

In the Matter Of:
HAYMARKET DuPAGE LLC

REPORT OF PROCEEDINGS

May 12, 2021

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1 PRESENT VIA VIDEO CONFERENCE:

2 MR. BRENDAN DALY, Chairman;
3 MR. FRANK CARELLO, Commissioner;
4 MS. LORI DRUMMOND, Commissioner;
5 MR. JEFFREY HOLMES, Commissioner;
6 MS. KRISTA RAY, Commissioner;
7 MR. ANTHONY RUSSO, Commissioner;

8 ALSO PRESENT VIA VIDEO CONFERENCE:

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I N D E X

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1 CHAIRMAN DALY: This is the May 12th, 2021,
2 Itasca Plan Commission. I call this meeting to
3 order. Will the secretary please call the roll.

4 MR. KHAN: Commissioner Carello.

5 COMMISSIONER CARELLO: Here. 07:00

6 MR. KHAN: Commissioner Drummond.

7 COMMISSIONER DRUMMOND: Here.

8 MR. KHAN: Commissioner Holmes.

9 COMMISSIONER HOLMES: Here.

10 CHAIRMAN DALY: Looks like Commissioner Ray is 07:00
11 frozen.

12 MR. KHAN: Yeah. And then Chairman Daly.

13 CHAIRMAN DALY: Present. I declare a quorum
14 present.

15 For the record, Commissioner Ray, 07:00
16 would you please affirm that you are on the call?

17 COMMISSIONER RAY: Yes, I am.

18 CHAIRMAN DALY: Okay. Thank you.

19 MR. KHAN: Thank you.

20 CHAIRMAN DALY: Okay. Good evening, everyone. 07:00

21 Today is Wednesday, May 12th, 2021. The case before
22 the Plan Commission is PC 19-014, continued from last
23 Wednesday, May 5th. The petitioner and owner is
24 Haymarket DuPage, LLC. The location is 860 West

1 Irving Park Road.

2 The procedures for tonight and
3 meetings moving forward are as follows: This evening
4 we will begin with the cross-examination of Director
5 of Police O'Connor. The Plan Commission has adopted 07:01:
6 new rules of procedure which are now in effect. We
7 are proceeding remotely due to COVID-19, and the
8 public may watch the proceedings through the
9 Village's YouTube channel.

10 Anyone wishing to make public 07:01:
11 comment will be able to do so after the presentation
12 of cases. They will need to sign up on the Village's
13 website. Anyone wishing to ask questions of the
14 petitioner, village staff, or other parties will be
15 able to do so after the presentation of cases. The 07:01:
16 signup form is on the Village's website.

17 And, lastly, remote Village staff is
18 monitoring the video streaming. If the video
19 streaming does not work during the proceedings, we
20 will stop and wait until the video streaming is fixed 07:01:
21 or reschedule for another date.

22 I'd now like to invite Mr. David
23 Silverman, our acting legal counsel for this evening,
24 for his opening remarks. Mr. Silverman?

1 MR. SILVERMAN: Thank you, Mr. Chairman. My
2 name is David Silverman. I'm an attorney with the
3 law firm of Mahoney, Silverman & Cross. I have been
4 retained by the Village as special counsel with
5 respect to advising the chairman and the members of 07:02
6 the Plan Commission during the cross-examination of
7 Director O'Connor and Ms. Ketchum on June 2nd, 2021.
8 In preparation for the hearing this evening, I did
9 review the direct examination or testimony of
10 Director O'Connor from the last meeting so that I am 07:02
11 familiar with the record and the scope of his
12 testimony.

13 This is a legal proceeding with
14 legal significance. A court reporter is swearing in
15 witnesses and is transcribing the testimony. This is 07:02
16 not a trial, but we are developing a record of
17 proceedings before the Plan Commission. This is a
18 legal public hearing on a zoning petition. My job is
19 to protect the rights of the petitioner, any
20 objectors, and the public. The Plan Commission will 07:03
21 make findings and a recommendation to the Village
22 Board. Please understand that the Plan Commission is
23 a recommending body. The Village Board will make the
24 final decision on the Haymarket zoning petition.

1 Due to the pandemic and the
2 governor's emergency orders, we are unable to meet in
3 person. A virtual hearing is not the preferred
4 method for this hearing on the zoning petition.
5 However, the business of government must move
6 forward, and the virtual hearing has been approved by
7 state statute and is being used by local governments
8 across the state. Everyone is doing the best they
9 can under the circumstances.

07:03

07:03

07:04

07:04

10 Procedures used by the Plan
11 Commission for large hearings during the pandemic are
12 available on the Village's website. The website has
13 a lot of information, including a comprehensive
14 step-by-step guide about this hearing. The public
15 will have an opportunity to ask questions and provide
16 public comment at the appropriate time. The
17 witnesses will be presented by the petitioner and
18 possibly other interested parties. Cross-examination
19 will be allowed only by the attorneys or anyone who
20 has been legally recognized as an interested party.

21 Finally, this is a slow and
22 deliberate process that creates a record appropriate
23 for a Plan Commission hearing. Please respect this
24 legal process even if you do not agree with it.

1 Thank you. Mr. Chairman?

2 CHAIRMAN DALY: Thank you, Mr. Silverman. We
3 appreciate your time here this evening.

4 Everyone, the business before the
5 Commission this evening is the public hearing on Case 07:04
6 No. PC 19-014. The request is for petition for a
7 planned development by special use with exceptions
8 and Class 1 site plan approval all in order to permit
9 a mixed-use residential and healthcare facility and
10 other accessory uses in the B-2 community business 07:04
11 district at 860 West Irving Park.

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

14 COMMISSIONER HOLMES: So moved.

15 COMMISSIONER CARELLO: Second. Commissioner 07:05
16 Carello.

17 CHAIRMAN DALY: There's a motion and a second.
18 Will the secretary please call the vote?

19 MR. KHAN: Commissioner Carello.

20 COMMISSIONER CARELLO: For. 07:05

21 MR. KHAN: Commissioner Drummond.

22 COMMISSIONER DRUMMOND: For.

23 MR. KHAN: Commissioner Holmes.

24 COMMISSIONER HOLMES: For.

1 MR. KHAN: Commissioner Ray.

2 COMMISSIONER RAY: For.

3 MR. KHAN: Commissioner Russo.

4 COMMISSIONER RUSSO: For.

5 MR. KHAN: Chairman Daly.

6 CHAIRMAN DALY: For.

7 The motion carries and this public
8 hearing is now open.

07:05

9 Would the court reporter please
10 swear in Director of Police O'Connor?

11 (Director O'Connor sworn.)

12 CHAIRMAN DALY: Thank you very much. At this
13 time, I would invite the Haymarket team to begin
14 their cross-examination of Director O'Connor.

15 MS. O'KEEFE: Mr. Chairman, can we ask for a
16 point of clarification? It's very nice to meet
17 Mr. Silverman. Is he acting as the Village attorney
18 this evening or is he there --

07:06

19 CHAIRMAN DALY: Yes, he is, yes.

20 MS. O'KEEFE: So Mr. Hervas and Ms. Wysocki
21 are not going to be engaged tonight? We -- it was
22 our understanding that he was there to defend the
23 cross-examination of Director O'Connor. We just
24 wanted to clarify the role, that's all.

07:06

1 CHAIRMAN DALY: At this point, I would ask
2 Mr. Hervas, who is with Director of Police O'Connor
3 to speak up, please.

4 MR. HERVAS: I apologize. I'm with Director
5 O'Connor, and Mr. Silverman is advising the Plan
6 Commission as special counsel for purposes of just
7 this cross-examination and the cross-examination of
8 the next witness. I can't remember her --
9 Ms. Ketchum. And so I am with Director O'Connor
10 right now in the event there's an issue. I don't
11 anticipate there will be one, but that's my position.

