

In the Matter Of:
HAYMARKET DuPAGE LLC

REPORT OF PROCEEDINGS

June 02, 2021

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1 PRESENT VIA REMOTE VIDEOCONFERENCE:

2
3 MR. BRENDAN DALY, Chairman;

4 MR. FRANK CARELLO, Commissioner;

5 MS. LORI DRUMMOND, Commissioner;

6 MR. JEFFREY HOLMES, Commissioner;

7 MS. KRISTA RAY, Commissioner.
8

9 ALSO PRESENT VIA REMOTE VIDEOCONFERENCE:

10 MR. MO KHAN, Village Planner;

11 MS. YORDANA WYSOCKI, Village Attorney;

12 DASPIN & AUMENT, LLP, by
13 MS. BRIDGET M. O'KEEFE
14 300 South Wacker Drive, Suite 2200
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bokeefe@daspinaument.com, and

15
16 BOND, DICKSON & CONWAY, by
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18 Appeared on behalf of Haymarket DuPage LLC;

19
20 FRANCZEK, P.C., by
21 MS. JENNIFER SMITH
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22 jas@franczek.com
23 Appeared on behalf of Itasca School District;

24

1 ALSO PRESENT: (Cont'd.)

2 JOHNSON & BELL, LTD., by
3 MR. STEPHEN P. ELLENBECKER
4 33 West Monroe Street, Suite 2700
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8 Appeared on behalf of 865 West Irving Park
9 Road, LLC;

10 OTTOSEN, DiNOLFO, HASENBLAG & CASTALDO, LTD., by
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12 1804 North Naper Boulevard, Suite 350
13 Naperville, Illinois 60563
14 (630) 682-0085
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16 Appeared on behalf of Itasca Fire Protection
17 District.

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I N D E X

WITNESS

SARAH KETCHUM

CROSS-EXAMINATION BY:

Page

Line

MS. O'KEEFE.....

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13

1 CHAIRMAN DALY: Good evening everyone and
2 welcome to this meeting of the June 2nd, 2021, Itasca
3 Plan Commission. I call this meeting to order.

4 Will the secretary please call the
5 role.

6 VILLAGE PLANNER KHAN: Commissioner Carello?

7 COMMISSIONER CARELLO: Here.

8 VILLAGE PLANNER KHAN: Commissioner Drummond?

9 COMMISSIONER DRUMMOND: Here.

10 VILLAGE PLANNER KHAN: Commissioner Holmes?

11 COMMISSIONER HOLMES: Here.

12 VILLAGE PLANNER KHAN: Commissioner Ray?

13 COMMISSIONER RAY: Here.

14 VILLAGE PLANNER KHAN: Commissioner Russo is
15 absent tonight.

16 And Chairman Daly?

17 CHAIRMAN DALY: Present. I declare a forum
18 present.

19 Good evening everyone. Today is
20 Wednesday, June 2, 2021. The case before the Plan
21 Commission is PC 19-014 continued from our last
22 meeting on May 12th. 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 are we will begin with Village's witness
3 Ms. Sarah Ketchum.

4 The Plan Commission has adopted new
5 rules of procedure which are now in effect. We are
6 proceeding remotely in general due to COVID-19, and
7 the public may watch the proceedings through the
8 Village's YouTube channel.

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

17 Lastly, remote staff is working on
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
21 or reschedule the meeting for another date.

22 At this time I would like to turn
23 the meeting over to our acting village counsel,
24 Mr. David Silverman.

1 MR. SILVERMAN: Thank you, Mr. Chairman. As
2 the Chairman stated my name is David Silverman. I'm
3 an attorney with the firm Mahoney, Silverman & Cross.
4 I've been retained by the Village of Itasca as
5 special counsel with respect to advising the chairman
6 and members of the Commission during the
7 cross-examination of Director O'Connor and also the
8 direct and cross-examination of Ms. Sarah Ketchum.

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

15 My job is to protect the rights of
16 the petitioner, any objectors, and the public. The
17 Plan Commission will make findings and recommendation
18 to the Village Board. Please understand that it is
19 the Village Board that is the final decision maker on
20 the Haymarket zoning petition.

21 It is a pandemic and the Governor
22 has various emergency orders. We are unable to meet
23 with everybody in the room. A virtual hearing is not
24 the preferred method for hearing this zoning

1 The business this evening before
2 the Plan Commission is a public hearing in case
3 PC 19-014. The request is for a petition for a
4 planned development by special use with exceptions
5 and Class 1 Site Plan approval all in order to permit
6 a mixed use residential and healthcare facility and
7 other accessory uses in the B-2 Community Business
8 District at 860 West Irving Park Road.

9 I will now entertain a motion to
10 open this continued public hearing.

11 COMMISSIONER HOLMES: So moved.

12 COMMISSIONER CARELLO: Second; Commissioner
13 Carello.

14 CHAIRMAN DALY: There is a motion and a
15 second. Will the secretary please call the vote.

16 VILLAGE PLANNER KHAN: Commissioner Carello?

17 COMMISSIONER CARELLO: For.

18 VILLAGE PLANNER KHAN: Commissioner Drummond?

19 COMMISSIONER DRUMMOND: For.

20 VILLAGE PLANNER KHAN: Commissioner Holmes?

21 COMMISSIONER HOLMES: For.

22 VILLAGE PLANNER KHAN: Commissioner Ray?

23 COMMISSIONER RAY: For.

24 VILLAGE PLANNER KHAN: Chairman Daly?

1 CHAIRMAN DALY: For.

2 The motion carries. The hearing is
3 now open.

4 I believe we're starting with
5 Ms. Sarah Ketchum this evening. So, Ms. Ketchum,
6 will you please face the court reporter as best you
7 can virtually and be sworn in.

8 (Witness sworn.)

9 CHAIRMAN DALY: Thank you very much.

10 At this time I believe I would ask
11 Mr. Hervas to please introduce the Village's witness
12 this evening.

13 MS. WYSOCKI: Chairman, this is Yordana
14 Wysocki and it will be me.

15 This is Sarah Ketchum, and I'm
16 going to let her introduce yourself. She understands
17 her background better than I ever would, and this is
18 the Village's, I guess, second witness. O'Connor we
19 finished up with last time and so today we're
20 starting with Sarah Ketchum.

21 CHAIRMAN DALY: Thank you.

22 Ms. Ketchum, please proceed.

23 MS. KETCHUM: Thank you, Yordana. Thank you,
24 Chairman Daly.

1 And, Mo, I think if you'll run the
2 slides and pull them up when you're able, that would
3 be most appreciated.

4 So as Yordana mentioned and as I've
5 been introduced, my name is Sarah Ketchum, and I'm a
6 partner -- I'm a partner with HKA Global.

7 Thank you to the commissioners, the
8 Village staff, the attorneys, and those listening for
9 your time this evening. I appreciate the opportunity
10 to be here and present my testimony to the
11 Commission.

12 As you've heard, my name is Sarah
13 Ketchum. I'm a partner with HKA Global.

14 Mo, if you'll advance to the next
15 slide.

16 I've provided here an agenda of the
17 topics that I intend to cover this evening which
18 includes an introduction and background of myself, my
19 education, my experience and training, some
20 information to reiterate the requirements of the
21 Itasca zoning ordinance relevant to this proceeding.

22 I'll cover my scope of retention,
23 what that includes and what that does not include.
24 I'll provide an evaluation of the economic impacts

1 and the considerations at issue in this matter, and
2 then offer a summary and the details of my opinions
3 after which there will be time for questions.

4 Next slide, please.

5 So as I mentioned, I'm a partner
6 with HKA Global based here locally in Chicago office.
7 I have over 20 years of experience as a consultant
8 advising clients and their counsel on various
9 financial, accounting, economic issues on an advisory
10 basis and in the context of a dispute.

11 As you can see here, HKA Global is
12 an international expert advisory business and
13 litigation consulting firm providing services to
14 corporations, clients, and their counsel. HKA
15 professionals are accounting, financial, economic,
16 and engineering professionals with experience and
17 expertise in the evaluation and assessment of
18 economic, financial, and engineering matters.

19 HKA consultants provide both
20 consulting and expert witness services to clients and
21 their counsel. HKA has over a thousand professionals
22 worldwide in 17 different countries and 40 different
23 offices around the world. Within the United States
24 and Canada there are over 200 professionals and over

1 20 offices.

2 Next slide, please.

3 So throughout my career I've been
4 with the firms listed here. I was previously with
5 the firm called The Kenrich Group, which was actually
6 acquired by HKA Global. So I believe people will
7 recall that The Kenrich Group was on the prior report
8 that I offered in this matter and has been mentioned
9 in this matter. HKA acquired The Kenrich Group in
10 approximately -- in the middle of 2019, but until
11 January 1 of this year Kenrich operated as a
12 subsidiary to HKA Global, and on January 1st of this
13 year we were fully integrated and changed to HKA
14 Global.

15 I have been with Kenrich since
16 2008. I was a vice president, which is Kenrich's
17 term for partner, in Chicago office of Kenrich.
18 Kenrich provides the same types of consulting and
19 expert witness services that I previously described
20 for HKA global.

21 Prior to Kenrich I was with
22 Navigant Consulting, which was a large public health
23 consulting firm which also performed the same types
24 of consulting, financial, economic, and engineering

1 consulting services for clients and their counsel.

2 I was with Navigant for
3 approximately four years as they had acquired the
4 prior firm that I was with which was Tucker Alan.
5 Tucker Alan was a midsized, privately held consulting
6 firm that also performed the same types of consulting
7 services. In each instance I've been in Chi- --
8 based in the Chicago office of all of these firms.

9 Next slide, please.

10 This slide gives a representation
11 of my education and training, my professional
12 affiliations. I have an undergraduate degree from
13 the University of Notre Dame. I graduated with a
14 bachelor's in business administration, majoring in
15 finance and business economics.

16 I have also then throughout my
17 career attended numerous training courses on various
18 topics ranging from technical, analytical, financial,
19 and management skills, one of which was, indicated
20 here, at the University of Chicago, the Booth School
21 of Business.

22 I also have a number of
23 professional affiliations with various legal and
24 financial industry associations. I have presented to

1 various law firms, and companies, and industry
2 events, and at universities on topics dealing with
3 financial and economic matters.

4 Next slide, please.

5 My resume was provided as an
6 exhibit along with this slide presentation, so that
7 is available for reference.

8 As indicated here I've worked on a
9 number of -- I've worked in numerous sectors
10 throughout the course of my career. I've worked on
11 projects in various sectors including construction,
12 infrastructure, industrial manufacturing, power and
13 utilities, government contracts.

14 I've also represented multiple
15 different types of clients, all of which I've worked
16 often both either for or on the other side of
17 municipalities, owners, construction contractors,
18 government contractors, manufacturers, financial
19 institutions, hotels, energy companies, among others.

20 I've worked on matters ranging from
21 small advisory matters that are short-term and maybe
22 only, you know, a few thousand dollars at issue, to
23 very large, complex international matters involving
24 millions, if not billions of dollars.

1 The types of matters as referenced
2 here range from breach of contract to forensic
3 accounting investigations, quantifications of lost
4 profits or business interruption losses, and
5 evaluation of funds freezing, and often construction
6 matters involving cost overruns or schedule delays.

7 The next slide, please.

8 So as it pertains to the matter at
9 issue and the situation for this proceeding, I've
10 offered here what's stated in the Village of Itasca's
11 zoning ordinance, which is the relevant page from the
12 zoning ordinance which indicates that certain
13 information may be requested by the Plan Commission
14 in its evaluation of a planned development if the
15 Plan Commission finds the information would be
16 relevant.

17 In this instance the ordinance
18 specifies and identifies an economic impact, a tax
19 impact study detailing the impact which the planned
20 development will have upon all taxing bodies. And
21 then, as stated here, it then references an
22 evaluation of whether or not any students might be
23 generated by the residential portion -- any
24 residential portion of the planned development.

1 Next slide, please.

2 So for reference, I've also
3 included -- provided here, as this matter, as we all,
4 I think -- I'm sure everyone is aware, has gone on
5 for some time due to various extenuating
6 circumstances such as the pandemic and other -- other
7 issues, and so I've provided here for reference some
8 of the important and key events that have taken place
9 over the course of the past two years as this matter
10 has proceeded.

11 So back in July -- or in August
12 of 2019, Haymarket submitted its original application
13 to the Commission. With that application, shortly
14 following in August 2019, Haymarket submitted an
15 economic impact study from Teska Associates to the
16 Plan Commission for their review and consideration.

17 In September of 2019 I offered a
18 report that was submitted to the Commission, The
19 Kenrich Group report, which was submitted in 2019
20 just prior to the start of the hearings which then
21 began in October of 2019.

22 In October of 2019 the hearings
23 began, and a number of hearings took place prior to
24 the pending litigation, ultimately the pandemic.

1 In August of 2020, Haymarket
2 submitted its revised application with new economic
3 impact studies associated. Those were the reports of
4 Gruen Gruen + Associates, Okrent Kisiel and
5 associates, and then the report from Polaris Public
6 Safety Solutions evaluating the emergency services.

7 In November of 2020, Mr. Gruen
8 testified to his report. In December on a number of
9 different issues, Mr. Dominik of Polaris testified to
10 his report. Then in February Mr. Kisiel testified,
11 of Okrent associates -- Okrent Kisiel Associates,
12 testified to his report. Polaris offered an addendum
13 to their report. And then in March Mr. Dominik
14 testified again to the addendum to his report.

15 Next slide, please.

16 So circling back to my retention
17 and what I was retained to do, I was retained by
18 Hervas, Condon & Bersani on behalf of the Village in
19 2019 to do two things; to evaluate the historical tax
20 revenue to Itasca from the Holiday Inn, which at the
21 time was still operating, and to assess and evaluate
22 the economic impact study provided by Haymarket
23 DuPage.

