

In the Matter Of:
HAYMARKET DuPAGE LLC

REPORT OF PROCEEDINGS

June 09, 2021

Grove & Associates Reporting & Video Services
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Wheaton, IL 60187
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1 PRESENT VIA REMOTE VIDEOCONFERENCE:

2 MR. BRENDAN DALY, Chairman;

3 MR. FRANK CARELLO, Commissioner;

4 MS. LORI DRUMMOND, Commissioner;

5 MR. JEFFREY HOLMES, Commissioner;

6 MS. KRISTA RAY, Commissioner;

7 MR. ANTHONY RUSSO, Commissioner.

8 ALSO PRESENT VIA REMOTE VIDEOCONFERENCE:

9 MR. CHARLES E. HERVAS, Village Attorney;

10 MR. MO KHAN, Village Planner;

11 MS. YORDANA WYSOCKI, Village Attorney;

12 MAHONEY, SILVERMAN & CROSS, LTD., by

13 MR. DAVID J. SILVERMAN

14 822 Infantry Drive, Suite 100

Joliet, Illinois 60435

15 (815) 730-9500

dsilverman@msclawfirm.com

16 Appeared on behalf of City of Itasca;

17 DASPIN & AUMENT, LLP, by

18 MS. BRIDGET M. O'KEEFE

19 300 South Wacker Drive, Suite 2200

Chicago, Illinois 60606

20 (312) 258-3795

bokeefe@daspinaument.com and

21 BOND, DICKSON & CONWAY, by

22 MS. MARY E. DICKSON

23 400 South Knoll Street, Unit C

Wheaton, Illinois 60187

24 (630) 681-1000

marydickson@bond-dickson.com

Appeared on behalf of Haymarket DuPage LLC;

1 ALSO PRESENT VIA REMOTE VIDEOCONFERENCE: (Cont'd.)

2 FRANCZEK, P.C., by
3 MS. JENNIFER SMITH
4 300 South Wacker Drive, Suite 3400
5 Chicago, Illinois 60606
6 (312) 786-6589
7 jas@franczek.com

8 Appeared on behalf of Itasca School District;

9 JOHNSON & BELL, LTD., by
10 MR. STEPHEN P. ELLENBECKER
11 33 West Monroe Street, Suite 2700
12 Chicago, Illinois 60603
13 (312) 984-0221
14 ellenbeckers@jbltd.com

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

17 OTTOSEN, DiNOLFO, HASENBLAG & CASTALDO, LTD., by
18 MR. STEPHEN H. DI NOLFO
19 1804 North Naper Boulevard, Suite 350
20 Naperville, Illinois 60563
21 (630) 682-0085
22 sdinolfo@ottosenlaw.com

23 Appeared on behalf of Itasca Fire Protection
24 District.

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I N D E X

WITNESS:	Page	Line
SARAH KETCHUM		
Cross-Examination (Resumed) By Ms. O'Keefe	11	5
Cross-Examination By Mr. Ellenbecker	80	2

EXHIBITS:	ID	ADMITTED
Petitioner's Exhibits Nos. 79 through 86		112

1 CHAIRMAN DALY: Good evening, everyone.
2 Welcome to this meeting of the June 9th, 2021,
3 Itasca Plan Commission. I call this meeting to
4 order.

5 Will the secretary please call the
6 roll.

7 MR. KHAN: Commissioner Carello.

8 COMMISSIONER CARELLO: Here.

9 MR. KHAN: Commissioner Drummond.

10 COMMISSIONER DRUMMOND: Here.

11 MR. KHAN: Commissioner Holmes.

12 COMMISSIONER HOLMES: Here.

13 MR. KHAN: Commissioner Ray.

14 COMMISSIONER RAY: Here.

15 MR. KHAN: Commissioner Russo.

16 COMMISSIONER RUSSO: Here.

17 MR. KHAN: And Chairman Daly.

18 CHAIRMAN DALY: Here. Thank you, Mo.

19 I declare a quorum present for this
20 meeting.

21 Again, good evening, everyone.
22 Today is Wednesday, June 9th, 2021. The case before
23 the Plan Commission is PC 19-014 continued from last
24 week, June 2nd. The petitioner and owner is

1 Haymarket DuPage LLC, and the location is 860 West
2 Irving Park Road.

3 The procedures for this evening's
4 meeting are as follows. We will begin with
5 continued cross-examination of Ms. Sarah Ketchum
6 followed by rebuttal testimony -- or rebuttal case
7 presented by Haymarket DuPage.

8 The Plan Commission has adopted new
9 rules of procedure which are now in effect. We are
10 continuing to proceed remotely due to COVID-19, and
11 the public may watch the proceedings through the
12 Village's YouTube channel.

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

21 And finally, remote Village staff
22 is monitoring the video streaming. If the video
23 streaming does not work or is interrupted during the
24 proceedings, we will stop and wait until the video

1 feed is restored or reschedule for another date.

2 With that, I'd like to now invite
3 Mr. David Silverman, acting village counsel for this
4 meeting this evening, for his opening remarks.

5 MR. SILVERMAN: Thank you, Mr. Chairman.

6 Again, my name is David Silverman.
7 I'm an attorney with the law firm Mahoney,
8 Silverman & Cross. I've been retained by the
9 Village as special counsel with respect to advising
10 the Chairman and members of the Plan Commission
11 during the cross-examination of Director O'Connor,
12 which was several weeks ago, and the testimony of
13 Ms. Ketchum last week and again tonight.

14 This is a legal proceeding with
15 legal significance. A court reporter is swearing in
16 witnesses and is transcribing the testimony. This
17 is not a trial, but we are developing a record of
18 proceedings before the Plan Commission. This is a
19 legal public hearing on a zoning petition.

20 My job is to protect the rights of
21 the petitioner, any objectors, and the public. The
22 Plan Commission will make findings and a
23 recommendation to the Village Board. Please
24 understand that the Plan Commission is a

1 recommending body. The Village Board will make the
2 final decision on the Haymarket zoning petition.

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

12 Procedures used by the Plan
13 Commission for large hearings during the pandemic
14 are available on the Village's website. The website
15 has a lot of information including a comprehensive
16 step-by-step guide about this hearing.

17 The public will have an opportunity
18 to ask questions and provide public comment at the
19 appropriate time.

20 The witnesses will be presented by
21 the petitioner and by other interested parties.
22 Cross-examination will be allowed only by attorneys
23 or anyone who has been legally recognized as an
24 interested party.

1 Finally, this is a slow and
2 deliberate process that creates a record appropriate
3 for a plan commission hearing. Please respect this
4 legal process even if you do not agree with it.

5 CHAIRMAN DALY: Thank you, Mr. Silverman.

6 At this time I'm going to introduce
7 the public hearing on Case Number PC 19-014. The
8 request is for petition for planned development by
9 special use with exceptions and Class I site plan
10 approval all in order to permit a mixed-use
11 residential and healthcare facility and other
12 accessory uses in the B-2 Community Business
13 District at 860 West Irving Park Road.

14 I will now entertain a motion to
15 open this continued public hearing.

16 COMMISSIONER HOLMES: So moved, Chairman.
17 Commissioner Holmes.

18 COMMISSIONER CARELLO: Second. Commissioner
19 Carello.

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

22 Mo, would you please call the vote.

23 MR. KHAN: Commissioner Carello.

24 COMMISSIONER CARELLO: For.

1 MR. KHAN: Commissioner Drummond.

2 COMMISSIONER DRUMMOND: For.

3 MR. KHAN: Commissioner Holmes.

4 COMMISSIONER HOLMES: For.

5 MR. KHAN: Commissioner Ray.

6 COMMISSIONER RAY: For.

7 MR. KHAN: Commissioner Russo.

8 COMMISSIONER RUSSO: For.

9 MR. KHAN: Chairman Daly.

10 CHAIRMAN DALY: For.

11 Motion carries. This meeting is
12 now open.

13 At this time I would ask the court
14 reporter to please swear in Ms. Sarah Ketchum for
15 her continued testimony this evening.

16 THE REPORTER: Will you raise your right
17 hand.

18 (Witness sworn.)

19 CHAIRMAN DALY: Thank you.

20 Ms. O'Keefe, I believe at the time
21 of our adjournment last meeting you were still
22 cross-examining the witness, so please proceed.

23 MS. O'KEEFE: Thank you, Mr. Chairman.

24 ///

1 SARAH KETCHUM,
2 called as a witness herein, having been remotely
3 duly sworn and having testified, was examined and
4 testified further as follows:

5 CROSS-EXAMINATION (Resumed)

6 BY MS. O'KEEFE:

7 Q. Good evening, Ms. Ketchum.

8 A. Good evening.

9 Q. I have a few questions here.

10 Did the Teska report identify, when
11 it was prepared, that the Holiday Inn was the owner
12 of the property?

13 A. I'm sorry, you cut out at the beginning.
14 Can you restate your question?

15 Q. Sure. And let me know if you cannot
16 hear me.

17 A. Sure.

18 Q. Did the Teska report identify the
19 Holiday Inn as the owner of the property?

20 A. I believe so. They were the -- the
21 owner of the property at the time that report was
22 filed in the middle of 2019.

23 Q. Okay. Did the Teska report identify the
24 existing use of the building as being a hotel?

1 A. Yes.

2 Q. Did the Teska report discuss the impact
3 of lost property taxes if it was sold to Haymarket?

4 A. It mentioned that Haymarket as a
5 nonprofit tax-exempt entity would likely not pay
6 property taxes, but did not quantify those amount or
7 indicate which tax -- what all taxing bodies would
8 impacted.

9 Q. So -- I'm sorry, Mo, because I didn't
10 ask you to call this up, but the Teska report is
11 part of Exhibit 2. It's about halfway through
12 Exhibit 2. And on page 3 of that, under property
13 tax revenue, the -- Mr. Hoffman's report includes a
14 chart that says "Holiday Inn Property Tax Revenue By
15 Taxing Body" and lists all the taxing bodies and
16 lists all the taxes paid.

17 So does that -- does that
18 explanation refresh your recollection on whether or
19 not that was included?

20 A. I'd have to see it because I'm not sure
21 it included all taxing bodies, but I'd have to see
22 it again.

23 Q. Okay. Well, it included the High School
24 District 108, the Grade School District 10, the

1 Itasca Fire District, the Itasca Special Service
2 Area 3, the Itasca Park District, the Itasca
3 Library, the Village of Itasca, College of DuPage,
4 the County of DuPage, the Forest Preserve District,
5 Addison Township and Road District, and the DuPage
6 Airport Authority. I think it's a comprehensive
7 list. And then it breaks it down by for '17 and '18
8 and the total taxes paid and the -- total tax
9 percentage for '18.

10 Does that -- so I'm just going to
11 state that for the record. We could pull that up if
12 that would be helpful?

13 A. Yeah, it might be helpful because
14 specifically in my report in 2019 I included an
15 attachment which identified by taxing body the
16 property taxes from 2017 and 2018. And my
17 recollection is that there were more included there
18 than were provided in Teska's report, but I would
19 have to look back at Teska's -- the page from
20 Teska's report to remember if that's the case.

21 Q. Okay. Would you like us to do that?
22 Would that be helpful?

23 MS. O'KEEFE: Is it possible, Mo, to pull
24 that up?

1 MR. KHAN: Yeah, Ms. O'Keefe, if you can give
2 me just a second. I'm just going to --

3 MS. O'KEEFE: Sure.

4 MR. KHAN: -- pull it up. Thank you.

5 MS. O'KEEFE: Thank you, Mo. It's on page 3,
6 please.

7 MR. KHAN: You said page 2 or 3?

8 MS. O'KEEFE: It's on page 3. It starts on
9 page 3 and it goes over to the top of page 4,
10 please.

11 MR. KHAN: Ms. Ketchum, can you see the
12 screen and the document?

13 THE WITNESS: Yes, I can. Thank you, Mo.

14 BY MS. O'KEEFE:

15 Q. So does this -- so to repeat the
16 question, did Teska discuss the impact of lost
17 property taxes if it was sold to Haymarket? Does
18 this help with that question?

19 A. So I do see here that it identifies the
20 amounts for 2017 and 2018. In total those are
21 consistent with the attachment I included for my
22 report, but it appears -- and maybe it's just that I
23 broke it out in more detail, but this I don't --
24 this doesn't identify the -- (Indiscernible.) --

1 funds --

2 THE REPORTER: I'm sorry, the what funds?

3 BY THE WITNESS:

4 A. Pension funds that are within some of
5 those districts.

6 So as I look at my Attachment
7 Number 12, I have additional -- I have additional
8 taxing bodies that are -- or additional amounts that
9 are included in here as its broken --

10 BY MS. O'KEEFE:

11 Q. They have -- could they would have
12 folded them into the --

13 A. Totals. They may have, but --

14 Q. For example, for the fire district,
15 could they have folded in the pension fund for the
16 fire district under Itasca Fire District?

17 A. They -- they could have. I'm looking at
18 the amount I stated for the fire district --

19 Q. Ms. Ketchum, I think the point --

20 A. -- which --

21 Q. The point of the question is did they
22 look at the -- and we could add the percentages up.

23 But did they look at the taxing
24 bodies and did they quantify how much would be lost?

1 And their numbers match -- correct? -- with what you
2 had at the bottom? The total tax bills match?

3 A. The total tax bills for these two tax
4 years matched.

5 Q. Okay.

6 A. But I don't believe that they said this
7 is -- the text of the report indicates that the only
8 thing that would be lost is that to the highlighted
9 portion for the Village, which is incorrect.

10 But they did provide this as part
11 of their report.

12 Q. Okay. So that was my question. Did
13 they look at the taxing -- the lost -- amount of
14 lost taxes that would be accrued if the property
15 sold to Haymarket. And you're saying that in 2017
16 and 2018, he calculated the correct amounts of the
17 total tax bill, and that does accurately reflect the
18 total taxes for those two years; is that correct?