07:06

07:07

07:07

12 MS. DICKSON: Mr. Hervas, I'm not sure what
13 issue you believe -- we're just trying to verify who
14 the players are tonight and what the players are
15 doing this evening? So you're with the Director of
16 Police for what reason? What role will you be
17 filling tonight?

18 MR. HERVAS: Only if there's a necessity for
19 any objection to a question procedurally. That would
20 be it.

07:07

21 MS. DICKSON: So would you be -- if there's --
22 if -- Mr. Silverman would be ruling on the objection,
23 but you would be making an objection?

24 MR. HERVAS: That's very possible.

1 MS. DICKSON: Okay.

2 MS. O'KEEFE: Okay. So I think we were just
3 confused. We thought that Mr. Silverman was going to
4 be defending Director O'Connor in the
5 cross-examination. But it sounds like you are going 07:07
6 to be defending Director O'Connor in the
7 cross-examination, and Mr. Silverman will be sitting
8 in your role?

9 MR. HERVAS: Yes. I think that the
10 nomenclature that we're using might be not the ones 07:08
11 that I would choose, but I think, to answer your
12 question, that's correct.

13 MS. O'KEEFE: Okay. Thank you very much. We
14 appreciate the clarification.

15 ROBERT O'CONNOR,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified as follows:

18 CROSS-EXAMINATION

19 BY MS. O'KEEFE:

20 Q. Good evening, Director O'Connor. Thank 07:08
21 you for letting us confer for a moment to make sure
22 we have it straight, so we appreciate your time.

23 So I understand that you have worked
24 39 years in Itasca. Most recently -- first as chief

1 and then director of the police department; correct?

2 A. Yes, uh-huh.

3 Q. Okay. So in this -- in these roles, have
4 you had any experience in the past working with
5 substance use disorder facilities? 07:08

6 A. Not directly, no.

7 Q. There aren't any located in Itasca;
8 correct?

9 A. Correct.

10 Q. Okay. Would you agree that the need for 07:08
11 substance abuse services exists?

12 A. Yes.

13 Q. Is the police department required by any
14 government body to track drug-related calls,
15 including, you know, overdoses? Narcan saves? 07:09
16 Anything of that nature?

17 A. We do track Narcan, Narcan saves, that's
18 reported to our county, but for any other statistics,
19 it would just be -- be a CAD report.

20 Q. And is that reported to the state in any 07:09
21 way? Or is that just for internal tracking purposes?

22 A. Only if there was an associated crime
23 with a drug use.

24 Q. Okay. Can you tell me how many calls

1 you've had in Itasca over the past year involving
2 opioid use?

3 A. I could not say with a surety. I could
4 get that, but I don't know it off the top of my head.

5 Q. Have there been calls in the last year? 07:10

6 A. Yes.

7 Q. Have there been overdoses in the last
8 year?

9 A. Yes.

10 Q. Can you give us an estimate of how many? 07:10

11 A. An estimate, I would say eight to 10.

12 Q. Did they -- and that's in the past year?

13 A. I would say a full year, yes.

14 Q. Okay. Is that, on average, kind of how
15 many you'll get in a year? Or do you think it's 07:10
16 increased or remained consistent with past years?

17 A. I think that's probably consistent with
18 most past years.

19 Q. And have these resulted in deaths or have
20 they been saved through the -- the Narcan saves? 07:10

21 A. Both.

22 Q. Okay. When you -- when you have an
23 overdose incident, where are they -- or where are the
24 patients transported to?

1 A. Yes.

2 Q. Okay. And so you've had no discussions
3 with the mayor since that time?

4 A. No.

5 Q. Okay. Have you ever discussed the
6 Haymarket project with Superintendent Benes?

7 A. No.

8 Q. Okay. Have you discussed the Haymarket
9 project with Chief Burke?

10 A. No.

11 Q. Have you discussed the Haymarket project
12 with the Village administrator?

13 A. Not any type of discussion, I would call
14 it. We knew that this was a conceptual project
15 coming on board and that eventually I would be
16 testifying and that's about it.

17 Q. Did she ask you for your opinion on the
18 project?

19 A. No.

20 Q. Did she give you any input on her opinion
21 on the project?

22 A. No.

23 Q. Did you discuss the project with the
24 former planning director, Ms. Shannon Malik Jarmusz?

1 A. No.

2 Q. Or any member of her staff?

3 A. No.

4 Q. So you've never provided any input on the
5 views of the department to the Village administration
6 except for the statement you made last week?

07:13

7 A. Correct.

8 Q. So there's been no internal department
9 meetings where this project has come up?

10 A. Not including me, no.

07:13

11 Q. Would your staff have been a part of any
12 of it?

13 A. No, that would come -- I would have been
14 present for that.

15 Q. Okay. All right. So you read a prepared
16 statement as your testimony last week. Who asked you
17 to provide the statement?

07:13

18 A. I had said I would like to be able to
19 present something to the Plan Commission so they
20 understood some of the workings of the police
21 department.

07:14

22 Q. Did you speak with the Village attorneys
23 about making this statement?

24 A. Yes.

1 Q. Did -- how many conversations did you
2 have with the Village attorneys about making the
3 statement?

4 A. One.

5 Q. So what steps did you take in preparing
6 the statement?

7 A. Just put down my conceptual thoughts of
8 what I thought the Plan Commission would need to know
9 or like to know about the police department.

07:14

07:14

07:15

07:15

10 Q. So you just put it together yourself.
11 Did you review the amended application by Haymarket?

12 A. No.

13 Q. What -- so you testified about several of
14 your concerns about the -- about the project last
15 week, including number of calls, potential concurrent
16 calls, et cetera. Did you communicate these concerns
17 to anyone prior to last week?

18 A. No.

19 Q. Did you write the statement yourself?

20 A. Most of it, yes.

21 Q. Did someone else help you?

22 A. Just perused it.

23 Q. I'm sorry?

24 A. Just looked it over.

1 Q. I'm sorry, you broke up. I couldn't hear
2 you. I apologize.

3 A. It was looked over.

4 Q. And who looked it over?

5 A. The Village attorney. 07:15

6 Q. Did they make any changes?

7 A. No.

8 Q. So the statement you made pretty much was
9 as is as you wrote it?

10 A. Right. 07:16

11 Q. Okay. Was your first -- strike that.

12 You first became aware of the
13 project back in the spring of 2019?

14 A. That sounds right, yeah.

15 Q. Okay. Did you conduct any independent 07:16
16 due diligence on Haymarket or the proposed use after
17 that?

18 A. No.

19 Q. Did you review the CAD data that was
20 produced from Chicago Haymarket? 07:16

21 A. I reviewed -- reviewed the Polaris and
22 Fitch reports.

23 Q. Do you agree with the findings in the
24 Fitch report?

1 A. I do.

2 Q. Why didn't -- did you talk to Mr. Moeller
3 as part of him preparing the report?

4 A. No.

5 Q. Why not?

6 A. He never called upon me.

7 Q. Is there a reason that the police
8 department didn't hire its own consultant like the
9 Fire Protection District did?

10 A. I don't know. That would have come at
11 the administrative level; Village Board,
12 administrative level.

13 Q. I'm sorry, could you clarify that? I
14 mean --

15 A. Well, it wasn't up to me to decide to
16 hire an -- another entity. That would have to come
17 at their level, and it was never discussed with me.

18 Q. Did you ever recommend that they hire
19 someone? I mean, did you ever talk about it with the
20 Village Board?

21 A. No.

22 Q. Okay. Did you watch or read the
23 testimony prepared by Chief Dominik?

24 A. I saw some of it, yes.

1 Q. And did you read the transcript or just
2 watch some of the hearings?

3 A. I read his final product, and I watched
4 some of the hearings, not all of them.

5 Q. Would you say one? Two? He was on a
6 number of nights.

7 A. Was he? I probably saw one-and-a-half,
8 maybe.

9 Q. Did you watch or read any of the
10 testimony prepared by Dr. Lustig?

11 A. No.

12 Q. Did you watch or review the testimony
13 prepared by Ms. Kissel?

14 A. Well, let me back up. I was at the first
15 couple meetings where Dr. Lustig was first speaking
16 back two years ago.