24 Next slide, please.

1 So to further expand on that -- to
2 further expand on what that -- exactly what that
3 included, it included analyzing the historical tax
4 revenue generated from the property which formerly
5 was the Holiday Inn, and also analyzing and
6 evaluating Haymarket DuPage's impact studies, which
7 ultimately included Teska Associates, the Gruen
8 Gruen + Associates report filed in August of 2020,
9 and the Okrent Kisiel and associates report filed
10 in -- also filed in August of 2020.

11 In addition to that I reviewed or
12 read other relevant testimony, documents, and
13 exhibits that were offered and submitted to the Plan
14 Commission as part of these proceedings. And then,
15 ultimately, I'm here tonight to offer my testimony to
16 the Plan Commission.

17 Next slide, please.

18 So I also think it's important to
19 identify what was not part of my scope and what --
20 the services I did not perform.

21 My scope did not include performing
22 or developing an independent analysis or impact study
23 for Haymarket DuPage. I have not quantified
24 financial or economic benefits to Itasca or the

1 potential increased costs to Itasca from the proposed
2 Haymarket DuPage facility.

3 Lastly, it was not my scope to
4 perform, and I have not performed, an evaluation of
5 the need for the proposed Haymarket DuPage.

6 Next slide, please.

7 So in the following two tables,
8 slides 17 and 18, I've laid out here numerous
9 economic considerations that are relevant to consider
10 as the Plan Commission evaluates the situation and
11 Haymarket's application.

12 This slide first focuses on the
13 revenue side, the property at issue under the current
14 zoning, and the historical operations, the middle
15 column referencing the proposed future use of
16 Haymarket DuPage, and then the impacts that should be
17 evaluated based on Haymarket's application.

18 So as referenced, the current
19 property at issue previously operated as a hotel and
20 in doing so, with a revenue-generating property, it
21 offered -- it generated property taxes, hotel taxes,
22 food and beverage taxes, video gaming taxes, sales
23 taxes, utility tax, and its portion of special
24 service area, free property taxes.

1 The proposed future Haymarket
2 DuPage is a nonprofit entity which would be a tax
3 exempt entity and not generating tax revenue to
4 the -- to the municipality. As such, the impacts
5 need to be evaluated on the taxing bodies at
6 issues -- the taxing bodies at issue. Those include
7 the Village of Itasca, the Itasca Fire Protection
8 District, the library district, the park district,
9 the grade school, the high school, special service
10 area, among others.

11 In addition, there are the
12 community and financial impacts to be evaluated.
13 Those include the jobs from the facility, the jobs
14 previously generated, the jobs that Haymarket will
15 bring, the employees spend in the area, consumer
16 traffic, tourism spend, and evaluation of the wages
17 any commercial spending with other businesses.

18 Next slide, please.

19 And, in addition, on the costs side
20 then, there's the evaluation of the municipal and
21 government services, the emergency services, and the
22 potential impact on the school, if any, and the
23 possibility of students attending.

24 And so this indicates the factors

1 at issue that need to be evaluated throughout this
2 situation to perform economic analysis to provide the
3 Plan Commission with the information necessary to
4 evaluate the situation and make their recommendation.

5 Next slide, please.

6 So on page 16 of the Okrent Kisiel
7 report -- this is an extract of a statement that can
8 be found on page 16. On this page you'll see in the
9 overview section of the Economic Impacts section
10 Mr. Kisiel stated something very similar to what was
11 laid out in the prior slides that says: In
12 evaluating the economic impacts of the proposal, it
13 is important to recognize that it is an adaptive
14 reuse and not new construction on vacant land. The
15 evaluation should take into account the impacts of
16 the prior use and evaluate the incremental change.
17 Typical economic impacts on a municipality include
18 any incremental difference in need and cost for
19 public services, including police, fire, and schools,
20 along with any incremental change in the amount of
21 revenues generated such as property taxes, food and
22 beverage sales taxes, and hotel tax generated.

23 Next slide, please.

24 Mr. Gruen in his report -- this is

1 a snapshot from page 17 of Mr. Gruen's report.
2 Mr. Gruen also describes and technically defines the
3 types of relevant economic impacts and benefits that
4 can occur and should be evaluated. These include the
5 direct, indirect, and induced impacts which, as
6 Mr. Gruen described, include the direct spending of
7 Haymarket for its operations and jobs, the indirect
8 effects in the industry and other businesses, and
9 induced effects from the salaries and household
10 income that people will now have to spend at their
11 disposal.

12 Next slide, please.

13 So in evaluating the situation
14 there are a number of unique circumstances that
15 should be considered because in each -- in each
16 instance there are always unique facts and
17 circumstances that affect the situation.

18 In this instance, as are here, some
19 of the unique circumstances that must be considered,
20 and as pointed out by Mr. Kisiel in his report, as
21 well, Itasca is a small municipality in the northeast
22 corner of DuPage County.

23 Cook County borders DuPage to the
24 north and to the east, partly to the south, and Kane

1 and Will counties to the west and south. In fact,
2 Itasca sits on the northern boundary of DuPage County
3 which sits on the boundary of Cook County, and as
4 discussed throughout the proceeding, the benefits of
5 the proposed facility are to be widespread for
6 broader DuPage County and beyond. Due to its
7 location with the metropolitan area, it creates a
8 challenge in projecting the economic benefits
9 isolated to Itasca.

10 On the other hand, the costs of
11 supporting the facility will be isolated and totally
12 borne by Itasca and its taxpaying constituents which
13 is a municipality of fewer than 9,000 people.

14 In my opinion, the analysis has not
15 evaluated whether Haymarket DuPage will bring
16 residents to Itasca, and Haymarket's experts haven't
17 evaluated the full potential impact to Itasca.

18 Next slide, please.

19 So as mentioned, in evaluating this
20 situation these are unique circumstances at play that
21 I think must be evaluated and considered for purposes
22 of an economic impact evaluation of this planned
23 development.

24 It's important to recognize and

1 provide the Plan Commission with the information
2 relevant to the unique circumstances identified here,
3 which include the current zoning of the property,
4 which historically generated tax revenue to the
5 municipality; that it is an adaptive re-use; it's not
6 vacant land; and it does require a zoning change for
7 purposes of Haymarket's operation.

8 Next slide, please.

9 So to summarize my opinions, which
10 I will then walk through in further detail,
11 Haymarket's impact studies have not achieved the
12 objectives that they stated. They have failed to
13 achieve the stated objective which is specifically
14 referenced in Mr. Kisiel's report.

15 In my opinion they have not
16 provided the Plan Commission with a thorough and
17 supported evaluation of the incremental and economic
18 impacts the Village and community could reasonably
19 expect by approving the permit and changing the
20 zoning at the site at issue.

21 They misrepresent the historical
22 tax revenue that was previously generated from the
23 Holiday Inn or hotels operating on the property.
24 They misrepresent or understate the tax revenues.

1 They overestimate the potential financial and
2 economic benefits that can be expected to occur
3 specifically within Itasca. They underestimate the
4 potential costs and potential impacts to Itasca, and
5 amongst them they provide inconsistent and
6 conflicting conclusions and information.

7 Next slide, please.

8 My evaluation of these reports
9 includes and considers the testimony provided by
10 others who have testified or presented information in
11 this matter. That includes the information provided
12 by Mr. Dominik, the Polaris Public Safety report;
13 Mr. Moeller from Fitch & Associates and his
14 evaluation of the Polaris report; Mr. Jim Burke, the
15 Itasca Fire Protection District Chief; Mr. Craig
16 Benes, the Itasca school superintendent; and
17 Mr. Robert O'Connor, the Itasca Director of Police;
18 and the information they have provided to the Plan
19 Commission.

20 Next slide, please.

21 So in walking through some details
22 of the reports and the information referenced, this
23 slide identifies the tax revenue that historically
24 had been generated from the Holiday Inn for a period

1 of the years 2014 through 2019.

2 As you can see here, this
3 information was provided and quantified in the
4 original report that I provided and presented to the
5 Plan Commission in September of 2019. During the
6 fiscal years 2014 through 2019 the Holiday Inn
7 generated more than \$1.5 million in tax revenue from
8 these various types of taxes.

9 As I mentioned, this information
10 can be found in my report. It can be found in
11 Attachment 1 to my report, and as discussed, the
12 proposed future use of Haymarket DuPage will be a
13 nonprofit, tax exempt entity which will not generate
14 tax revenue for the Village.

15 I understand that currently
16 Haymarket has withdrawn its application to be exempt
17 from property taxes, but as I understand, that
18 they -- it remains an outstanding issue.

19 Throughout their reports --
20 throughout the Haymarket reports, specifically those
21 of Teska and Okrent Kisiel, they make reference to
22 past taxes that have been generated from the Holiday
23 Inn or from the property at issue, but none of them
24 quantify or provide a supportive quantification of

1 those past taxes. They often reference an individual
2 year's tax or a certain type of tax that was
3 generated but do not provide documents or records to
4 support those numbers.

5 Next slide, please.

6 The property taxes generated from
7 the property are distributed to various taxing bodies
8 throughout the municipality.

9 The taxing bodies listed here, as
10 well as others, receive a percentage distribution
11 from property taxes generated from the property at
12 issue.

13 Attachment 12 to my original report
14 provides a breakdown of the distribution of property
15 taxes to all the taxing bodies in 2017 and 2018 for
16 reference. The taxing bodies include the Village,
17 the Itasca Fire Protection District, the schools, the
18 special service area, the library and park district,
19 among others, and as such, if Haymarket DuPage is
20 exempt from property taxes, these taxing bodies will
21 be impacted as will the taxpayers within them.

22 Next slide, please.

23 While Haymarket experts acknowledge
24 an impact to the Village and the Fire Protection

1 District in their reports, they did not evaluate a
2 potential impact to the other taxing bodies and the
3 taxpayers at issue.

4 As indicated in my 2019 report, the
5 property at issue was also located within the Spring
6 Lake Business Park, which is special service area 3,
7 which is assessed a portion of the property taxes.
8 Holiday Inn contributed a proportionate share of
9 those property taxes. If Haymarket is exempt from
10 property taxes, the other businesses within the
11 special service area could be impacted or required to
12 pay an increased proportionate share.

13 The Teska report acknowledged this
14 potential impact, but neither the Gruen report, nor
15 the Kisiel report made mention of it, along with no
16 mention of the other taxing bodies at issue or no
17 evaluation of the other taxing bodies at issue.

18 Next slide, please.

19 So as indicated, the -- my review
20 of the Teska report, the Okrent Kisiel report, and
21 the Gruen report, through that evaluation I found
22 that they did not achieve the stated objectives that
23 they themselves laid out and described were required,
24 and, in fact, offer conflicting statements and

1 conflicting conclusions.

2 While -- as shown here, this the
3 same quote that's shown in a prior slide. While the
4 Okrent Kisiel reports indicates here what's
5 necessary, the report does not offer a thorough
6 analysis and quantification of the prior use and the
7 impacts of the proposed future Haymarket use.

8 Next slide.

9 As shown here in Mr. Gruen's
10 testimony in November of 2020, Mr. Gruen indicated he
11 was not aware of and didn't find it to be relevant
12 current zoning of the property at issue. He said it
13 had no impact on his analysis, thus no evaluation of
14 the prior use was included.

15 While I agree that the current
16 zoning isn't relevant when you're projecting the
17 future impacts from Haymarket, the current zoning is
18 relevant to the Plan Commission as it evaluates the
19 potential difference and impact from the past years'
20 or current zoning to the financial and economic
21 impacts of the future proposed Haymarket facility.
22 So the current zoning is relevant to the broader
23 analysis.

24 Next slide, please.

1 As previously shown, the quote from
2 page 16 of Mr. Kisiel's report, then on page 18 of
3 Mr. Kisiel's report it makes this statement, which
4 then says that it is questionable as to whether the
5 loss in any property tax revenues generated by the
6 prior hotel use should be considered as an impact as
7 the applicant has purchased the property and as a
8 not-for-profit entity would not pay property taxes
9 whether they pursued the proposed development or not.
10 The same could be said for any loss in sales taxes,
11 food and beverage taxes, video gaming taxes, and
12 hotel taxes discussed below.

13 So he indicates that it's
14 necessary, but then indicates that because the
15 applicant has purchased the property it's no longer
16 relevant or questionable, but what is at issue is
17 whether or not Haymarket can operate a facility on
18 the propo- -- as a plan -- on the proposed property.

19 Next slide, please.

20 So in his report, this is the same
21 quote here on the left-hand side of the page that we
22 just read the statement by -- in Mr. Kisiel's report
23 indicating that it was questionable whether the loss
24 in any property tax revenues should be considered.

1 Mr. Kisiel is effectively
2 contradicting himself within his own report and
3 contradicting his prior statement. He previously
4 identifies the project as an adaptive reuse and not
5 new construction on vacant land, but does not offer a
6 complete evaluation of past and current use to future
7 proposed use. He doesn't evaluate the incremental
8 change to the proposed use, and as mentioned, he
9 contradicts his own prior statement of the goals and
10 economic impacts at play.

11 Mr. Kisiel's report relies on
12 Mr. Gruen's projections and relies on the projections
13 of Mr. Dominik's original report. Mr. Kisiel at
14 times states certain types of tax revenue generated
15 historically from different years, but in doing so
16 doesn't support his numbers and calculations and
17 misrepresents those amounts.

18 Next slide, please.

19 So I'll now offer some specific
20 examples of how Haymarket's economic impact studies
21 misrepresent historical tax revenue.

22 So as shown here on page 4 of
23 Teska's report, the Teska report states hotel taxes
24 from 2015 and 2018. They indicate those amounts to

1 be 72,000 and 44,000 as shown here. They provide no
2 source or support or reference for that information.

3 As indicated in my report and
4 supported by the tax receipts and financials of the
5 Village, the hotel's taxes from 2015 and 2018 were
6 actually 126,000 and 51,000 respectively, and as
7 mentioned, those -- those amounts are supported by
8 the tax receipts from the Village.