19 A. I'm saying that this table provides the
20 total tax -- for 2017 and 2018, the totals for the
21 tax bills in those years are consistent with the
22 records that I have and that was reported to the
23 Village --

24 Q. Okay. That was my question.

1 A. -- by taxing body.

2 Well, they have identified by
3 taxing body; but if you look in the paragraph that
4 precedes the table, they do not indicate impact to
5 all of these taxing bodies. They have highlighted
6 the Village of Itasca and indicated that that's what
7 will be lost.

8 Q. Well, wouldn't it be reasonable to say
9 if they've lost that money, that's the -- I'm going
10 to defer that question because we're going to
11 address that in a moment, if that's okay, because I
12 have another question that's going to go to that.
13 So why don't we keep going forward.

14 A. Okay.

15 Q. So did the Teska report discuss hotel,
16 sales, food, and video gaming tax revenues generated
17 by the hotel in their report?

18 A. Did they discuss them? They -- they
19 mentioned various types of taxes.

20 Q. Okay.

21 (Cell phone interruption.)

22 MS. O'KEEFE: Excuse me, I'm sorry. I didn't
23 put it on silent. I apologize.

24 ///

1 BY MS. O'KEEFE:

2 Q. So in their report, he does discuss the
3 fact that there are hotel taxes that are generated
4 by the hotel use; correct?

5 A. He indicates that there have been hotel
6 taxes generated.

7 Q. So in your expert opinion, does any of
8 the factual information presented by Teska relevant
9 to the operation of the hotel and the property
10 continue to have significance today when the
11 property's been vacant for 14 months?

12 A. Yes. I believe that the information in
13 the Tes- -- the factual information from the Teska
14 report, there is information that is misstated
15 that's inconsistent --

16 Q. That wasn't the question, Ms. Ketchum.
17 It wasn't the -- it was does it have any basis given
18 the property's vacant?

19 A. It's relevant to the Plan Commission.

20 Q. And respectfully, in your opinion, it
21 is, so --

22 A. Yes, in my opinion, it's relevant to the
23 Plan Commission because it -- this report misstates
24 and incorrectly identifies taxes -- past taxes from

1 the property. They're incorrect; they're
2 inconsistent with Village records.

3 As the Plan Commission evaluates
4 the situation, I find it to be relevant for them to
5 be provided with accurate and -- accurate past
6 information.

7 Q. Well, you testified that the -- the
8 information that you received from the Village was
9 both public and private. You testified that that --
10 anything was private was attached to your report.

11 The Teska report, wasn't it
12 prepared before your report was prepared?

13 A. The Teska report, yes, was prepared
14 before my report.

15 Q. So he wouldn't have had access to the
16 private information you had been given; correct?

17 A. He had -- my understanding, and I
18 believe it's referenced in the Teska report, that he
19 was -- received information from the Holiday Inn.

20 Q. But did he have access to the private
21 information and all the tax data that you received
22 which the Holiday Inn may not have provided him
23 with, did you have the access to the same
24 information he had access to?

1 A. No, I did not have access to the same
2 information he had access to. He had access to
3 information from the Holiday Inn which I did not
4 have.

5 Q. And you had access to private records
6 which he did not have? So that could have been --
7 that could have accounted for the inconsistency?

8 A. I don't know if -- I thought that he was
9 precluded from -- (Audio distortion.) -- information
10 from the Village --

11 THE REPORTER: Can you start over, please.
12 You're breaking up.

13 THE WITNESS: I'm sorry, I'm breaking up?

14 THE REPORTER: Yes.

15 BY THE WITNESS:

16 A. So I believe I was saying that I don't
17 know that that's true because I don't know that he
18 wasn't able to request information from the Village
19 to confirm the tax receipts that he was reporting
20 from the Holiday Inn.

21 BY MS. O'KEEFE:

22 Q. Well, there was no addendum to his
23 report submitted; correct?

24 A. No, there was no addendum to his report.

1 Q. Right. And he didn't -- he wasn't
2 called upon to testify or be subject to
3 cross-examination; correct?

4 A. I believe that's correct, yeah.

5 Q. That's because his report was withdrawn.

6 So if we could go to the next set
7 of questions. On slide 21, you also stated that
8 Haymarket DuPage experts have not evaluated the full
9 potential impact of Haymarket DuPage.

10 What is -- what is the full
11 potential impact of Haymarket DuPage in your
12 opinion?

13 A. Well, I wasn't retained or asked to
14 develop an analysis and develop an independent
15 analysis of Haymarket DuPage's impacts. I have
16 reviewed and assessed the information provided by
17 Haymarket's experts and found that there are -- is
18 incorrect information presented, information is
19 understated or over -- some of the projections are
20 overstated. And I -- that's the information that
21 I'm providing to the Plan Commission, which is the
22 results of my findings.

23 Q. So you just mentioned that your scope of
24 work did not include a quantification of the

1 financial or economic benefits of Haymarket DuPage
2 and that it didn't quantify the increased costs to
3 Itasca from Haymarket DuPage.

4 Did you conduct -- so you didn't
5 conduct any research or independent analysis to
6 quantify any costs that Haymarket supposedly
7 overstated or understated?

8 A. I did not conduct an independent
9 analysis. I reviewed what's been provided and the
10 support that's been provided with Haymarket's
11 reports.

12 Q. So if you didn't quantify the amount,
13 how can you say if it's overstated or understated?

14 A. Because there's information that I see
15 in the reports that's lacking support or unsupported
16 or -- and assumptions that aren't confirmed and
17 analyses that aren't provided for statements that
18 are made.

19 Q. We'll continue to explore that because
20 there's been extensive testimony provided by each
21 expert witness who brings to the Plan Commission
22 countless years of experience in their particular
23 fields.

24 And so you -- just to clean up this

1 issue, you didn't -- so you stated you didn't do an
2 economic impact statement of this use. Do you know
3 if anyone at the Village conducted an economic
4 impact statement of this use?

5 A. I'm not aware. I don't believe so. I'm
6 not aware.

7 Q. And you did no independent research
8 whether there would be any actual increased costs
9 that would result in an undue burden to the Village,
10 fire protection district, school district, or any
11 other taxing body?

12 A. I did not develop an independent
13 analysis, no.

14 Q. So when we're talking about an economic
15 impact study, would you agree that an economic
16 impact study quantitatively estimates the economic
17 benefits and costs of a particular project -- that a
18 particular project or an industry could bring to a
19 community or an area to a region?

20 A. I -- I think so. Could you --

21 Q. Restate it?

22 A. Yeah, please.

23 Q. Would you agree that an economic impact
24 study quantitatively estimates the economic benefits

1 and costs of a particular project or industry that
2 it would bring or could bring to a surrounding
3 community or region?

4 A. Generally, yes. That's correct, it
5 evaluates the economic impacts, the costs, the
6 benefits, the revenues, the impact that the facility
7 would have from an economic standpoint.

8 Q. Okay. In your expert opinion, is the
9 Kisiel report a traditional economic impact analysis
10 based on that definition?

11 A. I don't know that I would say it's a
12 traditional impact analysis. I think that impact
13 studies can -- can be a number of different things.
14 Just as we discussed, they generally evaluate the
15 impacts and economics of a facility, but they can
16 look different.

17 The Kisiel report, I didn't
18 evaluate the entirety of it where he discusses other
19 effects, need, and zoning.

20 But in his economic impact section,
21 he doesn't offer projections of his own. He
22 restates the projections that were offered in
23 Mr. Gruen's report which rely on Mr. Dominik's
24 which -- he restates the projections offered in

1 Mr. Gruen's report, part of which rely on
2 Mr. Dominik's report.

3 Q. Okay. So I have a couple questions that
4 come from that.

5 So would you say that what
6 Mr. Kisiel did was a comprehensive land use and
7 planning report?

8 A. I can't speak to that because I don't --
9 I have not done a land use or planning report and,
10 as I said, I didn't evaluate the entirety of
11 Mr. Kisiel's report.

12 Q. So -- but like you said, Mr. Kisiel does
13 look at impact?

14 A. Right.

15 Q. So he looked at the impact from the
16 perspective of land use and planning, typical
17 things, parking, traffic, aesthetics, noise,
18 lighting, et cetera. But in terms of the economic
19 impact, like you said -- if we could pull up
20 Ms. Ketchum's report, please, the HKA PowerPoint,
21 and go to page 10.

22 I want to ask one -- so on
23 page 10 -- no, I'm sorry. It's -- is that page 10?
24 I think it's the next page.

1 Where's the quote you used for
2 Mr. Kisiel. Let me check. I might have the wrong
3 page here.

4 I'm sorry, page 19.

5 So here you're discussing the
6 Okrent Kisiel report, and you focus on this, it's
7 talking about how a land use planner would look at a
8 variety of impacts, one of which would include
9 economic impact. So we're talking about three pages
10 out of a 66-page report.

11 The sentence immediately after this
12 sentence, and I don't know if you can blow it up, it
13 basically states that -- that they -- that he
14 relies, in terms of overall economic impacts, on the
15 Gruen report, which is what you just testified to.
16 If you go to the end of this section, on economic
17 impacts, which is like three page later, it
18 specifically states that it relies on the Gruen
19 report in terms of qualifying the net cost of the
20 project.

21 Didn't Mr. Gruen prepare a report
22 which quantifies the economic and fiscal impact of
23 the project in his opinion?

24 A. Mr. Gruen did prepare a report, which,

1 in his opinion, quantifies the impacts. And as I --
2 and as I've testified to during my direct
3 presentation, I have a number of criticisms of the
4 projections and quantifications.

5 Q. And we're going to go through those this
6 evening.

7 But you also at the end of last
8 week testified that you agreed with his methodology
9 on how he approached the report, so --

10 A. I don't believe that that's what I said.
11 I recall you asked if I had any criticisms of his
12 math.

13 Q. No. Right before that we discussed
14 his -- impact on his methodology. If you'd like, I
15 can pull that up.

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

22 I didn't question the way he
23 developed the methodology.

24 So that was your statement from

1 last week.

2 MS. WYSOCKI: I object to that. You need to
3 read the entire answer. That's incomplete.

4 MS. O'KEEFE: Okay.

5 I believe we asked for some
6 information.

7 But you had no questions about the
8 mathematical findings he reached.

9 I didn't offer any criticisms to
10 that. There were -- if you're asking if there were
11 errors within the report or requests -- there were
12 questions about -- if you're asking if within his
13 report there were questions about whether A times B
14 equals C, no, I didn't have any of those concerns.

15 That's the full transcript.

16 MS. WYSOCKI: Thank you.

17 BY MS. O'KEEFE:

18 Q. So isn't it true that the different
19 experts can analyze the same project and apply their
20 own expertise and rely on others' expertise?

21 A. What was the end of that question? And
22 not rely on others' expertise?

23 Q. And rely on others' -- I'll restate the
24 question.

1 Isn't it true that different
2 experts can analyze the same project and apply their
3 own expertise and rely on others' expertise?

4 A. Yes.

5 Q. Similar to what you did with
6 Mr. Moeller's report; correct?

7 A. Yes, I agree that you --

8 Q. Okay.

9 A. -- different experts can apply their own
10 expertise and experience.

11 Q. Okay. You will agree that both
12 Mr. Gruen and Mr. Kisiel, they employed different
13 methodologies in their report, didn't they, based on
14 their different areas of expertise?

15 A. Well, I believe their reports focus on
16 different areas of expertise. As we just discussed,
17 Mr. Kisiel's report doesn't develop projections; he
18 relies on Mr. Gruen's report.

19 Q. But you were saying you made statements
20 that the experts' reports were inconsistent,
21 that's -- one of your reports you stated to the Plan
22 Commission on numerous occasions. And I'm kind of
23 curious where are those inconclusive conclusions?
24 Because from my opinion, Mr. Gruen -- didn't

1 Mr. Gruen, Mr. Kisiel, Polaris, and Mr. Polach, who
2 was the appraiser, all agree on the ultimate
3 conclusion that Haymarket DuPage wasn't an undue
4 burden?

5 A. I believe that's accurate that
6 Mr. Gruen, Mr. Kisiel, and I'm not entirely sure
7 about Mr. Polach, reached a similar conclusion that
8 it was an adverse impact but they deemed it to be
9 not significant. But I disagree that those reports
10 are consistent with the information that's been
11 provided in the revised report by Mr. Dominik.

12 Q. So two things. One, I'd like to take a
13 step back to your answer. I think you said -- I
14 want to make sure we said the same thing.

15 We -- they all -- Mr. Gruen and
16 Mr. Kisiel, and you said you weren't sure about
17 Mr. Polach, they said there was not an adverse
18 impact caused by Haymarket DuPage?

19 A. Well, I don't believe that's consistent
20 with the calculations offered in Mr. Gruen's report
21 where he shows -- where his tables show an adverse
22 impact.

23 Q. His tables show -- it's always been a
24 question of impact. His tables show there's an

1 impact. He never testified that there was an
2 adverse impact. That was never part of his
3 testimony. We can pull it up, but he felt there
4 would not be an adverse impact.

5 So in fact, I think both Mr. Kisiel
6 and Mr. Gruen came to the conclusion that the
7 economic impact would be negligible.

8 So let's move on to your report
9 from 2019. It stated that -- oh, and can I make one
10 more statement with regard to one of the things you
11 stated.

12 MR. SILVERMAN: Ms. O'Keefe, this is
13 Mr. Silverman. Can you make sure that you ask
14 questions. It seems like a lot of your
15 question-asking technique is more narrative or
16 testimony. So if you could make sure that you ask
17 questions of the witness, please, and leave out your
18 testimony.