17 Q. Okay.

18 A. So I was present for that in person.

19 Q. Okay. But you didn't look at any of the
20 supplemental materials that were prepared, such as
21 the Polaris report?

22 A. Correct.

23 Q. Okay. Did you talk with anybody at
24 the -- well, I don't think you answered the question

1 about Ms. Kissel. Did you watch or read the
2 testimony of Ms. Kissel from Haymarket?

3 A. No, that doesn't -- no.

4 Q. Okay. Did you talk with anybody at the
5 Chicago Police Department about Haymarket and its
6 operations in Chicago?

7 A. No.

8 Q. The Polaris report identifies a number of
9 comparable substance abuse treatments centers that
10 they studied to determine the number of police calls
11 that they felt would be generated. Did you contact
12 any of the police chiefs in any of those
13 jurisdictions that were named as comparables?

14 A. No.

15 Q. Okay. So basically you relied on the
16 Fitch report?

17 A. In what capacity?

18 Q. In terms of your opinion. You looked at
19 the Polaris report, you looked at the Fitch report,
20 you watched a couple of the hearings, and then you
21 came to a decision based on that?

22 A. That and my years of experience in
23 policing, yes.

24 Q. But you have had no experience with the

1 operation of substance use disorder facilities;
2 correct?

3 A. That's correct.

4 Q. Okay. Last week you expressed concern
5 about some of the information discussed in the
6 Polaris report about the Itasca Police Department
7 that was provided in the Wood Dale annual report.

07:20

07:20

8 What was incorrect in that data
9 that's present in the Wood Dale annual report that
10 caused you concern?

07:20

07:21

11 A. Well, a number of calls for service that
12 Wood Dale responded to compared to what we would
13 respond to and how those are classified or
14 categorized.

15 Q. Can you give us an example where there
16 was incorrect information included?

17 A. So for purposes of tracking calls, CAD
18 calls, we pull numbers on criminal activity or if we
19 do something that's germane that needs our attention.
20 Wood Dale pulls numbers for bank runs, school
21 crossings, things like that, which, to me, inflates
22 numbers. It's not calls for service.

23 Q. But they treat all six municipalities the
24 same in terms of calls for service?

1 A. Well, I don't know that. I don't know
2 what Elmhurst did. I don't know what Roselle did. I
3 just know that Wood Dale uses numbers that we don't
4 use, activities that we don't do.

5 Q. So I went back and looked at the website 07:21
6 and I identified -- I looked myself, personally, at
7 their report from 2014 to 2020. So you know Chief
8 Vesta --

9 A. I do.

10 Q. -- from Wood Dale? Have you ever spoke 07:21
11 to him about the information he includes about Itasca
12 in the annual report every year?

13 A. No.

14 Q. So if you had concerns about the accuracy 07:22
15 of the data, why haven't you brought this to his
16 attention?

17 A. Well, I never had concerns. It was
18 raised in his report for this matter.

19 Q. Well, did you call him and ask him how he 07:22
20 went about the data in his annual report to better
21 understand it?

22 A. No. But I had my deputy chief call his
23 deputy chief to find out what they are tracking and
24 that's what was told to me. But I just explained

1 that they are tracking other things that we don't for
2 purpose of numbers.

3 Q. But in terms of the, you know, key
4 information, which is serious crimes, you have to
5 report those to the state; correct? Murder,
6 battery --

7 A. Yes, uh-huh.

8 Q. -- robbery, et cetera?

9 So those numbers that you -- I
10 notice that you have those stats on your website for
11 end of the year summaries of crime. Are you familiar
12 with that page on the Itasca website?

13 A. Yes.

14 Q. And did you approve the statistics that
15 were contained on that?

16 A. Yes.

17 Q. And are you surprised to know that when
18 you compare the numbers on your sheet in the areas of
19 murder, robbery, burglary, burglary auto, battery,
20 criminal damages, and sex offenses, those numbers
21 that you have on your website are the same as they
22 have on the Wood Dale report?

23 A. Well, those are what -- those are called
24 the Uniform Crime Reports. Those go to the federal

1 government as well as the state. Those have to be
2 accurate and have to be tracked, so yes.

3 Q. So you know that Wood Dale is accredited
4 by CALEA; correct?

5 A. I do.

6 Q. Yeah. And they've been accredited for 20
7 years?

8 A. Sure.

9 Q. Are you aware they've won seven
10 accreditation awards, most recently in 2020, for a
11 meritorious award for excellence?

12 A. No, I didn't know that, but I can
13 understand that.

14 Q. So the information that's contained in
15 their annual report is reviewed by CALEA for
16 accuracy. So I'm -- I am kind of surprised to hear
17 you questioning the accuracy of the data when there's
18 outside experts who come in and review it?

19 A. Well, it's not the accuracy of the data.
20 It's what they choose to track above and beyond
21 what's required by UCR. I chose not to track bank
22 runs and school crossings because that just inflates
23 numbers. That's not true and accurate of what we do
24 for crime purposes.

07:23

07:23

07:23

07:24

1 Q. Well, Wood Dale -- I'm looking at the
2 Wood Dale annual report right now. They look at
3 accidents, assaults, auto thefts, battery, burglary,
4 burglary auto, criminal damage, DUI, murder, sex
5 offenses, robberies, thefts, and then -- and those 07:24
6 are all crimes that you track. And then they do
7 track traffic tickets, which -- and warning tickets
8 and things of that nature. Which, really, when they
9 look at the numbers they track, those are the vast
10 majority of your calls related to parking tickets, 07:24
11 traffic tickets, warning tickets. Is that the
12 concerns you have with the Wood Dale numbers, since
13 everything else you track?

14 A. So obviously the traffic violations you
15 have to -- you have to report those to the state. 07:25
16 The traffic crashes, traffic tickets, those are all
17 mandated. I'm talking about the outliers, as I
18 described previously, bank runs, school crossings,
19 things of that nature, that get those numbers up
20 there beyond activity -- criminal activity or calls 07:25
21 for service and those things.

22 Q. Those numbers aren't listed in the annual
23 report. The ones I read to you are the ones that are
24 listed in the annual report. There's nothing about

1 school crossings or bank runs. I mean, so I -- and
2 you're saying that most of these categories are
3 reported to the state so that they could have gone
4 there to get the data, also; correct?

5 A. Who could have gone there? 07:25

6 Q. Wood Dale, they reported to the state.
7 That information is publicly available; correct?

8 A. Right.

9 Q. So the number in the report could have
10 been gotten from the numbers you filed with the 07:26
11 state?

12 A. I'm saying that -- that there's a UCR,
13 Uniform Crime Report. There's part-one crime and
14 part-two crimes. You mentioned them. They're broken
15 down in various categories. The top eight to 10 are 07:26
16 part-one crimes. Part-two crimes are the secondary
17 crimes. Every police department is going to track
18 those, report those, as you must and you have to.
19 It's these other ones that -- if CALEA allows that as
20 a matter of service, then so be it. I don't choose 07:26
21 to do that for my police department.

22 Q. You track accidents?

23 A. Of course.

24 Q. Do you track assaults?

1 A. Every one of those categories on that
2 list.

3 Q. Well, that's all they report on. So I
4 think my question is -- I feel like you're inferring
5 that their numbers are inflated because they're
6 tracking things that you don't track, but I'm relying
7 on numbers from the report which identify categories
8 that you do track --

9 A. But I'm relying --

10 Q. -- so I don't know where the inflation
11 would come?

12 A. Well, I'm just telling you what their
13 deputy chief informed my deputy chief of what they
14 do.

15 Q. Well -- and I'm just, you know, relying
16 on the information that's actually introduced into
17 the record and submitted as part of the Polaris
18 report. So if you reviewed the Polaris report, then
19 this information was contained therein.