9 Additionally, Appendix 1 of the
10 Teska report, states other unsupported tax revenue
11 paid by the Holiday Inn. The numbers Teska
12 referenced were inconsistent with the amounts paid to
13 the Village and supported by the Village's tax
14 receipts and financials. This information was
15 further detailed in my original report in 2019.

16 These unsupported statements
17 created separate issues which included an evaluation
18 of whether the Holiday Inn was underpaying and
19 underreporting taxes.

20 The second line here on this table
21 reflects a statement made in Mr. Kisiel's -- the
22 Okrent Kisiel report. On page 16 Mr. Kisiel
23 references property taxes -- one year of property
24 taxes generated in 2018. He takes those to be

1 \$178,780. This amount, also inconsistent with
2 historically records.

3 As shown on attachment 1 of my
4 report, and supported by the Village's records, and
5 as supported by the Village -- or the DuPage County
6 website, property taxes in 2018 were actually
7 \$188,122.

8 The property taxes Mr. Kisiel
9 references here of \$178,000 I believe were from 2019.
10 But, again, he just references one year of taxes and
11 performs no analysis of the taxing bodies impacted,
12 the taxpayers that could be affected, and simply
13 references historical taxes from one -- from one
14 single year.

15 Separately in his report Mr. Kisiel
16 also makes reference throughout his economic impact
17 section to amounts paid by various tax types from the
18 Holiday Inn. Those numbers are often not supported
19 by either historical information or footnotes or
20 sources. And in one case Mr. Kisiel references hotel
21 taxes paid in 2017, but appears that that information
22 is unsupported and relies on the hotel taxes that
23 were included in Teska's report in Appendix 1, which
24 as previously referenced here, were incorrect and

1 inconsistent with the tax receipts from the Village
2 and the Village -- the Village's records.

3 Next slide, please.

4 So as indicated here and as further
5 detailed in my report, there are some other
6 statements that have been made that were not
7 supported or offered conflicting information. This
8 example is from the Teska Associates report where
9 they made reference to the fact that the Holiday Inn
10 was operating as an extended stay hotel.

11 As stated, the Holiday Inn has also
12 produced less hotel tax revenue than would be
13 expected. In recent years a significant percentage,
14 over 50 percent, of their business has been
15 extended-stay, and, as such, exempt from hotel taxes.

16 This statement was -- is
17 unsupported. There's no analysis or support provided
18 to support this statement. The hotel was not
19 licensed to operate as an extended-stay property,
20 and, thus, be exempt from paying taxes to the
21 Village. And separately it then raises allegations
22 of the hotel underreporting and underpaying as it was
23 operating which would indicate that the tax revenues
24 actually received from the hotel may have been

1 understated. So it caused a number of questions and
2 raised a number of issues.

3 Next slide, please.

4 Mr. Kisiel's report -- this is a
5 statement here -- two statements from Mr. Kisiel's
6 report on page 18 makes additional references and
7 statements which offer no support or analysis.

8 These two examples discuss the
9 declining occupancy rate and indicating that any loss
10 would be realized -- that any loss realized would
11 be -- could be made up by the other hotels operating
12 in the Village.

13 Teska's report also made reference
14 to occupancy rates but provided no support for those
15 rates and made misleading comparisons. This,
16 again -- these statements were -- the statement from
17 Itasca was further evaluated in my prior report, and
18 it misstated occupancy rates that were referenced.

19 Next slide, please.

20 In Mr. Kisiel's testimony, when
21 asked if he evaluated the property tax issue
22 incrementally or just as one year, Mr. Kisiel
23 indicated he only revi- -- he only reviewed the most
24 recent year and only analyzed the one-year period.

1 He did not review prior years or any quantification
2 of any potential impact. He simply looked at one
3 year's property taxes.

4 Next slide, please.

5 So, further, in their analysis of
6 the projected benefits to Itasca and the community,
7 Haymarket's experts and reports offer statements with
8 no support or analysis or with unsupported
9 assumptions.

10 This slide references a statement
11 made -- two statements made in Teska's report, which
12 indicates that additional employees will likely visit
13 local restaurants and shops and buy gas on their
14 daily commute to and from work, and that the increase
15 in the number of jobs and increased wages is expected
16 to have a ripple effect on the local economy.

17 However, Teska offered no analysis or quantification
18 or support for these statements. They offered no
19 analysis to isolate these benefits to Itasca, and
20 they both assume 100 percent staffing and operation
21 from start-up with no ramp-up period assumed.

22 Next slide, please.

23 In Mr. Gruen's report, this
24 statement that can be found on page 4 of Mr. Gruen's

1 report on the left-hand side of the screen. He makes
2 a statement that projects sales tax revenue to be
3 generated from the employees and jobs generated by
4 Haymarket.

5 Mr. Gruen's calculation assumes 163
6 workers, or employees, will spend \$5 a day on
7 conveniences and necessities, and that would produce
8 an annual sales estimate of \$297,475, and at the
9 one-and-a-half percent tax rate this would produce
10 sales tax revenue to the Village of \$4,462.

11 The assumptions imbedded within
12 this calculation are unsupported in the sense that it
13 assumes all 163 employees will be on-site 365 days a
14 year spending \$5 a day in the Village. While this is
15 a minimal estimate in terms of the amount of dollars
16 spent, \$5 a day, it does assume all employees will be
17 on-site every day spending this money and that
18 they'll spend it within Itasca.

19 It also assumes that all jobs are
20 new jobs and that none of these jobs are staffed by
21 someone in Itasca who is already in Itasca spending
22 and living in the Village. So it assumes all these
23 employees will be staffed by non-Itasca residents
24 coming to the Village and spending -- incrementally

1 spending additional moneys. So, in other words, it
2 assumes that all revenue is new revenue to the
3 community and none of these individuals are already
4 residents of Itasca.

5 Mr. Gruen acknowledged that there's
6 no ramp-up assumed, and that this does assume a 100
7 percent operation and a full year of operations for
8 purposes of further projections, but as indicated,
9 there's no ramp-up assumed. And when Dr. Lustig
10 testified, he indicated that to the extent there were
11 individuals within the Village, that they would like
12 to employ local residents, if qualified, as there is
13 a benefit to employing individuals who live and are
14 proximate to the facility.

15 Next slide, please.

16 Mr. Gruen's report develops and
17 projects the direct and indirect benefits that can be
18 expected from the proposed facility. While the jobs
19 themselves will be located at the proposed facility,
20 the projections and projected benefits are relevant
21 to broader DuPage County and can't be isolated to
22 Itasca.

23 Here in his projection of utility
24 taxes Mr. Gruen projects natural gas and electric

1 consumption. He does not indicate that these taxes
2 were generated historically from the property, and he
3 does not evaluate the incremental impact of this
4 utility tax revenue, and suggestions that it would be
5 new revenue.

6 Next slide, please.

7 So as indicated, the statements on
8 the left are from Mr. Gruen's report on the pages
9 identified, page 15 and page 16.

10 Mr. Gruen develops and projects the
11 benefits that can be expected from the proposed
12 facility, but he's unable to isolate the projected
13 benefits to Itasca. Instead, they are relevant to
14 the broader DuPage County and beyond.

15 As he indicates, the Haymarket
16 DuPage will attract dollars outside of DuPage County
17 and spend many of these dollars within DuPage County
18 on payroll and operations, and he states that the
19 total impacts of Haymarket DuPage operations,
20 including direct and indirect effects, are estimated
21 at 191 jobs and 10.6 million of annual earnings
22 within DuPage County. This equates to total annual
23 earnings of \$55,600 per job created. The total
24 annual output impact is expected -- or it's estimated

1 at 27.7 million in DuPage County.

2 So, again, these projected benefits
3 are relevant to broader DuPage County and cannot be
4 isolated to Itasca and the specific municipality and
5 the taxing bodies at issue.

6 This overstates the impact and does
7 not consider the losses to Itasca from the loss of
8 the revenue-generating -- tax revenue generating
9 property, and an evaluation of DuPage County is not
10 relevant to the Plan Commission's evaluation of the
11 specific impacts of the Itasca taxing bodies at
12 issue. And, again, this assumes that all jobs are
13 new jobs.

14 Next slide, please.

15 Mr. Kisiel's report offers a
16 statement, which you can see here on the left-hand
17 side from page 15, that states that the larger --
18 while the population of the proposed use would be
19 different than the typical business traveler, the
20 employee population, anticipated to be nearly twice
21 that of the prior hotel use, may be more likely to
22 patronize the surrounding restaurants and businesses.

23 There is no analysis of support to
24 support that statement, no basis was provided, no

1 analysis was performed, and many -- likely, many
2 business travelers often patronize the surrounding
3 restaurants and businesses in the area. So, again,
4 there is no support to support that statement.

5 Next slide, please.

6 And here there is another statement
7 from the Okrent Kisiel report on the left-hand side
8 of the screen.

9 Mr. Kisiel's report references
10 other development opportunity in Itasca as the offset
11 to any property tax reduction from the proposed use
12 of Haymarket DuPage.

13 As indicated in his statement, the
14 modest reduction of property tax revenues due to the
15 acquisition of the property by a non-for profit owner
16 is more than offset nearly tenfold by the development
17 potential of vacant or underutilized properties
18 within Itasca, some currently under construction.

19 Other properties and other
20 developments either in consideration or potential
21 development in Itasca aren't relevant to the
22 Commission's evaluation of the property at issue.

23 It's inappropriate to suggest that
24 the potential or unrelated developments are relevant

1 to the zoning status of the property at issue. And,
2 again, within this statement it's a reference to just
3 one year of property taxes and doesn't consider the
4 longer term impact.

5 In many instances some of these
6 properties are either in development or in
7 consideration and any benefit from them wouldn't be
8 realized for many years into the future.

9 Next slide, please.

10 So this last section of slides
11 details some of the examples and impact -- some of
12 the examples as to how the economic impact studies
13 underestimate the potential increased costs to
14 Itasca.

15 As shown here on this slide, based
16 on the testimony of the Fire Chief and the police
17 director, there are costs that could be experienced
18 if the Fire Protection District or the police
19 department increase resources. This table identifies
20 the costs that were indicated by those individuals
21 either through testimony or through information
22 provided by the Deputy Chief John Matuga to identify
23 what those -- what those costs for those resources or
24 for the additional personnel are.

1 Haymarket did not evaluate the cost
2 of emergency services equipment or personnel or
3 indicate how much those might be.

4 Next slide, please.

5 So Teska's report made a number of
6 unsupported or misleading statements and conclusions
7 as it related to any potential costs that might be
8 experienced by the -- by the Village.

9 Here on this slide Teska made
10 reference to and quoted from a research study that
11 was relevant to DuPage County. In that study, as
12 Teska references, the cost to DuPage County of
13 untreated mental illness and substance abuse
14 disorders is over 900 million. Broken down to the
15 taxpayer, that equates to 1,000 per person. For the
16 Village of Itasca population that is over
17 8.6 million.

18 Teska then goes on to state that
19 the economic savings to the taxpayers of Itasca from
20 Haymarket totals over \$2 million. The statement that
21 Teska made in its report is misleading and
22 misrepresents the research study. The research study
23 indicates and states that the average DuPage County
24 resident incurs approximately \$1,000 per year in

1 healthcare, productivity, and societal costs. The
2 research study does not suggest tax savings or direct
3 savings.

4 Next slide, please.

5 Teska's report makes additional
6 unsupported statements like those shown here at the
7 top of the page on the left-hand side and at the
8 bottom of the page on the left-hand side. They
9 reference municipal services will experience minimal
10 to no cost to provide services to Haymarket DuPage.
11 And they also indicate that it is anticipated that
12 the need for emergency services and corresponding
13 expenses to the local governments will be roughly
14 equivalent to those currently provided to the
15 existing Holiday Inn.

16 Per the individuals who have
17 testified in these proceedings and have filed
18 reports, per the Fire Chief, director of -- Police
19 Director O'Connor, the Gruen report, the Okrent
20 Kisiel report, the Polaris report, and the Fitch &
21 Associates report of Mr. Moeller, all of those
22 individuals acknowledge and recognize that there will
23 necessarily be a cost increase and evaluate it.

24 There was no analysis or support

1 provided to offer the statements that Teska included
2 within its report.

3 Next slide, please.

4 In the Gruen and Gruen report
5 Mr. Gruen's testimony also underestimates the
6 potential increased costs. As discussed previously,
7 Mr. Gruen's testimony indicates that the current
8 zoning of the property is irrelevant. As a result,
9 there is no analysis of the potential impact on the
10 taxing bodies.

11 Additionally, Mr. Gruen's analysis
12 projects the cost of emergency services based on
13 projections of emergency services calls included in
14 Mr. Dominik's original report. So Mr. Gruen does not
15 consider or revise his analysis following
16 Mr. Dominik's addendum report and supplemental
17 testimony.

18 Mr. Gruen didn't consider this
19 initial testimony and Mr. Dominik's addendum report
20 indicates the impact and costs will remain
21 negligible.

22 So as shown here, Mr. Gruen's
23 report on page 12 indicates that according to
24 Polaris, Haymarket DuPage is estimated to generate 11

1 to 19 emergent EMS calls per year and seven fire
2 protection service calls per year.

3 Mr. Gruen then did not consider
4 Mr. Dominik's addendum or supplemental testimony
5 which revised upward the potential and estimates of
6 the number of emergency calls that Haymarket DuPage
7 may generate.

8 Next slide, please.

9 Additionally, in his report
10 Mr. Gruen makes reference to the resident
11 equivalence. He performs a calculation to isolate
12 the costs per resident equivalent. This calculation
13 overstates the number of resident equivalents which
14 leads to understated general fund expenditures per
15 village resident.

16 Next slide, please.

17 In the Okrent Kisiel report, as
18 shown here on page 20 of the -- of Mr. Kisiel's
19 report, the costs for providing municipal, police,
20 fire, and EMS services to Haymarket DuPage are
21 negligible and do not cause any undo burden to the
22 Village of Itasca or the Itasca Fire Prevention
23 District.

