

Village Board Meeting
September 21, 2023

IN RE:

VILLAGE OF HAMPSHIRE
VILLAGE BOARD MEETING
Thursday, September 21, 2023
7:00 p.m.
Hampshire Middle School
560 South State Street
Hampshire, Illinois 60140

VILLAGE MEMBERS:

Mike Reid, Jr., Village President
Heather Fodor, Trustee
Aaron Kelly, Trustee
Toby Koth, Trustee
Lionel Mott, Trustee
Erik Robinson, Trustee
Laura Pollastrini, Trustee

1 APPEARANCES (continued):

2 OTTOSEN, DINOLFO, HASENBALG &
3 CASTALDO, Ltd.

4 MR. JAMES VASSELLI, Esquire
5 1804 North Naper Boulevard
6 Suite 350
7 Naperville, Illinois 60563
8 (630) 682-0085
9 mwarbington@ottosenlaw.com

10 MR. THOMAS R. BURNEY
11 Of Counsel at ZANCK, COEN,
12 WRIGHT & SALADIN P.C,
13 40 Brink Street
14 Suite 101
15 Crystal Lake, Illinois 60014
16 tburney@zawl.com
17 (815) 459-8800

18 ALSO PRESENT:

19 MR. JAY HEDGES, Village Manager;
20 MR. JOSH WRAY, Assistant to the
21 Village Manager;
22 MR. PAULSON
23 CHIEF PANN
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I N D E X

PRESENTATIONS BY ATTORNEYS:

MR. VASSELLI.....33
MR. BURNEY.....55

SCHOPPE DESIGN ASSOCIATES: CARRIE HANSEN,
DIRECTOR OF PLANNING & GOVERNMENT
SERVICES.....33

LIGHT REAL ESTATE LLC REPRESENTATIVE ERNIE PIRRON

MANHARD CONSULTING: KEVIN COUGHLIN, JIM FRAYN

BROKER: JOHN SUERTH, CBRE

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PRESIDENT REID: Good evening everyone.
Deputy clerk take the roll call, please.

DEPUTY CLERK WRAY: Ms. Foder.

TRUSTEE FODER: Present.

DEPUTY CLERK WRAY: Mr. Kelly.

TRUSTEE KELLY: Here.

DEPUTY CLERK WRAY: Mr. Koth.

TRUSTEE KOTH: Here.

DEPUTY CLERK WRAY: Mr. Mott.

(No response.)

DEPUTY CLERK WRAY: Ms. Pollastrini.

TRUSTEE POLLASTRINI: Here.

CLERK DEPUTY WRAY: Mr. Robinson.

TRUSTEE ROBINSON: Here.

PRESIDENT REID: All right. Will
everybody please rise, if they're able, for the
Pledge of Allegiance.

(Presentation of the
Pledge of Allegiance.)

PRESIDENT REID: Before you, you have the
meeting minutes from September 7, 2023. Please
review them at this time.

We will do the best that we can. It's
very echoey in here.

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1 Does anybody have any changes to the
2 minutes?

3 (No response.)

4 PRESIDENT REID: Hearing none, I will
5 entertain a motion to approve the minutes as
6 presented.

7 TRUSTEE POLLASTRINI: So moved.

8 TRUSTEE ROBINSON: Seconded.

9 PRESIDENT REID: Roll call vote please.

10 DEPUTY CLERK WRAY: Mr. Kelly.

11 TRUSTEE KELLY: Aye.

12 DEPUTY CLERK WRAY: Mr. Koth.

13 TRUSTEE KOTH: Aye.

14 DEPUTY CLERK WRAY: Mr. Mott.

15 (No response.)

16 DEPUTY CLERK WRAY: Ms. Pollastrini.

17 TRUSTEE POLLASTRINI: Aye.

18 DEPUTY CLERK WRAY: Mr. Robinson.

19 TRUSTEE ROBINSON: Aye.

20 DEPUTY CLERK WRAY: Ms. Foder.

21 TRUSTEE FODER: Aye.

22 DEPUTY CLERK WRAY: Pass five and one
23 absent.

24 PRESIDENT REID: I just want to make a

1 statement. We have a court reporter here tonight
2 and it is a very echoey gym and I have given our
3 court reporter permission to interrupt and break in
4 as needed so she can ensure that the record is
5 correct and transcription reflect what actually went
6 on. So please be patient if there is any
7 interruption during public comment or any portion of
8 the meeting.

9 Good evening, Mr. Hedges.

10 MR. HEDGES: Good evening, Mr. Mayor. We
11 would like your consideration of a motion
12 authorizing the sale of the surplus 2016 Dodge
13 Charger police squad to the DeKalb Police Department
14 of \$10,000. You have an agenda supplement in your
15 packet from Chief Pann.

16 PRESIDENT REID: Does anyone have any
17 questions about this.

18 TRUSTEE KOTH: I have a question.

19 MR. HEDGES: Yes, sir.

20 TRUSTEE KOTH: When the squad car was
21 parked it was in pristine condition. I saw it. Is
22 it still in a pristine condition?

23 MR. HEDGES: It is.

24 TRUSTEE KOTH: Then why don't we give that

1 to an SRO officer at the schools who drives five
2 miles a day? That car can last potentially another
3 six, seven years.

4 CHIEF PANN: We rotate the squads so the
5 SRO squads are the squads right now with a higher
6 mileage on them. And as we watch the mileage, we
7 rotate the cars out, so I really want all the SROs
8 to be driving fully marked police squads. I know
9 this one was marked. It's no longer marked in
10 preparation for the sale. But I like the
11 consistency of having the same squad cars throughout
12 and that was the only one that was an odd ball that
13 didn't match. So it hasn't been driven since this
14 time last year, so we wanted to be prudent and sell
15 it to someone else.

16 PRESIDENT REID: Any other questions,
17 comments or discussion about this?

18 TRUSTEE POLLASTRINI: Just one comment. I
19 just want to commend the chief. I think it's
20 important for us to reach out to the other
21 municipalities and work with them and to help them
22 with resources, so rather than putting it up to an
23 auction someplace, I love the idea that you have
24 again to a police department that's local.

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1 CHIEF PANN: Thank you.

2 TRUSTEE KELLY: One question. Chief, does
3 selling this vehicle result in the need for us to
4 purchase any additional vehicles in the future?

5 CHIEF PANN: If we were to expand the
6 department, sure, but no.

7 MR. HEDGES: Not at this time?

8 CHIEF PANN: No, not at this time.

9 PRESIDENT REID: Any other comments or
10 discussion?

11 (No response.)

12 I will entertain a motion to approve
13 the sale -- the authorization of sale surplus 2016
14 Dodge Charger police squad to the DeKalb Police
15 Department for \$10,000.

16 TRUSTEE POLLASTRINI: So moved.

17 DEPUTY CLERK WRAY: Second?

18 TRUSTEE ROBINSON: (Raised hand.)

19 PRESIDENT REID: Questions, comments
20 concerns?

21 Mr. Deputy clerk, can you call the
22 roll please.

23 Trustee Koth.

24 TRUSTEE KOTH: No.

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1 DEPUTY CLERK WRAY: Ms. Pollastrini.

2 TRUSTEE POLLASTRINI: Aye.

3 DEPUTY CLERK WRAY: Mr. Robinson.

4 TRUSTEE ROBINSON: Aye.

5 DEPUTY CLERK WRAY: Ms. Foder.

6 TRUSTEE FODER: No.

7 DEPUTY CLERK WRAY: Mr. Kelly.

8 MR. KELLY: Aye.

9 DEPUTY CLERK WRAY: Motion passed three to
10 two.

11 MR. HEDGES: Thank you.

12 With that, Mr. Mayor, we would ask for
13 discussion of possible final action regarding a
14 Resolution of approving a final development plan for
15 Neighborhoods A through G in the Oakstead Plan
16 residential development, known as Hampshire East,
17 LLC.

18 This item is bracketed with the next
19 item on the agenda, which is also a Crown action
20 item. Mr. Olson is here for any questions you may
21 have. You have an agenda supplement in your packet
22 from Mr. Wray.

23 PRESIDENT REID: Good evening, Mr. Olson.

24 MR. OLSON: Good evening.

1 I did prepare a presentation. I know
2 you have a full agenda, but this is just the first
3 seven neighborhoods in Oakstead, which is in
4 conformance with the preliminary plat that the board
5 approved in 2021. So I would be happy to take any
6 questions or respond to any concerns you have
7 regarding the plats.

8 TRUSTEE KOTH: I have a question. No lots
9 have changed size?

10 MR. OLSON: They have not.

11 MR. HEDGES: I would add one thing and
12 that is Mr. Paulson's memo is also in your packet
13 which indicates all the engineering plans are now
14 substantially complete and approved.

15 PRESIDENT REID: Does anyone else have any
16 discussion or concerns?

17 TRUSTEE KELLY: I do have one question for
18 outlot 12, this is on Page 17 of the packet, which
19 is a map. Between lots 208 and 209 there is a gap
20 between those lots. Is that a utility easement?

21 MR. OLSON: I believe it is. It's either
22 a utility easement or a stormwater easement to allow
23 stormwater to go through.

24 TRUSTEE KELLY: Okay. And there was a

1 comment in the memo, I believe, and Mr. Paulson,
2 correct me, if I'm wrong, that lot 211 was within a
3 flood plain or there needs to be work around a flood
4 plain for lot 211. 211 is surrounded. It has 210
5 and 212 right next to it and I'm not understanding
6 how just that lot has a flood plain and no others
7 are affected. Can you speak to that please or if
8 I'm mistaken and it's a different one, please let me
9 know.

10 MR. PAULSON: There is a series of lots
11 that back up to a flood plain that they defined to
12 that creek that's out there. And it was encroaching
13 on part of one lot and so they needed a letter of
14 map provision to approve it from that one lot.

15 TRUSTEE KELLY: Can you verify if that is
16 lot No. 211? I may have that lot number wrong. I
17 think it was in your memo.

18 MR. PAULSON: Let me find my memo. Lot
19 227.

20 TRUSTEE KELLY: So I did have it wrong.

21 TRUSTEE ROBINSON: Did you say lot 227?

22 MR. PAULSON: Yes.

23 TRUSTEE POLLASTRINI: To kind of go along
24 his lines, Page 12, under the stormwater report,

1 number ten, and I think that's what he was starting
2 to get to there was a flood plain shown on lot 227
3 which will need to be modified to show that there
4 was no designated flood plains on the lot prior to
5 recording it. I thought shouldn't we know that?

6 MR. OLSON: Yes. There is an encroachment
7 there. And the encroachment is to meet the minimum
8 lot size. What we will do is a letter of map
9 revision which is pretty standard procedure.

10 So we'll revise the flood plain and
11 provide compensatory storage elsewhere to make up
12 for that flood plain area, so there will be no lots
13 once that is done -- prior to the lots being
14 recorded, once that is done, there will be no flood
15 plain on any lots within the subdivision.

16 TRUSTEE POLLASTRINI: Okay. Thank you.

17 PRESIDENT REID: Any other questions,
18 comments or discussion?

19 (No response.)

20 I will entertain a motion to approve
21 Resolution 23-18, taking final action regarding a
22 resolution finding approving a final development
23 plan for neighborhoods A through G in the Oakstead
24 plan, residential development.

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1 TRUSTEE KOTH: So moved.

2 TRUSTEE KELLY: Second.

3 PRESIDENT REID: Questions, comments and
4 concerns?

5 TRUSTEE POLLASTRINI: Just one more, if I
6 could, I forgot to ask.

7 It designates that the school that's
8 there is a middle school on all the pages. Is that
9 something new?

10 MR. OLSON: That was a mistake. It is an
11 elementary school.

12 TRUSTEE POLLASTRINI: Okay. So that's not
13 something that's going to exist.

14 TRUSTEE ROBINSON: Is that the existing
15 elementary school that's there, Big Timber?

16 MR. OLSON: Yes, it is.

17 PRESIDENT REID: Any other discussion?

18 Mr. Deputy clerk, can you call the
19 roll please.

20 DEPUTY CLERK WRAY: Ms. Pollastrini.

21 TRUSTEE POLLASTRINI: Aye.

22 DEPUTY CLERK WRAY: Mr. Robinson.

23 TRUSTEE ROBINSON: Aye.

24 DEPUTY CLERK WRAY: Ms. Foder.

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1 TRUSTEE FODER: Aye.

2 DEPUTY CLERK WRAY: Mr. Kelly.

3 TRUSTEE KELLY: Aye.

4 DEPUTY CLERK WRAY: Mr. Koth.

5 TRUSTEE KOTH: Aye.

6 MR. HEDGES: We ask for discussion?

7 PRESIDENT REID: Sure.

8 MR. HEDGES: And possible action regarding
9 an ordinance approving an agreement for
10 reimbursement of certain costs related to the
11 construction of a water main connection as part of
12 the village water supply and distribution system
13 with Oakstead Hampshire East, LLC.

14 This is an agreement between Hampshire
15 East, LLC and Crown Development. Hampshire East,
16 LLC is a company that developed Lakewood Crossing,
17 as well as it's owned by Vlissingen. It straddles
18 Briar Hill Road north.

19 The water main is an obligation of
20 Vlissingen, but they're not ready to proceed with
21 their development yet and Crown is and Crown needs
22 that water main. So Crown will be paying for the
23 water main up front and then the village will
24 recapture those funds from Crown and pay them back

1 to Vlissingen. And then when the Vlissingen is
2 ready to proceed, then they will be reimbursed from
3 Crown.

4 So it's a recapture agreement between
5 those two companies, and the village is strictly the
6 enforcer of the agreement and the banker. We
7 collect the funds and make sure they're distributed
8 properly, but we have no financial interest in the
9 agreement.

10 PRESIDENT REID: Does anyone have a
11 questions?

12 TRUSTEE KELLY: Yes, I have a question. I
13 read through the agreement and in nowhere in the
14 agreement do I see either party's signature that
15 they agreed to this.

16 So at what point -- we have done
17 recaptures before and we have had those parties sign
18 that they agree to it before I think we've actioned
19 it, so where are we at in the process of that?

20 MR. HEDGES: You may be referring to the
21 agreements that have to happen between an SSA is
22 created. This is separate from that. We have not
23 done a recapture agreement individually as a board
24 as of yet. This is the first one we've done like

1 this. And they have agreed to it in principal. All
2 three attorneys have agreed, including the village
3 attorney, so they will be executed as soon as this
4 is approved. Until the village approves it, they
5 can't acknowledge that it exists, but they can't
6 sign it because it's not a legal document until it's
7 approved by the village.

8 PRESIDENT REID: Any other questions,
9 comments or concerns?

10 TRUSTEE ROBINSON: Is the agreement
11 already in place between Crown and the Vlissingen?

12 MR. OLSON: So it is a verbal agreement,
13 as Jay just mentioned. We have a an agreement
14 because we need the board approval first in case
15 there is any changes that the board questions.

16 TRUSTEE POLLASTRINI: Do you have an
17 anticipated date when them break down just curious
18 as to how quick that recapture --

19 MR. OLSON: Right now we are planning
20 spring of next year.

21 TRUSTEE POLLASTRINI: What about Briar
22 Hill?

23 MR. OLSON: I cannot speak for Briar Hill.

24 TRUSTEE POLLASTRINI: We have an oral

1 agreement, so just seeing if his plans were in two
2 or three years, any timeline?

3 MR. OLSON: The reason we have this is
4 agreement is because it's not immanent and we are.
5 I can speak to their intentions when they're going
6 to break ground.

7 MR. HEDGES: I can give you an update. I
8 keep in touch with Vlissingen quite regularly and
9 they primarily build Class A office space and there
10 is very little market for that in this area here, so
11 they're waiting for that market to come around or
12 they may be reconsidering the use within the current
13 zoning. My guess is it's probably several years.

14 PRESIDENT REID: Any other discussion?

15 (No response.)

16 I will entertain a motion to approve
17 Ordinance 23-11, an ordinance approving an agreement
18 for reimbursement of certain costs related to the
19 construction of a water main connection as part of
20 the village water supply and distribution system,
21 Oakstead Hampshire, LLC.

22 TRUSTEE ROBINSON: I so move.

23 TRUSTEE FODER: Second.

24 PRESIDENT REID: Questions, comments,

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1 concerns?

2 (No response.)

3 Mr. Deputy clerk.

4 DEPUTY CLERK WRAY: Mr. Robinson.

5 TRUSTEE ROBINSON: Aye.

6 DEPUTY CLERK WRAY: Ms. Foder.

7 TRUSTEE FODER: Aye.

8 DEPUTY CLERK WRAY: Mr. Kelly.

9 TRUSTEE KELLY: Aye.

10 DEPUTY CLERK WRAY: Mr. Koth.

11 TRUSTEE KOTH: Aye.

12 DEPUTY CLERK WRAY: Ms. Pollastrini?

13 TRUSTEE POLLASTRINI: Aye.

14 DEPUTY CLERK WRAY: The motion is passed

15 with five with one absent.

16 MR. HEDGES: Thank you.

17 PRESIDENT REID: All right. I will

18 entertain a motion to open the public hearing

19 regarding an annexation agreement for certain

20 property of approximately 276 acres located north of

21 I-90-90-90, south of US Highway 20 and on the either

22 side of Dietrich Road in the Hampshire Township,

23 Kane County and Coral Township, McHenry County

24 commonly known as the Light Property required by

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1 Section 11-15.1-3 of the Illinois Municipal Code.

2 TRUSTEE ROBINSON: So moved.

3 TRUSTEE KOTH: Second.

4 PRESIDENT REID: Questions, comments,
5 concerns?

6 Mr. Deputy Clerk.

7 DEPUTY CLERK WRAY: Ms. Foder.

8 TRUSTEE FODER: Aye.

9 DEPUTY CLERK WRAY: Mr. Kelly.

10 TRUSTEE KELLY: Aye.

11 DEPUTY CLERK WRAY: Mr. Koth.

12 TRUSTEE KOTH: Aye.

13 DEPUTY CLERK WRAY: Mr. Robinson.

14 TRUSTEE ROBINSON: Aye.

15 DEPUTY CLERK WRAY: Motion passed.

16 PRESIDENT REID: Okay. Good evening
17 everyone. I want to welcome everyone to the meeting
18 tonight. I prepared a few words and I apologize in
19 advance because I'm breaking one of my only rules.
20 Any of you that know me, know I try hard not to read
21 from a prepared script as I sound way more put
22 together when I stick to bullet points and ad-lib,
23 but I felt that if I did that, I would leave
24 something out. So please bear with me as I try to

1 get through my remarks.

2 I really hate reading in public soon
3 you will all get to see why because I'm not the best
4 at it.

5 Let's begin with September 7, 2022.

6 It was the day that Jay Hedges, Josh Wray and I met
7 with the Light group at Village Hall to discuss
8 their want to annex, zone, and sell the property
9 they own along Dietrich Road and an additional 38
10 acres that border the Fellsmith community.

11 These types of tire-kicking meetings
12 are relatively common for us; they serve as a way to
13 be introduced to an owner's or prospective business'
14 intentions—a time when we can outline the process
15 and get on the same page.

16 Let's take a second to speak about the
17 annexation and zoning process, much of which is
18 dictated by state statute; however, we have added
19 the requirement that the owner of the property or
20 proposed business will talk to the planning and
21 zoning commission and the village board before the
22 beginning of a formal process. This added step is
23 meant to bring awareness to the public about any
24 proposal and allow our elected officials to educate

1 themselves and receive feedback from the public
2 about any proposed project before the official start
3 of the start of the state-statute dictated process.

4 With the property being zoned and
5 annexed, it does not mean that whatever future use
6 is automatically approved; many checks and balances
7 will be required before any facility would be built.

8 An example of what would need to be
9 approved are a sound study, a traffic study, a light
10 study, sound and site plan, engineering, stormwater
11 management and waste water discharge.

12 I also would like to ensure that
13 everyone understands that any business having to do
14 with a specific project brought to the village by an
15 entity that requires work outside of the unusual
16 daily business of the village is paid for by the
17 entity that brought the project to the village.

18 For example, Light has paid for our
19 engineers and our lawyers to work on this project
20 and is even paying rent to School District 300 for
21 the use of this gym tonight, as we are only meeting
22 here tonight to have room for the public to speak
23 about a specific project.

24 This is a standard practice. And is

1 meant to ensure that the residents of the village do
2 not need to pay for these types of projects. Let me
3 be clear: Our engineers and lawyers represent us
4 and only us regardless of whether or not their hours
5 are reimbursed by a specific project or not.

6 What residents do need to pay for is
7 any staff time or lawyer's time compiling
8 information for meetings or multiple FOIA requests.
9 These requests are part of the day-to-day operations
10 of the village no matter what the actual request
11 pertains to.

12 Light introduced their intentions with
13 their property to the Planning and Zoning Commission
14 on September 12, 2022 and to this board on January
15 5, 2023. Recordings of each meeting can be found on
16 our website. I should add that since 2020, we have
17 tried to post video-recordings of public meetings
18 held at the village hall on our website, even though
19 this is not statutorily required by law to do so.
20 We do this because we know that not everyone has the
21 time to give up a few hours every Thursday to visit
22 with us.

23 It should also be noted that since the
24 very first meeting, both the village board and

1 Planning and Zoning Commission have always been very
2 concerned about the impact on the surrounding areas,
3 even though they are outside the village borders.

4 In the interest of time and respect
5 for others wanting to speak tonight, I will skip
6 around while trying to hit some key points.

7 The Planning and Zoning Commission
8 attempted to hold their first official meeting of
9 the mandated process on Light's first proposal on
10 February 13, 2023; however, due to lack of space at
11 the village hall and technology trouble at the
12 overflow location, the meeting was continued to
13 February 27, 2023, when Hampshire Middle welcomed
14 the Village to this gym for the first time since in
15 the early 2000s.

16 The Planning and Zoning Commission's
17 was unmistakable with their 0 to 5 vote that
18 evening, that M3 zoning was not wanted in the
19 village at that location. The landowner was then
20 left with a choice: Do they continue with the
21 statute-dictated process and take the chance that
22 the village board may disregard a 0-5 recommendation
23 from the Planning and Zoning Commission; Pull their
24 application entirely, not move forward and just

1 leave the property as is; change the application and
2 ask for something different based on what was
3 learned from the community at the prior planning and
4 zoning commission meeting or approach Kane County
5 and undergo a similar process at the county
6 attempting to zone as it is currently in
7 unincorporated Kane County.

8 Ultimately, Light applied for M2
9 zoning, but pulled the application before any
10 hearing took place based on the village advocating
11 for the concerns from several homeowners residing
12 outside our boundaries and resubmitted it for O&M,
13 which is what we see tonight.

14 I know I am skipping around, and it is
15 not in a manner to protect Light or the Village; it
16 is strictly in the interest of time, and I know that
17 many others will have things that they wish to say.

18 An environmental group, or as some
19 call the special interest, was formed due to this
20 project. Their two biggest goals are as follows:
21 Considering what is in the best financial interests
22 of the community and actively working together
23 regarding air, water, light and noise concerns.
24 "Light" as in visible light, not "Light," the

1 property owner.

2 It is difficult for many of our
3 residents to understand the fundamental goals of
4 this group, who is a part of this group, or what
5 this group truly represents because it seems based
6 on the divisive rhetoric, postcards sent to our
7 residents with a false narrative, FOIA requests,
8 public comments, e-mails, accusations, et cetera,
9 that the main priorities, which of -- which many of
10 our residents see are that the environmental
11 concerns -- and I'm quoting several residents -- the
12 environmental concerns are just a cover for the "not
13 in my back yard argument" as well as the financial
14 interest that they have is specific to their
15 property values and not the financial well being of
16 the village residents.

17 In the early spring summer of 2023
18 around the time of the M-2 submittal, I wanted to
19 hold a town hall-style meeting with the Light group,
20 all elected appointed or appointed officials,
21 village staff, residents, and most importantly, this
22 environmental group at our side. It took a lot of
23 research, but we found a way to host a meeting like
24 that with all stakeholders legally.

1 The group and representatives of their
2 choosing were invited to sit with us as an active
3 part of the conversation with no time limits or
4 restrictions. It was an official part of the
5 process for them to have any opportunity to ask any
6 questions as a part of the record.

7 Some might -- some people think I'm
8 crazy and did call me crazy for offering critics,
9 who had done everything, but be kind to me and the
10 Village, a seat at the table. But still, I felt it
11 was the right move as we are all one Hampshire
12 community and everyone should have a way to be heard
13 and bring concerns forward, even if it is outside of
14 the normal.

15 Ultimately, the group turned this
16 opportunity down. The town hall-style meeting never
17 took place, as this was told "not the group's main
18 goal." Again, it is hard to know if this was a
19 unilateral decision by the group's leader or if this
20 option was never conveyed to the rest of the
21 interested residents, so I am bringing it up this
22 evening at this meeting because it has been asked so
23 many times "when can we ask questions directly to
24 the landowner, and not just speak in public

1 comment." The fact is that I wanted to hold this
2 meeting months ago and was told it was not a goal of
3 the group to do so.

4 In this same conversation, I was asked
5 not to refer to the group leader of the group by
6 name in any comments or online or the group by name.

7 It was clear that the partnership with
8 this environmental group would not happen and that
9 they spoke for the majority of the concerned
10 residents.

11 The homes that surround the Light's
12 property coupled with the group members' personal
13 financial concerns were paramount and the thought of
14 compromise or working or partnering together was
15 just not in this group's vocabulary.

16 I pray that I am wrong and that this
17 group and its members care about our entire
18 community, not just the place where our home was
19 built.

20 As I said when I attended a recent
21 environmental group meeting, we all have similar
22 goals, and I believe in them. I do want them to
23 succeed with their environmental goals for the
24 community, still, the execution and constant attacks

1 have soured several in our community, especially
2 when so many have commented about the group's
3 intentions.

4 I am far from an environmental expert
5 and would like this group to help us constructively
6 advise us through this and future issues. Still, as
7 I just spoke, I am leary, like many others are of
8 their intentions based on how our residents have
9 been impacted, some have even told me they were
10 harassed after the group's formation.

11 We are blessed to have many around us
12 who educate us through environmental issues. I hope
13 to present a candidate for appointment as our
14 resident volunteer environmental liaison who is
15 passionate about these issues and will help our
16 staff and board evaluate projects and programs,
17 specifically in the environmental lens.

18 The Village has never had a position
19 like this before in an official capacity, but I
20 believe it will benefit our community.

21 Over the last 380 days, The
22 conversation has been very contentious, accusatory,
23 and disrespectful, especially towards the Village
24 and anyone or any entity that may support the

1 proposed growth. I implore you to refer to the
2 multiple videos and transcripts available on our
3 website to see how we, the Village, and every
4 official and staff member has dedicated themselves
5 to being as educated as they can about development
6 and the environmental impacts of any growth.

