 take kind of in the middle.

18 Yes.

19 MS. DICKSON: And before the break,  
20 Mr. Chairman, I think the procedure that we have now  
21 with the objectors' witnesses is that Ms. Smith  
22 presents her witness and then Mr. Ellenbecker or  
23 Mr. DiNolfo go next and Haymarket goes last.

24 CHAIRMAN DALY: Okay. All right. Thank you

1 for that clarification.

2 MR. DI NOLFO: I will let you know that I  
3 have no questions, Chairman. Steve DiNolfo here.

4 CHAIRMAN DALY: Okay.

5 MS. DICKSON: He's trying for a gold star  
6 tonight.

7 MR. ELLENBECKER: I have no questions either.  
8 This is Mr. Ellenbecker. I'd like a gold star as  
9 well.

10 CHAIRMAN DALY: All right.

11 THE WITNESS: Are you sure you have no  
12 questions of me?

13 MS. DICKSON: They are lawyers. Think about  
14 it.

15 CHAIRMAN DALY: All right. We will resume at  
16 8:00 o'clock, 8:01 per my watch, going back to  
17 Ms. Dickson to cross. Thank you.

18 MS. DICKSON: Thank you, sir.

19 (Recess taken.)

20 CHAIRMAN DALY: Mo, maybe could you just do a  
21 quick roll call around the horn again to make sure  
22 everybody's back, or if everybody could just turn  
23 their camera on for a second and turn it back off so  
24 we know you're here?

1 MR. KHAN: Commissioner Carello, are you  
2 here?

3 COMMISSIONER CARELLO: Here.

4 MR. KHAN: Commissioner Drummond.

5 COMMISSIONER DRUMMOND: Here.

6 MR. KHAN: Commissioner Holmes.

7 CHAIRMAN DALY: We saw him.

8 COMMISSIONER HOLMES: Yes, I'm here.

9 MR. KHAN: Commissioner Ray.

10 COMMISSIONER RAY: Here.

11 MR. KHAN: And Commissioner Russo.

12 COMMISSIONER RUSSO: Here.

13 CHAIRMAN DALY: Okay. Thank you.

14 Let's proceed.

15 MS. DICKSON: Thank you, Mr. Chairman.

16 I believe it is my opportunity now  
17 to discuss Mr. Benes's presentation on behalf of the  
18 district, and I'm going to extend the same courtesy  
19 to Mr. Benes and to the Plan Commission as he  
20 extended to us relative to the school district.

21 CROSS-EXAMINATION

22 BY MS. DICKSON:

23 Q. It was really kind of my pleasure to be  
24 the one to ask you questions this evening because I

1 got to dive a little deeper into School District 10,  
2 and it is an impressive school district and the work  
3 that all the teachers are doing throughout, you  
4 know, the country to be able to teach effectively  
5 during COVID is something that I think we have to  
6 applaud everyone for. It's certainly been a tough  
7 time.

8                   We know it as well down in  
9 Haymarket because, you know, you educate students,  
10 we save lives down here, and it's hard to do when  
11 we're also battling a pandemic. So thank you, the  
12 Plan Commission for listening to us tonight; and  
13 certainly thank you, Dr. Benes, for being here  
14 tonight on behalf of the school district.

15                   Before I dive a little deeper into  
16 your presentation, just as points of reference and  
17 for a little background information, I'd like to  
18 establish a couple of points with you just going  
19 back in time to when the school district first  
20 learned of the Haymarket application just so we can  
21 all get oriented.

22                   The review of your board minutes  
23 indicates that you made a report about the Haymarket  
24 proposal and -- for the first time, I think, in

1 August 2019.

2 Do you recall talking to the school  
3 board about the Haymarket proposal in or about that  
4 time?

5 A. No, I don't.

6 Q. Okay.

7 A. That seems quite a while ago.

8 Q. It was quite a while ago, wasn't it?

9 Well, at the time, at least in  
10 review of the minutes, your concern that you were  
11 voicing to the board was the cost of developmental  
12 screenings, individualized education plans,  
13 development, and IEP services that you might provide  
14 because those costs would be significant and have to  
15 be borne by the district.

16 Does that make it sound a little  
17 bit more familiar to you?

18 A. That seems accurate. Those would  
19 probably be in relation to pre-K services.

20 Q. Correct.

21 At that meeting, you reported that  
22 you had no sense of the volume of students that the  
23 district might be called upon to serve.

24 Since that period of time, have you

1 gotten any sense of the volume of students that  
2 District 10 might be called upon to serve as a  
3 result of Haymarket being located in Itasca?

4 A. No. It's hard to establish that. I  
5 know we requested some of that information early on;  
6 and it's unclear what that may pose for in the  
7 future, whether a pre-K program would be offered or  
8 added in at a later date.

9 Q. Okay. But without knowing the volume,  
10 the volume could be zero, couldn't it?

11 A. I guess the volume could be anything.

12 Q. Okay. And if the volume was zero, then  
13 the school district would bear no financial cost as  
14 a result -- at least relative to education of  
15 children by having Haymarket being located in  
16 Itasca?

17 A. Yeah, if the volume was zero and  
18 absolutely no students were eligible, then we would  
19 incur no costs. Of course under the scenarios I  
20 presented, I think it's possible that students could  
21 be eligible.

22 Q. Right. There is that hypothetical  
23 possibility that it could be; but at this point in  
24 time, we don't know if there would be any.

1                   The minutes of that -- of the  
2                   October meeting reflect that you got authorization  
3                   from the school board to provide testimony at the  
4                   Plan Commission hearing and to have the district's  
5                   attorney review your testimony.

6                   Does the district report in any  
7                   significant way to the taxpayers of the district how  
8                   much it spends each year to engage its counsel to  
9                   weigh in on development proposals?

10                  MS. SMITH: I'm going to object to relevance.  
11                  It goes beyond the scope of the testimony and it  
12                  doesn't seem relevant to this proceeding.

13                  CHAIRMAN DALY: Mr. Hervas.

14                  MR. HERVAS: Ms. Dickson, do you have a  
15                  response to that?

16                  MS. DICKSON: Yes. I think it is relevant  
17                  because if the costs of the legal counsel are such  
18                  that the district could be very well educating at  
19                  least one student, you know, there's been some  
20                  discussion about how much it's -- Haymarket might  
21                  cost the school district, and I don't know the  
22                  hourly rate that's being billed here; but a simple  
23                  calculation, I think it could have educated at least  
24                  one child for the cost of having an attorney become

1 involved in this process, and I think it's relevant.

2 MR. HERVAS: All right. The -- were you  
3 going to respond to that, Ms. Smith?

4 MS. SMITH: Yeah. I mean, it's highly  
5 inflammatory. I'm sure that Haymarket could have  
6 treated people for drug treatment had there not been  
7 the cost of their counsel. This is completely  
8 tangential and not relevant at all to the impact of  
9 Haymarket on the school district.

10 MR. HERVAS: Okay. The issue of relevance  
11 is -- is very broad; and under the type of hearing  
12 that we're having here, it is fair game to ask a  
13 question regarding costs when we're talking about  
14 the total cost.

15 So if the superintendent is aware  
16 of the answer, I'm going to overrule the objection.

17 BY THE WITNESS:

18 A. Historically, the board, we have  
19 reported out at different points in times legal  
20 costs, and the board has reviewed that. The board  
21 has also agreed to pay those costs, so the board has  
22 authority over that.

23 BY MS. DICKSON:

24 Q. I believe the question was how much has

1 the board approved?

2 A. I would have to look up that data.

3 Q. Okay.

4 A. I would not be able to recall an amount.

5 Q. Okay. Do you know what the legal firm's  
6 hourly billing rate is?

7 A. I would have to look up that data.

8 Q. Okay. Moving forward to September of  
9 2000, your attorney, Ms. Smith, presented a  
10 memorandum to you and to the school board relative  
11 to the amended application filed by Haymarket; and  
12 it's been tendered as an exhibit here.

13 In the memorandum, which I don't  
14 need to pull up, but if you do, I don't mind asking  
15 Mo pull to it up.

16 Do you have it in front of you,  
17 Mr. Benes?

18 A. No. You could have Mo pull it up.

19 MS. DICKSON: Okay. Mo, if you could, it's a  
20 memorandum dated September 2020 from Ms. Smith or  
21 her law firm to Dr. Benes and the school board.

22 THE WITNESS: And just as a matter of clarity  
23 I'm not a doctor, so.

24 MS. DICKSON: Oh. I -- you know, I have to

1 apologize. I thought you were up until tonight, so.

2 THE WITNESS: No. I think my children think  
3 I give them medical advice, but I am not a doctor.

4 MS. DICKSON: Well, I'll try to remember  
5 that; but I've been referring to as you Dr. Benes in  
6 my head for the past year, so take the accolade.

7 Do we have it there, Mo?

8 MR. KHAN: Ms. Dickson, you said it was a  
9 letter from Ms. Smith --

10 MS. DICKSON: It's a memorandum from  
11 Ms. Smith to the school board, and it is -- it was  
12 part of Dr. Benes's presentation, so it would be  
13 that which Ms. Smith tendered.

14 MR. KHAN: I believe I found it. Let me pull  
15 it up.

16 Is this it?

17 MS. DICKSON: That's it. Thank you.

18 BY MS. DICKSON:

19 Q. In the memorandum, Ms. Smith alerts the  
20 district to the amended application that was filed  
21 by Haymarket and specifically informs you and the  
22 board that Haymarket has withdrawn its mother and  
23 child program from the Itasca facility.

24 Do you see that in this memorandum?

1           A.     I do.

2           Q.     Okay.   Notwithstanding this  
3   acknowledgement, Ms. Smith states in her memorandum  
4   that proposed change does not eliminate the  
5   long-term financial concerns raised by the school  
6   district because the district does not have legal  
7   certainty that Haymarket DuPage will not again  
8   change their policy with respect to allowing  
9   children to remain on-site.

10                           Do you know what Ms. Smith means  
11   when she with references the long-term financial  
12   concerns of the district?

13           A.     I can answer that.   Okay.

14                           Well, I think it speaks to this.  
15   If I understand Dr. Lustig in his most recent  
16   testimony, he said it was quite possible that in the  
17   future they could add in a pre-K program and change  
18   that.   So even though there was a withdrawal of the  
19   pre-K program, there's no assurance that a pre-K  
20   program could be offered in the services; and thus,  
21   those costs could be incurred in the future.

22           Q.     Okay.   You know, I guess I'm a little  
23   confused here because on one hand, I hear you having  
24   testified that Haymarket withdrew the program

1 unilaterally, which it appears to indicate you were  
2 disappointed, and yet on the other hand, you don't  
3 want the program because it would cost the district  
4 money. So --

5 A. Well, I think you're mischaracterizing  
6 my answer on two accords, so I'd like to break that  
7 down.

8 Q. Thank you.

9 A. And so if I were to go back to your most  
10 recent statement, whether or not I want the program,  
11 this isn't based on my personal desire to have a  
12 program with it or that I'm disappointed that it was  
13 withdrawn or that I'm happy that it's withdrawn.

14 When I brought up that it was  
15 withdrawn, what I wanted to clarify to the Plan  
16 Commission was that was not done in consultation  
17 with us, and I think it was represented as we had  
18 discussed that. So I think that's an accurate  
19 point.

20 As far as the program itself,  
21 whether it occurs now or in the future, my testimony  
22 to the Plan Commission is that there is a cost  
23 associated with it.

24 Q. And that cost would be the school

1 district having to educate pre-K -- potentially have  
2 to provide educational opportunities to pre-K  
3 students; correct?

4 A. Well, it's not only the educational  
5 cost, but it's also the Child Find law.

6 Q. Right.

7 A. So, you know, we have a mandate; and if  
8 we're going to go down memory lane, when we met, we  
9 discussed this --

10 Q. Correct.

11 A. -- and independent of Haymarket's  
12 awareness of this responsibility that clients have  
13 the legal -- have the legal right to access that.  
14 And as a district, we have to provide that Child  
15 Find services to determine eligibility for special  
16 education services. That's the first cost.

17 The second cost, then, would  
18 subsequently be the services if they were eligible.  
19 And both are costs.

20 Q. But I think you pointed out the district  
21 has a statutory obligation to provide an education  
22 or to provide educational services to students;  
23 correct?

24 A. That is correct.

1           Q.     So it's not because Haymarket is  
2 providing a facility in Itasca that would put that  
3 burden on the school district.  It's because you  
4 have, the school district has a burden under law to  
5 do that, to provide an education to students who are  
6 in need; correct?

7           A.     You know, I think the way you're  
8 phrasing it is misleading to this point.

9                     We will have a financial burden no  
10 matter where the student comes from.  That is an  
11 accurate statement.