24 In making this statement Mr. Gruen

1 doesn't provide an evaluation. He does not define or
2 qualify undue burden for purposes of the Itasca Plan
3 Commission, and he does not perform or evaluate the
4 capacity and resources to support or assess an undue
5 burden.

6 Similarly, he did not offer any
7 revised testimony following the addendum offered by
8 Mr. Dominik.

9 Next slide, please.

10 Mr. Kisiel's report as stated here
11 states that the study prepared by Polaris Public
12 Safety Solutions evaluated incremental demand and
13 costs for police, fire, and EMS services for the
14 proposed facility over that of the hotel -- prior
15 hotel use.

16 In this statement, again,
17 Mr. Kisiel did not consider Mr. Dominik's addendum or
18 supplemental testimony which made revised estimates
19 of the number of emergency calls that Haymarket
20 DuPage may generate.

21 Next slide, please.

22 So, in summary, when evaluating and
23 comparing Haymarket DuPage's economic impact reports
24 across the various categories mentioned and

1 referenced throughout this presentation, I found that
2 they have -- they do not individually, nor
3 collectively, offer a thorough and supported
4 evaluation of the impacts that can reasonably be
5 experienced and expected by the municipality of
6 Itasca for the Plan Commission's use and evaluation
7 in assessing the application of a planned development
8 by Haymarket DuPage.

9 As I've described throughout this
10 presentation they offer unsupported statements and
11 assumptions, conflicting opinions and statements
12 regarding the relevance of the current zoning. They
13 misrepresent or misstate the historical tax revenue
14 generated. They overstate the projected economic
15 benefits as they are unable to isolate them to
16 Itasca. They underestimate the potential increased
17 costs. They do not evaluate the impact on all taxing
18 bodies and taxpayers within them.

19 And, in conclusion, they do not
20 offer a comprehensive and supported evaluation for
21 the Itasca Plan Commission's use and reliance in the
22 Plan Commission's evaluation of the application by
23 Haymarket DuPage in accordance with the zoning
24 ordinance.

1 Next slide, please.

2 So, in summary, this concludes my
3 direct testimony and presentation for the Plan
4 Commission.

5 CHAIRMAN DALY: Thank you, Ms. Ketchum.

6 At this time I would ask if
7 Mr. Ellenbecker has any questions in
8 cross-examination of you.

9 MR. ELLENBECKER: Commissioner Daly, I do
10 not.

11 CHAIRMAN DALY: Okay, thank you,
12 Mr. Ellenbecker.

13 Mr. DiNolfo, do you have any
14 questions in cross-examination of the witness?

15 MR. DI NOLFO: I do not. Thank you.

16 CHAIRMAN DALY: Thank you.

17 Ms. Smith, do you have any
18 questions of Ms. Ketchum at this time?

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

20 CHAIRMAN DALY: Okay, thank you all.

21 At this time I'm going to ask that
22 we take a 10-minute break and then we will begin with
23 cross-examination by the Haymarket DuPage team.
24 Let's call it 8:17 we'll reconvene. Thank you.

1 (Recess taken.)

2 CHAIRMAN DALY: Okay, it's time to resume.

3 So at this time I would ask Ms. O'Keefe if you would
4 like to begin your cross-examination of the witness.

5 MS. O'KEEFE: Sure. Thank you, Mr. Chairman.
6 Where is Ms. Ketchum?

7 It's nice to meet you, Ms. Ketchum.

8 MS. KETCHUM: Nice to meet you, as well.

9 SARAH KETCHUM

10 called as a witness herein, having been first duly
11 sworn, was examined and testified as follows:

12 CROSS-EXAMINATION

13 BY MS. O'KEEFE:

14 Q. So I have a few questions here tonight.
15 So let's start out with just a little background on
16 the retention.

17 Who first contacted you about the
18 assignment that brought you here today?

19 A. Ms. Wysocki.

20 Q. When did she contact you?

21 A. It was the summer of 2019.

22 Q. Has she been your primary contact
23 throughout this assignment?

24 A. She has.

1 Q. Have you had any interaction with other
2 attorneys in her firm?

3 A. I have had some limited interaction with
4 Mr. Hervas. He's participated a time or two on a
5 phone call on this matter.

6 Q. Do you have a contract with the Village
7 of Itasca for the purpose of this assignment?

8 A. Well, we have a retention letter with
9 Counsel, that is, we are retained on behalf of the
10 Village.

11 Q. Okay. Have you ever worked with the
12 Village or on behalf of the Village of Itasca in the
13 past?

14 A. We have worked with Counsel in the past
15 and we have -- there was one past matter for Itasca.

16 Q. What was the nature of that matter?

17 A. Well, I'm not at liberty to provide many
18 details. Often in a lot of our work it's
19 confidential. We were retained as a consultant and
20 were never disclosed, but we assisted in performing
21 an evaluation of an analysis, but then that matter
22 proceeded to settlement discussions with insurance
23 and we didn't continue to be involved. So it was
24 very limited.

1 Q. Okay. So that matter wasn't related in
2 any way to zoning?

3 A. It was -- that matter was not related to
4 zoning, no.

5 Q. Okay. So you mentioned you have done
6 work with the Village attorney's law firm in the
7 past?

8 A. Yes.

9 Q. Okay. So pursuant to the terms of your
10 retention letter with Counsel, how much are you
11 charging for your services?

12 A. For my time?

13 Q. Uh-huh.

14 A. My hourly rate on this matter, I charge
15 an hourly rate and an hourly rate for anyone on my
16 team within my firm.

17 Q. And what is your hourly rate?

18 A. My hourly rate on this matter is 375 --
19 \$375 an hour.

20 Q. Okay. Have you ever worked with
21 Mr. DiNolfo, Mr. Ellenbecker, or Ms. Smith in the
22 past or their law firms?

23 A. I have not.

24 Q. Okay. So when you were retained by

1 counsel, what documentation was provided to you for
2 the purposes of this assignment?

3 MS. WYSOCKI: Bridget, can I -- can I
4 interrupt? There's like a static or something on --
5 when you're talking. I thought maybe it was my line,
6 but it's just when you're talking and it's hard to
7 understand your questions.

8 I don't know if the Plan Commission
9 is having -- if it's mine, then I'll log off and log
10 back on, but if it's yours, then maybe we can fix it.

11 CHAIRMAN DALY: Yordana, this is -- this is
12 Commissioner -- or Chairman Daly. I also can hear
13 the statistic, but I can clearly hear through the
14 static Ms. O'Keefe's line of questioning.

15 MS. O'KEEFE: Yeah, let me try moving the
16 speaker to see if that helps. (Indicating.)

17 Let me know, does that make it any
18 clearer.

19 MS. WYSOCKI: You know, I can hear you better
20 now, but I still hear this -- I don't know what the
21 background noise is, but you're definitely clearer
22 with the speaker there. So I actually turned my
23 volume up, too, so maybe that helps.

24 MS. O'KEEFE: Well, I could also, you know,

1 step out and come back if that would help you.

2 MS. WYSOCKI: I'll leave it up to the Chair.
3 I can hear you okay now, so -- there's a little --
4 there's something on the line, but I don't know what
5 it is or how to fix it, so.

6 MS. O'KEEFE: Okay.

7 CHAIRMAN DALY: Let's proceed, please.

8 MS. O'KEEFE: Okay. If it gets worse again,
9 just let me know.

10 BY MS. O'KEEFE:

11 Q. So, Ms. Ketchum, can you tell me the
12 documentation you received when you were retained
13 to -- to do this assignment?

14 A. So the initial documentation that I
15 would have received was the filing by Haymarket, its
16 application, the attachments and documents
17 associated, and then once Teska's report was filed I
18 received that report.

19 Q. And what documentation -- documentation
20 has been provided since you prepared the report in
21 2019?

22 Well, I want to ask one question
23 first. Were these the only documents you relied on
24 when you prepared your report in September 2019; the

1 application, the attachments to the application, and
2 the Teska report?

3 A. No, those weren't the only documents I
4 relied upon. I may have misunderstood your question.
5 I thought you asked what was I provided first.

6 Q. Okay. So what other documentation did
7 you rely upon in doing the original report from 2019?

8 A. So I think as referenced in my report --
9 I believe it's an appendix to my report -- I received
10 numerous other documents from the Village.

11 I requested and received tax
12 receipts from the -- for the Holiday Inn, as well as
13 the Hyatt Place, which was a comparable hotel
14 operating in the Village.

15 I received Village financials. I
16 received information relevant to the zoning
17 commission and its organization, the zoning ordinance
18 that needed to be followed in this instance.

19 I received documents pertaining to
20 the Fire Protection District, how property taxes are
21 distributed amongst the taxing bodies within the
22 Village.

23 I believe there are -- I know there
24 are other -- a number of other documents referenced

1 in my appendix.

2 I at that time also received
3 information from the police department based on some
4 assessment of the types of costs that they incur for
5 equipment or personnel.

6 I believe that's a number of the
7 documents that were utilized and relied upon in my
8 original report.

9 Q. Were all these documents public
10 information?

11 A. Some were public information and some
12 were not public information. Anything that was not
13 public information previously was provided in
14 conjunction and along with my report, and anything
15 that was publicly available I indicated as such in my
16 report but did not produce it for a second time.

17 Q. So since -- so basically everything you
18 relied upon is attached to your report in your
19 appendix?

20 A. Yes.

21 Q. And then since September of 2018 when
22 you prepared that report, I assume you received the
23 amended application and the reports that were
24 attached thereto.

1 Is there any other documentation
2 you've been provided other than that or relied upon
3 other than that?

4 A. I believe that the amended supplemental
5 application, the reports associated with that
6 application are the substance of the additional
7 information that I had available to me, as best I can
8 recall at the moment.

9 Q. So basically it was just that
10 information which is already part of the record?
11 There's no other documentation you relied upon?

12 A. Right.

13 Q. Were you given the transcripts to any of
14 the hearings that have been held to date?

15 A. Yes. I was either given the transcripts
16 from some of the initial hearings or obtained the
17 transcripts from the Village's website.

18 Q. So which transcripts did you review,
19 which hearings?

20 A. So I -- well, I attended two of the
21 first five hearings that were held. I attended in
22 person. I believe there was one in October and one
23 in November or maybe it was two in November in 2019.

24 And then I reviewed the transcripts

1 of those hearings where Dr. Lustig and Mr. Baldwin
2 were offering testimony.

3 I did not review the entirety of
4 the transcripts from December when I believe there
5 were additional public questions being asked of
6 Dr. Lustig and Mr. Baldwin.

7 And then once the hearings resumed
8 in, I believe it was, October of 2020, I have either
9 watched or reviewed transcripts from the testimony of
10 Dr. Lustig; Mr. Gruen; Mr. Kisiel; Mr. Moeller; the
11 Fire Chief, the police director, Mr. O'Connor; the
12 school superintendent; some of Mr. Dominik's
13 testimony -- not all. I believe he's testified, you
14 know, maybe as many as four times, so some of his
15 testimony, including his supplemental testimony --
16 and the testimony of Mr. Kisiel.

17 And I believe that's everyone.

18 Q. So when you rev- -- when you watched the
19 transcripts for Lustig, Gruen, Kisiel, Moeller, Fire
20 Chief, Police Chief, they were often over multiple
21 nights. You know, we rarely finished somebody just
22 in one night.

23 A. Right.

24 Q. So did you watch multiple nights so that

1 you got the complete testimony?

2 A. For the most part, yes. I didn't always
3 watch, and oftentimes I was reviewing the transcript
4 afterwards, but to --

5 Q. (Inaudible.)

6 A. -- make sure -- (Inaudible.) -- to the
7 context.

8 Q. So did you -- other than this
9 documentation that was either provided by you or
10 attached, is there any other independent research
11 that you conducted to supplement what you've already
12 described?

13 A. I don't believe there's anything in
14 addition or beyond what I've -- what I've offered and
15 described.

16 Q. Okay. So have you had any independent
17 conversations about this case with the following
18 individuals, and I'll go through them one by one.

19 Have you had any independent
20 conversations on the use of the village manager?

21 A. The use of the village manager?

22 Q. Yes.

23 A. Who was the village manager?

24 Q. Carie Anne Ergo.

1 A. Oh. So I understood her title was
2 village administrator. Is that --

3 Q. I'm sorry, yeah, I might have it wrong.

4 A. That's okay. I just want to make sure
5 we are speaking of the same person.

6 I -- I participated in one or two
7 discussions very early on following my initial
8 retention and following the receipt of the Teska
9 report. I participated in a couple of discussions
10 which included Carie Anne as I was requesting
11 documents and information from the Village, and
12 discussing the status of those requests, and offering
13 the initial observations from my review of the Teska
14 report.

15 Q. Who else was in that -- those meetings?

16 A. Yordana, and I don't -- I'm not entirely
17 sure. They were phone calls. I don't believe there
18 was anyone else present.

19 I think in one instance that
20 Shannon may have been present. I don't want to
21 mispronounce her last name, but Shannon Malik
22 Jarmusz.

23 Q. So what did you talk about during --
24 what was the nature of the conversations that you

1 had?

2 A. Again, it was to request information,
3 and then the status of those document requests.

4 Q. Did you discuss your findings at all?

5 A. I didn't discuss -- well, I discussed my
6 observations of Teska. I wasn't discussing and
7 offering my final conclusions.

8 Q. Did you talk to the Police Chief?

9 A. No, I did not.

10 Q. Did you talk to anyone affiliated either
11 as an attorney or employed by the Itasca Fire
12 Protection District?

13 A. No.

14 Q. Anybody representing -- representative
15 of the School District 10?

16 A. No.

17 Q. Did you speak with the Mayor of Itasca?

18 A. No.

19 Q. And was there any other governmental
20 staff that you spoke with that's related to this
21 case?

22 A. No.

23 Q. Okay. Is there any research that you
24 wanted to conduct that you felt was necessary, but

1 the client said not to because it was outside of the
2 scope of the work that you were originally retained
3 for?