19 MS. O'KEEFE: Okay, Mr. Silverman. I'll make
20 more of an effort on that. Thank you.

21 MR. SILVERMAN: Thank you.

22 BY MS. O'KEEFE:

23 Q. I don't know if the court reporter could
24 read back -- there was, like, a second part to your

1 answer that was beyond the part where we were
2 talking about the impact of the project and
3 something about Polaris.

4 Do you recall, Ms. Ketchum, what
5 your statement was, or should we have them read it
6 back?

7 A. She can read it back.

8 I understood your question to ask
9 whether there were inconsistent conclusions amongst
10 the reports.

11 Q. And did you agree that Polaris and Gruen
12 and Kisiel had the same opinion?

13 A. That Polaris and Kisiel have the same
14 opinion?

15 Q. That Polaris -- Mr. Dominik, Mr. Gruen,
16 and Mr. Kisiel all agree that this project will not
17 pose an undue burden.

18 A. Well, I don't believe that Mr. Gruen
19 report -- Mr. Gruen's report says it won't be an
20 undue burden. I know that Mr. Kisiel's report says
21 that.

22 I think that Mr. Dominik's reports
23 project a number of calls that will be -- it
24 projects a number of calls that were likely to be

1 experienced.

2 So I can't say that they all reach
3 the exact same conclusion.

4 Q. We're going to respectfully disagree on
5 that. I'm going to take a moment and look at that
6 Gruen report, and I'll come back to it.

7 Your report dated September 13th
8 stated that Haymarket operates as a nonprofit,
9 tax-exempt entity, and as such would be exempt from
10 paying any taxes to the Village. What was that
11 conclusion predicated on?

12 A. They -- well, they're a nonprofit,
13 tax-exempt entity. They would not generate any of
14 the same types of revenue taxes that the previous
15 entity had. They wouldn't -- they don't pay taxes
16 on their operations to the Village. And it was my
17 understanding that they would be exempt or seek to
18 be exempt from property taxes.

19 Q. You've been informed the taxing bodies
20 have testified they intend to challenge the
21 exemption; correct?

22 A. I'm aware that Haymarket filed the
23 application. I'm aware there was an objection and
24 that it's been withdrawn. But it's my understanding

1 that the expectation is that they would file -- that
2 Haymarket would file again.

3 Q. And is it your understanding that the
4 Village and the taxing bodies aren't going to
5 challenge that? Because I --

6 A. I can't speak to what the Village and
7 the taxing bodies are going to do.

8 Q. So assuming that it's true that the
9 Village and the taxing bodies are going to challenge
10 the exemption, there's no guarantee, is there, that
11 the tax-exempt status will be granted, is there?

12 A. Again, I can't -- I can't speak to that.
13 I don't know if it will be guaran- -- I don't know
14 if it will be challenged or not; and as such, I
15 don't know if it will be approved or not.

16 Q. If it was successfully challenged, it
17 would change your analysis and your assessment of
18 this project, wouldn't it?

19 A. If it were successfully challenged and
20 they --

21 Q. If Haymarket was not granted an
22 exemption, if they were challenged by the taxing
23 bodies and the taxing bodies were successful, it
24 would change the economic impact to this project;

1 correct?

2 A. It would have an impact on the economic
3 impact because if they continue to pay property
4 taxes, then they're -- if they continue to pay
5 property taxes and if they continue to contribute to
6 the special service area, then would have an impact.

7 Q. You are aware that they have committed
8 to paying the special service area taxes for the
9 remaining two years; correct -- or the remaining two
10 or three years left on the term?

11 A. No, I was not aware of that.

12 Q. Okay. So in reality, if Haymarket's
13 ultimately viewed to be tax-exempt, are the
14 taxing -- are the property -- strike that.

15 The testimony last week focused on
16 the incremental change to the property taxes. In
17 reality, will the property taxes really be lost to
18 the taxing bodies?

19 A. Well, the -- I think that -- it's my
20 understanding that's up to the Village Board and the
21 way the Village Board assesses the levy, whether
22 they will forgo that amount or if they will
23 redistribute it to the taxing bodies.

24 Q. Hasn't it been traditional that in those

1 cases where properties go from paying property taxes
2 to becoming tax-exempt that is usually folded into
3 the existing budget and there is no -- no reduction
4 in the amount of taxes paid to the taxing bodies?

5 A. I'm not sure I followed your question.
6 I don't know that -- I can't say with certainty.

7 Q. Have you ever seen in your experience --
8 strike that.

9 Isn't the -- in the event of a
10 property that is taxpaying becoming tax-exempt,
11 isn't it the typical experience that that cost is
12 spread to all the other taxpayers?

13 A. I think that's often the case that it's
14 spread to the other taxpayers; and as such, other
15 taxing bodies then experience increased taxes.

16 Q. Can you give me an example when that
17 hasn't happened?

18 A. That's not always the case, and it's my
19 understanding it's up to the Village Board.

20 Q. Can you give me an example of where it
21 hasn't -- where it hasn't been spread to the other
22 taxpayers?

23 A. I can't off the top of my head.

24 Q. Okay. And doesn't the Kisiel report

1 indicate that 60 percent of the taxable land in
2 Itasca is dedicated to nonresidential purposes?

3 A. I can't say with certainty. I don't
4 recall seeing that in the economic section if it's
5 there.

6 Q. Well, doesn't it also indicate that
7 it -- the residential land only constitutes
8 28 percent of the taxable land? So you would not
9 have that information available either?

10 A. If you show me the Kisiel report, I can
11 see if it says that. I don't know offhand. I don't
12 recall that it's in the economic section.

13 Q. Well, if you take that statement as true
14 that Mr. Kisiel made in his report, that would mean
15 the majority of the taxes would be borne by
16 businesses, and not residents, and would be spread
17 to the different taxing bodies and they would not
18 suffer a loss because the term of the -- the
19 language that's being used is that the taxing bodies
20 are going to lose revenue, but there's been
21 testimony throughout this hearing that it's not that
22 the revenues are going to be lost, they're just
23 going to be borne by different parties. So
24 that's -- in your experience, that's been the

1 traditional experience, I think you just said.

2 Did you study at all what the total
3 budget of the Village of Itasca is?

4 A. Just to be clear, so the question here
5 is did I study the Itasca budget?

6 Q. Do you know what the total budget for
7 Itasca is?

8 A. I recall that there -- I included some
9 information regarding that in my original report.

10 Q. Was it in the report, or was it in your
11 appendix? Do you remember?

12 A. I would have to look. I believe there's
13 a statement in my report that referenced an
14 attachment.

15 Q. I'm wondering did you know what the
16 percentage of Haymarket taxes are in relation to its
17 entire budget?

18 A. Not off- -- not offhand. I think there
19 are various tax types, so I'm not sure I follow your
20 question.

21 Q. I was kind of focused on the property
22 taxes. And I was just wondering what percentage the
23 Haymarket taxes are in relation to both the
24 Village's budget and the school district's budget

1 and the fire protection district's budget.

2 A. I don't have those numbers off the top
3 of my head. I know that the -- some of those taxing
4 bodies are mainly funded from property taxes, but I
5 don't have percentages in front of me.

6 Q. On slide 29 of your PowerPoint, it's a
7 chart where you list the taxing bodies, and then you
8 identify if the Teska, Gruen, and Kisiel reports
9 address or didn't address the impact on the taxing
10 bodies.

11 A. Okay.

12 Q. And then on page 36 of your PowerPoint,
13 you state the Kisiel report doesn't quantify or
14 project impact of tax loss or how the relevant tax
15 bodies will be affected.

16 I wanted to -- in fact, though,
17 doesn't the Kisiel report state the amount of taxes
18 paid by Haymarket represents less than .3 percent of
19 the total property taxes collected from Itasca? And
20 doesn't it represent that less than 1 percent of the
21 revenues of each taxing body, including schools,
22 fire protection district, park district, library,
23 and others are impacted? So isn't that an example
24 of where Kisiel -- does this constitute Kisiel

1 looking at the impact of the property tax issue on
2 the taxing bodies?

3 MR. SILVERMAN: Ms. O'Keefe, I think we have
4 three or four questions that you just asked.

5 MS. O'KEEFE: Okay. Let me break it down.

6 MR. SILVERMAN: Could you give her a chance
7 to maybe answer each one before you move to the
8 next?

9 BY MS. O'KEEFE:

10 Q. I want to make it simple. Can we go to
11 page 16 of Mr. Kisiel's report. If we could scoot
12 up just a little bit.

13 Let me start out by -- you can see
14 where it says -- and, Ms. Ketchum, I'd like to
15 acknowledge that there was a typo in this section
16 where you pointed out that this number 178,780 was
17 collected in 2019, not 2018, but the number is
18 correct and the analysis is correct.

19 And if you could -- Mo, if you
20 wouldn't mind just scrolling up just a teeny bit.
21 If you could read the sentence that begins with --
22 just a little bit more, Mo -- "This amount
23 represents less than." Could you review that
24 sentence and tell me if you agree with that

1 sentence. Up until the last sentence. I don't know
2 that you're going to necessarily have to opine on
3 that.

4 CHAIRMAN DALY: Ms. O'Keefe, this is Chairman
5 Daly. Just for clarity, are we talking about the
6 right-hand column, the first complete sentence on
7 the top right?

8 MS. O'KEEFE: Yes.

9 BY MS. O'KEEFE:

10 Q. "This amount represents less than
11 .3 percent of the total property taxes collected
12 from Itasca properties. Similarly, it represents
13 less 1 percent of the budget/revenues in each taxing
14 body including school, fire protection, park
15 district, library, and others."

16 This was his analysis of the 2019
17 taxes, and he looked at each taxing body to
18 determine what that impact would be on their budget
19 and revenues.

20 And I ask Ms. Ketchum if that's her
21 understanding based on the 2019 taxes.

22 A. So as you indicated, he references --
23 Mr. Kisiel references one -- one annual year of
24 taxes. The 170 -- I believe it's at the bottom of

1 the left-hand corner, \$178,780 in property taxes,
2 which is one -- one year of taxes. He then performs
3 these calculations which aren't supported and
4 doesn't provide the information and documents he
5 used to generate these calculations.

6 So I'm -- I can't testify to, with
7 complete certainty, the accuracy of the numbers that
8 he represents here.

9 Q. Okay. So then I will submit -- I will
10 submit the backup for this statement into the record
11 at -- before the next hearing to support that.

12 But in his opinion, he looked -- he
13 looked at this and felt the removal of the property
14 from the tax rolls was negligible.

15 In your opinion, does it indicate
16 that he looked at this issue?

17 A. It indicates he may have looked at the
18 issue. He may have reviewed some information.

19 My opinion for the Plan Commission
20 is to assess whether or not this information is
21 supported and consistent and accurate, and I don't
22 see support for many of these calculations, so.

23 Q. Okay.

24 A. In my opinion, it's lacking --

1 (Indiscernible crosstalk.)

2 BY THE WITNESS:

3 A. -- Plan Commission's review --

4 (Indiscernible.)

5 THE REPORTER: I'm sorry, repeat the last
6 part. It's lacking what?

7 BY THE WITNESS:

8 A. I said so in my opinion it's lacking
9 support for purposes of the Plan Commission's review
10 and evaluation.

11 BY MS. O'KEEFE:

12 Q. Mr. Gruen also addressed the impact on
13 the taxing bodies in his report, and he identified
14 those that were impacted by the proposed project.

15 Do you recall in his report his
16 study of the impact on the Village through general
17 services, the fire protection district, and the
18 police -- the police department?

19 A. I do recall that he specifically
20 mentions the Village, the fire protection district,
21 and the police district. But I recall that he makes
22 a specific statement at the outset that because
23 Haymarket won't pay taxes that -- or pay property
24 taxes, then an evaluation of property taxes isn't

1 relevant. And I don't believe he makes any
2 assessment of any impact on the schools.

3 MS. O'KEEFE: I'm going to keep pulling these
4 up today. Can we look at Number 7, Exhibit 41,
5 tab 7.

6 MR. KHAN: Ms. O'Keefe, is it the Gruen
7 report?

8 MS. O'KEEFE: It's page 4 -- wait a second.
9 One, two, three, four, five. Page 5, please.

10 If we could go up, scroll back up,
11 Mo, please. And we're looking at --

12 MR. KHAN: Is it page 5 of --

13 MS. O'KEEFE: A little further up, please,
14 above that, the first two paragraphs -- the first
15 full paragraph.

16 BY MS. O'KEEFE:

17 Q. And at the beginning of the second
18 paragraph, Ms. Ketchum, doesn't Mr. Gruen's report
19 say there will be no impact on School District 10 or
20 School District 108 because children will not be
21 permitted at the Haymarket DuPage facility?

22 A. Yes. He says that there will be no
23 impacts on the school district.

24 Q. And doesn't he go on and state the other

1 taxing districts, and he lists them, will not be
2 impacted because its clients will not use services
3 provided by the entities?

4 A. He states that they will not be impacted
5 because they won't use services; but as I mentioned,
6 this -- he states that all of -- none of these
7 taxing bodies will be impacted, which therefore
8 exclude any evaluation of property taxes because --

9 Q. Well --

10 A. -- because these taxing bodies receive
11 property taxes. So he states that they won't be
12 impacted when, in fact -- if, in fact, Haymarket
13 does not pay property taxes, they will be impacted.

14 Q. I don't think that's what he's saying.
15 He's saying -- if you read the language, he says
16 they will not be impacted because the clients won't
17 use the services provided by those entities. So he
18 didn't feel that they imposed a burden on them
19 because they will not use them. That is --
20 doesn't -- he's focusing on the impact.

21 And then he goes on to say that he
22 acknowledges the park district or the library would
23 be negligibly impacted by Haymarket DuPage. So he
24 did focus on that.