7 I usually don't make statements on
8 behalf of the entire Village, and the board can
9 correct me, but in this case, I will. We all care
10 immensely about the Hampshire Community as a whole
11 and always try our best to weigh every decision on
12 how any decision might affect everyone, not just
13 those living within the village limits.

14 I will go out on a limb and take a
15 guess tonight that much of the public comment will
16 make it abundantly clear that the Village is mostly
17 alone in the sentiment that we are all one
18 Hampshire, community and that any agreement or
19 growth needs to work for residents and non-residents
20 of the Village now and in our future.

21 I am sure we will see the same
22 tactics, we have seen for a long time; words or text
23 being taken out of context, misinformation being
24 spread, half of the story being presented to create

1 an untrue narrative, goalposts being moved, and I'm
2 sure a personal attack or two on a fellow official
3 or staff member.

4 Economic development has been one of
5 the biggest goals for the Village; and it has been
6 since before I was elected in 2013 to the office of
7 trustee, from establishing programs to revitalizing
8 our downtown, creating the Business Development
9 Commission, and streamlining our development
10 processes, to hiring a village manager who once ran
11 the economic development office for the State of
12 Illinois. I will not apologize for the goal of
13 moving forward or for the staff doing their job. We
14 are all driven to make Hampshire a better place. As
15 you will see by the letters of support, we are not
16 the only ones.

17 Our staff and officials are top-notch.
18 They are here for the right reasons, and I
19 appreciate their time and professionalism that they
20 take when weighing any decision.

21 Our residents also are the best, many
22 of whom understand the need for this kind of growth
23 in an effort to diversify the tax base while not
24 putting a strain on the entities that provide

1 services to the additional development that is not
2 unlike what is around it. And as long as there are
3 checks and balances in place to ensure that property
4 owners & developers don't get the keys handed to
5 them to do whatever they want without having to
6 follow any laws after an annexation agreement is
7 passed and the zoning is approved.

8 Three hundred eighty days have passed
9 since our first conversation. Our intention is and
10 always been to be transparent, ethical,
11 understanding, inclusive, and communicative through
12 this process and in everything we do here at the
13 Village.

14 I admit that I take most of the
15 criticism and accusations pretty personally,
16 considering how serious we all feel about the oath
17 that we all took to support the Constitution of the
18 United States and the Constitution of the State of
19 Illinois and that we would faithfully discharge the
20 duties of the office we were elected to the over
21 7,600 voices that we represent or that we work hard
22 to try to represent, as well as the community
23 outside our borders. We all work hard to build
24 consensus and compromise and continue to be the

1 example of good government and not hide behind
2 statutes and procedures, as our track record shows.

3 To the staff and officials, I
4 apologize that the tone of this conversation has
5 turned the way that it has. Most of all, I
6 apologize that people often forget to be kind and
7 respectful.

8 I ask everyone in attendance to
9 realize that we are all here for the same reasons.
10 We seem to all care about the same things, we are
11 just on different sides of the argument or different
12 sides of the conversation. We all care, we all are
13 passionate, we all have opinions.

14 A few points of order: Please limit
15 any outbursts while people are speaking, please be
16 respectful of our board members and staff.

17 We will take breaks throughout the
18 proceedings, if anybody at the dais needs a just let
19 us know and will make sure if that happens, but we
20 want to keep this rolling as best as possible.

21 If we are approaching tomorrow, we
22 will recess the meeting and reconvene at 12:01 a.m.
23 to ensure the meeting can proceed under the statute.

24 I would also like to target 5 minutes

1 or so for public speakers to keep things moving. We
2 will let you know when each speaker is approaching
3 the 5-minute mark, and if you need your time
4 extended, we will do our best to accommodate your
5 thoughts.

6 Thank you again for listening to my
7 statement. I apologize if I wasn't as clear as I
8 could have been if I memorized this. But most of
9 all thank you for being here this evening, and thank
10 you for caring.

11 I will now ask any other board members
12 if they would like to add any additional comments
13 before turning it over to Village Attorney Vasselli
14 so we can get started.

15 Mr. Vasselli.

16 ATTORNEY VASSELLI: Mr. Chair, good
17 evening. One thing while we are here, if I could
18 ask the court reporter to administer an oath to all
19 people who would be speaking here tonight, I would
20 really appreciate it.

21 Madam court reporter.

22 (Participants sworn.)

23 ATTORNEY VASSELLI: Thank you, Madam court
24 reporter.

1 Thank you, Mr. Chair. Ladies and
2 gentlemen of the board.

3 As stated by the president, my name is
4 James Vasselli, and I am the village attorney for
5 the Village of Hampshire. Tonight I will make a
6 short presentation. The presentation outline will
7 cover the legal process, the terms of the annexation
8 agreement, the word "petition" and how petitions are
9 used in this process, certain legal factors in this
10 process and for edification of the people here
11 tonight and the board, the voting requirements.

12 So we do have posted an agenda and all
13 notices were done in accordance with the Open
14 Meetings Act and other applicable law.

15 What we have first are two ordinances
16 for the annexation of approximately 112 and 164
17 acres. Those are standard ordinances. The approval
18 of one single annexation agreement that governs the
19 annexation process and the post-annexation, which I
20 will get into later during this presentation and
21 President Reid mentioned during his speech before we
22 started.

23 Based upon the recommendations of the
24 Planning and Zoning Commission, two ordinances

1 rezoning two parcels of the property from the E1
2 district to the OM district.

3 So in the State of Illinois if
4 property is annexed, it automatically defaults into
5 the lowest zoning district of that municipality, so
6 for the Village of Hampshire that's the E1 district.
7 So it was annexed for that very moment, that very
8 second moment in time, it would go immediately into
9 the E1 district until zoning is changed if it's ever
10 changed at all.

11 TRUSTEE POLLASTRINI: What is E1?

12 ATTORNEY VASSELLI: That's your lowest
13 based district. It's your residential district.

14 TRUSTEE POLLASTRINI: That's what I
15 thought.

16 ATTORNEY VASSELLI: That's a good
17 question. So oftentimes, they're called R1s or Rs.
18 We have Es. And there is really no rhyme or reason,
19 it's just the selection of the founding mothers and
20 fathers of every village.

21 And then, based upon the
22 recommendation of the Planning and Zoning Commission
23 the denial of special-use permits that were
24 requested by the applicant or petitioner.

1 And, ladies and gentlemen of the
2 board, I will use the words "applicant,"
3 "petitioner," "owner" interchangeably tonight. And
4 when I speak to the owner, that means the owners
5 successors as well. So whatever we oblige and
6 require the owner to do, we require those people who
7 take interest after the owner, be it through a lease
8 or purchase or sale, to do the same.

9 In other words, in plain English and
10 non-lawyer talk, they're going to have to keep to
11 the same standards that the people that are here
12 tonight are going to have to adhere to.

13 So again, we have the annexation
14 agreement of approximately a total of 276 acres,
15 which is split into two parcels; a depiction of
16 which I have coming up. These are two separate
17 ordinances.

18 There was a petition filed by the
19 applicants pursuant to Section 7-1-8 of the Illinois
20 Municipal Code, the details of which I will get into
21 later. As I said, we will talk about some
22 petitions.

23 But the process of annexation is also
24 governed by Section 7-1-1 of the Illinois Municipal

1 Code. When we talk about the annexation agreement,
2 we have only one agreement for that property, and
3 that's to allow for the uniformity of a
4 developmental property to ensure that there is equal
5 treatment on both sides of the property and it
6 develops cohesively, which is important from a
7 land-use perspective.

8 It does require a hearing, which we
9 are at here tonight pursuant to Section 11-15.1-3
10 which has been notified.

11 The agreement, any time prior to
12 approval tonight, after it was posted at or filed --
13 it's kept on file at village hall can be amended.
14 An agreement even after the fact can be amended, but
15 you have to have another hearing like the one we are
16 having tonight. It does contain provisions that
17 we'll get to protect the village. We will get to
18 the details of that later.

19 When I say "the village" I mean not
20 only the village as a corporate body, but also the
21 village residents.

22 Mr. Wray?

23 (Whereupon, a slide was presented.)

24 That is a depiction of the property

1 and I left it like this because there are no
2 proposals right now for the end-users of the
3 property. This is what we have. This is what we
4 are talking about tonight from a site perspective.
5 It's easier for me to see sometimes to understand
6 it. I think it helps with the process.

7 So going on, let's talk about the
8 annexation agreement in terms with regards to the
9 end-users. Presently there are no end-users. In
10 other words, there are no people with proposals
11 coming in before us tonight to have a cited
12 development on the project. They're just not there.

13 Under the agreement, all end-users
14 must present to the Planning Zoning Commission. So
15 when they have an end-user that comes in, they will
16 have to go through the process of presenting that
17 application to the Planning Zoning Commission and
18 then every single end-user that comes back has to be
19 approved by the village board that allows the
20 Planning and Zoning Commission to make
21 recommendations for changes, alterations or
22 protections that can be added. That allows the
23 village board to approve or deny any end-user that
24 wants to come in.

1 So again, all end-users need a second
2 round of approvals. This protection is almost
3 unheard of. I have never seen anything like that in
4 my 25 years of experience of doing this. They have
5 to run the process again as they go through this.
6 It gives a second bite at the apple every time an
7 end-user comes through.

8 Notices. The petitioner took all the
9 steps to notify all the parties. The annexation has
10 been on file at Village Hall, notice was published
11 in the newspaper. And, obviously, we are all here
12 tonight so we know we are holding the public
13 hearing.

14 The annexation agreement terms. These
15 are important, so I would ask the board to pay
16 special attention to this. The owner is required to
17 pay for all improvements. The owner is
18 responsible -- let me take one step back -- the
19 owner or its successors are responsible to ensure
20 that all public improvements necessary for these
21 developments are paid for so they are going to be as
22 they say on the hook for the payment of all this.
23 The owners are required to pay for roadway
24 improvements, for example, to make roads safer. I

1 know there's been a lot of concerns and talk about
2 the fact that the roadways may not be safer. Any
3 condition that's placed upon an end-user to make
4 these roads safer, the owners developers -- or let
5 me rephrase -- the owners or petitioners are seated
6 behind me will have to pay for that. They will pay
7 to make the roads safer. The owner is required to
8 install utilities.

9 And again a very important point, the
10 owners are required in all instances to comply with
11 all legal requirements; that includes stormwater
12 requirements, IEPA requirements, and everything
13 under the Illinois Compiled Statutes and similar
14 jurisdictional requirements like third-party bodies
15 of water.

16 The annexation agreement fees and
17 protections. The owner will reimburse the village
18 for professional fees. And I want to stop on that
19 point Mr. President did make a good point. They do
20 reimburse the village. That is common. That
21 happens in almost every community, and in no way
22 means that I don't fight on behalf of the village
23 and will argue over terms to the fact that there's
24 10 or 12 drafts of different agreements, that there

1 is not concessions given. It doesn't matter who's
2 paying the bills. The village deserves the best
3 representation from its lawyers, engineers and staff
4 that it can give. It doesn't matter that they're
5 paying. It happens in almost every development.
6 The owner will reimburse for all tests.

7 So again, there's been a lot of
8 concerns and justifiable about the impact of this
9 276 acres being annexed into the village and how it
10 develops. The owner has agreed -- and it's in the
11 annexation agreement -- to pay for every impactful
12 test that goes on for the property within any sort
13 of reason including light, noise, sound, water
14 impact, pollution, traffic studies.

15 So all those tests we will have them
16 pay for and we will be able to review that as we go
17 through this end-user approval process.

18 The owner is not permitted to sue the
19 village for monetary damages and the owner
20 indemnifies and protects the village from any claims
21 brought under this agreement. In other words, if we
22 are sued for this agreement, we are indemnified by
23 the owner. They pay for the cost of defense. Thank
24 you.

1 Annexation agreement and terms.
2 Protections end-users tests and improvements.
3 Again, all end-users must get specific approvals.
4 They will be back here. They will be back here for
5 conditions from the Planning and Zoning Commission.
6 They will be back here for conditions and approval
7 from the village board. Again, the owner will pay
8 for all tests. I know this is redundant to a
9 certain point, but I know it's important to the
10 people who came out to talk and spend their time and
11 their money to look into this.

12 Environmental, water, soil, sound,
13 light, and traffic and all other material impacts
14 will be paid for by the owner or its successors as
15 they come in. The owner has to comply with all laws
16 and the owner has to pay for all improvements.

17 I want to go back to one point on
18 that: Stormwater. They have to ensure that all
19 stormwater reports are secure, they have all been
20 applied for, and even if you get a report or don't
21 get a report, stormwater commissions do not have
22 jurisdiction over this body. So you have to get a
23 report, yes, but it doesn't have any effect on the
24 final outcome of any vote here tonight.

1 Annexation agreements, voting
2 requirements. So the annexation ordinance is just a
3 simple ordinance. It has to -- it requires four
4 approving votes from the corporate authorities,
5 which means the board and the mayor. The annexation
6 agreement itself comes in with a two-thirds voting
7 requirements that's required by statute. The mayor
8 also votes. And there is a weird point of law -- I
9 shouldn't say "weird," but a unique point of law.
10 You cannot abstain on this. The board is not
11 permitted to abstain on a vote for an annexation
12 agreement. It's very rare that that's in the
13 municipal code, but I figured I would point it out.

14 The denial of special use. As I said
15 before, the Planning and Zoning Commission
16 recommended that this body deny the special-use
17 permit requested by the owners and that would be
18 another simple ordinance vote.

19 And then the rezoning to the OM comes
20 under the protest provision, which we will get into
21 the details of later. But pursuant to the Illinois
22 Municipal Code, Section 11-13-14 that people with 20
23 percent of the frontage of a rezoning can come in
24 and seek to raise a higher voting requirement. They

1 have exercised that right tonight.

2 Now, there is argument whether this is
3 frontage or it's not frontage. But ultimately, the
4 voting requirement of two-thirds is equal to the
5 exact same voting requirement that you will see from
6 the annexation agreement, so there is no material
7 change on that point.

8 The annexation agreement addresses
9 concerns -- and Madam court reporter, if I'm talking
10 too fast, please let me know.

11 Traffic concerns. Traffic has been a
12 big point of contention here. So when we deal for
13 our traffic concerns, the owner pays for all tests
14 and studies and it will pay for all improvements.

15 Noise concerns. The owner will pay
16 for all tests and the development's needs to be
17 constructed in accordance with all applicable law
18 and approved imposed standards recommended by the
19 Planning and Zoning Commission and approved by the
20 board.

21 Pollution concerns. The owner pays
22 for all studies and developments and needs to be
23 constructed in accordance with law and proposed
24 standards. Again, all the studies will be paid for

1 by the owner and they will have to do everything
2 that they are required to do, of course within
3 reason, you can't have gold-plated streets.

4 Annexation agreement addresses serve
5 additional concerns. The transparency. There's
6 been a lot of concerns about transparency through
7 this process and that all legal steps were taken.
8 The number of people here and end-users proved that
9 this has been notified; people know about this. And
10 there has been multiple times that we have been here
11 on approved meetings, on informational meetings, and
12 even prior to me being here, on meetings with regard
13 to this development, under a higher and more
14 impactful land use standard, the M3 standard, where
15 we are now down to the OM standard.

16 Third-party approval. The developer
17 is required to secure all other governmental bodies
18 approvals in accordance with agreement.

19 Again, that goes back to being in
20 accordance with applicable law. If they need to get
21 third-party approvals, that's a requirement under
22 the agreement as well. And we can fine them in
23 breach and default and they cannot proceed if they
24 don't secure third-party approvals.

1 A couple other things came in recently
2 that I will address very, very briefly. There was a
3 recent request for additional changes to the
4 annexation agreement -- and I'm not going to go
5 through every one of them point by point because I
6 have a funny hunch that we will hear about them
7 later -- but some of them we can do -- actually,
8 there's really not many that we can do or that are
9 not covered under this agreement. For example, the
10 requests states we will work with other governmental
11 bodies. That's already in the agreement. We
12 already have to work with other governmental bodies
13 and they have to secure all necessary approvals.

14 The landscaping. There's many details
15 in this about landscaping that comes through. And
16 the agreement is flexible enough, but controlling
17 enough to ensure that those landscaping plans will
18 be set up at the time a developer comes through.
19 It's impossible to come back and say hypothetical
20 owner here, we are going to put this there, but when
21 the person comes through we get to do this process
22 all over again and make sure those protections are
23 in place.

24 Again, we will ensure compliance with

1 all laws.

2 And then there are some standards that
3 talk about different fine systems that essentially
4 you cannot impose. So any fines in the State of
5 Illinois have to process in accordance with law.
6 You can't direct them to a different source. And
7 that is, it's just law. It's just how the statutes
8 are written. And that's probably better because we
9 would have every municipality imposing a different
10 fine system to have their different money go to
11 different things or different special-interest
12 groups.

13 There was also one other thing that
14 came up today was protections from a zoning
15 perspective and whether traffic would allow for the
16 OM Zoning District to have what is called trailer
17 coaches. I want to touch on this very, very briefly
18 because we are not here for the zoning, but it is
19 germane because it deals with the agreement.

20 Trailer coaches, we do not have a
21 proposal, as I said before, so we don't know exactly
22 what is going out there. Under the OM District
23 without a rezoning change testament, trailer coaches
24 are prohibited.

1 So if you look at the OM Zoning
2 District, the bottom two items are the items that
3 are prohibited, which is rare in a lot of zoning
4 codes, but it's heavy manufacturing, which no one is
5 talking about. And "trailer coaches," the term
6 "trailer coaches" is not defined in our village
7 code. The term "trailer coach" oddly enough has
8 only one reference in the Illinois Vehicle Code and
9 it deals with liens on trailer coaches and mobile
10 homes with public assistance.

11 When you look through the common
12 definitions of "trailer coach": A trailer coach
13 means every vehicle primarily designed and used as
14 temporary living quarters for recreational camping,
15 travel purposes and drawn for travel purposes and
16 drawn from other vehicles. That's because there is
17 no definition in the State of Illinois, that's from
18 the State of Michigan.

19 And then when we look at the common
20 uses of the word, we can look at the law dictionary,
21 which gave us a "trailer coach," which means a
22 travel trailer truck camper fifth wheel -- which I
23 found out what a fifth wheel was today -- motor home
24 recreational vehicle or similar vehicle designed for

1 temporary accommodations.

2 Googleing it what came up was a new
3 2023 Grand Design Reflections 303 RSO new fifth
4 wheel in Huntley. So clearly, "trailer coach" under
5 this definition is an RV, what we would understand
6 it to be. And there are no end-users -- no current
7 end-users on the property, as I said.

8 The code provisions. All development
9 needs to be in accordance with the law. That was
10 talked about.

11 Health impact study. It's premature
12 at this point in time. There is essentially nothing
13 to study. First of all, health impact studies
14 normally go to a larger scope, but once we have
15 something to study, a larger thing to study, it is
16 that would be the right time, the appropriate time
17 to study that.

18 Noise concerns from a video and audio
19 that we heard, we already stated this is already
20 near trucks, which is right by I-90. And we heard
21 the light ambient noises of trucks and birds.

22 And again, remember, the end-user will
23 need to submit a study when this comes through. All
24 concerns raised at the hearings have been considered

1 and addressed in the annexation agreement primarily
2 through two aspects; one, requirement of bylaws,
3 two, payment of all testing. And let me rephrase,
4 three, the requirement that they come back and get
5 all improvements for developers and end-users
6 approved.

7 Petitions, so this all started with a
8 petition. The corporate authorities and annexing
9 municipality shall then consider the question. So
10 there were initial questions whether they could just
11 be ignored. There is the direct language from the
12 statute, that once the petition was filed, the
13 corporate authorities had to consider the question
14 of the annexation.

15 The zoning petition. We talked about
16 that briefly. And the owners of 20 percent of the
17 frontage -- and I just want to talk about it because
18 it starts with the annexation -- but the owners of
19 the 20 percent of the frontage can file to raise the
20 voting standard, but this is an immaterial change in
21 so much as the same voting standard for the
22 annexation agreements. And there is a change.org
23 petition. And that's great. We love civic
24 involvement. The involvement is very important, but

1 this is not binding upon the village, and it's not
2 based on law, it's a for-profit business. There is
3 no geographic scope to this. And there's no limits
4 on the subject matters. There are subject matters
5 from global policy to entertainment news.

6 I apologize. I know we have a lot of
7 people who want to talk tonight, so I'll try to wrap
8 up.

9 So voting and the legal requirements.
10 Again, everyone here is now under oath to speak.
11 That would apply to reading a letter. So if you
12 come up here and you purport to read a letter for
13 someone, that means that you're saying under oath
14 that that's the person that actually put that letter
15 together. I just want to be clear about that.

16 The findings on the notices. The PEZ
17 already stated the notices were sufficient. Now,
18 that, again, is a little bit of a different standard
19 because we are talking about the annexation
20 agreement and of course the process that goes along
21 with it, but I thought it was important to raise at
22 this point in time.

23 And we would ask, again heckling the
24 comments of President Reid, to be respectful of

1 others' time in the process. Please avoid all
2 personal attacks.

3 I did touch upon the annexation
4 ordinance voting requirements. The voting
5 requirements for the ordinance are four affirmative
6 votes or four concurring votes of the corporate
7 authorities. The annexation agreement is also the
8 corporate authorities. It requires five votes. A
9 super majority of two-thirds. And all parties have
10 to vote.

11 The rezoning after the petition.
12 Again, same as the annexation agreement.

13 And then the denial of the special-use
14 is a simple ordinance.

15 So thank you. I am sorry that I
16 droned on about the law and the procedures, but I
17 wanted to make sure that everyone had a good
18 education going in.

19 As is custom, I will turn it over now
20 to the petitioners to present on the agreement.

21 Mr. Bernie.

22 TRUSTEE POLLASTRINI: Can I ask one
23 question?

24 ATTORNEY VASSELLI: Yeah.

1 TRUSTEE POLLASTRINI: For the voting
2 requirements, we are missing a trustee right now.
3 So it's two-thirds of those present or two-thirds of
4 the board?

5 ATTORNEY VASSELLI: It is two-thirds of
6 the board. I'm sorry about that, Trustee.

7 TRUSTEE ROBINSON: It works out to 3.3, if
8 you do the math.

9 PRESIDENT REID: Resident math teacher.

10 TRUSTEE ROBINSON: Is it?

11 ATTORNEY VASSELLI: It's still five votes.

12 TRUSTEE ROBINSON: So will it require four
13 affirmatives?

14 ATTORNEY VASSELLI: Yes. So trustee, not
15 council is the denominator.

16 TRUSTEE ROBINSON: So what's the number we
17 need?

18 ATTORNEY VASSELLI: We need five votes.

19 MR. HEDGES: Four.

20 ATTORNEY VASSELLI: Not counts.

21 TRUSTEE KELLY: I understand that. I'm
22 just saying you need four affirmatives, correct, to
23 be two-thirds of a six-person board.

24 ATTORNEY VASSELLI: Well, corporate

1 authorities.

2 PRESIDENT REID: So that includes myself.

3 ATTORNEY VASSELLI: That includes the
4 mayor.

5 TRUSTEE KELLY: Okay. Because on the
6 second one with the petition, it said alder persons
7 or trustees.

8 ATTORNEY VASSELLI: We can go back.

9 TRUSTEE ROBINSON: Can we please.

10 ATTORNEY VASSELLI: For sure. That's why
11 I'm doing this because I want to make sure we are
12 all on the same page.

13 TRUSTEE KELLY: This one here on the
14 bottom line it says "shall not be passed except by a
15 two-thirds vote of alder persons or trustees of the
16 municipality."

17 ATTORNEY VASSELLI: It's the same standard
18 two-thirds, mayor doesn't vote.

19 TRUSTEE KELLY: But two-thirds of that
20 means four not five.

21 ATTORNEY VASSELLI: Correct.

22 MR. HEDGES: Everything is four votes
23 except the agreement is five.

24 PRESIDENT REID: The annexation agreement

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1 is separate from the zoning.

2 ATTORNEY VASSELLI: Yes.

3 PRESIDENT REID: The annexation requires
4 five.

5 ATTORNEY VASSELLI: Correct.

6 PRESIDENT REID: The zoning requires four.

7 ATTORNEY VASSELLI: Correct.

8 TRUSTEE KELLY: But the four has to be
9 just trustees?

10 ATTORNEY VASSELLI: Correct.

11 PRESIDENT REID: I cannot be the fourth
12 vote.

13 ATTORNEY VASSELLI: But it is the same
14 standard of the super majority standard based upon
15 the petition.

16 TRUSTEE POLLASTRINI: Thank you.

17 ATTORNEY VASSELLI: Sorry, Trustee. It's
18 a lot, but I want to make sure we are all clear.

19 PRESIDENT REID: Good evening, Mr. Burney.

20 MR. BURNEY: Good evening, Members of the
21 Hampshire Village Board. Thank you, Mr. Wray for
22 putting up our PowerPoint.

23 I'm Tom Burney, and I have been
24 representing the LB Anderson. I have had the

1 privilege of doing this. I'm excited about the
2 opportunity that this development brings to the
3 Village of Hampshire.

4 Over the years, before many of you
5 were on the board, I have had the privilege of
6 representing property owners in Hampshire and, you
7 know, we have always followed the -- we have always
8 been able to work things out. It's been a very
9 cooperative endeavor.

10 And, you know, just recently,
11 Mr. Hedges and my client were able to work out the
12 sale of the property that was supposed to go to the
13 library. Unfortunately, that hasn't happened yet,
14 but that's a work in progress.

15 I'm here tonight with Ernie Pirron,
16 who is from LB Anderson; Carrie Hansen, who is from
17 Schoppe Design, and she's doing the bulk of the
18 presentation; Jim Frayn, a very well-respected civil
19 engineer from Manhard Design; Dave (sic) Kowalczyk
20 filling in for the broker from CBRE, and he will be
21 available to answer questions; and Javier Milan who
22 is the representative from KLOA, our traffic
23 engineer.

24 Only Carrie will be testifying. The

1 other lady and other gentlemen will be able for
2 questions if the board has any.

3 First of all, I want to thank you the
4 staff, the village attorney, and the plan
5 commission, a plan commission who went past midnight
6 the last time which showed -- I have haven't been to
7 many plan commissions that would do that, so you
8 should be very thankful to them that we can at least
9 move this to a point where we can get a decision and
10 that's why we are here tonight.

