

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

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**REPORT OF PROCEEDINGS**

*April 28, 2021*

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1 PRESENT:

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  
9 ALSO PRESENT:

10 MR. MO KHAN, Village Planner;

11 MS. AMANDA MELONE, Recording Secretary;

12 MS. YORDANA WYSOCKI, Village Attorney;

13 HERVAS, CONDON & BERSANI, P.C., by

14 MR. CHARLES E. HERVAS

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1 ALSO PRESENT: (Cont'd.)

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8 Appeared on behalf of Itasca School District;

9 JOHNSON & BELL, LTD., by  
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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

WITNESS

CRAIG BENES

EXAMINATION BY:

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FRANK F. BURKE, JR.

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1 CHAIRMAN DALY: Good morning, and welcome to  
2 this meeting of the April 28th, 2021 Itasca Plan  
3 Commission. I call this meeting to order. The  
4 secretary please call the roll.

5 VILLAGE PLANNER KHAN: Commissioner Carello?

6 COMMISSIONER CARELLO: Here.

7 VILLAGE PLANNER KHAN: Commissioner Drummond?

8 COMMISSIONER DRUMMOND: Here.

9 VILLAGE PLANNER KHAN: Commissioner Holmes?

10 COMMISSIONER HOLMES: Here.

11 VILLAGE PLANNER KHAN: Commissioner Ray?

12 COMMISSIONER RAY: Here.

13 VILLAGE PLANNER KHAN: Commissioner Russo?

14 COMMISSIONER RUSSO: Here.

15 VILLAGE PLANNER KHAN: Chairman Daly?

16 CHAIRMAN DALY: Here. I declare a quorum  
17 present.

18 Good evening everyone. Today is  
19 Wednesday, April 28th, 2021. The case before the  
20 Plan Commission is PC-19-014 continued from  
21 April 14th, 2021.

22 The Petitioner and owner is  
23 Haymarket DuPage, LLC, and the location is 860 West  
24 Irving Park Road.

1                   The procedures for tonight's  
2 meeting moving forward are as follows: This evening  
3 we will resume the cross-examination of Mr. Benes,  
4 followed by continued testimony from Chief Burke.

5                   The Plan Commission has adopted new  
6 rules of procedure which are now in effect. We are  
7 proceeding remotely due to COVID-19, and the public  
8 may watch the proceedings through the Village's  
9 YouTube channel. Anyone wishing to make public  
10 comment will be able to do so after the presentation  
11 of cases, and to do so they will need to sign up on  
12 the Village's website.

13                   Anyone wishing to ask questions of  
14 the Petitioner, the Village staff, or other parties  
15 will be able to do so after the presentation of  
16 cases. The sign-up form is on the Village's website.

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

22                   I would now like to invite  
23 Mr. Chuck Hervas, the Village's legal counsel, for  
24 his opening remarks.

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

2 My name is Chuck Hervas and I'm the  
3 attorney advising the Plan Commission in this matter.  
4 This is a legal proceeding with legal significance.  
5 A court reporter is swearing in witnesses and is  
6 transcribing the testimony. This is not a trial, but  
7 we are developing a record of proceedings before the  
8 Plan Commission. This is a legal public hearing on a  
9 zoning petition.

10 My job is to protect the rights of  
11 the Petitioner, any objectors, and the public.

12 The Plan Commission will make  
13 findings and a recommendation to the Village Board.  
14 Please understand that the Plan Commission is a  
15 recommending body. The Village Board will make the  
16 final decision on the Haymarket zoning petition.

17 Due to the pandemic and the  
18 Governor's emergency orders, we are unable to meet in  
19 person. A virtual hearing is not the preferred  
20 method for hearing this zoning petition; however, the  
21 business of government must move forward, and the  
22 virtual hearing has been approved by state statute,  
23 and is used by local governments across the state.  
24 Everyone is doing the best they can under the

1 circumstances.

2 The procedures used by the Plan  
3 Commission for large hearings during a pandemic are  
4 available on the Village's website. The website has  
5 a lot of information, including a comprehensive  
6 step-by-step guide about this hearing. The public  
7 will have an opportunity to ask questions and provide  
8 public comment at the appropriate time.

9 Witnesses will be presented by the  
10 Petitioner and possibly by other interested parties.  
11 Cross-examination will be allowed only by the  
12 attorneys or anyone who has been legally recognized  
13 as an interested party.

14 Finally, this is a slow and  
15 deliberate process that creates a record appropriate  
16 for a Plan Commission hearing. We ask you please  
17 respect this legal process even if you do not agree  
18 with it.

19 That's all I have for now,  
20 Mr. Chairman.

21 CHAIRMAN DALY: Thank you, Mr. Hervas.

22 The business before the Commission  
23 this evening is public hearing on Case No. PC-19-014.  
24 The request is for a petition for a planned

1 development by special use with exceptions and  
2 Class 1 Site Plan approval all in order to permit a  
3 mixed use residential and healthcare facility and  
4 other accessory uses in the B-2 Community Business  
5 District at 860 West Irving Park Road.

6 I will now entertain a motion to  
7 open this continued public hearing.

8 COMMISSIONER HOLMES: So moved.

9 COMMISSIONER CARELLO: Second; Commissioner  
10 Carello.

11 CHAIRMAN DALY: There being a motion and a  
12 second, will the secretary please call the vote.

13 VILLAGE PLANNER KHAN: Commissioner Carello?

14 COMMISSIONER CARELLO: For.

15 VILLAGE PLANNER KHAN: Commissioner Drummond?

16 COMMISSIONER DRUMMOND: For.

17 VILLAGE PLANNER KHAN: Commissioner Holmes?

18 COMMISSIONER HOLMES: For.

19 VILLAGE PLANNER KHAN: Commissioner Ray?

20 COMMISSIONER RAY: For.

21 VILLAGE PLANNER KHAN: Commissioner Russo?

22 COMMISSIONER RUSSO: For.

23 VILLAGE PLANNER KHAN: Chairman Daly?

24 CHAIRMAN DALY: For.

1                   The motion carries. This public  
2 hearing is now open.

3                   Mr. Benes, before we resume  
4 cross-examination from Ms. Dickson, would you please  
5 be sworn in by the court reporter at this time.

6                   (Witness sworn.)

7                   CHAIRMAN DALY: Okay, thank you.

8                   Ms. Dickson, your witness.

9                   MS. DICKSON: Thank you, Mr. Chairman. I  
10 understand Ms. Ergo in charge of putting exhibits up  
11 this evening. If she could -- I think it might help  
12 everyone if they could see it.

13                   If you could put Exhibit 1 from the  
14 School District backup. I just have one question on  
15 it, and go to page 67. I don't know that they are  
16 page numbered. They might be at the top.

17                   VILLAGE PLANNER KHAN: Is this correct,  
18 Ms. Dickson?

19                   MS. DICKSON: Yes. Oh, oh, Mo, yes. Thank  
20 you, it is.

21                   Can you -- okay, that's -- that's,  
22 fine.

23                   CRAIG BENES

24 recalled as a witness, having been first duly sworn,

1 was examined and testified as follows:

RECROSS-EXAMINATION (Resumed)

3 BY MS. DICKSON:

4 Q. Mr. Benes, good evening. I ask that  
5 this exhibit be put up again because after you  
6 testified on April 7th, I looked at it once again,  
7 and just for clarification, I see on the second  
8 page -- which is the next page on this, Mo, 68 -- at  
9 the top it says page -- it says "2 of 3."

10 Was there information contained  
11 within this memorandum that the School District  
12 redacted prior to placing this in evidence or was  
13 this the whole memo?

14 And, I'm sorry, sir, you're on  
15 mute.

16 A. There we go. Sorry. I had a little  
17 technical difficulty there.

18 Q. No issue.

19 A. No. That memo came from Franczek.

20 Q. I understand that.

21 Do you see up in the right-hand  
22 corner, though, it says "2 of 3"? I would -- I would  
23 read that to indicate that this was a three-page  
24 memorandum. And maybe it wasn't, but I just wanted

1 to know, was there any information -- was this a  
2 three-page memo that there was information redacted  
3 from --

4 A. I don't believe so.

5 Q. -- or is this a complete memo?

6 A. I think it's a complete memo.

7 Q. Thank you, sir.

8 After you testified on April 7th,  
9 in review of the District website once again, I  
10 realized that you issued a letter to parents dated  
11 April 7th, 2021, and a press release bearing the same  
12 date relative to the Haymarket proposal.

13 Are you familiar with both the  
14 press release and the letter to residents?

15 A. I don't have the letter right in front  
16 of me, but, yes, we issued a letter to residents.

17 Q. And a press -- and a press release on  
18 the same day?

19 A. Correct.

20 Q. Okay. Can you tell me, when were these  
21 documents posted to the District's website?

22 A. Offhand I couldn't. I believe it was  
23 approximately the day of my testimony.

24 Q. Okay. Can you -- can you tell me, how

1 was the letter to the parents issued? Was it mailed  
2 to each of the residents of the district or is it  
3 just available on the website?

4 A. It's on the website. We may have also  
5 sent it out through TeacherEase, which would go out  
6 to all the parent emails.

7 Q. How would you know if that, in fact,  
8 occurred?

9 A. I would have to double-check --

10 Q. Okay.

11 A. -- with the office, but I believe it was  
12 sent through TeacherEase.

13 Q. And, I'm sorry, I'm not understanding  
14 your phraseology. It was sent through TeacherEase?

15 A. Yeah. It's a communications tool that  
16 goes out to parents' emails.

17 Q. Thank you.

18 A. So all the parents would have their  
19 emails to the School District, and then we can send  
20 out notes or emails to them.

21 Q. Thank you, sir.

22 And the press release, do you have  
23 a list of the media that the press release was issued  
24 to?

1           A.    I think just the Daily Herald.

2           Q.    Who made the decision to issue the  
3 letter to parents?

4           A.    That was my decision made with my  
5 administrative team.

6           Q.    Okay.  When was that decision made?

7           A.    Probably the afternoon, the day of the  
8 testimony.

9           Q.    On April 7th?

10          A.    Yes.

11          Q.    Was it also your decision to issue the  
12 press release?

13          A.    It was.

14          Q.    And was that decision made, as well, on  
15 the afternoon of April 7th?

16          A.    I believe so.  I would have to recall  
17 when we actually sent it out.

18          Q.    Okay.  Well, if it's -- if it's dated  
19 April 7th, would it be fair for me to assume that it  
20 was sent out on April 7th through TeacherEase and  
21 also through whatever form of communication you have  
22 with the Daily Herald?

23          A.    Yeah.  I mean, Daily Herald would just  
24 be an email or fax, and I would have to check in the

1 office and see the exact time it was sent out.

2 Q. Okay. Based on a response that I  
3 received through a Freedom of Information Act request  
4 I filed with the School District, am I correct in  
5 assuming that you did not issue a letter to parents  
6 regarding the District's concerns relative to the  
7 Pulte development in Itasca?

8 A. I'm not sure. I would have to  
9 double-check if we did.

10 Q. Okay. Would I be correct in assuming  
11 you did not issue a press release regarding the  
12 District's concerns relative to the Pulte  
13 development?

14 A. We didn't do a press release at that  
15 point with the Pulte development.

16 At that point in time Pulte had  
17 pulled out before we thought it was going to come to  
18 a vote or we thought -- it ended before we thought it  
19 was going to end.

20 Q. Okay. Isn't it -- I just want to  
21 clarify that, though. We're not ending and yet you  
22 issued a press release relative to Haymarket. Is  
23 there -- is there some difference you're trying to  
24 make relative to Pulte and Haymarket?

1           A.    No.  I think they are at different spots  
2    in the process.  I think with Pulte, they brought  
3    that to a Plan Commission vote by their request prior  
4    to -- we thought we were going to continue to come to  
5    Plan Commission meetings.

6           Q.    Okay.  Well, though, at the -- at a  
7    certain point in time you did issue a letter to the  
8    Plan Commission relative to the Pulte development.  I  
9    have a copy.  You tendered a copy of it to me in  
10   response to FOIA.

11          A.    Correct.

12          Q.    And you testified in the Plan Commission  
13   proceeding relative to the Pulte development?

14          A.    I did.

15          Q.    Okay.  And -- and so just for purposes  
16   of clarification, what is the difference now in  
17   wanting to make a press release and a statement to  
18   the parents versus Pulte because you're at a point  
19   now where you're testifying and you're at a point now  
20   where you've presented -- you've made a presentation.

21          A.    Yeah.  I don't know that I could explain  
22   the difference other than that Pulte ended it by  
23   going to a vote and the Plan Commission ended that  
24   process by --

1 Q. Okay.

2 A. -- by the vote.

3 Q. Other than the Pulte development, has  
4 there ever been a point in time where you have  
5 determined to send a letter to parents about a  
6 potential development project proposed in any of the  
7 communities that make up District 10?

8 A. You know, I don't think we sent a letter  
9 to the parents regarding the data center, but I think  
10 we probably sent a letter to the Plan Commission  
11 outlining also broad considerations with the density  
12 of development.

13 Q. Okay. Well, I'm worried -- my question  
14 is -- is just relative to the communications either  
15 with the parents of the communities where development  
16 may occur or a press release.

17 So in any of the communities that  
18 you represent where there has been a proposal for  
19 zoning, can you recall sending a letter to parents  
20 relative to the District's position on that proposal?

21 A. No. I -- I don't recall it being at the  
22 point where we would do that with Pulte, and it  
23 really hasn't started with the data center for us to  
24 do that.

1 Q. Okay. Well, and -- and I just want to  
2 be clear. I don't want to beat this to death, but  
3 I'm not limiting my question to Pulte or the data  
4 center. I'm making it more broad than that.

5 I'm talking about any zoning  
6 proposal that the District might be -- have concerns  
7 about.

8 A. No, I don't think we've had concerns  
9 other than those three.

10 Q. Okay. Okay. You say three, but you  
11 included in your three -- you said Haymarket, you've  
12 got Pulte, you've got the data center, and you've got  
13 Haymarket?

14 A. Correct.

15 Q. Thank you.

16 Referring to both the letter to  
17 parents and to the press release -- and I appreciate  
18 the fact that you might not have it before you this  
19 evening, but you state that the main focus of your  
20 testimony in this proceeding will be centered around  
21 the adverse economic impact of the proposed  
22 development and the potential safety impact on the  
23 schools in the district.

24 So my question is, relative to the

1 adverse economic impact your letter says, and I  
2 quote, "Under varying circumstances the children of  
3 patients at the facility may be eligible to attend  
4 Itasca District 10 schools as governed by several  
5 laws, including residency guidelines, idea, and the  
6 McKinney-Vento Homeless law.

7 Does that -- does that sound  
8 familiar to you?

9 A. It does. I mean --

10 Q. Okay.

11 A. -- without having the letter in front of  
12 me I can't quote it, but that sounds in the ballpark,  
13 yes.

14 Q. Okay, thank you.

15 To provide clarity, what are the  
16 varying circumstances you reference in your letter to  
17 residents?

18 A. I think I covered that in my prior  
19 testimony, but I'd be happy to address it again.

20 So one condition would be if you  
21 have parents who reside -- and there's a pre-K  
22 program, and we talked about the pre-K, the Child  
23 Find, the evaluation and pre-K services.

24 Another condition would be for

1 parents who reside or receive treatment in the  
2 planned development and if they had a child with an  
3 IEP, IEP law they could establish residency with  
4 that. And I believe our district legal sent a  
5 communication to Haymarket regarding that condition.

6 And yet a third condition under  
7 McKinney-Vento would be also for any parent who  
8 claimed homelessness.

9 So those would be the varied  
10 circumstances.

11 Q. And is that the potential universe of  
12 students that you believe will create the adverse  
13 economic impact on School District 10?