20 So I will -- I'm a -- you know, I'm
21 not relying on a verbal phone call, deputy to deputy.
22 I'm relying on the data that was introduced into the
23 report that appears to be based on data that you
24 report to the state. So let's move on.

1 So Haymarket representatives have
2 testified that it has contracted with Elite Ambulance
3 to provide BLS service to Haymarket. Are you aware
4 of that?

5 A. I heard that testimony, yes. 07:27

6 Q. What is your understanding of why
7 Haymarket has contracted for private ambulance
8 services?

9 A. To try to reduce the strain and drain on
10 the local fire agency for EMS purposes. 07:27

11 Q. So the Fitch report states there may be
12 an additional -- even though we don't agree with
13 this, they state there may be an additional 379 calls
14 generated a year. That assumes no involvement by
15 Elite Ambulance; correct? 07:28

16 A. My understanding.

17 Q. Okay. So it's a policy of Itasca for a
18 police car to accompany every EMS responder on a
19 call; is that correct?

20 A. Well, it's -- if you're talking about a 07:28
21 transport, strictly a transport, the sergeant has the
22 overriding ability as the officer in charge not to
23 respond to that particular call as well as any type
24 of malfunction of a piece of equipment, an alarm, as

1 well as for what's referred to as an invalid assist,
2 where somebody might fall out of bed and need
3 assistance getting in bed. If that's what the call
4 is, the sergeant or officer in charge has -- you
5 know, has the authority not to respond for that
6 purpose, but the other calls they would go.

07:28

7 Q. So if they're a 911 call, they would go?

8 A. 911 call, they're going to go, yeah.

9 Q. So when you just -- you testified last
10 week and then you just repeated that there are
11 instances where the police department will be
12 informed of a call but won't be dispatched, like you
13 said if it's an inter-facility transport or alarms
14 for mechanical issues. This was worked on in advance
15 with ACDC?

07:29

07:29

16 A. Right, correct.

17 Q. And how did you come to identify those
18 areas as areas where an exception should be made?

19 A. ACDC has 17 jurisdictions or authorities
20 that they transport -- or that they dispatch for, so
21 they have in-house decision-making for that purpose.
22 That came about where chiefs, fire chiefs
23 particularly, say that these calls probably don't
24 warrant a squad responding to. So this was made at

07:29

1 the level of ACDC to let the sergeant on duty,
2 officer in charge on duty, know and you can make that
3 call if they want to respond or not. But they're not
4 going to respond the same as a true 911 or dispatch
5 as a true 911.

07:30

6 Q. So the Fitch report identified that some
7 municipalities have police respond to 911 calls while
8 others, like Chicago, don't; that they only respond
9 to certain types of calls. Is there any reason why
10 an agreement couldn't be reached with ACDC to not
11 dispatch police resources to accompany 911 calls to
12 Haymarket?

07:30

13 A. Well, you would have to get agreement
14 from the seven, eight, or nine police agencies that
15 are currently with ACDC to agree upon that, because
16 they're not going to piecemeal their response for
17 various towns. It's a -- it's an approach that they
18 have taken, and it's kind of an all for one and one
19 for all.

07:30

20 Q. So every one of the 17 jurisdictions that
21 ACDC handles, they have police accompany EMS calls
22 for 911 calls?

07:30

23 A. For 911 calls, correct.

24 Q. Would you have any objection to Haymarket

1 raising the issue with ACDC to see if an exception
2 could be made in this case to add to the other
3 exceptions that are already in place? And if ACDC
4 agreed, then that would definitely limit the load on
5 the police department, wouldn't it?

07:31

6 A. It would lessen the load, yeah.

7 Q. And would you have any problem with
8 Haymarket working with ACDC to make them aware of why
9 a police response is not needed for a BLS call?

10 A. No. If that was something you wanted to
11 do, meet with their director, sure.

07:31

12 Q. Okay. Fitch recommended that the Village
13 study both options as relates to Haymarket,
14 responding to all calls versus only responding to
15 certain select types of calls. Is that something the
16 Village studied?

07:31

17 A. Again, EMS you're referring to?

18 Q. Yes. They suggested -- Fitch recommended
19 the Village study the two options. The option of
20 having the police respond to every EMS call versus
21 only responding to certain select types of calls.
22 This was part of their recommendation to the Village.

07:32

23 Is this something you then
24 implemented and studied?

1 A. No, because, again, that would have to
2 go -- that would a larger picture project through
3 ACDC.

4 Q. So if Elite was -- you know, the proposal
5 that Haymarket has is that Elite would handle BLS
6 calls and only ALS true emergency calls would be
7 handled by the Fire Protection District.

8 If Elite were to be successfully
9 used, then there would be no call to ACDC; correct?

07:32

07:33

10 A. That's my understanding.

11 Q. Because they would handle it internally?

12 A. Correct.

13 Q. So that would result in less demand,
14 because there would be no 911 call; correct?

15 A. Correct.

07:33

16 Q. Even if Elite wasn't involved, it's still
17 only one call per day?

18 A. Based upon Mr. Moeller's report?

19 Q. Based on the Fitch report.

20 A. Well, I don't know if it's one call a
21 day. It's 379 for the year, so could be multiple
22 calls on one a day and no calls on other days.

07:33

23 Q. That's true. But don't you have -- I
24 mean, right now you testified that -- last week you

1 testified that right now you're not calling on your
2 mutual aid recipients -- you know, I'm calling them
3 "mutual aid" because that's my familiarity with the
4 fire section. But I understand from your testimony
5 last week that you work with organizations, including 07:33
6 Merit, ILEA, and the Northern Illinois Police Alarm
7 System, so you do have these coordinated networks
8 that work together to provide and consolidate
9 resources to act most efficiently. And you testified
10 last week you don't have to call on them very often. 07:34
11 I assume that's because you have capacity to handle
12 the calls you're getting?

13 A. Right. Those are for those calls that
14 require additional either manpower or expertise,
15 someone has expertise in a given area beyond our 07:34
16 scope, and so that's why we would rely on those
17 resources.

18 Q. But you're not needing the additional
19 manpower because you're able to handle it with the
20 staff you have? 07:34

21 A. Well, it depends upon the -- it depends
22 upon the day, the occurrences. You know, a sergeant
23 and two officers is our capacity. If that's -- if
24 it's able to be handled and triaged by the sergeant,

1 that's a good day, but from time to time, we have to
2 reach out to our partners.

3 Q. I think you testified you only had to do
4 that like eight or 10 times last year? Wasn't that
5 what you testified to? 07:35

6 A. Right. Because very much like the fire
7 department, you don't want to become a burden to your
8 neighbor, so you need to -- you attempt to handle
9 these cases the best you can. It all depends upon
10 the type of calls you're responding to. 07:35

11 Q. Well, with the fire department, there was
12 evidence introduced into the record where there's
13 hundreds of calls given and received. Here there's
14 eight or 10 over the course of 365 days. That
15 indicates to me one of two things. You either don't 07:35
16 have very much crime or you're handling it well with
17 the staff you have; wouldn't you agree?

18 A. Yes.

19 Q. Okay. And would you say that police
20 calls -- not in every instance, not in every 07:35
21 instance, but more instances than fire, your calls
22 aren't quite as time sensitive? If you're dealing
23 with traffic accidents, parking tickets, and things
24 of that nature, which is the majority of your calls,

1 you're going after the event has happened, rather
2 than in a fire or an EMS call where they're more time
3 sensitive?

4 A. To a point. I mean, if there's a
5 domestic problem going on, you know, it's happening 07:36
6 at that moment. You know, if there's a burglary in
7 progress, it's happening in that moment. There are
8 calls, though, that are after the fact and that's
9 what we're responding to, so yeah.