1 So on your slide 29 where you're
2 saying that doesn't -- didn't Teska, Gruen, and
3 Okrent Kisiel discuss the impact of property taxes
4 on these taxing bodies and whether or not there was
5 an impact or not in their opinion that would drive
6 their -- the report would study going forward?

7 A. Well, I think as I just mentioned,
8 taking Gruen as an example, that statement says that
9 there will be no impact or it will be negligible.
10 That doesn't include an evaluation of property
11 taxes, and there's no -- there's no support to say
12 what is negligible, what -- what would be negligible
13 to the park district or the library district.

14 So there's a difference between
15 just mentioning taxing bodies and evaluating the
16 impact on those taxing bodies.

17 Q. So in your opinion, would the presence
18 of Haymarket DuPage negatively impact financially
19 the operation of the public library?

20 A. I didn't perform that evaluation, and
21 I'm not offering that as an opinion.

22 Q. Well, but didn't Mr. Gruen perform that
23 evaluation and summarize his findings in the report?

24 A. There was no -- all that's contained is

1 the paragraph that we just read that says that there
2 will be no impact.

3 Q. Well, it's the same issue with the park
4 district. Can you give us an indication of how the
5 park district would be adversely impacted by the
6 operation of Haymarket DuPage?

7 A. Well, again, we talked about property
8 tax issue and if, in fact, Haymarket does not pay
9 property taxes and whether those taxes will or will
10 not be redistributed to other parties and,
11 therefore, whether or not these entities will
12 receive lower taxes or if they'll stay the same.

13 Q. I think the question that they -- that
14 the ordinance is providing is that you have to study
15 the impact on the taxing bodies, and isn't that what
16 Mr. Gruen did? He studied and evaluated the impact
17 on the taxing bodies and focused on the ones that
18 would be impacted where he's had an extensive report
19 on police, fire, and general services, which are
20 garbage and things of that nature.

21 A. That's the -- he -- Mr. Gruen provided
22 an analysis that focused on those -- the fire
23 protection district and the police. There's no
24 analysis provided or other support provided beyond

1 the statement that we just read at the beginning of
2 his report to indicate whether he performed an
3 analysis of these other taxing bodies.

4 Q. I think we're going to respectfully
5 disagree on that.

6 I just wanted to point out, didn't
7 Mr. Gruen also look at the general services -- of
8 the impact on the general services for the Village
9 that the Village provides, didn't he also look at
10 those funds and the impact on that?

11 A. I believe I said he studied the Village,
12 the fire protection district, and the police
13 department.

14 Q. Okay. If a worker or visitor to
15 Haymarket DuPage purchased food or beverages at a
16 local Itasca establishment, would food and beverage
17 tax be generated by the purchase?

18 A. If they -- I'm sorry, did you say at the
19 beginning if a worker?

20 Q. Or a visitor to Haymarket DuPage
21 purchased food or beverage at a local Itasca
22 establishment, would food and beverage tax be
23 generated for the benefit of Itasca?

24 A. Yes, I believe so. I believe that's

1 part of what Mr. Gruen included in his projections.

2 Q. And if a visitor or worker to Haymarket
3 DuPage visited a local establishment and engaged in
4 video gaming, would video gaming tax be generated
5 for the benefit of Itasca?

6 A. From another entity? You're saying --

7 Q. If they went to -- if they went to a
8 facility or a store, restaurant, retail operation in
9 Itasca where they had video gaming and they
10 participated, would that generate a video gaming tax
11 payment as a result of that action?

12 A. I believe so.

13 Q. Okay. And if a visitor to Haymarket
14 DuPage visits their family member in -- or a vendor
15 comes to visit Haymarket DuPage and they stay in a
16 hotel, would a hotel tax be generated as a result of
17 that activity?

18 A. If they stayed in a hotel within Itasca?
19 Yes, I believe that's -- that's accurate.

20 Q. And if a visitor or worker at Haymarket
21 purchases gas at, like, the gas station down the
22 road, would that generate a tax on the gas?

23 A. Yes, I believe that's accurate.

24 Q. So then do you agree it's not accurate

1 to show zeros on slide 28 where it shows zeros for
2 Haymarket DuPage entitled historic tax revenue?

3 It's actually slide -- at the
4 bottom it says 27. I believe it's your 28 where
5 it's talking about the Holiday Inn, and it
6 identifies the taxes that were generated by the
7 Holiday Inn but you stated no tax revenue is going
8 to be generated by Haymarket. Is that accurate?

9 A. Yes, because that -- the entity,
10 Haymarket as a facility, isn't going to generate
11 these taxes.

12 Q. But aren't the people who work at
13 Haymarket, visit Haymarket, do business with
14 Haymarket who do those activities and who are only
15 coming to Itasca because of Haymarket, you're saying
16 they're not going to generate any sales tax
17 revenues?

18 A. I didn't say they're not going to
19 generate any sales tax revenues. They're not going
20 to generate -- they're not going to generate these
21 types of taxes at that property.

22 This -- this chart evaluates the
23 taxes that were generated from that property
24 historically by tax type and, in this instance, for

1 the five years identified. Those taxes are from
2 that -- that -- from that site. That does -- the
3 first column does not include any taxes that any
4 workers from the Holiday Inn or tourists from the
5 Holiday Inn generate at other locations throughout
6 the village. That is specifically referencing taxes
7 that have been generated from the property at issue.

8 The middle column for proposed
9 Haymarket DuPage I believe is accurate because there
10 will not be any taxes of those kind generated from
11 the property.

12 Q. Well, so if you're looking at the
13 economic impact of what Haymarket DuPage is going to
14 have on Itasca, how do you not look at what the real
15 impact is going to be in terms of tax revenue?
16 You're saying just because it wasn't generated on
17 that property it doesn't flow from Haymarket DuPage?
18 But if Haymarket DuPage wasn't there, then those
19 dollars wouldn't be generated.

20 If it didn't have the 163 jobs and
21 the visitors and the vendors, isn't that revenue
22 that's being derived as a result of Haymarket DuPage
23 being located there?

24 A. That's a different question. The

1 question related to this chart and whether or not it
2 was accurate.

3 Q. Then why don't we restate the question.

4 A. Now --

5 Q. Will visitors, vendors, family members,
6 et cetera, people who are going to Haymarket DuPage,
7 will they generate hotel taxes -- could they
8 potentially generate hotel taxes, video gaming
9 taxes, food and beverage taxes?

10 A. They may.

11 Q. And have you -- have you attempted to
12 quantify that?

13 A. I -- that was not what I was retained
14 and asked to do. That's not part of my evaluation.
15 I did not perform an independent assessment or
16 evaluation.

17 Q. Isn't it something that Mr. Gruen's
18 report did do in terms of sales taxes?

19 A. Mr. Gruen's report develops a projection
20 that assumes that the 163 workers that will work at
21 Haymarket DuPage will spend an average of \$5 a day
22 within the village. And I offered criticisms and I
23 have criticisms with that calculation.

24 But yes, Mr. Gruen's report

1 includes an estimate of the amount of sales tax that
2 could be generated from the workers at the Haymarket
3 DuPage.

4 Q. So considering those potential taxes
5 that we just discussed could be generated as a
6 result of Haymarket DuPage's location in Itasca and
7 the people visiting there, working there, et cetera,
8 do you believe that the total tax estimate of less
9 than \$4500 per year is excessive?

10 A. Well, I can't speak to whether or not
11 it's excessive. I have criticisms of the
12 calculation that's been offered.

13 Q. My question is is it a -- I mean, is it
14 a -- given that he only focused in his report on the
15 workers and didn't focus on the visitors or the
16 vendors or the family members, so he took a very
17 conservative approach.

18 My question is given he tried to be
19 conservative in his approach, do you feel that this
20 number is excessive? Aren't there populations he
21 didn't factor in that would have made that number
22 higher?

23 A. Well, there might be populations he
24 didn't factor in, but I believe that the way the

1 calculation was performed overstate the workers may
2 contribute. The calculation assumes that all 163
3 workers will be on-site every day spending \$5 within
4 the village. That calculation does not make any
5 assumption or evaluation as to whether or not anyone
6 who works at Haymarket DuPage is already a resident
7 of the Village of Itasca. So if that's the case,
8 then that wouldn't be additional revenue, additional
9 tax revenue that would be generated.

10 That also assumes that all 163 of
11 those workers will be on-site every day. I believe
12 that Mr. Aboona testified that that's not the case;
13 that through the course of the three shifts, that
14 115, maybe, of the workers would be on-site in any
15 given day.

16 So I -- in my review of that
17 calculation, I see that there are assumptions made
18 that are unsupported.

19 Q. But you didn't answer my question. Do
20 you feel that's an excessive amount to assume --

21 A. I can't speak --

22 Q. -- based on the 100 -- based on the
23 countless workers, visitors, families, and friends,
24 you have not calculated that; correct?

1 A. I did not calculate.

2 Q. Okay. So you also undertook an analysis
3 of emergency calls in your September '19 report, and
4 your report stated that you understand that alcohol
5 and rehab centers have higher volumes of emergency
6 calls for protective services compared to other
7 businesses. What was that understanding based on?

8 A. Based on the -- the information we
9 received to -- that identified the number of
10 calls -- at that time the FOIA requests that showed
11 the number of calls to Haymarket's downtown facility
12 versus the information we saw for purposes of the
13 emergency services calls at the Holiday Inn.

14 Q. Your statement says that it's a higher
15 volume of emergency calls for protective services
16 compared to other businesses.

17 Did you study FOIA responses for
18 other businesses to compare them?

19 A. No, I did not.

20 Q. Did you have any other source of
21 information available to support that statement?

22 A. I don't believe at the time. I
23 believe -- (Audio distortion.) -- that's the case.

24 THE REPORTER: I didn't hear the end of

1 your -- I believe what?

2 BY THE WITNESS:

3 A. That there's been testimony offered that
4 that's the case.

5 BY MS. O'KEEFE:

6 Q. That wasn't testimony that was available
7 to you in 2019; correct?

8 A. Yes. I said I did not have that at the
9 time.

10 Q. Okay. In 2019 again you stated that
11 Kenrich is unable to estimate how many
12 emergency-related calls on average Haymarket might
13 experience. However, Haymarket DuPage will be
14 likely more similar to Haymarket's central location
15 than it would be to the Holiday Inn historic
16 experience; and as such, the Village would be likely
17 to experience an increase in the emergency and
18 protective service costs.

19 Can you give me the source of that
20 conclusion, the source of information upon which you
21 base that conclusion?

22 A. I need to look at my report, but I
23 believe it's my experience that a facility would
24 likely operate more consistent with their prior and

1 other facilities than they would a facility of a
2 different type and use.

3 Q. Did you study -- in 2019 were you aware
4 of the proposed programming that was supposed to be
5 provided at Haymarket Chicago versus Haymarket
6 DuPage?

7 A. No, I was -- it was my understanding it
8 would be -- at the time it was my understanding it
9 would be consistent programming.

10 Q. And what was the source of that
11 information?

12 A. I believe the applications included
13 the -- that they would be providing services similar
14 to their Chicago location.

15 Q. Well, I know you've listened to
16 considerable testimony and now you understand -- I
17 mean, do you understand now that that's a different
18 situation, where there will be different programs
19 offered between Haymarket Chicago and Haymarket
20 DuPage?

21 A. My understanding that the revised
22 application filed in August 2020, yes, changed some
23 of the services that would be provided at Haymarket
24 DuPage versus Haymarket Chicago.

1 Q. Since we spoke last week, did you have a
2 chance to review the Moeller report again?

3 A. I did take a look at the Moeller report.

4 Q. Did you follow up with the Village to
5 see if they followed the -- Mr. Moeller's
6 recommendations regarding the need to study the
7 proposed private ambulance and the reliance on the
8 private ambulance?

9 A. I think your question, did I follow up
10 with the Village --

11 Q. Did you follow up with the Village to
12 see if they did the follow-up steps that were
13 recommended in the Fitch report? The follow-up
14 steps included --

15 A. I did not --

16 Q. -- studying further private ambulance
17 use, the different protocols that were used in --
18 with police cars accompanying EMS calls, the
19 existence of concurrent calls, and the question of
20 whether additional staff or equipment would be
21 needed. These were policy questions that
22 Mr. Moeller identified.

23 Did you follow up with the Village
24 to see if the Village did the follow-up that

1 Mr. Moeller recommended?

2 A. I -- I can't speak to all of this,
3 everything that you just mentioned; but I did not
4 follow up with the Village regarding Mr. Moeller's
5 report.

6 Q. Okay. These issues could have an
7 impact, couldn't they, on the fire protection
8 district and the police department?

9 A. What issues? Changed policies?
10 Changed -- changed policies could have an impact, if
11 that's your question.

12 MS. O'KEEFE: Did the Itasca general -- maybe
13 can we take a break, Mr. Chairman? Is that
14 possible? It's been a little bit more than an hour.

15 CHAIRMAN DALY: That'll be fine. Let's
16 reconvene at 8:15.

17 MS. O'KEEFE: Thank you.

18 (Recess taken.)

19 CHAIRMAN DALY: At this time I'd ask that we
20 continue the cross-examination of Ms. Ketchum by
21 Ms. O'Keefe.

22 MS. O'KEEFE: Okay.

23 BY MS. O'KEEFE:

24 Q. Okay, Ms. Ketchum. The Village has no

1 control over whether a business stays in operation
2 in Itasca; correct?

3 A. I believe that's correct.

4 Q. I'm sorry? I couldn't hear.

5 A. I believe that's correct.

6 Q. Okay. Can the Village control who owns
7 a property?

8 A. No, I don't believe that they can
9 control who owns a property.

10 Q. So the underlying property is in a B-2
11 district, and there are certain uses that are
12 allowed in a B-2 district that can be occupied by
13 non-for-profits as of right.