14 A. Yeah, I think it would be centered  
15 around those conditions primarily.

16 I also mentioned, I think, in my  
17 proposal -- or not proposal -- presentation on the  
18 7th the piece about the tax-exempt status, and -- and  
19 then, as you mentioned earlier, just the potential  
20 for safety.

21 MS. DICKSON: Okay, thank you, sir. I have  
22 no further questions for you this evening.

23 THE WITNESS: Okay.

24 CHAIRMAN DALY: Thank you. At this time I

1 would open up the discussion for redirect of  
2 Mr. Benes.

3 Mr. DiNolfo, do you have any  
4 questions of Mr. Benes?

5 MR. DI NOLFO: I do not. Thank you, sir.

6 CHAIRMAN DALY: Is Mr. Ellenbecker --  
7 Mr. Ellenbecker, good evening.

8 MR. ELLENBECKER: Good evening. I have no  
9 questions for Mr. Benes, either.

10 CHAIRMAN DALY: Thank you.

11 Ms. Smith, do you have any  
12 questions of your witness?

13 MS. SMITH: Only a few questions.

14 REDIRECT EXAMINATION

15 BY MS. SMITH:

16 Q. First question, on the point you were  
17 just asked about about the additional -- the students  
18 that may enroll in Itasca based on the varying  
19 circumstances you just described, do you get any  
20 additional funding to support those or would those  
21 additional costs be just excess costs now?

22 A. They would be additional costs. We  
23 don't receive additional funding for that, and, you  
24 know, the range, that can be anywhere for Itasca, I

1 projected, from 9,000 to approximately 27,000 per  
2 student.

3 Q. And during your prior testimony you were  
4 asked by Haymarket counsel about the specific costs  
5 associated with 18 to 22-year-olds who reside in the  
6 program and could establish residency in the high  
7 school district.

8 Have you had a chance to confirm  
9 the range of costs for those students to the high  
10 school district?

11 A. I did. I followed up with Executive  
12 Director Jim Nelson from NDSEC. That's the North  
13 DuPage Special Ed co-op. This was confirmed by --  
14 (Inaudible) --

15 THE REPORTER: I'm sorry?

16 MS. DICKSON: Yeah, I'm having issues hearing  
17 Mr. Benes.

18 MS. SMITH: All right, I'll -- I'll mute. I  
19 think it's because I wasn't muted. I'll mute and  
20 then let him go.

21 MS. DICKSON: Could -- Jennifer, would it be  
22 possibly for you to ask your questions so I can hear  
23 it. I can't remember your question well enough to  
24 hear -- to understand his answer.

1 THE WITNESS: And I'll mute, Jennifer.

2 MS. SMITH: Sure. The question was during  
3 his prior testimony Mr. Benes was asked about the  
4 specific costs associated with 18 to 22-year-olds who  
5 may be res- -- or received treatment at Haymarket and  
6 established residency in the high school district.

7 He didn't know. I asked if he had  
8 an opportunity to confirm those costs and what they  
9 were. So he was about to answer that question.

10 MS. DICKSON: Thank you.

11 BY THE WITNESS:

12 A. (Continuing.) I did follow up with  
13 Dr. Jeff Feucht -- he's the superintendent of Lake  
14 Park High School School District -- and Jim Nelson,  
15 the executive director of North DuPage Special Ed  
16 Co-Op.

17 The cost of students for services  
18 in 18 to 22, students with an IEP, could range from  
19 25,000 up to over 50,000. That's a continuum of  
20 services. That could be a school-based program at  
21 Lake Park; it could be the transition program for  
22 vocational training; and it could also be placement  
23 at Lincoln School, the specialty school where  
24 students can continue to go through 22; and it also

1 could be a therapeutic school placement.

2 So you have a broad range there of  
3 approximately 25,000 up to 50,000 for those services.

4 BY MS. SMITH:

5 Q. During your testimony previously you  
6 were also asked about legislation proposed by  
7 Representative Lewis regarding the Haymarket  
8 development generally, and you were asked whether or  
9 not that proposed legislation alleviated your  
10 concerns.

11 Have you had an opportunity to  
12 review the legislation?

13 A. I did look at the legislation further  
14 since April 7th and I do have some concerns. I will  
15 need to talk to the Board of Education and  
16 Representative Lewis more about this.

17 And just to illustrate a few of the  
18 concerns, as it is written now, it's just for DuPage  
19 County residents, so unless the Haymarket was just  
20 serving DuPage County residents, anyone in Cook or  
21 adjacent counties the legislation wouldn't apply to.

22 The legislation also speaks to us  
23 collecting fees or -- or a special assessment to  
24 other taxing bodies, and this would be a unique

1 structure that isn't typically done.

2 So I'm not sure how it would work  
3 or if it would be accepted at this level, concerns  
4 about how it would be administrated, how the costs  
5 would be identified, and just the general cost of  
6 administrating it.

7 I think there's some other concerns  
8 just about the language in regards to clarifying  
9 which district is paying and which district is  
10 responsible. I find the language unclear with that,  
11 so I'll have to look at that a little bit further.

12 Knowing that we're a district that  
13 represents part of Itasca but also part of Wood Dale,  
14 I think knowing that we're in two -- (Unidentified,  
15 inaudible speaker interruption) -- I'm a little bit  
16 confused how that could play out.

17 And also the line about how SGSA,  
18 or State General Assistance, is relevant or not  
19 relevant for the child, I have some concerns about  
20 because some schools it could be schoolwide aid and  
21 other schools it could be per pupil aid.

22 So I think there's some concerns  
23 there that need further evaluation and discussion.

24 MS. SMITH: No other questions.

1 CHAIRMAN DALY: Thank you.

2 Ms. Dickson, do you have any  
3 follow-up?

4 MS. DICKSON: Yes.

5 RECROSS-EXAMINATION

6 BY MS. DICKSON:

7 Q. You know, I -- the only thing I -- I  
8 would like to just get confirmation on again,  
9 Dr. Benes -- or, excuse me -- Mr. Benes, School  
10 District 10 is an elementary district. It won't  
11 serve a population older than -- up to the age of 18,  
12 will it?

13 A. That's correct, Ms. Dickson. So in this  
14 case I'm just representing the needs of fellow  
15 districts, and with NDSEC we work together as a  
16 co-op.

17 Q. Okay. And -- and is it -- do you have  
18 any awareness of whether those districts and the  
19 Special Ed district knew that they could come and  
20 make this presentation of their own volition?

21 A. Yeah. The superintendent and the  
22 executive director were aware of that, and I'm sure  
23 they act on -- we all act on behalf of our school  
24 districts.

1                   In this case, because we're part of  
2 that co-op, they felt comfortable with me conveying  
3 that message.

4           Q.     And their -- to your knowledge, their  
5 boards directed them to -- for you to serve as their  
6 spokesman in this proceeding?

7           A.     I don't know to my knowledge, but all  
8 superintendents act under the judgment and direction  
9 of the board.

10          MS. DICKSON:   Okay.  I have no further  
11 questions for Mr. Benes.  Thank you.

12          CHAIRMAN DALY:  Thank you.  At this time I  
13 would ask if any of the attorneys have any final  
14 questions of Mr. Benes before we turn it over to the  
15 Plan Commission.

16          MR. DI NOLFO:  I do not; Steve DiNolfo.

17          MR. ELLENBECKER:  I do not; Steve  
18 Ellenbecker.

19          MS. SMITH:  I do not; Jennifer Smith.

20          CHAIRMAN DALY:  Thank you very much.

21                   At this time I would ask the Plan  
22 Commission -- if any members of the Plan Commission  
23 would like to ask Mr. Benes any questions relative to  
24 his testimony please do so now.

1           COMMISSIONER CARELLO: This is Commissioner  
2 Carello. I do have a question for Mr. Benes.

3           CHAIRMAN DALY: Go ahead.

4           COMMISSIONER CARELLO: So in regards to the  
5 last comment that was just made, Itasca is an  
6 elementary district, however, the people who live  
7 within Itasca still pay taxes that go towards  
8 Lake Park; is that correct, Mr. Benes?

9           THE WITNESS: That is correct.

10          COMMISSIONER CARELLO: So if there was a  
11 child from kindergarten and/or preschool through high  
12 school, it still would affect at some point the  
13 residents of Itasca; is that correct?

14          THE WITNESS: That is correct. And our  
15 district also covers part of Wood Dale and some  
16 unincorporated areas, too, by Nordic Village.

17          COMMISSIONER CARELLO: And then if -- and,  
18 again, we don't know if it will. If it would to --  
19 if it -- if it were to affect the School District to  
20 a level of a handful of students or one or two  
21 students, would something need to come from the  
22 Itasca residents for support of the school to do this  
23 or how does that work?

24          THE WITNESS: I think at this point it's

1 premature to -- to know what would have to come from  
2 Itasca taxpayers that would be additional or how that  
3 would be handled. My intent is merely to convey that  
4 that's a possible cost.

5 COMMISSIONER CARELLO: Thank you.

6 CHAIRMAN DALY: Do any other members of the  
7 Plan Commission have any questions?

8 COMMISSIONER RAY: This is Commissioner Ray.  
9 I'm good.

10 CHAIRMAN DALY: Hearing no other questions, I  
11 also have no questions.

12 So, Mr. Benes, thank you for your  
13 testimony this evening, and at this time you are  
14 excused.

15 THE WITNESS: Thank you. And I just  
16 conclude, thank you for the Plan Commission for your  
17 time in allowing me and the School District the  
18 opportunity to convey our concerns with this process.

19 CHAIRMAN DALY: You're welcome.

20 (Witness excused.)

21 CHAIRMAN DALY: At this time I would ask if  
22 Mr. DiNolfo would -- actually, strike that.

23 At this time I believe Chief Burke  
24 will continue testimony, which means could we please

1 have the court reporter swear in Chief Burke as a  
2 witness.

3 (Witness sworn.)

4 CHAIRMAN DALY: Thank you.

5 Mr. DiNolfo, would you please  
6 continue your presentation with Chief Burke.

7 MR. DI NOLFO: I believe, Chairman Daly, that  
8 I had concluded the testimony and we were at  
9 Mr. Ellenbecker, perhaps, starting his questioning of  
10 the Chief, is my recollection.

11 CHAIRMAN DALY: My apologies. Please  
12 proceed.

13 MR. ELLENBECKER: Thank you, Mr. Chairman. I  
14 will be brief this evening.

15 Just a few questions, Chief Burke.

16 FRANK F. BURKE, JR.

17 recalled as a witness herein, having been first duly  
18 sworn, was examined and testified as follows:

19 CROSS-EXAMINATION

20 BY MR. ELLENBECKER:

21 Q. You're aware through this proceeding,  
22 this hearing, that emergency experts for both  
23 Haymarket and the Fire Protection District have  
24 analyzed data and drawn on experience and/or looked

1 at neighboring towns or districts; correct?

2 A. Correct.

3 Q. And would you agree that no one is  
4 better situated than you to know whether the addition  
5 of a 240-bed substance use disorder treatment  
6 facility would detrimentally affect the fire and EMS  
7 services of Itasca?

8 A. Yeah, I believe that's a correct  
9 statement.

10 Q. And are you as chief of the fire  
11 protection services or district of Itasca -- are you  
12 in the business of saving lives?

13 A. We are in the business of saving lives.

14 Q. And in that business did that business  
15 prompt you to analyze Itasca's ability to maintain  
16 the same or better services to the residents of  
17 Itasca if the proposed Haymarket facility was allowed  
18 to operate in Itasca?

19 A. Yes, it did.

20 Q. And in your professional analysis, did  
21 you determine that this facility as proposed would  
22 detrimentally impact Itasca's fire and EMS services  
23 to residents?

24 A. Yes, we did draw the same conclusion.

1 MR. ELLENBECKER: That's all I have,  
2 Mr. Chairman.

3 CHAIRMAN DALY: Thank you.

4 At this time, Ms. Smith, would you  
5 like to ask any questions of Chief Burke?

6 MR. DI NOLFO: I don't see her on there,  
7 Chairman Daly.

8 CHAIRMAN DALY: Let's give her a minute to  
9 try and get back in if she has technical  
10 difficulties.

11 Welcome back, Ms. Smith. At this  
12 point I would ask if you have any questions of Chief  
13 Burke at this time. Ms. Smith, you're muted.

14 MS. SMITH: I do not. Thank you.

15 CHAIRMAN DALY: Thank you.

16 At this time I would ask if  
17 Ms. O'Keefe or Ms. Dickson would begin your  
18 cross-examination.

19 MS. O'KEEFE: Good afternoon, Chief Burke.  
20 My name is Bridget O'Keefe. I'm here on behalf of  
21 Haymarket. I have a few questions for you tonight.

22 THE WITNESS: Sure.

23 CROSS-EXAMINATION

24 BY MS. O'KEEFE:

1 Q. So in your direct examination you  
2 identified that you are currently the Chief of the  
3 Itasca Fire Protection District. You are also chief  
4 of the Wood Dale Fire Protection District, also;  
5 correct?

6 A. That's correct.

7 Q. Okay. And holding both positions, how  
8 much time would you say you spend in Itasca?

9 A. Well, the time we spent in Itasca is  
10 designed to be a -- it's a shared position, and so,  
11 you know, in a -- in a perfect world it would be  
12 50/50 split between both departments, but, again,  
13 depending on what's going on based on, you know, one  
14 department or the other, it may -- it may vary from  
15 time to time.

16 Q. So Mr. Fitch -- or Mr. Moeller with  
17 Fitch was the consultant that was retained, it turns  
18 out, by Mr. DiNolfo's firm.

19 How did it come about that the Fire  
20 Protection District decided to retain an expert to  
21 analyze the Haymarket case?

22 A. That was actually a -- on advice from  
23 counsel.

24 Q. Okay. At what board meeting was this

1 action authorized?

2 A. I'd have to look up minutes. I don't  
3 know the answer to that, Counselor.

4 Q. But the matter was presented to the  
5 board and voted on?

6 A. I believe it was discussed. I'm not  
7 sure that it was -- there was -- there was a vote,  
8 necessarily.

9 Q. Is it typical for the Fire Protection  
10 District to engage contractors through your  
11 employ- -- your attorney?

12 A. I'm not saying it's customary, but I  
13 would say in certain cases it would be appropriate,  
14 yes.

15 Q. And you've done it in the past?

16 A. Under my tenure, no.

17 Q. Okay. What was the cost paid for  
18 Fitch's services?

19 A. I don't have that data in front of me,  
20 Counselor.

21 Q. Who determined the scope of services  
22 that was provided?

23 A. Again, I think that was based on  
24 discussion with counsel.

1 (Haymarket Exhibit No. 65  
2 identified.)

3 BY MS. O'KEEFE:

4 Q. So I'm referring you to Exhibit 65,  
5 which is the exhibit -- which is the contract that  
6 you have with Fitch and Associates, and the scope of  
7 work says "impact assessment of a specific proposed  
8 occupancy and presentation of summary opinions."

9 As you can see, that's the second  
10 sentence in the third paragraph.

11 Because the contract terms are  
12 fairly not descriptive, do you know who communicated  
13 the scope of work to Mr. Moeller?

14 A. I do not. Again, this is -- this was  
15 done with -- through -- through counsel again.

16 Q. So do you know exactly what the scope of  
17 work that was verbally provided to Mr. Moeller?

18 A. I'm sorry, could you repeat the  
19 question, Counselor?

20 Q. Yeah. What exactly was the scope of  
21 work that was verbally presented to Mr. Moeller?

22 A. Well, I think -- I think the scope of  
23 the work was to evaluate the Polaris report for its  
24 accuracy, and drawing the conclusions that they felt

1 may differ from what was being reported by Polaris.