11 We are looking for annexation to the
12 village. We think that it furthers the growth of
13 the village. We think it benefits the tax base of
14 the village. We think it's in the best interest of
15 the village. And what your charge is to make that
16 balance between what are the benefits to the village
17 versus what are the detriments of denying this. And
18 I would go more into that in my closing remarks, but
19 the benefits of this development are to show the
20 market that Hampshire is ready to invite, to welcome
21 into its midst a responsible development for an
22 industrial warehouse development, which is the
23 hottest thing going.

24 We see what's happened in Huntley. We

1 see what Marengo is desperately trying to do to
2 bring in a waterline, so that they can make the same
3 thing happen.

4 We see what Elgin has done over all
5 these many years in terms of attracting this kind of
6 development.

7 And we believe -- and that's what the
8 folks from LB Anderson have approached the village
9 about, is that this is a development that the market
10 needs to know Hampshire will welcome it.

11 You see that there is a lot of
12 consternation by the people who live proximate to
13 this development. And it was our considered opinion
14 that if they had to start from scratch, we would
15 never get anybody. And that's why LB Anderson has
16 agreed to an annexation agreement which Mr. Vasselli
17 has very accurately described; it's like no
18 annexation agreement that I have ever seen before.

19 I have always bargained on behalf of
20 my client for approval of a site plan, minimum lot
21 sizes, landscaping, what are the improvements that
22 we have to have to install to proceed. None of that
23 is in this agreement because it's all going to be
24 left for a later day. We are offering, annexing

1 this ground, which is going to give you control for
2 20 years. We can't disconnect it. We will be
3 within your midst for all those years subject to
4 these conditions. And that is a huge commitment on
5 the part of an owner to do this. But he's -- they
6 have met with the mayor, they met with the staff,
7 they believe in you, they believe you will be fair.
8 They believe that moving this ground forward as an
9 industrial warehouse development is in everybody's
10 best interests and that's why we are here tonight
11 and that's why we are asking for a vote.

12 It's been repeated many times, but the
13 concerns that we have heard from the concerned
14 residents -- and I compliment them; they have been
15 very worthy opponents. The concerns they have, it's
16 premature. We are going to have to come back under
17 the terms of this annexation agreement to provide
18 the necessary studies and reports to convince you --
19 this Planning and Zoning Commission in the first
20 instance to recommend -- to convince you that we
21 should be able to proceed with development.

22 We are going to hear concerns tonight
23 about traffic from a gentleman that's not even here,
24 which is a little bit unusual and that somebody is

1 going to read his report, but -- and aside from our
2 objections, we understand and we're not gonna make a
3 deal about it -- but that gentleman is premature.

4 Let us have a development that he can
5 look at, so that he can opine and provide you with
6 input on what type of improvements have to be made
7 to Dietrich Road. We have our own very
8 well-established traffic engineer from KOLA. And he
9 will make recommendations, but those recommendations
10 will be tested by a traffic engineer that you deemed
11 appropriate.

12 It's the same thing for sound and
13 noise and for light and landscaping; all of these
14 things are going to be to your satisfaction or we're
15 not going ahead.

16 Josh, I just want to you look,
17 starting on 3, these are letters of recommendation
18 from the community; stakeholders in this community,
19 I would add and they tell a very important story.
20 Starting with -- I'm just gonna scroll down and get
21 this here starting with the Chamber of Commerce, the
22 2.4 million square foot warehouse distribution
23 office and Light manufacturing complex will bring
24 new jobs to the village, help create balance growth

1 between residential and business development.

2 We just recently, just an
3 hour-and-a-half ago, approved a significant
4 residential development for the Crowns. It will be
5 good that those people not only work in Hampshire,
6 but they live in Hampshire.

7 Moving onto the next, this is from
8 School District 300. 300 supports the proposed
9 Light development, as it brings much-needed
10 industry, additional job opportunities and lower
11 taxes to residents of the village; the very same
12 residents who are our customers, patrons and
13 constituents.

14 We heard the school districts. When I
15 was here before you on residential development. We
16 need to have a balance kind of tax base. We need to
17 have real estate taxes generated to the school
18 system to make up for the impacts that these
19 residential developments are creating for the school
20 district and 300 is spot on.

21 The Hampshire Fire District. Division
22 is finally here if you look at what's being to be
23 developed. It talks about Mayor Schmidt -- I was
24 around when Mayor Schmidt was here -- "our time has

1 come and I know there are people who have the "not
2 in my backyard attitude," but as long as these
3 developments are properly planned and meet the
4 village's standards, they are important for our
5 survival.

6 These are stakeholders in your
7 community. This is what I'm talking about when I
8 say about striking the balance. There is huge
9 public benefit from this development from approval
10 of this zoning under these conditions and I
11 respectfully submit that there is not any
12 corresponding public benefit to denying this
13 request.

14 I'm going to call Ms. Hansen up and I
15 thank you once again for your time and
16 consideration.

17 CARRIE HANSEN: Josh, can you advance to
18 slide 9 please.

19 Good evening. I'm Carrie Hansen. I'm
20 the director of planning and government services
21 from Schoppe and Design Associates. We are located
22 in Oswego, Illinois.

23 The property consists of about 278
24 acres located both north and south of Dietrich Road,

1 north of I-90 and east of U.S. Route 20. It's
2 located in both Kane and McHenry Counties and
3 presently zoned a combination of E1 in McHenry
4 County, that north portion; F, farming in Kane
5 County and PUD in Kane County for the former
6 Shireland Theme Park. The request is to annex to
7 Village of New Hampshire -- Village of Hampshire and
8 rezone the property to OM office and restricted
9 manufacturing district.

10 I did want to highlight kind of the
11 progression of the petition that is before you
12 tonight. Originally, there was a parcel on the
13 south side of I-90-90-90 as part of the original
14 petition. That is no longer part of our request
15 this evening.

16 We have previously presented a revised
17 petition for the rezoning of the less intensive M2
18 general industrial district versus the previously
19 requested and more permissive M3 industrial
20 district. We have now amended our petition a third
21 time to the even less intense OM office and
22 restricted manufacturing district.

23 OM has a more restricted list of
24 permitted uses than any of the three previously

1 requested manufacturing districts. It is intended
2 to encourage a mixture of office, research,
3 warehouse and restricted manufacturing uses.

4 As part of the petition, we presented
5 to the Planning and Zoning Commission last month.
6 We were also asking for eight special uses to be
7 allowed and granted as part of this zoning request.
8 Based on the feedback received at the Planning and
9 Zoning Commission, we have rescinded our requests
10 for all special uses; and therefore, the current
11 request is only for rezoning to OM.

12 Next slide please.

13 I wanted to give a bit of context as
14 to where this property sits in relationship to
15 everything surrounding it. To the north is zone E1
16 in McHenry County for single-family residences of
17 the Botterman Farm Subdivision and A1 in McHenry
18 County for farm land.

19 To the east is zone F in Kane County
20 for farm land and for two farm residences.

21 South is Interstate 90 and property
22 zone F in Kane County, and M2 in the Village of
23 Hampshire, south of I-90-90-90, for the Hampshire
24 Logistics Park presently under construction.

1 To the west of the property is a
2 variety of adjacent zonings and uses. We have OR,
3 office research in the Village of Hampshire, which
4 is presently vacant. M2 in the Village of Hampshire
5 for ESM Hampshire, which produces stainless steel
6 rolled products.

7 OM, office restricted manufacturing in
8 the Village of Hampshire for several light
9 industrial uses on Arrowhead Drive including a
10 ready-mix plant.

11 HC, highway commercial in the Village
12 of Hampshire for truck stops and various highway
13 commercial uses. A1C in McHenry County for Sky
14 Soaring, Inc., Glider Club, and A1 in McHenry County
15 for farm land.

16 Next slide, Josh.

17 You can see a number of those aerial
18 land uses in this aerial such as the truck stops,
19 the Speedway, Dayton Freight, a variety of those
20 other uses just to give you an idea of what's
21 nearby.

22 Next slide.

23 I did want to talk briefly about the
24 Village's comprehensive plan. What is a

1 comprehensive plan? It's a long-range policy
2 document designed to guide and assist with planning
3 and policy decisions. It outlines the community
4 vision and the policies that will achieve that
5 vision. And by its design, it is a dynamic document
6 intended to be constantly evolving to respond to
7 changing conditions. As such, it should be reviewed
8 on a regular basis to ensure that local needs are
9 being met, the plan remains relevant and that it is
10 market-supported with long-range-economic
11 sustainability.

12 The village's current master plan,
13 which you see on the screen, was approved and
14 adopted in 2004. A lot of changes have occurred
15 since then. We had the recession of 2008 and the
16 resulting housing crash and downturn which
17 significantly affected the Chicago region. We had a
18 significant number of changes in consumer purchasing
19 habits from bricks and mortar retail establishments
20 to e-commerce and online shopping; we had a pandemic
21 further increasing online shopping demand and
22 e-commerce, but also dramatically diminishing office
23 occupancy rates with many employees now working
24 remotely.

1 As such, traditional business parks in
2 the sense they were referred to in the plan for a
3 portion of this property back in 2004 are much less
4 prevalent and relevant today. However, the demand
5 for logistic centers continues to increase to
6 address the expanding need for the movement of
7 goods.

8 What the village comprehensive plan
9 does clearly demonstrate is the Village of
10 Hampshire's commitment to an investment in
11 nonresidential tax-revenue-generating development
12 north of I-90-90-90 helping to balance the village's
13 tax base and reduce the tax burden on its existing
14 and future residents.

15 So with regard to the proposed land
16 uses, the requested OM uses are consistent with the
17 pattern and development not only in the Village of
18 Hampshire, but in the I-90-90-90 corridor and the
19 Chicago region. The region has historically been a
20 national logistics hub, given its midwest location
21 and access to multi-modal transportation
22 infrastructure.

23 The development's location along
24 Dietrich Road, a road that is planned for

1 nonresidential uses, with direct connection to U.S.
2 Route 20, a strategic regional arterial and a full
3 interchange with I-90-90-90 situates the property as
4 highly suitable for logistic centers.

5 Truck access and circulation for the
6 development would be limited to the major
7 transportation network.

8 I also want to note, as has been
9 brought up numerous times this evening, that the
10 village will retain future site plan review and
11 approval by the Planning and Zoning Commission and
12 village board for any future users prior to
13 development of this property as it falls within the
14 village's interchange overlay district. This
15 request simply establishes the base zoning.

16 Next slide.

17 We have prepared a conceptual
18 development plan that is intended to illustrate how
19 a development of this type could be designed and
20 emphasizing again that this is just a concept. We
21 are not requesting approval of this plan and a plan
22 such as this could only proceed if approved by the
23 village board as the result of a future review
24 process.

1 That being said, the concept that we
2 have designed shows seven buildings with a
3 combination of larger typical warehouse-size
4 buildings with truck docks and trailer parking along
5 with some smaller-scale buildings to accommodate
6 different user types both north and south of
7 Dietrich Road.

8 You will see on this plan that the
9 furthest north portion of the property is shown
10 predominantly as open space. Harmony Creek runs
11 generally along our north property line. There is
12 an area of wetlands in the northeast portion of our
13 site, and as a result much of this area to the north
14 will be used for stormwater management utilizing
15 best management practices to enhance buffer yard
16 treatments and our engineer will be discussing this
17 area in further detail in his presentation.

18 Next slide.

19 We have also prepared an exhibit
20 illustrating some of the buffering techniques that
21 be required by the village through its site plan
22 review process for all future users. We have
23 represented an imagery of five different techniques
24 including naturalized stormwater basins, wetland

1 treatments, stormwater entry features, perimeter
2 buffering and the use of native plant material.

3 Next slide please.

4 This first exhibit shows some
5 naturalized stormwater basin examples. You can
6 notice that these have a much softer feel. They're
7 environmentally sound with enhanced water quality
8 features also with the added benefit of being low
9 maintenance, so they will look like this most of the
10 time with very little needs on the user -- the
11 end-user's part in terms for maintenance. This
12 treatment would be particularly effective along the
13 north property line in the vicinity of Harmony
14 Creek.

15 Next slide.

16 This very similar to our previous
17 slides. These are different types of wetland
18 treatments that are possible; again sensitive
19 sustainable design works with the inherent natural
20 features of the site. We noted that we do have a
21 wetland in the northeast portion of the property.
22 It allows for enhanced infiltration and high water
23 quality. Similar vegetation, as you saw in the
24 naturalized stormwater basins. And as noted, this

1 will be used most likely in the northeast portion of
2 the property.

3 Next.

4 These are some examples of some
5 stormwater entry features that we worked on;
6 obviously, a more formalized design with the use of
7 fountains and aerators, rock stone outcroppings
8 intended to enhance basin and project views from the
9 adjacent roads. This will be used near Route 20 and
10 Dietrich Road and at the site entrances along
11 Dietrich Road.

12 Next slide.

13 Here's some examples of perimeter
14 buffering. This is esthetically pleasing functional
15 year-round screening that substantially buffers
16 during the vegetative season and provides restricted
17 views during non-vegetative periods as well. It
18 includes a combination of pruning with primarily
19 evergreen material, such as spruce, pine and fir
20 trees, as used a variety here, et cetera, along with
21 some non-constituent plantings as well. These
22 treatments could be used along the west and east
23 property lines where adjacent to either existing or
24 undeveloped property.

1 Next slide.

2 Here are some examples of native
3 plants. These could be used throughout all
4 applications where appropriate. They are
5 sustainable. They are native to the area and
6 acclimated to our midwestern prairie conditions,
7 again limited maintenance, and obviously, a very
8 nice visual appear in an a year-round setting.

9 The use of natural vegetation,
10 bioswales, and the reintroduction of appropriate
11 plantings will not only provide esthetically
12 pleasing visual buffers, but incorporate sustainable
13 design to enhance environmental quality.

14 Accordingly, the development and all
15 future users will be designed in a manner to
16 minimize potential impact to adjoining properties
17 and most specifically to the properties to the
18 north.

19 Next slide.

20 In summary, the village code asks
21 petitioners to consider five factors when requesting
22 a map amendment, and you see these represented on
23 slide 20. It is our position that we have
24 appropriately considered these factors in our

1 current petition before the village that the
2 requested rezoning to OM, office and restricted
3 manufacturing, is consistent with both the existing
4 adjacent zoning in the Village of Hampshire and the
5 Village's intention to develop nonresidential
6 projects north of I-90-90-90 as evidenced in its
7 comprehensive plan.

8 I would now like to turn it over to
9 Jim Frayn of Manhard Consulting to discuss
10 stormwater design and other engineering-related
11 topics.

12 JIM FRAYN: Thank you, Carrie. My name is
13 Jim Frayn, F-r-a-y-n. I'm with Manhard Consulting
14 located at One Overlook Point in Lincolnshire,
15 Illinois. I'm a registered professional engineer in
16 the State of Illinois.

17 Josh, if you could go back to one of
18 the site plan exhibits. I have a very, very brief
19 engineering presentation here, but I'm willing to
20 answer any questions you may have at any time during
21 the evening.

22 So from a stormwater perspective, it's
23 been touched on somewhat, the site -- the northern
24 site north of Dietrich Road drains north to Harmony

1 Creek and we are planning stormwater management
2 features adjacent to the creek in accordance with
3 Hampshire stormwater regulations.

4 The southern parcel drains generally
5 to the north and then to the west, and we provide
6 the stormwater management features in those
7 locations as well.

8 Utilities are going to be brought from
9 the west existing commercial and industrial
10 properties located west of the site. And that's how
11 we will serve this property with sewer and water.

12 That ends my very brief presentation
13 tonight. But once again, I'm here for any
14 questions. Thank you.

15 MR. BURNEY: That will complete our
16 presentation. There is a couple of elevations and
17 examples of elevations and we stand by that, but
18 Mr. Seward (phonetic) isn't here, but his colleague
19 is if there's questions about it.

20 But that concludes our presentation.
21 And again, we respectfully request a positive vote
22 on the annexation agreement and the rezoning of OM.

23 And I emphasize again what Carrie
24 said, we are withdrawing our requests for the

1 special use. We heard what the Planning Commission
2 had to say, and we will come forward with those
3 special uses if we ever need them with the
4 appropriate application and facts. So therefore,
5 there is one thing eliminated from your agenda. So
6 thank you.

7 TRUSTEE ROBINSON: Attorney?

8 ATTORNEY VASSELLI: Mr. Chair, I think
9 trustee had a question for me.

10 TRUSTEE ROBINSON: So the special --

11 PRESIDENT REID: Use your microphone
12 please. Talk in your teacher voice.

13 TRUSTEE ROBINSON: I will talk really
14 loud. We just heard the request for a special use
15 has been rescinded. Does that require a vote by
16 this board this evening?

17 ATTORNEY VASSELLI: We are going to
18 recommend the board vote on the denial ordinance.

19 TRUSTEE ROBINSON: Thank you.

20 PRESIDENT REID: Okay. Now for the
21 questions by the village board.

22 Does anyone have any questions for the
23 petitioner, for the engineers about the agreement?

24 Trustee Kelly.

1 TRUSTEE KELLY: Thank you, President Reid.

2 So I do have a couple of questions. I
3 apologize I didn't write down the gentleman's name
4 from CBRE. In my notes from the Planning and
5 Zoning, it was Mr. Seward, I believe.

6 So in the planning and zoning meeting,
7 Mr. Burney stated and I'm quoting here "the
8 industrial real estate market that a prized parcel
9 of ground like this that has terrific access to the
10 90, Dietrich Road, right to 90, to the 90 and off it
11 goes, so it doesn't have to go through the local
12 street network, so it does not impact the residents
13 of or at least the vast majority of residents in the
14 community."

15 My question is if this is such a prize
16 parcel of ground with such ease of access to a major
17 U.S. Interstate as Mr. Burney stated in the Planning
18 and Zoning meeting, why is it felt that the
19 annexation and rezoning to OM needs to take place in
20 order for this to be able to market this piece of
21 land?

22 (Applause.)

23 ATTORNEY VASSELLI: Sorry, Trustee. We do
24 have a court reporter. So if we could all introduce

1 ourselves for the benefit of the court reporter so
2 we have a clear record.

3 MR. KOWALCZYK: I'm Jimmy Kowalczyk with
4 CBRE.

5 ATTORNEY VASSELLI: And you're sworn?

6 MR. KOWALCZYK: Yes.

7 ATTORNEY VASSELLI: Got it.

8 MR. KOWALCZYK: So to answer your
9 question, you know, developers will not be attracted
10 to a site that's unzoned given they will have to go
11 through this process. So a lot of times on our side
12 of the business is that we try to help the land
13 owner zone that property so that it's more
14 attractive to potential future users.

15 TRUSTEE KELLY: Okay. And are there any
16 currently active discussions with any developers for
17 the purchase of or the development or either of the
18 properties being discussed tonight?

19 MR. KOWALCZYK: There is not.

20 PRESIDENT REID: Just hand the mic down.
21 We'll just do it that way.

22 TRUSTEE POLLASTRINI: I want to follow up
23 on what he said because I want to know -- because
24 we're all under oath here -- has there been any

1 entity that's been discussing or inquiring about the
2 property during the entire process of zoning and
3 annexation from the start?

4 MR. KOWALCZYK: Yes, there has been.

5 TRUSTEE POLLASTRINI: And what are those
6 uses for those companies that are looking at it?

7 MR. KOWALCZYK: So I mean a developer will
8 look at it for many like, essentially, because they
9 can either do a transportation facility, a warehouse
10 facility, an office facility. So a developer on
11 that side will look at it kind of from a broad view;
12 end-users are going to be looking at it for their
13 own use. So we've had a couple transportation users
14 look at it for their own use.

15 TRUSTEE POLLASTRINI: Have you had any
16 users or potential users that have come forward
17 non-transportation?

18 MR. KOWALCZYK: Not at this time.

19 TRUSTEE POLLASTRINI: Okay. Is there an
20 existing business on the property right now?

21 MR. KOWALCZYK: Of all the property?

22 TRUSTEE POLLASTRINI: All the properties.

23 MR. KOWALCZYK: Yes.

24 TRUSTEE POLLASTRINI: Can you tell us what

1 that business is and where it would be registered?

2 MR. KOWALCZYK: I don't know that
3 information.

4 TRUSTEE POLLASTRINI: Okay. What is the
5 name of the business that's there?

6 MR. KOWALCZYK: I don't know that.

7 MR. BURNEY: We have somebody who could
8 answer that.

9 TRUSTEE POLLASTRINI: I think it's
10 important if there is a business there.

11 MR. PIRRON: Ernie Pirron with LB
12 Anderson. That is a truck parts rental that's
13 leasing from us. And I believe it's -- I'm sorry --
14 I don't handle rental for the business. I believe
15 MK Truck, but I could be wrong with that name of the
16 company.

17 TRUSTEE POLLASTRINI: Are they a
18 registered business someplace in the State of
19 Illinois or is it unincorporated?

20 MR. PIRRON: They should be and we can
21 supply you with that information.

22 TRUSTEE POLLASTRINI: I would like to see
23 that. Which county is it in?

24 MR. PIRRON: It's in Kane.

1 TRUSTEE POLLASTRINI: Thank you.

2 The annexation agreement that's been
3 talked about, it's been talked it's for 20 years.
4 What happens in 20 years plus one day on the
5 agreement?

6 MR. HEDGES: We can speak to that.

7 PRESIDENT REID: Attorney Vasselli.

8 ATTORNEY VASSELLI: Absolutely. Thank
9 you.

10 We are not a home rule unit. If we
11 were a home rule unit, if I get to the point, we
12 would be able to extend that, obviously, you can
13 always enter into another 20-year agreement the day
14 afterwards. I will point your attention, Trustee,
15 to page either 123 or 4 in your packet. I'm working
16 off the agreement under Paragraph 2B on Page 5 the
17 zoning relief provided to the subject property shall
18 create a permanent zoning classification for the
19 subject property which shall remain in effect
20 throughout the duration of the agreement and
21 thereafter until amended in the manner provided by
22 law. So it's a permanency clause.

23 As you probably know, there is some
24 debate on what happens on 20 year plus one day, so

1 we did put a permanency clause in there.

2 Obviously, if someone was out there
3 and that wasn't there, they would probably win in a
4 legal fight for a legal nonconforming use if it
5 should change. But we do have a permanency clause
6 in there at this point in time.

7 Again, will it be 20 years? I don't
8 like speculation or hypotheticals. Will the village
9 be home ruled in 20 years? It very well can be.
10 Will the law change within 20 years, it could be.
11 But for now, we put in the best contractual
12 protection we could with the understanding from a
13 probable point of view if we go to 20 years plus one
14 day and this wasn't even put in there, it would
15 probably be allowed by the courts if they had
16 invested money and were operating in compliance with
17 the laws.

18 TRUSTEE KELLY: Sorry. Just a quick
19 follow up on that question the 20 plus one.

20 So the permanency clause speaks to the
21 zoning being permanent?

22 ATTORNEY VASSELLI: Right.

23 TRUSTEE KELLY: What about the rest of the
24 clauses and protections listed in the agreement on

1 20 plus one?

2 ATTORNEY VASSELLI: The agreement is
3 recorded against the property. So it would be on
4 all the successors. They would have to adhere to
5 their successors as well and they would be bound by
6 the terms of that. So those protections would be --
7 so for our owners, and our residents and our
8 neighbors, 20 years plus one day, they would be
9 protected under the terms of this.

10 TRUSTEE KELLY: So the agreement continues
11 to last 20 plus --

12 ATTORNEY VASSELLI: The agreement expires.

13 TRUSTEE KELLY: Okay.

14 ATTORNEY VASSELLI: The zoning continues.

15 TRUSTEE KELLY: Correct.

16 ATTORNEY VASSELLI: The protections
17 continue and the ordinances would continue in effect
18 for those protections.

19 TRUSTEE KELLY: Where in 2B does it say
20 that the protections listed throughout that
21 everything has to go through agreements or
22 re-approvals to planning and zoning and re-approvals
23 through the village board is that in 2B because it
24 just states the zoning stays that way.

1 ATTORNEY VASSELLI: It would be through
2 the other ordinances. The other ordinances will
3 require that to go through.

4 TRUSTEE KELLY: And the ordinance is not
5 bound to the 20 years?

6 ATTORNEY VASSELLI: Correct.

7 TRUSTEE KELLY: Thank you.

8 TRUSTEE POLLASTRINI: It was said during
9 the presentation today that Dietrich Road was
10 designed for nonresidential use. Where did that
11 come from? There are residences on there. There
12 are --

13 CARRIE HANSEN: I believe I said it's
14 intended for nonresidential use and that's per your
15 comprehensive plan, which shows all nonresidential
16 uses along Dietrich Road within the area covered by
17 your comprehensive plan.

18 TRUSTEE POLLASTRINI: But some of those
19 houses have been there for a long time, correct?

20 CARRIE HANSEN: True, the existing, but
21 the long-term plan of village by virtue of division
22 of its comprehensive plan is for nonresidential
23 uses, long term, only if those people choose to
24 change their use. Yes, that's accurate, I mean for

1 the people who are there right now. But if that use
2 changes, it is the village's vision they be
3 nonresidential.

4 TRUSTEE POLLASTRINI: Okay. The village's
5 vision from 2004, correct?

6 CARRIE HANSEN: Yes.

7 TRUSTEE POLLASTRINI: Okay. Thank you for
8 that clarification.

9 I just have two more questions. The
10 wetlands that were discussed, caring for them and
11 we've seen some wetlands that in some of the
12 subdivisions, et cetera, they kind of get a little
13 ratty and, you know -- so what happens if the owner
14 of those areas does not take care of those wetlands.

15 MR. FRAYN: Jim Frayn, with Manhard
16 Consulting. Typically those wetlands would be owned
17 by the property owners' association and they would
18 contribute to the maintenance of those facilities on
19 a regular basis. There a monthly or yearly budget
20 for that purpose. And there are times villages will
21 actually impose other restrictions that will require
22 them to maintain it if they don't.

23 I did want to answer one of your other
24 questions when you were talking about the reason to

1 rezone. And I have a real-life story that happened
2 right here on projects I'm working on.

3 So there's a large national developer
4 right now who's about to break down in Belvidere on
5 a project you may or may not be familiar with. I
6 was actively part of that process. And one of the
7 sites they looked at was this site right here and
8 the reason they went away from this site is because
9 it was too -- the timeframe it would take to get
10 started to go through all these hearings was too
11 great for them. So when they evaluated this site,
12 as well as the site in Belvidere, and there was also
13 some other sites in Rockford they looked at as well,
14 they chose the Belvidere site and because of that,
15 they're under construction today. And that wouldn't
16 have happened here because the timeframe is too
17 long. So I wanted to give you a real-life example
18 of something I worked on very recently and the
19 reason why you want to have this zoned so that
20 people can see that it's more readily available for
21 development. Thank you.