10 Q. So the Fitch report raised a question for 07:36
11 consideration that Haymarket could possibly create a
12 need for additional staff and equipment and, in fact,
13 you testified to that last week. Does -- do you have
14 any reports that you keep now, before Haymarket
15 exists, that identifies when you're going to need new 07:36
16 equipment or additional staff? I mean, do you look
17 at these things from a planning perspective and say
18 we anticipate that in this year you're going to need
19 this equipment replaced and in this year you're going
20 to need more staff? Is that something you study and 07:37
21 keep reports on?

22 A. Yes, we -- I talk to my command staff
23 about, like I said, equipment and/or personnel. And
24 usually it's once, maybe twice, a year, midway mark,

1 and just prior to the budgetary season.

2 Q. So do you have like analyses, written
3 analyses, that study these issues that go into the
4 recommendations you make during budget season?

5 A. No, there's no analyses. It's what we 07:37
6 know to be true just from, you know, the year that
7 had passed, whether it be we kept some reports on
8 some major incidences and we reflect back upon them
9 and realize we were short a certain piece of
10 equipment or we know of a retirement coming up. So 07:37
11 we have a pretty good grasp on that matter.

12 Q. It's not something you look at long term?
13 It's not like a baseline right now that says, you
14 know, we know in 2023 we're going to need two staff
15 or we're going to need a new police car and you have 07:38
16 a written analysis that you make to the Village Board
17 that they take into account for their planning
18 purposes?

19 A. Well, the Village has what's called a
20 CIP, a capital improvement plan, and in that capital 07:38
21 improvement plan, we identify large purchases for
22 equipment purposes; squad cars, body-worn cameras,
23 major expenditures. So those are declared, but
24 that's sometimes three and four and five years down

1 the road. As far as personnel, I know when my
2 officers are potentially planning on leaving. It's
3 just the way it is.

4 Q. So both Mr. Moeller and -- well, let me
5 hold this question. Strike that. I'm going to come
6 back to that, if that's okay.

07:38

7 Have you prepared any reports
8 analyzing, yourself, what the impact of Haymarket
9 will be in terms of staff and equipment that you know
10 you're going to need when?

07:39

11 A. I haven't.

12 Q. During your testimony, you testified that
13 you may have a certain -- what the cost would be if
14 you needed an additional officer or you needed an
15 additional squad car, but that wasn't based on any
16 data of when that possibly could occur; correct?

07:39

17 A. Well --

18 Q. You have not studied when that need would
19 arise?

20 A. Well, I know I'll be getting squad cars
21 next year. I know --

07:39

22 Q. But that's -- I'm sorry, go ahead.

23 A. I currently have an officer in the police
24 academy. So if an officer gets injured and has to

1 leave the profession, if an officer decides to leave
2 the profession, those are the unknowns, but that's
3 with any agency. All I can control is if I know when
4 someone's going to be leaving through correspondence
5 and notification from them.

07:40

6 Q. But that's information that you're -- you
7 know now even if Haymarket doesn't ultimately come to
8 Itasca; right?

9 A. Yes.

10 Q. So you haven't studied what would be the
11 tipping point, if Haymarket were to come, when you
12 would need to add staff or equipment?

07:40

13 A. Correct.

14 Q. Okay. If Elite is successfully utilized,
15 wouldn't you agree that Haymarket may not generate a
16 need for equipment or staff?

07:40

17 A. That's possible.

18 Q. Mr. Moeller testified that the police
19 department should consider the issue of concurrent
20 calls. Do you track concurrent calls now?

07:40

21 A. Do we track them, no. They are
22 trackable, if we wanted to, but we don't track them.

23 Q. Are you saying you don't track them
24 because you really don't need to because you don't

1 have very many?

2 A. Yeah.

3 Q. After receiving Mr. Moeller's
4 recommendation that the police department consider
5 the issue of concurrent calls, have you made a plan
6 to start tracking concurrent calls?

07:41

7 A. For everyday use, no.

8 Q. Do you track response times?

9 A. Yes.

10 Q. What's your average response time?

07:41

11 A. Somewhere around two minutes, less than
12 two minutes.

13 Q. When a project's applying for zoning
14 approval in Itasca, does the police department
15 conduct an impact analysis for each project?

07:41

16 A. No, I have not been involved with that.

17 Q. Have you ever done it? Have you ever --
18 do you ever prepared impact analyses?

19 A. No.

20 Q. Are you familiar with the Bridge project?

07:42

21 A. Yes.

22 Q. And you know it's probably one of the
23 largest projects that Itasca's had in recent history,
24 wouldn't you agree?

1 A. Yeah.

2 Q. Okay. In June of 2018, the project had
3 preliminary approval through the Village Board. At
4 that point, the police department had a number of
5 comments -- which maybe constitute an impact
6 analysis. Maybe I used the wrong phrase. But the
7 language in the staff report was that the police
8 department's most substantial concern was the number
9 of calls the hotel would generate depending on the
10 category of hotel.

07:42

07:42

11 So fast-forward two years later in
12 2020, the hotel was identified as being the
13 replacement Holiday Inn, five stories, 93 units.
14 Given that was the concern identified when you looked
15 at the project preliminarily, did you study that when
16 the plan went through last summer, what the call
17 volume would be?

07:43

18 A. No.

19 Q. Why not? Why didn't you follow up given
20 that the class of hotel was identified?

07:43

21 A. Because a 95-room hotel might be
22 10-percent occupied one night, 30-percent occupied
23 another night. The idea of it being hundred-percent
24 occupied is very much on the lower side. Once I

1 realized it was 95 rooms, it kind of brought down the
2 concern that I had. Because at one time there was
3 talk of a larger facility, and that's what I was
4 originally addressing. And then it got down to the
5 Holiday Inn size, so it was still a little bit of a
6 concern but nowhere near the original one when I
7 thought it was going to be a multi, multi-story
8 hotel.

07:44

07:44

07:44

07:44

9 Q. Well, the preliminary approval -- the
10 square footage of the preliminary approval and the
11 final approval wasn't that different for the hotel?

12 A. When I weighed in on it initially, it was
13 just the conceptual idea of a hotel. There was talk
14 of it to be the size of -- another one the size of a
15 Westin and things of that nature. When I first heard
16 that, that's what raised my angst, but once it got
17 worked down to a 95-room hotel, that was something I
18 figured we'd be able to manage a lot better.

19 Q. And you know the project has close to
20 three-quarters of a million square feet of industrial
21 space. Did you study the number of employees that
22 were proposed?

23 A. No, because at the time, those were
24 building -- they were just building for spec

1 purposes. We didn't -- I didn't know who was moving
2 in there.

3 Q. Did you look at the potential occupancy
4 to get an idea of how many people could go there?

5 A. No, I saw more trucking terminals than I 07:45
6 did warehouse -- than I did office space, so I
7 wasn't --

8 Q. But I thought you just said the uses
9 weren't identified? They were spec?

10 A. It was spec. But what I saw was terminal 07:45
11 after terminal after terminal. I had no idea who the
12 perspective owners were going to be or occupier was
13 going to be, but there were a large number of
14 terminals, which are simply just trucks pulling in,
15 trucks pulling out, and not a lot of personnel on the 07:45
16 scene.

17 Q. I'm sorry, where did you see the
18 terminals?

19 A. In some of the plans, I think, that they
20 had when Bridge came, when they were talking. 07:45

21 Q. They just had plans of buildings.

22 A. Yeah, and that's what I'm saying.

23 Q. And they were allowed by -- they were
24 zoned for any use in a M district, so they could be

1 other things than terminals. They could have been
2 any use in a M district, any industrial use in a M
3 district.