2 Q. Before Mr. Moeller started his research,  
3 did you meet with him via Zoom, I think, because of  
4 COVID?

5 A. Yeah, we did.

6 Q. How many times did you meet with him  
7 over the course of the assignment?

8 A. I would say -- I don't have an exact  
9 number. Off the top of my head I would say probably  
10 three times, maybe.

11 Q. What did you discuss with him during the  
12 conversations?

13 A. Just the concern I had for the Polaris  
14 report; and the numbers that were being proposed in  
15 the Polaris report, the -- as far as the overall run  
16 numbers; the comps being used; the nonuse of the  
17 Chicago CAD data; and the use of Elite by the  
18 ambulance service. Those were my concerns.

19 Q. What documents, if any, did you provide  
20 Mr. Moeller with to -- to look at and work from,  
21 except for the Chicago CAD data?

22 A. Oh, I believe we provided him with  
23 some -- some FOIA data regarding Elite's facilities  
24 that they were servicing as it related to area fire

1 departments.

2 We also provided him with, again,  
3 to your point, the Chicago CAD data.

4 Those are the -- those are the  
5 items that come to mind.

6 Q. Was Mr. Moeller allowed to conduct  
7 outside research?

8 A. I'm not sure I understand the question.  
9 What do you mean by outside research?

10 Q. Well, Mr. Moeller testified that -- that  
11 you provided him with the -- basically the  
12 information you just discussed, which was the  
13 information that came from surrounding suburban fire  
14 protection districts and the Chicago CAD data.

15 Was he able in his judgment to  
16 extend that and look at other documentation or was  
17 his scope of research confined to those documents,  
18 plus the Polaris report?

19 A. Well, I don't -- I can't speak to  
20 Mr. Moeller directly in that regard. I can tell you  
21 that the documents submitted on our end were used in  
22 his analysis.

23 I do know that he had an extensive  
24 background in doing this type of work, so what he

1 used beyond that wasn't something we -- we spoke  
2 about.

3 Q. Did he suggest at any time that the  
4 scope of work he was conducting be expanded?

5 A. No, not unless you have something  
6 specific, but no, he did not.

7 Q. So he didn't ask to look at any other  
8 sub-issues that were identified in his report as  
9 requiring further study such as MABAS or concurrency  
10 of calls, et cetera?

11 A. Well, I think he noted in his report  
12 that -- that there was some things that -- based on  
13 his prior work in this area, that could be of concern  
14 or could be potential red flags. I think that's what  
15 he identified, and that was within his scope.

16 Q. But he didn't suggest anything that was  
17 outside the scope that you set?

18 A. No.

19 Q. While he was doing his work did he have  
20 any questions? Would he call you with questions as  
21 he was doing his due diligence?

22 A. I don't recall him ever placing a phone  
23 call to me directly to ask about any of the data we  
24 gave him because it was pretty straightforward.

1 Q. Okay. Did -- once he came to his  
2 conclusions, did he discuss his draft findings with  
3 you?

4 A. Yeah. He went over his report with us,  
5 yeah.

6 Q. Did the -- were the -- was the draft  
7 findings conducted by or completed by Mr. Moeller  
8 presented to the Board?

9 A. Yes.

10 Q. Were they presented before the report  
11 was finalized?

12 A. No.

13 Q. Did Mr. Moeller make any changes to his  
14 report when it was presented to -- in the time period  
15 between when it was presented to you and when it was  
16 finalized?

17 A. No, not that I recall.

18 Q. Do you agree with the findings expressed  
19 in the Fitch report?

20 A. I do.

21 Q. Okay. Okay. Chief Burke, I've been  
22 learning a lot about fire and EMS services, and  
23 something I've come across is accreditation and that  
24 it's used to evaluate agencies against best

1 practices.

2 Is the Fire Protection District of  
3 Itasca an accredited agency?

4 A. We are not.

5 Q. Okay. So do you have experience working  
6 with a facility that provides substance use disorder  
7 services?

8 A. Can you be a little bit more specific  
9 with your question?

10 Q. Do you have any experience working with  
11 drug and alcohol treatment centers?

12 A. Directly personally, no.

13 Q. Are there any located in Itasca?

14 A. None that I'm aware of.

15 Q. Are there any located in Wood Dale?

16 A. Again, none that I'm aware of.

17 Q. I understand that you used to be a  
18 member of the DuPage County HOPE Taskforce?

19 A. I was.

20 Q. How long did you serve?

21 A. I think it was close to two years.

22 Q. Okay. And when did you step down?

23 A. I don't remember the date, but I want to  
24 say it was roughly June of '19.

1 Q. What led to your decision to resign?

2 A. So the whole Taskforce -- my  
3 representation there had to do with the position I  
4 held at the time, which was president of the DuPage  
5 County Fire Chiefs.

6 As president of the DuPage County  
7 Fire Chiefs my -- one of my jobs is to represent  
8 the -- all of the fire department fire agencies in  
9 the county obviously fairly, equally, unbiasedly.  
10 When -- and I felt I was doing that pretty well.

11 When -- when Haymarket came and met  
12 with us initially in Itasca, which was in May  
13 of 2019, that was my initial meeting with -- with  
14 Haymarket.

15 In June of 2019, the very next  
16 month, the Haymarket folks came to the HOPE Taskforce  
17 and did the same presentation for the HOPE Taskforce.

18 Now, the HOPE Taskforce, it is made  
19 up of many individuals, a bit of a who's who in  
20 DuPage County; county board chairman. You've got  
21 state's attorney. You've got the coroner. You've  
22 got police chiefs' association, so on and so forth.

23 So they came and did the  
24 presentation there and within a matter of a week or

1 two after that, the presentation --

2 (Phone interruption.)

3 MR. DI NOLFO: Sorry about that.

4 BY THE WITNESS:

5 A. (Continuing.) After -- about a  
6 week after that presentation there was a draft letter  
7 that was put out by Haymarket seeking support for the  
8 Haymarket facility in Itasca looking for endorsements  
9 from everybody that sat on the HOPE Taskforce.

10 So given the fact that I was  
11 representing DuPage County Fire Chiefs and the Itasca  
12 Fire Protection District, I felt it was in the best  
13 interests for me to step aside so that there would be  
14 no conflict -- no conflict of interest here.

15 So that was the reason I stepped  
16 down. My -- my vice president stepped into the  
17 position that I had vacated, vice president of the  
18 DuPage Fire Chiefs. So the representation continued,  
19 but I felt it was a bit of a conflict.

20 BY MS. O'KEEFE:

21 Q. Thank you for that clarification.

22 That experience, though, that two  
23 years you spent on the HOPE Taskforce, must have  
24 provided you with a strong understanding of the

1 substance use crisis in DuPage County, didn't it?

2 A. Well, it certainly -- yeah, it gave me  
3 more insight into it. I was a paramedic for years,  
4 so I understand this -- this well. This isn't  
5 something that I haven't seen firsthand on dealt with  
6 on the street as a -- as a -- as a front-line  
7 paramedic for many years.

8 So, yeah, it was helpful for sure,  
9 but it wasn't -- it wasn't that I didn't have an  
10 understanding of it to begin with.

11 Q. So then -- then based on your  
12 experience, you'd agree that the need for substance  
13 use services does exist?

14 A. Yeah. Nobody -- nobody's questioning  
15 the need for the treatment.

16 Q. Is the Fire Protection District required  
17 to track drug-related calls including opioid calls  
18 and Narcan saves?

19 A. When you say "required," no, we're not  
20 required to do that.

21 Q. Is that something you track?

22 A. Again, we don't track it internally. As  
23 a system, EMS system, they do track those types of  
24 calls, yes.

1 Q. When you -- when you say the EMS system  
2 tracks the calls, who -- who -- which EMS system?

3 A. We're part of Northwest Community  
4 Hospital and their EMS system so we have a -- a  
5 committee that does track those numbers as needed.

6 Q. Do they track it by area or do they  
7 track it by municipality or both?

8 A. I think it's probably more by  
9 municipality or agency.

10 Q. Okay. So do you know how many calls the  
11 District has responded to related to opioids in the  
12 last year?

13 A. I do not.

14 Q. Do you know in general in the past five  
15 years?

16 A. I do not.

17 Q. Is it the same with -- have you  
18 experienced any overdose deaths in the past five  
19 years?

20 A. Yes. Yes.

21 Q. How many?

22 A. Again, I don't have a number for you,  
23 Counselor. I couldn't tell you.

24 Q. The Northwest Community Hospital, their

1 EMS system, do they distribute these numbers to  
2 the -- to the different EMS providers in their area?

3 A. They don't do it as a matter of fact.  
4 You would have to probably specifically request it.

5 Q. Okay. How about, do you know how many  
6 Narcan saves there have been in Itasca?

7 A. I don't know that number, either.

8 Q. But you've had Narcan saves in the past  
9 year?

10 A. I'm not sure I can state that with  
11 certainty.

12 Q. Past five years?

13 A. Again, without seeing the data, I  
14 couldn't -- couldn't give you a hundred percent  
15 accurate answer to that.

16 Q. But you can acknowledge you've had  
17 Narcan saves in your system in the past five years  
18 even if you can't give me a specific number?

19 MR. DI NOLFO: Objection. When you say  
20 "system," you mean Itasca Fire District or Northwest  
21 Community System?

22 MS. O'KEEFE: The District.

23 BY THE WITNESS:

24 A. Yeah, again, I don't have the data,

1 Counselor, in front of me to -- to validate your  
2 question or answer it accurately.

3 BY MS. O'KEEFE:

4 Q. So you mentioned that, you know, your  
5 experience as a paramedic you've -- you've had  
6 experience responding to these types of calls.

7 Have you personally responded to  
8 any of these types of calls in Itasca?

9 A. I have not.

10 Q. Has your staff?

11 A. Again, we've responded to overdoses,  
12 again, but as far as the numbers and the timeline you  
13 asked me in the previous questions I couldn't tell  
14 you.

15 Q. Does the District ever have any  
16 instances where they -- they have like repeat calls  
17 to the same address?

18 A. Sure.

19 Q. Maybe you'll take them to the hospital,  
20 and then they come back, and you're back there the  
21 next day or the next week or the next month?

22 A. Sure, yes, those calls happen  
23 occasionally.

24 Q. Okay, thank you.

1                   When the District learned that  
2 Haymarket was applying for the zoning approvals in  
3 Itasca, other than file the FOIA with the Chicago --  
4 for the Chicago CAD data, did the District conduct  
5 any independent research to determine the impact on  
6 the District?

7                   A.    No, we did not do any independent  
8 research.

9                   And just to be clear, the -- the  
10 Chicago CAD data that we -- we didn't learn about  
11 Haymarket until that initial meeting in May of 2019.  
12 That was the first we -- first contact we had had  
13 with Haymarket.

14                  Q.    And then after that you -- you FOIA'd  
15 the CAD data and then Haymarket, you know, made their  
16 presentations.

17                  Did you as part of your review of  
18 this project talk with anybody at the Chicago Fire  
19 Department or the local firehouse to determine if  
20 they -- what their experience has been with  
21 Haymarket?

22                  A.    I did not.

23                  Q.    Mr. Dominik testified that he contacted  
24 fire departments in each of the towns where the

1 facilities he cites as comparables are located to  
2 determine if there were any concerns about operations  
3 of a comparable in their boundaries.

4 Did you contact any of the fire  
5 chiefs in any of those jurisdictions to discuss any  
6 operational concerns?

7 A. No.

8 Q. Okay. Are you aware the City of Chicago  
9 is currently in the process of implementing a new CAD  
10 system for their CAD system and software program for  
11 the 911 centers as the former system was 20 years  
12 old?

13 A. Yeah, I'm aware of the -- the exhibit  
14 that you presented here for this meeting tonight,  
15 that's -- that's the first that I've heard of it.

16 Q. Okay. And as part of the rationale for  
17 doing this, they felt that improvements were needed  
18 to their emergency response system given the age of  
19 the system they were using?

20 A. I'm not sure I agree with that  
21 statement. I think that CAD -- CAD systems get  
22 upgraded all the time. We just went through one here  
23 not long ago in DuPage County.

24 So I don't think that that -- that

1 indicates anything. It doesn't indicate data is  
2 flawed. It just indicates technology has been  
3 improved.

4 Q. But after 20 years you would think they  
5 would have a better -- it would be a better system  
6 overall given all the progress that has been made.  
7 Wouldn't you agree?

8 A. Well, I think the technology is better  
9 today than it was 20 years ago and I think that's why  
10 they upgrade the system.

11 Q. Okay. When Mr. Moeller testified, there  
12 was no mention of the review that Haymarket conducted  
13 of its internal files which indicated that there were  
14 303 calls made to 911 for EMS services.

15 Did you provide a copy of the  
16 Polaris addendum to Mr. Moeller?

17 A. I don't recall doing that directly.  
18 That could have come through counsel.

19 Q. Did -- do you know if Mr. Moeller was  
20 provided a copy of Ms. Kissel's testimony on this  
21 issue?

22 A. Again, I don't know that for sure,  
23 either.

24 Q. Did you at any time ask him to evaluate

1 this data set as part of his review?

2 A. Specifically what data set are we  
3 talking about, Counselor?

4 Q. That Ms. Kissel testified to.

5 A. Again, I -- I didn't have any personal  
6 direction that I gave Mr. Moeller in that area, no.

7 Q. So Mr. Moeller predicted a call volume  
8 anticipated at Haymarket DuPage of 379 calls which  
9 would equal a 23 percent increase.

10 Ms. Kissel testified to 303 calls  
11 which would be reduced to 153 calls which would be a  
12 nine percent increase.

13 If he was not provided with this  
14 information, then did he -- then he really didn't  
15 consider the full range of data that was available  
16 did he?

17 A. Well, I think -- I think we need to take  
18 a step back here. I think we -- Ms. Kissel  
19 testified, too, that the 303 number wasn't something  
20 that she could validate with 100 percent certainty  
21 based on the tracking that was done internally at  
22 Haymarket.

23 Q. But didn't Mr. Moeller testify that he  
24 couldn't agree with 100 percent certainty on the CAD

1 data because he acknowledged that you can't guarantee  
2 that every call comes out of Haymarket. I mean,  
3 wasn't there a level of uncertainty with that data,  
4 too?

5 A. Not to my knowledge there wasn't.

6 I think that what Mr. Moeller did  
7 was filter down the data that -- the datapoints that  
8 Mr. Dominik didn't care for and came up with that  
9 number based on --

10 Q. Mr. -- I'm sorry.

11 A. -- based on the bed ratio -- based on  
12 the bed ratio that's being proposed in Itasca versus  
13 West Loop.

14 Q. Well, Mr. Moeller did testify that you  
15 can't guarantee when a call is made to an address,  
16 that it's coming actually from inside the building  
17 and is not coming from the condo across the street or  
18 the daycare center next-door.

19 But Ms. Kissel did testify that --  
20 that she had a team of staff go through all the  
21 records that they had and it indicated 303. Wouldn't  
22 this have been relevant data to share with him --

23 A. Once again --

24 Q. -- at least make him aware of it, and

1 then he could have waited?

2 A. You know, again, I don't -- I did not  
3 have this conversation with Mr. Moeller as part of  
4 that particular internal study that was done by  
5 Haymarket.

6 I can only comment on the testimony  
7 that Ms. Kissel gave, which is what I mentioned to  
8 you earlier.

9 Q. Okay. And the amount of growth that  
10 either Ms. Kissel or -- well, not Ms. Kissel, that  
11 Mr. Moeller considered and the number of 379 calls,  
12 it didn't assume any calls being handled by Elite;  
13 correct?

14 A. I'd have to look at his report, but I  
15 believe that's correct.

16 Q. Okay. Haymarket provided extensive  
17 testimony about why Haymarket Chicago is going to be  
18 different than Haymarket DuPage because of different  
19 patient types and different programs offered.