12                    The fact that a treatment facility  
13 is being introduced into a community that could  
14 potentially have many more students is the issue,  
15 that -- that we are taking on additional service  
16 requirements.

17           Q.     And those additional service  
18 requirements emanate from Haymarket locating a  
19 facility in Itasca, possibly?

20           A.     It could be any facility.  It could be  
21 another pre-K facility.  It could be any facility.  
22 But, yes, if any facility came in and offered the  
23 density and the amount of people that could be  
24 eligible for those services, that would be true,

1 just as if it were a new residential development.

2 Q. What is -- you know, you talk about  
3 density and -- what do you think the density is?

4 A. It's unclear to me --

5 Q. And I think that that's why -- I'll  
6 interrupt you for a second only to say I've heard  
7 words like a large number of people or density, and  
8 yet no one from the school district has been able to  
9 say what density do you -- what density raises your  
10 concern or where is your concern relative to density  
11 coming from?

12 A. I can't answer a specific threshold; but  
13 to go back to your question, I think it would be  
14 fair to share those are the very questions we asked  
15 of you to identify those numbers to us in 2019. So  
16 it is unclear to me the density. When I see that  
17 there is over 240 beds and some are short-term to  
18 long-term care, and I understand some are days up  
19 towards a year, I see that there's a large amount of  
20 people coming in that may be eligible for services.

21 But as you remember, these are the  
22 very questions we asked of Haymarket back in 2019.

23 Q. Right. And it was at that meeting that  
24 we had that you alluded to that you impressed upon

1 Haymarket the school district's potential economic  
2 burden. At that time you did bring out that \$30,000  
3 number, and I think we listened to your concern that  
4 the district had a concern or a fear -- we call it a  
5 fear because it's not based on fact. It's based on  
6 some thing.

7 MS. SMITH: I'm going to object here.  
8 There's no question being asked. There's just  
9 testimony by the attorney. That's inappropriate.

10 MR. HERVAS: Yes, Ms. Dickson, it is getting  
11 to be argumentative. You're actually testifying  
12 based on what your recollection is at a meeting as  
13 opposed to asking a question. So if you could frame  
14 it in the form of a question, that would be helpful.

15 MS. DICKSON: Yes. Thank you, Mr. Hervas. I  
16 will do that.

17 BY MS. DICKSON:

18 Q. Did you talk at that meeting -- was the  
19 focus of the meeting the fact that a pre-K student  
20 could cost District 10 up to 30 grand?

21 A. I would disagree with that  
22 characterization.

23 Q. What part of it do you disagree with?

24 A. I think the focus of the meeting was to

1 learn more about Haymarket and exchange an  
2 opportunity for us to ask questions, and we left you  
3 with several questions.

4 Q. Okay. But at that meeting, you know,  
5 didn't you state that the cost of educating a pre-K  
6 student in District 10 could be as high as 30 grand?

7 A. I don't recall specifically if I  
8 identified that cost at that point in time.

9 Q. That is the cost you've identified  
10 tonight, isn't it?

11 A. It can range up to that cost, yes, that  
12 is correct.

13 Q. Okay. And you also attached as an  
14 exhibit, which you referenced but didn't go into, a  
15 report that you made to the school district. You  
16 said it was in November. I checked your board  
17 meeting minutes, it was actually October. It  
18 doesn't matter. It's the same presentation.

19 And in that presentation on page 3,  
20 you state, or whoever made the presentation, that it  
21 was prudent to evaluate development proposals to  
22 understand potential economic impact to help the  
23 district identify possible costs based on varied  
24 outcomes to help the district plan for the future as

1 a school board.

2 Now, relative to the Haymarket  
3 proposal, it's pointed out on page 2 the potential  
4 impact of serving pre-K students.

5 So knowing today that Haymarket has  
6 no initial intent to have pre-K students, hasn't  
7 that addressed at least today and at least into some  
8 point in the future where Dr. Lustig said the law  
9 might change and we might have to provide that  
10 programming, the district should not have that  
11 concern at this moment in time; isn't that true?

12 A. There's a question in there or a  
13 statement again?

14 Q. There's a question there, sir.

15 A. Could you --

16 Q. I'll make it a little simpler for you.

17 If Haymarket withdrew from its  
18 application providing a program for mother and  
19 children in Haymarket Itasca, hasn't that addressed  
20 the district's financial concern about serving that  
21 population?

22 A. No, it hasn't.

23 Q. Why not?

24 A. Because it can change in the future, and

1 I think that's to the very point of our legal's  
2 memo, so -- and I believe I understood Dr. Lustig to  
3 say that it's possible in the future that that could  
4 change.

5 Q. But isn't also that -- the district has  
6 an obligation to provide an educational resource to  
7 certain pre-K students, but isn't that an obligation  
8 that commences with the request of the parent?

9 A. You know, Child Find we know --  
10 (Indiscernible.)

11 THE REPORTER: I'm sorry, I'm having a hard  
12 time hearing. This is the court reporter.

13 BY THE WITNESS:

14 A. With Child Find services, we reach out  
15 to the parents and service providers because they  
16 need to be informed of those rights. For a staffing  
17 of IEP, yes, there would be parent involvement and  
18 consent for that.

19 BY MS. DICKSON:

20 Q. Okay. Well, let's jump ahead for a  
21 moment to Child Find. What does the -- what would  
22 the district propose to do relative to Child Find if  
23 Haymarket had a mother and child program?

24 A. Well, we would have to evaluate the

1 children for special ed eligibility. That would be  
2 a starting point, and that would be provided through  
3 NDSEC or the district.

4 Q. Wouldn't that provision of that service  
5 be prompted by a request from the parent?

6 A. You know, in this case, it's our  
7 responsibility to go out and offer that to the  
8 parents, not prompted laterally by a parent asking  
9 for it.

10 Q. Okay. And I'll make my question more  
11 clear because how would the district offer to  
12 Haymarket its Child Find service?

13 A. We would have a responsibility to  
14 communicate to Haymarket, as we do to other pre-K  
15 providers. NDSEC also does this across the region.  
16 So there's multiple opportunities to reach out to  
17 children age 3 and 4 to inform them and their  
18 families of that right to avail them of that  
19 service.

20 Q. And that's my question. How would you  
21 do it at Haymarket?

22 A. We would have to engage Haymarket in  
23 saying as you have students that are this age, they  
24 need to be evaluated and the parents have the right

1 to that service.

2 Q. Did you talk to Haymarket about how you  
3 envisioned this Child Find service being operated  
4 with Haymarket with its mother and child program?

5 A. No. We have no further dialogue at this  
6 point engaging how that relationship would work.

7 Q. Okay. And actually, I don't recall you  
8 ever saying how you would have offered that at  
9 Haymarket when it had its mother and child program  
10 at our meeting.

11 Did you -- do you recall talking  
12 about how you were intending to do that Child Find  
13 with Haymarket?

14 A. I think the point of the meeting was to  
15 get much more information so we could continue that.  
16 So there was several questions we gave you that  
17 would help that conversation evolve. We did not  
18 hear a response from you in regards to that.

19 Q. And I think, you know, whether you want  
20 to believe it or not, we had a little pandemic that  
21 snuck in there.

22 MS. SMITH: You know, I'm going to object.  
23 That, again, is argumentative and testimony directly  
24 from the attorney. I don't understand these side

1 comments or the criticisms.

2 THE WITNESS: You know, and so this -- I'm  
3 going to go -- (Indiscernible.)

4 MR. HERVAS: Let's stick to the issue.

5 THE WITNESS: -- because I find the point to  
6 be incredibly insulting --

7 THE REPORTER: Can the witness start over,  
8 please.

9 BY THE WITNESS:

10 A. I find this point to be incredibly  
11 insulting to this community, to the educators, to  
12 the children, and to the families of this community.

13 Yes, people are aware there's a  
14 pandemic. Some of them have been impacted very  
15 severely with loss of life. So to have this comment  
16 as if we're not aware of it is absurd. And this  
17 speaks to my concern about the relationship with the  
18 petitioner. To make this comment after a year as if  
19 we don't understand there was a pandemic is  
20 inappropriate. It's inappropriate towards students.  
21 It's inappropriate to our educators who have stepped  
22 up and educated our students providing remote  
23 instruction.

24 So, yes, I'm well aware that

1 there's a pandemic.

2 BY MS. DICKSON:

3 Q. Okay. Well, let's talk about one of  
4 your school district policies that I attached as an  
5 exhibit tonight. It is Itasca School District 10  
6 Policy 6:120.

7 And I'm sure you're familiar with  
8 it. If you need Mo to put it up on the screen, he  
9 will do that for you.

10 A. Yes, I'd like her to do that.

11 Q. Well, he's a he.

12 MS. DICKSON: Mo, could you put that up? It  
13 was an exhibit that we introduced, Haymarket.

14 MR. KHAN: Ms. Dickson, is this the correct  
15 one? I want to make sure I --

16 MS. DICKSON: Yes. Thank you, Mo.

17 BY MS. DICKSON:

18 Q. Now, Dr. Benes, I have to say when I  
19 look at this board-adopted policy relative to  
20 education of children with disabilities, the first  
21 sentence says the school district shall provide a  
22 free appropriate public education.

23 And I ask you how does that board  
24 policy of providing a free public school education

1 square with the district's stated concern of the  
2 economic impact it will bear if Haymarket has a  
3 pre-K program?

4 A. Because we've always been inclusive and  
5 offered services to everyone. We always provide  
6 FAPE; but with FAPE, it's important for the Plan  
7 Commission to understand the cost of that that comes  
8 with it.

9 Q. You know, and I am so sorry, I couldn't  
10 understand the word. Did you say --

11 A. I used the acronym FAPE. That stands  
12 for free and appropriate public education.

13 And I want to remind you I am truly  
14 not a doctor.

15 Q. Oh, I'm so sorry. I apologize. I'm  
16 just going back to that.

17 Well, so -- but how do you square  
18 the requirement that you provide a free education  
19 with now objecting to Haymarket because of the  
20 economic burden placed on the school district for  
21 providing that required free education?

22 A. Yeah. We provide a free and appropriate  
23 public education to our parents all the time.

24 MS. DICKSON: You know, Mr. Hervas, I'm just

1 hoping that you can direct the witness to answer the  
2 question.

3 MS. SMITH: He's not been argumentative. He  
4 did answer the question.

5 MS. DICKSON: I'll try it one more time,  
6 Ms. Smith.

7 BY MS. DICKSON:

8 Q. Mr. Benes, how do you square the  
9 district's policy and statutory requirement to  
10 provide a free appropriate public education with  
11 testimony in opposition to Haymarket because of the  
12 economic burden the district might bear if Haymarket  
13 has a pre-K program.

14 MS. SMITH: I'm going to -- just I'm going to  
15 interject there and object because the question is  
16 vague and I think lacks foundation and apparently a  
17 misunderstanding of what a free appropriate public  
18 education is, which means free to a parent, not that  
19 the education doesn't cost something to the  
20 community or doesn't need to be funded.

21 So it's -- I don't know why she's  
22 raising a free appropriate public education, which  
23 means exactly that residents of Haymarket whose  
24 children qualify as residents do not have to pay,

1 but the funding has to come from somewhere, which is  
2 the economic impact being testified to.

3 So the legal conclusions or the  
4 misunderstanding about what FAPE means are embedded  
5 in the question, and I'm objecting on that basis.

6 MR. HERVAS: Let me ask, Dr. Benes, did you  
7 understand the question?

8 THE WITNESS: I think the question is  
9 misleading in this regard.

10 MR. HERVAS: No. I just wanted to ask if you  
11 understood the question. That's my --

12 THE WITNESS: Mr. Hervas, I'm not sure that I  
13 think the question makes sense in the way it's  
14 offered.

15 MR. HERVAS: All right. I'm going to sustain  
16 the objection and ask if you could please re-ask the  
17 question.

18 BY MS. DICKSON:

19 Q. Well, we heard testimony from your  
20 attorney relative to the district policy. Did you  
21 listen to that?

22 A. I think we all listened to it.

23 Q. Okay. And do you agree with what she  
24 testified to on your behalf?

1           A.    I do agree with that.

2           Q.    Okay.  So you don't find any internal  
3 inconsistency with the requirement to provide an  
4 education to children and yet still object to  
5 Haymarket because of the economic burden the  
6 district might face because it has to serve pre-K  
7 students that may come from Haymarket?

8           A.    I don't think I've offered the word  
9 objection to Haymarket.  I think what I've offered  
10 is indicating what the economic costs of that free  
11 and appropriate public education to parents is.

12          Q.    Okay.  So you're not -- you don't come  
13 here tonight in objection to Haymarket's proposal?

14          A.    I think I offered earlier on that it's  
15 not the role of the school board or myself to  
16 endorse or object to a development.  I think it's  
17 the role of the school board and myself to offer  
18 information to the Plan Commission so they can make  
19 the best decision.