14 If a non-for-profit purchased a
15 property tomorrow in a B-2 district, wouldn't the
16 Village and the taxing bodies be the same position
17 here if the tax exemption is granted and they could
18 do nothing about it?

19 A. I want to make sure I understand your
20 question. In this instance, they're seeking
21 approval for a special use permit to allow
22 operation.

23 Are you asking if a different
24 non-for-profit purchased a property in the B-2

1 district if they could operate?

2 Q. You said -- you were talking about the
3 relevance of the zoning. And my point is a
4 non-for-profit could come in, purchase the building
5 today, not pay any property taxes as long as it's
6 used for use a permitted in a B-2?

7 A. I can't speak to that. I don't know all
8 the uses that are allowed or not allowed, which
9 non-for-profits are allowed or not allowed.

10 Q. The National Safety Council is a
11 non-for-profit that operates in Itasca. It's a very
12 large nonprofit organization. They operate down the
13 street in Spring Lake Business Park, although it has
14 a different underlying zoning.

15 If they were to expand their
16 operations into this building as an office, which is
17 permitted as of right, they wouldn't have to pay
18 property taxes -- correct? -- just like they don't
19 pay them down the street?

20 MR. DI NOLFO: I object; that assumes a fact
21 not in evidence.

22 BY THE WITNESS:

23 A. I don't know.

24 MR. DI NOLFO: As a matter of fact, they do

1 pay property taxes at this time. So I would just
2 object; it assumes a fact not in evidence.

3 MS. O'KEEFE: I'm sorry, I couldn't hear the
4 rest of your objection, Steve.

5 MR. DI NOLFO: I objected, it assumes a fact
6 not in evidence because nobody's testified they're
7 not paying property taxes, which they are. So I
8 would just object on that basis.

9 MS. O'KEEFE: Okay. So --

10 MR. SILVERMAN: Objection sustained.

11 BY MS. O'KEEFE:

12 Q. To restate, if a non-for-profit
13 purchased a property to use as an office which is
14 allowed in a B-2 and didn't have to pay property
15 taxes, there's nothing the Village could do about
16 that -- correct? -- if the use is permitted as of
17 right?

18 A. I can't speak to that. I don't know --
19 I'm not familiar with what all uses are accepted or
20 not accepted and what non-for-profits are allowed to
21 operate and which ones aren't. So I can't speak to
22 your question.

23 Q. You felt in your opinion that the zoning
24 was relevant -- you testified last week that the

1 zoning was not relevant if you're looking forward,
2 such as Mr. Gruen did, but it is relevant if you're
3 looking back. Can you explain what you meant by
4 that?

5 A. Yes. I'm not sure I'm -- that that's
6 what I stated.

7 I said that I understand that in
8 developing his projections Mr. Gruen is looking at
9 the operations of Haymarket in developing
10 projections assuming their operations; so that
11 doesn't consider the zoning because that's specific
12 to Haymarket's operations and what economic impacts
13 they may bring.

14 However, this evaluation, the
15 evaluation of Haymarket's permit for special use,
16 the zoning is relevant because the property at issue
17 is currently zoned one way and Haymarket's seeking a
18 special use permit to change that to allow them
19 their operations. And historically it has been a
20 tax-producing property site, so the zoning is
21 relevant because that's the question before the
22 Commission, which is to evaluate Haymarket's permit
23 and determine whether or not they recommend the
24 Village Board approve the special use permit.

1 So I believe I said that I
2 understood in developing his projections of -- and
3 estimates in his report, he didn't consider the
4 zoning because he's specifically just projecting
5 Haymarket's operations.

6 Q. So you referenced -- and I just want to
7 clarify your language.

8 You said that there's going to be a
9 change in zoning. Is the underlying zoning, which
10 is B-2, going to change as a result of this
11 application?

12 A. No. It's the approval of a special use
13 permit, to my understanding.

14 Q. So your focus on the prior use is
15 because it was a tax-producing property -- is that
16 correct? -- and now it would be converted to a
17 tax-exempt property?

18 A. Correct.

19 Q. And I think my point is -- maybe I
20 haven't been as clear as I'd like, is that the B-2
21 uses contemplate -- the B-2 district contemplates
22 uses such as office, it could be used by
23 non-for-profits. They do -- the zoning district
24 contemplates uses that are for-profit and

1 non-for-profit; isn't that correct?

2 A. Again, I can't speak to exactly what's
3 allowed. I think that's right. I mean, they
4 specify what's allowed on the property in the
5 specific zoning at issue. I know in this instance
6 that Haymarket has -- is seeking a special use
7 permit for a planned development.

8 Q. But just as we discussed, the Village
9 can't control the uses on the property. They can't
10 control the owner of the property. Just because
11 they had a property owner that was income producing
12 and now have a property owner that is not income
13 produce -- I think what I'm trying to say is that
14 it's possible in the future that non-for-profit
15 could also use this property as of right and it
16 would have the same impact.

17 So the zoning contemplates a wide
18 variety of uses. It contemplates those that are
19 for-profit and non-for-profit. I think that's the
20 point I was trying to bring out and I wanted to see
21 if you agree to that, and it sounds like you do.

22 A. I think -- well, I think with one --
23 with a clarification. I believe I heard you say
24 that the Village can't control the uses; but I do

1 believe that that's part of the zoning ordinance, to
2 allow and permit what uses are available in various
3 zoning districts. So I do think that they can
4 control that.

5 They cannot control who owns a
6 property. If someone is to, in this instance, you
7 know, to sell their property to a different owner,
8 that's not something that's within their control.
9 But just like this instance, my understanding is
10 that they can control the uses because in this
11 instance Haymarket is not permitted to -- (Audio
12 distortion.) -- on this site that is currently zoned
13 in a certain manner.

14 Q. I think my questions just now were
15 premised on the fact that there were a
16 non-for-profits who could use the property as of
17 right. So that was the premise of the questions I
18 was asking. I don't think we would have spent all
19 these months here if Haymarket could use the
20 property as of right, so I think we agree there.

21 So last week we discussed the
22 financial status of the Holiday Inn prior to
23 April 2020 when they sold to Haymarket. I noted in
24 your attachment through your report, did the Village

1 recognize that the total tax revenues, hotel tax
2 revenues were declining at this site prior to sale?

3 A. Which attachment did you reference?
4 Attachment 3?

5 Q. Yeah. It's in the 2019 report.

6 A. Correct. So --

7 Q. Okay.

8 A. -- this information is consistent with
9 the Village's record and receipts of taxes paid to
10 them. What we found in Teska's report is that Teska
11 stated different numbers for some of these tax
12 categories for some of these years.

13 Q. I don't think that's my question.

14 My question -- is this
15 Attachment 3, is this prepared by you or is this
16 prepared by Teska?

17 A. This is prepared by me. But you'll see
18 that right behind it is a --

19 Q. No, I'm not focused on behind it. I'm
20 just asking you about the line on Attachment 3,
21 hotel taxes, where it starts with hotel taxes being
22 generated in FY14 at 116,726 and reducing to FY19 at
23 46,220. Is that a correct statement from this page?

24 A. Yes. You asked if I would agree that

1 the hotel taxes were declining. I believe that's
2 what the initial question that you asked me.

3 Q. Okay. Based on this -- based on what's
4 on Attachment 3, which you prepared, and I'm just
5 asking you does this Attachment 3 show that the
6 hotel taxes were declining?

7 A. From the records and from the taxes paid
8 to the Village which are reported here, it shows
9 that those taxes had declined.

10 Q. Declined. Are you aware of any steps
11 that the Village took to halt the closing of the
12 Holiday Inn?

13 A. No, I'm not aware.

14 Q. Are you aware if the Village knew the
15 market -- didn't the Village know the market -- the
16 property was on the market?

17 A. I believe the Village was aware the
18 property was on the market, but I'm not sure to what
19 extent.

20 Q. Are you aware if they offered any
21 incentive to help keep it open?

22 A. I don't -- I don't know.

23 Q. Are you aware if they offered to
24 purchase it and convert it to a commercial use like

1 they are doing now in downtown Itasca with the
2 bakery so as to keep it commercial and producing
3 taxes?

4 A. I'm not aware.

5 Q. If they -- if the Village really wanted
6 the tax revenues that were generated by the Holiday
7 Inn or a subsequent commercial use, why didn't they
8 take steps to encourage it?

9 A. I can't speak to what the Village did or
10 didn't do.

11 Q. I mean, the property has been -- was
12 vacant for two years -- excuse me.

13 The property was for sale, excuse
14 me, for two years prior to Haymarket purchasing it,
15 wasn't it?

16 A. I'm not entirely sure when it went up
17 for sale and if that was widely publicized or it
18 was, you know, it's a small pool of investors were
19 notified. I don't -- I don't know. I don't believe
20 it was vacant for two years.

21 Q. No, I asked if it was for sale. I
22 misstated. If it was for sale for two years.

23 So do you feel that Haymarket
24 forced the Holiday Inn to -- to close?

1 A. That's not -- no, that's not part of my
2 opinion. I don't have an opinion on -- I don't have
3 an opinion on the dealings between Haymarket and the
4 Holiday Inn.

5 Q. The Village's staff report states that
6 the underperformance of the Holiday Inn might have
7 been tied to owner investment, which you stated,
8 desire to sell the property -- the owner's lack of
9 investment, their desire to sell the property, and
10 other various reasons.

11 Did you undertake any efforts to
12 answer the question for the Village of why the hotel
13 was being sold?

14 Did you analyze the performance of
15 the hotel and convey its viability to the Village,
16 your opinion of its viability to the Village?

17 A. No, I did not perform a comprehensive
18 study. I reviewed the taxes that have been
19 generated from the property and I -- I reviewed some
20 permits that I believe the -- the Village provided
21 me with other improvements that had been made to
22 other properties and any impact that there might
23 have been to their operations. But I did not
24 perform a comprehensive assessment of the hotel's --

1 of the Holiday Inn's operations or revenues or
2 costs.

3 Q. Do you know if the Village did any
4 independent market analysis on the viability of the
5 Holiday Inn or a hotel at that site?

6 A. I don't know.

7 Q. In a typical economic analysis, are the
8 perceived costs and benefits studied?

9 A. Well --

10 MR. SILVERMAN: I think that's been asked and
11 answered a couple times. We went through that just
12 a little bit ago.

13 MS. O'KEEFE: Okay. I remember asking it
14 once, but it's going to lead into questions; so I
15 will just state for the record that a typical
16 economic impact statement does look at costs and
17 benefits.

18 BY MS. O'KEEFE:

19 Q. So in your review of the different
20 expert reports that were presented and the testimony
21 that was presented to the Plan Commission, in your
22 opinion, are there positive economic impacts that
23 Haymarket DuPage could bring to Itasca?

24 A. Well, again, I didn't develop my own

1 economic impact and independent analysis of the
2 benefits or the -- and the costs. I don't disagree
3 that if there are jobs on the site that there are
4 benefits that will be experienced, but that's not --
5 I did not develop my own independent analysis.

6 Q. Do you consider the value or the
7 benefit -- the benefit of reusing the property and
8 possibly preventing a long-term vacancy?

9 A. Sorry, I want to make sure I understand
10 your question. Can you ask it again?

11 Q. Did you consider the benefit that would
12 be provided by having a viable use reusing the
13 property and preventing a long-term vacancy?

14 A. Well, again, I didn't develop my own
15 analysis, so I didn't assess that. That wasn't part
16 of my scope.

17 Q. Just discussed the value of the jobs.

18 Did you consider the economic
19 impact of possible partnership opportunities with
20 other government entities and taxing bodies, such as
21 training to be provided for the police department in
22 how to deal with those who are mentally ill or
23 suffering from substance use disorder or programs to
24 help the children in the schools, did you consider

1 any kind of -- any values that could be provided to
2 the taxing bodies as a result of Haymarket being in
3 Itasca?

4 MS. SMITH: I'm going to object because the
5 question lacks any foundation to ask this witness
6 that question.

7 MR. SILVERMAN: Ms. O'Keefe, we've really
8 been through this a couple times. I think the
9 witness has explained on a number of occasions what
10 she was engaged to do. These questions, while
11 interesting, I don't think have anything to do with
12 the challenging of her opinion, which this
13 cross-examination is all about. We've been at
14 this --

15 MS. O'KEEFE: Her opinion --

16 MR. SILVERMAN: -- for hours now and --

17 MS. O'KEEFE: Can I respond? Her --

18 MR. SILVERMAN: Certainly.

19 MS. O'KEEFE: -- opinion -- her scope of work
20 was to examine the economic impact analysis that
21 were presented and the different studies that were
22 presented by, say, for example, Mr. Gruen, the land
23 use and planning study prepared by Mr. Kisiel.
24 These talk about the benefits that are offered by

1 Haymarket DuPage.

2 And I haven't heard Ms. Ketchum in
3 her presentation to the Plan Commission of the
4 impact Haymarket DuPage will have, I have not heard
5 her testify as to the benefits. She's focused a lot
6 on the costs, but there's been almost no discussion
7 on the benefits provided. So I would disagree that
8 this has been covered.

9 MR. SILVERMAN: You can ask --

10 MS. SMITH: Very clear on her scope of work,
11 and there's no foundation whatsoever to ask her a
12 question about the benefit she -- that Haymarket may
13 offer to the school district. She has not testified
14 in any respect that she has any expertise about that
15 or that it's intended to be part of her testimony.

16 MS. O'KEEFE: But that wasn't my question.
17 My question was did she consider --

18 MS. SMITH: But you have to -- you have to
19 lay a foundation to ask the witness a question.
20 Otherwise it's entirely irrelevant. And we've gone
21 and on and you're asking questions way beyond the
22 scope of this witness's expertise. This one goes
23 way beyond the pale in anything this expert can
24 testify to.