20 Mr. Moeller testified he wasn't  
21 aware of this information. Why didn't you or  
22 Mr. DiNolfo share this information with Mr. Moeller?

23 A. Well, I can't speak for -- for whether  
24 it was shared or not shared with Mr. DiNolfo, but I

1 can tell you that the conversations that I had with  
2 the initial meeting with Haymarket suggested to me  
3 that what was going to be going on in Itasca was --  
4 pretty much mirrored what was going on in the City as  
5 far as treatment levels and treatment modalities.

6 So, you know, again, to say that --  
7 to say that the comps that Mr. Dominik used are  
8 somehow more applicable than West Loop just  
9 doesn't -- just doesn't make sense to me.

10 Q. Well, since the time you had the meeting  
11 in May of 2019 there's been a lot of testimony given  
12 here before the Plan Commission about the different  
13 patient types, the different levels of homelessness,  
14 the different coexisting morbidities. That's  
15 something that, you know, got flushed out in depth  
16 since your initial meeting.

17 Isn't this relevant information  
18 that should have been shared with Mr. Moeller or he  
19 would have been aware of it if he just read the  
20 testimony?

21 A. I think Mr. Moeller had a depth of --  
22 of, you know, his experience dealing with these types  
23 of studies in large cities and, you know, other types  
24 of communities to where I'm -- I'm pretty sure he

1 took all of those things into consideration when  
2 he -- when he drew his conclusions.

3 Q. Are you familiar with the phrase "unit  
4 hour utilization"?

5 A. I am.

6 Q. Can you describe what this means in the  
7 fire protection field?

8 A. Well, sure. It -- it, you know, in  
9 simple terms means how many hours during a particular  
10 shift a unit is put to work or the crews work within  
11 that -- within that timeline time period.

12 Q. Does your district use unit hour  
13 utilization at a guide in your planning purposes?

14 A. We do not.

15 Q. So you don't calculate unit hour  
16 utilization as applies to your operations?

17 A. Not as a rule, no.

18 Q. Okay. Mr. Moeller testified that this  
19 was a national planning tool, that he did state that  
20 the goal would be not to exceed either .25 or .3 in  
21 unit hour utilization because at that point a  
22 district could become concerned about capacity  
23 issues, asking too much of staff, using equipment too  
24 much, which sounds consistent with what you just

1 stated.

2 Mr. Moeller didn't calculate the  
3 unit hour unitization for the District right now, did  
4 he?

5 A. I'd have to double-check his report  
6 whether or not that is in there.

7 Q. I think he testified that was outside  
8 his scope.

9 So Mr. Dominik testified that on  
10 average Itasca handles 2.55 EMS calls per day with  
11 each call being roughly an hour. I believe you  
12 testified a little less; you know, 56, 57 minutes.

13 Would you agree that based on the  
14 24-hour day, which is how that unit hour utilization  
15 is typically quantified, that that equals about a .1  
16 hour -- a .1 unit hour utilization?

17 A. I'd have to sit down and -- and give  
18 that some little bit more thought and look at some  
19 data.

20 Q. Well, if it's -- if it's 2.5 hours of  
21 calls over a 24-hour period and you just basically  
22 divide it, it comes out to less than .1.

23 So that would mean right now the  
24 unit hour utilization for Itasca is .1, and the

1 recommended, you know, top of the tipping point  
2 is .25 or .3. So you are -- in terms of national  
3 ways of measuring capacity, you're under the .25  
4 testified to by your expert; is that correct?

5 A. Well, again, I'm not going to comment on  
6 that with -- with -- you know, without being able to  
7 sit down and work through some of the numbers.

8 Q. Okay. Can you detail -- does the  
9 District have any studies that it's performed that  
10 identified -- that look at planning and identify  
11 future capacity demands in terms of when you may need  
12 to replace equipment or replace -- or add additional  
13 staff?

14 A. Can you repeat -- repeat the question  
15 one more time for me, Counselor?

16 Q. Sure.

17 A. There were a couple components to that.

18 Q. I'm sorry.

19 Chief Burke, does the District have  
20 any studies -- planning studies that it uses to look  
21 ahead as to when you anticipate you're going to have  
22 to replace equipment or add additional staff?

23 A. So we do have equipment replacement  
24 schedules, and typically that's done, you know, on a

1 certain timeline.

2                   Primarily with big, expensive  
3 ticket items, you know, fire trucks and the like,  
4 they get replaced at a certain time interval, so --  
5 so those things are in place. They've been in place.

6                   But as far as, you know, looking at  
7 future planning, again, the District is a small  
8 district. There isn't a lot of room for development  
9 or, you know, certainly there isn't a lot of open  
10 land left in the district.

11                   So if the question is do we -- do  
12 we have a formal procedure that we use, no, there is  
13 not.

14                   Q.     Okay. Do you -- did you replace  
15 equipment as a result of the referendum?

16                   A.     We replaced one ambulance as a result of  
17 the referendum.

18                   Q.     Okay.

19                   MS. O'KEEFE: What time is it? Do you think  
20 we could -- Mr. Chairman, do you think we could take  
21 a 10-minute break?

22                   CHAIRMAN DALY: Yes. We can reconvene at  
23 about 8:11. Thank you.

24   (Recess taken.)

1 CHAIRMAN DALY: Okay. At this time I'd like  
2 to resume the cross-examination, please.

3 Ms. O'Keefe, would you please continue with Chief  
4 Burke.

5 MS. O'KEEFE: Thank you.

6 BY MS. O'KEEFE:

7 Q. Chief Burke, the District is a member of  
8 MABAS 12; correct?

9 A. That's correct.

10 Q. Okay. And you have a mutual aid  
11 agreement between Itasca and Wood Dale. Can you tell  
12 us a little bit about how that works?

13 A. Well, when you say a mutual aid  
14 agreement, are you talking about the MABAS mutual aid  
15 agreements that are in place or -- I'm not sure what  
16 agreement you're talking about.

17 Q. I'm talking about the separate  
18 agreements -- the separate agreement that's been in  
19 placed for several decades between Wood Dale and  
20 Itasca.

21 A. Yeah. So the -- the agreement that --  
22 that I believe you're speaking about has to do with  
23 two agencies very similar in size with limited  
24 resources being able to sort of reach out and back

1 each other up as needed. That's really the gist of  
2 the -- the agreement.

3 Q. How many ambulances does Wood Dale have?

4 A. One.

5 Q. And fire engines that's staffed by a  
6 paramedic; one?

7 A. One.

8 Q. Okay. Same as Itasca?

9 A. Yes.

10 Q. So municipal fire departments and fire  
11 protection districts are required by state law to  
12 file monthly reports with the Office of State Fire  
13 Marshal; isn't that correct?

14 A. If you're talking about the NFIRS data  
15 reporting. Is that what you're speaking of?

16 Q. Yes.

17 A. Yeah.

18 (Haymarket Exhibit No. 66  
19 identified.)

20 BY MS. O'KEEFE:

21 Q. And I'd like to refer your attention --  
22 and, maybe, Mo, we could pull it up -- Exhibit 66.

23 This is a five-page exhibit. It  
24 covers years -- each page is a different year from

1 2014 to 2018. We do not have information available  
2 for 2019 or 2020 because that's not been published.

3 But this information is posted on  
4 the -- isn't it posted on the Office of the State  
5 Fire Marshal for each municipality in Illinois? They  
6 provide the same kind of reporting data that's made  
7 public. Isn't that correct, Chief Burke?

8 A. I'm not a hundred percent sure on that,  
9 Counselor.

10 Q. Okay. So if we could use this 24 --  
11 this 24 14 document as a way to just orient the Plan  
12 Commission, as you can see, my focus is on the  
13 "Mutual Aid" column.

14 So if we look at the upper left, it  
15 says "Calls by Incident Type."

16 The next row, you can see it has  
17 frequencies, and then it has "Mutual Aid None,"  
18 "Mutual Aid Given," "Mutual Aid Received," "Other Aid  
19 Given," and then "Total Incidents."

20 And then at the bottom it has  
21 "Total Calls." Can you see the "Total Calls" which  
22 is the lower left-hand corner? And then it will show  
23 you that, for example, in 2014 there were 1,702  
24 incidents, which is the right-hand column, and of

1 those, there were 1,265 in Itasca and 437 mutual aid  
2 given.

3 So I just want to orient you  
4 because I'm going to be talking from these charts. I  
5 have a separate page for each year, and we can refer  
6 to those as we do.

7 So we filed a FOIA with the  
8 District requesting a summary of the mutual aid  
9 provided and given -- given and received -- mutually  
10 given and received 2014 to 2020, and that exhibit is  
11 on page -- it's Exhibit 67.

12 (Haymarket Exhibit No. 67  
13 identified.)

14 BY MS. O'KEEFE:

15 Q. Exhibit 66, which is the data provided  
16 to the State Fire Marshal, and Exhibit 67 which is  
17 the same mutual aid given and received -- received by  
18 the District, those numbers are different, and the  
19 numbers on the --

20 MR. DI NOLFO: Is there going to be a  
21 question, tell me, or are we testifying today?

22 MS. O'KEEFE: I'm working my way towards a  
23 question right now.

24

1 BY MS. O'KEEFE:

2 Q. So can you explain to me why the numbers  
3 are different for mutual aid versus -- mutual aid  
4 given versus received for 2014 to 2018? Wouldn't  
5 those numbers have been the same?

6 A. Again, you're going to have to be a  
7 little bit more specific with your question,  
8 Counselor.

9 Q. Okay.

10 A. Are you talking about the document I'm  
11 looking at now compared to a different document?

12 Q. So if we could go to Exhibit 67, please.

13 Okay. Can we scroll down to the  
14 bottom left-hand corner.

15 This is 2018. Can we go to the  
16 2014 data, which is several pages down. This is  
17 2019, this is 2020, and this is 2014.

18 So the FOIA request that we made to  
19 the Fire Protection District was: Can you give us a  
20 summary of mutual aid given and received in 2014  
21 through 2020, and this is what we received, for  
22 example, 2014.

23 So I had to go through -- I went  
24 through this page. I added up mutual aid or

1 automatic aid received, and then mutual aid or  
2 automatic eight given, and I compared those numbers  
3 for 2014 to the numbers on the Office of State Fire  
4 Marshal website, and they were different with the  
5 numbers on the State Fire Marshal being far higher.

6 So, for example, if you added up  
7 the mutual aid given on this document, which was  
8 contained in a FOIA response you'd get 192 calls, you  
9 know, given to other municipalities.

10 If you added up how many calls were  
11 received by Itasca, how much assistance you'd get  
12 from Itasca, it was 184, okay.

13 If you go back to Exhibit 66 and  
14 you go to 2014, if you look down at the bottom under  
15 "Mutual Aid Given" you can see in that last line it  
16 says 437, and "Mutual Aid Received" you can see 213.

17 I'm trying to understand why these  
18 numbers are different.

19 A. I can't explain to you the sheet we're  
20 looking at right now from the State Fire Marshal.  
21 I'm not sure how they are extrapolating the data out  
22 of the NFIRS report.

23 I can tell you the other reports  
24 that you referred to are in-house reporting system

1 where the reports are entered, and then those summary  
2 reports are done or generated in-house from our  
3 database. How the state got to those numbers there I  
4 don't know, and I really can't comment on the  
5 discrepancy there.

6 Q. Well, isn't the numbers that the state  
7 reports on annually based on the numbers you give  
8 them monthly?

9 A. They are based on the download that we  
10 give them on our NFIRS reporting, but what they do  
11 with that data once they get it, I do -- I do not  
12 know.

13 Q. Would you say that the information the  
14 state has published, which is based on the  
15 information you provided, is correct?

16 A. Again, I can't comment on those numbers.  
17 There -- there is, to your point, a discrepancy with  
18 our in-house reports versus what you're showing me  
19 here.

20 Q. Okay. Do you keep records -- do you  
21 keep records of these documents at the office that  
22 the State Fire Marshal publishes?

23 A. Do I keep records of them?

24 Q. Do you have records of the NFIRS data

1 such as this? Do you keep these on file?

2 A. I don't have those specifically on file.  
3 I can get that from the state as I need them.

4 Q. Okay. Okay. I'd like to -- now I'm  
5 going to go through each year question by -- you  
6 know, each year -- I'd like to approach each sheet  
7 separately under Exhibit 66.

8 So we're going to start with 2014,  
9 and we'll go down to the bottom line where it says  
10 "Total Calls," and the number -- what is the number  
11 under "Mutual Aid Given" under "Total Calls"? Can  
12 you see the 4/27?

13 MR. DI NOLFO: I'm going to give him the  
14 binder. It might be a little easier for him to see.

15 MS. O'KEEFE: Okay.

16 MR. DI NOLFO: Can you give me one second?

17 MS. O'KEEFE: Sure.

18 MR. DI NOLFO: Whichever 14. Need my  
19 glasses?

20 MS. O'KEEFE: I know, it's kind of hard to  
21 read. I'm having to look at my copy.

22 MR. DI NOLFO: He's got it now, Bridget. Go  
23 ahead. So which document --

24 MS. O'KEEFE: Okay.

1 MR. DI NOLFO: -- are you on now?

2 BY MS. O'KEEFE:

3 Q. So we're looking under "Mutual Aid  
4 Given," which is the fourth column. I suppose it's  
5 the fifth column.

6 A. Right, okay.

7 Q. And you look at the bottom and it says  
8 437.

9 A. Right.

10 Q. And then two columns over it says "Other  
11 Aid Given," which is 3. So that would be a total of  
12 440 calls given where you're providing mutual aid to  
13 your neighbors.

14 And then under "Mutual Aid  
15 Received," do you see the column that says 213?

16 A. Yes.

17 Q. Okay. So I'm going to ask you to  
18 trust -- trust my math for the purposes of these next  
19 questions.

20 So for this year, when we compare  
21 the 440 to the 213, it's 48 percent more aid was  
22 given than received; is that correct?

23 A. Well, that's certainly what the numbers  
24 are showing on this particular exhibit.

1 Q. Okay.

2 A. The --

3 Q. Okay. Could we go to the next page,  
4 please, sir.

5 Under "Total Calls," which is 2015,  
6 "Mutual Aid Given" is the 424 plus 2 for 426, and the  
7 "Mutual Aid Received" is 256?

8 And would you agree that that's  
9 60 -- 60 percent more aid given than received?

10 A. Yeah, if that's your math.

11 Q. All right. If we can go to 2016,  
12 please.

13 Go under "Mutual Aid Given." It's  
14 477 plus 5 for 482 given. Received is 231. That's  
15 48 percent more aid given than received; would that  
16 be correct?

17 A. If your math -- yeah, okay.

18 Q. Okay. Next year, 2017 we've got 330  
19 calls for "Mutual Aid Given" and 203 for "Mutual Aid  
20 Received," which is 61 percent more given than  
21 received?

22 A. Yes.

23 Q. And then for the last year, 2018, we  
24 have 346 calls where mutual aid is given and 206

1 calls where mutual aid is received, which is  
2 60 percent more given than received.

3 Is that your understanding of what  
4 the data says?

5 A. That's what that data on those sheets  
6 say, yes.

7 Q. During Mr. Moeller's testimony he  
8 testified that an acceptable amount of mutual aid to  
9 be given over what would be received would be  
10 approximately 15 percent.

11 Would you agree that Itasca has  
12 provided more aid than the 15 percent that  
13 Mr. Moeller stated would be acceptable?

14 A. No, I'm not sure I agree with the  
15 numbers I'm looking at from the state.

16 I would need to know why those  
17 numbers are what they are because they directly  
18 conflict with our internal data.

19 Q. But this is -- isn't this data for the  
20 state based on what information you provided on a  
21 monthly basis? Where else would they get  
22 information?