20                         And our children are always  
21 entitled to a free and appropriate public education.  
22 Yes, it is free; there's also a cost to the district  
23 to educate students, and we want to inform the Plan  
24 Commission what that cost is if there's potentially

1 a new group of students to be served.

2 Q. So if that -- if I'm following you, at  
3 what point does the cost of providing an education,  
4 which you say you want to do, become too much of an  
5 economic burden for the district to bear?

6 A. You know, I would need more information  
7 from Haymarket on the amount of residents, the  
8 amount of residents with children, the intent to  
9 offer a pre-K program or not, which seems very  
10 unclear to me, and more information to make that  
11 evaluation.

12 At this point I'm saying I don't  
13 know how many students could come; and with that,  
14 there are costs.

15 Q. But you've said there is an economic  
16 burden. So is it one child? Is it two children?  
17 You know your district finances.

18 MS. SMITH: I'm going to object; asked and  
19 answered.

20 MS. DICKSON: I don't think actually that  
21 question was asked and answered.

22 MS. SMITH: You said how many children. He  
23 just testified he doesn't know. He's testified  
24 repeatedly he's asked you and he doesn't know --

1 MS. DICKSON: No.

2 MS. SMITH: -- the information --

3 MS. DICKSON: No.

4 MS. SMITH: -- to make that determination.

5 MS. DICKSON: Thank you, Ms. Smith.

6 MS. SMITH: Well, that's my objection.

7 MR. HERVAS: I think that the difference is  
8 that on one side, the question is how many children  
9 would Haymarket generate versus I think what  
10 Ms. Dickson is asking is how many children would it  
11 take theoretically, if I understand that correctly.

12 MS. DICKSON: Yes, Mr. Hervas.

13 MR. HERVAS: Okay. Then that's the question,  
14 and so the objection is overruled.

15 BY THE WITNESS:

16 A. I can't identify a specific threshold at  
17 this point in time. What I can identify is whether  
18 it's one student, 10 students, a hundred students,  
19 there's economic cost to the district.

20 BY MS. DICKSON:

21 Q. Okay. Thank you.

22 And just to talk about this policy  
23 one more time, I didn't see anything in Policy 6:120  
24 that limits the district's obligations to any

1 students that Haymarket might bring in based on any  
2 economic impact on the services the district would  
3 have to provide. Am I correct in that?

4 A. You're correct.

5 Q. Thank you.

6 I think you testified, if I  
7 understand you correctly, that although these  
8 hearings have been handled remotely, you've been  
9 watching or listening to the hearings, if not live,  
10 at some point in time. Would that be true?

11 A. Most of them.

12 Q. Okay. And in February of this year, the  
13 district's attorney, Ms. Smith, questioned  
14 Dr. Lustig as to Haymarket's decision to remove the  
15 mother and child program from the Itasca facility.

16 Did you listen to any of that  
17 testimony at all?

18 A. (Indiscernible.)

19 THE REPORTER: I didn't hear the witness.

20 BY THE WITNESS:

21 A. Parts of that testimony, yes.

22 BY MS. DICKSON:

23 Q. Now, in that -- as Ms. Smith had in her  
24 September 2020 memo to the board, she also

1 questioned Dr. Lustig relative to the point that the  
2 district didn't ask Haymarket to remove programming  
3 for mother and children in Itasca. Is there some  
4 importance to that point?

5 A. Well, I think it falsely represents, as  
6 the letter indicates, that somehow we discussed  
7 this, and --

8 Q. Okay.

9 A. -- I think it's important for the Plan  
10 Commission to understand that we hadn't.

11 Q. And I'll make clear too, if you think  
12 that that's a point that needs clarification, it was  
13 not with the collaboration of the district. It was  
14 in response to the district, but not in  
15 collaboration with the district.

16 A. I'm not questioning your intent. I just  
17 as a point of clarity.

18 Q. Okay. Did you hear Dr. Lustig's  
19 testimony relative to the fact that because we had  
20 withdrawn the program in Itasca we were going to  
21 transport mother and child program participants to  
22 Haymarket Center Chicago?

23 A. I did.

24 Q. Okay. At that -- during that time,

1 Ms. Smith also questioned us -- Dr. Lustig relative  
2 to whether Haymarket would offer funding support to  
3 the district if the program was retained in Itasca.

4 Would the district be open to the  
5 pre-K program in Itasca if Haymarket and the  
6 district could collaborate on funding?

7 A. At this point the board doesn't feel  
8 that it's appropriate to negotiate services or to  
9 have that discussion. We feel that the process of  
10 the Plan Commission guides this. So our board is  
11 looking from guidance for the Plan Commission on  
12 that. I'm not in an ability to negotiate something  
13 during a hearing process.

14 Q. Well, I only ask that because the  
15 district has determined to make a presentation  
16 relative to economic burden as part of this Plan  
17 Commission process. And I ask that question because  
18 if Haymarket and the district could be collaborative  
19 on funding, wouldn't that remove the district's  
20 objection to Haymarket or the district's concern  
21 relative to Haymarket?

22 A. That's too premature to reach that  
23 conclusion.

24 Q. Okay. So if funding was offered by

1 Haymarket, the district would not be interested in  
2 hearing of any collaborative process at this point  
3 in time?

4 A. It seems like you're asking and  
5 answering the question for me. I'll answer the  
6 question in this regard.

7 Q. Thank you.

8 A. I am not going to express intent or  
9 interest to collaborate with Haymarket on a program.  
10 Our stance with the Plan Commission is to follow  
11 their lead on evaluating this process. Pre-K and  
12 other grade levels reflect economic concern.

13 Q. Okay. Other than the possibility that  
14 Haymarket may sometime in the future choose to  
15 implement its mother and child program in Itasca,  
16 which could lead to an economic burden to the school  
17 district, what other impact will Haymarket DuPage  
18 have on the district, school district?

19 A. Are you discussing economic impact?

20 Q. Yes. Well, in -- let's say is there any  
21 other general impact before we talk financial?

22 A. Well, I think we'll go to my testimony,  
23 and I think there's economic impact potentially for  
24 students that declare homelessness with residency,

1 when a family declares that so they're eligible.

2 Q. Right.

3 A. That can apply to pre-K through 8th  
4 grade students.

5 And I think I have also testified  
6 that students with an IEP, residency for grades  
7 pre-K through 8, may be linked to where the mom is  
8 residing, and that being at Haymarket. So there's  
9 economic impacts in other conditions in addition to  
10 pre-K.

11 I also would list the safety  
12 concerns. And I'm not going to get into the amount  
13 of response calls at Haymarket or what is projected.  
14 I just have a general concern that if there is a  
15 demand for the police and fire that that would pull  
16 away from our existing relationship and their work  
17 with us at the schools or alter their response time  
18 to the school districts --

19 Q. Okay.

20 A. -- to the schools.

21 Q. And I appreciate your comment there.  
22 We'll talk about that in a bit, if you don't mind.

23 Are you aware of a condition of  
24 approval of the Haymarket petition which has been

1 recommended by Village staff which would be to  
2 require that any change in the mother and child  
3 program be approved by the Plan Commission and  
4 Village Board by amendment to the special use for a  
5 planned development?

6 A. I am.

7 Q. Did you participate in the drafting of  
8 that condition?

9 A. I did not.

10 Q. How did you become aware of that  
11 condition?

12 A. I think it was discussed in prior  
13 testimony.

14 Q. Oh. So you didn't talk about that  
15 condition with the Village staff at any time before  
16 the staff recommended it?

17 A. No.

18 Q. Okay. Would you agree with the staff  
19 recommendation?

20 A. I think the staff recommendation to  
21 bring it back to the Plan Commission is the right  
22 one. But I still think my conclusion is accurate;  
23 whether it happens now or in the future, my  
24 responsibility is to identify it to the Plan

1 Commission that there's a potential cost.

2 Q. Okay. Isn't it true, though, and I  
3 think you addressed it, that there's both state and  
4 federal grant funding available to assist the  
5 district in the cost of providing special ed  
6 services?

7 A. Very limited. And when you go to my  
8 testimony, you'll see that the percentage that comes  
9 from state and federal funding is no more than  
10 8 percent for our total budget. Because of the  
11 smallness of our community and that we're reliant on  
12 property tax and business tax, the amount of money,  
13 the amount of the pot from the state or federal  
14 wouldn't even scratch the surface of the cost.

15 Q. But at this moment in time, you don't  
16 know what that cost would be; correct?

17 A. I have indicated to the Plan Commission  
18 a range of potential costs.

19 Q. Well, I guess specific to the Haymarket  
20 proposal because you don't know, in fact, if you  
21 would serve any students, you don't know whether  
22 state funding could meet that demand or not?

23 A. Yeah. No, it's hard to evaluate that  
24 when we've asked for that information from the

1 Haymarket and we didn't receive that.

2 But once again, there's three  
3 different conditions here. There's pre-K, there's  
4 also K through 8, and -- pre-K through 8 in regards  
5 to homelessness, and pre-K through 8 in regards to a  
6 parent with an IEP.

7 Q. Right.

8 A. So in all of those conditions, there's a  
9 potential cost.

10 Q. I will agree with that.

11 But there's also state and federal  
12 finance -- state and federal grants that the  
13 district could apply for to help meet those costs?

14 A. You know, based on our tier and state  
15 adequacy, once again, and this goes back to my  
16 slide, only 8 percent of our money. So because of  
17 the adequacy met by local moneys, our eligibility  
18 for a lot of that state, federal funding would not  
19 be as much as 80 percent of the other school  
20 districts. So once again, the cost is incurred  
21 locally.

22 Q. You know, and I have to -- to be able to  
23 understand you, do you mean that the district is so  
24 well-funded internally that it could not secure

1 state or federal funding? Am I -- I'm just asking  
2 because I'm not understanding you.

3 A. Yeah, I don't think that's quite  
4 accurate because the state doesn't even perceive us  
5 to be adequate.

6 Q. Okay.

7 A. State funding and school funding across  
8 this state is probably not adequate. So no, the  
9 state doesn't even find that our funding is  
10 adequate.

11 Q. Okay. Good. That's why I wanted to --  
12 I wasn't sure I was following you and I wanted to  
13 make sure that -- apparently I didn't understand  
14 your answer.

15 Are you aware of any studies which  
16 establish that early treatment of pregnant women  
17 suffering from substance use disorders can, in fact,  
18 eliminate the effect of substance use disorder on  
19 children. And if that -- if those studies are true,  
20 and I will tell you that they are, wouldn't that  
21 save money for the district in the long run?

22 A. You know, I would have to see that study  
23 to review all the implications of this.

24 Q. Okay. That's fair.

1           A.     (Indiscernible.)

2           Q.     That's fair.

3           A.     Prenatal care is key to preventing  
4 developmental disabilities. Not all developmental  
5 disabilities are caused by drug use.

6                     Also, postnatal drug usage presents  
7 students to be high at risk.

8           Q.     And I appreciate your comment relative  
9 to that.

10                    Now, turning to economic impact,  
11 your presentation discusses the district's history  
12 of communicating economic impact to promote --  
13 proposed developments or land use proposals in the  
14 district, and you cite two others in addition to  
15 Haymarket. One is the Itasca Country Club  
16 development, and is that the data center?

17           A.     That is. And at this point we haven't  
18 really actively engaged in that process other than  
19 indicating to the Plan Commission that a comparison  
20 of the revenues for the data center, as we  
21 understand it, which I don't believe is accurate,  
22 against potential home usage. So it's just a  
23 comparison data point for the Plan Commission.  
24 Those comparisons and evaluations usually develop

1 over time as the development is -- comes forward.

2 Q. Okay. Now, as to Pulte, I believe that  
3 that was going to be a residential development. And  
4 reading part of the report, the report, as I  
5 understand it, referenced the financial  
6 obligation -- or referenced the potential of  
7 additional students in the school district; is that  
8 correct?

9 A. That's correct.

10 Q. Now, the report didn't analyze at all  
11 the cost of -- at least I don't believe it did. You  
12 can correct me if I'm wrong. It didn't analyze the  
13 cost at all of providing pre-K services to any  
14 resident who may move into that development, did it?

15 A. I think when we engaged with Pulte, we  
16 did identify costs for pre-K through 8 for our  
17 students. And there was a varied debate over the  
18 projected density of students in their proposed  
19 development.

20 Q. Okay. Relative to Child Find, what does  
21 the district currently do within the community to  
22 find child -- children in need of educational  
23 services?

24 A. You know, I have a team of people that

1 do that. To give specific answers, I would have to  
2 consult with the team.

3 Q. Okay.

4 A. I know that NDSEC puts up fliers, and we  
5 work with private providers to offer those services.  
6 So we have a responsibility to engage with that and  
7 to publicize that.