22 ATTORNEY VASSELLI: Mr. Chair, can I
23 address the trustee's question?

24 PRESIDENT REID: Absolutely.

1 ATTORNEY VASSELLI: Trustee, there is also
2 a dormant SSA provision.

3 TRUSTEE POLLASTRINI: Okay. Thank you.

4 ATTORNEY VASSELLI: I'm sorry. I wanted
5 to make sure --

6 TRUSTEE POLLASTRINI: Okay. Thank you I
7 just wanted to hear it from them. I mean, taking
8 ownership of the property making sure if end-users
9 changes, they could be vacant, so somebody still
10 owns that land. I just want to make sure it's going
11 to be covered.

12 ATTORNEY VASSELLI: Correct. Of course.

13 TRUSTEE POLLASTRINI: My last question is,
14 is the OM distinction the zoning has multiple uses.
15 And for the sake of the record, I'm going to reread
16 them then: Group homes and agencies, banks,
17 currency exchanges, hotels, day care centers,
18 restaurants, medical offices, and retail stores.

19 Would Light properties be amenable to
20 any of those other uses along properties especially
21 along 20 or a mixed group where you have some if
22 you're looking for the transportation businesses,
23 but then also intersperse it with some of these
24 other businesses that would be very useful to the

1 residents of Hampshire and unincorporated areas
2 around that area which would be businesses that they
3 would utilize.

4 MR. PIRRON: Ernie Pirron, LB Anderson.
5 We would be open to any of those scenarios. We
6 first have to get it to a point where we could even
7 bring it to market for CBRE even to take it to
8 potential clients and that's why we are taking this
9 step with you right now.

10 TRUSTEE POLLASTRINI: So there could be
11 other businesses along Route 20 or Dietrich Road
12 since you're looking to turn that into businesses?

13 MR. PIRRON: That's correct. If someone
14 you know comes to us with those proposals, we are
15 open to that.

16 TRUSTEE POLLASTRINI: Okay. Thank you.
17 That's all, Mr. Mayor.

18 PRESIDENT REID: Let's go to the other
19 side of the table.

20 TRUSTEE ROBINSON: Pending approval of the
21 annexation agreements or zoning agreements, do you
22 have a timeline as to when you will be returning to
23 present in front of planning and zoning and
24 ultimately village board again?

1 MR. PIRRON: Ernie Pirron, LB Anderson.
2 It would -- for our purposes ideally, it would be
3 the potential buyer of the property that would be
4 approaching you next, not LB Anderson.

5 TRUSTEE ROBINSON: Do you have any idea
6 when that might be? Within the next year? Two
7 years?

8 MR. PIRRON: Jimmy, you can talk to that.

9 MR. KOWALCZYK: Jimmy Kowalczyk, CBRE. I
10 mean, ideally, the sooner the better for LB Anderson
11 and the town of Hampshire so they could be put in
12 production. But you know, with these larger land
13 sites, it does take, you know, time to truly
14 evaluate and you know move forward with the
15 purchase.

16 PRESIDENT REID: For the record, it's
17 Hampshire. Don't say "Hampshire." It's like nails
18 on a chalkboard, man.

19 (Laughter.)

20 ATTORNEY VASSELLI: It might be over.

21 TRUSTEE FODER: All right. I have a
22 couple of questions. I'm not really sure who's
23 going to answer these. But can somebody please tell
24 me what the lot directly east of the southern parcel

1 will be? It has white buildings and it is a light
2 brown on that image. East. Yeah, that one.

3 MR. PIRRON: Ernie Pirron, LB Anderson.
4 It's a resident -- or just through going through
5 this process with the town, I believe there might be
6 a farm on there that provides horses for -- I don't
7 want to speak to exactly what they do because I
8 don't know what they do, but it is a residence and I
9 believe there is a farm on it.

10 TRUSTEE FODER: Okay. The property
11 directly to the east of that with the red roofs, I
12 believe, is corresponding what you're referencing --
13 the farm that you're referencing.

14 I understand this is a mock up of a
15 potential development; however, after telling us how
16 sensitive you're to the -- I believe the word you
17 used was "opponent's" concerns, why would you
18 suggest to put a huge truck depot with the trucks
19 loading on the side of one of the most heavily
20 impacted adjacent properties given that the one
21 directly next to that is the horse farm that serves
22 some of the most vulnerable use in our community,
23 the mock up itself --

24 (Applause.)

1 Please let me finish.

2 The mock up itself, I understand, is
3 just a potential. So this is not anything promised.
4 There are no plans in place for this, but I'm
5 looking at this and I found it --

6 TRUSTEE KOTH: Troubling.

7 TRUSTEE FODER: -- to give the opposite
8 message from the words that have been spoken here
9 tonight.

10 MR. BURNEY: I don't want to interrupt
11 you. Are you finished? I don't want to interrupt
12 you. Are you finished with your question or is
13 there more? I'm sorry.

14 TRUSTEE FODER: Go ahead.

15 MR. BURNEY: I didn't mean to annoy you.
16 No, I didn't.

17 TRUSTEE KOTH: You cut her off.

18 PRESIDENT REID: I don't think he meant
19 that. I think he didn't want to interrupt her.

20 TRUSTEE FODER: Go ahead.

21 MR. BURNEY: Okay. So, one, it's a
22 concept plan as you've recognized. Two, the future
23 development of that ground has to go back through
24 the Planning and Zoning Committee, and they will

1 consider -- and that will be debated in terms of
2 whether the proper mitigation is being provided in
3 terms of the development of that ground compared to
4 the adjacent property. So that is a consideration
5 that we are leaving to you at a future time to
6 determine that.

7 We -- to give you a sense of scale of
8 this, we have located that building, but there is no
9 guarantee that you're going to approve that building
10 or that you're going to approve it for truck docks
11 or that you're going to approve it in that
12 configuration. And that's what this agreement gives
13 you. You get the final say. Do you accept that?

14 TRUSTEE FODER: Yes, I am well aware that
15 that responsibility lies with the people sitting at
16 these tables. But my question is: When you provide
17 for us this mock up, I would ask that in the future
18 you be more considerate that your printed messaging
19 matches the words that you're using. Do you
20 understand my concern?

21 MR. BURNEY: I accept that criticism. I
22 do.

23 TRUSTEE FODER: Thank you.

24 MR. BURNEY: And I apologize if I cut you

1 off, I didn't mean to.

2 TRUSTEE FODER: That's okay. That happens
3 all day at work.

4 MR. BURNEY: At least not at home.

5 TRUSTEE FODER: No, it's better.

6 I think that was my last question.

7 Trustee.

8 Anything?

9 TRUSTEE KOTH: No, you did it.

10 TRUSTEE FODER: Okay.

11 MR. BURNEY: Thank you.

12 TRUSTEE KELLY: I have just a couple of
13 follow-up questions.

14 In the -- I don't want to speak for
15 the rest of the board, but for myself, this is the
16 first time I'm seeing these renderings. So I'm
17 referencing what's in the board packet. And in the
18 board packet, you call out parcels. Parcel 3 is
19 listed as not included. Is that a Light owned
20 property or is it owned by somebody else?

21 MR. HEDGES: I believe you are referring
22 to the 38 acres as parcel 3 that was on Dietrich
23 Road.

24 TRUSTEE KELLY: No. Parcel 3 is

1 immediately to the east or right of that connecting
2 strip of land. So that area is listed as parcel 3
3 on the map, in the application of the plat of
4 annexation, it says parcel 3 not included.

5 MR. PIRRON: Ernie Pirron, LB Anderson.
6 The Light family, LB Anderson does not own that
7 parcel.

8 TRUSTEE KELLY: Okay. Thank you for that.

9 Then to speak to or to answer Trustee
10 Pollinestrini's earlier question and based on what's
11 on Google maps and the large -- rather large sign
12 right off of Route 20, I believe that business that
13 is currently on Light property is referred to
14 Westside Truck Center, Incorporated.

15 Has that business been contacted about
16 this annexation process or the desire to annex and
17 what is the potential affect on that business?

18 MR. PIRRON: They do know what's going on
19 through personal contact with our office. And its
20 ultimate future would be, for our purposes right
21 now, it would be for them to continue renting
22 parcel. For any future potential buyer, that would
23 be up to that person that would obtain that
24 property.

1 TRUSTEE KELLY: Okay. Thank you.

2 And following up on Trustee Foder's
3 question and eloquent statement about words matching
4 design, the design that you have here on Page 13 --
5 and I'm glad this is still up so I don't have to ask
6 to go back to it thank you Mr. Wray -- is this a
7 conceptual design being used or planned to be used
8 in any way of marketing materials and/or
9 presentations to potential users and/or perspective
10 developers?

11 MR. PIRRON: I don't want to speak for
12 CBRE, but I think it depends on the potential client
13 and what they're looking for per square footage of
14 buildings.

15 MR. KOWALCZYK: Jimmy Kowalczyk, CBRE.
16 Most developers will have an in-house architect or
17 site plan designers, so they can go about themselves
18 and draw their own. We just did these for this
19 presentation.

20 TRUSTEE KELLY: So these drawings are just
21 for this village presentation. This is not going to
22 be marketing material that would be out there?

23 MR. KOWALCZYK: Correct.

24 TRUSTEE KELLY: Okay. Thank you.

1 At our village board meeting on May 4
2 there was a presentation done by Mr. Teanaro
3 (phonetic) for another property we were discussing
4 zoning on. And it was for a subdivision for the
5 Teanaro. And I apologize if I'm mispronouncing his
6 name. As part of the presentation, Mr. Teanaro
7 shared a Kane DuPage soil and water conservation
8 district land use opinion that was done. And I
9 think it was the first time anyone on the board had
10 seen that. And we commented either in that meeting
11 or the next one on how useful that study was.

12 In this application and packet and the
13 presentation tonight, I haven't heard any reference
14 to a similar land-use opinion done.

15 Has anyone affiliated with the
16 presentation and the petitioners tonight contacted
17 or done or reached out to the Kane DuPage soil and
18 water conservation district to do what I believe is
19 a free study, correct?

20 MR. HEDGES: I'll answer the question.
21 Jay Hedges, village manager.

22 That study has been completed and it
23 is on the village website.

24 TRUSTEE KELLY: Okay. I didn't miss it in

1 the --

2 MR. HEDGES: No, it's on the website.

3 We'll mention while we're on the topic, there was a
4 request from the McHenry Lake Conservation District
5 as well for a similar study, and the Light
6 properties have applied for that now. And that
7 study should be available within the next few weeks.

8 And once again, as it was addressed
9 earlier by Mr. Vasselli, that's a required study,
10 but it's not a binding study; it's just
11 informational.

12 MR. FRAYN: James Frayn from Manhard
13 Consulting.

14 I was just going to answer the
15 question. We do have those Kane County reports, so
16 they should be available.

17 TRUSTEE POLLASTRINI: Just one quick
18 follow up to that. It was something that was just
19 bothering a couple of us.

20 The connector area between the two
21 sites, is that going to be a road? It looks like
22 it's all hedges and greenery, but some of them look
23 like a road that went through it too.

24 MR. KOWALCZYK: It has to be a road.

1 That's the only way to get to that northern part.
2 It's a grand entryway because it's not wide enough
3 to do anything more than to build a road and do
4 landscaping.

5 TRUSTEE POLLASTRINI: Okay. So it's just
6 really landscaped on the two sides with the road in
7 the center?

8 MR. KOWALCZYK: That's what you're seeing,
9 yes.

10 TRUSTEE POLLASTRINI: That's where all the
11 trucks would be going into?

12 MR. KOWALCZYK: All trucks and cars would
13 go in and out through that road for the north
14 parcel. There would be a similar entrance lined
15 with that north parcel to serve the south parcel.

16 TRUSTEE POLLASTRINI: Okay. Thank you.

17 PRESIDENT REID: Any other comments or
18 discussion for the petitioner?

19 (No response.)

20 I mean, we'll have another opportunity
21 at the end of the public hearing.

22 Thank you for your presentation or
23 testimony rather.

24 I would -- Mr. Vasselli, I would like

Village Board Meeting
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1 to recess for a few minutes before we go to public
2 comment.

3 Do I need a vote?

4 ATTORNEY VASSELLI: You do, sir.

5 PRESIDENT REID: I would entertain a
6 motion to recess the meeting until 9:00 p.m.

7 TRUSTEE KELLY: So moved.

8 TRUSTEE FODER: Seconded.

9 PRESIDENT REID: Questions, comments,
10 concerns?

11 (No response.)

12 Mr. Deputy, roll call vote or should I
13 do "all in favor"?

14 ATTORNEY VASSELLI: Roll call vote.

15 DEPUTY CLERK WRAY: Mr. Koth.

16 TRUSTEE KOTH: Aye.

17 DEPUTY CLERK WRAY: Ms. Pollistrini.

18 TRUSTEE POLLASTRINI: Aye.

19 DEPUTY CLERK WRAY: Mr. Robinson.

20 TRUSTEE ROBINSON: Aye.

21 DEPUTY CLERK WRAY: Ms. Foder.

22 TRUSTEE FODER: Aye.

23 DEPUTY CLERK WRAY: Mr. Kelly.

24 TRUSTEE KELLY: Aye.

Village Board Meeting
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1 PRESIDENT REID: Thank you. We are in
2 recess until 9:00 p.m.

3 (Whereupon, a brief recess
4 was taken.)

5 PRESIDENT REID: Ladies and gentlemen, the
6 time is now 9:02. Please find your seats. We would
7 like to get this started.

8 ATTORNEY VASSELLI: Trustee Mott has
9 arrived.

10 PRESIDENT REID: Good evening.

11 Mr. Deputy Clerk, can you call the
12 roll please.

13 DEPUTY CLERK WRAY: Ms. Foder.

14 TRUSTEE FODER: Present.

15 DEPUTY CLERK WRAY: Mr. Kelly.

16 TRUSTEE KELLY: Here.

17 DEPUTY CLERK WRAY: Mr. Koth.

18 TRUSTEE KOTH: Here.

19 DEPUTY CLERK WRAY: Mr. Mott.

20 TRUSTEE MOTT: Here.

21 DEPUTY CLERK WRAY: Ms. Pollastrini.

22 TRUSTEE POLLASTRINI: Here.

23 DEPUTY CLERK WRAY: Mr. Robinson.

24 TRUSTEE ROBINSON: Here.

Village Board Meeting
September 21, 2023

1 PRESIDENT REID: Do you want to call this?

2 DEPUTY CLERK WRAY: I can do it.

3 PRESIDENT REID: No, I'll do it. That
4 way, they can get mad at me.

5 If anyone is curious what I'm talking
6 about, it's a sign-in sheet. I'm gonna do my best
7 not to butcher anybody's name, so apologizes in
8 advance.

9 First one on the list is Mr. Ryan
10 Kerjeki.

11 RYAN KERJEKI: So close.

12 Good evening. My name is Ryan
13 Kerjeki, for the benefit of the court reporter.

14 First of all, I would like to thank
15 the village board and the administration for the
16 organized and thorough set of materials that have
17 been provided to the community for the evaluation of
18 this project.

19 I speak tonight as a citizen, but in
20 full transparency, I served on the village board
21 from 2017 to 2021, and as the chairman of the
22 Business Development Commission from 2017 to 2023.
23 It is from that relatively unique vantage point that
24 I would like to offer my thoughts regarding this

1 proposal.

2 I would like to begin with a story
3 that I used to tell when I was running for office
4 way back in 2016. It is the story of my own youth
5 growing up on the fringes of the expanding
6 metropolis of Glendale Heights back in the early
7 80s.

8 I would recall driving down Army Trail
9 Road heading west where my mother would encourage us
10 to look out the window and wave at the horses in the
11 field surrounding the barn that set at the corner of
12 the Schmale and Army Trail Road.

13 I also remember riding my bikes
14 through the woods, over jumps and down hills. I
15 even remember when my dad would go so far out west
16 past Route 59 into a world we almost couldn't
17 recognize. It seemingly felt untouched by humans
18 and captured a beauty that even then filled me with
19 awe.

20 I can then also remember as year by
21 year went by watching large earth-moving machinery
22 step by step reshape the landscape and erect more
23 buildings, pave more roads, and eventually, steal
24 the horizon. It was such an amazing thing to

1 witness as a young man, and it all happened very
2 quickly.

3 As I have matured over the years, I
4 have taken the time to reflect on that situation,
5 especially when I found myself behind the dais in
6 Village Hall. It has led me to think very deeply
7 around how the expedient expansion of human
8 society starting at the heart of city centers and
9 growing outward towards the traditionally rural
10 areas that surrounded them.

11 One of the great gives of living in
12 the United States, despite our seemingly ignorance
13 of it through our tribal fighting, is that it is
14 generally a better place to live than anywhere else
15 in the world.

16 Much like my own ancestors,
17 communities abroad -- just as my own ancestors who
18 escaped fledging communities abroad for a chance to
19 participate in the great human experiment, people
20 want to move her for a chance at a better life.

21 Furthermore, thanks in large part to
22 radical advances in medicine, food pricing, food
23 health, and good paying jobs to people who are born
24 here are living longer, healthier lives. All of

1 these factors have created the absolute
2 inevitability of growing communities.

3 The most critical item in demand for
4 growing communities is land. We need land to be
5 able to provide all the things that those growing
6 communities need and want, whether for housing,
7 production, services, or leisure. That is what has
8 created what I have described to others as a way of
9 development that pulses out from the city center
10 towards those very rural areas that we have
11 discussed. Much like waves on a beach, you can see
12 it coming from a great distance, but there is
13 nothing you can do to stop it.

14 When we need more housing or there is
15 demand for the goods made in factories, we need more
16 libraries, hospitals and schools, we will look to
17 the next rung out in that wave pattern to find
18 available land to satisfy those needs. That land is
19 where we live now.

20 So during my role as trustee, I would
21 often think about this idea. After long periods of
22 evaluation, the only option that seemed reasonable
23 to me is to try and maximize that growth for the
24 benefit of the people that you represent.

1 Turning a blind eye and letting
2 development run a rough shot over you or resisting
3 this process at all costs, to me seems to result in
4 lower outcomes for our citizens. We can observe
5 these poor results in some of the communities not
6 far from us.

7 PRESIDENT REID: I don't mean to throw you
8 up. You're at 5 minutes.

9 RYAN KERJEKI: Yeah, I'm finishing up
10 here.

11 Therefore, it became my belief that we
12 ought to find a balance between those stakeholders
13 who want growth and weigh them against those
14 stakeholders whose desires for stability and the
15 continuance of the rural life-style.

16 Learning to accept growth on our terms
17 and in accordance with the long-term needs of the
18 people who live here has got to be the governing
19 principle.

20 If we can't stop growth, at least we
21 can do -- the least we can do is bend it in a way
22 that retains our values and provides quality to the
23 life of our people.

24 That brings us to the current proposal

1 in front of us. It has long been believed and
2 codified in the planning of the Village that the
3 area around the truck stop that the entrance at I-90
4 and Route 20 would be best used for industrial.
5 This is in the fact that -- in fact, the reason that
6 we annexed that area in the first place in the early
7 90s.

8 That choice rooted in two basic
9 principles and two that I think you should consider.
10 The first is that it is in the interest of any
11 village in the United States to balance the costs of
12 paying for basic services that are required for a
13 modern society between homeowners and business
14 owners.

15 In essence, the bill has to be paid
16 for water systems, roads, schools, fire protection,
17 police protection, et cetera. Leaving that burden
18 entirely on the individual's citizens is onerous and
19 painful. Therefore, bringing in businesses to help
20 shoulder some of that burden is desired.

21 Second reason, that land is located
22 furthest from the highest concentration of our
23 citizens. Furthermore, it is located in a place
24 that often -- that industry prefers as access to the

1 main highway system is readily available.

2 These were decisions that were not
3 made recently, but have been available for the
4 public viewing for almost 20 years.

5 So if growth is inevitable and we want
6 businesses to help shoulder that tax burden, and we
7 have identified a part of our town where it suits
8 the most people that live in our Village, then we
9 should be open to considering any proposal that fits
10 those three parameters.

11 Now, I am also disappointed at the
12 general abuse of the environment that has taken
13 place over the last six generations of humans in
14 pursuit of alleviating suffering and hunger. I have
15 read the scientific studies about melting glaciers,
16 increasing PFAs, drinking systems, the effect of the
17 pesticides on human health, and the dumping of
18 manufacturing chemicals in the ground. We have a
19 major reckoning on our hands and this will be a huge
20 challenge for future generations.

21 We, as a community, should not be
22 blind to these issues and we should certainly not
23 let it happen on the land that our Constitution
24 affords us the opportunity to legislate around.

1 That is where I would like to commend
2 the Hampshire Cares Group that has shown up in
3 opposition while utilizing the beauty of the
4 American system to have their voices heard. This,
5 too, is part of the great institution of the
6 distributed power dreamt up by our founders.

7 They have come and voiced their
8 concerns as a counterweight in an effective proposal
9 in a positive way. The shift to OM zoning is the
10 lightest use of the industrial code and it insulates
11 us from some of the potentially harmful uses in the
12 sections of the code.

13 While I'm grateful for the other
14 checks in the system, like the EPA, FDA and other
15 Federal agencies that help protect us from these
16 environmental dangers, local action still has a role
17 to play.

18 So in conclusion, it is my sincerest,
19 sincerest belief that when all factors are
20 considered in their entirety, that the proposal by
21 the Light Company in its current form represents our
22 best choice for maximizing growth that is inevitable
23 for the benefit of the most amount of people.

24 As Abraham Lincoln once said, "you can

1 make some of the people happy all of the people, you
2 can make all of the people happy some of the time,
3 but you cannot make all the people happy all the
4 time. This is the tragedy and beauty of the
5 democracy. Some people will not be happy; however,
6 they have had the chance to voice their opinion and
7 they have moved the needle in a way that is good for
8 our people.

9 Therefore, at this point, I not only
10 believe it is wise to move forward with the approval
11 of annexation of this land into our village as OM
12 zoning. I believe you're duty-bound to do so.

13 Thank you very much. I appreciate it.

14 PRESIDENT REID: All right. Next we have
15 Tom Thunder. If you could please introduce yourself
16 for the court reporter.

17 DR. THOMAS THUNDER: My name is Dr. Tom
18 Thunder, and I live in Pinegree Grove. I'm a
19 home-towner. We share the same zip code. I always
20 have to correct the post office that I live in
21 Pinegree Grove not Hampshire.

22 Anyway, my background, I'm an
23 acoustical engineer and an otologist. I had my
24 undergraduate degree at Northern Illinois University

1 Dietrich Road degree at Salus University in
2 Philadelphia and did postgraduate training at
3 Illinois Institute of Technology in acoustical
4 engineering. And I guess because I have both of
5 those spectrums where I can wear the hat in either
6 way, that's why I have been teaching at Northern
7 Illinois University for 30 years as an adjunct
8 professor teaching courses on noise and its effect
9 on humans and psychoacoustics and other
10 undergraduate courses.

11 Also, I have been teaching for 30
12 years at Rush University Downtown, same courses in
13 their graduate program, and recently at Northwestern
14 University as well, so I have a lot of university
15 training and so forth.

16 So I have been doing environmental
17 noise in the Chicagoland area for over 40 years
18 addressing all kinds of issues, working for all
19 kinds of clients including villages, homeowners,
20 individuals, commerce industry, and so forth, a wide
21 range of noise sources from wind turbines here in
22 Illinois, to dog kennels to pickle-ball courts, you
23 name it. And so, I have done a number of trucking
24 facilities as well. And so a couple of the

1 neighbors asked me to come and comment to the board
2 and just get you thinking more about the aspects of
3 noise.

4 Noise is a very complex thing. We all
5 have our own opinions about noise because everybody
6 has two ears and a brain, but I approach it more
7 from a psychoacoustical aspect.

8 Psychoacoustic is the branch that
9 blends both the science of sound and the science of
10 perception. And so that's what I'm here to address
11 now.

12 Jimmy, your village attorney, was nice
13 and said, "Tom, you can have as much time as you
14 want." You didn't know he said that, did you?

15 (Laughter.)

16 I don't want to monopolize your time
17 and I certainly don't want to speak for that long
18 because everybody here's got very busy schedules.
19 Besides, if I talk for over an hour, it would be
20 called a seminar and I would have to give you a test
21 at the end and then award you with CEUs.

22 (Laughter.)

23 My goal here was just to speak, as I
24 told Jimmy, just for 15 minutes just to educate you

1 even about your own noise code.

2 I've worked at countless villages and
3 towns and cities all over the country side, and most
4 towns if they have a noise code, the trustees don't
5 really understand it. What is a decibel? What's
6 55? What's 60 decibels? I've seen some codes which
7 are up to 80 decibels, which is ridiculous because
8 that's the criteria for hearing loss, not for
9 environmental sound.

10 Anything for ADB, there's a risk for
11 hearing loss. Below ADB, there is no risk, but the
12 risk is environmental noise type of issues.

13 So if we could go to the first slide.
14 Actually, we're gonna talk about aspects of
15 interference and noise and I want to introduce you
16 to EPA metrics and definitions because a lot of what
17 the State of Illinois has is based on the US EPA
18 guidelines that came out in 1974. It's an
19 incarnation of that.

20 We'll talk about some typical
21 numerical noise limits. In fact, I'm working right
22 now for the Kane County. We are developing in the
23 county some numerical limits because they realize
24 that their code in the county is just too subjective

1 and they need a way to objectify it a little bit
2 more.

3 Then I will give you some sound
4 examples of trucking facilities that we have just
5 recently done just to kind of show you a little bit
6 about how a sound study is done.

7 Next slide.

8 So when we talk about activity
9 interference and annoyance, that's psychological
10 aspect. We are talking about interference with
11 concentration, productivity goes down, you can't
12 relax, and sleep is a big issue. If you have things
13 going on at night, then it can disturb sleep.

14 Now, does that depend on? That's the
15 next element. It affects our use and enjoyment of
16 one's property. And it depends on acoustical
17 factors, intensity. In other words, amplitude, the
18 decibel level.

19 But it also depends on the frequency
20 as well. "Frequency" meaning it hurts; is a low
21 frequency? Is it high frequency? We know, for
22 example, that people are more bothered by the
23 high-frequency noise because the human ear is more
24 sensitive of the high frequency.

1 And, of course, duration is an
2 important element. If a sound just lasts for a
3 minute in an hour, it doesn't have the same impact
4 as if the same sound lasted for 30 minutes in an
5 hour.