23 A. Well, Counselor, what I'm saying is that  
24 I don't know how they extrapolate data out of this to

1 form this report.

2 You cited the other report that I  
3 submitted to you on a FOIA and the numbers are  
4 dramatically lower.

5 Q. They are?

6 A. Those are our numbers. Those are our  
7 in-house numbers.

8 What the state does with the NFIRS  
9 reporting when it gets it I don't know. I don't know  
10 how they derive at these numbers.

11 Q. But aren't you required to provide the  
12 numbers by state law?

13 A. I provide the NFIRS reporting. How they  
14 extrapolate data out of it, I don't know.

15 Q. Did you provide even your mutual aid  
16 data to Mr. Moeller so that he could factor that into  
17 his analysis?

18 A. I'm not a hundred percent sure if I did  
19 or didn't, to be honest.

20 Q. In your prior testimony you testified  
21 that aid given to and received from other communities  
22 should be roughly even, but these numbers don't  
23 indicate that that's true; correct?

24 A. Well, if you look at our sheets they are

1 true. If you take a look at the one we do it most  
2 with, which is Wood Dale, it's a pretty even  
3 exchange.

4 Q. In 2019 you gave under your records 360  
5 calls and received 250. Those aren't even, are they?

6 A. I gotta look at the data.

7 MR. DI NOLFO: What year, Bridget?

8 MS. O'KEEFE: 2019.

9 MR. DI NOLFO: Ours only goes to 2018, I  
10 think.

11 MS. O'KEEFE: No, Exhibit 67 has 2019 and  
12 2020.

13 MR. DI NOLFO: I'm sorry, I was on the wrong  
14 exhibit. My apologies.

15 MS. O'KEEFE: That's okay.

16 MR. DI NOLFO: Our exhibits 2019. It's  
17 somewhere around here.

18 BY THE WITNESS:

19 A. I'm looking for the page 2019.

20 MR. DI NOLFO: What page is it on that  
21 exhibit, Bridget?

22 MS. O'KEEFE: Sure. Let me open that up.  
23 It's -- I'll re-put these in order. It -- it should  
24 be lower left-hand corner. I think this is -- I

1 think this is 2019 if it's two pages. The date --  
2 the dates are in the lower left-hand corners. So  
3 that one was 2019, you can see.

4 See, that's 2019. We didn't have  
5 data on the Office of State Fire Marshals.

6 MR. DI NOLFO: You got it? Okay, we got it.  
7 Sorry.

8 MS. O'KEEFE: That's okay.

9 BY MS. O'KEEFE:

10 Q. So this number for 2019 was -- and I  
11 relied on this because there was no other information  
12 available -- was 360 given and 250 received. And  
13 then for 2020, which is the next page, was 230 given  
14 and 155 received, and -- and those aren't -- aren't  
15 equal, are they?

16 A. Again, I'd have to go through and add up  
17 the numbers. Those aren't that far off.

18 Q. Oh, I don't know, 110 calls in 2019 and  
19 75 calls is a fair number.

20 What's -- so when you have -- your  
21 data that you provided, you broke it down into the  
22 difference between mutual aid and automatic aid?

23 A. Yes.

24 Q. Could you --

1 MS. O'KEEFE: We've got the video off.

2 BY MS. O'KEEFE:

3 Q. Could you describe to me what the  
4 difference is between them?

5 MS. DICKSON: It's not going on. Oh, there  
6 we go.

7 MS. O'KEEFE: Sorry, having trouble with our  
8 camera.

9 THE WITNESS: Ready?

10 BY THE WITNESS:

11 A. Okay. So auto aid is a little different  
12 than mutual aid. Automatic aid means it's just what  
13 it says.

14 So when we -- we get a call, we  
15 have -- in this case Wood Dale would probably be the  
16 best example. If our -- if our rig is tied up on a  
17 call existing, then Wood Dale is automatically  
18 dispatched. When --

19 BY MS. O'KEEFE:

20 Q. It doesn't go to the Addison dispatch  
21 center and they don't determine where the nearest  
22 ambulance is? You guys do it without going through  
23 the dispatch center? How does that work?

24 A. No. The dispatch center does -- does

1 that work for us, but it's an automatic dispatch  
2 meaning Wood Dale would be the next one out if we  
3 were unavailable, versus mutual aid which is more of  
4 a setting where you would have a -- let's say a fire,  
5 perhaps, and you are calling in additional companies  
6 because the fire gets bigger or the situation worsens  
7 and you need more help. You would reach out back to  
8 the dispatch center to elevate alarm levels which,  
9 again, get into the mutual aid type -- type  
10 agreements.

11 Now, with the new CAD it sort of  
12 streamlined this and it's kind of blended them a bit  
13 together.

14 But the idea here is that automatic  
15 aid happens at the same time, theoretically, that  
16 your rig would be dispatched; whoever you have down  
17 as your automatic aid partner would be dispatched in  
18 lieu -- excuse me, in lieu of your -- your equipment.

19 Q. So do you have, like, prearranged calls  
20 where if a fire alarm goes off and you don't know if  
21 it's a -- you know, a valid call or an actual fire,  
22 do you have prearranged automatic aid where -- where  
23 more than one municipality will respond?

24 A. Yes. It depends on the call type and,

1 you know, what -- what the call is.

2 Q. And so that call is -- so you might have  
3 multiple agencies responding depending on the type of  
4 event it is; correct? Is that what you're saying?

5 A. Correct.

6 Q. Okay. So when that kind of call goes  
7 out, it's not necessarily a concurrent call; it's  
8 more like a prearranged call. It's not that you've  
9 got several calls going on at the same time; you  
10 might have one call, but you might have multiple  
11 responders depending on the nature of the call?

12 A. That would be correct.

13 Q. Okay. Mr. Moeller's report stated that  
14 the District handles roughly 1,636 calls on average  
15 over a five-year period, which works out to 68 days  
16 of work per year for the personnel and equipment. Is  
17 this correct?

18 A. Again, if that's what was quoted by  
19 Mr. Moeller, then I would assume it's accurate, yeah.

20 Q. And so if we do a similar comparison to  
21 Exhibit 66 and we do the math, it would indicate that  
22 of those 68 days of work, 17 of those days are spent  
23 giving mutual aid to nearby communities. Would this  
24 be correct?

1           A.    No, I don't think I'm agreeing with that  
2           statement. I'm not sure where you're coming up with  
3           17 days.

4           Q.    We basically just averaged -- I averaged  
5           the calls. I averaged the calls and -- and just like  
6           I used the same way Mr. Moeller did it in his report.

7           A.    Again, I'd have to look at the data, but  
8           are you using the numbers from the State Fire  
9           Marshal's report?

10          Q.    Yes, I am.

11          A.    Yeah, so I don't -- I don't agree with  
12          those numbers, so no, I don't agree with your  
13          statement.

14          Q.    Okay. What happens in Itasca if -- if a  
15          call comes in and the Fire Protection District is  
16          providing call to a neighbor, that ends up usually in  
17          longer response times, doesn't it?

18          A.    If we're providing --

19          Q.    Aid to a neighbor.

20          A.    -- responding to another agency?

21          Q.    Uh-huh.

22          A.    Well, now depending if I have -- you  
23          know, if I have no vehicles or no resources left,  
24          then, yeah, we'd have to pull in another neighbor to

1 come in and handle that call. Yes.

2 Q. When you respond to a mutual aid call,  
3 do you send -- if it's an EMS call, do you send both  
4 the ambulance and the fire truck?

5 A. Not as a rule, no. It would depend on  
6 whether, you know, the request is for, perhaps, a  
7 structured fire or something more serious where both  
8 resources would be pulled in.

9 Q. Okay. You mentioned earlier that -- in  
10 your prior testimony, excuse me, you discussed that  
11 MABAS is used for large scale events. Can you give  
12 me an example of how you define a large scale event?

13 A. Sure. I can give you a perfect example.  
14 We had a rather large wind event happen --

15 Q. I'm sorry, I got -- you broke up. I  
16 couldn't hear you. I apologize.

17 A. Okay. I said a few years ago we had a  
18 rather large wind event come through Itasca and  
19 knocked down dozens and dozens of trees onto houses,  
20 knocked down power lines, trees on vehicles, trees  
21 blocking streets.

22 Obviously with five people on shift  
23 there's no way we could handle that alone, so you  
24 then you tap into the MABAS system and you request

1 help from your neighbors.

2 And so in this case we had several  
3 of our neighbors come in. The event was pretty much  
4 localized to Itasca, and they were with us for --  
5 actually for several hours trying to mitigate the  
6 various calls we had based on that event.

7 Q. So what was interesting about the Office  
8 of the State Fire Marshal data on Exhibit 66 -- and  
9 it breaks it down by category of different kinds of  
10 calls. So, for example, you had mentioned weather in  
11 your prior testimony, so I was kind of curious and I  
12 looked and I noticed it was 2017 that you had the --  
13 I'm assuming it was 2017 that you had the wind event  
14 because you had 47 calls --

15 A. Yes.

16 Q. -- where other years you had four calls  
17 or no calls or three calls.

18 So I have a feeling -- it was 20 --  
19 it was 2017, but the number of weather calls was --  
20 was pretty small overall except for that.

21 Are there other kind of examples  
22 you can give us?

23 A. Well, sure. Like a large fire, you  
24 know, factory fire or something like that where

1 obviously the -- you know, us as a responding agency  
2 with, you know, an engine and an ambulance wouldn't  
3 be able to handle a large fire situation on our own.

4 Q. Well, last year you gave 360 -- this is  
5 your data -- you gave 360 calls for mutual aid  
6 provided to your -- to other communities, to your  
7 neighbors.

8 You had 360 large scale events that  
9 you had to respond to?

10 A. No. I think this is where the -- some  
11 of the data's reporting is misleading.

12 So some of those boxes that are  
13 checked as mutual aid or auto aid could, in fact,  
14 mean calls that were originally, perhaps, given to us  
15 and then cancelled right away or that we returned in  
16 route, those types of calls.

17 So once a -- once a CAD ticket is  
18 generated for that particular call, an NFIRS report  
19 has to be done, and it's going to be logged in as a  
20 mutual aid or auto aid report.

21 Q. Well, this was -- was your number, the  
22 360 in 2019. So that would include those calls?

23 A. Yeah, it would include those calls.

24 If -- you know, again, I didn't do

1 the math and add those numbers up. I'm taking your  
2 math at face value on those, but, yeah, that would  
3 include those.

4 Q. Okay. So you testified that if you --  
5 in your prior testimony during the prior hearing you  
6 testified that if the numbers aren't fairly even,  
7 you're taking a resource designed to be in your  
8 community protecting your taxpayers and you're  
9 basically providing supplemental service to the other  
10 communities.

11 Do you still agree with that  
12 statement?

13 A. I do.

14 Q. Okay. So I think you did state it  
15 earlier; you have one ambulance and one engine. Are  
16 both of these ambulance and engine staffed with  
17 personnel trained as a paramedic?

18 A. Yes, they are.

19 Q. And they're both equipped with EMS  
20 equipment?

21 A. Correct.

22 Q. And so both the ambulance and engine can  
23 respond to EMS calls separately, if needed?

24 A. Correct.

1           Q.     Okay.  If Haymarket were to hire a  
2 paramedic to be located on-site 24/7 who was trained  
3 to stabilize a patient pursuant to the protocols that  
4 the fire district would follow, would this help  
5 address your concerns?

6           A.     Well, there's two problems with this I  
7 can tell you right now.  I think that the -- the  
8 first problem would be that to employ a paramedic in  
9 that capacity I'm not sure is even within the scope,  
10 nor do I know that it would be --

11          Q.     The scope of what?

12          A.     The scope of what a medic is allowed to  
13 do, okay, and that would have to go through the EMS  
14 system in order -- in order for that to even -- even  
15 happen.

16                         So the fact here is that I don't  
17 know if that would even be a possibility to  
18 be totally --

19          Q.     Well, isn't there a company that -- that  
20 actually does contract out with different facilities  
21 trained paramedics that they do as second jobs?

22          A.     Again, you'd have to check with the  
23 privates on that.  I don't -- I don't -- I don't know  
24 that, but, you know, to employ a paramedic on-site

1 that's specific to that building, they would have to  
2 be attached to some EMS system; and in our case it's  
3 Northwest, and I don't know that that would be  
4 allowable for, you know, them to operate that way.

5 Q. Well, what about if someone had been  
6 trained as a paramedic, had worked as a paramedic for  
7 a number of years, and then left the EMS services and  
8 came and worked for Haymarket, would that address  
9 your concerns if they had the trained credentials  
10 that your staff has?

11 A. Well, like I said, I don't know that --  
12 in order to practice in that role I think there has  
13 to be some licensing considerations that would come  
14 into play. And, again, I've never -- never heard or  
15 seen that done in a facility like you're being --  
16 like you're proposing, so I really can't answer that,  
17 you know, with any accuracy.

18 Q. Are you under -- aware under state  
19 licensing for drug rehabilitation centers, in detox,  
20 for example, the trained professional can be an -- I  
21 think an RN, an LPN, or a trained paramedic? So it  
22 is contemplated by state statute that a paramedic  
23 could be enroll- -- you know, engaged in that kind of  
24 roll. So if somebody with that background was

1 provided, would that -- would that help assist with  
2 your concerns if they had that requisite training?

3 A. I'm not so sure it would.

4 Q. Why not?

5 A. Because I don't think that -- you know,  
6 again, having an in-house paramedic, you know, again,  
7 it would be on the same line if you had an in-house  
8 RN who are trained to a higher level. I'm not sure  
9 that that's going to change any of the things that we  
10 would need to do as a response agency coming into the  
11 facility, you know, to assess the patient and, as you  
12 say, treat the patient. You know, again, I don't  
13 think that's going to change much on our end as far  
14 as how and when we come in.

15 Q. Isn't it Haymarket's contention that  
16 that party, either the paramedic or the RN, could  
17 make the assessment if a 911 call even has to be  
18 made?

19 MR. DI NOLFO: I'm just going to object to --

20 MS. O'KEEFE: Well --

21 MR. DI NOLFO: Oh --

22 MS. O'KEEFE: Pardon me?

23 MR. DI NOLFO: -- I'm sorry, I'll let you  
24 finish. I cut you off.

1 MS. O'KEEFE: It was a question for once,  
2 Steve.

3 MR. DI NOLFO: It wasn't a good one.

4 MS. O'KEEFE: Now I gotta remember it.

5 BY MS. O'KEEFE:

6 Q. But wouldn't -- wouldn't -- if a  
7 paramedic or an RN was to make the assessment and be  
8 trained to stabilize them, as a paramedic is,  
9 wouldn't -- couldn't that prevent 911 calls from even  
10 being made and just utilizing Elite?

11 MR. DI NOLFO: I would just object to the  
12 lack of foundation, assumes facts not in evidence,  
13 and I think it's an incomplete hypothetical.

14 But I'll let Mr. Hervas decide on  
15 that one.

16 MR. HERVAS: Chief, did you understand the  
17 question?

18 THE WITNESS: I'd ask her to repeat it one  
19 more time.

20 MS. O'KEEFE: Okay. Now I've got to remember  
21 it a third time.

22 BY MS. O'KEEFE:

23 Q. So is it Haymarket's contention that if  
24 they were to have a trained professional, be it a

1 nurse or a paramedic, who were trained to assess a  
2 situation and stabilize a patient, they might be able  
3 to stabilize a patient, which would mean they might  
4 not even need a 911 call in the first place, and then  
5 they could just go directly to Elite?

6 A. Well, really, I don't know that it  
7 impacts me or helps me in either capacity, Counselor.  
8 Part of the reason would be that, you know, if the  
9 patient could be stabilized to the extent that they  
10 didn't need to call an ambulance, I wouldn't know  
11 about it. We wouldn't know about it anyway.