8 Q. Does -- do you know whether the school  
9 district advertises or puts up posters relative to  
10 Child Find at the homeless shelter that's operated  
11 in Itasca at the First Presbyterian Church?

12 A. I don't believe they do; but to that  
13 point, Ms. Dickson, that homeless shelter isn't  
14 eligible to reside for children. That -- that  
15 shelter --

16 Q. Right.

17 A. -- is only for adults.

18 There may be several means that we  
19 put out otherwise. I would have to check with our  
20 team on that.

21 Q. Okay. I agree with you the shelter is  
22 for individuals 18 and older, but wouldn't you agree  
23 with me that some of the adults that would be  
24 residing at the temporary housing facility might be

1 interested in knowing that there's a Child Find  
2 service operated through District 10?

3 A. You know, I think that's unlikely  
4 because as the PADS network is across DuPage County,  
5 there are specific sites that interact with children  
6 and there are specific sites that serve adults  
7 without children. My understanding of the site of  
8 Itasca is it's the latter.

9 Q. And I agree with you.

10 So if I understand your point,  
11 because it's a facility only to 18 and older, you  
12 don't advertise Child Find services in that  
13 facility?

14 A. We don't advertise because they don't  
15 serve adults with children who are --

16 Q. Okay.

17 A. We advertise in other means such as  
18 pre-K providers where the children are.

19 Q. Is the School District 10 currently  
20 engaged in providing services to pre-K students  
21 using district resources?

22 A. Yes.

23 Q. Okay. What funds the costs of the  
24 district providing pre-K services today?

1           A.     For special ed services, going back to  
2 my testimony, you'll see 92 percent of our costs for  
3 students is met by local funding, only about  
4 8 percent is flow-through funding and state aid.  
5 That's for students with a disability. For regular  
6 ed students, it's a fee-based service.

7           Q.     So -- and I was going to ask this later,  
8 but I'll ask it now. What do you mean when you say  
9 local resources? Are you talking specifically about  
10 property tax, or are there other local resources?

11          A.     No. I'm specifically talking about  
12 homeowner property tax, commercial, and --

13          Q.     Okay.

14          A.     -- business property tax.

15          Q.     Relative to Haymarket DuPage and the  
16 school district, are you familiar with House  
17 Bill 2853 which was introduced into the legislature  
18 a couple of months ago?

19          A.     Could you summarize it for me?

20          Q.     Sure. It was -- it was -- it's a House  
21 bill that is specific to Haymarket DuPage, and it  
22 would allow a special assessment to be assessed by a  
23 local district, such as District 10, if you serviced  
24 a child emanating or coming out of Haymarket.

1 Do you know about that bill at all?

2 A. Yeah, I know a bill has been introduced  
3 to put costs back onto other municipalities, more  
4 costs. I don't know where that's in the process  
5 with the House, the Senate, and the Governor.

6 Q. Okay. Did you talk about that  
7 legislative initiative with anyone prior to it being  
8 introduced?

9 A. No.

10 Q. So when was -- when was the first time  
11 you found out that initiative had been introduced?

12 A. Representative Lewis communicated to me  
13 that he was introducing legislation, but I'm not  
14 aware of the total scope of --

15 Q. Okay.

16 A. -- the legislation.

17 Q. Have you read it?

18 A. I have not.

19 Q. Okay. If -- well, without having read  
20 it, this question may be unfair, so you can tell me  
21 that. But if the legislation was adopted, would it  
22 be fair to say that the district's economic concerns  
23 would be addressed?

24 A. I would have to read the legislation to

1 make that assessment.

2 Q. That's fair enough. Thank you.

3 Now, you've testified and in  
4 reading your materials, I see that District 10 is an  
5 elementary school district.

6 What is the age of the student  
7 population District 10 serves?

8 A. Pre-K can serve ages 3 and 4, and 8th  
9 grade typically goes up to ages 13 and 14.

10 Q. Okay. Now, so any child over that age  
11 would go on to Lake Park High School if they stayed  
12 within the public school system. Would that be  
13 correct?

14 A. Correct.

15 Q. And I -- you testified earlier that Lake  
16 Park High School is a separate school district from  
17 District 10?

18 A. Correct.

19 Q. And Lake Park High School then is  
20 overseen by a school board separate from the  
21 District 10 school board; correct?

22 A. Correct.

23 Q. Now, the reason that I'm asking is  
24 because I find it interesting that both your

1 attorney and yourself focused on -- a little bit on  
2 the provision of educational services to children  
3 over the age of 18.

4 You don't serve that population, do  
5 you?

6 A. No, I don't. But I consulted with the  
7 Lake Park High School's board representative, the  
8 superintendent, Dr. Feucht. He reviewed this slide  
9 and this very point, as did Jim Nelson, the  
10 executive director of NDSEC, the North DuPage  
11 Special Ed Co-op, which would serve those students.

12 Q. Did either of those individuals ask you  
13 to present testimony on their behalf relative to the  
14 educational costs they may incur if Haymarket had  
15 students 18 and over who had an IEP?

16 A. Yeah. Dr. Feucht and Mr. Nelson and I  
17 discussed the impact on older students.

18 Q. I appreciate that, but my question was  
19 did they specifically ask you to present this  
20 testimony on their behalf to the Plan Commission?

21 A. I don't remember who asked who first,  
22 but I can tell you that this testimony is given with  
23 their consent.

24 Q. Okay. Is there any reason that you know

1 of that representatives of Lake Park High School did  
2 not come and testify directly to these points?

3 A. I think for a slide, it would be  
4 appropriate for me to reflect that point.

5 Q. Well, don't you think they're better  
6 able to address the economic burden their district  
7 may feel if there was an 18-year-old with an IEP at  
8 Haymarket?

9 A. If there's significant follow-up  
10 questions, we can coordinate and acquire that  
11 information.

12 Q. Well, do you know what the cost of  
13 providing an education to an 18-year-old at Lake  
14 Park High School with an IEP is?

15 A. You know, I would imagine it would be  
16 similar to our range. It could probably be more.

17 And I think additionally, you're  
18 looking at a range of services where students are  
19 also eligible after Lake Park High School to go to  
20 Lincoln High School and their transitional services  
21 from 18 to 22.

22 Q. Okay.

23 A. If we needed to identify those costs, we  
24 can ascertain that from Mr. Nelson.

1 Q. But you're not prepared to talk about  
2 specific economic burden in numbers tonight?

3 A. I am not --

4 Q. Okay.

5 A. -- going to identify specific costs.

6 Q. Okay. Now, looking at the mission  
7 statement, I do appreciate that the first named goal  
8 of District 10 is to endure academic excellence; and  
9 looking at your district report card, I think that  
10 the district does provide academic excellence to its  
11 students.

12 Referring to the mission, you  
13 highlighted you wanted everybody here to read the  
14 mission to themselves and -- first, and then you  
15 highlighted it. And if you need to bring up the  
16 mission statement again, I think you know it well  
17 enough, I read it a couple of times, I will; but  
18 would this mission statement be impacted at all by  
19 the presence of Haymarket's healthcare facility in  
20 Itasca?

21 A. I think the -- our ability to meet  
22 academic excellence with additional economic burden  
23 is an impact.

24 Q. So you think this economic impact, which

1 we're not sure would actually be an economic impact,  
2 would impact the cultivation of individual strengths  
3 and talents in a safe, supportive, collaborative  
4 environment where individual differences and  
5 respects for the rights of others guides school and  
6 community behavior?

7 A. Yes. I think that when there's economic  
8 impact to a district, it can impact the overall  
9 quality of education. So it's important for me to  
10 identify the potential economic impact.

11 Q. Now, looking at it, the district through  
12 this mission statement, I interpret it as being that  
13 you want to teach students to respect the rights of  
14 others. Would that be correct?

15 A. Correct.

16 Q. Could that include teaching which would  
17 lean toward respecting the rights who are seeking  
18 treatment for substance use disorder or mental  
19 health issues in the community?

20 A. Of course. And those rights and  
21 embracement of disability and different class  
22 already exist within the district.

23 Q. Okay. Given your background, which you  
24 started your presentation on, I assume you're

1 familiar with the stigma that's associated with  
2 those seeking treatment for drug or mental health  
3 disorders. Would I be correct in that assumption?

4 A. Absolutely.

5 Q. And I know you were at the hearing. I  
6 don't know if you'll recall it, but are you familiar  
7 with the comment of U.S. Surgeon General Vice  
8 Admiral Jerome Adams that stigma is the number one  
9 killer of people suffering from substance use  
10 disorders and that stigma keeps people in the  
11 shadows and prevents them from getting help?

12 A. I'm not familiar with that quote. Thank  
13 you for sharing it.

14 Q. Would you agree with it?

15 A. You could read it again.

16 Q. I will.

17 That stigma is the number one  
18 killer of people suffering from substance use  
19 disorders. Stigma keeps people in the shadows and  
20 prevents them from getting help.

21 A. Yeah, I would agree stigma prevents  
22 people from getting help.

23 And I would say once again our  
24 testimony tonight is not to question the validity or

1 the importance of drug treatment. We're not  
2 questioning the need for drug treatment, and we're  
3 well aware of dealing with stigmas associated with  
4 disability within our school currently. So this is  
5 not something new.

6 Our testimony is focused on  
7 identifying impact.

8 Q. So if I get that -- if I understand  
9 correctly, you're not -- you believe there's a need  
10 for drug treatment and the services Haymarket would  
11 provide but not if it creates an economic burden on  
12 the district?

13 A. I think there's different ways to offer  
14 drug treatment services. I don't think it's an  
15 all-or-nothing proposition.

16 Q. Okay.

17 A. And I think it's our responsibility to  
18 illustrate the economic impact to the Plan  
19 Commission.

20 No one ever questions the need for  
21 drug treatment as a society.

22 Q. Well, would -- if Haymarket provided no  
23 economic impact to the district, would the district  
24 support Haymarket's facility being opened in Itasca?

1           A.     It's hard to understand how there  
2 wouldn't be economic impact at this point in time  
3 based on the proposal.

4           Q.     Okay.  But let's just make the  
5 hypothetical because it's here.  Would the district  
6 support the Haymarket facility being located in  
7 Itasca if there was no economic impact to the school  
8 district?

9           A.     I'm unable to comment on hypotheticals.  
10 My charge is to evaluate the proposal that's in  
11 front of us.

12          Q.     Well, you've, I believe, testified to  
13 the hypothetical burden because you say tonight you  
14 can't state with any certainty if any child would  
15 use the school.  Isn't that a hypothetical?

16          A.     No.  I think there's a fact that  
17 outlines the impact of specific costs.  I can't  
18 identify the amounts or the numbers because you  
19 haven't been able to share that with us.

20          Q.     Okay.

21          A.     If you were able to share it more, I  
22 would be able to evaluate that more.

23          Q.     Okay.  At the very beginning of the  
24 hearing, I believe, Mr. Benes, that you were present

1 and -- to hear me address certain public comments  
2 being made relative to locating Haymarket DuPage in  
3 Itasca.

4 One of the comments that a citizen  
5 of Itasca made was "To deny the fact that drug  
6 problems start at Peacock" -- which I think is your  
7 school -- "as well as all primary schools in DuPage  
8 and carry on through adulthood is naive."

9 Are there drug problems at Peacock?

10 A. No. We don't have drug problems within  
11 our school.

12 Q. Do you -- have you -- have you had any  
13 students involved with a drug-related event?

14 A. We would not comment specifically on  
15 minors and events.

16 Q. Well, I'm not asking you to name a minor  
17 because I respect their privacy. I'm talking in an  
18 overall. Has the school district had to deal with  
19 any student who has a drug-related incident at the  
20 school?

21 A. I would have to look for the data for  
22 that to confirm that. But at this point, I don't  
23 know that we've had a drug-related event within the  
24 school.

1 Q. Okay. Are you aware -- you're not the  
2 principal of Peacock; right?

3 A. No, I'm not.

4 Q. Okay. If the -- would -- the principal  
5 of Peacock would know that answer pretty well, I  
6 would assume?

7 A. We would have to go back and look  
8 through student data --

9 Q. Okay.

10 A. -- on that.

11 Q. If there were any drug problems at  
12 Peacock, would that be reported to you?

13 A. They would.

14 Q. Okay. I'm sorry. Was that a yes, they  
15 would?

16 A. They would.

17 Q. Thank you.

18 And the only reason I ask is  
19 because obviously a resident in Itasca thinks that  
20 drug problems start at Peacock. Do you agree with  
21 that statement?

22 A. No, I don't.

23 Q. Okay. Do you believe that Haymarket  
24 DuPage or its students would have a negative

1 influence on children in Itasca?