4 A. No. No, I was not limited in what I
5 felt was necessary to do or to evaluate the
6 historical taxes or Haymarket's impact studies.

7 Q. At any time during the preparation of
8 your report did you have any communication with the
9 other attorneys involved with this case;

10 Mr. Ellenbecker, Mr. DiNolfo, or Ms. Smith?

11 A. No.

12 Q. Okay. When you came to your final
13 conclusions, who were those reports tendered to?

14 A. When I submitted my final report I sent
15 it to Ms. Wysocki.

16 Q. And did she receive drafts?

17 A. She did not receive drafts. She
18 received a final -- I guess, final draft, if you want
19 to call it that, immediately prior to submission to
20 confirm she didn't have any questions or nothing
21 was -- there were no confusing statements.

22 Q. Were there any edits made as a result of
23 that review?

24 A. No. I think she offered some

1 observations that, you know, the statement might not
2 be entirely clear, but there were no -- there were no
3 edits provided.

4 Q. Great. Okay. Well, thank you for that.

5 So I want to talk with you a little
6 bit about your background, which from your CV is, you
7 know, very impressive. I would like to just dive in
8 a little bit to your experience with zoning cases in
9 particular.

10 So I saw -- I want to get into a
11 couple things that were mentioned on your CV, but I'd
12 like to ask, have you ever been involved in a zoning
13 case before a Plan Commission before?

14 A. So I have not been involved in a matter
15 that was before a Plan Commission. I have --

16 Q. I'm sorry. That was the question. So
17 you haven't been involved in any zoning matter before
18 a Plan Commission before?

19 A. Well, I have been involved in one matter
20 that involved zoning issues.

21 Q. Right, but I'm asking about the
22 administrative hearings that led up to it --

23 A. No, I have not.

24 Q. -- since --

1 A. Correct, I have not.

2 Q. Okay. So you've never been involved in
3 an administrative proceeding involving zoning before?

4 A. Correct.

5 Q. You've never worked with an expert
6 involving planning issues?

7 A. Correct, I have not.

8 Q. You've never worked with an expert in a
9 zoning perspective or working with appraisal issues?

10 A. No, not in a zoning perspective, no.

11 Q. You've never worked with an expert in a
12 zoning perspective involved with an economic impact
13 analysis at the administrative level?

14 A. I don't believe so.

15 Can you restate the question? I'm
16 getting a little bit of delay, and I don't know if
17 it's just me, but your stalling at times, but that
18 might be just me.

19 Q. That can be very distracting, too.

20 Would you like me to check off and
21 then come back on just to see if we get it clearer?

22 CHAIRMAN DALY: Ms. O'Keefe, this is Chairman
23 Daly. I would appreciate that because your static is
24 getting worse.

1 MS. O'KEEFE: Oh, sure.

2 CHAIRMAN DALY: I'm not experiencing the
3 delay, but if the witness can't hear you or
4 understand you, yeah. So please come back here in a
5 minute.

6 MS. O'KEEFE: I'll do so right now, sir.

7 CHAIRMAN DALY: Thank you.

8 (Brief interruption.)

9 MS. O'KEEFE: How is the sound quality now?

10 CHAIRMAN DALY: Ms. O'Keefe, please proceed.

11 MS. O'KEEFE: Is the sound quality better
12 now?

13 CHAIRMAN DALY: We'll find out here in a
14 minute. Keep going.

15 MS. O'KEEFE: Okay. Can we ask the court
16 reporter to restate the question I just asked.

17 (Question read.)

18 BY THE WITNESS:

19 A. No, I have not worked with an expert in
20 a zoning impact -- in a zoning hearing at the
21 administrative level.

22 BY MS. O'KEEFE:

23 Q. Have you ever conducted an analysis of
24 the fiscal impacts on a specific governmental entity

1 related to a land use issue?

2 A. I have not evaluated on a governmental
3 entity.

4 Q. So -- so you've never -- you've never
5 conducted an economic or fiscal impact analysis for a
6 government entity in an administrative proceeding;
7 correct?

8 A. No, not in an administrative proceeding.

9 Q. Okay. Have you ever analyzed or
10 forecasted budgets for municipalities?

11 A. No.

12 Q. Have you ever conducted a market
13 analysis for a hotel?

14 A. I don't believe I have developed a
15 market analysis for a hotel.

16 Q. Have you ever conducted an analysis of
17 the demand for hotel rooms or meeting space for any
18 hotel owners, investors, et cetera, financing
19 sources?

20 A. I don't believe I have developed that
21 for a hotel.

22 Q. Okay. So I'd like to turn to your CV
23 that you presented, and you mentioned that -- in your
24 CV you state you were retained on behalf of a

1 municipality to analyze and rebut plaintiff's alleged
2 lost profit damages, and increased financing, and
3 other costs claimed as a result of an alleged permit
4 and zoning delays, and the plaintiff was a drug and
5 alcohol rehabilitation facility.

6 A. Uh-huh.

7 Q. Is -- who was your client in that case?

8 A. I'm -- I was not disclosed in that
9 matter so I'm not actually at liberty to say, but it
10 was a municipality.

11 Q. Well, you were -- you put it in your CV,
12 so let's talk -- can we talk about the nature of the
13 case.

14 First of all, is that the only case
15 you've ever been involved with involving a drug
16 treatment center?

17 A. That's the only other matter, yes, that
18 I've been involved with involving a drug and
19 rehabilitation --

20 Q. Okay. What was the name of that drug
21 treatment center?

22 A. Again, I'm not at liberty to say. I'm
23 not at liberty to give client names or case names in
24 instances where we weren't -- we were retained as a

1 consultant but not disclosed as an expert.

2 That matter was in settlement
3 proceedings, and I was retained to assess the claims
4 put forth by the claimant -- in this instance the
5 drug and alcohol rehabilitation facility -- that
6 claimed that delays caused increased financing costs,
7 and delays, caused lost profits because they were not
8 allowed to open and operate on the timeline that they
9 had projected, and also claimed increase -- or costs
10 incurred to maintain the property while they were
11 awaiting approval.

12 So on behalf of counsel and client
13 I assessed those claims and offered some criticisms,
14 and critiques, and revised calculations that were
15 then used in the settlement.

16 Q. So there was litigation involved?

17 A. There was.

18 Q. Okay. Was the Village attorney's firm
19 involved in this litigation as counsel?

20 A. They were.

21 Q. Okay. Did Mr. Hervas retain you in that
22 case?

23 A. No, Mr. Hervas did not.

24 Q. So what was the nature of the analysis

1 for losses claimed? What -- what kind of factors did
2 you look at?

3 A. Well, we assessed the information that
4 was provided by the facility. There were projections
5 of their operations, their costs to -- costs to
6 operate, projections of the revenues that they
7 expected on the number of patients expected to treat,
8 the costs incurred to staff the facility and operate
9 and maintain the facility.

10 There were also costs for financing
11 to, you know, fund their operations, and any
12 construction necessary.

13 So we assessed the information
14 provided. We assessed the support that was provided
15 for purposes of developing those claims and
16 developing the business plan that they offered.

17 We analyzed the information they
18 provided regarding the increased financing costs that
19 they were experiencing and whether or not that was
20 consistent with, you know, interest rates and
21 industry information at the time.

22 I believe that was --

23 Q. And in that case the -- wasn't the
24 plaintiff successful -- the drug treatment center

1 successful?

2 A. Well, it depends on how you define
3 success. I believe that there was -- they were not
4 paid their initial claims.

5 Q. Do you know what the basis was for the
6 awarded damages?

7 A. I don't actually know the final amounts
8 and often don't.

9 Q. In that case the drug and alcohol center
10 did open; correct?

11 A. I'm -- I believe that there are still
12 some issues.

13 Q. The only other case on your CV that
14 related to anything to do with a municipality was
15 involved in an analysis of a developer's claims for
16 lost profits and diminution of value of a newly
17 constructed 30,000-square foot retail development
18 which they claimed resulted from the municipality's
19 interference with construction. Is that correct?

20 A. That is on my resume. That isn't the
21 only other municipal reference or engagement on my
22 resume, but, yes, that is on my resume.

23 Q. Is that the only one that kind of
24 involves zoning, however?

1 A. That is the only matter that involves
2 zoning, yes.

3 Q. Okay. So in that case did you conduct
4 the similar kind of analysis you conducted in the
5 first case, because it sounds like there was a
6 similar suit regarding delays and any kind of damages
7 that resulted from the delays, and did you kind of
8 just perform the same kind of methodology you did
9 that you explained earlier?

10 A. I think that's the case. I think that's
11 fair. We assessed the developer's claims that delays
12 to the permitting process extended their timeline and
13 pushed them into a less attractive point in the
14 market, and as such, they were unable to rent some of
15 their spaces and also receive the rents for some of
16 the spaces that they were able to rent. So they
17 claimed lost profits and lost value.

18 And so we assessed the rents that
19 they received, and the claims that they put forward,
20 and the changes in economic conditions within the
21 market to assess their reasonableness.

22 Q. And so you represented the municipality
23 in that case, too?

24 A. Correct.

1 Q. Was that ultimately settled or was that
2 decided in litigation?

3 A. That was ultimately settled, as well.

4 Q. Okay. So there's no other cases that
5 involve zoning?

6 A. Not that involve zoning, no.

7 Q. Okay. Ms. Ketchum, is anybody there you
8 with tonight when you were giving your presentation
9 or are you just on your own, at your own --

10 A. On my own.

11 Q. -- in your own location? Good.

12 Okay. So I'd like to just talk
13 about your timeline a little bit that you presented
14 in your PowerPoint.

15 You cite a section of the zoning
16 code, and it's on slide 10, and I have a hard copy so
17 I'm just going by the numbers on the bottom of the
18 page, if that's okay.

19 And this is the one you started out
20 with. It's a provision from the zoning code that
21 states that as part of the PD process the Village may
22 request a study of the economic impact and that, as
23 defined in your PowerPoint, is detailing the impact
24 which the planned development would have on all

1 taxing bodies. And you testified just previously
2 that the Village invoked this provision in this case.

3 So if the Village requests a tax
4 impact study pursuant to the course of this specific
5 language, does this ordinance's language state that
6 the focus should be on the impact of the proposed
7 use?

8 A. It's my understanding that this -- that
9 this section of the ordinance is relevant, what the
10 Plan Commission may request as part of a planned
11 development and evaluation of a planned development.

12 Q. And so that planned development is the
13 use that's proposed, such in this case is Haymarket's
14 drug treatment center?

15 A. Correct.

16 Q. Correct, okay.

17 Where in the ordinance does it say
18 that it would be relevant or required to compare the
19 impact of this proposed use to a closed past use?

20 A. I don't believe that the ordinance
21 specifies exactly how the evaluation is to be
22 performed, but it -- it requests a study detailing
23 the impact that it will have on all taxing bodies.

24 Q. So that impact is of the proposed use,

1 which is Haymarket, and what that impact itself will
2 have by its use going forward?

3 A. Well, the impact that it will have to
4 the taxing bodies. And in this instance the taxing
5 bodies had experienced tax revenue. As such, to
6 understand the impact to them, they would require an
7 evaluation of the current and incremental change to
8 the proposed use.

9 Q. So we're going to -- we're going to come
10 back to that in a couple minutes, if that's okay.

11 So the second component of this
12 ordinance provision states that, in addition, the
13 expected number of students to be generated by any
14 residential portion shall be quantified.

15 Did you -- was that part of your
16 scope of assignment?

17 A. To assess the central students?

18 Q. Uh-huh, the expected number of students.

19 A. No, I did not evaluate an expected
20 number of students.

21 Q. So on page 11 of your PowerPoint we have
22 this chronology that you put together, and as you
23 said, it has been going on for a long time.

24 So when the application was

1 originally filed in July of 2019, who owned the
2 property?

3 A. When it was originally filed?

4 Q. Uh-huh.

5 A. The Holiday Inn was still -- still owned
6 and was operating.

7 Q. Okay. And then in September of 2019
8 when you prepared your report, who owned the
9 property?

10 A. I believe the Holiday Inn still owned
11 the property and was operating.

12 Q. And then in April 2020 who purchased the
13 property?

14 A. It's my understanding that's when
15 Haymarket purchased the property.

16 Q. So that's not noted on your timeline,
17 that change in facts.

18 Your timeline does indicate,
19 however, that in August 2020 Haymarket filed an
20 amended application which reflected their purchase of
21 the property. Is that correct?

22 A. Yes, in August of 2020 when Haymarket
23 submitted their revised application, they had at that
24 time purchased the property.

1 And there are a number of other
2 instances and facts throughout the case that are not
3 represented here.

4 Q. Right. It's been a long time so there
5 is, but this is -- this is -- this is a pretty
6 important fact.

7 So as part of the application that
8 they filed in August 2020 you reference three reports
9 that were filed with it, which include the Gruen
10 report, the Okrent report, the Polaris report.

11 You didn't reference the KLOA
12 traffic report or the Polach appraisal report, but
13 there was a full application package with drawings
14 filed that amended the original application.

15 MS. O'KEEFE: So, Mo, can we pull up
16 Exhibit 41, cover letter, page 2.

17 VILLAGE PLANNER KHAN: Do you see it?

18 MS. O'KEEFE: Can you go down to the next
19 page, please, to No. 4.

20 BY MS. O'KEEFE:

21 Q. So are you aware, Ms. Ketchum, that when
22 we filed the application in August of 2020, Haymarket
23 withdrew the Teska report because the ownership and
24 some of the underlying facts -- (Inaudible).

1 A. It's my understanding from Counsel that
2 the Teska report was still at issue because it had
3 been presented to the Plan Commission.

4 Q. So are you aware that this letter
5 existed, that we withdrew it?

6 A. I was made aware that this letter
7 existed, but as I mentioned, I was -- it was my
8 understanding from Counsel that it was still at
9 issue.