4 A. I heard the word terminal and I
5 immediately went to, you know, warehousing and trucks 07:45
6 coming and going.

7 Q. Oh, I didn't see that referenced in their
8 report. Has it -- the police department considered
9 any protocols it could recommend to Haymarket that
10 could mitigate the impact on the police department? 07:46

11 A. No.

12 Q. Okay. Haymarket will have medical and
13 security staff 24/7. During the day, they'll have
14 four security staff and then second shift, three, and
15 then last shift, two. Doesn't this lessen the need 07:46
16 for police presence when a call comes through for an
17 EMS call? Why would the police need to be there?

18 A. For the safety and concern for the fire
19 department. They don't know what they're walking
20 into, if the scene is, in fact, safe. What's 07:47
21 verbally told is not necessarily what's actual once
22 you get on the scene.

23 Q. But aren't these traditionally just
24 ambulance calls?

1 A. Traditional? I don't know if it's
2 traditional, but we've responded to calls where the
3 fire department has needed our assistance, you know,
4 immediately, and I don't know if the security agents
5 would be -- would take action or are allowed to take
6 action, what the capacity would be.

07:47

07:47

07:47

07:48

7 Q. Well, that's the point. The security is
8 going to be there. We hope it would give you
9 comfort. But is that something you would be willing
10 to talk with Haymarket about and learn? Because you
11 didn't really listen to all the testimony and read
12 all the transcripts, is it something you would be
13 willing to sit down with Haymarket and learn about
14 what their proposals are and maybe have a
15 conversation about what's being done and improvements
16 that could be made to make sure that we're on the
17 same page and we make this as strong a program as we
18 can? Would you be willing to sit down and have that
19 conversation?

20 A. Sure.

21 Q. Is there any collaboration you would
22 envision with Haymarket that could benefit the
23 police department, such as potentially, you know --

24 MR. KHAN: Ms. O'Keefe, this is Mo. Sorry to

1 interrupt you, but it looks like your camera feed
2 went out.

3 MS. O'KEEFE: Oh, really? Okay. Better?

4 MR. KHAN: Thank you.

5 MS. O'KEEFE: Okay. Give me a second. Sorry,
6 Mo.

7 MS. DICKSON: Do you want me to do it?

8 MS. O'KEEFE: I think I've got it.

9 BY MS. O'KEEFE:

10 Q. Is there any collaboration that you could
11 envision with Haymarket that might provide a benefit
12 to the police department, such as training officers,
13 et cetera? Like training officers in terms of
14 handling cases of those who are suffering from
15 substance abuse? I mean, is there any kind of
16 working together for an appropriate kind of
17 assistance when you're handling these calls? Is that
18 a benefit that you think maybe Haymarket could
19 provide assistance with in the future?

20 A. It's possible.

21 Q. Do you know Sarah Ketchum, who is the
22 expert with Kenrich who did the physical impact study
23 for the Village?

24 A. No idea, no.

1 Q. Did you provide her with any information
2 for her report that she presented to the Village in
3 September of 2019?

4 A. I did not.

5 Q. Okay. Did you review the report? 07:49

6 A. I did not.

7 Q. Okay. She's in the process of preparing
8 an updated report. Have you had any conversations
9 with her recently?

10 A. I've never spoken to the woman. 07:50

11 Q. Has the Village asked you for any
12 information, economic information, to be provided to
13 her to integrate into her report on your costs?

14 A. I'm not aware of that, if they have.

15 Q. Are you aware that 140 of the beds that 07:50
16 are proposed are -- 144 of the beds proposed are
17 recovery home beds?

18 A. I saw some figure, sure.

19 Q. Are you familiar with the number of calls
20 generated -- so out of 240 beds, 144 are recovery 07:51
21 home and 96 are treatment. Are you familiar with the
22 extent of calls that are generated by recovery homes
23 versus treatment beds?

24 A. I am not.

1 Q. Is it the existence of the recovery home
2 beds that create concern about the economic impact on
3 the police department or the overall facility?

4 A. Just the overall facility being 241 beds
5 plus staff, 365 days a year, 24 hours a day. 07:51

6 Q. Did you speak with any colleagues in
7 other municipalities who have experience with these
8 facilities to see what their experience has been?

9 A. I haven't.

10 Q. Okay. So what's the source of your
11 concern, then? 07:51

12 A. The potential of another 241-bed facility
13 plus personnel open every day of the year, 24 hours a
14 day, is a concern.

15 Q. But you haven't conducted any independent
16 due diligence on that? 07:52

17 A. No, because most of the towns have a lot
18 smaller facilities, so it's not comparing facility to
19 facility. It would do me no good to compare a
20 facility with 20 person -- a 20-person bed if this is
21 241. 07:52

22 Q. And you didn't call Chicago regarding
23 Haymarket Chicago?

24 A. I didn't.

1 Q. Like the Moeller report, like the Fitch
2 report, the Kenrich report stated that additional
3 staff and resources may be required, but they had no
4 definite timing identified. Is there a reason that
5 both independent experts that were retained by the 07:52
6 Village said that Haymarket may generate a need but
7 there was no timing identified or no definitive data
8 provided about when this could happen? Do you know
9 why that is?

10 A. No, I don't. 07:53

11 MS. O'KEEFE: Okay. Can we take a five-minute
12 break, Mr. Chairman? I think I'm done. I just want
13 to review my questions to make sure I didn't miss
14 anything.

15 CHAIRMAN DALY: Why don't we just reconvene at 07:53
16 8:00 o'clock straight up, so about six-and-a-half
17 minutes.

18 MS. O'KEEFE: Okay. Thank you, sir.

19 (Recess taken.)

20 CHAIRMAN DALY: Thank you, everyone. We are 08:03
21 ready to reconvene. Ms. O'Keefe, the floor is still
22 yours.

23 BY MS. O'KEEFE:

24 Q. Hi. Just a couple more questions,

1 Director O'Connor.

2 A. Sure.

3 Q. Thanks for your patience. We might
4 actually make this an early evening tonight, which I
5 think everybody would be happy about.

08:03

6 I just want to refer your
7 attention -- and it's exhibit -- I'm going to tell
8 you what it is, but it's Exhibit 15, Haymarket
9 Exhibit 15, if we need to pull it up. But it's a
10 page from the Kenrich report where it talks about
11 emergency resources, and it cites -- it talks about
12 potential calls to the Fire Protection District and
13 the police.

08:04

14 And it refers to client documents,
15 and there's a new officer cost analysis, which is an
16 Excel sheet, and then new squad cost analysis, which
17 is also an Excel sheet. Do you know what these
18 documents are that she was referencing?

08:04

19 A. I've never seen them, no.

20 Q. Can you guess at what the source of them
21 was? Could this have been part of the capital plan
22 that you do, potentially?

08:04

23 A. This is from who?

24 Q. This was a document that -- it said --

1 Ms. Kenrich's [sic] report said the initial cost of
2 each additional officer, one per shift, is
3 approximately \$100,000 with annual increases
4 thereafter, with a cost of additional police cars,
5 approximately 49,000. And it cites Footnote 34. 34
6 says, client documents, new officer cost analysis,
7 and then it cites the document number with an Excel
8 sheet and then new squad cost analysis. So I was
9 just wondering where did she get this information
10 from?

11 A. I'm not familiar with that. Now, it
12 could have come from my deputy chief, who oversees
13 the financial part, the financial documents, but I'm
14 not specifically aware of what you're asking. I can
15 attest to what things cost.

16 Q. Has your staff had contact with
17 Ms. Kenrich?

18 A. I guess it would probably come through a
19 FOIA. Wouldn't have been direct contact.

20 Q. Well, if they were your consultant, the
21 Village's consultant, why would they have to FOIA?

22 A. I don't know where the document came
23 from, if you're asking. I truly don't.

24 Q. Okay. So you don't know if it was

1 created for her, for this project, or it could just
2 be general background information?