12 I think we're more talking about  
13 the calls that would still require a response.  
14 Whether it was a paramedic or a nurse doing the  
15 stabilization, there's still going to be a need for  
16 treatment and transport on our end. So I'm not sure  
17 that that's going to change a whole lot for me.

18 Q. Well, I think that's part of the  
19 fundamental issue with regards to Elite, is I think  
20 Haymarket's position is that they could stabilize it  
21 'til -- stabilize a patient if needed until an  
22 ambulance would come, i.e., Elite or another private  
23 ambulance company, thus minimizing the calls made to  
24 the Itasca Fire Protection District.

1           A.     Well, I think -- I think that that's  
2 your -- you know, that's the intention, but I'm not  
3 sure -- (Inaudible.)

4           THE REPORTER: I'm sorry, Chief, you trailed  
5 off at the end. Chief?

6 BY THE WITNESS:

7           A.     (Continuing.) I said that that might be  
8 what's being proposed, but I'm not sure I'm in  
9 agreement with that statement.

10 BY MS. O'KEEFE:

11           Q.     Okay. So how do you define -- Chief,  
12 how do you define a concurrent call?

13           A.     A concurrent call would be if we were  
14 tied up on one call and a second call comes in for  
15 service.

16           Q.     So Mr. Moeller testified the District  
17 should consider this issue of possible concurrent  
18 calls in his report.

19                     Does the District currently track  
20 concurrent calls?

21           A.     Well, concurrent calls, again, could be  
22 those calls where we are, you know, again, tied up  
23 and we have to call in a mutual aid or auto aid piece  
24 of equipment, and it could be fire or EMS related.

1                   But do we track them? I don't  
2 track them to the extent other than the reports that  
3 we've -- we've discussed tonight on our end as far as  
4 mutual aid given and received.

5                   I can get more detailed data -- CAD  
6 data, but, no, I don't track them as a rule.

7           Q.     You have concurrent calls now; correct?

8           A.     I'm sorry?

9           Q.     You have concurrent calls now?

10          A.     Of course.

11          Q.     Any use coming into town if that -- if  
12 that new -- if the Starbucks come back to Itasca,  
13 that would create -- could potentially create  
14 concurrent calls; correct?

15          A.     Sure, you could make that argument.

16          Q.     Okay. But if you had a concern about  
17 concurrent calls, too many happening now, you would  
18 be tracking them, wouldn't you?

19          A.     Well, again, I think, you know, from our  
20 data, you know, the data that we've discussed, we are  
21 tracking them in that sense.

22          Q.     Through the mutual aid data?

23          A.     Mutual aid, auto data, correct.

24          Q.     Okay. Did you give any of that

1 information to Mr. Moeller?

2 A. I think you asked me that before. I  
3 don't recall giving --

4 Q. Oh, I'm sorry.

5 A. -- it to him directly. No, I don't  
6 recall giving it to him.

7 Q. Do you know how many calls occur where  
8 Itasca personnel are just not available to handle the  
9 call and another community is the sole provider with  
10 no assistance from Itasca? Does that ever happen?

11 A. It does, sure. I couldn't give you a  
12 number off the top of my head, though.

13 Q. Very often?

14 A. Again, I'm not going to say that, you  
15 know, it's very often. I don't know what very often  
16 is as far as a number, but it does happen on  
17 occasion.

18 Q. Doesn't the -- the number of daily calls  
19 that you have at the 2.2 level and that .1 unit hour  
20 utilization indicate that personnel should be  
21 available to handle and respond?

22 A. Well, I don't -- I don't know that I  
23 agree with that statement. I think, too, that we  
24 handle EMS and fire calls. So I'm not so sure that I

1 agree with the statement that you're making.

2 Q. Well, if you're at a .1 unit -- unit  
3 hour utilization and you could go up to a .3 before  
4 capacity becomes an issue and that, doesn't that  
5 leave a lot of room?

6 A. Well, this is a discussion we had a  
7 little earlier. Again, I'm not so sure I agree with  
8 the -- with the math you're doing. I'd have to sit  
9 down and look at some additional data.

10 Q. Since receiving Mr. Moeller's  
11 recommendation that the Fire Protection District  
12 consider the issue of concurrent calls that was  
13 contained in his report, has the Fire Protection  
14 District -- has it started to track concurrent calls  
15 since that time?

16 A. Again, concurrent calls can be tracked  
17 to some degree through the data we just spoke about  
18 earlier.

19 Q. Do you track response times?

20 A. Be more specific.

21 Q. Do you -- do you track how long it takes  
22 to respond to a call on average?

23 A. I do have a study that was done a few  
24 years ago that -- that does track that data, yes.

1 Q. How long ago was that?

2 A. 2015 through 2018 data.

3 Q. Did you provide that data to  
4 Mr. Moeller?

5 A. I did not.

6 Q. Do you know what the average response  
7 time was, say, at any of those years?

8 A. I could give you the -- the three-year  
9 average.

10 Q. Okay.

11 A. The three-year average was we can  
12 respond to 80 percent of our district in four minutes  
13 or less, and a hundred percent of the district in  
14 eight minutes or less.

15 Q. Did you see how you thought -- did you  
16 consider or study or analyze how these response times  
17 might change if Haymarket was approved?

18 A. No. The study was done prior to  
19 Haymarket being introduced.

20 Q. Well, if the District consultants and  
21 Haymarket's consultants agree that Hay- -- the Fire  
22 Protection District has the capacity to handle the  
23 Haymarket calls at this time assuming no -- even  
24 assuming no involvement by Elite -- you said you

1 agree with the Fitch findings, so doesn't -- so -- so  
2 you agree that the Fire Protection District has the  
3 capacity to handle Haymarket calls?

4 A. To handle 379 calls; is that your  
5 question?

6 Q. That's why I think -- I'm depending on  
7 the number. You feel 379; we feel far less, but even  
8 at the 379 level, didn't Fitch feel the District had  
9 the capacity to handle it?

10 A. I think Fitch outlined that we -- he  
11 felt we had some capacity. I'm not sure that it was  
12 the 379, and to the point, my -- my feeling on that  
13 is I wouldn't necessarily agree with the fact that we  
14 have capacity.

15 Capacity without impact doesn't  
16 mean anything. So it's the capacity of those  
17 additional calls is one thing. The impact of where  
18 those calls are occurring is something totally  
19 different.

20 Q. Okay. Let's -- can we -- let's delve  
21 into that a little bit.

22 I just want to point out for the  
23 record that the Moeller report on page 11 says it's  
24 Fitch's assessment that currently the Fire Protection

1 District has sufficient capacity to absorb the  
2 increased demand from the proposed Haymarket DuPage  
3 project. So can you tell me what you mean by impact?

4 A. Yeah. The impact of a 240-bed facility  
5 increasing my call volume by 23 percent, that's  
6 impact.

7 Q. Well, so you're looking at it as call  
8 volume? Is that what you mean by impact.

9 A. Sure, that's part of it. So and --

10 Q. Part of --

11 A. -- and my ability to provide service for  
12 the rest of the community, you know, my ability to  
13 put into play more resources to handle those  
14 additional calls, the cost --

15 Q. What does that mean?

16 A. -- the cost of those resources. Who  
17 bears the cost of those resources; all my concerns.

18 Q. Well, when you talk about -- about call  
19 volume, right now the testimony has been provided  
20 that you have 2.2 calls per day. You have evidence  
21 that's provided about unit hour utilization being  
22 one-third of what it could be. You have your  
23 consultant saying you have sufficient capacity.

24 How can you say the call volume

1 should be a concern? Your consultant considered the  
2 higher number.

3 A. My consultant also -- also said that --  
4 that -- that the number proposed by Polaris was  
5 vastly understated, and in Mr. Moeller's report he  
6 also stated that his number was conservative -- the  
7 379 was a conservative number. That's in his report.

8 I think it's a conservative number.

9 Q. Well, you testified at the beginning of  
10 tonight that you agreed with the findings in the  
11 Fitch report. The Fitch report said it has  
12 sufficient capacity.

13 You talk about ability -- so I'm a  
14 little unclear on why you feel call volume would be  
15 an issue when they considered the higher call volume.

16 You also -- just to clarify, you  
17 said that you were concerned about your ability to  
18 provide services and who bears the cost of the  
19 services that has to be provided.

20 I know you haven't really been able  
21 to reconcile the difference between the Office of  
22 State Fire Marshal numbers and the numbers you have  
23 internally, but there is, you know, considerable  
24 resources being given in mutual aid.

1 Right now aren't your neighbors  
2 paying -- aren't Itasca paying for the cost of  
3 providing services -- supplemental services to the  
4 neighbors?

5 A. I think you're --

6 Q. Couldn't they be provided -- couldn't  
7 that -- those resources be redirected to uses within  
8 the boundaries?

9 A. I think you're distorting the numbers  
10 here, Counselor, and I think that that's what I tried  
11 to point out to you before.

12 Some of those numbers that you  
13 allude to on the State Fire Marshal report are  
14 numbers that are categorized as mutual aid that don't  
15 actually result in mutual aid. These could be calls  
16 that were punched out without the vehicle ever  
17 leaving the station, but it's going to be logged in  
18 as such.

19 So to -- to say that we're --  
20 we're -- you know, we're somehow funding other --  
21 other communities is -- is -- is not accurate.

22 Q. Isn't that what you're saying with  
23 Chicago CAD data? You know, if a call is made,  
24 and you just said yourself that it would be logged in

1 and you may never even leave the station, those  
2 numbers could be happening in Chicago, too, right,  
3 for Haymarket?

4 A. Yeah, but those are the ones that were  
5 filtered out by Mr. Moeller. Those are the ones  
6 that -- that Mr. Dominik didn't like. All of  
7 those --

8 Q. Well, how could he know that? I mean --

9 A. All those numbers -- all of those  
10 numbers were filtered out.

11 Q. Well, if he -- if it looked on the --  
12 you just said -- just now you stated that a call  
13 could come in; you may be assigned to the call; you  
14 may never leave the station but it's entered into the  
15 CAD data. Couldn't that be happening in Chicago  
16 where a call comes in, a call -- an engine is  
17 assigned, it comes up on the CAD data, but it never  
18 leaves the station?

19 A. Those are the numbers --

20 Q. Why would that be different?

21 A. Those are the numbers that were pulled  
22 out of the CAD data. Either there were no rigs  
23 assigned or there was a duplicate number. All of  
24 those were pulled out of that data from Chicago. So

1 those --

2 Q. So you --

3 A. -- are the instances we're talking  
4 about.

5 Q. So Itasca, when a call is assigned  
6 and -- and -- is the rig data -- it doesn't -- does  
7 it show it's not assigned? Does it show it doesn't  
8 leave the station?

9 I mean, I don't know, this is  
10 inconsistent. It seems like we're getting different  
11 treatment here where in Itasca, you know, it doesn't  
12 leave the station and so it's a fake -- it's not a  
13 true call, where in Chicago it is.

14 I mean, I don't know, it just seems  
15 a bit confusing to me.

16 A. So here's the difference, Counselor.  
17 You're talking about NFIRS data -- this is the  
18 difference. You're talking about NFIRS data that  
19 you're providing me from the State of Illinois versus  
20 CAD data. That's the difference.

21 Q. But, sir, in -- in -- the numbers I  
22 quoted to you in 2019 and 2020 were not NFIRS data.  
23 It was CAD data from you. Those were numbers that  
24 you provided.

1                   The NFIRS data is not available for  
2     2019 and 2020, so we're talking about CAD data, too.

3           A.     No. We are talking about my internal  
4     database. That is NFIRS reporting that you FOIA'd  
5     from me. That is not CAD data.

6           Q.     I didn't FOIA -- I did not FOIA NFIRS  
7     data. I FOIA'd the numbers for mutual aid. I did  
8     not --

9           A.     Correct.

10          Q.     -- ask for it to be CAD or NFIRS, and  
11     it --

12          A.     And what I gave you was NFIRS data from  
13     our internal database. We are -- that's the only  
14     mechanism, without contacting my dispatch center, to  
15     get CAD data.

16                   So the only FOIAble document I had  
17     to give you was my NFIRS report, which is what you  
18     have. This is why NFIRS data is not used; CAD data  
19     is used.

20          Q.     Well, you were just saying that you're  
21     using that. I mean, I'm sorry, I may not be  
22     understanding you, Chief Burke, but you're saying  
23     that this is NFIRS data, not CAD data, in Exhibit 67.

24                   Well, 66 it clearly says it's NFIRS

1 data. So if you're saying NFIRS data is in  
2 Exhibit 67, which is what I got from the FOIA, and if  
3 NFIRS data is on the state of -- of the Office of the  
4 State Fire Marshal, and it's both discussing mutually  
5 given and mutually received, why aren't the numbers  
6 the same?

7 A. Once again, I can't answer the question  
8 for the state side. I don't know how they're  
9 extrapolating the data. This is about the -- I think  
10 this is the third time we've had this discussion. I  
11 don't know. I don't know what the state does with  
12 the data.

13 I can only give you what I have on  
14 our database, and it does not match up with what the  
15 state is showing. I don't know why.

16 Q. And it's your testimony that the  
17 information you gave us on the database is NFIRS data  
18 and not CAD data?

19 A. The stuff that we gave you on the FOIA,  
20 the exhibits that you put out; that's your question?

21 Q. Yes.

22 A. Yes, that's NFIRS data.

23 Q. Exhibit 67?

24 A. Yes, which is the FOIA document. Yes.

1 MS. O'KEEFE: Mr. Chairman, can we take a  
2 10-minute break?

3 MR. DI NOLFO: We've only been going like a  
4 half hour here, so.

5 MS. O'KEEFE: It's 9:00 o'clock. It's  
6 9:00 o'clock. We haven't been going a half an hour.  
7 And we usually take a break every hour.

8 MR. DI NOLFO: Okay, then. Whatever.

9 MS. O'KEEFE: Okay, thank you.

10 CHAIRMAN DALY: We'll take a five-minute  
11 break.

12 MS. O'KEEFE: Okay.

13 CHAIRMAN DALY: We'll reconvene at 9:06.

14 MS. O'KEEFE: Thank you.

15 (Recess taken.)

16 CHAIRMAN DALY: Okay, we're back.

17 Okay, Bridget, it looked like  
18 you're muted. We're ready to restart.

19 MS. O'KEEFE: Okay. I'm trying to find Chief  
20 Burke on the screen. I have everybody up on the  
21 screen.

22 Okay, Chief Burke, one last  
23 question about the Office of the State Fire Marshal  
24 and we're done -- The Office the State Fire Marshal

1 and move on to something else.

2 BY MS. O'KEEFE:

3 Q. I sent over the exhibits on Friday. Did  
4 you have a chance to review them prior to tonight?

5 A. I'm sorry, the exhibits you just  
6 submitted?

7 Q. Exhibit 66 which is the data from the  
8 Office of the State Fire Marshal.

9 A. Yes, I did.

10 Q. And you didn't notice the discrepancy  
11 with the information that you provided?

12 A. Yeah, I did -- I did notice the  
13 discrepancy.

14 Q. But you're not able to explain the basis  
15 for it?

16 A. No. What I can tell you is that the  
17 data that I gave you based on your FOIA is a summary  
18 of our internal database which shows all of our  
19 mutual aid and auto aid calls per your request.

20 I don't know how or why when we  
21 send the data to the state it is done in report form.  
22 This is a batch form that is sent. I don't know what  
23 they do with the data once they get the reports. I  
24 don't know how this extrapolate that -- that out.