2 A. Define what you mean by "negative  
3 influence."

4 Q. Would they have any negative impact at  
5 all? Would there be an impact if Haymarket and its  
6 clients were located in Itasca on the children in  
7 Itasca?

8 A. Well, that's hard to evaluate. I've  
9 expressed some concerns about economic impact, and  
10 I've also expressed --

11 Q. Okay.

12 A. -- concerns about safety. So to the  
13 extent those are relevant, yes, they would impact  
14 children.

15 Q. Okay. And I guess not -- I'm asking you  
16 as someone who's been involved in social services in  
17 the public sector, you know, as an educator for  
18 30 years, if you would divorce yourself from  
19 concerns about the economic impact you perceive  
20 possible for Haymarket to have on the school  
21 district, divorce yourself from that. Would the  
22 mere fact that Haymarket DuPage would be located in  
23 Itasca have any impact on children in Itasca?

24 A. That would be hard to evaluate.

1 Q. Okay.

2 A. I think that you would have to define  
3 for me what impact you're asking about.

4 Q. And another resident, who I know you  
5 were there to hear the comment, another resident  
6 commented that the Haymarket facility would be  
7 located extremely close to child-centric public  
8 sections of Itasca. The nature of the facility is  
9 such that it attracts the criminal element into the  
10 community.

11 As a longtime educator with over  
12 30 years of public service in education and in the  
13 social sector, do you have any concerns relative to  
14 the location of Haymarket Center being close to  
15 child-centric areas?

16 A. I would have to evaluate that further.  
17 I am not going to go on the testimony of one  
18 specific person.

19 Q. Well, forget I said anything that  
20 somebody else might have testified to.

21 Let me ask you specifically. Do  
22 you believe that the facility Haymar- -- the  
23 location of Haymarket's facility would -- is too  
24 close to child-centric areas?

1           A.    I would need more information.

2           Q.    What information would you need to be  
3   able to answer that question?

4           A.    I would need to reflect on that further.

5           Q.    Okay.  Thank you.

6                         Now, looking at district finances,  
7   you provided fund balances and working cash policy  
8   of the district as part of your report.

9           A.    Correct.

10          Q.    And pursuant to that policy, you take  
11   some pride in saying that the district keeps an  
12   estimated unassigned ending fund balance based on  
13   budgeted revenues and expenditures of no less than  
14   30 percent of the annual budget expenditures in the  
15   educational and operations and maintenance funds.

16                         How much money does this policy  
17   translate to being held in any fiscal year?

18          A.    I can't give you an exact moment because  
19   it goes to point in time with the amounts of money,  
20   that varies at different points in time when  
21   property taxes are loaded.  So I'd need to check  
22   with my chief business official at point in time  
23   with that money.  That money is the very reason that  
24   we're able to open and offer in-person instruction

1 during a pandemic.

2 Q. Okay.

3 A. That money also will be used for future  
4 emergencies as the pandemic continues.

5 Q. Well, in reading your report, I didn't  
6 get the sense that it was tied to anything other  
7 than no less than 30 percent of the annual budgeted  
8 expenditures. So if it's -- did I read that  
9 incorrectly?

10 If it's tied to 30 percent of  
11 annual budgeted expenditures, it has nothing to do  
12 with how much you actually spent, does it? Doesn't  
13 it have more to do with how much you've annually  
14 budgeted?

15 A. It has to do with the total budget.

16 Q. Okay. In those funds?

17 A. Right. So in regards to the total  
18 budget, what you'll see in the budget philosophy is  
19 our commitment to be responsible for our current  
20 students and future students. And this --

21 Q. My question was only -- I'll interrupt  
22 you for a second because my question was only if  
23 it's no less than 30 percent of the annual budgeted  
24 expenditures in educational, operations, and

1 maintenance funds, how much is that money?

2 A. I would have to check to give you an  
3 exact amount with my chief business official --

4 Q. Okay.

5 A. -- because, once again, that depends at  
6 point in time when we're looking at that.

7 Q. Okay. To state it a different way,  
8 though, is it fair to say that the district taxes  
9 its residents and business owners and then puts that  
10 certain amount of money each year, for lack of  
11 better phrase, into a piggy bank for the district so  
12 that the district has moneys available to it?

13 A. Not to the point of adequacy. The state  
14 stills finds us at 96 percent adequate. And to the  
15 point that we're able to utilize funds for needed  
16 capital development and safety development and  
17 teacher appropriations in regards to the pandemic.

18 Q. Okay. What are moneys in the working --  
19 in the working fund used for?

20 A. Working fund and fund balance can be  
21 used and transferred to capital. It can be used for  
22 over-appropriations for teacher personnel in regards  
23 to the pandemic. It can also be used for future  
24 costs. For instance, the state has talked about the

1 potential for pension responsibility being placed  
2 onto the district.

3 Q. You know, you bring up the pandemic a  
4 lot, which I thought was kind of a dirty word for  
5 you earlier.

6 But pre-pandemic what would you  
7 have used those moneys for? Because you've talked a  
8 lot about the use of those moneys for pandemic  
9 purposes. Before COVID came around, what were the  
10 moneys used for?

11 A. I think in my answer I also indicated  
12 capital that had nothing to do with the pandemic.

13 I'm not sure of your  
14 characterization of "dirty word" for pandemic. And  
15 once again, this is evidence for me of not what I  
16 think is a cooperative working relationship, so --

17 Q. Well, I just bring it up because you  
18 gave me a little bit of a tongue-lashing.

19 A. You know what, you don't need to cut me  
20 off here as you smile.

21 So you've made several quips and  
22 points about the pandemic. And I'm going to go back  
23 to this once again. You're in the business of  
24 saving lives. We're in the business of educating

1 children. You don't hold the pandemic as if it only  
2 impacts you.

3 Q. I agree.

4 A. It's impacted the families, it's  
5 impacted the children, and it's impacted this  
6 community.

7 Q. I agree.

8 A. So your tone as how you characterize  
9 this is inappropriate and the very reason that the  
10 school district looks at Haymarket with a question  
11 mark.

12 Q. Because of how I've asked questions?

13 A. Well, I think your tone is -- I don't  
14 know what you mean by the pandemic is a dirty word  
15 or am I aware --

16 Q. Well, you gave me a tongue-lashing.

17 A. -- of the pandemic.

18 MR. HERVAS: Let's move on. We'll go back to  
19 questioning here.

20 MS. DICKSON: Let me move on. I don't want  
21 to get caught up in that.

22 BY MS. DICKSON:

23 Q. Prior to the pandemic the question was  
24 what would the district have spent its working fund

1 for, working fund moneys?

2 A. I think the working fund money, once  
3 again, I mentioned the potential for pension  
4 responsibility being passed onto the district.

5 It can also be used for capital  
6 development. We started a capital development fund  
7 prior to the pandemic. Those are for needed safety  
8 upgrades in the buildings, in addition to expand  
9 services, to modernize our learning spaces for both  
10 science and the library, and to -- those capital  
11 funds prior to referendum, prior to pandemic also  
12 just our mechanical, electric, and plumbing. So  
13 those are uses for a school district.

14 Q. Through the working cash fund?

15 A. Yes. They can be accessed for those  
16 points.

17 Q. Thank you.

18 Now, relative to the school  
19 district, you did talk about, if I understand  
20 correctly, the local funding source actually is the  
21 property taxes that the district gets through  
22 residential, business, commercial. Do I understand  
23 that correctly?

24 A. You do.

1 Q. Right. Relative to School District 10,  
2 do you know the percentage breakdown between  
3 property tax support from your residences versus the  
4 commercial and industrial?

5 A. I would have to check with my business  
6 official on the weights on that between the two  
7 groups.

8 Q. Okay. And isn't it true that industrial  
9 and commercial properties which pay taxes to the  
10 district don't have children in the district?

11 A. They don't have children in the district  
12 and they typically don't have children in the  
13 building and they typically don't have people that  
14 are receiving a service --

15 Q. Okay. I agree with what you said.

16 A. -- over a period of time.

17 Q. Notwithstanding the fact they don't have  
18 children in the district, these commercial and  
19 business property owners do pay property taxes in  
20 support of the school district; correct?

21 A. They do.

22 Q. Thank you.

23 THE WITNESS: I would like to request another  
24 water break, if that's possible. I ran out of my

1 water and --

2 MS. DICKSON: I have no objection.

3 CHAIRMAN DALY: Why don't we take a  
4 five-minute break. I've got 9:10. We'll reconvene  
5 at 9:15.

6 (Recess taken.)

7 CHAIRMAN DALY: Okay. This is Chairman Daly.  
8 I suggest we resume the proceedings.

9 Can we all do a camera check just  
10 to know that we're all on, click it on, click it  
11 off, so we don't have to go around the horn.

12 MR. KHAN: Commissioner Carello.

13 COMMISSIONER CARELLO: Here.

14 MR. KHAN: Commissioner Drummond.

15 COMMISSIONER DRUMMOND: Here.

16 MR. KHAN: Commissioner Holmes.

17 COMMISSIONER HOLMES: I'm --

18 MR. KHAN: Commissioner Ray.

19 COMMISSIONER RAY: Here.

20 MR. KHAN: And Commissioner Russo.

21 COMMISSIONER RUSSO: Here.

22 CHAIRMAN DALY: Okay. Thanks. Let's go.

23 MR. KHAN: Hold on. I need to get Dan back  
24 in.

1 MS. DICKSON: Is Mr. Benes -- I don't see  
2 Mr. Benes here.

3 CHAIRMAN DALY: He's right next to you on my  
4 screen.

5 MS. DICKSON: Oh.

6 MR. KHAN: Chairman Daly, if we can just hold  
7 on one second. I've got to get Dan to turn on the  
8 YouTube feed. One second.

9 THE WITNESS: I'm still here.

10 MS. DICKSON: There he is.

11 Thank you, Mr. Benes.

12 MR. KHAN: We're good to go.

13 BY MS. DICKSON:

14 Q. Okay. Relative to property taxes, you  
15 did testify that the district reports receipt of  
16 \$51,071 in property taxes from the Haymarket  
17 property as of 2019 when it was the Holiday Inn; is  
18 that correct?

19 A. Correct.

20 Q. And I very much appreciate your stating  
21 in your report that the district's tax extension is  
22 not impacted by the loss of the property tax revenue  
23 from the property.

24 For those who may be watching

1 tonight and are not sure what you mean, can you  
2 better explain that statement?

3 A. I think what I originally explained is  
4 the burden of that lost revenue is put onto the  
5 taxpayers, both commercial and residential.

6 Q. Right.

7 A. So it's not an actual loss of funds, but  
8 it -- the funding is picked up elsewhere by  
9 taxpayers.

10 Q. So the district itself won't find a  
11 \$51,071 hole in its tax receipts; correct?

12 A. Correct.

13 Q. Okay. And if Haymarket would succeed in  
14 securing a tax-exempt status for the property, the  
15 district would not lose any revenues from property  
16 taxes; isn't that true?

17 A. We would still appeal the tax-exempt  
18 status.

19 Q. I agree. I'm with you there. But I'm  
20 saying if we secured tax-exempt status, you, the  
21 district, would not lose \$51,071?

22 A. No, we wouldn't lose 51,000; but it  
23 impacts the tax rate of the businesses and  
24 homeowners otherwise.

1 Q. Okay. And have you been able to  
2 calculate at all what that -- what that spread over  
3 other homeowners or businesses would be?

4 A. No. And I think prior testimony  
5 referenced that as a Starbucks coffee, and I  
6 referenced it tonight as the total cost is the  
7 equivalent of a teacher. And I think there's  
8 different ways to break that up and look at those  
9 costs. I don't want to trivialize it, but I think  
10 it's important for the Plan Commission to understand  
11 our intent in regards to tax-exempt status.

12 Q. Well, and I -- I don't know why --  
13 because the teacher would still be supported. It  
14 would just be supported by properties other than  
15 Haymarket DuPage; correct?

16 A. Correct.

17 Q. Now, you haven't been able to do the  
18 research yourself, but it would be the approximate  
19 cost of about \$9 per property. Would that be --  
20 does that -- you've heard that testimony; you  
21 haven't validated that testimony?

22 A. No. I would have to evaluate that.

23 Q. Okay. Now, you're familiar, I hope,  
24 with the concept of senior citizens' tax exemptions,

1 aren't you?

2 A. I am familiar with some of that, yes.

3 Q. Okay. And so that I'm not testifying,  
4 what is your understanding of a senior citizen's tax  
5 exemption?

6 A. You know, I would rather have my chief  
7 business official represent that accurately.

8 Q. Okay.

9 A. I would need to check with my team to be  
10 able to provide that in the best way.

11 Q. Well, and I wasn't asking for an amount.  
12 I was just asking about are you familiar with that  
13 general concept of senior citizens' tax exemption  
14 and relative to what you know about it. And you're  
15 not comfortable testifying to that? Is that what  
16 I'm understanding?