6 But it also depends on non-acoustical
7 factors; things like time of day. For example,
8 that's why you will see that's why most codes have a
9 lower limit at nighttime because people are more
10 sensitive to the effects of noise, and so most codes
11 drop the limits by about ten DB, as you'll see
12 Illinois does when it comes to nighttime hours.

13 Content is important. For example, if
14 you can hear and understand speech, that tends to be
15 more annoying. So a Burger King drive-up, you know,
16 100 feet from a home is going to be a lot of more of
17 an annoyance than a waterfall sound or something
18 like that because it conveys that meaning that the
19 brain is trying to process. It also has to do with
20 adverse character of the sound, which we will talk
21 about. We understand it's not just the decibel
22 level, it's the type of sound that can be important
23 in causing annoyance.

24 Expectation is an important aspect of

1 it. If I'm living in an urban area down in Chicago,
2 I'm gonna be less effected by the same noise by
3 people living in Hampshire much further from all
4 those type of noise sources. People live and move
5 out here with the expectation that that's gonna be
6 quiet, so they're gonna be more bothered by the same
7 facility closer in Chicago might not be an impact.

8 A lot of that has to do with what are
9 the existent ambient sound levels right now. And
10 that's an important aspect of any sound study is to
11 characterize the current environment and see what
12 the new source does to that environment.

13 Appearance is important. Industry
14 that doesn't look well-kept or a trucking facility
15 that doesn't look well-kept psychologically will
16 appear to be noisier than one that has gorgeous
17 landscaping and trees and is quiet and is modern and
18 so forth.

19 And Socioeconomics, unfortunately, is
20 an element too in terms of complaints. The same
21 facility that might be next to a trailer park if
22 it's moved next to million dollar complex of homes,
23 you're going to expect more complaints and so forth.
24 That's the reality that sets in.

1 So you have acoustical factors and
2 non-acoustical factors, all which can be accounted
3 for in a noise study.

4 Next slide.

5 So the EPA metrics have been developed
6 since the 1970s. It seems like a long time ago, but
7 it has stood the test of time. But one of the
8 things that EPA wanted to do is that a single sound
9 that just goes up for a certain decibel level may
10 not in itself be an impact, there has to be some
11 sort of time averaging involved.

12 For example, I grew up in Park Ridge.
13 It's probably why I got involved in hearing and
14 noise because the planes from O'Hare was going over
15 my town every two minutes. Now, if just that one
16 plane went across the home one or two times in an
17 hour, it won't have the same impact as maybe a dozen
18 planes going over, so we know that time averaging is
19 an important correlate to a noise to that noise.

20 So this what they've done, they
21 adopted a metric called the LEQ. You see that's the
22 mathematical portion of that. That is the
23 continuous equivalent sound level over a specified
24 period. We often call it now just a time average

1 sound level. But make no mistake, it's not an
2 arithmetic average. It's a long rhythmic average
3 because our ears respond in a long rhythmic way.
4 And because it's a long rhythmic, I would like to
5 say that it's more light of a level-weighted average
6 where it penalizes the occurrences of higher sound
7 levels more than other sound levels. So the LEQ is
8 always higher than a straight arithmetic time
9 average.

10 Next slide.

11 The EPA then a long time ago
12 recommended a limit to protect against the adverse
13 effects of environmental noise with the adequate
14 margin of safety. And what is that? They
15 recommended a metric that they call the day night
16 level, DNL; it should be less than a 55 dB.

17 What is it? The day night level is
18 simply the LEQ, the time average but over a 24-hour
19 period, so that's why they call it day night, with a
20 ten dB penalty at night.

21 Next slide.

22 The state has a clause that prohibits
23 noise pollution too, so regardless the level,
24 individuals can bring a lawsuit against an entity

1 that even though they might meet the limits of your
2 code doesn't mean that they're protected from
3 lawsuits. If they have expert testimony that comes
4 in and says that it's an impact for one reason or
5 another that can draw a penalty.

6 Next slide.

7 What does the State of Illinois did
8 then is they broke this day night level into two
9 elements. It translates to this: That the daytime
10 level should not exceed 55 dB and the nighttime
11 level should not exceed 45 dB.

12 Now, what do we define as daytime and
13 nighttime? Nighttime is defined in this state in
14 your code ultimately as the hours between 10:00 p.m.
15 and 7:00 a.m. Towns and counties are allowed to
16 change that around. Kane County is talking to my
17 recommendation making that 9:00 p.m. to 6:00 a.m.
18 because here in the Chicagoland area there's a lot
19 of noise at 6:00 o'clock in the morning, traffic
20 noise and so forth, so that needs to be shifted
21 some. But at least in the 1970s, this is what the
22 EPA adopted as the definition of nighttime and by
23 reference so did Hampshire because you do that.

24 Now, the problem that the state had is

1 who is gonna go out and measure 24 hours? Nobody
2 wants to do that. And so what they adopted was a
3 one hour. So each of these limits 55 dB is one-hour
4 time average; meaning, that you could go out to a
5 site and you can measure it all night long from
6 10:00 to 7:00 if you wanted, but if any one
7 hour -- and it doesn't have to be on the hour, but
8 any one-hour period exceeds 45 dB, then that would
9 exceed that particular code.

10 Next slide.

11 But in my 40 years of experience, it's
12 not the numbers that counts, it's the impact
13 produced by how much louder that source is over the
14 expectations of the current ambient noise.

15 Now, 55 and 45 is probably congruent
16 with what we might find in Hampshire, but I
17 certainly recommend that a 24-hour ambient noise
18 study be done to characterize what the sound levels
19 are that the residents are hearing. And if that
20 noise then exceeds that ambient in any one hour by
21 about 3 dB, we know that there is an impact.

22 And just to give you an example, down
23 in Missouri we had a job where homeowners were
24 complaining about a fishery that went in. Now these

1 aerators were going on all night long. In their
2 part of the world, the background sound levels went
3 down to 30 dB. Here in the suburban area, may be 45
4 dB. The difference is 45 dB is three times as loud
5 as 30. So even though the fishery met the criteria
6 45 dB at night, it was still an impact to the people
7 in the area.

8 Same thing with wind turbines. Wind
9 turbines companies are quick to say that their
10 levels of noise will not exceed the Illinois
11 guidelines of statutes of 45 dB, but where a lot of
12 the wind turbines are put are in rural areas where
13 people are adjusted to listening to sounds as low as
14 30 dBs at night. So counties have to take that into
15 consideration and make their own restrictions.

16 This is a little perceptual
17 difference table; that if the sound exceeds by 1 to
18 2 dB, then it's negligible, it's not anything that a
19 human can hear. If it increases by 3 or 4 dB, that
20 would be a just noticeable difference. I would rate
21 that as a slight impact. When you get up above 5 to
22 6 dB above the ambient, that's when it's clearly
23 noticeable and I would rate that a mild impact.
24 When you're up to 9 and 10 dB, that's a doubling

1 loudness and that would be a substantial impact.

2 Next slide.

3 In recent times, as I mentioned, we
4 have learned it's not just a level, it's also the
5 character that has become a factor of the analysis.
6 So there is an American National Standards now that
7 says there should be adjustment for the sound
8 source.

9 As adjustment of 5 dB would pertain to
10 a sound that had a lot of bass rumble sound in it.
11 We are all familiar with that. Live bands is a big
12 thing now, that there's a lot of subwoofers that can
13 cause a problem. Low frequency sounds can go for
14 long distances without attenuation. So we're
15 talking about subwoofers, helicopters, wind
16 turbines, things of that sort.

17 Tonal sounds. If you have junk
18 collectors our and so forth, corn fields tractor,
19 anything that is moving at a certain speed will
20 create a humming sound, we know that is a considered
21 an adverse character.

22 Impulsive sounds like firearms,
23 pounding or Hampshire, all of those kind of sounds
24 now receive a 5 dB adjustment beyond what you

1 actually measure.

2 Then, of course, if you have
3 explosions, artillery, elevated trains, that's a 12
4 dB. But you should know that truck noise has no
5 special adverse character to it. So there is no
6 correction to traffic or to truck noise. We
7 wouldn't consider trucking noise to have an adverse
8 character.

9 Next slide.

10 So here's an example of the Abbott
11 property where we worked actually for the petitioner
12 itself. Homeowners there to the left to the west
13 were very concerned that this was being turned into
14 a trucking facility. Abbott already had trucks that
15 went in, so really it would be a matter of studying
16 how many extra trucks there would be. And their
17 concern was not so much the sound on the site, it
18 would be the sound traveling up to the site and
19 getting into it.

20 Now, technically, the State of
21 Illinois does not govern that type of noise. It's
22 more of an IDOT type of issue. Okay. But if you're
23 looking at a project and its impact, it's okay to
24 take a look at that and so we looked at that. We

1 didn't go out and do an environmental ambient noise
2 measurements, but we do have the software that based
3 on the current traffic, we get that information from
4 the traffic engineer, the software will draw
5 contours created by all these trucks and the traffic
6 and so forth.

7 And then the next step was take a look
8 at the traffic in the day, the evening and the night
9 to see how that varies hour by hour and what impact
10 that would have. So we have three slides. This one
11 is daytime. And this is showing as what's called a
12 difference chart. So we are not showing absolute
13 decibels; what we are showing is the increase above
14 the ambient noise. So the ambient noise is all the
15 dark green stuff that you see way up there to the
16 upper left of that. And you can clearly see where
17 most of the trucks are is that bright red spot over
18 to the right. But you will see contours around
19 that. Every contour represents a 3 or 2 decibel
20 drop. And you can see during the daytime, it
21 doesn't spread over to the community, so there would
22 be no impact in the daytime.

23 Next slide.

24 This is 227-dock facility, by the way.

1 The next slide shows the evening, well in the
2 evening there's no impact there either; one big
3 reason even though the ambient sound levels drop a
4 bit, there wasn't much traffic going in there, in
5 and out, so you can see there is no impact there.

6 Where there would be some impact is
7 the next slide. In the next slide, this is the
8 nighttime. Not a lot of trucks to be sure, but the
9 background noise levels dropped considerably and you
10 can see that spread over into the community off to
11 the left.

12 It's not a sharp contrast. That's
13 less than 3 dB or so, so it would be a slight impact
14 and it wouldn't be anything that would be moderate,
15 but there would be some impact because of that.

16 The next slide shows an interesting
17 type of project. Now, it's only 33-docks. This is
18 in Woodridge. And a trucking facility was going in
19 there. You could see a line of houses to the left.
20 You can see some homes to the upper right. And then
21 some homes down to the south too and some other ones
22 that are a little bit closer in as well.

23 This was a spec facility. They had no
24 idea who or what kind of facility would go in there

1 what kind of trucking needs there would be. But
2 they looked at it from a preliminary standpoint and
3 based on some assumptions of how many maximum number
4 of trucks could utilize these 33 docks. The
5 contours are drawn as you see.

6 Now, the one that I'm showing is
7 nighttime. So that blue circle around there shows
8 the 45 dB limit, so in theory everything beyond that
9 would be acceptable to the State of Illinois.

10 But you will notice in looking at that
11 that the truck noise spreads. It spreads to the
12 southwest, if you will, and it does impact some of
13 the homes there.

14 So in a preliminary sense, we said
15 what if we put an earth berm on that side. And
16 that's the next one. You can see a positive impact
17 with just an earth berm. With an earth berm placed
18 strategically at that location in the lower left, it
19 makes that an acceptable project to have.

20 Next slide.

21 This is the next slide actually shows
22 kind of a guideline. We did a little reverse
23 engineering. We didn't know how many trucks would
24 be going in and out, so we reverse-engineered it and

1 said. Okay, the lines at the top are your daytime
2 and nighttime noise codes of 55 and 45.

3 The green, you can barely see it, is
4 the ambient noise. It's a little washed out there.
5 Okay. That's what was measured over a 24-hour
6 period in the community. So what we did is we did
7 an iterative approach and asked the question, okay,
8 how many trucks per hour would be a limit before it
9 exceeded the ambient with the 3 dB margin of safety.
10 And so you see the blue line there represents that
11 noise produced by each hour of traffic.

12 So you can see that at 7:00 a.m. in
13 the morning 14 trucks in and out would be fine.
14 Around 4:00 or 5:00 p.m. when the background noise
15 levels gets a little better, it can go up to 22
16 trucks per hour. However, down at 12:00 a.m.,
17 1:00 a.m., 2:00 a.m., you see way over there on the
18 left, just two or three trucks would be allowed
19 before you would break that criteria.

20 So you can do some reverse
21 engineering. You don't always have to know
22 precisely what the issue is. This is a preliminary
23 study that would then give that developer some
24 guidelines when they're going out looking for

1 clients to ask them, well, how many trucks do you
2 think would be coming and going? And then show them
3 the slide to see if this is something that they
4 could live with. But that's a little comfortable
5 margin of error, so you can probably go a little bit
6 higher than that, but that gives you an idea of how
7 reverse engineering can work.

8 Now, I did -- at the next slide I did
9 some rough calculations here; obviously, a study
10 that -- the neighbors did not want me -- I had no
11 time to do any kind of study, not enough
12 information, so I did some rough calculations.

13 Now, you have probably seen this slide
14 before. You see the area zoned and the yellows and
15 the circles around residential areas and so forth
16 for the concept plan that was presented on a note,
17 that's just a conceptual plan. But you always want
18 to at least have some noise input on a conceptual
19 plan. Too often, I get locked in at the end. Too
20 often, I get a call a few weeks before the village
21 board is supposed to approve it and the engineers
22 have already designed it and they're locked into it.
23 You can't do that because when you're locked into
24 that design, that limits the amount of litigation if

1 you can do litigation.

2 I have an example right now with a car
3 wash in Bartlett where the exit is facing towards
4 multi-family housing. The designers didn't know the
5 exits are 12 dB higher, twice as loud as the
6 entrance. So I said withdraw this plan right now
7 till we can recollect and redesign this site to make
8 it more suitable because once it's built, there's
9 limited things you can do.

10 Too often, too often, I get involved
11 in litigation between towns, between homeowners and
12 petitioners. That's not the way I want to work as a
13 noise control engineer. So I encourage you to take
14 a look at noise even from a preliminary standpoint
15 before you're locked into any particular one design.

16 My rough calculations knowing that a
17 truck in acceleration, and there's a variation, is
18 about 70 to 85 dBA at 50 feet. The distance of
19 these trucks at the northern end to the closest home
20 is 850 feet. Over that distance, I expect
21 attenuation of 25 dB.

22 And distance is always your best
23 friend. Why? Because sound dissipates at a rate of
24 6 dB per doubling of distance. Again, it's a long

1 rhythmic thing. It's not per foot. It's per
2 doubling of distance. So a sound at 85 dB at 50
3 feet becomes 79 dB at 100 feet, 73 dBA at 200 feet
4 and so forth. We know that.

5 Sound is also, though, absorbed by the
6 atmosphere. It's absorbed by vegetation and other
7 factors. If there are buildings in the way, if
8 there's a barrier, if there's a topographical
9 changes; these are all things that are factored in
10 when this computer goes to work.

11 With an attenuation of 25, then we're
12 talking about 85 minus 25 means that the homes to
13 the north would experience a level of about 60 dB,
14 and the code is 55. But the code is 55 dB time
15 limit average, so that doesn't mean that it would
16 exceed the code. What needs to be considered is how
17 many trucks would be passing in that northern area
18 in one hour.

19 In the quick a calculation there shows
20 that to me a 55 dB time-weighted average, the
21 operation could only be 30 percent in an hour. So
22 only 30 percent of the time trucks would be moving
23 back and forth in that northern part to meet a 55 dB
24 time-weighted average.

1 At night, because the level drops 10
2 dB, only 3 percent in an hour would be allowable
3 before you would exceed a 45 dB nighttime code.

4 Now, we haven't done any kind of
5 environmental noise analysis, so in that area the
6 nighttime level could be as high as 50 dB. I don't
7 know. That's an important thing to know.

8 For example, I'm working with Loyola
9 Academy on football. Yes, there are complaints
10 about football noise. It doesn't happen very often.
11 In 40 years, it's only the second time I have been
12 involved in football noise.

13 But if you know Loyola Academy,
14 they're right next to I-90 -- not I-90 -- the Edens
15 Expressway. They have a code in Wilmette that says
16 45 dB at night. They define night as after
17 7:00 p.m. So I have to stress to the village that
18 the sound out there already is four times as loud as
19 their code. So really the de facto standard here is
20 the ambient noise. You can't expect anybody to meet
21 a limit that's well below the background noise you
22 wouldn't know. You couldn't even measure how loud
23 that noise was unless you called all the traffic on
24 the Edens Expressway to stop for an hour and we know

1 that's not practical.

2 So the ambient noise, my
3 recommendations -- the next slide -- is the first
4 thing that's got to be done is conduct a 24-hour
5 ambient noise study characterized for the residents,
6 for the village, what are the current ambient sound
7 levels that are out there?

8 Now, the closer you are to I-90-90-90,
9 the high level is going to be. Some of residents up
10 there to the north are, what, about a mile from the
11 expressway? I don't know what other ambient noise
12 is out there. But that needs to be done so that you
13 know what you're working with. Then prepare a sound
14 model based on some preliminary site layout and the
15 topography that's there. If you have any change in
16 topography or a lot of dense forest or something like
17 that, those are all important things for running the
18 sound model.

19 Third thing, run an iterative model to
20 establish an estimated maximum truck movement per
21 hour like we just showed you to limit the hourly LEQ
22 to not more than about 3 dB above that ambient
23 noise. Once it gets above 3 dB, then we know that's
24 the threshold of impact.

1 And finally, if more truck movement is
2 desired, then run the math, the model with various
3 forms of mitigation. A barrier is very typical for
4 trucking places, but sometimes if you're locked into
5 the site design, you may not have enough space for a
6 barrier because landscape people will tell you if
7 you build a barrier, you have to have a slope of one
8 to three otherwise you can't landscape it, and you
9 can't maintain it. So it's okay to say I want a
10 12-foot berm, but now you have to have space on both
11 sides. Do you have that space? Will you run into
12 the wetlands? Will you run into a creek or a road?
13 Those are all questions that need to be asked. So
14 that begs the questions maybe we need to move these
15 trucking facilities back a little bit to allow that
16 mitigation so you're not locked into that.

17 In other cases, a fence is created
18 it's not a cyclone fence, that doesn't do it nor is
19 it your typical stockade board-on-board fences that
20 most villages ask for to de-mark properties. If you
21 can put your hand through it, if air can go through
22 it, sound can go through it, too. So stockade
23 fences are useless and fences that only go up to 6
24 feet high don't do anything.

1 What you're talking about is a more
2 formidable barrier such as you might see on the
3 tollways that are thick, that are heavy, that can be
4 built out of almost any material. But the biggest
5 determining factor on how well a barrier works is
6 its height; the taller it is, the more it works.

7 And in some cases, if a town has a
8 limit for an 8-foot fence, then you can do a hybrid.
9 You can build a 10-foot earth berm that you might
10 have space for it and on top of it, put an 8-foot
11 high fence and now you've got an 18-foot high sound
12 barrier that could be pretty effective.

13 So those are the biggest things that
14 are used. But even site layout can help. Where you
15 don't have docks that can face the homeowners, but
16 maybe face away toward the south so the buildings
17 itself become a formidable sound barrier or move the
18 most concentrated entity to the south because I said
19 distance is your best friend.

20 Those are the things that are done.
21 And honestly, until we get into electric vehicles
22 and trucks, we're gonna have this problem for a long
23 time.

24 Any questions?

1 (No response.)

2 PRESIDENT REID: All right. Thank you.

3 (Applause.)

4 Next we have Ms. Cynthia Rafkind for
5 Mr. John Nawn.

6 TRUSTEE POLLASTRINI: Since we are going
7 to have some letters being read by other people, I
8 just wanted say because then those that are reading
9 the letters do not give the petitioner the
10 opportunity to cross-examine those witnesses at the
11 hearing. So is that being waived then by the
12 petitioner? That ability to cross-examine?

13 ATTORNEY VASSELLI: I'll allow it. That's
14 a good point.

15 The person that proffers the letter
16 would be subject to the cross-examination on that.
17 I will ask the petitioner to address that question.

18 Obviously, our rules -- we are here
19 for the annexation hearing and not necessarily a
20 special-use permit.

21 But it's a good point. So I will turn
22 that over to Mr. Burney and allow him to answer that
23 question.

24 MR. BURNEY: We are not going to waive the

1 objection, but we understand that in many respects
2 this is a legislative fact-finding body. Just like
3 Dr. Thunder, and we know the traffic gentleman has
4 prepared a report, and I don't know why it has to be
5 read by this lady, but if that's her pleasure, then
6 I'll stand down. But that's our position. Thank
7 you for asking.

8 TRUSTEE POLLASTRINI: Thank you.

9 CYNTHIA RAFKIND: Mr. Wray can you pull up
10 the presentation.

11 Have all the trustees received
12 handouts of the presentation in your packet? If
13 not, I have them for you.

14 Okay. My name is Cindy Rafkind. To
15 my knowledge, a traffic study has not been provided
16 for the proposed project so members of the public
17 felt it is important for the board to have as much
18 information as possible to make your decision
19 tonight.

20 I'm presenting work of John A, Nawn, a
21 professional civil and structural engineering
22 specializing in traffic transportation.

23 At the request of voters of the
24 public, Mr. Nawn has prepared a traffic analysis of

1 the proposed annexation and rezoning of the Light
2 property. This presentation contains information
3 contained in Mr. Nawn's report which was sent to the
4 Village of Hampshire for board member review earlier
5 today.

6 Unfortunately, Mr. Nawn was not able
7 to be present to give this presentation himself, so
8 you will have to listen to me do my best.

9 Next slide.

10 Mr. Nawn reviewed all the materials
11 listed here available from the Village of Hampshire
12 website regard the annexation rezoning, special-use
13 permit and associated relief and approval sought for
14 the Light property annexation located on Dietrich
15 Road in the Village of Hampshire, Illinois.

16 Next slide. We may continue. Next
17 slide.

18 Mr. Nawn studied and analyzed the
19 proposed use depicted in the petitioner's concept
20 plan for the property north of Dietrich Road. While
21 there is no specific end-user and development plan,
22 each and every application has listed warehousing
23 and logistics as a proposed use.

24 At, at least one public hearing, and

1 at the town hall meeting, the petitioner presented a
2 concept plan that looks like this image here. While
3 we may not know exactly what end-user will propose,
4 we have a good idea in the petitioner's
5 presentations what will be sought: Trucking and
6 logistics. So can it work here?

7 Next slide please.

8 It is not premature to consider what
9 the petitioner proposes would look like so that this
10 body can decide if this rezoning makes sense.

11 The concept plan presented by the
12 applicant illustrates a total of eight distinct
13 buildings spread across two sites with four
14 buildings on each site. The total proposed
15 development is summarized in the table here.

16 The northern site consists of two
17 552,000 square-foot warehouses, 12.67 acres each, a
18 68,400 square foot truck terminal, and an 8,500
19 square-foot office along with approximately 830
20 parking stalls and 900 trailer stalls.

21 Each of the 552,000 square-foot
22 buildings will include 122 loading docks on two
23 sides, 244 total docks, each, and the truck terminal
24 will include 79 loading docks on two sides, 158

1 total docks.

2 The southern site consists of a
3 483,600 square-foot warehouse, 11.1 acres, a 720,000
4 square-foot warehouse, 16.53 acres, a 49,000
5 square-foot truck terminal, and a 6,500 square-foot
6 office with approximately 600 parking stalls and 410
7 trailer stalls.

8 The 483,600 square-foot warehouse will
9 include 124 loading docks on two sides for 248 total
10 docks.

11 The 720,000 square-foot warehouse will
12 include 164 loading docks on two sides, for 328
13 total docks.

14 The truck terminal will include 50
15 loading docks on two sides for 100 total docks.

16 In total, the proposed development
17 would have over 2 million square feet of
18 warehousing, 1,322 docks, parking for 1,310 trucks
19 and 1,430 other vehicles.

20 Next slide. According to the Village
21 Code, the intended use of an OM District is for
22 mixed use in a campus-like setting.

23 Mr. Nawn points out in his study that
24 with 56 Acres under roof surrounded by 1,322 loading

1 docks and 2,740 parking spaces, including a 1,310
2 parked trucks, the proposed use of the site does not
3 meet the intended purpose of the OM District of
4 presenting a high quality campus-like setting.

5 Next slide.

6 The OM zoning is an industrial zoning
7 type and allows a broad cross-section of uses. In
8 fact, the only specifically prohibited uses within
9 the OM zone are heavy manufacturing and trailer
10 coaches.

11 While the Hampshire Village Code does
12 not define the term "trailer coaches," the applicant
13 is proposing to have between the loading docks and
14 the parking spaces, approximately 2,600 trailers
15 parked on the site at any one time and the applicant
16 is requesting -- was requesting special relief to
17 not have them parked inside -- although I know that
18 has been withdrawn.

19 Next slide.

20 Mr. Nawn did analysis of the concept
21 plan to try to figure out what type of warehouses we
22 could see here from the concept plan.

23 His report gives a detailed
24 explanation of how the size and configuration of the

1 warehouses in the applicant's concept plan are
2 indicative of transload and/or fulfillment center
3 and/or parcel-hub type warehouse facilities.

4 All six proposes warehouses are
5 depicted are cross-dock facilities; that is, loading
6 docks are shown on two or more sides of each
7 building. A cross-dock facility typically has
8 little storage duration and high throughput.

9 Specifically, Mr. Nawn points out that
10 the types of facilities depicted in the concept plan
11 are likely fulfillment-type facilities like an
12 Amazon distribution center or a parcel-hub
13 warehouse, like a FedEx or UPS type facility. The
14 type of facility matters to figure out how many
15 truck trips per day the proposed use will generate.

16 Next slide.

17 Mr. Nawn used the Institute of
18 Transportation Engineers or ITE trip generation
19 manual, 10 edition from September 2017, which is a
20 reasonable and customary standard of the industry
21 for generating truck trips for land uses and is
22 cited as a standard in the McHenry County
23 Ordinance. Kane County --

24 (Brief interruption.)

1 PRESIDENT REID: Whatever is going on out
2 there, if that's some kind of stunt, we're gonna
3 find out.

4 CYNTHIA RAFKIND: Okay.

5 PRESIDENT REID: I'm serious. We have
6 codes for disrupting meetings. And whoever is
7 driving that vehicle, is disrupting this meeting.
8 Period.

9 CYNTHIA RAFKIND: Okay.

10 PRESIDENT REID: Thank you.

11 CYNTHIA RAFKIND: Okay. Thank you.

12 So the trip generation for trucks
13 refers to heavy vehicles, such as tractor-trailers
14 and not smaller trucks such as step vans, partial
15 vans or delivery trucks. So it's probably to small
16 for you all to see exactly how many trips are
17 generated, so I'll talk about that.