1 Q. Well, it's NFIRS data -- NFIRS data?

2 A. Correct.

3 Q. Okay. Let's move on to Elite Ambulance.  
4 I have a few questions.

5 Haymarket representatives have  
6 testified that it has a contract with Elite to  
7 provide BLS services to the proposed Haymarket  
8 DuPage. Do you know why Haymarket has offered to  
9 provide a private ambulance?

10 MR. DI NOLFO: I'll just object. It calls  
11 for speculation on why Haymarket is doing something.

12 BY MS. O'KEEFE:

13 Q. Chief Burke, can you give me what your  
14 understanding is of why Haymarket is providing a  
15 supplemental ambulance?

16 MR. DI NOLFO: I guess -- go ahead.

17 BY THE WITNESS:

18 A. Well, I think -- I think that the  
19 initial intent was to try and take some of the -- the  
20 calls that potentially we're responding on.

21 BY MS. O'KEEFE:

22 Q. After reviewing Haymarket's  
23 presentation, the PowerPoint that it made and  
24 provided in October 2019, one version of that

1 PowerPoint which the communities that Elite operates  
2 in DuPage County, wasn't that done simply to show  
3 that Elite operates pretty heavily in DuPage County  
4 and has a good presence so it could respond quickly?

5 A. I'm not sure what the intent was, but,  
6 you know, it did list several facilities in our area.

7 Q. Okay. Your testimony at the last  
8 hearing you testified that in your experience the  
9 private -- the primary function of a private  
10 ambulance is to handle inter-facility transports; is  
11 that correct?

12 A. Yes, that's correct.

13 Q. Do fire protection districts handle  
14 inter-facility transports?

15 A. None that I'm aware of.

16 Q. During your testimony at the last  
17 hearing you stated on several occasions that the  
18 purpose of Elite services being provided in  
19 Bloomingdale and Hoffman Estates and Carol Stream was  
20 to relieve the burden on the respective fire  
21 protection districts.

22 Have you reviewed the contracts  
23 existing between Elite and these entities that you  
24 cited in Bloomingdale and Carol Stream and Hoffman

1 Estates?

2 A. No, I haven't seen contracts for --  
3 for -- on any Elite facility, including Haymarket.

4 Q. Do you have any evidence that Elite was  
5 contracted to provide services other than  
6 inter-facility transports?

7 A. Nope, I don't.

8 Q. Don't you think it's important to know  
9 before you're using those as comps what kind of  
10 services it's contracted to provide?

11 A. Again, my -- my sole purpose here was to  
12 find out how many times Elite serviced a facility  
13 where the local fire department was going to that  
14 facility.

15 Q. Well, couldn't the fire department be  
16 going to that facility because whatever private  
17 ambulance company serves that facility is just doing  
18 inter-facility transports and they handle only 911  
19 calls?

20 A. I guess that could be the case, but I  
21 spoke to Chief Fortunato in Hoffman and that's not  
22 the case.

23 Q. I thought I just asked you previously if  
24 you conducted any due diligence and you said you

1 hadn't talked to any of the fire chiefs in the  
2 municipalities where the comps were.

3 So you did talk with one?

4 A. First of all, these aren't comps,  
5 Counselor, and you keep --

6 Q. Well, the comps suggested --

7 A. Okay. What my -- my intent was to find  
8 out what facilities that Elite services and what kind  
9 of a burden was still being placed on the local fire  
10 departments.

11 So I did speak to Chief Fortunato  
12 from Hoffman -- that's in my testimony from last  
13 time -- and he said it wasn't uncommon, even though  
14 they have a contract, that -- they've got four  
15 ambulances in Hoffman. It's not uncommon for them to  
16 be at that facility -- the AMITA Health facility, 141  
17 beds -- on calls -- two calls going on at the same  
18 time different parts of the building. It's not  
19 uncommon.

20 So -- and they go there 400 times a  
21 year, roughly, still with a private ambulance that's  
22 supposed to be taking some of these calls off of --  
23 off of their plate.

24 So, yeah, my concern is that all

1 those facilities that were listed in Haymarket's  
2 presentation don't seem to be taking the burden off  
3 of any of these departments.

4 Q. Well, let's start with that -- let's  
5 start with Hoffman Estates and AMITA.

6 How do you know AMITA has a  
7 contract with Elite?

8 A. I don't know that Hoffman has a contract  
9 with Elite. I said a private amb- --

10 Q. No, I meant AMITA. How do you know that  
11 AMITA has a contract with Elite?

12 A. I don't, and I never said such.

13 I said Hoffman -- Hoffman Estates  
14 Fire Department has an understanding with AMITA that  
15 they're supposed to be taking -- Chief Fortunato had  
16 told me that they've had meetings with AMITA on this  
17 topic and the ambulance company.

18 Q. So what does that have to do with Elite  
19 when Elite doesn't have a contract with them?

20 A. It's about private ambulances taking the  
21 pressure off of local fire departments, Counselor.

22 Q. How does -- how do you know that the  
23 ambulances that you -- are supposedly serving AMITA  
24 have contracts to do anything but cover

1 inter-facility transport, which has been your prior  
2 experience?

3 A. I don't know that.

4 Q. Okay. So aren't you just assuming that  
5 Elite, which doesn't even provide services at AMITA,  
6 isn't providing adequate service at these facilities  
7 you've cited when they just may not have been  
8 contracted to provide those services? Do you even  
9 know?

10 A. Counselor, I would -- I would say this  
11 to you. You used Forest View as an example and you  
12 cited that they have 110 calls on average that Elite  
13 goes there. Are they contracted to do just  
14 inter-facility transports? I would flip that back to  
15 you. Do you know that?

16 Q. I -- you know, I do believe they are  
17 contracted for more than that, but --

18 A. Okay, but you don't know, either.

19 Q. -- Mr. Dominik testified -- no, I want  
20 to be really correct and careful in what I say.

21 Mr. Dominik was the one who --

22 MR. DI NOLFO: Well, I guess -- I guess -- I  
23 guess --

24 MS. O'KEEFE: He asked me a question on --

1 MR. DI NOLFO: Well, unless you want to be  
2 sworn in, and testify under oath, and subject to  
3 cross-examination, I don't think it's appropriate to  
4 be answering questions as the questioning attorney.

5 MS. O'KEEFE: That's fine. I respect that.

6 BY MS. O'KEEFE:

7 Q. Mr. Moeller testified he didn't know  
8 what went into your decision to select the sites that  
9 were provided to him, and you focused on, as we just  
10 discussed, Belmont Village, Windsor Park, and  
11 different entities in Bloomingdale.

12 How did you select those sites?

13 A. They were in the Haymarket PowerPoint.

14 Q. And just to confirm your testimony, you  
15 haven't seen the contracts between Elite and those  
16 facilities?

17 A. No.

18 Q. So you don't know if they were  
19 contracted to provide anything more than  
20 inter-facility transports?

21 A. I do not.

22 Q. In your opinion, why are the services --  
23 the population served and the services provided at  
24 these facilities comparable to those -- the substance

1 use disorder, you know, treatment -- treatment  
2 programs that will be provided by Haymarket DuPage?

3 MR. DI NOLFO: I'll just object. He's  
4 testified a number of times they're not comparables.  
5 So I'll just object to the form of the question.

6 BY MS. O'KEEFE:

7 Q. Okay. So let's take a step back. I  
8 want to make sure I understand what you stated.

9 You stated that you identified  
10 sites that supposedly use private ambulance services  
11 in various communities; is that correct?

12 A. Well, no, it's not correct. They don't  
13 supposedly use them. They were listed in Haymarket's  
14 PowerPoint as being private ambulance services that  
15 they provided to those -- those communities and those  
16 specific facilities.

17 I didn't assume anything.

18 Q. AMITA was not listed.

19 A. I didn't say AMITA was listed, okay.

20 My -- my concern with the AMITA  
21 facility was the size of the facility, which, by the  
22 way, is only 141 beds, and what kind of impact that  
23 was having on the local fire department there, and  
24 whether or not there was an agreement that a private

1 ambulance was supposed to be taking some of these  
2 calls off the plate of the local fire and EMS. And  
3 the answer to that is yes.

4 Q. Well, you don't know that because you  
5 don't know who the contract is with, do you?

6 A. I don't know who the contract is with,  
7 but I --

8 Q. Do you even know what the contract says?

9 A. Counselor, I had a talk with the fire  
10 chief.

11 Q. Okay.

12 A. The fire chief Pat Fortunato said to me  
13 directly that he had had several meetings between  
14 AMITA and the health provider, the private provider,  
15 because they weren't doing what they were supposed to  
16 be doing.

17 Have I seen the contract? No.

18 Q. But it's a hospital; correct?

19 A. It's a facility that demand -- puts a  
20 demand that has an impact on local fire and EMS.

21 Q. Doesn't every hospital have a demand on  
22 local fire and EMS?

23 A. I would -- I would argue that it does.

24 Q. Haymarket DuPage is not a hospital;

1 correct?

2 A. They're a health facility, correct.

3 Q. But not a hospital?

4 A. Okay. And they're not a nursing home,  
5 either.

6 Q. That's right, they're not a nursing  
7 home.

8 So you --

9 A. (Inaudible).

10 Q. -- reached out to -- so you reached to  
11 other chiefs in Streamwood and Roselle and Addison to  
12 get numbers of calls for different facilities.

13 Is there a reason that these  
14 numbers weren't used?

15 A. No.

16 Q. Could it be that the numbers weren't  
17 high enough to generate concerns?

18 A. No, that wasn't the case at all.

19 Q. The Fitch report stated that it's  
20 essential to understand and inform the related policy  
21 questions regarding how much service Haymarket will  
22 require from the community and what resources will be  
23 needed to meet the demand.

24 Fitch identified key issues for the

1 Fire Protection District to consider related to  
2 MABAS, concurrent calls, capacities.

3 Did you study these issues as was  
4 recommended by your consultant?

5 A. You have to be more specific.

6 Q. Fitch identified issues in its report  
7 stating that the District needed to consider the  
8 impact of Haymarket DuPage on mut- -- mutual aid  
9 obligations to the neighbors, concurrent calls  
10 capacity. It's pretty clear in the report what their  
11 recommendations were.

12 Did you take the next step and  
13 actually study these issues and consider them in your  
14 determination on the project?

15 A. Well, we haven't -- we haven't -- we've  
16 only had the Fitch report here for, you know, a brief  
17 period of time, so we have taken the results from the  
18 Fitch report and, you know, agreed with the findings  
19 of the Fitch report.

20 Moving forward, again, I don't -- I  
21 don't have an answer for you there. It's really  
22 going to depend on what my board wants to do as the  
23 next step here, so --

24 Q. So do you intend to recommend to your

1 board that they conduct the analysis recommended by  
2 your consultant?

3 A. Again, that's a -- that's a discussion I  
4 have to have with -- with my board and with legal.

5 Q. When a project is applying for zoning  
6 approvals in Itasca, do you conduct a call volume  
7 analysis for each project?

8 A. No.

9 Q. How do you decide when you are going to  
10 do so?

11 A. I -- I won't say that I think that  
12 there's any, you know, specific item that would  
13 trigger that.

14 I think -- I have a full-time fire  
15 prevention director who is part of the process as it  
16 relates to plan reviews on the Fire District's side  
17 and he had the appropriate codes.

18 They work closely with the Village.  
19 If there was a concern that a project or a facility  
20 coming in would somehow impact us, you know, in a  
21 large way, then we would take the next step probably  
22 to take a look at it a little closer.

23 Q. While you've been chief of the District,  
24 have you ever hired a consultant to conduct an

1 analysis such as you're doing for Haymarket?

2 A. No.

3 Q. Are you familiar with the bridge project  
4 which is currently under development in Itasca?

5 A. I am.

6 Q. Okay. What's your understanding of the  
7 project?

8 A. As far as what's being developed? Is  
9 that your question?

10 Q. Uh-huh.

11 A. Three large warehouses with potential  
12 future development of a few restaurants and possibly  
13 a hotel.

14 Q. Okay. So the three industrial  
15 buildings, are they contemplated to be three-quarters  
16 of a million in square feet in size?

17 A. That sounds about right.

18 Q. Okay. And the commercial space, is it  
19 about another close to 50- -- 47,000 square feet of  
20 commercial space?

21 A. I couldn't really answer that because I  
22 have not seen or heard any definitive plans for the  
23 rest of the development.

24 Q. Well, in -- in the summer of 2020 the

1 Plan Commission considered the second phase,  
2 considered the 47,000 square feet commercial, and  
3 the -- and the gas station, and the replacement  
4 Holiday Inn.

5 Are you not familiar with that  
6 process that went through the Plan Commission?

7 A. We're a fire district, Counselor. I  
8 don't -- I'm not privy to everything that comes  
9 through the Village. If there's something that needs  
10 to be brought to my attention, this is why I have my  
11 fire prevention director work closely with the  
12 Village and the building department to, you know,  
13 address these concerns.

14 Q. So but it's -- that's a little --  
15 wouldn't you say that this is one of the largest  
16 projects that's been developed in recent years in  
17 Itasca?

18 A. Yeah, that's probably true.

19 Q. But you wouldn't want to know the impact  
20 of that project on the District?

21 A. So, you know, Counselor, when we're  
22 talking about buildings here, large warehouse  
23 buildings don't typically generate large -- large  
24 call volumes. So unless there was something here

1 that, again, drove that number up or, you know,  
2 created a concern, no, we -- you know, we have -- we  
3 have buildings going out, you know, at various spots  
4 around town all the time.

5 Q. So these buildings, the uses haven't  
6 been identified; correct? They weren't identified  
7 when it went through the process; correct?

8 A. I don't know where the -- you know,  
9 where the process is or what -- what -- what the  
10 occupancy currently, what that state is. As of right  
11 now, I don't know.

12 Q. Will you take my word that the  
13 underlying zoning is an M District?

14 A. Sure.

15 Q. Okay. And M Districts, they allow  
16 manufacturing uses that are subject to performance  
17 standards that deal with toxic and noxious matters,  
18 fire and explosion hazards, smoke, et cetera,  
19 emissions, and there was no consideration to any of  
20 these issues regarding three-quarters of a million  
21 square feet of space coming in.

22 All of these relate to fire  
23 department issues. Wasn't there a potential impact  
24 that should have been considered?

1           A.     Counselor, I think that you're -- you're  
2     again mischaracterizing a lot of this. A lot of this  
3     is covered in the code, and a lot of these buildings  
4     today are designed with fire prevention, installed  
5     systems that address those very things you're talking  
6     about, whether it's storage, whether it's fire  
7     suppression, whether it's access, whether it's water  
8     supply, whether it's construction, and whether it's  
9     access for us to get into the building should we need  
10    it.

11                                 So that -- that is a total  
12    mischaracterization of what goes on during that  
13    process.

14           Q.     Did you study how many employees there  
15    would be, how many potential people could be on-site  
16    to generate calls?

17           A.     Once again, this is what my fire  
18    prevention director does. If there's a concern that  
19    the facility is going to generate an inordinate  
20    amount of calls based on occupancy levels or some  
21    sort of specialized process, that's when it's brought  
22    to my attention.

23           Q.     Was it done? I mean, he's under your  
24    supervision. Did he perform that kind of analysis?

1           A.     Yeah.  They do that all the time.  
2     That's part of the plan review process.

3           Q.     So what is the occupancy -- for a  
4     manufacturing building, what's the occupancy levels  
5     for three-quarters of a million square feet?

6           A.     I -- I don't have that data.  That's --  
7     that's what my fire prevention director does.  That's  
8     why he's certified to do that.

9           Q.     But as far as you're aware, he did not  
10    conduct an analysis of those uses for those questions  
11    when the project went through the process --

12          A.     No.

13          Q.     -- maybe later, but when the project  
14    went through the process and was considered by the  
15    Plan Commission and the Village board, was any of  
16    that information presented to them for consideration?