3 A. For counsel, sure.

4 Q. Okay. Just a couple more quick
5 questions. At the very beginning of your testimony 08:06
6 this evening, when you went back and started talking
7 about 2019 when you first became aware of the
8 project, you stated that you knew you were going to
9 testify back then. How did you know that back in
10 2019, that you were going to be testifying on this 08:06
11 case?

12 A. Just the scope of it, just thought that
13 it would be something that would eventually come my
14 way.

15 Q. And how have you kept track of it over 08:06
16 the past two years?

17 A. Just kind of word of mouth, what's
18 happening; the Village's website.

19 Q. So "word of mouth," who have you had
20 conversations with at the Village hall about this 08:06
21 project?

22 A. Conversations? I haven't had any
23 conversations, just that today's a Haymarket meeting,
24 you know, or there's something in the paper about it

1 or something. There weren't conversations. There
2 was just passing phrases, potentially.

3 Q. So in the past two years, you've had no
4 conversations about one of the largest projects
5 facing Itasca? 08:07:30

6 A. Yeah, because I wasn't sure if it was
7 going to come to fruition or not.

8 Q. But you just said back in 2019 you knew
9 you were going to testify to it?

10 A. Yeah, I did. I figured I'd eventually 08:07:30
11 testify to it, but I didn't know if it was going to
12 come to fruition or not. And so until it comes to
13 fruition, then I get more involved.

14 Q. So when you prepared your statement, you
15 stated you didn't review the Haymarket amended 08:07:30
16 application. What information did you rely on to
17 make your statement?

18 A. By "statement," the statement from last
19 week?

20 Q. Uh-huh. 08:07:30

21 A. Like I said earlier, that was just for
22 the benefit of the Planning Commission so they
23 understood what their police department does on a
24 daily basis or some of the things that's available to

1 us. So it was strictly for their behalf.

2 Q. But your testimony talked about
3 particular impacts that you thought Haymarket would
4 have that you wanted the Plan Commission to consider
5 as they're evaluating this application. Where did 08:08
6 you get the data that you asked them to consider if
7 you didn't review the application?

8 A. Any data I was referring to was from the
9 Fitch report.

10 MS. O'KEEFE: Okay. I have no further 08:08
11 questions. Thank you very much, Director. I
12 appreciate your time.

13 DIRECTOR O'CONNOR: You're welcome.

14 CHAIRMAN DALY: At this time, I would ask if
15 any of the legal counsels have any redirect questions 08:08
16 for Director O'Connor at this time?

17 MR. ELLENBECKER: This is Steve Ellenbecker.
18 I have a couple.

19 CHAIRMAN DALY: Please proceed.

20 REDIRECT EXAMINATION

21 BY MR. ELLENBECKER:

22 Q. Good evening, Director O'Connor. How are
23 you?

24 A. Good evening. Fine, thanks.

1 Q. You've been asked some questions about a
2 hypothetical Holiday Inn as part of the Bridge
3 project. And, to your knowledge, is the hypothetical
4 Holiday Inn the type of facility with residents with
5 needs so great that they're contemplating the use of 08:08
6 a private ambulance to meet their needs?

7 A. No.

8 Q. And with regard to this hypothetical
9 Holiday Inn, to your knowledge, is there an actual
10 application or permit submission for an actual 08:09
11 Holiday Inn? Or, to your knowledge, is it still just
12 a hypothetical use as part of that project?

13 A. I believe it's hypothetical use for that
14 section of land up there, yeah.

15 Q. And Ms. O'Keefe, this week and last week, 08:09
16 talked about the square footage of this Bridge
17 project. But with regard to the impact or potential
18 impact on the resources of Itasca, are you more
19 concerned with the use, activity, and concentration
20 of people as opposed to just mere square footage? 08:09

21 A. Correct.

22 Q. And lastly -- well, not lastly.

23 With regard to Haymarket's security
24 representations, have you, as director of police,

1 seen Haymarket's proposed security plan for the
2 proposed Itasca location?

3 A. I have not.

4 Q. Has Haymarket shown you the credentials
5 it's going to expect of its security personnel? 08:10

6 A. They have not.

7 Q. And, lastly, have you seen any activity,
8 rules, policies, or procedures that would govern the
9 comings and goings of the 144 recovery bed residents
10 that Haymarket proposes? 08:10

11 A. I have not.

12 MR. ELLENBECKER: That's all I have. Thank
13 you.

14 DIRECTOR O'CONNOR: Thank you.

15 CHAIRMAN DALY: Thank you, Mr. Ellenbecker. 08:10

16 At this time, I would ask if Mr. DiNolfo -- or
17 Mr. Andrews?

18 MR. ANDREWS: Yes, Mr. Andrews for Mr. DiNolfo
19 on behalf of Itasca Fire Protection District has a
20 few questions. 08:10

21 CHAIRMAN DALY: Please proceed.

22 REDIRECT EXAMINATION

23 BY MR. ANDREWS:

24 Q. All right. Good evening, sir. I have a

1 few questions on behalf of the Fire Protection
2 District. I heard your exchange with Ms. O'Keefe
3 about the concept of considering not responding as
4 you typically do with the responding fire personnel.
5 Do you recall that line of questioning? 08:11

6 A. I do.

7 Q. And I heard you say you're willing to
8 talk, but I also heard you say that you currently do,
9 and every other jurisdiction in your area does,
10 respond to fire personnel on EMS calls; is that 08:11
11 correct?

12 A. Yeah, they are dispatched by ACDC, yes.

13 Q. Right. And I heard you say that's
14 because you're interested in the safety of the fire
15 personnel responding; right? 08:11

16 A. Well, that's one component. The other
17 component would be, you know, we respond to every
18 other facility. I didn't want to not respond to
19 Haymarket. That would not be an outlier. So
20 consistent with our delivery of police services, I 08:11
21 would expect our officers to want to respond and to
22 respond.

23 Q. Yeah. Why is that?

24 A. I'm sorry?

1 Q. Why respond? You're not just going along
2 so you can talk to the firefighters; right? Why do
3 you go, tell me? Tell the Commissioners why it's
4 important to you that you actually accompany the
5 responding EMS? 08:12

6 A. Well, initially, you know, sometimes it's
7 actually for life-saving measures. Our officers are
8 CPR -- yeah, CPR trained. They carry AEDs. They
9 know how to perform the Heimlich maneuver. They
10 carry Narcan. They carry tourniquets for bleeding 08:12
11 purposes. And then once the fire department's on the
12 scene, we don't know -- or, you know, they may not
13 know the status of that individual they're ready to
14 treat. That person could be -- have some violent
15 tendencies. That person could be, you know, out of 08:12
16 control for the purpose of the amount of firefighters
17 that responded. So we're there to help them do what
18 they need to do.

19 Q. So two things I heard in there.
20 Sometimes your officers actually arrive and can start 08:12
21 life-saving measures before EMS personnel arrive?

22 A. That's correct.

23 Q. All right. And, two, you're going there
24 because you don't know what to expect when you get

1 there; correct?

2 A. That's correct again, uh-huh.

3 Q. You're going because it's unknown, and
4 that's what you do on a regular basis; right?

5 A. Yes, yes. 08:13

6 Q. So you're willing to talk but those are
7 some darn good reasons why you currently do and every
8 other jurisdiction in ACDC does respond with EMS
9 calls; right?

10 A. Correct. 08:13

11 MR. ANDREWS: Thank you.

12 DIRECTOR O'CONNOR: You're welcome.

13 CHAIRMAN DALY: Ms. Smith, do you have any
14 questions of Director O'Connor at this time?

15 MS. SMITH: No questions at this time. 08:13

16 CHAIRMAN DALY: Ms. O'Keefe, do you have any
17 follow-up questions before we turn this over to the
18 Plan Commission?

19 MS. O'KEEFE: I do. I do have a few.

20 RE-CROSS-EXAMINATION

21 BY MS. O'KEEFE:

22 Q. Director O'Connor, I was little confused
23 about the term "hypothetical Holiday Inn." In June
24 of 2020, the Village Board approved a plan for a

1 93-bed Holiday Inn; isn't that correct?