17 A. Correct.

18 Q. Okay.

19 A. I would rather check with my team on the  
20 specifics of that.

21 Q. And now you testified that the district  
22 already has an intent to fight any future petition  
23 Haymarket might make for tax-exempt status.

24 As you sit here tonight, are you

1 aware of what basis the district would object to  
2 Haymarket's petition for tax exemption in the  
3 future?

4 A. You know, I know there are specific  
5 conditions; and, once again, I would have district  
6 legal represent those.

7 Q. Okay. So as you sit here tonight, you  
8 don't know what the basis of any objection would be?

9 A. I think the objections are valid as  
10 advised by district legal. To be able to describe  
11 them and all the conditions, I would want to consult  
12 with our district legal more.

13 Q. Okay. Now, relative to the obligation  
14 of the school district to educate homeless students,  
15 I provided too as an exhibit Itasca School District  
16 Policy 6:140.

17 MS. DICKSON: Mo, would you be able to find  
18 that? That's a Haymarket exhibit.

19 MR. KHAN: Please give me one second.

20 Is this it, Ms. Dickson?

21 MS. DICKSON: Keep going up one more. No,  
22 it's the -- it's not that exhibit. It's one prior  
23 to that, Mo, I think.

24 MR. KHAN: Exhibit 62 or 63?

1 MS. DICKSON: It's not that one. It's -- it  
2 says Itasca School District Policy 6:140.

3 MR. KHAN: This one?

4 MS. DICKSON: Perfect. Let's see the top of  
5 it.

6 Nope. The next one. Keep going.

7 That's it.

8 BY MS. DICKSON:

9 Q. Are you familiar with this board-adopted  
10 policy, Mr. Benes?

11 A. I am.

12 Q. Pursuant to this policy, as I read it,  
13 and I would ask whether you would agree, the  
14 district recognizes its responsibility to ensure  
15 that each child of a homeless individual and each  
16 homeless youth have equal access to the same free  
17 appropriate public education provided to other  
18 children and youths, including a public preschool  
19 education. Is that correct?

20 A. That's correct.

21 Q. Now, as I read the policy, I don't see  
22 that it contains any language which would limit the  
23 district's legal obligation to provide that  
24 education to the homeless population based on any

1 financial burden the district may incur. Is that  
2 true?

3 A. No. We're not limiting the access to a  
4 free and appropriate education for parents, for  
5 their children, for anyone.

6 Q. Okay. And so whether you have --  
7 whether the district bears some financial burden or  
8 not, the district still has as its policy a want and  
9 a will and an obligation to provide that education;  
10 correct?

11 A. That is correct.

12 Q. The policy itself states the  
13 McKinney-Vento -- cites the McKinney-Vento Act.

14 Are you aware of the requirements  
15 of the Act?

16 A. I'm aware of the Act.

17 Q. Are you aware of the specific  
18 requirements contained therein?

19 A. You know, all of the elements, I would  
20 need to consult and review with the Act --

21 Q. Okay.

22 A. -- and look for the team because with  
23 homelessness, each situation is very unique.

24 Q. Very specific.

1           A.     So it's very nuanced.

2                     But, yes, I'm aware of the Act.

3           Q.     Okay.  Doesn't the McKinney-Vento Act  
4 require the district to identify and locate children  
5 and youth experiencing homelessness and make them  
6 aware of the protections afforded them under the  
7 Act?

8           A.     It does.  So in registration and access  
9 to the building, we have posters communicating that  
10 Act.  With registration, if a parent identifies that  
11 they're homeless, we have to be responsive to that  
12 and provide an education.  And so that's met.

13          Q.     Other than at registration, how does the  
14 district identify homeless youths in the district?

15          A.     As they come to us, you know, if  
16 information is shared, outreach, looking if there's  
17 any children.  Usually there would be some  
18 communication of a child that resides or comes to  
19 the district.

20          Q.     Does the -- and I -- I don't want to  
21 misinterpret what you're saying, but it sounds to me  
22 like it's if the student is coming to you.  And I  
23 was asking what proactive steps, if any, does the  
24 district take to locate homeless students?

1           A.    I think in this case, it would be  
2   communicating information about the McKinney-Vento  
3   Act on our school website and producing that at our  
4   building sites.

5           Q.    Do you provide any information via a  
6   poster or a brochure or a handout in public  
7   locations in the village of Itasca or your other  
8   communities that you serve?

9           A.    We may.  I would need to check that with  
10   our team.

11          Q.    Okay.  You're not aware of that as you  
12   testify tonight?

13          A.    I'm not positive; and, once again, I  
14   would need to check with our team.

15                    I think I lost -- or something  
16   froze.

17          Q.    No, I was -- I'm sorry.  I was -- I'm  
18   skipping questions that you volunteered answers for,  
19   so I don't want to repeat where we've been.  I'm  
20   sorry.

21          A.    That's all right.

22          Q.    In a review again of minutes of past  
23   meetings of the school board, the minutes of  
24   February 12th, 2020, have you stating -- or have you

1 reporting that we will be preparing for the taxing  
2 bodies to present an economic impact and indicating  
3 adverse impact for serving a disproportionate number  
4 of homeless students and possible services.

5 Do you recall making that report?

6 A. I don't remember using that words or  
7 that, and I think more accurate would say there's a  
8 potential for that. At this point we can't evaluate  
9 that there would be how many.

10 Q. So if the minutes have you quoted as  
11 saying that the district would be serving a  
12 disproportionate number of homeless students, that  
13 might be an inaccurate quote?

14 A. I would need to review those minutes and  
15 understand the context of that.

16 Q. Okay. Later on, minutes from the  
17 July 14th, 2020, school board meeting report that  
18 you stated: Our job for the taxpayers is economic  
19 impact. We need to identify economic impact.

20 Do you recall making that  
21 statement?

22 A. Once again, I would have to review the  
23 minutes to look at that in what context.

24 Q. Okay. Well, did you believe -- do you

1 believe that it is your job to -- on behalf of the  
2 taxpayers to evaluate economic impact?

3 A. Well, to the extent we've shared that as  
4 part of our testimony tonight to the Plan  
5 Commission, yes.

6 Q. Okay.

7 A. To the extent we've expressed concerns  
8 about safety, I think that's also relevant.

9 Q. Now, as I understand the McKinney-Vento  
10 Act, the district is required by law to designate a  
11 liaison for homeless students. And, in fact, I did  
12 find the district's liaison on the website, at least  
13 her name, which is Kate Ipsen. Don't know if that's  
14 still her, but that is who was identified. I  
15 couldn't find any other information on the website  
16 about the homeless liaison other than her name.

17 Is there a place on the district's  
18 website that is available to the public other than  
19 for Policy 6:140 that talks about the district's  
20 obligation to provide services to the homeless?

21 A. I believe the posters that we put on  
22 building are on the website, but I would have to  
23 review the website to assure where that's located.

24 Q. Okay. Well, I made a pretty thorough

1 study of your website, and I didn't find that; so I  
2 can see we're going to have to have some follow-up  
3 questions to you, and that would be one that I would  
4 be asking.

5 What are the duties assigned to the  
6 district's homeless liaison?

7 A. The duties are to assure that they  
8 receive a free and appropriate education, and also  
9 the duties are to assist with support so they can  
10 succeed in school. So, for instance, we set aside  
11 money in Title I and Title II for funding. And so  
12 that doesn't supplant funding; that's supplemental  
13 funding, that's additional funding for students to  
14 help pay for any additional needs they may have  
15 educationally.

16 Also with homelessness, the  
17 district can be involved in transportation costs.  
18 So a student can reside within a district but attend  
19 another district and the transportation cost can be  
20 shared across two districts.

21 Typically with homelessness too, we  
22 want to be able to provide social work support to  
23 the family and to the student because they're going  
24 through a lot of difficult circumstances, obviously.

1           Q.     Now, I looked at your dashboard website,  
2     and if I am correct -- and I did make it an  
3     exhibit -- currently the district either has no  
4     homeless students or one homeless student depending  
5     on which report you want to look at.

6                     Can you verify how many homeless  
7     students the district has served in this current  
8     school year?

9           A.     I can't verify the exact amount, and the  
10    website may be -- the school report card may speak  
11    to a different point in time. I would need to check  
12    our records to indicate how many current students.

13                    And sometimes, I would point out,  
14    that we have situations where students are moving  
15    between families, families are living with other  
16    families, and we don't necessarily see that as a  
17    residency or homeless situation, but they're  
18    provided all the rights and opportunities of  
19    homeless. So it may be classified more as a  
20    domestic situation moving between families or  
21    divorce where they're moving between parents, so it  
22    may not specifically be homelessness.

23                   MS. DICKSON: Well, Mo, can you bring up that  
24    one exhibit from Haymarket that looked like a chart,

1 a graph -- it wasn't a graph. I'm sorry. It's a  
2 chart. Yeah, that one.

3 BY MS. DICKSON:

4 Q. This, Mr. Benes, is from Itasca School  
5 District 10, and it's a report -- I believe it's  
6 from 2020, and it says zero homeless -- zero percent  
7 homeless in terms of your student population.

8 Is this figure accurate?

9 A. You know, once again, I would have to  
10 review the data in regards to points in time. There  
11 could be other points in time in the course of that  
12 year where we could have had homeless students.

13 Q. Okay. And this -- this chart actually  
14 also -- this part of your dashboard, which is  
15 available through the school district, also shows a  
16 five-year average?

17 A. Correct.

18 Q. And if I read your five-year average  
19 correctly, I think your five-year average is that  
20 you've served either one child each year or no  
21 children in any school year. Would that reporting  
22 be correct?

23 A. You know, once again, it's hard to say.  
24 I have to evaluate the data and go back in time.

1 Those data points are drawn at point -- specific  
2 points in time. We may have had more or we may have  
3 had about the same amount.

4 Q. What is the district's obligation  
5 relative to posting this population information with  
6 the -- the Illinois State Board of Education? Isn't  
7 it supposed to be accurate?

8 A. Well, it is accurate, but it's important  
9 to understand the meaning of the data.

10 So the state report card is posted,  
11 and the data in the state report card is drawn at  
12 different points in time. And as I mentioned, I  
13 would need to evaluate at points in time when this  
14 was drawn.

15 Q. Well, who at -- at what points in time  
16 would this information be placed on the dashboard?

17 A. For homelessness, I would want to check  
18 that with the state. I can tell you, for instance,  
19 for student enrollment and attendance rate, an  
20 average is drawn in October and March. So there's  
21 different points in time.

22 But in general, to the point we  
23 don't have a lot of homeless students in the  
24 district, and some who could be classified as

1 homeless may more so just be with different family  
2 living situations, generational family living  
3 situations.

4 Q. You know, I'm referring to --

5 A. You know, going back to the stigma, the  
6 family may not identify as homeless.

7 Q. Well, if they don't identify as  
8 homeless, you would not provide them free education  
9 services under McKinney-Vento, would you?

10 A. Oh, yes, because they're still a  
11 resident within Itasca. You know, so there's a  
12 difference between an individual's living situation  
13 and providing an education. Yes, they still receive  
14 an education. And all of our students, whether  
15 they're classified as homeless or not, we provide  
16 extra support too.

17 Q. Okay. Well, I'm just focusing on -- and  
18 as a resident of DuPage County, and I would assume  
19 as a resident of Itasca, don't you want people to be  
20 able to rely on information that the district is  
21 posting publicly?

22 A. I would say this. No matter what the  
23 information indicates, we meet the needs of all  
24 students.

1 Q. I'm not saying that you're not. I'm  
2 just trying to ask, which you're not necessarily  
3 asking -- answering, this report says you had zero  
4 percent homeless.

5 A. At the point in time when the --

6 Q. Should a resident of Itasca be able to  
7 rely on that report?

8 A. At the point in time when that report  
9 was posted, that was probably accurate, yes.

10 Q. Okay. And I'm looking at a school  
11 report -- Illinois school report card from 2019 that  
12 was authored under your name; and within that school  
13 report card, it states the enrollment of one  
14 homeless student in the district.

15 If that was posted under your name,  
16 should the residents of Itasca be able to rely on  
17 the accuracy of that report?

18 A. I think they can. I would want to  
19 review that report and see it for myself.

20 Q. And if the district reported a five  
21 year -- how many homeless students they had over a  
22 five-year period of time, should anyone reading that  
23 district report card be able to rely on that  
24 five-year indicator?

1           A.    Yeah.  I think that's relatively  
2 accurate.  I would agree with that.

3           Q.    So out of the thousand students that  
4 School District 10 serves, they -- out of that  
5 thousand students, in some years there have been  
6 zero and in a couple of years there may have been  
7 one; is that correct?