10 Q. Are you aware that at no time since
11 August 2019 -- 2020 when this amended package was
12 filed, there's been no objection raised by any
13 counsel to the fact that the Teska withdraw -- Teska
14 report was withdrawn?

15 A. I was not aware that there have been no
16 objection made to this letter.

17 Q. So it would be reasonable to assume that
18 if the letter is part of the record, it's been
19 accepted as an exhibit, and before a formal hearing,
20 the wit- -- and the witness never testified, and no
21 objection has been raised, well, wouldn't it be
22 reasonable to assume that that report was withdrawn?

23 MS. WYSOCKI: I'm going to object to the
24 extent that it calls for a legal conclusion. It's

1 not within the scope of the witness's knowledge.

2 MS. DICKSON: Get a ruling on that. Ask for
3 a ruling.

4 MS. O'KEEFE: So I'm going to ask for a
5 ruling on that, sir.

6 MR. SILVERMAN: I would recommend that that
7 objection be overruled. I don't -- I don't think she
8 has a basis of knowledge.

9 MS. O'KEEFE: So we're overruling the Village
10 attorney's objection?

11 MS. DICKSON: Yes.

12 BY MS. O'KEEFE:

13 Q. Okay. So then -- so then you are aware
14 that they withdrew the application, Ms. Ketchum?

15 MS. WYSOCKI: That wasn't the question. I'm
16 a little confused by the ruling, but --

17 MS. DICKSON: He ruled.

18 MS. O'KEEFE: He made a ruling that --

19 CHAIRMAN DALY: This is Chairman -- this is
20 Chairman Daly. I heard most of that, and I think
21 part of the issue was when Ms. Wysocki initially
22 objected the feed didn't come through.

23 I believe Yordana objected to the
24 extent that the current witness had no knowledge of

1 that. And I would ask if Ms. Wysocki would please
2 restate her objection so that Village counsel can
3 rule on that.

4 MS. WYSOCKI: Yeah, no problem. I'm sorry
5 that it cut out.

6 I was objecting to Ms. O'Keefe's
7 question about whether or not it would be reasonable
8 based on attorney objections and so forth to assume
9 the Teska report was withdrawn, and I think that that
10 question calls for a legal conclusion, and it's
11 outside of the personal knowledge of the witness,
12 outside the scope of prior testimony.

13 MS. O'KEEFE: So in response I would suggest
14 that, you know, Ms. Ketchum is not being asked for a
15 legal conclusion. She's being asked for her
16 understanding.

17 MR. SILVERMAN: We can read what the letter
18 says. We don't know whether the Plan Commission
19 acted on withdrawing that or the Plan Commission
20 considered it to be withdrawn.

21 You've said that it was withdrawn
22 but, in fact, it could still be part of the record if
23 it's not been stricken or somehow removed by the Plan
24 Commission.

1 MS. O'KEEFE: Well, there was a discussion of
2 the withdrawal at an earlier hearing, I think on
3 November 9th, 2020, and a question was raised
4 regarding this, and I made the statement it was
5 withdrawn, and there was no objection, no -- no
6 ruling that it wasn't withdrawn.

7 This has been addressed before in
8 earlier hearing, and so I don't understand why it
9 would not have been withdrawn if we actively withdrew
10 it.

11 We did not present the witness for
12 testimony or cross-examination, and we -- we
13 specifically stated in this paragraph that the fiscal
14 and economic impact statement by Gruen + Associates
15 was being submitted in lieu thereof given the change
16 in facts.

17 MS. WYSOCKI: Mr. Silverman, do you want me
18 to respond?

19 MR. SILVERMAN: Yes.

20 MS. WYSOCKI: Okay, sorry about that.

21 I know that this -- that
22 Haymarket's counsel has stated that it was withdrawn.
23 I know that there has not been a -- you know, the
24 Plan Commission did not rule on the matter. It

1 hasn't really been -- you know, the Plan Commission
2 didn't make a decision whether it's withdrawn.

3 It was submitted as an exhibit with
4 the original zoning application. It was labeled
5 Exhibit 2 and submitted in October of 2019, and I
6 think that it's already part of the record. It's
7 been considered by the Plan Commission.

8 And then the other piece of it is,
9 is even if it's withdrawn, you know, as substantive
10 evidence, I think that it's still relevant as part of
11 the record because it contradicts some of the later
12 reports, which is what, I think, Ms. Ketchum's
13 comments were, you know, during her direct testimony.

14 So, you know, the fact that
15 Haymarket has submitted inconsistent reports over the
16 course of this proceeding I think is very relevant to
17 the credibility of --

18 MS. O'KEEFE: That's because there's no --
19 I'm going to object to that statement.

20 You know, this report was based on
21 facts that changed, and the facts changed as a result
22 in the change in ownership. That is a material fact,
23 which is why we took the affirmative step of
24 withdrawing the application and submitting a new

1 application based on the accurate facts.

2 If there's contradiction, it could
3 be -- it is because there's been a change in facts
4 which were not reflected in the Teska report which is
5 why it was withdrawn.

6 So for you to make the statement
7 that there's been inconsistent reports, that's
8 outside the scope of what a lawyer would do; and
9 secondly, it's because there's been a change in
10 facts. This has been -- was done almost 10 months
11 ago and there's been no objection to this point.

12 MR. SILVERMAN: Well, I think your objection
13 has been heard. I think the witness testified on her
14 direct examination concerning issues she had with
15 this report. That testimony was offered and heard by
16 the Plan Commission without objection.

17 MS. O'KEEFE: Mr. Chairman, that
18 objection was not -- no testimony was --

19 MR. SILVERMAN: It --

20 MS. O'KEEFE: -- provided by Teska --

21 MR. SILVERMAN: You know what --

22 MS. O'KEEFE: -- Mr. I'm sorry.

23 MR. SILVERMAN: -- you had your turn. Can we
24 have our turn, please?

1 MS. O'KEEFE: Uh-huh.

2 MR. SILVERMAN: That testimony was not
3 objected to by you. If you care to argue -- argue
4 that it's not relevant, I suppose that you can make
5 that argument, however, this is Plan Commission
6 hearing and there is a great deal of latitude.

7 So I think that if you want to
8 question her on that report, then question her. If
9 you don't, then argue to the Plan Commission later
10 that her testimony doesn't have a significant amount
11 of weight.

12 MS. O'KEEFE: So first of all, for the
13 record, I want to just clarify based on your
14 statement that the Teska consultant never appeared
15 before the Plan Commission, never presented the
16 report, never was subject to cross-examination, was
17 never subject to any kind of questioning, and had no
18 opportunity to defend the report.

19 So if -- so in the interest of
20 equity and fairness, if the report was going to be
21 automatically considered, like now, don't you think
22 that objection should have been raised when we
23 withdrew the report 10 months ago?

24 COMMISSIONER CARELLO: Thank you for making

1 the record. Let's proceed.

2 MS. O'KEEFE: So we're going to make a formal
3 objection to any information contained in this report
4 that relates to the Teska report given that it was
5 formally withdrawn from our application and we had a
6 fiscal and economic impact statement by Gruen Gruen +
7 Associates submitted in lieu thereof.

8 We attest for the record that the
9 facts contained in the Teska report encountered a
10 significant change and that's why the application was
11 withdrawn.

12 CHAIRMAN DALY: Okay, thank you.

13 BY MS. O'KEEFE:

14 Q. Okay, let's go back.

15 So in your report you identify the
16 Polaris report as an economic impact study?

17 A. Where in my report do I reference the
18 Polaris report?

19 Q. On the -- page 11 on the timeline. You
20 said they introduced new economic impact studies, and
21 you claim that the Polaris report was an economic
22 impact study.

23 A. Oh. I referenced that the Haymarket
24 submitted a revised application with new economic

1 impact studies.

2 Q. Uh-huh. And Polaris's name --

3 A. Gruen Gruen, Okrent consultant -- Okrent
4 and Polaris. Yes, I -- Polaris evaluates the
5 emergency services.

6 Q. Does it evaluate the economics of the
7 emergency services or does it evaluate the impact on
8 the emergency services?

9 A. My understanding, Polaris evaluates the
10 impact on the emergency services, which are then
11 utilized by the Gruen + Gruen Associates and Okrent
12 Kisiel reports in their economic evaluations.

13 MR. SILVERMAN: Ms. O'Keefe, are you're done
14 with this letter? If you are --

15 MS. O'KEEFE: Yes, I am.

16 BY MS. O'KEEFE:

17 Q. So you were responsible for preparation
18 of the report dated September 13th and that was
19 introduced in the Haymarket -- into the record as
20 Exhibit 15? It's the report dated September 13,
21 2019.

22 A. Correct.

23 Q. Typically when you're retained as an
24 expert do you rely on a report that you prepared 20

1 months ago?

2 A. It depends on the nature of the
3 proceedings.

4 Q. When there's a material change in facts
5 such as the ownership of the property, wouldn't it be
6 standard procedure to update or amend the report to
7 reflect the change in facts?

8 A. Not necessarily. I believe the
9 economics of the proposed facility changed.

10 Q. I'm sorry, you broke up. Now you've got
11 a little static. Would you mind repeating that? I'm
12 sorry.

13 A. I said not necessarily. I mean, the
14 economics of the proposed facility and the impacts it
15 may create didn't change --

16 Q. Did you ask --

17 A. -- and I was not ask -- and I was not
18 asked to provide an updated report.

19 Q. Did you suggest providing an updated
20 report?

21 A. In discussions with Counsel we talked
22 about the economic studies provided by the Gruen +
23 Gruen report and the Okrent Kisiel report. We
24 discussed my observations and the evaluation of those

1 reports, but I was not asked to provide an updated
2 expert report.

3 Q. But typically -- you didn't answer my
4 question.

5 I'm sorry, did you suggest updating
6 the report to reflect the new facts?

7 A. I did not.

8 We talked about my findings and
9 talked about what was necessary for the -- for the
10 Plan Commission, and ultimately determined it would
11 be to provide a -- to testify in front of the Plan
12 Commission and provide a presentation.

13 Q. So basically the scope of your
14 assignment changed from a reliance on your report
15 based on facts that were no longer relevant to
16 basically just reviewing the Gruen + Gruen and Okrent
17 reports?

18 A. I -- my scope changed in terms of not
19 only reviewing Teska, but also reviewing and
20 analyzing the Okrent Kisiel report and the Gruen +
21 Gruen report once those were submitted.

22 Q. Can you give me an example of a prior
23 case you've worked on where you've been -- where
24 you've been previously involved with when there's

1 been a material change in the facts of the case and
2 you have not updated the report?

3 A. I would have -- I would have to consider
4 my past experience.

5 There are often changes that occur
6 throughout a matter and you don't always provide an
7 updated report. It depends upon the venue at issue
8 and the requirements of the proceeding.

9 Q. In this case when you were asked to do
10 an economic -- a review of an economic impact
11 statement on an operating hotel that closes and
12 changes to ownership of a nonprofit, that wasn't
13 deemed significant enough to update your report?

14 A. Well, my report evaluated the taxes
15 generated from the prior hotel and evaluated Teska's
16 study.

17 Then there were new economic
18 studies submitted which I then evaluated and assessed
19 and have now offered my opinions of those.

20 My understanding through this
21 proceeding is that a report was not required, and I
22 was not asked to prepare a report and submit a
23 report.

24 MS. O'KEEFE: Mr. Chairman, since we've been

1 going about another hour, could we take a break now
2 for another five, 10 minutes?

3 CHAIRMAN DALY: That's fine. Let's reconvene
4 at 9:10.

5 MS. O'KEEFE: That's four minutes. Can we
6 have, like, a little bit more than four minutes?

7 CHAIRMAN DALY: All right, let's reconvene at
8 9:15.

9 MS. O'KEEFE: Thank you, sir.

10 (Recess taken.)

11 CHAIRMAN DALY: I would just ask that if
12 Attorneys DiNolfo and Ellenbecker are in the same
13 room, could you just confirm that you are back.

14 MR. DI NOLFO: We're in separate places this
15 week. I am back.

16 CHAIRMAN DALY: And I see Mr. Ellenbecker.
17 All right, great. Thanks everybody.

18 I believe we're ready to go.

19 Ms. O'Keefe, your witness.

20 BY MS. O'KEEFE:

21 Q. Ms. Ketchum, as we sit here today in
22 June 2021, 14 months after the Holiday Inn closed and
23 isn't going to reopen, and the job -- the hotel taxes
24 and other taxes that are related to jobs and incomes

1 associated with the hotel are gone, how relevant --
2 how relevant is it to continue to consider that use
3 to the proposed Haymarket drug treatment facility?

4 A. Well, I think it's very relevant because
5 that's how the property is still zoned. The zoning
6 of the property has not changed. The current zoning
7 is still for a commercial use, and so I think it's
8 still relevant to evaluate the current and past use
9 if that's how the property is still zoned.

10 Q. Well, the underlying zoning is a B-2;
11 correct?

12 A. Yes, I believe that's correct.

13 Q. And there's a whole range of commercial
14 uses that could go on the property?

15 A. Sure.

16 Q. So -- and those would be permitted as a
17 use? It could go in with no analysis whatsoever?

18 A. I don't know if they could go in with no
19 analysis, but I just -- I know that the -- the point
20 of the hearings is that it's -- the request is for a
21 change in zoning from the current zoning to a
22 different zoning.

23 Q. Well, the underlining zoning stays the
24 same, so there is no change with the underlying

1 zoning of a B-2. What -- and a -- the proposed use
2 as a planned development is an authorized special
3 use.

4 So what you're doing is --

5 A. Yes.

6 Q. -- overlaying a planned development on
7 it, but there's other uses that could be utilized for
8 the property; correct?

9 A. Yes, correct.

10 Q. And wouldn't it then just be as relevant
11 to look at any commercial use under a B-2, too?

12 A. Well, I don't know that you would look
13 at, I mean, any use, but the -- I think the
14 evaluation considers what previously was generated to
15 the taxing bodies and the municipality versus what
16 the changed use would generate.