2 A. That's possible they did, yeah.

3 Q. So it's not hypothetical? It's actually
4 been approved by the Village Board?

5 A. I know that parcel of land had different 08:14
6 conceptual things. I know the hotel was one, and I
7 do believe it did get approved, yeah.

8 Q. Okay. So you were asked questions about
9 your ability to review the security plan for
10 Haymarket. You testified that you did attend the 08:14
11 hearings in 2019 when Dr. Lustig testified. At that
12 time, do you recall seeing the PowerPoint that was
13 used by Dr. Lustig in the testimony in October of
14 2019 where it laid out the overview of the security
15 plan, the number of officers, and the rules that they 08:14
16 follow for their patients?

17 A. I'm sure, if you tell me it was there,
18 but I do not recall the specifics to that plan.

19 Q. Did you review the transcripts on
20 numerous occasions where Dr. Lustig testified as to 08:15
21 the security measures that they follow at Haymarket
22 Chicago and propose to follow at Haymarket DuPage in
23 terms of staffing, means of working with patients,
24 searches, entrance -- you know, ability to come and

1 go, the need for permission to leave the facility?

2 There was extensive testimony. Do you recall hearing
3 any of that?

4 A. I do recall hearing some of it, but I
5 don't recall the overall facts to it. 08:15

6 Q. So then it's not correct that we haven't
7 presented any information on a security plan if we
8 have a written document that's introduced into the
9 record and extensive testimony's been provided on
10 this issue; correct? 08:15

11 A. That would be correct, yeah.

12 Q. Okay. Do you consider the Haymarket
13 facility a healthcare facility?

14 A. Yes, I suppose they are.

15 Q. And will there be medical staff on site
16 24 hours -- 24/7, 365? 08:16

17 A. I believe that's what the intent is,
18 yeah.

19 Q. So when the police come to a site with an
20 EMS call and you say they sometimes get there first
21 and they perform life-saving measures such as CPR,
22 administering Narcan, et cetera, these are all steps
23 that the trained medical personnel, the nurses,
24 et cetera, who will be at Haymarket 24/7, they could 08:16

1 produce those -- they could provide that life-saving
2 treatment while they're waiting for the EMS; correct?

3 A. Correct.

4 Q. And with regards to another role that you
5 said the police would hold, would be notifying the
6 ambulance personnel about the status of a patient so
7 that they are fully up to speed as to what happened
8 and where that patient is in that moment of time,
9 that's something the trained medical staff could also
10 do; correct?

11 A. Communicate that to the dispatch center?
12 Would that be --

13 Q. No, communicate that to the ambulance
14 staff when they arrive?

15 A. When they arrive?

16 Q. Uh-huh.

17 A. They could, yeah.

18 Q. And they could also communicate it to the
19 dispatch center?

20 A. They could.

21 MS. O'KEEFE: Okay. I have no further
22 questions.

23 CHAIRMAN DALY: Thank you. At this time, I
24 would ask if any members of the Plan Commission have

1 any questions for Director O'Connor?

2 COMMISSIONER CARELLO: This is Commissioner
3 Carello. Director O'Connor, I do have a question for
4 you. Knowing that this is a rehab facility, and
5 hopefully this wouldn't happen, but if somebody is 08:17:
6 coming in as a new patient or something is happening
7 and it becomes a violent situation that somebody may
8 be under the influence, are you going to send just
9 one officer?

10 DIRECTOR O'CONNOR: No, that type of call 08:18:
11 would require a two-person response, two-officer
12 response.

13 COMMISSIONER CARELLO: So now we just went
14 from a possible one person to two person on any type
15 of call of a violent nature with somebody under the 08:18:
16 influence.

17 DIRECTOR O'CONNOR: Correct.

18 COMMISSIONER CARELLO: Okay. Just curious,
19 thank you.

20 DIRECTOR O'CONNOR: Okay. 08:18:

21 CHAIRMAN DALY: Any other questions from the
22 Plan Commission at this time?

23 I have none. So at this point, I
24 would thank Director O'Connor for your time and your

1 testimony this evening. You are excused.

2 And before we get a motion to
3 continue, I would like to hear from Village counsel
4 and the Haymarket team as to the plan for next week?
5 I believe I understand it to be Ms. Ketchum will be 08:18
6 testifying on June 2nd, but I would appreciate
7 confirmation for the record.

8 MR. HERVAS: Mr. Chairman, that is correct.
9 It will be June 2nd for Ms. Ketchum, yes.

10 CHAIRMAN DALY: And does the Village -- will 08:19
11 that be the end of the witnesses presented by the
12 Village?

13 MR. HERVAS: Yes.

14 CHAIRMAN DALY: Okay. All right. So at this
15 point, is everyone clear on the plan for June 2nd? 08:19
16 I'll take that as a yes.

17 At this time, I would ask for a
18 motion to continue this meeting until June 2nd, the
19 first Wednesday of June.

20 COMMISSIONER HOLMES: So moved. 08:19

21 COMMISSIONER CARELLO: Second. Commissioner
22 Carello.

23 MR. KHAN: That will be at 7:00 o'clock again?

24 CHAIRMAN DALY: Correct. Will the secretary

1 please call the vote for the continuation of this
2 public hearing.

3 MR. KHAN: Commissioner Carello.

4 COMMISSIONER CARELLO: For.

5 MR. KHAN: Commissioner Drummond. 08:20

6 COMMISSIONER DRUMMOND: For.

7 MR. KHAN: Commissioner Holmes.

8 COMMISSIONER HOLMES: For.

9 MR. KHAN: Commissioner Ray.

10 COMMISSIONER RAY: For. 08:20

11 MR. KHAN: Commissioner Russo.

12 COMMISSIONER RUSSO: For.

13 MR. KHAN: Chairman Daly.

14 CHAIRMAN DALY: For. Motion carries. This
15 meeting is continued until Wednesday, June 5th [sic]. 08:20

16 At this time, I would ask for a motion to adjourn.

17 COMMISSIONER HOLMES: So moved.

18 COMMISSIONER CARELLO: Second. Commissioner
19 Carello.

20 CHAIRMAN DALY: We have a motion and a second. 08:20

21 Will the secretary please call the vote to close the
22 meeting.

23 MR. KHAN: Commissioner Carello.

24 COMMISSIONER CARELLO: For.

1 MR. KHAN: Commissioner Drummond.

2 COMMISSIONER DRUMMOND: For.

3 MR. KHAN: Commissioner Holmes.

4 COMMISSIONER HOLMES: For.

5 MR. KHAN: Commissioner Ray.

08:20

6 COMMISSIONER RAY: For.

7 MR. KHAN: Commissioner Russo.

8 COMMISSIONER RUSSO: For.

9 MR. KHAN: Chairman Daly.

10 CHAIRMAN DALY: For. This meeting is closed.

08:20

11 Thank you everyone. Have a good evening.

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3 I, Lynette J. Neal, CSR No. 84-004363, RPR, do
4 hereby certify that the foregoing Report of
5 Proceedings, Pages 1 through 68, was recorded
6 stenographically by me and computer-transcribed under
7 my personal direction; and that the said Report of
8 Proceedings constitutes a full, true, and correct
9 record of the testimony given by the deponent as
10 heard via remote video conferencing.

11 I further certify that I am not counsel for
12 nor in any way related to any of the parties to this
13 suit, nor am I in any way, directly or indirectly,
14 interested in the outcome thereof.

15 This certification applies only to those
16 transcripts, original and copies, produced under my
17 direction and control; and I assume no responsibility
18 for the accuracy of any copies which are not so
19 produced.

20 IN WITNESS WHEREOF I have hereunto set my hand
21 this 31st day of May, 2021.



22
23
24

Certified Shorthand Reporter

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