8           A.    In the extent of that classification of  
9 homelessness, that would be accurate.

10          Q.    Well, when you fill out this report,  
11 what do you believe that report is calling for when  
12 it asks you to report your student population which  
13 is homeless?

14          A.    You know, we go back to the criteria of  
15 homeless, and really, it's a situational thing.  So  
16 I would have to go to specific cases to answer that  
17 question.

18          Q.    Now, the right to ask the school  
19 district to provide McKinney-Vento services remains  
20 with the parent and youth in the district; correct?

21          A.    Correct.

22          Q.    So if they don't make a call on the  
23 district to provide McKinney-Vento services, the  
24 district has no obligation to voluntarily do so?

1           A.    Yeah, but I don't know that we wouldn't  
2 or haven't.

3           Q.    Well, I guess the question was does it  
4 have a legal obligation to do so?

5           A.    To provide services? We provide  
6 services to all students who have need, whether  
7 they're classified as homeless or not.

8           Q.    I appreciate that, but my question's  
9 pretty easy and you're having a hard time answering  
10 it.

11                                If the parent doesn't ask the  
12 district or the youth ask the district to provide  
13 services because of their homelessness, the district  
14 is under no legal obligation to voluntarily do so;  
15 correct?

16           MS. SMITH: I'm going to -- I'm going to step  
17 in and object on vagueness on what you mean by  
18 services. There seems to be -- he seems to classify  
19 what -- I'm not sure what you mean by homeless  
20 services.

21           MS. DICKSON: Well, I believe that Mr. Benes  
22 has answered the question in a roundabout way. I  
23 just want to -- I think he well understands the  
24 question. I just don't think he wants to answer the

1 question.

2 BY THE WITNESS:

3 A. You know, once again, this is another  
4 example where you're ascribing intent to the  
5 district, and it's disheartening, you know. And I  
6 could characterize your questions as very  
7 misleading, but I haven't given you that courtesy.

8 BY MS. DICKSON:

9 Q. Well, then, tell me what's misleading  
10 about the question, sir, and I will make it less  
11 misleading for you.

12 A. Well, you know, I find your tone to be  
13 patronizing and dismissive, and I think that's part  
14 of the concern with the questions.

15 Q. I have the same concern with your  
16 answers, Mr. Benes. So we're on equal --

17 MR. HERVAS: All right.

18 BY MS. DICKSON:

19 Q. -- playing field.

20 MR. HERVAS: Let's get back to the business  
21 of the question and answer, and let's leave the  
22 commentary aside.

23 MS. DICKSON: And I would ask, Mr. Hervas,  
24 that you ask the witness --

1 MR. HERVAS: Hang on, Ms. Dickson.

2 I'm going to ask you to rephrase  
3 your question, and we're going to start from the  
4 beginning.

5 Go ahead.

6 BY MS. DICKSON:

7 Q. If a parent or a youth does not request  
8 the provision of services from the district because  
9 of homelessness, isn't it true that the district is  
10 under no financial obligation to provide or no --  
11 excuse me, no legal obligation to provide those  
12 services?

13 A. You know, legally, I would consult with  
14 district legal on that nuance to your question. But  
15 the point I would make is we already -- so yes, I  
16 think I've answered the question.

17 We don't do so based on a legal  
18 point. We base -- we do that based on student need.

19 Q. Okay. When Haymarket is hopefully  
20 successful in locating in Itasca, does the district  
21 have a plan in place to be able to interact with the  
22 patients at Haymarket?

23 A. No, we do not have a plan in place.  
24 That would have to be generated dependent on the

1 Plan Commission's recommendation.

2 Q. The Plan Commission would make a  
3 recommendation to you as to how to interact with the  
4 patients at Haymarket DuPage?

5 A. No. The Plan Commission would have to  
6 make a recommendation for Haymarket to be in  
7 Itasca --

8 Q. Right.

9 A. -- to be zoned for Itasca.

10 Q. Right. And I'm saying let's say that  
11 the Village Board agrees to allow Haymarket to  
12 locate its health facility in Itasca. Does the  
13 district have any plan in place as to how it would  
14 treat or how it would reach out to those patients  
15 who might be homeless?

16 A. No. That would have to be developed  
17 with Haymarket.

18 Q. Okay. Have you expressed any interest  
19 with -- to Haymarket in developing a program?

20 A. At this point, we're not developing a  
21 program in relation to that population because the  
22 Plan Commission process is still evaluating the  
23 zoning for that; so that would be premature for us.

24 Q. Okay. Now, you focused in your report

1 on the district's concerns relative to safety, and  
2 you stated that safety is a core focus of -- and a  
3 district goal. And I understand what you're saying  
4 there.

5 Does the district receive emergency  
6 ambulance support through the Itasca Fire Protection  
7 District?

8 A. It does.

9 Q. And you're aware that the fire  
10 protection district has only one ambulance, aren't  
11 you?

12 A. I am, but I also know they share with  
13 Wood Dale.

14 Q. Okay. So -- and I appreciate you saying  
15 that. What does that statement mean, then?

16 A. The response, whether it comes from a  
17 fire truck or an ambulance, is across two districts.  
18 The appropriation of vehicles per district I cannot  
19 speak to.

20 Q. Well, let me -- just so I -- I might  
21 have misunderstood your question.

22 Itasca has only one ambulance, and  
23 you said but Wood Dale -- Wood Dale is there. Did  
24 you mean to imply from that statement that Wood Dale

1 could respond with an ambulance if Itasca's  
2 ambulance was busy?

3 A. You know, once again, I'm not going to  
4 get into the amount and the appropriations for each  
5 vehicle for each district.

6 Q. Right.

7 A. But I am going to say this, that both  
8 Wood Dale and Itasca and, for that matter, the  
9 larger consortium, could respond to an emergency if  
10 needed.

11 Q. Okay. And if that is how that group  
12 would respond to a situation at the school district,  
13 wouldn't you assume that that -- that global  
14 response would be made to Haymarket, then?

15 A. I'm going to --

16 MR. DI NOLFO: Mr. Hervas, this is Steve  
17 DiNolfo.

18 BY THE WITNESS:

19 A. -- fire district --

20 (Indiscernible crosstalk.)

21 MR. DI NOLFO: Mr. Benes, hang on.

22 Mr. Benes, hang on. Hold on, Mr. Benes.

23 Steve DiNolfo. I would just object  
24 to foundation for Mr. Benes to be able to testify to

1 the operational capacity and needs of the Itasca  
2 Fire Protection District.

3 MS. DICKSON: Well, I wasn't -- I would like  
4 to respond to that, Mr. Hervas. I wasn't -- Dr. --  
5 excuse me, Mr. Benes indicated that if the one lone  
6 Itasca ambulance is busy that any emergency response  
7 to the school district would be handled either by  
8 Wood Dale or by another member of any consortium;  
9 and if that's the service provided to the school  
10 district, I think he can answer that any other  
11 resident of Itasca should be able to command that  
12 same service.

13 MR. DI NOLFO: Mr. Hervas, I think he can  
14 only respond to what his experience is, not what's  
15 going to be done for other residents of the  
16 district, and it's beyond his scope and has lack of  
17 foundation.

18 THE WITNESS: I agree with that. I can --

19 MR. HERVAS: Hold on. Hold on. I'm going  
20 to --

21 (Indiscernible crosstalk.)

22 THE WITNESS: -- response time.

23 MR. HERVAS: Mr. Benes, could you hold on,  
24 please.

1 I'm going to sustain the objection.  
2 He answered it with respect to the district, and  
3 whatever his opinion is about the rest of the  
4 community is beyond -- is beyond the scope here; so  
5 I'm going to sustain that.

6 MS. DICKSON: Thank you, Mr. Hervas.

7 BY MS. DICKSON:

8 Q. Has the school district ever expressed  
9 any concern with the fire protection district that  
10 the district -- because the district only has one  
11 ambulance?

12 A. We have not -- we have not communicated  
13 regarding vehicle allocation to the fire or police.  
14 I have no communications about the amount of  
15 vehicles or how they're used to the fire or police  
16 department.

17 Q. Okay. So in answer to my question, my  
18 question was specific to has the school district  
19 ever expressed a concern to the fire protection  
20 district because it only has one ambulance to serve  
21 all of Itasca?

22 MS. SMITH: Objection; asked and answered.

23 MR. HERVAS: Ms. Dickson.

24 MS. DICKSON: He did not answer that

1 question.

2 MR. HERVAS: I actually --

3 MS. DICKSON: It's a simple yes-or-no answer.

4 MR. HERVAS: Yeah. I don't recall him  
5 answering that already. So I don't want to go back  
6 into the record. Let's just move forward.

7 I'll overrule the objection. Let's  
8 have an answer.

9 BY THE WITNESS:

10 A. I haven't expressed a concern about  
11 vehicles to fire or police district.

12 BY MS. DICKSON:

13 Q. Thank you.

14 Now, you indicate a knowledge of  
15 ambulances coming to the school district from either  
16 Wood Dale or other -- or another consortium member.  
17 So is it fair to assume from that testimony that  
18 that has happened, that you've gotten an ambulance  
19 response from an ambulance other than the Itasca  
20 Fire Protection District?

21 A. Actually, I do not have record of where  
22 the response has come from.

23 Q. So when you testified that it could come  
24 or I thought you said it did come, you don't know

1 that for a fact?

2 A. I just know this in a general sense that  
3 there's a strong partnership between Wood Dale and  
4 Itasca services. That's all.

5 Q. Okay.

6 A. I don't evaluate where the ambulance or  
7 fire equipment is coming from.

8 Q. Okay. But you've been very satisfied  
9 with your ambulance response. Is that fair to say?

10 A. Yes. The fire and police department is  
11 an excellent partner and responsive to our  
12 community.

13 Q. So the fact that Itasca only has one  
14 ambulance is not a concern to District 10?

15 A. Once again, I'm not evaluating the  
16 appropriation and the amount of equipment. I feel  
17 that Chief Burke can best speak to what the right  
18 amount of equipment is.

19 Q. Okay.

20 A. That's not in my scope to evaluate that.  
21 I evaluate that they've responded,  
22 and they've responded, both departments, in an  
23 incredible way.

24 Q. I believe you have indicated -- and you

1 can correct me if I'm wrong, but you've indicated  
2 that the approval of Haymarket being located in  
3 Itasca raises a concern for the district relative to  
4 safety. Can you expand on that?

5 A. I will. I don't know based on all the  
6 data I've heard over this year, the data that was  
7 collected at Haymarket, the data that was  
8 re-submitted, the data that was put out by experts,  
9 evaluated and cross testified, all this evaluation  
10 of data, I don't have a clear sense of what the  
11 impact will be for our fire and police department in  
12 response to Haymarket.

13 Q. Okay.

14 A. And because of that, and because of  
15 that, I don't know if there may be an impact on  
16 their ability to respond to us. So that's one  
17 condition.

18 Additionally, I would point out  
19 with the police and the fire that they interact with  
20 us in an informal way. And this is part of setting  
21 a culture of trust with our students, whereas other  
22 police and fire departments, there may be mistrust  
23 or adversity between children.

24 As a superintendent, I like the

1 police and fire department interacting with our  
2 children. I'm not embarrassed if there's a police  
3 car out in front of the school. It doesn't mean  
4 that there was a safety incident.

5           And so there's an informal  
6 interaction that occurs by the police and fire  
7 department where they can come over. The police  
8 will help with dismissal. They're welcome in our  
9 buildings. They've worked with us very actively on  
10 safety consultations. They've worked with our  
11 D.A.R.E. program. And the fire department is part  
12 of our citizenship program for fifth grade.

13           So I don't know if the increased  
14 demand will affect -- whatever that might be, you  
15 know, because I can't even evaluate what that may or  
16 may not be. It's not clear to me.

17           I just raise as a concern to the  
18 Plan Commission this could impact their response  
19 time, perhaps. This could impact their ability to  
20 interact with us through routine informal occasions.  
21 And this could impact their ability to deliver  
22 services otherwise.

23           Q.    And isn't it equally true that if  
24 Haymarket were located there, it could not impact on

1 any of those areas?

2 A. I don't know, you know.

3 Q. Okay.

4 A. Based on listening to all the data  
5 points, I think it's realistic to think that some  
6 response time will be required for Haymarket. I  
7 just don't have a clear understanding of the extent  
8 of it.

9 Q. Okay. And when you reference the  
10 police, you kind of lump them together with the fire  
11 and that's -- they're both emergency responders.

12 Has the district had the need to  
13 make a call for a police response to the school  
14 district in the past year?

15 A. Yes.

16 Q. Has the district ever had any concerns  
17 relative to the police response to the school  
18 district?

19 A. No. Our police and fire department are  
20 exceptionally responsive and committed to the safety  
21 of our students. The leadership of Director  
22 O'Connor and Chief Burke are exemplary.