17 Q. Well, how long is your -- is your
18 lookback? If the use was there five years ago would
19 you look back? If it had been closed and vacant for
20 five years -- I mean, at what point does the prior
21 use not become the touchstone against which you base
22 this because it's already been more than a year?

23 A. Sure. I -- I don't have a specific
24 number in mind, but the point is it's currently zoned

1 for -- and understand the zoning doesn't change and
2 the Haymarket's application is for a special use
3 permit, but the property is not vacant land and has
4 previously generated tax revenue for the
5 municipality, and as such, could continue to under a
6 host of different hotel operators or different uses.

7 Q. Your 2019 report upon which you still
8 rely -- because it hasn't been updated -- extensively
9 exams the financial implications of a hotel and what
10 happens when you loose hotel revenue based on hotel
11 sales tax, hotel taxes, food and beverage taxes,
12 video gaming taxes. Those no longer exist because
13 that use went away; correct?

14 A. Well, it's not currently in use as a
15 hotel, but it doesn't mean it couldn't be in use as a
16 hotel.

17 Q. Are you aware that a replacement Holiday
18 Inn is under -- has been approved in Itasca as part
19 of the bridge development?

20 A. I -- I don't know if -- that it's a
21 replacement Holiday Inn, but I'm aware that there is
22 a bridge development, but I don't know the --

23 Q. So are you --

24 A. I don't know the status of it or the

1 development of that development.

2 Q. Well, you can -- it's been made part of
3 the record previously that that was approved last
4 summer in June of 2020 by the Plan Commission and the
5 Village board, so that means that right now there's
6 five hotels in a town of 9,000 people, so what makes
7 you think there would be the demand -- the market
8 demand for a hotel within this building?

9 A. I didn't specifically evaluate the
10 market demand for a hotel in this building, but
11 evaluating other planned developments for purposes of
12 this application is also not relevant. So evaluating
13 the bridge development and any -- any properties
14 within that development as it relates to the impact
15 of Haymarket's application on this development I
16 don't think is relevant.

17 Q. But you're talking about the lost hotel
18 taxes, video gaming taxes, food and beverage taxes,
19 sales taxes, all of which are going to be generated
20 by this replacement Holiday Inn hotel.

21 So I think it's -- if you're
22 looking at the broader perspective, which is what you
23 talked about doing, those taxes are a new source of
24 revenue that is coming in to help replace that.

1 And so then you have to look --
2 don't we have to look, then, at what are the other
3 uses that could be made of the existing building?

4 A. Well, I don't think the Village is
5 capped at what revenue-generating sources they're
6 allowed to have, be it from other developments or
7 other possible businesses within the Village, but
8 with respect to this development, it's currently
9 zoned and previously operated as a hotel and it's
10 currently zoned for commercial operation. So there
11 is tax revenue possibility and that's what was
12 projected in the prior report.

13 Q. Okay. So you're aware the prop- --
14 you're aware the property was for sale?

15 A. Yes, that the property was for sale.
16 Yes, I was aware.

17 Q. And are you aware that the former owner
18 of the property informed the Village that the hotel
19 wasn't justifying sufficient revenues to justify
20 further investment in the property?

21 A. I'm aware that that owner wasn't making
22 investments within the property and to sell the
23 property.

24 MS. O'KEEFE: So, Mo, can we pull up

1 Exhibit 17, please.

2 BY MS. O'KEEFE:

3 Q. So you are -- you have the -- you have
4 the relevant paragraph.

5 Have you seen this letter from
6 the -- I can't see, Ms. Ketchum, on the screen right
7 now, but have you seen this letter from the land
8 owner to the Mayor of Itasca, the former land owner?

9 A. I'm reviewing it to see.

10 Q. No, but had you seen it previously?

11 A. That's why I'm reviewing it to see.

12 I believe, yes, I saw that this is
13 where the owner indicated they were looking to sell
14 the property.

15 Q. And that was because the increased hotel
16 competition and that the type of investment that
17 would be required wouldn't generate a sufficient ROI
18 to justify the infusion of capital?

19 A. Well, that's what this individual says.

20 Q. So if the hotel was successful, why
21 would it -- if the hotel -- why would a hotel such as
22 a former Holiday Inn shutter if the demand for its
23 hotel rooms was high and it was expected to be high
24 in the future?

1 A. I am unaware and can't speak to the --
2 that owner's financial status or their investment in
3 the property or ability to make additional
4 investments in the property.

5 I have no knowledge of their
6 finances or their other business entities, so I can't
7 say from this letter that that statement is justified
8 by a market analysis or a market competition
9 analysis.

10 Q. But that's not something you would have
11 experience in because you've not worked in that area
12 with hotels; correct?

13 A. Well, I haven't -- I haven't developed a
14 projection for a hotel, but I have assessed -- I have
15 assessed market analyses and comparative scenarios.

16 Q. Well, are you aware that the hotel's
17 financial issues didn't suddenly -- suddenly arise
18 and that it had struggled financially in the past?

19 A. Well, I don't know if I would agree with
20 that in looking at the tax receipts received from the
21 Village, which was part of the comparison that we
22 performed in the report that I filed in 2019 when
23 looking at the Holiday Inn's operations in comparison
24 to the Hyatt Place's operations.

1 Q. But they had purchased the property out
2 of bankruptcy. It had been foreclosed upon once;
3 correct?

4 A. Previously --

5 Q. Okay.

6 A. -- correct.

7 Q. So since April 2020 have any hotel
8 taxes, food and beverage taxes, sales taxes, or video
9 gaming taxes been generated by the property?

10 A. Since April of 2020 any -- would you
11 state them again. Hotel taxes?

12 Q. Hotel taxes, food and beverage taxes,
13 sales taxes, and video gaming taxes.

14 A. Not that I'm aware of.

15 Q. Okay. So you've heard of the concept of
16 spilled milk; you can't put milk back in a glass once
17 it's been spilled.

18 So it's the same case here, you
19 know, the property has been sold. The hotel is
20 closed. We have a new use proposed. Why is it fair
21 to continue to compare this to a shuttered use which
22 isn't coming back?

23 A. Because the reason for the zoning
24 hearing is to evaluate and approve Haymarket's

1 special use. That hasn't been done. So the
2 zoning -- the circumstances of the zoning of the
3 property have not changed.

4 So Haymarket has purchased the
5 property, but until they are allowed and are approved
6 for a special use permit, they are unable to open and
7 operate a facility.

8 Q. Yeah, but that wasn't -- that wasn't my
9 question.

10 My question is, the ordinance
11 requires us to prepare an economic impact study on
12 the impact of Haymarket on the taxing bodies. It
13 does not require us to compare it to what was there
14 previously that is closed and not coming back.

15 So I think one of my confusion
16 becomes is why you're interpreting the ordinance to
17 mean something it doesn't say.

18 A. Because --

19 Q. Because what -- I'm sorry, I didn't mean
20 to interrupt. I apologize.

21 A. From the -- it requires that you
22 evaluate and develop an economic impact study for
23 purposes of the Plan Commission.

24 Q. Uh-huh.

1 A. The Plan Commission's perspective, they
2 have received revenue from the property, and this
3 alternate use changes the financial situation of
4 various taxing bodies.

5 Q. We agree. We agree. And that's what
6 Mr. Gruen studied in his report, which we'll get to
7 in a few moments.

8 Mr. Gruen's -- wouldn't you
9 agree -- your September 13, '21, report has a section
10 on increased cost to the Village of Itasca including
11 emergency calls.

12 Did you update your report after
13 receiving the Polaris report?

14 A. So you're referencing my 2019 report?

15 Q. Did you -- did you change your
16 opinion or -- we know you didn't update the report.
17 That's a fact you've already testified to today. But
18 did you consider in your assessment the findings that
19 were documented in the Polaris report?

20 A. There was -- I did not evaluate the
21 Polaris report, and I did not evaluate the emergency
22 services projections offered by Mr. Dominik.

23 Mr. Moeller did so, and I reviewed
24 his report and Mr. Dominik's report.

1 Q. So you -- so you reviewed both reports,
2 but you didn't -- you reviewed the Polaris report?

3 A. Correct.

4 Q. And the Moeller report?

5 A. Correct.

6 Q. And the testimony from Chief Burke and
7 Director O'Connor?

8 A. Correct.

9 Q. But you didn't factor any of that
10 information into your testimony?

11 A. I believe that I did when I referenced
12 the -- when I made statements and referenced the
13 understatement of the calls, as the Gruen report and
14 the Kisiel report don't revise either projections or
15 cost estimates following the addendum to the Polaris
16 report.

17 Q. We will come back to that. We will come
18 back to that because that was done and we have
19 documentation to that effect.

20 So when there is such a dominant
21 issue, you yourself testified tonight that
22 Mr. Dominik testified over the course of, you know,
23 four nights, and we have to all admit as we -- all of
24 us -- I'm looking at on the screen. We've learned

1 more about EMS and fire and police calls than we've
2 ever considered.

3 When we spend more than a dozen
4 hours or two dozen hours on this issue, is it --
5 wouldn't it be standard practice to review this
6 fundamental issue in your findings?

7 A. I believe that I did review the issue in
8 my findings.

9 Q. When did you do that?

10 A. Mr. -- Mr. Moeller evaluated the reports
11 of Polaris and offered his opinions.

12 Q. I -- but he -- he talked about the
13 number of calls, just like Polaris talked about the
14 number of calls, but did you evaluate the economic
15 impact of those calls?

16 A. Well, what I evaluated was that the --
17 the projections included in Mr. Gruen's report, and
18 the projections and any information included in
19 Mr. Kisiel's report, were based upon the original
20 Polaris report offered.

21 Mr. Moeller offered criticisms to
22 the Polaris report. The Polaris report subsequently
23 evaluated additional information by Haymarket DuPage,
24 and developed revised projections.

1 I then did not see any changes or
2 updated projections in Mr. Gruen's report or in
3 Mr. Kisiel's report, but my expertise and experience
4 is not in evaluating projections for emergency
5 services calls.

6 Q. No, you would say your expertise is in
7 quantifying the value of the cost of those calls,
8 because that's -- isn't that what you do, is you
9 evaluate the economic impact of a -- what you're
10 saying you're doing as part of your report tonight is
11 you're evaluating the economic impact that Haymarket
12 will have on the Village of Itasca and its taxing
13 bodies. So that's not a question of generating --
14 you know, how many calls you've generated. That's a
15 question of what, in your opinion, is the economic
16 impact of that on the taxing bodies.

17 And you're saying that you didn't
18 evaluate that because that's not -- you specifically
19 say that in your scope of work, that you specifically
20 don't do that?

21 A. I do not -- correct, I do not project --
22 I do not project the costs and I do not create a
23 projection of the potential revenues.

24 I assessed Haymarket's expert

1 reports on the economic impacts which rely upon the
2 estimates from the Polaris Public Safety report and
3 develop the economic -- the projected economic costs.
4 That's what I evaluate. I do not evaluate the
5 projections for emergency services.

6 Q. Did you read in the Moeller and Polaris
7 reports that the Fire Protection District has
8 sufficient capacity to handle the calls generated by
9 Haymarket?

10 A. I recall reading that there were a
11 number of factors that Moeller recommended were
12 considered and could cause issues, such as
13 concurrency of calls and other things. But, again,
14 my expertise is not in evaluating projections of
15 emergency services calls.

16 Q. But you're relying on Mr. Moeller's
17 expertise --

18 A. Yes.

19 Q. -- on whether or not there is sufficient
20 capacity to accommodate the demand?

21 A. Correct.

22 Q. Okay. And if we could pull up the
23 Moeller report -- which exhibits am I looking for? I
24 don't have it with me.

1 MS. DICKSON: I couldn't tell you.

2 BY MS. O'KEEFE:

3 Q. I don't have the Moeller report with me,
4 but in part of the record Mr. Moeller did testify and
5 submit in writing as part of his report that
6 Haymark- -- that right now the Itasca Fire Protection
7 District has the capacity to handle Haymarket's calls
8 today.

9 MS. O'KEEFE: I can see Mr. DiNolfo went
10 off -- put the video on, but I'm very careful in the
11 language I'm using, Mr. DiNolfo, because that's
12 almost verbatim from the report.

13 MR. DI NOLFO: Well, we'll see what you say.
14 What was the question? I didn't hear the question,
15 so.

16 MS. O'KEEFE: Can you restate the question,
17 Court Reporter.

18 (Question read.)

19 MR. DI NOLFO: I'll object to the form. It's
20 not a question. It's a statement, so.

21 BY MS. O'KEEFE:

22 Q. Have you read the Moeller report?

23 A. I've reviewed the Moeller report.

24 Q. Do you see the language in the Moeller

1 report that stated that the Itasca Fire Protection
2 District has the capacity to handle the demand from
3 Haymarket today?

4 A. My recollection of the Moeller report is
5 that it also -- it states that they have capacity but
6 it also states that they may need additional
7 resources.

8 Q. They could -- do they need additional
9 resources or they could potentially need additional
10 resources at an undetermined future date?

11 A. I would have to see the Moeller report
12 again. I don't know if you can show it to me.

13 Q. Okay. Well, we can -- you know, we're
14 not going to finish tonight so we could come back to
15 that next week if you wanted.

16 MS. O'KEEFE: Mr. Chairman, would you like to
17 keep going tonight or would you like -- since we know
18 we're coming back next week anyways would you like to
19 cut it a little short and just defer until then?

20 CHAIRMAN DALY: I'm going to be careful with
21 that answer because I don't know how much longer
22 we're going to go next week with your continued
23 cross-examination. We still have redirect and I have
24 a bunch of questions, as well.

1 A. No, I did not conduct an evaluation of
2 the Fire Protection District's capacity.

3 Q. Did you conduct any analysis of
4 concurrent calls?

5 A. No.

6 Q. Are you aware if the Itasca Fire
7 Protection District conducted any analysis of
8 concurrent calls?

9 A. I'm not aware. I know it was referenced
10 in Mr. Moeller's report but I'm not aware.

11 Q. Okay. Did you factor in the use of
12 Elite Ambulance for nonemergent calls into your
13 analysis?

14 A. Well, I didn't perform an analysis of
15 potential calls or the number of potential calls, and
16 thus, didn't evaluate -- (Inaudible).