18 Next slide.

19 In the table if the proposed
20 facilities were used as fulfillment center
21 warehouses such as an Amazon warehouse, the
22 associated weekday trips could be approximately
23 15,714 vehicles per day.

24 For comparison purposes, according to

1 the 2021 traffic count data available from the
2 Illinois Department of Transportation, north of
3 I-90, US 20 carried 6,150 vehicles per day with
4 11,800 vehicles per day reported sort of I-90-90-90.
5 The proposed use can more than double the vehicle
6 traffic using Route 20 on a typical weekday. The
7 potential uses of the site would be expected to
8 create extensive traffic congestion on the local
9 road network as result.

10 Next slide.

11 According to public readily available
12 air quality data from the EPA presently both McHenry
13 and Kane counties are listed as non-attainment areas
14 under the national ambient air quality standards
15 related to 8-hour ozone pollution.

16 One of the primary contributors to
17 ozone pollution is vehicle emissions related to the
18 combustion of fossil fuels.

19 As the proposed annexation and
20 rezoning is expected to double the amount of vehicle
21 traffic, the proposed the and rezoning will increase
22 fossil fuel emissions further degrading local air
23 quality and adversely impacting McHenry and Kane's
24 County's ability to reach attainment status.

1 Next slide. Next slide.

2 Air quality is critical to the health,
3 safety and welfare of the community, and
4 accordingly, must be considered as part of this
5 application for the and rezoning.

6 It is unclear why the village board of
7 trustees would agree to such a provision or even be
8 asked to agree to such a provision in an active air
9 quality non-attainment area when the application
10 will result in large increase in traffic volume
11 accompanied by large increase in vehicle emissions.
12 The health dangers of poor air quality are
13 well-known and well-documented, which fundamentally
14 why the EPA has air standards in the first place.

15 Next slide.

16 As illustrated in this table if the
17 proposed facilities were used as parcel-hub
18 warehouses like an UPS, FedEx or UPS facility, there
19 could be as many as 1,415 trucks per day using the
20 facility.

21 Next slide.

22 Not only will heavy truck traffic
23 affect air quality, but it will impact the roads
24 themselves. A tractor-trailer has a load limit of

1 approximately 80,000 pounds or 40 tons. A passenger
2 car has a 4,000 pound passenger load limit. The
3 load on the pavement from a tractor-trailer is over
4 11,000 times greater than the load on the pavement
5 from a passenger car.

6 In other words, the passage of 11,000
7 passenger cars over a section of roadway is
8 equivalent of the passage of a single fully loaded
9 8,000 pound tractor-trailer.

10 Next slide.

11 The applicant's proposal does not
12 offer any analyses of the pavement impacts due to
13 the increased number of trucks, nor does the
14 applicant offer any proposed remedial measures to
15 relieve the negative impacts of the pavement surface
16 or to deal with the ongoing maintenance costs.

17 Next slide.

18 The ITE Trip Generation Manual, 11th
19 edition, generated average vehicle trips for the
20 expected land use during the morning and evening
21 peak hour for a fulfillment center based on the
22 concept plan as presented here.

23 During the morning peak hour over
24 1,700 vehicles could be expected to be using

1 Dietrich Road westbound between the proposed site
2 access point and U.S. 20.

3 Next slide.

4 During the evening peak hour close to
5 1,800 vehicles could be expected to be using
6 Dietrich Road eastbound between U.S. 20 and the
7 proposed site access point.

8 More likely than not, the addition the
9 proposed traffic to Dietrich Road could result in
10 the need for an additional travel lane in each
11 direction to maintain acceptable levels of service.

12 Next slide.

13 As it is assumed that most of the
14 traffic accessing this proposed site will originate
15 from or go to I-90-90-90, there may be many vehicles
16 attempting to make a left turn from eastbound U.S.
17 20 to access Dietrich Road.

18 At the intersection of Dietrich Road
19 with U.S. 20 during the morning peak hour 1,719
20 vehicles could be attempting to make the left turn
21 from eastbound U.S. 20 on to Dietrich Road.

22 In the evening peak hour, 1,142
23 vehicles could be expected to make the left turn
24 from the eastbound U.S. 20 on to Dietrich Road.

1 Next slide.

2 Presently there is no exclusive turn
3 lane on eastbound U.S. 20 and Dietrich Road.

4 The highway capacity manual, HCM,
5 published by the Transportation Research Board of
6 the National Academy of Sciences serves as the basis
7 for the calculation of highway capacity in the
8 United States.

9 Under HCM thresholds 100 left turning
10 vehicles per hour warrants the need for an exclusive
11 left-turn lane. 300 left-turning vehicles per hour
12 warrants the need for an exclusive dual left-turn
13 lanes. That's two left-turn lanes.

14 According to the trips that will be
15 generated by this proposed use in the morning peak
16 hours up to 400 vehicles may be attempting to make a
17 left turn from eastbound U.S. 20 necessitating a
18 second left-turn lane. This assumes, of course,
19 that the existing public right-of-way is wide enough
20 to support the associated road widening and
21 intersection reconstruction.

22 Next slide.

23 Given the volumes, extensive backups
24 will occur even with the second left-turn lane.

1 Queueing will likely spill over into the
2 intersection of U.S. 20 and the tollway, which is on
3 1,500 feet away.

4 A full intersection analysis and
5 likely traffic signal installation at Dietrich Road
6 and U.S. 20 will be needed to fully address the
7 adverse traffic impact resulting from the proposed
8 annexation and rezoning.

9 Next slide.

10 With the annexation agreement --
11 pardon -- while the annexation agreement addresses
12 this issue to an extent, it does not offer any
13 specific solutions, and based on the amount of
14 potential traffic due to the intensity of the
15 proposed development, it is unclear whether the
16 roadway network could be improved sufficiently to
17 deal with the adverse traffic impacts or even if
18 sufficient right-of-way exists to make the necessary
19 improvements or support the annexation and rezoning.

20 Next slide.

21 Among the purpose and intent of the
22 Village Zoning Code, the stated purpose includes the
23 following: Promoting the public health, safety
24 comfort, morals, convenience and general welfare;

1 securing adequate light, pure air and safety from
2 fire and other dangers.

3 As the intended action is an
4 annexation and rezoning, the applicant has not
5 provided any analyses reporting how the proposed
6 future development resulting from this annexation
7 and rezoning will promote public health safety and
8 welfare and secure pure air.

9 Instead, analyses of the potential
10 proposed development of the annexed and rezoned
11 public property indicates that adverse impacts of
12 public health, safety and welfare will result.

13 The listed objectives of the Village
14 Zoning Code include, among other things, avoiding or
15 lessening congestion in the public streets,
16 preventing the overcrowding of land through
17 regulating and limiting the height and bulk of
18 buildings thereafter erected as related to land
19 area.

20 On the contrary, the potential
21 proposed development of the annexed and rezoned
22 property will result in congestion of the public
23 streets because of the shear bulk and intensity of
24 development proposed.

1 Next slide.

2 The applicant has not provided any
3 analyses supporting how the proposed future
4 development resulting from this annexation and
5 rezoning will promote public health, safety and
6 welfare and secure pure air.

7 Instead, analyses of the potential
8 proposed development indicates that adverse impacts
9 of public health, safety and welfare will result.

10 Next slide.

11 Mr. Nawn concludes his report by
12 saying the following opinions are based upon a
13 review of the materials, my education and my
14 experience within a reasonable degree of engineering
15 certainty.

16 The applicant -- pardon -- the
17 applicant for the desired annexation rezoning and
18 special-use permit has the responsibility to present
19 the necessary documentation and/or testimony to
20 demonstrate how the proposed application is
21 consistent with the Village Zoning Code and will not
22 adversely impact public health, safety and welfare.

23 The applicant of the desired
24 annexation rezoning has failed to demonstrate how

1 the proposed application is consistent with the
2 Village Zoning Code and will not adversely impact
3 public health, safety and welfare.

4 As presented, the annexation and
5 rezoning is not consistent with the Village Zoning
6 Code.

7 As presented, the annexation and
8 rezoning can be expected to adversely impact public
9 health, safety, welfare, the convenience of the
10 public and adversely impact air quality.

11 Thank you for your patience and
12 attention this evening.

13 (Applause.)

14 PRESIDENT REID: I would like to ask a
15 question. I'm hoping maybe you can answer it, if
16 that's okay.

17 CYNTHIA RAFKIND: I will do my best.

18 PRESIDENT REID: Reviewed material, Slide
19 No. 3, No. 10. Draft annexation agreement. What
20 version of the draft did he review?

21 CYNTHIA RAFKIND: He had both versions.
22 The one that was on the website prior to Friday and
23 the one that came out on Friday.

24 PRESIDENT REID: Did he review all of the

1 documentation or just the annexation agreement?

2 CYNTHIA RAFKIND: He reviewed all the
3 documentation.

4 PRESIDENT REID: I don't see any part in
5 here that address that there is the provision that
6 was spoken about at the very beginning of the
7 meeting where all of these studies have to happen.

8 CYNTHIA RAFKIND: He did a study based on
9 the application as it is now.

10 PRESIDENT REID: No, I understand that.
11 But at the very end of it, it says that the
12 annexation and rezoning can be expected to adversely
13 impact the public health safety, welfare and the
14 convenience of the public and adversely impact the
15 air quality while not addressing that all of the
16 studies still need to take place.

17 CYNTHIA RAFKIND: He did his report based
18 on the concept plan and the materials available.

19 PRESIDENT REID: All right.

20 TRUSTEE KELLY: Just a point of
21 clarification, if I could.

22 On Slide 15 in his report, he states
23 that a tractor-trailer has a load limit of
24 approximately 80,000 pounds or 48 tons and that the

1 passenger vehicle has a 4,000-pound load limit.

2 Not being an engineer, is why I'm
3 asking this question. To me that's a 20 X
4 difference not a 11,000 X difference.

5 Did you have a conversation with him
6 how he calculated that it takes 11,000 passenger
7 vehicles versus 20?

8 CYNTHIA RAFKIND: I did not have a
9 conversation with him.

10 TRUSTEE KELLY: Because I was looking at
11 the math and I'm like that looks like 20 X.

12 CYNTHIA RAFKIND: Let me look and see if I
13 misspoke.

14 TRUSTEE KELLY: No, I'm reading from the
15 slide on itself. It wasn't on your presentation,
16 but I appreciate that.

17 TRUSTEE POLLASTRINI: I would like to know
18 why there is no CV that's attached to this.

19 CYNTHIA RAFKIND: It is on the report.
20 You can have my copy of it.

21 TRUSTEE POLLASTRINI: Okay. Without any
22 footnotes or anything throughout this whole document
23 as for what he basis it on, to me, it's just you
24 reading it. There is no scientific backing. This

1 is his CV, but I'm getting it now.

2 I think even -- that's why I'm going
3 to ask if you're going to have someone giving a
4 professional report? I mean, you just stood up
5 there and read it. I mean, and it's not him. And
6 there is no footnotes or anything as to where he
7 bases it, what scientific anything that goes into
8 it. So for me, this does nothing because I've got
9 nothing to back it up.

10 So I just want to get that on the
11 record because I could have said the same thing and
12 just read it from a book. So that's my opinion.

13 CYNTHIA RAFKIND: Thank you for that.

14 I would just like to mention that the
15 report was sent to the Village prior to this
16 meeting, and I was told it would have been sent out
17 to you. And his footnote and CV are all in the
18 report.

19 TRUSTEE POLLASTRINI: When you give it to
20 us hours before the meeting and we've got 600 pages
21 that we have to go through that we get on Friday and
22 you give it to us an hour or two before the meeting,
23 you can't expect us to be able to even question
24 where this information came from, who he is, look it

1 up. I mean, I'm kind of forced here to look on my
2 phone to see if I can Google him. That's just not a
3 good way to operate.

4 We are bringing experts in here.
5 We're bringing public comment in here for people to
6 say things. And I think the Village has given a lot
7 of leniency to let -- you know, we had the Dietrich
8 Road that was just here and we could have asked him
9 questions and that has some backing to it. He gave
10 us his background. But I think could have given the
11 same report. And I just think that that's wrong.

12 CYNTHIA RAFKIND: The public felt it was
13 important for you to have some sort of information
14 and background to even know if what they are
15 proposing is possible.

16 We paid for this ourselves.

17 TRUSTEE POLLASTRINI: And that's fine, but
18 it's not scientific to me.

19 CYNTHIA RAFKIND: Because we wanted you to
20 have something.

21 TRUSTEE POLLASTRINI: It's not scientific
22 to me at all because you're getting up here and
23 reading it. I can't ask a Dietrich Road a question
24 or a scientist a question. There is nothing really

1 to supportive it for me. It's just something that
2 was read. I really think you need to have some
3 factual basis. I mean, can't support any of this.

4 And then to say, "oh, I could read it
5 now or I could have read it because we just sent it
6 to you," when do you expect us to read that? I get
7 off from work between 5:00 and 6:30 and we are going
8 to read this massive document here and try to
9 support all this stuff? I think that's not really
10 fair.

11 CYNTHIA RAFKIND: I apologize that you
12 don't have the time. Thank you.

13 TRUSTEE POLLASTRINI: I take offense to
14 that. I take extreme offense to that. I have been
15 reading tons of documents on this. I'm getting
16 things sent to me at Sunday night 30, 40 pages. And
17 I get things at 10:30 at night and I'm reading them.
18 But this I'm getting two hours or so before this
19 hearing. When was I supposed to have the
20 opportunity? It's not that I don't have the time
21 for it; it came very late.

22 CYNTHIA RAFKIND: My apologizes.

23 TRUSTEE POLLASTRINI: That's my opinion.

24 CYNTHIA RAFKIND: I did my best to give

1 you some information.

2 Thank you for your time.

3 TRUSTEE POLLASTRINI: This is worthless.

4 PRESIDENT REID: One question.

5 CYNTHIA RAFKIND: Sure.

6 PRESIDENT REID: Can you explain to me how
7 the simple act of annexing a piece of land and
8 rezoning it without any proposed user, proposed
9 facility, proposed site plan is going to adversely
10 impact the public health, safety, welfare and the
11 convenience of the public and adversely affect the
12 impact of the air quality?

13 Does the land automatically change to
14 a piece of property that will adversely impact the
15 air quality as an example the minute the property is
16 annexed into the Village?

17 CYNTHIA RAFKIND: This report is based on
18 the proposed use and the concept plan --

19 PRESIDENT REID: I understand that.

20 CYNTHIA RAFKIND: -- that was in the
21 application.

22 PRESIDENT REID: Understood. But that's
23 not what the final opinion is.

24 CYNTHIA RAFKIND: He's talking about the

1 proposed use.

2 PRESIDENT REID: I can't ask him that, can
3 I?

4 CYNTHIA RAFKIND: That's true.

5 PRESIDENT REID: Thank you.

6 CYNTHIA RAFKIND: Thank you.

7 (Applause.)

8 PRESIDENT REID: All right. I believe
9 that's the last -- help me with this, Mr. Hedges or
10 Mr. Vasselli. That's the last special requests for
11 information from the public?

12 ATTORNEY VASSELLI: Yes.

13 PRESIDENT REID: Again, not trying to rush
14 anybody along. It is 10:11.

15 Does anybody need a break?

16 THE REPORTER: I do.

17 PRESIDENT REID: All right. I'm sorry.
18 We have a take a vote for this.

19 Roll call vote please.

20 DEPUTY CLERK WRAY: Mr. Kelly.

21 TRUSTEE KELLY: Aye.

22 DEPUTY CLERK WRAY: Mr. Koth.

23 TRUSTEE KOTH: Aye.

24 DEPUTY CLERK WRAY: Mr. Mott.

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1 TRUSTEE MOTT: Aye.

2 DEPUTY CLERK WRAY: Ms. Pollastrini.

3 TRUSTEE POLLASTRINI: Second.

4 DEPUTY CLERK WRAY: Mr. Robinson.

5 TRUSTEE ROBINSON: Aye.

6 DEPUTY CLERK WRAY: Ms. Foder.

7 TRUSTEE FODER: Aye.

8 PRESIDENT REID: 5 minutes please.

9 (Whereupon, a brief recess
10 was taken.)

11 PRESIDENT REID: Mr. Deputy clerk, could
12 you call the roll please.

13 DEPUTY CLERK WRAY: Ms. Foder.

14 TRUSTEE FODER: Present.

15 DEPUTY CLERK WRAY: Mr. Kelly.

16 TRUSTEE KELLY: Present.

17 DEPUTY CLERK WRAY: Mr. Koth.

18 TRUSTEE KOTH: Here.

19 DEPUTY CLERK WRAY: Ms. Pollinstrini.

20 TRUSTEE POLLINSTRINI: Here.

21 DEPUTY CLERK WRAY: Mr. Robinson.

22 TRUSTEE ROBINSON: Here.

23 PRESIDENT REID: Next up tonight, we have
24 Mr. Smoran.

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1 MICHAEL SMORAN: Michael Smoran.

2 PRESIDENT REID: Sorry.

3 MICHAEL SMORAN: Close enough. Thank you.

4 PRESIDENT REID: Now, we did let the other
5 two presenters run long because they were special
6 requests from the community. I will encourage you
7 to keep your comments to five minutes, if that's
8 okay.

9 MICHAEL SMORAN: I'm aware of the hour.

10 PRESIDENT REID: We remind you of your
11 time. We're not going to cut you off.

12 MICHAEL SMORAN: Mr. President, members of
13 the board, thank you for coming out tonight and
14 listening to us.

15 By way of background for the benefit
16 of the transcriptionist, Michael J. Smoran. My firm
17 is at 50 West Virginia Street. I'm here on behalf
18 of Briar Hill Development, which is the land owner
19 to the northeast of the property.

20 By way of a Curriculum Vitae at 10:15
21 at night, here it is. My firm represents several
22 municipalities in McHenry County, we represent
23 several municipalities in Kane County. I have
24 served as special counsel to City of Genacio,

1 Galesburg, East Dundee, West Dundee and for the 30
2 years that I have been practicing law, I have spent
3 28 of them working, negotiating, preparing
4 annexation agreements, litigating them, typically on
5 behalf of municipalities, even before the Supreme
6 Court, with respect to the Village of Kirkland
7 Supreme Court decision a couple of months ago in
8 which the village was successful.

9 With that in mind, what I'm asking the
10 village board in consideration here tonight is to
11 take the opportunity that given that you have this
12 opportunity to help shape this development, even
13 though there is no specific plan for it, please
14 consider using your authority under the scope of the
15 annexation agreement that Mr. Vasselli laid out for
16 you to help alleviate the impact on the neighbors.

17 Just a few requests that we ask you to
18 consider: Given that there is no
19 specific-committed-to plan, I think there is a lot
20 of frustration that there is not studies evaluating
21 the specific plan. But even if that's the case,
22 that there may or may not be a plan or a
23 self-proposed use, what makes this difficult is that
24 the zoning district is unique, the various uses in

1 it run the gamut from retail and banking, from what
2 I heard earlier, to warehouse industrial. That
3 covers a lot of ground.

4 What Dr. Tom earlier tonight talked
5 about was when it comes to annoyance, there is two
6 things to potentially consider. I think Dr. Tom's
7 analysis is distance is your best friend.

8 So given the fact that you have the
9 benefit of a potential annexation agreement in
10 which, provided the other side agrees, you can put
11 anything in it you want as long as it doesn't
12 violate public policy.

13 And to Dr. Tom's point, what we asked
14 the village board to consider is including within
15 that annexation agreement a distance, a buffer, some
16 amount of distance above and beyond the minimum
17 zoning setback for the district to protect
18 particularly the residential neighborhoods and the
19 neighbors above and beyond the minimum setback. I
20 think that most likely your ordinances, your
21 regulations don't specifically call out a distance
22 above and beyond that.

23 What we would ask the village board to
24 consider is to put a larger buffer than what is set

1 forth in the zoning ordinance to put it in the
2 annexation agreement and try to make it part of the
3 bargain for consideration.

4 Along the same lines, Dr. Tom also
5 talked about leaving in the impact of the noise that
6 could come from industrial warehouse park by that.
7 Would the village board consider putting up some
8 sort of sound barrier? I'm not sure exactly what it
9 should be; perhaps, as to what Dr. Tom points out,
10 what the Illinois Department of Transportation does
11 with respect to the noise from vehicles with respect
12 to neighborhoods that are close to those highways,
13 would the village consider doing that? Given what,
14 I think most would agree, is a very compacted high
15 density use of the property.

16 Along those lines, would the village
17 board also consider that if this is going in the
18 direction of this industrial warehouse park, where
19 this is what I understand is being advertised for
20 the property, this is the concept plan that I
21 understand from the board was included in its
22 packet. If this is the direction that it's going
23 in, in addition to that sound barrier, in addition
24 to the extra distance, would it also consider

1 landscaping to help buffer the impact if this is
2 going to be the use of the property?

3 What the village board also requires
4 is this -- I think there is a lot of frustrations
5 here tonight that in the absence of a specific use
6 of the property which is being committed to when
7 people ask 'well, is there a study?' 'Is there a
8 plan?' Well, there is no study or plan because
9 there is no specific use; it's a little circular.

10 PRESIDENT REID: I'm not gonna cut you
11 off. We are at 5 minutes.

12 MICHAEL SMORAN: Then I will try to be
13 very quick.

14 Here are my thoughts and consideration
15 we are asking is: If that's the case, can you
16 incorporate these requirements into the annexation
17 agreement?

18 If the board is looking to site plans
19 in the future to show the actual development, would
20 the village board consider as part of the annexation
21 agreement that the adjacent neighbors are made aware
22 and notified if and when a site plan, whether it's
23 for this use or any of the other uses in the
24 district, which I understand include a bus shelter,

1 bank, retail, would they put the neighbors on notice
2 of that?

3 And then the last thing I have a
4 question about is: With respect to the zoning
5 relief being requested, my understanding based on an
6 exchange between staff and the village board here
7 this evening was that it was only recently that a
8 request was made to the Lake McHenry Soil District
9 for a report and to get its opinion.

10 If that was the case, if that was just
11 done recently, and McHenry Lake County Soil
12 Conservation District have not rendered their report
13 in accordance with the Statute 70 ILCS 405/22.402A.
14 If the village has not received their opinion about
15 the proposed zoning request for this property, would
16 the village consider waiting to see what the
17 district's opinion is. And then, two, would it also
18 consider accepting potential suggestions as to
19 provisions in the draft annexation agreement that I
20 understand was only sent out by the village on
21 Friday evening.

22 Very much the neighbors would like to
23 be a part of this to help enhance the annexation
24 agreement to see if any improvements could be made

1 to alleviate the impact on the residential
2 neighborhood.

3 Those are the considerations we are
4 asking for. We would appreciate you including them.

5 And then finally I just had a letter
6 with respect to various concerns that Briar Hill
7 also shares, and I will tender that for the record.
8 Some of those concerns in terms of base studies.

9 And I appreciate your time. Thank you
10 for listening tonight. Thank you.

11 (Applause.)

12 PRESIDENT REID: Next we have Miss Annette
13 Fetherling.

14 ANNETTE FETHERLING: Good evening.
15 Annette, A-n-n-e-t-t-e. Fetherling,
16 F-e-t-h-e-r-l-i-n-g.

17 Hello, trustees. Thank you for
18 hearing our all of our thoughts and listening to us
19 and the presentations. This is really important to
20 us.

21 You know, there is many statements
22 that are being made about this being our backdoor
23 and it is literally some people's front door. It's
24 not mine.

1 But I'm invested in this because of my
2 family. Back in the 70s my husband's family resided
3 in Hampshire Village, was raised here, went to high
4 school in this building right here.

5 So, you know, people speaking for us
6 instead of hearing what our story is, you know, it
7 sometimes is disingenuous and many times you might
8 feel as well.

9 So I think -- I'm going to move
10 forward, but my comments are based on the community
11 and being part of it even though my address and my
12 taxes don't go to you.

13 I'm speaking today on behalf of north
14 and south Dietrich Road properties, some are
15 specific to north or south. But of course, any of
16 the documents and petitions and such that I will be
17 handing you pertain to both. And they're for the
18 record as well.

19 So I wanted to -- I did hear the
20 opening comments by Mr. Vasselli regarding
21 change.org. So understand that it's not an exact
22 science by any means, but it gives you kind of a
23 footprint as to who cared enough to spend the minute
24 or two or five and such to read what it was that

1 they were choosing to fill out the petition
2 regarding.

3 So I will pass one copy of this if you
4 would like to see it and look through it. A total
5 of 997 folks signed it as of about a month ago. On
6 average about 500 out of Illinois and a few more out
7 of Wisconsin. So I have that for the record. I
8 will hand it off to you guys if you like.

9 Because we are part of the community,
10 I think I have seen a handful of you at different
11 events and such. Some of you may have period the
12 PNZ meetings or might have read in the transcripts,
13 but my family, we make -- my husband is into cars
14 and we make our vacations around the car show and
15 different things. So I am part of the community.
16 That's why some of these conversations disturb me.

17 And ultimately, we're not against
18 development. We want it to be not impacting us so
19 greatly. I think some of the numbers that were
20 spoken in some of the presentations, even though
21 it's a concept plan, are kind of scary, appalling.
22 That's where you get the feedback.

23 Because we are part of the community,
24 we felt comfortable getting signatures, walking up

1 and knocking on doors. I know we knocked on one of
2 the board members, not here, but door's on accident.
3 So, you know, we've done that. We have been at the
4 car show. We have been at different events and got
5 signatures. So we have a (unintelligible)
6 signatures from this community mostly Hampshire
7 addresses. So I will give you all a copy of that as
8 well.

9 In addition, and again, these things
10 go toward north and south properties. We are
11 united. When I look out my door, I don't see this.
12 It is not in my backyard. But I care about it
13 because morally, I feel that's wrong and that's why
14 -- that's my drive.

15 Because of that -- and here I'll give
16 you this. And Mr. Vasselli touched on this a
17 little, but and I will let him do the rest later.
18 But I have copies, but unfortunately, both the
19 library and my house, we were not able to make the
20 appropriate amount of copies, so I apologize.

21 But I do have copies for you of
22 adjacent land-owner petitions. So I have a map.
23 Some of this was e-mailed earlier today, so that it
24 could be in the record and that it could be

1 something that you could look at in a glance. But I
2 will hand out the copies.