1 So, again, I'll accept the answer,
2 but it's really a waste of time.

3 MS. O'KEEFE: Well, Ms. Smith, I must respond
4 in that the premise of my question was did she
5 consider the experts' reports that were submitted in
6 the record and they how they addressed the benefits
7 offered by Haymarket DuPage. That is within her
8 opinion because she was hired and retained to review
9 these reports and report on the cost impacts and the
10 benefits of this to the Plan Commission.

11 I haven't seen -- there is -- if
12 you would like me to lay more of a foundation, we
13 can go into each report individually and identify
14 the benefits that they cite.

15 MS. SMITH: I would like you to lay a
16 foundation for the questions you ask. That's my
17 objection.

18 MS. O'KEEFE: Okay.

19 MR. SILVERMAN: Ms. O'Keefe, I think the --
20 what the problem is is that you keep asking her time
21 and time again whether she's done X, whether she's
22 done Y, whether she's done Z. She's testified that
23 she hasn't. She's reviewed these reports and that's
24 it.

1 I mean, you know, we're giving you
2 some latitude here, but we need to start to condense
3 this a little bit and move on.

4 BY MS. O'KEEFE:

5 Q. Ms. Ketchum, you were hired to assess
6 and evaluate the economic impact studies provided by
7 Haymarket DuPage; correct?

8 A. Correct.

9 Q. Okay. In your review of the Gruen
10 study, the economic impact study prepared by
11 Mr. Gruen, did you review the finding that there
12 would be an ongoing operation of Haymarket DuPage
13 would support an estimated 191 total jobs, direct,
14 indirect, and 10.6 million of total annual earnings
15 direct and indirect, within DuPage County?

16 A. Did I -- was your question did I review
17 that finding? I did review that finding.

18 Q. And what is your opinion of that
19 finding?

20 A. That finding relates to DuPage County.
21 It is irrelevant to Itasca. The benefits that are
22 projected in that calculation by Mr. Gruen relate to
23 DuPage County, which is not specific to Itasca and
24 is not isolated to Itasca.

1 So those -- those benefits, which
2 are projected to occur in DuPage County, the support
3 for that -- those benefits to Itasca has not been
4 provided and has not been identified. As I
5 mentioned, they're related to DuPage County; and
6 even there, I'm not sure -- I don't find the support
7 to show why they might not be relevant to Cook
8 County, which is immediately to the north and east
9 of Itasca.

10 Q. Are you aware of the extensive testimony
11 that's been provided as to the need for substance
12 use disorder treatment in this -- in Itasca and in
13 DuPage County?

14 A. I am aware there has been testimony
15 provided about the need, but I have not -- I am not
16 evaluating the need of the facility.

17 Q. And you're aware that Chief Burke and
18 Director O'Connor both testified as to the need for
19 substance abuse -- both Chief Burke and Director
20 O'Connor testified to the fact that in Itasca there
21 have been overdoses and issues with substance abuse?

22 MR. DI NOLFO: I guess I'm just going to
23 object just because there's two questions there,
24 so -- to need and overdose. Not to be difficult,

1 Bridget, but just so I know what she's answering.

2 MR. SILVERMAN: Please re-ask the question.

3 And, again, please confine your questions to this

4 expert's opinion in matters that will put into

5 question the veracity or the -- of her opinion.

6 BY MS. O'KEEFE:

7 Q. Are you aware that Chief Burke and

8 Director O'Connor testified that there have been

9 overdoses, an average of -- in Itasca?

10 A. I haven't focused on any testimony

11 surrounding the need.

12 Q. In your review of the expert reports

13 that have been provided and the testimony that's

14 been provided which you have attended, are you aware

15 of the -- did you factor into your report to the

16 Plan Commission the economic benefits that could be

17 provided by substance use -- substance use

18 treatment?

19 A. I want to -- again, I want to make sure

20 I understand your question.

21 In my review and assessment of the

22 economic projections provided by Mr. Gruen, provided

23 by Mr. Kisiel, and included in Mr. Dominik's report,

24 I did not focus on their evaluation of the need.

1 Q. Or the cost-benefits of treatment?

2 A. Or the cost-benefits of treatment.

3 MS. O'KEEFE: Okay. I have no further
4 questions.

5 CHAIRMAN DALY: Okay. At this time I would
6 ask if Ms. Smith has any redirect questions of the
7 witness.

8 MS. SMITH: I have no questions. Thank you.

9 CHAIRMAN DALY: Thank you, Ms. Smith.

10 Mr. DiNolfo, do you have any
11 redirect questions of the witness at this time?

12 MR. DI NOLFO: I do not, Chairman Daly.
13 Thank you.

14 CHAIRMAN DALY: Mr. Ellenbecker, do you have
15 any redirect questions?

16 MR. ELLENBECKER: I do, Mr. Chairman.

17 CHAIRMAN DALY: Okay. Your sound is sketchy.
18 Could you please get closer to your microphone?

19 UNIDENTIFIED SPEAKER: Good?

20 UNIDENTIFIED SPEAKER:: Can they hear you?
21 Is the camera on? That would help.

22 CHAIRMAN DALY: Mr. Ellenbecker, we -- there
23 we go.

24 MR. ELLENBECKER: Yeah, there we go. I got a

1 little aggressive pulling the mic.

2 CROSS-EXAMINATION

3 BY MR. ELLENBECKER:

4 Q. Ms. Ketchum, how are you tonight?

5 A. I'm good. How are you?

6 Q. Good. Thanks.

7 Going where I'm going in the
8 process here, I'm going to skip around a little bit.
9 If I jump to a spot and you don't know where I
10 jumped, please let me know. Okay?

11 A. Okay.

12 CHAIRMAN DALY: Mr. Ellenbecker, excuse me,
13 just briefly. Your signal is -- you're clear, but
14 you're not very loud.

15 MR. ELLENBECKER: Okay. Let me move a little
16 closer to the microphone. Is that helping at all?

17 THE WITNESS: Yes.

18 CHAIRMAN DALY: Slightly.

19 BY MR. ELLENBECKER:

20 Q. All right. Ms. Ketchum, as I understand
21 it, and correct me if I'm wrong, under a
22 non-tax-exempt status, the Village would get
23 property taxes from 860 West Irving Park Road;
24 correct?

1 A. Under a non-tax-exempt status, correct.

2 Q. Okay. And under Haymarket's proposed
3 use, it's your understanding that Haymarket plans to
4 use this property, if given permission, on a
5 tax-exempt basis; correct?

6 A. Correct.

7 Q. And that results in no property tax
8 generated from the property; correct?

9 A. Correct.

10 Q. And are you aware that Dr. Lustig, in
11 light of the fact that Haymarket does not currently
12 enjoy tax-exempt status at 860 West Irving Park
13 Road, has told this Plan Commission that Haymarket
14 intends to continue pursuing tax-exempt status for
15 that property and the use that they're proposing?

16 A. That's my understanding, that they
17 intend to continue to seek property tax exemption.

18 Q. Okay. I was following the
19 cross-examination for the last couple nights, and I
20 just want to clarify.

21 The formality of the ownership
22 change -- all right? -- did that at all matter to
23 you or your analysis in this case?

24 A. No, no. That does not -- that did not

1 matter to my evaluation of the reports submitted by
2 Haymarket.

3 Q. Right. I mean --

4 A. Haymarket purchased --

5 Q. Go ahead.

6 A. Haymarket purchased the hotel property
7 in 2020, I believe it was; but the impact reports
8 provided by their experts assess the economic
9 impacts of the facility, and the ownership of the
10 property wasn't relevant because the zoning and the
11 special use permit is what's under evaluation.

12 Q. Right. And even under the original
13 application, the idea, Haymarket was the applicant
14 and Haymarket was proposing at some point it would
15 become the owner and use the property for tax-exempt
16 purposes; correct?

17 A. Correct.

18 Q. And the only difference between the
19 original application and the amended application is
20 in April 2020 Haymarket made the decision to take a
21 bet or take a chance and buy the property before
22 they got permission; correct?

23 A. Correct. That -- that was the change
24 prior to the new application. I understand then the

1 new application included some other changes to
2 services and provided new, different economic impact
3 studies.

4 Q. And if you know, the vacancy of the
5 property currently, would you agree, is due
6 primarily, if not solely, to Haymarket's application
7 and quest for the property at issue?

8 A. Well, I believe so because they now are
9 the owners of the property and are not allowed to
10 open and operate a substance abuse and
11 rehabilitation facility.

12 Q. Last week there was a little bit of talk
13 about the Teska report. This week Ms. O'Keefe went
14 into the Teska report a little bit more extensively.

15 Is it your understanding that at
16 the time it was prepared Teska was contemplating a
17 ownership change and a tax-exempt use of the
18 property?

19 A. Yes. They were evaluating the current
20 property, which was a hotel at the time, changing to
21 Haymarket -- Haymarket DuPage and being operated as
22 a substance abuse facility.

23 Q. And regardless of whether Haymarket says
24 it's no longer relying on the Teska report, is it

1 your understanding that Haymarket commissioned the
2 Teska report to be prepared?

3 A. Yes. It's my understanding that Teska
4 prepared their report at the request of Haymarket.

5 Q. And in the lengthy cross-examination
6 today about the Teska report, did Ms. O'Keefe tell
7 you that Teska had prepared a business plan for the
8 town of Itasca some years ago?

9 MS. O'KEEFE: Objection; that's outside the
10 relevance of -- that's outside the scope of
11 questioning that I asked Ms. Ketchum.

12 MR. ELLENBECKER: It's within the scope in
13 the sense that she's asking about the Teska report
14 and it goes to Teska's -- well, the motive for
15 withdrawal and Teska's position as it relates to
16 Itasca, the proposed use, and the zoning as it
17 currently exists.

18 MS. O'KEEFE: I object. That -- that is not
19 a question that was raised with Ms. Ketchum. It was
20 not covered in any report. There's no basis,
21 there's no foundation for that question in any of
22 the testimony that's been provided or questioning of
23 Ms. Ketchum.

24 MR. SILVERMAN: I think, Mr. Ellenbecker, you

1 are beyond the scope a little bit. If you can
2 maybe -- if you can lay a foundation or get to it,
3 if your point is that there's some bias on behalf of
4 the report or something like that, then get to it;
5 but I don't think you can do it with the questions
6 that you've asked.

7 MR. ELLENBECKER: Okay. Let me try this one,
8 Mr. Silverman, and we'll see where it goes. If not,
9 I'll move on.

10 BY MR. ELLENBECKER:

11 Q. Ms. Ketchum, did Ms. O'Keefe advise you
12 that the proposed facility would not comport with a
13 previous use of the subject property recommended by
14 Teska?

15 MS. O'KEEFE: Objection.

16 MR. SILVERMAN: Are you saying -- are you
17 asking whether Ms. O'Keefe told her that during her
18 testimony? Because I don't recall that.

19 MR. ELLENBECKER: That's what I'm asking.

20 MS. O'KEEFE: It's outside the scope of -- of
21 my questions.

22 MR. SILVERMAN: Well, I guess the witness can
23 answer it as to whether or not you said that during
24 your examination. She can answer.

1 MS. O'KEEFE: Can you repeat the question
2 that Mr. Ellenbecker asked, please, or,
3 Mr. Ellenbecker, could you repeat your question?

4 MR. ELLENBECKER: Sure.

5 MR. SILVERMAN: Mr. Ellenbecker, if you
6 could -- I don't know if there's a way to get closer
7 to your microphone. We can hear you, but it's just
8 a little difficult.

9 MR. ELLENBECKER: Without eating it, I'm not
10 sure, but I'll try. Let me see if I can bring it a
11 little bit closer.

12 Is that better?

13 MR. SILVERMAN: A little bit, yeah.

14 THE REPORTER: Can you just talk louder?

15 MR. ELLENBECKER: Sure, I can. I'll use my
16 teacher voice.

17 BY MR. ELLENBECKER:

18 Q. Ms. Ketchum, in the course of
19 Ms. O'Keefe's cross-examination of you this evening,
20 do you recall her advising you or mentioning to you
21 that Teska had -- or that the proposed use would not
22 comport with a recommended use for the subject
23 property as recommended by Teska in the past?

24 MS. O'KEEFE: I object. I have to object to

1 that. You are -- it's speculative and there's no
2 foundation.

3 MR. SILVERMAN: I think the question was
4 whether or not you had asked that question or made
5 that statement, and I think the witness can answer
6 that.

7 BY THE WITNESS:

8 A. I don't recall that statement. Maybe it
9 was embedded in a question, but I don't -- I don't
10 recall that.

11 BY MR. ELLENBECKER:

12 Q. Well, based on the extensive questions
13 you received on cross-examination from Ms. O'Keefe
14 regarding the Teska report, does it now appear that
15 that Haymarket is trying to withdraw its withdrawal
16 of the Teska report?

17 MS. DICKSON: Are we what?

18 MS. O'KEEFE: Are we trying to withdraw our
19 withdrawal.

20 It's hard to hear you, Steve. I'm
21 sorry.

22 BY THE WITNESS:

23 A. I'm --

24 MR. SILVERMAN: Mr. Ellenbecker, I really

1 think that's a question beyond the scope of this
2 witness --

3 MR. ELLENBECKER: Okay.

4 MR. SILVERMAN: -- as to what their intent is
5 or how legally that report will be treated by the
6 Commission.

7 MR. ELLENBECKER: That's fair enough. I'll
8 move on.

9 BY MR. ELLENBECKER:

10 Q. In your review of the Teska report, did
11 you see that Teska projects the costs of untreated
12 substance use on Itasca residents based on
13 countywide projections?

14 A. Yes. I recall that they -- that they
15 performed a projection based on a study.

16 Q. And did Teska provide any bases or
17 methodology for its extrapolation of those
18 countywide numbers to -- on a per resident basis to
19 Itasca?