23 Once again, I cannot evaluate the  
24 allocation of their vehicles, the usage of their

1 vehicles; but I can tell you they've been very  
2 responsive and incredible partners to work with for  
3 this school district.

4 Q. And you don't have any fact upon which  
5 to rely that there would be any impact on that  
6 relationship solely by virtue of Haymarket opening  
7 its healthcare facility in Itasca?

8 A. No. I more raise it as a concern. I  
9 think --

10 Q. Okay.

11 A. -- it's likely based on the testimony  
12 that I've heard off and on now for over a year that  
13 there will be some response required to Haymarket.  
14 I think that's realistic based on the history of  
15 what's happened elsewhere. I don't know if the  
16 amount of that response required will impact our  
17 relationship.

18 Q. Well, wouldn't any new development in  
19 Itasca have the potential of impacting your current  
20 relationship with police and fire?

21 A. I don't know. You know, I mean, does  
22 every development have the amount of response  
23 required to Haymarket historically.

24 Q. I'm asking you whether you have ever

1 raised a public safety concern, for example, if  
2 Pulte were to be developed. Did you raise public  
3 safety concerns relative to Pulte?

4 A. No. We raised density concerns regards  
5 to Pulte.

6 Q. Okay.

7 A. At that point there was no history of  
8 response that was identified.

9 Q. Well, Pulte was going to bring in a  
10 number of residential properties, wasn't it? Wasn't  
11 it going to be divided up into a number of different  
12 properties, different homes?

13 A. Correct. And I couldn't evaluate  
14 whether or not there would be response there.

15 Q. Okay. But you didn't think it was  
16 necessary to raise these public safety concerns when  
17 you testified in the Pulte hearing?

18 A. Well, I do with Haymarket. I don't  
19 think we got to that point with Pulte because we  
20 were just discussing density, and then they withdrew  
21 their petition for development.

22 Q. Okay. Is it your testimony that you  
23 were going to provide a subsequent report to the  
24 Plan Commission that would have referenced your

1 public safety concerns relative to Pulte?

2 A. No. No.

3 Q. Okay.

4 A. I don't think I said that.

5 Q. Well, I'm sorry, but that's what my  
6 understanding was.

7 If you had public safety concerns,  
8 why didn't you raise it when you wrote your initial  
9 report to the Plan Commission?

10 A. I didn't have public safety concerns  
11 with Pulte because there was no prior testimony at  
12 the Plan Commission about safety.

13 For Haymarket, there's been  
14 extensive testimony about ambulance response time  
15 at your prior facility that's been part of this  
16 process.

17 Q. Okay.

18 A. That -- I didn't bring that up. That  
19 was brought up.

20 Q. Okay. You know, and I'm finishing up  
21 here, so we're doing the final circle.

22 Going back to Dr. Lustig's  
23 testimony in response to questioning by Ms. Smith,  
24 Dr. Lustig did testify relative to Haymarket wanting

1 to be a good neighbor to the district. Now, I've  
2 heard testimony from you tonight, you don't believe  
3 that; and I hope it's not impacted at all by the  
4 fact that you're not enjoying our questioning.

5 But as an example, Dr. Lustig  
6 referenced the fact that Haymarket could offer  
7 mental health and first aid training to teachers so  
8 that if they were experiencing a family crisis with  
9 a student they'd be able to better handle the  
10 situation.

11 Would the district be willing to  
12 offer this -- or accept this offer of assistance?

13 A. You know, I want to go back to your  
14 characterization that I'm not enjoying this. And  
15 this is another example where you characterize my  
16 feelings or my thoughts, and I think that in itself  
17 is inappropriate. And that speaks to my concerns.  
18 So every time you do that, I'm going to continue to  
19 point that out.

20 So I don't think it is fair for you  
21 to characterize what you think I feel or think.

22 Q. Okay.

23 A. I give you the courtesy of asking --

24 Q. Then let's focus --

1 (Indiscernible crosstalk.)

2 BY THE WITNESS:

3 A. -- you do that --

4 BY MS. DICKSON:

5 Q. Let me just focus on asking the  
6 question. I'm sorry, I won't make any other  
7 comment, then.

8 Here's the question. Dr. Lustig  
9 testified Haymarket wants to be a good neighbor. He  
10 referenced the fact that Haymarket could offer  
11 mental health or first aid training to teachers so  
12 that if they're experiencing a family in crisis they  
13 would be better able to handle the situation.

14 Is the school district willing to  
15 consider such an offer of assistance?

16 A. We would evaluate any vendor or  
17 contractor offering services across all that would  
18 provide that. We would need to evaluate those  
19 services and we would do that against multiple  
20 vendors.

21 So no, we would not commit to  
22 receiving services from one particular vendor unless  
23 we evaluated all vendors in the scope of those  
24 services.

1 Q. Well, I don't think my question asked  
2 whether you would commit to accepting it. The  
3 question was would you be willing to consider it.

4 A. I would look at that with any other  
5 vendor that offered those services.

6 Q. Okay. Dr. Lustig also testified that  
7 Haymarket would be interested in working with the  
8 district relative to securing Title I funds which  
9 would follow the mother.

10 Is the district interested in  
11 working with Haymarket on that collaboration?

12 A. You know, I would do so if I understood  
13 the Plan Commission process in regards to doing  
14 this. I think it's premature to have that  
15 discussion during the Plan Commission process.

16 And secondly, I would point out,  
17 going back to adequacy in Title I and Title II  
18 following mothers, that is a concept and a  
19 discussion. Our Title I and Title II appropriation  
20 is 500 bucks that's additional funding for at-risk  
21 students that exist. So the amount of money that  
22 would come in wouldn't even scratch the surfaces of  
23 our cost. So I don't want us to consider Title I  
24 and Title II as a solution here that would solve the

1 concerns.

2 Now, could we go back and discuss  
3 that further in the future at the right time based  
4 on the Plan Commission's recommendations? Yes.

5 Q. So as you testify here tonight, can you  
6 provide any testimony as to what anything Haymarket  
7 could do which would alleviate the economic concerns  
8 the district has relative to providing educational  
9 services to pre-K or homeless children who may be  
10 associated with Haymarket DuPage?

11 A. I think I would go back to the questions  
12 we posed to Haymarket over a year ago, and I think  
13 more information needs to be provided for the  
14 district. We approached in good faith to learn, and  
15 I think that relationship is demonstrated by  
16 transparently sharing that information.

17 Q. Okay.

18 A. That would be a first step.

19 Second step, I think it's important  
20 for you to understand that our school board respects  
21 the authority of the Plan Commission to make this  
22 decision, and to begin negotiations or discussion of  
23 programming before this process has occurred fully  
24 is premature for us.

1           CHAIRMAN DALY: With that answer, may I jump  
2 in for a minute, please, because it is one minute to  
3 10:00 o'clock. At this point --

4           MS. DICKSON: You know, I do have just two  
5 questions, but I don't know if anybody's going to  
6 have follow-up.

7                           I'm sorry, I thought it was 9:00  
8 o'clock. My apologies. I'm wrong. I'm wrong.

9           CHAIRMAN DALY: So with that, I'm going to  
10 ask that you hold your two questions because I do  
11 have a lot of questions --

12           MS. DICKSON: Okay.

13           CHAIRMAN DALY: -- for Mr. Benes as a  
14 follow-up to his testimony. I'm sure our Plan  
15 Commission has been considering other questions as  
16 well, and I'm sure there's going to be some  
17 redirect.

18                           So at this point in time, knowing  
19 that I'm about to ask for a motion to continue and  
20 then close this hearing, I would ask Ms. Smith and  
21 Mr. DiNolfo, in terms of starting the continued  
22 hearing next week, will we be ending -- or starting  
23 that meeting with Mr. Benes, closing that out and  
24 then switching back over; or how are we going to

1 proceed next week so I'm clear?

2 MS. SMITH: Mr. Benes is not available due to  
3 another public hearing that he has to be present at  
4 next week, but my understanding is that was the time  
5 that the fire witness was available. So I'm  
6 assuming that we'll pick that back up, but I  
7 shouldn't assume. I should defer to that counsel.

8 MR. DI NOLFO: That's correct, Mr. Chairman,  
9 that Mr. Moeller will be back in attendance next  
10 week. I'm not sure the amount of cross that  
11 remains. I guess we in theory could start Chief  
12 Burke or perhaps for purposes of continuity it might  
13 be better to push it until after Mr. Benes so we  
14 don't have to jump back and forth. I'll defer to  
15 you and the Commission on that.

16 But we'll be ready to present a  
17 witness on the 14th of Mr. Moeller, finish up with  
18 him, and see where that leaves us time-wise.

19 MS. DICKSON: I believe, Mr. DiNolfo, you had  
20 said as well that you would have Chief Burke ready  
21 so we can fill the whole time.

22 And then I understand that we don't  
23 have a hearing on the 21st; so would Dr. Benes be  
24 available, then, on the 28th? Excuse me, Mr. Benes.

1 My apologies.

2 MR. BENES: Mr. Benes will be available on  
3 the 28th.

4 MS. DICKSON: Terrific.

5 CHAIRMAN DALY: All right. So just to be  
6 clear, for the sake of everybody paying attention  
7 out in the Village YouTube site, the reason that the  
8 21st is not a plan -- it is a regular scheduled Plan  
9 Commission meeting, so it is not intended for the  
10 Haymarket hearing.

11 So with that, just to recap,  
12 April 14, Mr. DiNolfo is going to pick up with  
13 Mr. Moeller and then transition into Chief Burke.  
14 The 21st is the regular meeting. And then the 28th  
15 we would pick back up with Mr. Benes for  
16 continuation of cross and then open to questions  
17 from the Plan Commission and redirect.

18 Am I clear?

19 MS. DICKSON: That's my understanding.

20 CHAIRMAN DALY: Okay. Thank you.

21 With that, then, I will ask for a  
22 motion to continue this public hearing until  
23 April 14th.

24 COMMISSIONER HOLMES: So moved. Commissioner

1 Holmes.

2 COMMISSIONER RAY: Second. Ray.

3 CHAIRMAN DALY: Would the secretary please  
4 call the vote.

5 MR. KHAN: Commissioner Carello.

6 COMMISSIONER CARELLO: For.

7 MR. KHAN: Commissioner Drummond.

8 COMMISSIONER DRUMMOND: For.

9 MR. KHAN: Commissioner Holmes.

10 COMMISSIONER HOLMES: For.

11 MR. KHAN: Commissioner Ray.

12 COMMISSIONER RAY: For.

13 MR. KHAN: Commissioner Russo.

14 COMMISSIONER RUSSO: For.

15 MR. KHAN: Chairman Daly.

16 CHAIRMAN DALY: For.

17 Motion carries.

18 Can I please get a motion to  
19 adjourn.

20 COMMISSIONER HOLMES: So moved.

21 COMMISSIONER RAY: Second. Ray.

22 CHAIRMAN DALY: Mo, would you please call the  
23 vote.

24 MR. KHAN: Commissioner Carello.

1 COMMISSIONER CARELLO: For.

2 MR. KHAN: Commissioner Drummond.

3 COMMISSIONER DRUMMOND: For.

4 MR. KHAN: Commissioner Holmes.

5 COMMISSIONER HOLMES: For.

6 MR. KHAN: Commissioner Ray.

7 COMMISSIONER RAY: For.

8 MR. KHAN: Commissioner Russo.

9 COMMISSIONER RUSSO: For.

10 MR. KHAN: Chairman Daly.

11 CHAIRMAN DALY: For.

12 With that, the motion carries.

13 This meeting is adjourned.

14 Everybody have a good week. We  
15 will resume this time next week. Thank you.

16 (Whereupon the proceedings  
17 concluded at 10:03 p.m.)

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1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF K A N E )

3 I, Amy K. Bateman, CSR No. 84-003803, RPR,  
4 CRR, CRC, do hereby certify that I reported in  
5 shorthand the proceedings had at the hearing of the  
6 above-entitled cause and that the foregoing Report  
7 of Proceedings, pages 1 through 151, inclusive, is a  
8 true, correct, and complete transcript of my  
9 shorthand notes taken at the time and place  
10 aforesaid as heard via remote videoconferencing.

11 I further certify that I am not counsel for  
12 nor in any way related to any of the parties to this  
13 suit, nor am I in any way, directly or indirectly  
14 interested in the outcome thereof.

15 This certification applies only to those  
16 transcripts, original and copies, produced under my  
17 direction and control; and I assume no  
18 responsibility for the accuracy of any copies which  
19 are not so produced.

20 IN WITNESS WHEREOF I have hereunto set my  
21 hand this 11th day of April, 2021.

22   
23

24 Certified Shorthand Reporter

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