3 So for the south properties, the
4 adjacent land owners have been depicted here on this
5 map. We have three of them that have signed
6 notarized documents objecting to on behalf of their
7 business or their person. And I will hand those
8 forms out. As well as the petition objecting to the
9 north property, so as you can see, it's not just
10 residents, we have some businesses. We have farm
11 land. We have some undeveloped homes, so land. We
12 have 77 adjacent land owners who have signed our
13 petition. And I have copies. And the village and
14 the Light and CBRE have received copies probably a
15 week or so ago, a week and a half ago.

16 PRESIDENT REID: We are just over 6
17 minutes or so, almost 7. Just giving you a heads up
18 of time.

19 ANNETTE FETHERLING: That's fine. I know
20 others have gone over as well. So I'm just going to
21 hand these out.

22 ATTORNEY VASSELLI: We can acknowledge
23 receipt of that Ms. Fetherling. The standard is not
24 adjacent property owners, it's property owners with

1 20 percent of the frontage. That's pursuant to
2 Section 11-13-14 of the zoning code of the State of
3 Illinois. We have already acknowledged that we
4 already talked about the height and zoning
5 standards. But, Ms. Fetherling, please go on.

6 ANNETTE FETHERLING: Thank you.

7 So in closing, these petitions for the
8 south property cover about 68 acres estimated. The
9 north property owners adjacent that have signed
10 represent about 247 acres. In addition to, of
11 course, nonadjacent folks that are also opposed. So
12 we are totaling for adjacent about 315 acres of
13 land, some of which are even children of people who
14 have sold property to the Light's to actually make
15 this happen.

16 So I appreciate your time. I hope
17 that you look at all the information and take your
18 time in making a decision. And ultimately, I truly
19 wish that we had a developer and a plan that we
20 could cohesively talk through and see and vote on.

21 So thank you for your time.

22 (Applause.)

23 PRESIDENT REID: Mr. Len Heluch.

24 LEN HELUCH: Hi. My name a Leonard

1 Heluch. Thanks everyone for giving me and the
2 opportunity to speak tonight.

3 You're being asked tonight to approve
4 a zoning and annexation request, and according to
5 the application it's for the expressed purpose of
6 developing the property for warehousing and
7 logistics use. So let's speak a little plainly
8 about warehousing and logistics use.

9 The negative impact of logistics
10 facilities on surrounding communities is a
11 nationwide discussion. It's not only happening
12 here, it's happening all over the country and in
13 other places of the world as well. Everyone's
14 complaining about living next to warehouses. You're
15 going to hear more about that in detail tonight.

16 But I'm pretty sure that no residents
17 anywhere are in favor of warehouses or truck parks.
18 I'm pretty sure no villages are really anxious to
19 have a warehouse or a truck park. They're noisy,
20 they add traffic, they produce diesel fumes and
21 there is other negative impacts to them.

22 So why do we even talk about them?
23 Well, the answer, of course, is money. Right? So
24 let's talk about money. The conversation has been

1 we need a balanced tax base -- Hampshire needs a
2 balance tax base. Absolutely. I don't think there
3 is any question about that.

4 So I would like to try to frame that
5 conversation. Bloomberg Financial Journal published
6 an article, you may or may not be familiar with,
7 it's entitled The Simple Math That Can Save Cities
8 from Bankruptcy. It's their thoughts I would like
9 you to consider in you're deliberations tonight.

10 Their argument is that there is really
11 only one asset for a village to make money, and that
12 asset is land. A city is a defined area with so
13 many acres available to it. We need to look at
14 those acres like farmers and think about the tax
15 yield per acre.

16 Now, I'm pretty sure the petitioner
17 has been throwing around numbers about how much
18 money the village can expect to generate from this
19 development, but that misses the point. The
20 question isn't will have development produce some
21 revenue, it absolutely will. The question is if we
22 are annexing 276 access, how does the village
23 maximize their benefit from that annexation.

24 There are only so many 276 acres

1 available to the Village of Hampshire. If this
2 opportunity gets squandered, it's gone forever. So
3 if the intended use of this property is warehousing
4 and logistics and the point of the zoning and
5 annexation is to produce revenue for the village,
6 how effective are logistics facilities on a per acre
7 basis on producing revenue?

8 Well, since I'm asking the question,
9 you know the answer. Notoriously bad. If you're
10 being told that the logistics is the best use for
11 this property, you're being misled. Logistics is
12 the best use for the max land owner to maximize
13 their sales value. It is absolutely not the best
14 way for the village to maximize their tax revenue
15 from annexing this property.

16 So what developments do maximize
17 revenue? Mixed use business commercial and medical
18 parts; these are the developments that should best
19 be under consideration. This section of property
20 can be a boom for the village. It can enhance the
21 quality of life for its residents, provide
22 opportunities for small businesses, shopping,
23 medical, other services. Or it can be a big
24 freaking truck park. That's the question before us

1 today. And it's important that we get it right
2 because once that property is developed improperly,
3 we are stuck with that. The shackle have been cut,
4 the petitioner will have their money. The
5 consequences lie with the village and the
6 surrounding residences.

7 And I think it would be a mistake to
8 vote with OM zoning with the thought it will allow
9 for mixed-use development down the line.

10 The petitioner throughout this
11 year-long process has made it abundantly clear that
12 they plan to use this property for a logistics park.
13 The only way the village can evaluate the merits of
14 a proposal, economic or otherwise, is to make the
15 very reasonable ask that the petitioner brings a
16 developer with a firm hand in place prior to zoning
17 an annexation. There is a very good reason why that
18 is standard process among most villages; because it
19 protects the village and its residents and
20 guarantees the best result.

21 I ask that you do not let the
22 petitioner dictate terms here. This is a tremendous
23 opportunity for the village. We are in control
24 here. You are in control. Let's take advantage of

1 it. Let's not take on a project that no one else
2 wants. The traffic studies and the noise studies
3 have both mentioned that there are circumstances
4 under which it is inadvisable to be considering
5 these things once we get too far down the line.
6 It's a very reasonable request that you're given
7 this information up front before you make your
8 decision.

9 I hope you will consider my points.
10 Thank you very much.

11 (Applause.)

12 PRESIDENT REID: Mr. Gary Heidt.

13 GARY HEIDT: Good evening. My name is
14 Gary Heidt. I thank you for allowing me this time
15 and giving me this time to speak to you folks. I'm
16 always a little bit nervous in front of a
17 microphone. Sorry.

18 I live at 11703 Harvest Court in
19 Botterman Farms, the subdivision that is within hear
20 shot of this plan.

21 I used to live in Palatine. I would
22 look up at the sky on a good day, I could maybe see
23 the North Star. Here in Huntley, I can see many
24 stars and constellations. It's beautiful.

1 The problem in Palatine is light
2 pollution. When I would drive down Rand Road in
3 Palatine, I could see the Light's from the Toyota
4 dealer on Rand Road a couple blocks away. Again,
5 that is light pollution.

6 There is light pollution everywhere in
7 the suburbs. Light's in this proposed logistics
8 park parking lot are lit up for drivers to see where
9 they are going in the parking lot. The Light's are
10 often 40 to 50 feet tall so they could spread their
11 light around the lot. Those same Light's in a
12 logistics park would be lighting up our yards and
13 our property since they will be right across the
14 creek from us.

15 This is where light pollution starts.
16 You can see it across the horizon and then it softly
17 lightens up the sky that makes it impossible to see
18 the stars and beautiful sky as it washes it all out.
19 This is truly damaging to our beautiful and peaceful
20 neighborhood and life-style.

21 We moved here to be in the open and
22 enjoy the peace and quiet of country living. We did
23 not move here to be next to a logistics park with
24 many trucks going in and out all day and all night

1 long. We did not move out here to be next to a well
2 lit up huge parking lot full of trucks. We moved
3 out here to enjoy God's creation of sky, stars,
4 sometimes a shooting star, peace and quiet.

5 Light's could be put on timers, so
6 they're not on all night long. Light's could be
7 pointed directly down theoretically away from the
8 sky and our property. Light's could be no more than
9 10 feet high. All these things could be done, but
10 they would not solve the problem of light pollution
11 as light travels through the sky.

12 No matter what was done Light's that
13 close to our homes would detract from our peaceful
14 life-style that we have come here for.

15 Thank you very much. I will just
16 submit this for the record.

17 (Applause.)

18 PRESIDENT REID: Mr. Mike Skala.

19 GARY HEIDT: This is a letter he sent to
20 us. I should probably have given this to you ahead
21 of time.

22 Good evening, and thank you for taking the
23 time to hear our public comments.

24 This only request has changed since

1 their first request, but the fact that the land
2 owner nor their agent has been willing to even
3 return calls and e-mails, let alone meet with a few
4 of the concerned residents to cause you to ask why.

5 But the key component in this decision
6 is what is right for Hampshire and for the residents
7 that live here. If they're not willing to name an
8 end-user and vision with a citizen outside a public
9 forum, what are they hiding that they don't want
10 anyone to know about until it's too late?

11 If you're proud of something and
12 personally feel that what you're recommending is
13 something that's great for Hampshire and its
14 residents, why would you not want to tell everyone
15 about it? Why would you not want to have meetings
16 to share your vision?

17 These rezoning and annexation requests
18 are not a passion. It's all about money.

19 The lack of communication with the
20 citizens should cause each of you to really ask what
21 is really happening and why.

22 This board is elected to weight each
23 and every proposal that comes before you. You're
24 responsible to find the best solutions for the

1 community. Sometimes those might not be popular,
2 but if in your heart, you feel that is what is being
3 proposed is the best for Hampshire, then you should
4 vote that way.

5 I would simply ask yourself are these
6 rezoning and annexation requests in the best -- is
7 the best Hampshire can do for that land.

8 It is true that the land owner or
9 their agent do not care what the residents want,
10 otherwise, they would have had some type of dialogue
11 with us to find out their concerns.

12 Please ask yourselves why is this
13 project not being championed by them as something
14 Hampshire needs and good things it will bring to
15 Hampshire.

16 Why is it relegated to public hearings
17 and public comments?

18 Sincerely, thank you for listening.

19 Mike Skala.

20 (Applause.)

21 PRESIDENT REID: Page 2. No levity here?
22 Nothing?

23 (No response.)

24 Kathleen Carr.

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1 (No response.)

2 PRESIDENT REID: I'm just gonna ask again.

3 Kathleen Carr? If she's not here, that's fine.

4 (No response.)

5 Anna Davis?

6 LYNN KERN: My name is Lynn Kern. I'm

7 reading a letter from Anna Davis.

8 I just want to point out Anna Davis,

9 earlier somebody was talking about parcel 3. Parcel

10 3 is Anna Davis's property.

11 TRUSTEE POLLASTRINI: Thank you.

12 ANNETTE FETHERING: She lives in the

13 residence.

14 LYNN KERN: My name is Anna Davis. And I

15 have given permission for my letter to be read

16 allowed on my behalf today, September 21, 2023.

17 I first would like to thank you the

18 village board of trustees for taking the time to not

19 only listen to my concerns, but to those other

20 citizens as well.

21 I urge the board to consider all

22 aspects of this proposal, not just the tax revenue

23 the village is proposed to gain.

24 This letter to express mine and my

1 family's strong opposition to the proposed OM zoning
2 of the properties on Dietrich Road. I cannot speak
3 for my neighbors, but my family was surprised to
4 learn of the zoning change.

5 Both properties making up the 270
6 acres north and south on Dietrich Road essentially
7 surrounding my house and property, 10 acres of this
8 property to the north is connected to ours.

9 My family's primary concern is the
10 additional traffic this will bring. As many know,
11 Dietrich Road has had a fair share of accidents,
12 sadly some fatal.

13 We have had truck traffic even with
14 the sign at Dietrich Road and 20 prohibiting truck
15 traffic. Semi-trucks have tried to turn around in
16 our driveway. And as I'm sure many of you have seen
17 already, one tried to do a turn around in our
18 neighborhood's driveway only to end up off the road
19 and turned blocking the whole road in a gully.

20 Thankfully, no one was traveling at high speed, as
21 they tend to do, and come over the hill hitting him.

22 A United States post office driver has
23 had too many close calls to count due to drivers
24 driving at a high rate of speed and driving over the

1 center yellow line while trying to do his job on
2 Dietrich Road. We spoke with him and gave him
3 permission to utilize our driveway to be able to
4 safely deliver the mail to our family and our
5 neighbors.

6 My husband was almost hit of doing the
7 simple task of taking our garbage out. The driver
8 was going so fast over the hill that they were on
9 the edge of the road and in turn into our driveway.
10 My husband had to jump backwards into our yard to
11 get out of the way. Thankfully, he was aware and
12 was able to move quickly enough.

13 District 300's support of the proposed
14 development on the 270 acres of Dietrich Road is
15 solely based on the monetary value the district will
16 gain.

17 Personally, I do not feel they have
18 taken the safety of the families of District 300
19 into consideration.

20 Our daughter started school this year
21 and due to the hazards on our road of speeding
22 traffic, we opted out of bus transportation not only
23 for her safety, but for the safety of the driver and
24 any other students that may be on the bus.

1 I grew up in the house my family and I
2 currently live in. I can recall numerous times my
3 school bus driver had to honk her horn to stop me
4 and my brother from crossing the street to our
5 driveway due to someone coming over the hill at a
6 high rate of speed and not seeing the stop signs
7 out.

8 Another issue that also does not seem
9 to be adequately considered is the additional
10 litter, light, and noise pollution this will bring.
11 Our small area also has these types of pollution
12 from I-90-90-90 and the truck stop.

13 Hampshire Road district has picked up
14 loads of litter from your usual fast food to large
15 pieces of furniture discarded on the side of the
16 road. Adding this type of infrastructure will only
17 greatly increase the garbage on our road and also
18 increase the sound and light disruptions, especially
19 from the property to the north, as mentioned, is
20 connected to us.

21 As I have said, I grew up on the
22 property I'm currently living at with my family. My
23 current view, as you can see -- we had pictures, but
24 which don't have the picture -- is calmed with views

1 of farmer's hard work and living. This proposed
2 zoning will change and will erase that completely.

3 Over the years, I have seen Hampshire
4 and other local towns grow and change. This type of
5 growth is not what Hampshire is known for.

6 Hampshire is known for its small-town feel. This
7 type of zoning, I feel, will negatively effect that
8 small-town feel.

9 In closing, my family and I are
10 strongly against the zoning of both properties on
11 Dietrich. We, along with other families on Dietrich
12 Road, would greatly appreciate the village trustees
13 to vote against this rezoning request.

14 Thank you for your time.

15 (Applause.)

16 PRESIDENT REID: Ms. Carol Quandt.

17 CAROL QUANDT: Good evening.

18 I would like to bring you up to date
19 from some of the things that have happened since the
20 last time I was here.

21 I asked you if you had contacted
22 Huntley Fire Protection because one-third of the
23 road is in Huntley in their fire protection
24 district. The road is a mile-and-a-half long, as

1 you know, and half a mile is in Huntley.

2 Somebody was kind enough to send me a
3 map showing me where Huntley Fire Protection
4 district was. Thank you very much.

5 However, I did not see any
6 notification of anything from Huntley. The other
7 thing I will point out is that Huntley has not one,
8 but two fire stations very close to Dietrich and do
9 not have to cross Route 20; whereas, a fire truck or
10 ambulance coming from Hampshire has to go all the
11 way through town, come out there and cross Route 20.
12 I think this is something you need to bear in mind.

13 The other thing I had mentioned was
14 that we go by Amazon. I did see in the last time
15 one semi actually was pulling out, otherwise, the
16 Amazon plant has remained two to four cars in there
17 not being used.

18 I will also point out if you take a
19 look, you will see that Huntley has a whole bunch of
20 empty truck terminals built there. And if you go
21 into Elgin, they have the same thing. In my
22 estimation they have overbuilt truck terminals.

23 (Applause.)

24 CAROL QUANDT: That's just my observation.

1 The other thing I always say when you
2 go to a meeting, do not park your brain at the door;
3 take it with you. So let's take some common sense.

4 Have any of you asked any truckers how
5 they like driving down Dietrich Road?

6 I have noticed when I go out my drive,
7 if there was a semi there, the guy is like this by
8 the time he gets on the third hill.

9 The other thing I would suggest that
10 you might want to do is take a look along Dietrich
11 Road because if you're going to have semis going up
12 and down it, you may have to widen it. And if you
13 have to widen it, please note the amount of ditches
14 on all sides, which can and do flip cars,
15 unfortunately. I have been to too many accidents
16 there.

17 So I would ask that you please give
18 some very serious consideration before you do the
19 rezoning of this property.

20 I'm not against bringing industry into
21 Hampshire. I think we need it because I don't like
22 to pay the extra taxes for schools since my kid
23 didn't graduate from Hampshire. She went to a
24 little school called Illinois Math and Science --

1 totally off topic. But I would -- well, if she
2 didn't go there, I doubt she would be a head
3 executive down where she is now, a place called
4 NASA -- but that's way off topic.

5 So I suggest put your brain in gear.
6 Take a look at that road with what you're going to
7 allow to come down it and figure out the number of
8 accidents.

9 I love our first responders, but I
10 really hate to see them out there on duty. I would
11 rather wave at them at Wal-Mart or something.

12 Thank you very much. Please put your
13 brain in gear and please use some common sense.

14 ATTORNEY VASSELLI: Mr. President, James
15 Vasselli.

16 Thank you, Ms. Quandt, for your time.
17 I do want to say my office and I oversaw personally
18 sent certified mailing letters to each one of the
19 fire district trustees.

20 PRESIDENT REID: For Huntley.

21 ATTORNEY VASSELLI: For both districts,
22 but for Huntley. I just wanted you to know.

23 TRUSTEE KOTH: Tell her number two is
24 being built right now.

1 PRESIDENT REID: Trustee Koth is asking me
2 to just remind the public that Station 2 for the
3 Hampshire Fire Protection district broke ground not
4 too long ago. It will next to the subdivision next
5 to Hampshire High School by the water tower, and
6 they hope to be open next spring or summer, so they
7 won't have to come all the way town.

8 Next we have Mr. Walt Quandt.

9 WALT QUANDT: I will pass.

10 PRESIDENT REID: Ms. Ginger Romano.

11 GINGER ROMANO: Hi. I'm Ginger Romano.
12 Please forgive me, I'm not much for talking, and I'm
13 not as organized as other people are.

14 So I guess what I would like to say is
15 I feel that the guy with the blue shirt there -- I
16 don't recall his name -- said probably a lot of the
17 sentiments that people are feeling.

18 I'm not a resident of Hampshire. I'm
19 just from out this way in little old Burlington and
20 I too am like your former trustee that came from a
21 small suburb. I was in Carol Stream. And that too
22 got encroached upon. And then as an adult, I chose
23 to move out this direction to, I guess, create a
24 lifestyle that I wanted. And I currently have

1 horses and land for that and that kind of thing so
2 this was a great area for that opportunity.

3 I guess just seeing this proposal here
4 just to me is a little harsh and it doesn't quite
5 fit with what is already there I guess.

6 As other people have said about a
7 logistics park, I have seen enough of those that are
8 really not used very much currently. And that with
9 the population that is allegedly decreasing in the
10 State of Illinois, I don't know why we need so much
11 things like that.

12 So what I wanted to stress was I
13 recall like when we go to meetings like this and
14 people have concerns or even praises for whatever
15 people in your position do, I just want to say that
16 one phone call of a person represents a certain
17 population and then a letter represents even more of
18 a population, and then when you get to where you
19 have people that actually take time out of their day
20 to come here and show up, I feel has even more
21 impact. And I'm not sure what the numbers are. I
22 know there is statistics for that.

23 And I'd just like you to consider that
24 taking that note might be something to do and note

1 that the -- what do I want to say -- the proponents
2 versus the opponents and take that into
3 consideration because you are representing the
4 people. And that's all. Thank you.

5 (Applause.)

6 PRESIDENT REID: Beth Gardner.

7 BETH GARDNER: That's me.

8 PRESIDENT REID: All right. Perfect.

9 BETH GARDNER: Hi. I am Beth Gardner. So
10 earlier you pointed out on the map a couple
11 properties here. And this is the property that I
12 want to talk about. So there is a property here and
13 then this property. That's called the Ranch of Hope
14 Rings.

15 I know that Ms. Pienkowski, the
16 executive director of the ranch of home reins has
17 reached out to all of you. And I want to thank you.
18 She has sent e-mails to all of the trustees, and I
19 want to thank you for reading them, and for taking
20 that time for taking the time to serve your
21 community, for being here.

22 So here I am. I'm here because I have
23 a heart for the ranch of hope reins, for the
24 community and for the people that we help.

1 I have been a volunteer for many, many
2 years. So I'm here this evening to support all of
3 those that could be negatively affected by the
4 potential rezoning of several parcels of property in
5 Hampshire, but in particular, I'm here as a
6 volunteer for the ranch of hope reins, which is
7 located on Dietrich Road in Hampshire.

8 I have over 10 years and many, many
9 volunteer hours invested in this organization
10 because I believe in the positive healing and effect
11 that the work our horses and therapists do with
12 clients, mentors, local schools, families,
13 organizations in our community and surrounding
14 communities.

15 The ranch of hope reins has never
16 asked for anything from the Village of Hampshire,
17 but tonight we are.

18 If your vote can make a difference in
19 saving one life, is it worth it for you to vote no
20 to the rezoning? I'm asking you to please vote no
21 to this proposal in front of you. Vote no for the
22 children who need the ranch to help them so they can
23 live a healthy life free of anxiety, fear,
24 depression, thoughts of suicide, and the list goes

1 on.

2 What about the one life that is being
3 helped through a diagnosis of autism, ADD or ADHD?
4 Because, unfortunately, this is where we are right
5 now, these are real problems right now in our
6 community.

7 The ranch of hope reins offers a
8 peaceful setting, not only for people with enormous
9 emotional needs, but we also offer a peaceful
10 setting for the therapy horses that live at the
11 ranch that help us every day to help those that are
12 hurting.

13 Every precious life that comes to the
14 ranch, as well as our wonderful therapy horses are
15 entitled to a peaceful, quiet, calm place where they
16 can breathe in the fresh air and know that they are
17 safe.

18 I'm asking you to please search your
19 heart, please think of the many children that you
20 will help by voting no. There has to be another
21 way.

22 I invite you all to come to the ranch.
23 I invite you to come experience what happens there
24 and how lives are changed and how we give hope to

1 our community.

2 There is so much more that we can do
3 in this community. There is such a great need. Our
4 children need help. Our families need help. So we,
5 all week long, we are serving the community. And if
6 you would like to know more about us, come and talk
7 to us because we want to share with you.

8 That piece of property right there,
9 what's going to happen to that piece of property
10 when all of that is built? What's going to happen
11 when there is trucks and the noise and the light? I
12 mean, our horses are affected by the noise. Our
13 horses are therapy horses, they do a job everyday.
14 Come out. Let us do a workshop for you and show you
15 what our horses do. See if you're not impacted by
16 that.

17 I do believe there are two high
18 schools on either side of this. I am not from
19 Hampshire. But we serve those high schools, right?
20 We have a serious, serious issue with depression,
21 with suicide. This is the community that we are
22 serving on that property.

23 And unfortunately, when money and
24 power and greed get involved, things like what we do

1 just don't matter any more. And I'm just asking you
2 to look beyond all of this and think about that one
3 child, just the one child. By voting no, one child,
4 you save a life.

5 I just thank you for your time. I
6 thank you for your time. I thank you for your
7 service.

8 (Applause.)

9 PRESIDENT REID: Mr. John Schaefer.

10 JOHN SCHAEFER: That is going to be tough
11 to follow. Do I need to say my name.

12 Good evening. First, I want to thank
13 you the village trustees for doing what may seem
14 like a thankless job. Your time and energy this
15 evening is greatly appreciated.

16 As some of you and all of us here
17 know, we have been trying to get the petitioner to
18 do the right thing by following the state and local
19 law and engage in meaningful discussions with the
20 community; however, this has not been the case.

21 We have found, and the City has found,
22 that the petitioner time and time again has not
23 followed state laws or city ordinances. Public
24 hearings have had to be cancelled at the last minute

1 I believe three times to my count due to improper
2 notice.

3 I remind you these are the supposed
4 professionals. The Light family owns multiple
5 properties in several states. And CBRE is a
6 multinational International company.

7 Most recently the petitioner failed to
8 provide a McHenry County and Lake County Soil Water
9 Report, known as the NRI-90-90. I had to call the
10 Conservation Department and have them reach out to
11 the City to make sure that the petitioner asked for
12 the proper report. I would like to read that letter
13 now.

14 "Dear, Mr. Wray, the McHenry Lake
15 County Soil and Water Conservation district has been
16 made aware of the intent to annex the McHenry County
17 parcel numbers into the Village of Hampshire.

18 The McHenry Lake Office prepares a
19 natural resources information report for all
20 annexations and zoning changes that occur in McHenry
21 County.

22 The NRIs are written to convey this
23 information to everyone regardless of their
24 knowledge of natural resources. By using the NRI

1 report, developers can be alerted to the possible
2 resources that can be preserved or even enhanced
3 with little effort or cost. The report can also
4 alert the reader to areas with problematic soils or
5 areas at that require maintenance-intensive
6 engineering practices to build on.

7 Finally, the report is legally
8 required per the Illinois state statutes.

9 I won't read the whole thing. You can
10 see it.

11 It is McHenry Lake SBCB's
12 understanding that a land use opinion letter from
13 Kane DuPage County Soil Water Conservation District
14 was obtained by the petitioner and the Village of
15 Hampshire for the proposed development areas within
16 the jurisdiction. So they kind of know what they
17 should be doing.

18 The petitioner must also obtain an NRI
19 from McHenry Lake for the parcels located within
20 McHenry County.

21 The reason this is so important is
22 that those in McHenry County all of those homes, all
23 of those families rely on well water and this is
24 considered by McHenry County a sensitive aquifer

1 recharge area. Our wells are shallow water --
2 shallow, under 60 feet. We are in the shallow
3 aquifer.

4 As you heard, this is a state statute
5 that the petitioner did not request for the PNZ
6 hearing despite having discussions via e-mail prior
7 to the development of the PNZ presentation. This
8 report wasn't asked for until yesterday.

9 ATTORNEY VASSELLI: I want to make a
10 point, because that's not --

11 JOHN SCHAEFER: Could you please not. I
12 believe this is my time.

13 ATTORNEY VASSELLI: But that's not the
14 letter.

15 JOHN SCHAEFER: Is this a back and forth
16 now?

17 PRESIDENT REID: No, I think we would like
18 you to stick to the facts.

19 JOHN SCHAEFER: I am sticking to the
20 facts. I got a notification from the department
21 that today was the first time that they actually
22 received a request.

23 TRUSTEE KELLY: I just want to ask a
24 question based on why I think the statement was

1 made. You started with the letter and now I think
2 you're on your statement, correct?