20 A. No. I believe I included in my
21 testimony last week, I made some references to the
22 fact that the information in the Teska report based
23 on that study, they had mischaracterized the study.

24 Q. You received some questions or fielded

1 some questions just a bit ago about potential, I
2 guess, sales tax revenue generated by Haymarket
3 residents, employees, or visitors. Do you recall
4 that line of questioning?

5 A. I do.

6 Q. Based on what you know, if Haymarket
7 residents are from Itasca, would you expect that
8 those visitors would need to spend the night in a
9 hotel in Itasca?

10 A. No. If they're residents of Itasca, I
11 would not expect that they would spend the night at
12 a hotel.

13 Q. Right. And if the Haymarket resident
14 was from DuPage County -- we'll extend it out to the
15 whole county -- likewise, you wouldn't expect that
16 visitors of those residents would need to spend the
17 night in an Itasca hotel room; correct?

18 MS. O'KEEFE: I'm going to object on the
19 relevance and the foundation for these questions.

20 MR. SILVERMAN: Well, you know, he's kind of
21 asking the same questions you asked for quite a
22 while, and I think we're going to go ahead and give
23 him a little latitude.

24 ///

1 BY MR. ELLENBECKER:

2 Q. Do you need me to repeat it,
3 Ms. Ketchum?

4 A. Please.

5 Q. Yeah. A similar question to Itasca. If
6 the Haymarket resident was a resident of DuPage
7 County, would you agree that the visitors of that
8 resident likely would not need to use a Itasca hotel
9 room to go visit that person?

10 A. I guess I would say it depends. I think
11 it's likely that they might not; but depending upon
12 where they're from in DuPage County, I guess there's
13 a chance if they were from the furthestmost part.

14 Q. Okay.

15 A. But I did not perform, again, an
16 analysis to assess whether that's the case and any
17 revenue that would be generated.

18 Q. Okay. You had some back and forth with
19 Ms. O'Keefe about Mr. Gruen and the Gruen report.
20 And is it your recollection that the Gruen report
21 for its purposes of its report projected an annual
22 EMS calls for Itasca of 11 to 19 calls?

23 A. Yes. I'm aware that that's what that
24 report includes and projects.

1 Q. And Mr. Gruen also used a fire -- a
2 number of fire calls at seven per year as a result
3 of the proposed facility; correct?

4 MS. O'KEEFE: I'm going to object because
5 these are questions that Mr. Ellenbecker had the
6 chance to ask initially and he said he had no
7 questions, and this is outside the scope of my
8 questions to Ms. Ketchum.

9 MR. ELLENBECKER: Mr. Silverman, she's flat
10 out looked at this chart in her cross-examination of
11 Ms. Ketchum, and they talked about Mr. Gruen's
12 numbers and the numbers he put in and the fact that
13 he didn't do an independent analysis. And my next
14 question is going to address what Haymarket has
15 acknowledged could be the potential impact of its
16 facility.

17 MS. O'KEEFE: Objection. I retain my
18 objection. I did not discuss the particular numbers
19 and we talked about the findings, and I believe this
20 is outside the scope of my direct.

21 MR. SILVERMAN: Well, you didn't do a direct.
22 You did a cross, and I think that's basically what
23 Mr. Ellenbecker is doing right now also and we're
24 just testing those reports.

1 I mean, we're going to keep a close
2 tab on this, the same way we did with you,
3 Ms. O'Keefe; but, you know, we're talking about
4 what's in these reports and her analysis of this --
5 her reports, and that's been pretty much the basis
6 of her testimony.

7 MS. O'KEEFE: But, Mr. Silverman,
8 Mr. Ellenbecker had the opportunity to ask these
9 questions before my cross, which was the procedure
10 and protocol we followed. Now he's taking advantage
11 of rebuttal to ask the questions he should have
12 asked if he really -- if they were legitimate
13 questions prior to my cross-examination. So I do
14 feel like this is outside the scope of my
15 cross-examination.

16 MR. ELLENBECKER: I could respond to --

17 MR. SILVERMAN: Go ahead, Mr. Ellenbecker.

18 MR. ELLENBECKER: Yeah, I mean, it's in
19 direct response to her cross-examination in which
20 she repeatedly used the Gruen report as the Bible of
21 accuracy; and I'm merely pointing out that he used
22 certain numbers, and I'm going to ask Ms. Ketchum if
23 she's aware of what Haymarket has acknowledged could
24 be the potential of calls out of -- out of

1 Haymarket -- out of its Haymarket facility. So I
2 think it's well within the realm of the scope of the
3 cross-examination.

4 MR. SILVERMAN: I'm not sure, you know,
5 Ms. O'Keefe, that Mr. Ellenbecker is limited to the
6 scope of your cross-examination of the witness. I
7 believe that, you know, each of the parties here has
8 a right to cross-examine the witness on the
9 testimony that's been given.

10 MS. O'KEEFE: Mr. Silverman, this is the
11 process we've followed throughout this hearing that
12 we've had direct, cross-examination, and then
13 rebuttal after cross. It's not allowing fresh
14 cross-examination when you pass on it the first
15 time.

16 MR. ELLENBECKER: Not fresh
17 cross-examination. It's more in line with direct
18 anyway, but...

19 I have one more question in this
20 regard I think that's within the scope, and I've got
21 one more question on this line and then I'm almost
22 done, Mr. Silverman.

23 CHAIRMAN DALY: Mr. Ellenbecker, excuse me.
24 This is Chairman Daly. Can you please speak up

1 again, get your teacher voice on --

2 MR. ELLENBECKER: Oh, sure.

3 CHAIRMAN DALY: -- so we can hear you.

4 MR. ELLENBECKER: Yes. Sorry.

5 Mr. Silverman, I think it's -- to
6 the extent I would be bound by the scope of cross,
7 it's well within the scope. This is more akin to a
8 redirect based on subject matter covered by
9 Ms. O'Keefe in her cross. I also have one more
10 question on this line, and I can tie it up.

11 MR. SILVERMAN: Okay. Ask your question.

12 BY MR. ELLENBECKER:

13 Q. Ms. Ketchum, are you aware that a
14 gentleman by the name of James Baldwin, who is chief
15 financial officer for Haymarket, acknowledged that
16 in a one-year period from July 8th, 2018, to
17 July 8th, 2019, that publicly available information
18 indicated that there were 1500 lines of fire and EMS
19 calls to the Haymarket West Loop facility?

20 A. I do recall that that --

21 MS. O'KEEFE: I have to object to this. I
22 mean, this is outside the scope of direct, cross.
23 You're basically going back months and pulling out
24 information that has never been testified to by

1 Ms. Ketchum or has never been even cross -- I never
2 even cross-examined on this issue.

3 I mean, you're really stretching
4 the boundaries here, Mr. Ellenbecker.

5 MR. ELLENBECKER: Even if I'm stretching it,
6 it's within the boundary. It's directly refuting or
7 going -- addressing your cross-examination.

8 MS. O'KEEFE: I never cross-examined her on
9 the number of calls coming out of Haymarket Chicago
10 or Haymarket DuPage because she said that was
11 outside the scope of her expertise and she was
12 relying on Mr. Moeller.

13 MR. ELLENBECKER: I'll live with
14 Mr. Silverman's rulings.

15 MR. SILVERMAN: Yeah. No, you know, I think
16 Ms. O'Keefe is reminding me that we are in -- in a
17 rebuttal here, and I don't recall her asking those
18 questions; so I'm going to sustain those.

19 MR. ELLENBECKER: Okay.

20 BY MR. ELLENBECKER:

21 Q. My last question, Ms. Ketchum, because
22 your cross-examination did take a while, I just want
23 to make sure. In your professional opinion, would
24 the proposed facility as proposed and applied for by

1 Haymarket be financially detrimental to Itasca in
2 your professional opinion?

3 A. Well, I -- again, I didn't develop my
4 own projections; but based upon my review of the
5 information that's been provided, the cost estimates
6 that have been provided which I find to be
7 understated based upon the potential calls that have
8 been identified by both Haymarket's experts and/or
9 Mr. Moeller, it does appear that the financial
10 impact specifically to the Itasca municipality would
11 be adverse.

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

14 CHAIRMAN DALY: Okay. Thank you.

15 At this time I would ask if any
16 members of the Plan Commission have any questions of
17 Ms. Ketchum.

18 COMMISSIONER CARELLO: Ms. Ketchum, this is
19 Commissioner Carello. I actually -- and, again,
20 trying to go back and forth here and figure out how
21 some of these questions are worded, I guess I'm
22 going to ask it: One of the comments that was
23 mentioned by counsel was why do we keep looking at
24 this facility as a hotel generating facility because

1 over the past 14 months it's been vacant.

2 Well, if that's the true case, then
3 technically wouldn't the traffic studies, the police
4 reports, the fire call reports provided by Kisiel
5 and Gruen all be null and void if that was truly the
6 way to look at it?

7 THE WITNESS: I guess I want to make sure I
8 follow your question because I haven't reviewed the
9 traffic study.

10 COMMISSIONER CARELLO: Okay. So --

11 THE WITNESS: But I --

12 COMMISSIONER CARELLO: Yeah, I'm sorry.

13 Yeah, I understand you didn't review that.

14 But I'm just thinking of all the
15 things that were presented based on this being a
16 hotel facility and these numbers were generated
17 based on the calls of Haymarket downtown was getting
18 and what the calls the hotel was getting, and then
19 the same with police and same with fire, and then I
20 just so happened to mention traffic study because
21 that was another study that was generated.

22 But then if we were to say let's
23 look at this as it's new occupancy as who currently
24 owns it for the past 14 months, well, then all those

1 studies would have to be redone. Wouldn't you agree
2 with that statement? If -- if one study is bad
3 because it's a --

4 THE WITNESS: Well --

5 COMMISSIONER CARELLO: -- certain use, then
6 all studies are bad; is that correct?

7 THE WITNESS: Well, I think the question I
8 am -- I want to make sure, but the question I'm
9 hearing you ask is isn't it relevant to consider the
10 current use and past use in the evaluation of this
11 proposal, the Haymarket --

12 COMMISSIONER CARELLO: Correct.

13 THE WITNESS: -- application for a special
14 use permit.

15 And I think as I mentioned last
16 week, I do think that those are unique circumstances
17 that are relevant here because it is not vacant
18 land; and in this instance, a -- the property is --
19 is in a zoning that is zoned a certain way that has
20 historically been a tax-producing property, and so
21 the taxes that have been generated from this
22 property in the past are -- it's relevant for the
23 Commission to understand and have an appropriate
24 quantification of those taxes for their review and

1 understanding in the evaluation of determining
2 whether or not to recommend that this different use,
3 which into the future would be a nontax
4 revenue-generating use, and as such, the
5 Commission -- the Itasca would be forgoing any other
6 tax-producing use on the site, I think it's relevant
7 to consider the current zoning and the past use on
8 the facility in the evaluation of whether or not to
9 recommend that the special use permit be approved.

10 COMMISSIONER CARELLO: Yeah, I think that
11 answers in a way that I'm understanding.

12 I guess my -- my thought process on
13 that was is if we weren't to consider the past use
14 of this and multiple years or maybe even future use
15 of this, then currently the property has a very,
16 very minimal impact as it sits there because nothing
17 is happening. It's a vacant property.

18 If something were to start
19 happening there, all of these things will start
20 getting generated, whether it's more traffic, more
21 police calls, more fire calls, whatever it --
22 possibly less taxes, if the tax exemption does get
23 passed. So as it sits, everything would go the
24 wrong direction. And when I say "the wrong

1 direction," in a negative to the Village, I would
2 think. Because right now there are zero calls to
3 it, I hope, as a vacant building. There are, you
4 know, minimal cars and traffic impacting that
5 intersection because it's a vacant building.

6 So I'm just trying to make sure we
7 understand that it being relevant that multiple
8 years prior and then what it's going to be in the
9 future would make sense to look at; is that correct?

10 THE WITNESS: Yes, I agree. I think that
11 the -- again, as we've talked about, the property
12 taxes are still at issue; but there will not be
13 other tax types generated from this property. I
14 know that Mr. Gruen has projected some utility
15 taxes, but there was -- support wasn't provided for
16 those calculations and they're not incremental
17 because those types of taxes have been generated
18 previously.

19 But I do think that the risks lies
20 with the costs, the costs that will be -- that are
21 expected to increase that the Village will bear.

22 COMMISSIONER CARELLO: Then in regards -- one
23 last question in regards to tax-exempt. If they --
24 if a non-for-profit were to apply for tax exemption

1 and it's passed, they don't get taxed. If it's
2 denied, they get taxed.

3 But can that change hands back and
4 forth for the life of that property? So they could
5 go multiple years without tax or multiple years with
6 tax depending if approved? Or once a decision is
7 made it's set.

8 THE WITNESS: I guess that, I'm not sure. I
9 don't know if the decision would be made for a
10 specific period of time or if it would be into
11 perpetuity. It would depend upon whether or not
12 they're allowed to be tax-exempt.

13 COMMISSIONER CARELLO: Thank you.

14 CHAIRMAN DALY: Anyone else on the Plan
15 Commission have any questions of Mrs. -- Ms. Ketchum
16 at this time?

17 COMMISSIONER HOLMES: No Chairman, I don't
18 have any questions. Thanks.

19 COMMISSIONER RAY: This is Commissioner Ray.

20 CHAIRMAN DALY: Okay. Hearing none --

21 COMMISSIONER RAY: I don't have any questions
22 either.

23 CHAIRMAN DALY: Okay. Thank you.

24 Commissioner Russo?

1 COMMISSIONER RUSSO: Commissioner Russo. I
2 don't have any questions, Chairman Daly.

3 CHAIRMAN DALY: Thank you.

4 Commissioner Drummond?

5 COMMISSIONER DRUMMOND: No. I'm sorry, I
6 don't have anything right now.

7 CHAIRMAN DALY: All right. Thank you.

8 All right, Ms. Ketchum, I do have a
9 couple questions for you.

10 So I'm going to start based on your
11 résumé and your experience. I'm just going to ask a
12 simple yes-or-no question here.