17 Q. Well, on page 13 of your report dated
18 September of '19 you stated that Haymarket could
19 decide at any point that it was no longer feasible to
20 employ a private ambulance.

21 Are you aware of testimony provided
22 by Dr. Lustig that he would agree to a condition
23 being placed on the zoning approval that would
24 require a secondary ambulance firm always have a

1 contract with Haymarket DuPage to provide BLS
2 services?

3 A. I was not aware that he testified that
4 there would be, as you said, a contract stipulation,
5 but I -- that's outside my -- it's my understanding
6 that, you know, that would be -- if that's a
7 condition of operation, that's outside my scope of
8 expertise.

9 Q. But you stated that as a concern if we
10 were -- if Haymarket was to agree to that, would that
11 alleviate that issue to you?

12 A. I can't speak to that. I think that
13 that's an evaluation for the Fire Protection
14 District.

15 Q. Okay. Going back to your original
16 report from 2013, on page 8 of that report you state
17 that Kenrich is unable to estimate the number of
18 emergency related calls that on average Haymarket
19 DuPage may experience.

20 That statement has not changed
21 based on your testimony tonight; correct?

22 A. Correct.

23 Q. Okay. And on page 9 of your report you
24 state the Itasca Fire -- Village of Itasca may have

1 to add staff or equipment for the police department,
2 and your report addressed this as a possible cost
3 that may have to be incurred.

4 That statement has not changed;
5 correct?

6 A. I believe -- I'm looking -- I believe I
7 state that if they need to add resources, I then
8 identify the potential -- the costs of those
9 potential resources.

10 Q. So with regards to the -- the use of the
11 word "potential," you state in your slide 48 that you
12 relied on Chief Burke's and Director O'Connor's
13 testimonies for the estimates provided on that slide.

14 Can you point to any testimony or
15 evidence in the record that indicates when that
16 need -- or whether that need may ever arise?

17 A. No. I don't -- I don't think that any
18 information can -- it can't be predicted with
19 certainty when that need will arise. It is the
20 potential that if the need arises these are the costs
21 that would be incurred for those resources.

22 Q. So it's speculative -- it's speculative
23 and no -- no definitive information has been
24 introduced, that you're aware of, to date?

1 A. Well, the cost of the resources are not
2 speculative.

3 Q. If they are indeed needed. But how can
4 you state that there's going to be a poten- -- you
5 stated that the potential cost was understated by
6 Haymarket.

7 How can you understate a potential
8 cost when no evidence was ever introduced that the
9 cost would even arise?

10 A. Well, I think I stated that Haymarket
11 didn't evaluate that. They didn't evaluate the costs
12 of additional resources.

13 Q. Of what resources, I'm sorry?

14 A. Of additional -- of additional equipment
15 or personnel to the Fire Protection District or the
16 police district -- or the police department.

17 Q. Doesn't the Gruen report conduct an
18 extensive analysis of the cost per call if there's
19 additional calls required for fire EMS or police?
20 Isn't that the point of their fiscal analysis that
21 they conducted?

22 A. They -- they estimate the cost of calls
23 but they --

24 Q. If --

1 A. -- estimate the costs to -- of
2 additional resources.

3 Q. But wasn't Gruen's ultimate conclusion,
4 and based on the Polaris report, that capacity
5 existed so those costs wouldn't be concur- --
6 incurred?

7 MR. DI NOLFO: I'll just object to the form.
8 That contradicts testimony that's in the record as to
9 capacity and concurrence of calls. So there's
10 conflicting testimony on that.

11 So I would just object to the form
12 of that question.

13 MR. SILVERMAN: Can you restate the question,
14 please?

15 BY MS. O'KEEFE:

16 Q. You reviewed the Gruen report?

17 A. I reviewed the Gruen report, correct.

18 Q. Okay. Give me a second.

19 And this report goes through an
20 extensive fiscal analysis of the Haymarket project
21 with regards to EMS impacts, fire, ambulance, and
22 police; correct?

23 A. It identifies and provides an assessment
24 of cost per call and then projects those costs based

1 on the projections provided by Mr. Dominik.

2 Q. And Mr. Gruen testified that in his
3 opinion, based on his review of the Polaris report,
4 that because of the excess capacity that the Itasca
5 Fire Protection District has, these costs won't be
6 incurred so he does not feel there would be an undue
7 impact posed to the Itasca Fire Protection District.

8 Isn't that your understanding of
9 what Mr. Gruen testified to?

10 A. I was not aware Mr. Gruen testified to
11 the capacity of the Fire Protection District --

12 Q. Okay.

13 A. -- but I believe Mr. Moeller expressed
14 concerns.

15 Q. Concerns about -- I mean, his report
16 states that there's sufficient capacity right now to
17 handle Haymarket's calls, so what concerns are you
18 referring to?

19 A. My recollection, that the Moeller report
20 also identifies concerns with the projections and the
21 capacity or the resources available.

22 Q. Okay. Well, we'll -- we will be back
23 next week, so we can -- we can talk about the Moeller
24 report in more depth.

1 So to go back to -- to the point
2 you made in your slide, you said that Haymarket
3 understated the costs related to EMS with regards to
4 what Chief Burke and Director O'Connor testified to,
5 and I repeat my question.

6 How can you understate a potential
7 cost when there's no evidence introduced regarding
8 when or if that cost will ever arise?

9 A. Well, the cost -- the cost projections
10 that were provided by Mr. Gruen, as I mentioned
11 previously, were not updated following the revised
12 report by Mr. Dominik and Polaris, so the costs as
13 previously offered don't consider that supplemental
14 report and testimony.

15 Q. I'm sorry, my question didn't relate to
16 Mr. Gruen's testimony. It related to your reliance
17 on Chief Burke and Director O'Connor's testimony.

18 You say in your PowerPoint that you
19 rely on their testimony regarding the cost of staff,
20 equipment, et cetera, and I'm asking have you seen
21 any evidence as to when those costs could arise, any
22 definitive evidence; yes --

23 A. No, I've not --

24 Q. -- or no?

1 A. No, I've not seen evidence of when they
2 might arise.

3 Q. I have a question. Slide 21 you
4 mentioned that the analysis should have evaluated
5 whether Haymarket DuPage would bring residents to
6 Itasca.

7 In your experience is it standard
8 practice that a fiscal impact analysis of a proposed
9 business in the community consider whether opening
10 the business will bring new residents to the
11 community?

12 A. Well, I think as it's evaluating the
13 potential benefits, it would evaluate whether or not
14 there will be the addition of jobs and spending
15 within the community.

16 Q. It's -- it's true, but I'm -- if I could
17 refer your attention -- here it is -- page 21 of your
18 PowerPoint, slide 21.

19 Economic Impacts - Unique
20 Circumstances. The analysis has not evaluated
21 whether Haymarket DuPage will bring residents to
22 Itasca.

23 And I just was curious as to what
24 your thought process was there and why that was

1 relevant.

2 A. Well, as I recall, some of the
3 reports -- some of the statements in the Teska report
4 indicate -- or maybe the Kisiel report, although I'd
5 have to go back and look -- the fact that there would
6 be additional residents and spending in the Village.

7 Q. Was it additional residents or
8 additional workers, employees?

9 A. I believe it was both.

10 Q. Okay. So can you provide examples of
11 other fiscal impact reports you've done or your firm
12 has done where you found it relevant to estimate the
13 number of new residents when you're looking at
14 commercial use?

15 A. I don't think I can -- can provide one
16 off the top of my head, no.

17 Q. Isn't the focus of the typical economic
18 analysis as compared to a fiscal analysis the jobs
19 created and the ripple effects posed by that use in
20 the community?

21 A. I'm sorry, you broke up. What was --

22 Q. I'm sorry.

23 A. Can you repeat the question?

24 Q. Isn't the focus of a typical economic

1 analysis the jobs created and the ripple effect posed
2 by the use on the local economy?

3 A. Well, I believe -- I think even as
4 stated in Mr. Kisiel's report -- the economic
5 evaluation would consider the jobs created, the
6 impacts, the spending, the impacts on other
7 businesses.

8 Q. Well, so that -- so that type of
9 analysis would have looked at the number of jobs
10 created, the number of businesses that would get
11 business as a result -- with the resultant economic
12 impact, that was what Mr. Gruen did in his economic
13 analysis; correct?

14 A. That's the type of analysis that
15 Mr. Gruen performed, correct, but I referenced in my
16 evaluation much of that is -- is projected for
17 broader DuPage County and it's unable to be isolated
18 specifically to Itasca.

19 Q. We're going to get to that next week, if
20 we can. I just want to finish with slide 21 before
21 the end of the evening, if that's okay.

22 You also stated on slide 21 that
23 Haymarket DuPage's experts have not evaluated the
24 full potential impact of Haymarket DuPage, and I'm

1 just wondering, what is the full potential impact
2 that was not considered?

3 A. Well, I think as I -- as I detailed in
4 later slides, it's the full -- the full impact of
5 the -- the benefits, and the costs, and the issues
6 that -- in my review and analysis that there are
7 overstated benefits as they can't be isolated to
8 Itasca and there are understated costs.

9 Q. Didn't our -- didn't Mr. Gruen prepare a
10 full fiscal and economic impact report on the effect
11 of Haymarket?

12 A. Well, again, he prepared a full report.
13 He developed an analysis, but as I have commented
14 through my evaluation, there are challenges with
15 isolating that to Itasca.

16 So it depends on how you're then
17 qualifying whether it's a full report.

18 Q. Did you have any questions regarding the
19 methodology used by Mr. Gruen or the mathematical
20 calculations that he reached as part of his report or
21 was it a traditional -- basically a traditional
22 format of an economic impact statement?

23 A. I didn't question the -- the way he
24 developed the methodology. I believe we asked for

1 some additional information.

2 Q. But you had no questions about also
3 the -- the mathematical findings that he reached?

4 A. I didn't offer criticisms to his -- that
5 there were -- if you're asking if there were errors
6 within his report, if there were questions about
7 whether A times B equals C, no, I didn't have those
8 concerns.

9 MS. O'KEEFE: I really would like to quit
10 tonight, Mr. Chairman, if I can. This is kind of a
11 natural stopping point for me, if that's okay?

12 CHAIRMAN DALY: That's fine. It's 9:54 so
13 we're almost at 10:00 o'clock anyway.

14 At this time, just to go over the
15 plan moving forward, we're going to continue next
16 week on June 9th with continued cross-examination,
17 and then redirect, and planning commission
18 questioning of Ms. Ketchum, and it's my understanding
19 we'll begin the rebuttal case by Haymarket.

20 Is that correct, Ms. O'Keefe?

21 MS. O'KEEFE: Yes, it is, sir.

22 CHAIRMAN DALY: So, hopefully, if we keep
23 true to next week being primarily for Ms. Ketchum,
24 would it be your desire to also begin your rebuttal

1 case next week if we only take, say, the first hour
2 of the meeting or -- so you will be prepared with all
3 of your witnesses and information and all that?

4 MS. O'KEEFE: (Indicating.)

5 MR. CHAIRMAN: Okay.

6 MS. O'KEEFE: I'll be prepared with my first
7 witness.

8 CHAIRMAN DALY: Okay. So with that, I would
9 ask at this time for a motion from one of the plan
10 commissioners to continue this hearing until next
11 Wednesday, June 9th, please.

12 COMMISSIONER HOLMES: So moved.

13 COMMISSIONER CARELLO: Second; Commissioner
14 Carello.

15 COMMISSIONER RAY: Second; Commissioner Ray.

16 CHAIRMAN DALY: Okay, we have a motion and
17 two seconds. I appreciate that, everybody.

18 At this point I would ask if the
19 secretary would please call a vote to the motion to
20 continue.

21 VILLAGE PLANNER KHAN: Commissioner Carello?

22 COMMISSIONER CARELLO: For.

23 VILLAGE PLANNER KHAN: Commercial Drummond?

24 COMMISSIONER DRUMMOND: For.

1 VILLAGE PLANNER KHAN: Commissioner Holmes?

2 COMMISSIONER HOLMES: For.

3 VILLAGE PLANNER KHAN: Commissioner Ray?

4 COMMISSIONER RAY: For.

5 VILLAGE PLANNER KHAN: Chairmen Daly?

6 CHAIRMAN DALY: For. The motion carries.

7 Thank you.

8 At this time I will entertain a
9 motion to adjourn for the evening.

10 COMMISSIONER HOLMES: So moved.

11 COMMISSIONER RAY: Second; Ray.

12 CHAIRMAN DALY: We have a motion and a
13 second. Mo, would you please call the vote to
14 adjourn.

15 VILLAGE PLANNER KHAN: Commercial Carello?

16 COMMISSIONER CARELLO: For.

17 VILLAGE PLANNER KHAN: Commissioner Drummond?

18 COMMISSIONER DRUMMOND: For.

19 VILLAGE PLANNER KHAN: Commissioner Holmes?

20 COMMISSIONER HOLMES: For.

21 VILLAGE PLANNER KHAN: Commissioner Ray?

22 COMMISSIONER RAY: For.

23 VILLAGE PLANNER KHAN: Chairman Daly?

24 CHAIRMAN DALY: For.

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At this point I would wish everyone
a good evening and we will see you back next
Wednesday. Thank you.

* * * * *

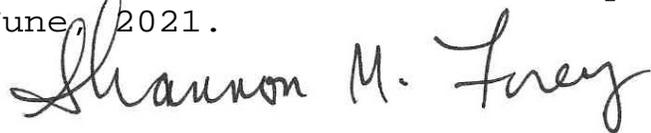
1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

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 123, 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 to this
13 matter, 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
21 hand this 8th day of June, 2021.

22 

23 Certified Shorthand Reporter
24

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