17          A.     What was presented was anything that the  
18    Fire District is responsible for presenting.

19                   Now, to your point there, I don't  
20    know because I'm not the fire prevention director,  
21    like, I'm not the one that's certified in this.  This  
22    is why we have him.

23                   If there was a necessity to provide  
24    that information to the planning and zoning

1 commission it would have been done. If that was our  
2 responsibility as the fire department it would have  
3 been done.

4 Q. Does he report to you?

5 A. Yes, he does.

6 Q. Okay. Did he analyze the impact or call  
7 volume of the hotel?

8 A. Once again, I have seen nothing  
9 definitive on this, nor has it been brought to me.

10 Q. So I'd like to refer your attention  
11 Exhibit 68.

12 MS. O'KEEFE: Mo, can you pull up 68.

13 (Haymarket Exhibit No. 68  
14 identified.)

15 BY MS. O'KEEFE:

16 Q. This document represents the -- a  
17 one-page analysis of the project involving  
18 three-quarters of a square -- three-quarters of a  
19 million square feet of industrial development, hotel,  
20 gas station, commercial uses.

21 Is this the kind of review that the  
22 Fire Protection typically does when they are  
23 considering a project of this size in Itasca?

24 A. You know, again, my -- my answer to your

1 question right here right now is these are probably  
2 concerns that were just pointed out by our fire  
3 prevention director to Shannon regarding fire  
4 district or fire protection issues as it related to  
5 the project.

6 I can't speak to the plan reviews  
7 and all the other things that go into development of  
8 a hotel facility, gas station, restaurants, as you've  
9 outlined here. Those would have all been handled by  
10 my fire prevention director.

11 Q. So this was processed -- the bridge  
12 development was processed as a PD, planned  
13 development.

14 Did the Village ask you to conduct  
15 an impact study similar to they asked -- to the study  
16 they asked you to provide for Haymarket or you  
17 decided --

18 MR. DI NOLFO: Well, I'll just --

19 BY MS. O'KEEFE:

20 Q. -- or you decided to provide for  
21 Haymarket?

22 MR. DI NOLFO: I'll just object to the form  
23 of the question, but --

24 MS. O'KEEFE: Okay. Can I restate,

1 Mr. DiNolfo?

2 BY MS. O'KEEFE:

3 Q. This project was a planned development.  
4 Did the Fire Protection District prepare an impact  
5 analysis for this planned development?

6 A. No.

7 Q. Okay. But you did prepare an impact  
8 analysis for Haymarket?

9 A. Yeah.

10 Q. Okay. Okay, let's move on.

11 Do you recall the testimony  
12 provided by Mr. Dominik that Elite and Haymarket have  
13 been working together to develop protocols to  
14 mitigate the impact on the Fire Protection District?

15 A. Yes, vaguely.

16 Q. Has the District considered any  
17 protocols that it could recommend to Haymarket that  
18 could mitigate the impact on the Fire Protection  
19 District?

20 A. No, we haven't discussed that.

21 Q. Would you be willing to consider  
22 protocols that might address any concerns you have?

23 A. Well, I think -- as I stated, I think in  
24 my testimony, we haven't even agreed on the data that

1 we're using as far as call numbers and the like, so  
2 I'm not sure where we're going to find middle ground  
3 with -- with your statement there.

4 Q. Haymarket has spent a lot of time and  
5 resources analyzing call volumes starting with  
6 Mr. Baldwin, moving to Mr. Polaris, then moving to  
7 the internal study that was done by Haymarket. We've  
8 presented data. We've tried in good faith to present  
9 this data.

10 Are you saying you'll only work  
11 with us if we accept your data?

12 A. Well, what I'm saying is I think that  
13 there's been a little bit of an attempt here to maybe  
14 distort a few things from a -- from a response  
15 respective on our end. To somehow suggest, again, by  
16 Mr. Dominik's report, that we're only going to be  
17 running 19 to 26 calls, whatever the number was, I  
18 think is absurd.

19 So to -- and -- and the other thing  
20 I would just like to point out is that, you know,  
21 you -- you harken back to the fact that we went out  
22 and engaged Fitch & Associates to do a review of  
23 your -- your expert's report, okay.

24 We did that based on the fact that

1 you presented a report to us after Mr. Baldwin's  
2 testimony, and my board felt that we needed somebody  
3 that had some expertise to look at that to decide  
4 whether that was valid in any way.

5 The numbers and the things that  
6 were contained in the report that was presented by  
7 Polaris, again, I think are -- are not accurate to  
8 what -- certainly what we found initially on our own,  
9 and what Mr. Moeller found in -- in his report.

10 So I have yet to hear anybody  
11 outline any kind of financial picture to the District  
12 about if -- if we need more resources, how do those  
13 get paid for, those types of things.

14 All I've heard from Haymarket for  
15 two years is grants, grants, grants. Grants are no  
16 long-term funding solution.

17 So -- and I'm going to be honest  
18 with you, too, that I think that if there was  
19 something to be said, that it should be said out in  
20 the open. If Haymarket has an offer that they want  
21 to put out, we're -- we're two years into a hearing  
22 now and I have not heard anything. I've not received  
23 anything officially from Haymarket since the first  
24 meeting in May of 2019.

1 Q. So you said a number of -- a number of  
2 things and I'd like to try to respond to them.

3 One, when Mr. -- you know, there  
4 was -- you raised the question of Mr. Baldwin's  
5 testimony and the data provided, and the reason that  
6 we hired Mr. Dominik was because --

7 MR. DI NOLFO: Mr. Hervas -- Mr. Hervas, this  
8 isn't --

9 MS. O'KEEFE: Once again, I'm asking --

10 BY MS. O'KEEFE:

11 Q. Okay, let me say this. If we were to  
12 use your data as a basis, which we don't agree with,  
13 but if we were, would you sit down with us in person  
14 and discuss this and discuss -- and discuss what  
15 protocols could potentially be developed to address  
16 the issues that you have?

17 A. That would be up to my board. That  
18 would be something I'd have to take back to my board  
19 of trustees.

20 Q. Would you recommend it to your board?

21 A. Again, I think that's something I  
22 can't -- I can't comment on until I have the -- the  
23 conversation with them.

24 Q. This is the -- you also raised the issue

1 of funding, and, you know, had you ever sat down with  
2 us to discuss funding and the concerns you have?

3 A. Counsel, you -- Haymarket had months  
4 prior leading into this to sit down with us and they  
5 chose not to.

6 Q. We --

7 A. I'd asked initially --

8 Q. No.

9 A. I had asked initially for numbers, never  
10 got them, okay. So now that the process has begun,  
11 the olive branch was extended to the District to sit  
12 down. The board felt that because the process had  
13 started, that it wouldn't be appropriate to do so.

14 Q. So Mr. -- Chief Burke, you met with us  
15 in May 2019. There has not been a subsequent meeting  
16 in almost two years.

17 A. Right.

18 Q. We've asked for -- we've asked for  
19 meetings. We've hired consultants. We've done  
20 internal reports. None of that has justified a  
21 meeting in two years despite our requests. How is  
22 that our fault?

23 A. I'm not trying to point fingers at  
24 anybody, Counselor.

1                   What I'm saying is you had months  
2 leading into the hearing to offer to sit down. You  
3 didn't do that. I think from a transparency  
4 perspective, my board feels that because we're in the  
5 middle of this process that if there's something that  
6 needs to be presented, then present it -- present it  
7 in this forum.

8                   Q.     Would it surprise you to hear that  
9 Haymarket feels, in a way, it's negotiating with  
10 itself since you won't sit down to meet with them?

11                  A.     Again, I can't comment on what Haymarket  
12 feels and doesn't feel.

13                  Q.     When there have been other development  
14 projects in Itasca, once the project started before  
15 the Plan Commission, have you met with developers to  
16 discuss the project?

17                  A.     Once again, I haven't had the -- the --  
18 the reason to sit down with anybody leading into a  
19 project, you know, for the reasons that we outlined  
20 here a few minutes ago.

21                  CHAIRMAN DALY: Chief Burke, I'm sorry to  
22 interrupt. We're having a technical problem on our  
23 side, so if you could please just pause that thought  
24 for a second.

1                   Take a five-minute break to see if  
2 we can catch up to make sure everything is in sync  
3 before we resume. So it's 9:37. We will resume at  
4 9:42. Thank you.

5                   (Recess taken.)

6                   CHAIRMAN DALY: So at this time I think I see  
7 most of the commission is back up and I see the  
8 attorneys and Chief Burke.

9                   So at this time I would ask that,  
10 Ms. O'Keefe, if you could please restate the question  
11 that Mr. -- or Chief Burke was in the middle  
12 answering or if the court reporter could please read  
13 back just so we have some context of what he was  
14 referring to. Thank you.

15                   (Record read.)

16 BY THE WITNESS:

17                   A. So I would just try to pick up it where  
18 I think we left off.

19                   I've had no reason to sit down with  
20 any -- any of the developers or any -- anybody of  
21 that nature since I've been in Itasca for any  
22 developments leading up -- or leading into a project.

23                   As I stated earlier, my fire  
24 prevention director works closely with the Village on

1 these various projects and brings any concerns that  
2 he might have to me, but I haven't had an occasion to  
3 do this prior.

4 MS. O'KEEFE: Mr. Chairman, it's hard for me  
5 right now because I'm not sure if all the -- can I  
6 ask the court reporter, did you catch everything up  
7 until that point --

8 MS. REPORTER: Let me quick check --

9 MS. O'KEEFE: -- before that?

10 MS. Reporter: Let me quick check my audio.  
11 Sorry, there was a little interruption in there.

12 (Record read.)

13 MS. O'KEEFE: Okay, thank you, ma'am. I  
14 appreciate it.

15 You know, Mr. Chairman, we're at  
16 9:47. I still do have questions. Would it make  
17 sense for us to break for the evening and start fresh  
18 next week?

19 CHAIRMAN DALY: I'd be fine with that,  
20 Ms. O'Keefe, because I'm sure -- I know I also have  
21 questions and we also have the opportunity for  
22 redirect.

23 So at this time I would ask if one  
24 of the Commissioners could make a motion to continue

1 this public hearing until next Wednesday.

2 COMMISSIONER HOLMES: So moved.

3 COMMISSIONER RAY: Second; Ray.

4 CHAIRMAN DALY: Would the secretary please  
5 call the vote to continue the meeting until next  
6 Wednesday, May 5th.

7 VILLAGE PLANNER KHAN: Commissioner Carello?

8 COMMISSIONER CARELLO: For.

9 VILLAGE PLANNER KHAN: Commissioner Drummond?

10 COMMISSIONER DRUMMOND: For.

11 VILLAGE PLANNER KHAN: Commissioner Holmes?

12 COMMISSIONER HOLMES: For.

13 VILLAGE PLANNER KHAN: Commissioner Ray?

14 COMMISSIONER RAY: For.

15 VILLAGE PLANNER KHAN: Commissioner Russo?

16 COMMISSIONER RUSSO: For.

17 VILLAGE PLANNER KHAN: Chairman Daly?

18 CHAIRMAN DALY: For. Thank you.

19 This meeting will be continued  
20 until next Wednesday, May 5th. And at this time I  
21 would ask for a motion to adjourn.

22 COMMISSIONER HOLMES: So moved.

23 COMMISSIONER RAY: Second; Ray.

24 MS. O'KEEFE: Mr. Chairman --

1 CHAIRMAN DALY: Would you please call the  
2 vote.

3 MS. O'KEEFE: -- can I ask who is going to be  
4 up next week.

5 CHAIRMAN DALY: Pardon me?

6 MS. O'KEEFE: Can I ask who's going to be up  
7 next week beyond Chairman -- or Chief Burke? Are we  
8 going to continue with Mr. Ellenbecker's witness and  
9 then the chief of police? Is that the next step?

10 MR. DI NOLFO: Mr. Chairman, this is Steve  
11 DiNolfo. I think the only question I have is how  
12 much longer is -- is cross going to be and questions  
13 from the Commission? Not that I'm -- I mean, take as  
14 much time as anybody needs. I just -- that will  
15 probably dictate our schedule for the next --

16 MS. O'KEEFE: I don't have very much more.

17 CHAIRMAN DALY: I have three questions for  
18 Chief Burke at most, and I can't speak for the rest  
19 of my commissioners.

20 MR. DI NOLFO: And I'll let Mr. Ellenbecker  
21 address that.

22 MR. ELLENBECKER: I mean, if that's the case,  
23 I mean, if we're talking about -- you know, I've said  
24 I'm not going to be that long with Mr. Wrigley. I

1 can't, you know, speak for how long your cross is  
2 going to be, but I can't imagine it's that long given  
3 the type of witness he is. So we can probably put  
4 him on after Chief Burke next week.

5 MS. O'KEEFE: But if we have additional time  
6 left, which I think we might, would the police chief  
7 be the next witness presented?

8 MR. HERVAS: I don't know the answer to that  
9 question right now, and so I'd have to -- I'm sorry,  
10 can you hear me okay?

11 MS. O'KEEFE: Uh-uh.

12 MR. HERVAS: I have to check. I don't know  
13 that.

14 I -- I assumed that we would  
15 complete Chief Burke, start with Mr. Wrigley, and I  
16 just don't know at this time that the police chief,  
17 or we have another witness, too, would be prepared to  
18 go next week. So I have to check.

19 MS. O'KEEFE: Okay. Well, we -- we hope that  
20 we can make full use of next week. It would be great  
21 to keep this moving. So, you know, if you could look  
22 into that and let us know, that would be very  
23 helpful.

24 MR. HERVAS: We'll -- we'll know within a day

1 or two.

2 MS. O'KEEFE: Okay. Thank you, so much,  
3 Mr. Chairman.

4 CHAIRMAN DALY: You're welcome.

5 At this time I believe we have a  
6 motion and a second to adjourn the meeting. Mo,  
7 would you please call the vote.

8 VILLAGE PLANNER KHAN: Commissioner Carello?

9 COMMISSIONER CARELLO: For.

10 VILLAGE PLANNER KHAN: Commissioner Drummond?

11 COMMISSIONER DRUMMOND: For.

12 VILLAGE PLANNER KHAN: Commissioner Holmes?

13 COMMISSIONER HOLMES: For.

14 VILLAGE PLANNER KHAN: Commissioner Ray?

15 COMMISSIONER RAY: For.

16 VILLAGE PLANNER KHAN: Commissioner Russo?

17 COMMISSIONER RUSSO: For.

18 VILLAGE PLANNER KHAN: Chairman Daly?

19 CHAIRMAN DALY: For.

20 Thank you all. Have a good night.

21 (Whereupon the proceedings  
22 concluded at 9:50 p.m.)

23

24

\* \* \* \* \*

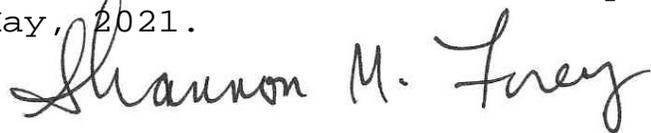
1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF DU PAGE )

3 I, Shannon M. Frey, CSR. No. 84-002277, RMR,  
4 CRR, do hereby certify that I reported in shorthand  
5 the proceedings had at the Hearing of the  
6 above-entitled cause and that the foregoing Report of  
7 Proceedings, Pages 5 through 130, inclusive, is a  
8 true, correct, and complete transcript of my  
9 shorthand notes taken at the time and place  
10 aforesaid.

11 I further certify that I am not counsel for  
12 nor in any way related to any of the parties herein,  
13 nor am I in any way directly or indirectly interested  
14 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 responsibility  
18 for the accuracy of any copies which are not so  
19 produced.

20 IN WITNESS WHEREOF, I have hereunto set my  
21 hand this 3rd day of May, 2021.

22 

23 Certified Shorthand Reporter  
24

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