13 Have you performed an economic
14 analysis or an economic -- excuse me, economic
15 impact analysis in the past five years?

16 THE WITNESS: Yes. I've performed various
17 economic analyses in the past five years.

18 CHAIRMAN DALY: Thank you.

19 In an economic impact analysis --
20 and I believe we've covered this numerous times, but
21 just again -- to perform an accurate analysis, do we
22 evaluate the cost side of the equation as well as
23 the revenue side of the equation?

24 THE WITNESS: Yes. I believe you -- you

1 evaluate both the costs and the revenues, and you
2 make -- the basic tenet is that all the information
3 must be supported and the assumptions must be
4 supported based upon reliable data and reasonable
5 methodologies.

6 CHAIRMAN DALY: Okay. So on that, you went
7 where I was going with my question.

8 How many years of data will you
9 generally rely upon to form an educated and
10 substantiated judgment?

11 THE WITNESS: Well, I think it depends in
12 various circumstances. The unique facts and
13 circumstances of each matter are different; but I
14 think because it depends whether there are specific
15 trends that are relevant to analyze, be it in the
16 industry or for a specific entity, I think that five
17 years is a reasonable amount of time and I think
18 that that has often been proven as a reasonable
19 estimate, but there may be circumstances where it
20 requires more because of unique circumstances or
21 facts.

22 CHAIRMAN DALY: Okay. And on the data side,
23 you can only look at historic data; is that correct?

24 THE WITNESS: When performing an analysis?

1 CHAIRMAN DALY: Well, all right. Let me be
2 more specific.

3 On the cost side. If you were to
4 establish on a cost side of what an economic impact
5 analysis would look like, or even on the revenue --
6 I guess it would be -- for example, on this -- in
7 this case with the various reports that were written
8 to support the development, we have historic tax
9 data; correct?

10 THE WITNESS: We have historic tax data
11 from -- for the property at issue from the Holiday
12 Inn.

13 CHAIRMAN DALY: Okay. And then on a
14 revenue-generation side, aside from what the
15 Village -- as the Village is concerned, we know that
16 tax revenue was generated by the property in its
17 previous use over the past five years we just
18 discussed. That would provide a good basis for an
19 analysis; correct?

20 THE WITNESS: An analysis of, right, of
21 what's been generated from this property.

22 CHAIRMAN DALY: Okay. And knowing that,
23 there will be, under the current scenario that I
24 believe we've discussed quite a bit now, if this

1 property is redeveloped as Haymarket DuPage, as they
2 intend to do, and achieve tax-exempt status, then
3 the loss of tax revenue would then be a future cost
4 in your opinion to the Village, or it would zero out
5 and not factor into an equation for the next five
6 years?

7 THE WITNESS: It would be a future loss
8 essentially because it's -- you would no longer see
9 that revenue on -- in the revenues to the Village
10 and the taxes paid to the Village.

11 CHAIRMAN DALY: Okay. And then on other
12 costs, we've discussed the Muell- -- the Moeller
13 report, excuse me. Were there any other -- and I
14 believe you covered this in your reports, but just
15 if you could restate for the record.

16 Did you see any other issues with
17 the costs provided by either the Teska report, the
18 Kisiel report, or the Gruen and Gruen report?

19 THE WITNESS: Yes. I see a number of issues
20 with the costs that are included in Mr. Gruen's
21 report, which is restated in Mr. Kisiel's report and
22 which relies upon the projected calls from
23 Mr. Dominik's original report. Trying to make sure
24 I have all my names rights.

1 The estimates and cost estimates
2 that are provided in Mr. Gruen's report rely on the
3 best-case scenario that's provided in Mr. Dominik's
4 report. It quantifies 11 to 19 emergency calls,
5 seven fire calls, and I believe up to 73 police
6 calls.

7 Mr. Dominik submitted an addendum
8 or supplemental report that -- that evaluates
9 Haymarket's downtown facility, so he evaluates
10 different data and develops revised projections
11 based upon that information.

12 In both of his reports, he relies
13 upon an unsupported assumption that assumes
14 Haymarket will operate in a different manner than
15 they have operated historically. So there's no
16 support for the fact that the call breakdown will be
17 exactly as he specifies and that Haymarket employees
18 will handle 100 percent of the calls in a certain
19 manner. Then Mr. Moeller offers a different
20 analysis that relies on different information and
21 provides different projections.

22 So ultimately the Commission has
23 now been provided with information and projections
24 of calls included in Mr. Dominik's original report,

1 Mr. Dominik's supplemental report, and in
2 Mr. Moeller's report. The only cost projections
3 that are provided are included in Mr. Gruen's
4 original report; and those only price and provide a
5 cost estimate based upon the 11 to 19 EMS calls from
6 Mr. Dominik's original report, seven fire calls, and
7 up to 73 police calls.

8 So my review of the information has
9 found that those estimates are underestimated and
10 unsupported with the information that's been
11 provided, and so I feel that there are issues with
12 the cost estimates that have been provided to the
13 Planning Commission for their review and evaluation
14 of this special use permit.

15 CHAIRMAN DALY: Okay. Thank you for that.

16 Let's move to the revenue side of
17 the ledger because I think we've covered the cost
18 side pretty well at this point.

19 Is there anything in those three
20 reports that gives you any sort of solid foundation
21 for any of the numbers presented on potential
22 revenue generation for the proposed use?

23 THE WITNESS: As I mentioned, I have a number
24 of criticisms of the methodology and the lack of

1 support.

2 I don't dispute that I'm sure there
3 will be some tax revenue, sales tax revenue
4 generated from some employees at some point in time
5 visiting establishments, restaurants, or gas
6 stations in the -- in the village. But the
7 information that's been provided and the way it's
8 been calculated don't -- doesn't support the
9 quantification that's offered.

10 CHAIRMAN DALY: Okay. So as it relates to
11 all the numbers in all three reports, is it safe to
12 ask and assume that the only numbers at this point
13 that we feel are concrete are the historic tax
14 records for the property in its prior use?

15 THE WITNESS: I think that's a fair
16 assessment, yes.

17 CHAIRMAN DALY: Okay. In your experience
18 performing economic impact analyses, do you ever go
19 back five years after you've performed your report
20 and say, okay, we were pretty good on our
21 assumptions, our projections, and we hit it; or
22 there's an after-action report five years later and
23 say what could we have done differently, what
24 changed in the market. Is that standard practice

1 for you or not?

2 THE WITNESS: No, not necessarily to do an
3 after-the-fact evaluation.

4 But I think what's important is
5 that when you're performing an analysis, you're
6 often looking at historical information to assess
7 and develop projections of the future. And as we
8 know, nothing can be -- can be estimated or
9 projected with absolute certainty.

10 So the projections are only as good
11 as the data used, the assumptions made, the
12 methodology employed, and the support for that
13 information. Whether it's historical -- historical
14 records, documents, market research studies,
15 industry studies, or anything of the like.

16 And so in this instance, those --
17 those form the substance of the criticisms that I
18 have here because they have evaluated a best-case
19 scenario; but the Village bears the cost if, in
20 fact, the projections of emergency services calls
21 are understated.

22 And so in this instance, I have
23 found that there's support lacking or there are
24 assumptions which I find flaws with. And so that's

1 what's key and most important when you're developing
2 projections is the assessment and reliance on the
3 historical data information to support those
4 projections.

5 So in many instances, you might
6 offer a risk assessment to say, you know, here are
7 our projections and we've -- we've estimated them to
8 the best of our ability, and then you may provide a
9 range of outcomes. It maybe is a -- it's we're, you
10 know, 75 percent certain or 25 percent certain or
11 50 percent certain, a range of potential outcomes to
12 say here's best case, here's worst case, and here's
13 a, you know, most reasonable case that includes a
14 whole host of conservatisms. I don't see any of
15 that here in this instance.

16 CHAIRMAN DALY: Okay. And I've got one or
17 two questions left.

18 From your experience -- and this
19 kind of ties back to the question I asked two
20 questions ago about looking back on prior work.

21 Do you see or is it -- is it
22 generally accepted -- and I know you just talked
23 about risk register and how you would go through a
24 risk analysis, but is there more sensitivity or risk

1 in the cost side projection or the revenue side
2 projection in this specific case in your opinion?

3 THE WITNESS: In my opinion, the risks
4 surround the costs because if, in fact, there are
5 more benefits, you know, to access potentially from
6 people visiting establishments or workers moving
7 into the area, those are benefits that the Village
8 would experience. But the risks lie with the costs.

9 CHAIRMAN DALY: Okay. So in your opinion,
10 higher costs outweigh the potential for the higher
11 projected revenues that may or may not come?

12 THE WITNESS: I think that's right, because I
13 think that the challenge is identifying what -- what
14 revenues may or may not come.

15 CHAIRMAN DALY: Okay. At this point I have
16 no further questions.

17 Do any members of the Commission
18 have any follow-up questions at this time?

19 Hearing none, Ms. Ketchum, we
20 appreciate your testimony the past two weeks, and at
21 this time you are excused.

22 THE WITNESS: Thank you very much. I
23 appreciate your time as well.

24 CHAIRMAN DALY: Thank you.

1 Ms. O'Keefe, how do we plan to
2 proceed for the rest of this evening, if at all?

3 MS. O'KEEFE: Two things. One, we'd like to
4 continue the hearing until the 23rd of April. We're
5 going to have -- present Mr. Gruen -- I'm so sorry.
6 Oh, it's been a long --

7 CHAIRMAN DALY: We're not waiting another --

8 MS. O'KEEFE: Excuse me.

9 CHAIRMAN DALY: -- 10 months, Ms. O'Keefe.

10 MS. O'KEEFE: Where did those months go.

11 We're going to continue the hearing
12 until June 23rd at which point we're going to bring
13 Mr. Gruen back to offer rebuttal.

14 But before we adjourn tonight, I
15 need to introduce the exhibits into the record that
16 I submitted on Friday. So I didn't want to forget,
17 Mr. Chairman.

18 So I'm presenting Exhibits
19 Number 79 to 86 for acceptance into the record.

20 (Petitioner's Exhibits Nos. 79
21 through 86 admitted.)

22 CHAIRMAN DALY: Those are considered to be
23 accepted into the record at this time. Thank you.

24 MS. O'KEEFE: Okay. And then after we bring

1 Mr. Gruen back, we'll bring Dr. Lustig back and
2 potential other rebuttal witness.

3 CHAIRMAN DALY: Okay. And just to be clear
4 on the timing, because I know the next meeting is
5 two weeks from now, I wrote down some notes.

6 I believe -- just so everybody's
7 clear and we kind of know how things are moving
8 forward here, I believe that we will be meeting
9 again on this case on the 23rd, the 30th of June,
10 and then again on July 14th; is that correct?

11 July 7th is -- Mo, we do not have a
12 quorum that night, or was there a different reason
13 for that?

14 MR. KHAN: No quorum on July 7th.

15 CHAIRMAN DALY: Okay. So just looking
16 forward to the next three meetings, they would be
17 June 23rd, June 30th, July 14th.

18 So with that, I thank everybody's
19 time -- thank everybody for their time this evening.

20 Mo, I'd ask if you would please --
21 or could I please get a motion to continue the case
22 until June 23rd.

23 COMMISSIONER HOLMES: So moved, Chairman.

24 COMMISSIONER CARELLO: Second. Commissioner

1 Carello.

2 CHAIRMAN DALY: Mo, would you please call the
3 vote.

4 MR. KHAN: Commissioner Carello.

5 COMMISSIONER CARELLO: For.

6 MR. KHAN: Commissioner Drummond.

7 COMMISSIONER DRUMMOND: For.

8 MR. KHAN: Commissioner Holmes.

9 COMMISSIONER HOLMES: For.

10 MR. KHAN: Commissioner Ray.

11 COMMISSIONER RAY: For.

12 MR. KHAN: Commissioner Russo.

13 COMMISSIONER RUSSO: For.

14 MR. KHAN: Chairman Daly.

15 CHAIRMAN DALY: For.

16 At this time I'd ask for a motion
17 to adjourn, please.

18 COMMISSIONER HOLMES: So moved, Chairman.

19 COMMISSIONER CARELLO: Second. Carello.

20 CHAIRMAN DALY: Mo, would you please call the
21 vote.

22 MR. KHAN: Commissioner Carello.

23 COMMISSIONER CARELLO: For.

24 MR. KHAN: Commission Drummond.

1 COMMISSIONER DRUMMOND: For.
2 MR. KHAN: Commissioner Holmes.
3 COMMISSIONER HOLMES: For.
4 MR. KHAN: Commission Ray.
5 COMMISSIONER RAY: For.
6 MR. KHAN: Commissioner Russo.
7 COMMISSIONER RUSSO: For.
8 MR. KHAN: Chairman Daly.
9 CHAIRMAN DALY: For.

10 At this time the meeting is
11 adjourned. Thank you very much.

12 (Whereupon the proceedings
13 concluded at 9:21 p.m.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF K A N E)

3 I, Amy K. Bateman, CSR No. 84-003803, RPR,
4 CRR, CRC, do hereby certify that I reported in
5 shorthand the proceedings had at the hearing of the
6 above-entitled cause and that the foregoing Report
7 of Proceedings, pages 1 through 116, inclusive, is a
8 true, correct, and complete transcript of my
9 shorthand notes taken at the time and place
10 aforesaid as heard via remote videoconferencing.

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

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

20 IN WITNESS WHEREOF I have hereunto set my
21 hand this 12th day of June, 2021.

22 
23

24 Certified Shorthand Reporter

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