3 JOHN SCHAEFER: Correct.

4 TRUSTEE KELLY: So this isn't that letter?

5 JOHN SCHAEFER: I'm continuing on with my
6 statement.

7 TRUSTEE KELLY: Okay. Just making sure
8 that they understand.

9 ATTORNEY VASSELLI: Okay. Yeah, you
10 didn't "sincerely" and then say the name.

11 JOHN SCHAEFER: Okay. So this report
12 wasn't available or presented for the PNZ hearing
13 which could have contained crucial information that
14 the PNZ to hear so they could make a fully informed
15 decision. The public and the PNZ were denied this
16 information. I think this clearly speaks to the
17 petitioner's competence and trust worthiness in
18 regards to following regulations and the laws. How
19 are they a good partner for the community?

20 Secondly, I would like to speak to the
21 findings of fact provided by the PNZ in regards to
22 loss of property value. I have here two studies
23 that speak to the loss of residential property value
24 within a radius of three quarters to one mile.

1 Remember, this development is directly adjacent to
2 multiple residential zoning and homes. In fact,
3 some of the land the petitioner is asking to rezone
4 is already currently E1, which is residential
5 estate, for those that do not know.

6 So I will read a couple.

7 PRESIDENT REID: Before you read that, I
8 just want you to know that your five minutes is up.
9 I'm not stopping you, but this --

10 JOHN SCHAEFER: Okay. So this study in
11 conclusion our results clearly show that the
12 presence of an industrial site has a statistically
13 significant negative effect on the value of
14 residential properties.

15 This leads to a relationship between
16 distance and residential property prices which is
17 best described as a dichotomous relatively close to
18 a site negative externalities have a strong
19 hampering effect on housing prices which convexly
20 decrease up to a certain distance. Beyond this
21 point, in our case was 1,000 meters, 3,000 feet.

22 Our outcomes demonstrate that the
23 impact of negative externalities is largely
24 localized implying the perception of the spacial

1 quality of the neighborhood is effected by the
2 presence of an industrial site, and to certain
3 extent, by the size of that industrial site.

4 This study. Following completion of a
5 new industrial development, residential properties
6 in the three-quarter radius are discounted an
7 additional 4.4 percent relatively comparable
8 properties outside the radius, but inside the same
9 zip code and the discount widens by .7 percent per
10 year following completion.

11 Comparing results across selected
12 radius for industrial -- I'm not gonna get into
13 that. That's all technical.

14 Close coefficients are negatively and
15 increased in magnitude with proximity to the
16 development. At the .5 mile radius property values
17 are lowered by 5 percent. I think you get the
18 picture.

19 This is me. The decisions that you
20 make today will change the trajectory of the future
21 forever. A tiny turn of the dial can destroy the
22 character of the town and its future.

23 Please really think is this the
24 highest and best use and does it truly have

1 compatibility within adjacent uses.

2 If there's no end-user, why not do all
3 the studies that they say have to be done before
4 annexation and zoning?

5 That way that change could be informed
6 ahead of time to find the best use of that property
7 and to do the water study before you make a
8 decision.

9 Thank you.

10 (Applause.)

11 PRESIDENT REID: Mr. Jim Keller, Jr.

12 JIM KELLER, JR.: Thank you.

13 In opposite of what Mike said earlier,
14 I'm going to jump around a little bit against my
15 prepared remarks because I don't want to copy what
16 people have said. I'm not real good with that so
17 you have to bear with me a little bit.

18 In regards to what's in front of
19 you -- and I think it kind of goes to what maybe why
20 I think people are frustrated or whatever else --
21 the OM districts -- there is a statement I printed
22 off your website -- that all storage of property
23 except for motor vehicles in operable condition
24 shall be completely stored and closed in building

1 structures.

2 Then one of the special requests that
3 has been since rescinded that the petitioner
4 requests a special-use specified that all storage
5 property including trailers shall not be required to
6 be in closed buildings or structures.

7 And then I read this in the annexation
8 agreement just today, and to the gentleman on the
9 end -- literally, I read this at 3:00 and that's why
10 I don't have it early or everybody. I apologize.

11 This statement in the annexation
12 agreement referencing outside storage conditions
13 preceding (sic) to outside storage. In accordance
14 with the uses permitted in OM, office and restricted
15 manufacturing district, the owner may store vehicles
16 or parts thereof outside on the subject property
17 provided -- prior to starting construction of the
18 subject property, the owner agrees to effectively
19 screen vehicles or parts thereof with a structures
20 or structures as sets forth in village plans.

21 I'm not gonna go through the rest of
22 it because it's just studies and stuff like that.

23 To me, that's seems like a end run
24 around what OM says and then what special uses

1 denied. It doesn't say "motor vehicles." It says
2 "vehicles." It says "parts thereof." And the
3 requirement says that they have to be vehicles in
4 operating condition or motor vehicles in operating
5 condition.

6 It's things like this that have
7 created a little bit of frustration; and frankly,
8 shouldn't be -- but, you know, it just is.

9 I'm sorry -- to your point earlier --
10 Laura's point to getting things late. We have been
11 on defense from the beginning here. Mike alluded to
12 the first meeting was cancelled because of
13 overwhelming participation. That's not the case.
14 I'm sorry. That's wrong. The first attempt of this
15 meeting was cancelled because the petitioner did not
16 notify anyone in the Botterman Farm Subdivision. We
17 had to call the village three or four days prior to
18 the scheduled PNZ meeting to inform the village that
19 that was not done as required by state law.

20 And the result of that was the
21 petitioner -- literally 15 minutes after my resident
22 called, the petitioner called my resident on his
23 cellphone asking a bunch of questions about how he
24 felt about the project and things like that. I just

1 don't feel that's proper or, you know, the right way
2 to do things. The meeting did end up being pulled
3 and then as we know from there on, it went to the
4 attempted meeting and it got cancelled because too
5 many people showed up. Two more times after that it
6 got cancelled. This is simplest thing to do with
7 regards to zoning.

8 We pointed out in an earlier meeting
9 of PNZ and the village said it shouldn't have
10 happened, but the village was advertising this land
11 for sale on the village website as industrial -- an
12 industrial park prior to any PNZ meeting ever
13 happening or approvals ever happening.

14 It's just things like that that put us
15 on the defensive and maybe some of us have reacted
16 in such a way. I had a meeting with Mike and a
17 couple village trustees. I think we had a really
18 good meeting. I have no animosity whatsoever, you
19 know, to that statement or to that time. But it
20 seemed based on what Mike's statement was earlier --
21 and maybe there has been, I don't know. I am not
22 part of that. I have not avoided anybody for any
23 reason, but I have tried to reach out to every board
24 member, to every member through e-mail as the

1 president of my association and I never got even a
2 no-thank-you response. So I tried to be a part of
3 it.

4 I don't blame you guys because you
5 guys are probably in the middle of a bunch of crap
6 and, you know, you have a thankless job and you
7 probably don't want to hear any more and I can
8 understand that.

9 But I also want to go on record as
10 saying to the very first person that came up during
11 this that was very much in favor of OM rezoning --
12 and I would go on record right now as a resident of
13 Botterman Farm, not as president, but as a resident
14 that my backyard is literally one lot away of this
15 whole development. But I would be in favor of OM
16 rezoning too, as long as it's following the intent
17 of OM zoning.

18 These million-square foot buildings
19 are not a mixture of different versions of banking
20 or office park or business park or warehousing in a
21 high-quality-campus life center. It's exactly the
22 opposite of that. I'm not against development
23 whatsoever.

24 So I just want to go on record saying

1 I'm fine with that. If that's what we're gonna get,
2 that's what they're gonna go for. But it's hard to
3 retract that as Laura asked the petitioner when she
4 asked "would you be willing to have banks" or -- I
5 can't remember what else she asked for, but the
6 different things -- when the CBRE website says
7 future industrial transportation park.

8 If you want to build a restaurant, or
9 grocery store or Home Depot or anything else. You
10 pretty much exclude that right off the bat. You
11 can't attract that business if you make no attempt
12 to attract that business.

13 So thank you for your time. Thank you
14 for doing what you're doing. And that's it.

15 (Applause.)

16 PRESIDENT REID: Gordon Leaim? Leahy?

17 (No response.)

18 Do we have a Gordon at all in the
19 audience who wants to speak?

20 (No response.)

21 PRESIDENT REID: Ms. Cynthia Rafkind,
22 you're up.

23 CYNTHIA RAFKIND: I'm back.

24 (Laughter.)

1 I'm Cindy Rafkind, R-a-f-k-i-n-d. And
2 this time I'm representing myself.

3 I'm just a mom, daughter. I live near
4 the subject property and I would like to rebut the
5 findings of fact as presented by the petitioner's
6 team and by the PNZ.

7 The proposed uses of the property are
8 not consistent with uses of neighboring properties.
9 First, for the property north of Dietrich Road,
10 north of the property is residential, east is
11 residential in agriculture, south is agriculture.
12 So that is farming and homes on three of the four
13 sides. In fact, 2.38 miles of the border are
14 residential or ag and I have a map here showing that
15 I will share with you.

16 Only the west side, as you can see,
17 has OM, HC, M2 and office research that's consisting
18 of just 1,300 feet of the border; therefore, it is
19 true to say that a majority of the neighboring uses
20 are residential or agriculture and the proposed use
21 is not consist of those uses.

22 Second, for the property south of
23 Dietrich Road, north is residential and ag zoning.
24 East is residential zoning. So two sides are

1 farming and homes. The south and west sides have HZ
2 OM and M2 zoning; therefore, it is true to say that
3 about half of the neighboring uses are residential
4 or agriculture and the proposed use is not
5 consistent with those.

6 Number two, the zoning classification
7 of the property within the general area of the
8 subject property. As someone said, it just does not
9 fit with what is already there. As previously
10 mentioned, the many properties in the general area
11 are zoned residential and agriculture.

12 In addition, evidence has been
13 provided this evening that annexing and rezoning the
14 subject property for the proposed use of warehousing
15 distribution and logistics may be detrimental to the
16 health and welfare of those surrounding residents as
17 well as a resident of the village with increased
18 truck traffic and pollution.

19 In fact, the subject property is
20 actually 1.29 miles away from I-90-90-90. That's
21 going up Route 20 to Dietrich Road to the site
22 entrance; whereas, homes are only 850 feet away. So
23 the subject property -- the northern subject
24 property is farther from the highway than it is from

1 homes.

2 Number three, the suitability of the
3 subject property for uses permitted under the
4 existing zoning classification and under any
5 proposed amended zoning classification. Okay. So
6 suitability of the subject property. Is it
7 suitable?

8 The Kane DuPage Soil and Water
9 Conservation District land use report has been
10 mentioned a lot tonight. And the opinion states the
11 most current natural resource data indicates the
12 following concerns for this site: Wetlands, flood
13 plain, soil limitations, high water table, soil
14 erosion and sediment control and stormwater
15 management.

16 These concerns -- this is still a
17 quote -- these concerns need to be managed,
18 monitored and/or considered in the planning and
19 development of the site for the best possible
20 results and for the least negative impact to the
21 environment and the natural resources.

22 The quote goes onto say: Based upon
23 the LESA, L-E-S-A, score and the Kane County Land
24 Evaluation and Site Assessment, this tract warrants

1 moderate protection effort from development. Based
2 on the information in this report, it is the opinion
3 of the Kane DuPage Soil and Water Conservation
4 District Board that this site is poorly suited for
5 the proposed land use change. End quote.

6 The petitioner, as has been mentioned,
7 has not yet obtained a land use opinion from the
8 Lake McHenry Soil and Water Conservation District;
9 however, easily obtainable public information on the
10 McHenry County website point out that the McHenry
11 County portion of the subject property north of
12 Dietrich Road is a highly sensitive area.

13 Number four, the trend of development,
14 if any, in the area of question including changes,
15 if any, which have taken place in the present zoning
16 classification. Okay. So trend of development.

17 Evidence has been offered that there
18 is a horse farm and some residential properties
19 existing next to the subject properties.

20 If developed under the perimeters of
21 OM and the proposed use, there is evidence it would
22 diminish the surrounding property values and risk
23 public health and safety due to unhealthful diesel
24 emissions and traffic.

1 Number five, the objectives of the
2 current land use plan. The uses in the OM district
3 are not consistent with the goals of the current
4 land use plan. The Village of Hampshire's future
5 land use plan shows the property south of Dietrich
6 Road as highway commercial zoning district, and the
7 property north of the Dietrich Road as a business
8 park. With a huge logistics facility like this,
9 it's not consistent with a business park, as others
10 have mentioned.

11 It is important to note that the
12 subject property is being annexed and is currently
13 outside the territory of the village. In that case,
14 we look to the future land use plans of Kane County
15 and McHenry County.

16 The Kane County future land use plan
17 shows the property south of Dietrich Road as a
18 business park and the property north of Dietrich
19 Road as an open space.

20 The McHenry County land use plan shows
21 a McHenry County portion of the subject property
22 north of Dietrich Road as a state zoning. In my
23 opinion, it doesn't seem fair to change a land use
24 plan based on research and development to the

1 benefit of one property owner.

2 Number six.

3 PRESIDENT REID: Before you get into six,
4 that's a perfect professional segue because you're
5 just over six minutes.

6 CYNTHIA RAFKIND: I'm almost done. I
7 promise.

8 The extent to which the property
9 values in the area of the subject property affected
10 by the amendment would be diminished by the existing
11 zoning.

12 Evidence has been presented tonight
13 that residential property in close proximity to
14 industrial activity decreases property value. It's
15 also just common sense; no one wants to live next to
16 a distribution facility like what is being proposed
17 here; not us and not anyone looking to buy a home in
18 this area.

19 Furthermore, there is a horse farm
20 that houses a not-for-profit organization that has
21 been mentioned and businesses that work with at-risk
22 youth using horses outside in pastures. These
23 organizations have stated that their businesses will
24 suffer from the noise and traffic associated with

1 the petitioner's proposed use.

2 Number seven, whether the adoption of
3 the proposed amendment is in the public interest.
4 Rezoning the Light properties north and south
5 Dietrich Road as OM for the proposed use of
6 logistics is not in the public interest.

7 Dr. Thunder's presentation on sound
8 explained that it may be challenging for the
9 proposed facility to meet Title 35 noise
10 requirements in its current conceptual traffic
11 design.

12 The traffic study produced by John A.
13 Nawn highlighted the specifics of congestion that
14 will result from the proposed use.

15 In conclusion, testimony and other
16 evidence offered at tonight's public hearing
17 demonstrate that the annexation and rezoning of the
18 subject property as OM, the proposed use of the
19 warehousing and logistics, would not be in
20 furtherance of the public health, safety and
21 welfare, that the proposed annexation and rezoning
22 would not be in the best interest of the village and
23 that they're not in conformity with the surrounding
24 community.

1 Per these findings of fact, I urge the
2 board members to vote nay on this proposal.

3 Like others, I do not oppose
4 development. A business district with mixed use and
5 medical office and businesses would be welcome. If
6 the petitioner comes back with an application for a
7 business district zoning without a proposed use that
8 brings excessive semi-truck noise pollution and
9 traffic, then it would be worth considering that
10 that proposal may satisfy the needs of the village
11 and citizens and surrounding communities.

12 I'm just going to submit the maps that
13 I referred to with the distances and the surrounding
14 businesses so you can see them.

15 (Applause.)

16 PRESIDENT REID: Jason Rafkind.

17 JASON RAFKIND: I need the projector.

18 MR. HEDGES: We are not allowing that
19 tonight. You have to put it on a thumb drive.

20 JASON RAFKIND: I have that.

21 Thank you. For the record, my name is
22 Jason Rafkind. And thank you, Mr. Mayor, and
23 trustees for your time in staying late tonight.

24 I didn't really coordinate with John,

1 but I'm kind of covering the same topic with a
2 little bit of a twist.

3 If you just advance the slide. A
4 quick background about me. I'm an engineer. I live
5 over there in McHenry County about 1,400 feet from
6 the proposed zoning. And I'm gonna keep it to time,
7 so let's just go forward.

8 Next slide please.

9 So one of the things I wanted to talk
10 about was the soil and ground water quality.

11 As it was pointed out earlier, there
12 was never a study done or presented from McHenry
13 County. There was one done for Kane County. I
14 think that's been introduced into the record
15 already.

16 What I would like to point out is --
17 if we advance the slide -- on the website -- or on
18 the Internet, I grabbed on the left Kane County's
19 ground water aquifer fire sensitivity and on the
20 right side McHenry County aquifer fire sensitivity
21 maps. I then took them and put them together.

22 If you go to the next slide.

23 Again, I'm just going to kind of build
24 this picture for you.

1 If you go forward again.

2 I took the target property, outlined
3 it.

4 Again.

5 Put the McHenry County in.

6 Again. One more time. I'm sorry. Go
7 back.

8 What this is showing is where they're
9 proposing to put a retention pond on their
10 conceptual master plan is right over a sensitive
11 aquifer recharge area. Now, they looked up the
12 report for Kane, but they didn't do it for McHenry.
13 It makes me wonder what's going on there. I'm happy
14 to hear that they're doing it now.

15 If we go to the next slide.

16 Because as you can see -- it's hard to
17 see on this screen, but these are all the wells in
18 the area. That little picture right there is where
19 they want to put the retention pond. The closest
20 well is about 500 feet from that, but there is, as
21 you can see, dozens -- many of dozens of wells right
22 here all with around 50 to 60 foot wells, shallow
23 wells.

24 Next slide please.

1 So my request tonight is please vote
2 no on advancing this rezoning annexation
3 application. I don't feel that the petitioner has
4 considered all the evidence or represented all of
5 the facts.

6 And one of the mitigation efforts they
7 presented in an earlier planning meeting for noise
8 abatement was to put that retention pond right
9 there.

10 Now, I would like to the engineer to
11 come over here and explain how stormwater retention
12 ponds work because I understand that the main
13 purpose is to keep from flooding the surrounding
14 areas by catching the water and then releasing it
15 slowly. But its secondary purpose is to also
16 cleanse the water and release clean water into the
17 area. But if there is lot of impervious pavement
18 there and a lot of trucks and diesels, there's gonna
19 be a lot of grease, a lot of oil on that impervious
20 area. And when stormwater happens, it's gonna flood
21 into that basin and it's gonna percolate. It's
22 gonna be percolating right over a sensitive aquifer
23 recharge area.

24 Thank you for your time. That's it.

1 I appreciate it.

2 (Applause.)

3 PRESIDENT REID: So Trustee Koth is saying
4 that we had a study done by our engineers, so we
5 could learn extensively about our aquifers and the
6 recharge areas, and what they're all about and water
7 studies and that kind of stuff. And the video is
8 available on our website, but the date escapes me
9 off the top of my head, but it was only a few
10 meetings back. I'm sorry. They all run together.

11 Next we have Mr. Scott Rowe.

12 (No response.)

13 Is there anyone named Scott?

14 LEONARD HELUCH: My name is Leonard
15 Heluch and I will be reading a letter on behalf of
16 Scott Rowe who was wasn't able to an attend here
17 tonight.

18 Good evening, Hampshire trustees. I
19 am not a resident of Hampshire and I recognize your
20 need to listen to them at a greater level, but I but
21 I am a resident who lives directly across the street
22 from Light property and proposed development.

23 My front door looks out onto the
24 property, 347 feet away to be exact, and whatever is

1 built on this property will be in my line of sight
2 whenever my family sits on the front porch enjoying
3 nature, which we often do.

4 Because of this, I beg you listen
5 closely to my neighbors and other concerned citizens
6 who oppose this project. Like them, I ask for a
7 reasonable decision in whatever future development
8 is agreed upon.

9 My family and I moved from the
10 Talamore neighborhood in Huntley to Botterman's
11 farms almost two years ago to achieve peace and
12 quiet and privacy and easy access on to the highway
13 for our work. We achieved just that.

14 This proposal has the potential to
15 totally wreck our dream. And although, I expected
16 it would some day be developed, given its proximity
17 to I-90-90-90, I hoped it would be literally
18 anything other than what is now being proposed.

19 I hoped it would be homes or a silver
20 farm that could help the village or nearby homes to
21 offset their electricity bills with renewable
22 energy.

23 I urge you not to allow this to happen
24 in my front yard and place reasonable restrictions

1 to the property forcing the Light regime to alter
2 their plans for our peaceful communities. We are
3 the one, after all, who have to live here.

4 The Light folks are simply looking to
5 make money. We have to be the neighbors. Please be
6 a good neighbor to us and say no and strictly limit
7 what this property can become to support the healthy
8 environment that we all moved to this part of the
9 community to be a part of.

10 Thank you for the service to our
11 community. Sincerely, Scott Rowe Botterman Farms'
12 resident.

13 PRESIDENT REID: Mark Quandahl.

14 MARK QUANDAHL: Good evening. Thanks for
15 letting us all voice our concern.

16 My name is Mark Quandahl. I'm a
17 resident in Harvards Court in Botterman Farms. I
18 built a home there in 2007 and our slogan is country
19 living. You'll see it on our sign as you enter the
20 subdivision. And a proposal like this is definitely
21 going to diminish any type of feeling of country
22 living as we enjoy.

23 I'm speaking today to make you aware,
24 as you have heard over and over concerns: Air,

1 water, noise, light pollution, visual degradation of
2 landscape, traffic hazards, decreased property
3 values are all concerns.

4 I would like to have you acknowledge
5 and read the report I handed out. It was published
6 last May by the Respiratory Health Association. To
7 summarize the report, the document details how
8 people that live close to truck facilities, loading
9 docks, fleet garages, et cetera have increased
10 threats of human health.

11 Illinois ranks fifth in the nation
12 with the highest number of deaths from diesel
13 pollution and it's projected to have 416 deaths this
14 year specifically caused by diesel engine pollution.

15 Kane County ranks fifth and McHenry
16 County ranks ninth out of what this article or
17 publication is labeled The Dirty Dozen. Those dirty
18 dozen are specifically in the State of Illinois.

19 Like I said, McHenry County is ninth.
20 Kane County is fifth in the state of the highest
21 level of diesel pollutants in the air. Rezoning
22 this proposed property to industrial is only going
23 to make it worse.

24 I would like to move into the traffic

1 hazard subject, as we have heard many times. I
2 didn't even know the name of Dietrich Road. Our
3 family know that road as Roller Coaster Road. We
4 all know there's been many, many accidents there and
5 even lives taken. And this road -- the proposal
6 will only make it more dangerous.

7 There's something called adrenaline.
8 And this road fuels adrenaline. We are never gonna
9 get rid of adrenaline. And I don't see it possible
10 to get rid of the roller-coaster effect of this
11 road. It's very narrow. And it's, you know, as you
12 roll through the hills, that's what you know the
13 adrenaline seekers, you know, fuel on and you're not
14 gonna stop it. And adding massive amounts of
15 traffic on the west end is inevitable to create
16 additional accidents and possibly loss of life.

17 So that's pretty much the summary. I
18 know some of our petitions have been discounted, but
19 I did start another petition personally that has not
20 been mentioned. It's up to 500 signatures, and it's
21 titled Opposed Hampshire Illinois Industrial Zoning
22 near residential communities.

23 So I ask you and urge you to please
24 think about all the details of all the concerns and

1 facts that have been presented today and vote no on
2 this proposal.

3 Thank you.

4 (Applause.)

5 PRESIDENT REID: Ms. Judy Bozaekn. It
6 looks like B-o-z-a-e-k-n. Judy?

7 (No response.)

8 No Judy.

9 (No response.)

10 Wayne Schmidt.

11 WAYNE SCHMIDT: That's me. I didn't.

12 PRESIDENT REID: You signed up to speak.
13 You can certainly decline.

14 WAYNE SCHMIDT: (Indicating.)

15 PRESIDENT REID: Okay. Then there is an
16 Audrey Schmidt.

17 AUDREY SCHMIDT: (Indicating.)

18 PRESIDENT REID: I have Mallory Anderson
19 here, but the name is stricken off, but it's not by
20 my pen, so I thought I would afford the opportunity
21 if Mallory Anderson is here. I didn't know if it
22 was a scripter's mistake or something like that.

23 Kristine Picnkowski.

24 KRISTINE PICNKOWSKI: That was close.

1 PRESIDENT REID: My wife came from a name
2 like that. She was happy to get mine, but she still
3 has to spell it to everyone.

4 KRISTINE PICNKOWSKI: My maiden name
5 wasn't any better.

6 My name is Kristine Picnkowski and I'm
7 speaking on behalf of my family as well as two
8 community organizations that work with the property
9 with the red roofs.

10 And I'm not speaking only of my
11 concerns, although frankly, I don't know why anybody
12 criticizes us for caring what's in our backyard.
13 But -- I don't have to stand on my tip toes.

14 (Laughter.)

15 Thank you. So I'm speaking of the
16 ranch of hope reins and hope reins.

17 These two organizations are community
18 organizations that provide equine-assisted
19 psychotherapy and social and emotional learning
20 services. This not horseback riding. It's not even
21 physical therapy using horses. This is work that's
22 done on the ground with the horses in a relational
23 way to heal trauma, anxiety, depression, family
24 distress and much more. We work outdoors in the

1 peaceful quiet of a pasture. Look at what is
2 surrounding us without those buildings that are
3 projected up there.

4 It is beautiful country side. The
5 significance of this is that it provides clients
6 with the ability to relax and to feel safe.

7 Our property and the proposed rezone
8 property are less than two footballs away, maybe
9 one-and-a-half, with only wide-open space between
10 us. These two organizations will not be able to
11 provide the services that we provide if this concept
12 plan, as it is shown here, is what is accepted. The
13 peaceful therapeutic environment will be ruined by
14 the noise of the hundreds of trucks and engines, not
15 to mention the sound of backing trucks up to all
16 those hundreds of docks. It's kind of hard to
17 imagine actually.

18 One of the programs of the ranch of
19 hope reins is a mentoring program working with
20 horses to heal the developmental trauma of children
21 in foster care and those that have been adopted. The
22 foster care system is in crisis and the generational
23 cycle, it perpetuates, is a large part of the
24 program. Our mentoring program, as well as the

1 other services offered, are working to break the
2 generational cycle. We are caring for our
3 community, meeting serious needs, and it's without
4 any financial drain on the government.

5 To change the old Shireland property
6 on Dietrich Road to OM zoning will not just impact
7 the five residents on that road, it will impact
8 hundreds, even thousands, over the years. And these
9 are people who will just continue to benefit from
10 the much-needed services.

11 But I have to say it's a little
12 confusing, this meeting, because I came up here not
13 knowing until tonight that the petition was changed
14 without the special uses, because like many of us,
15 if this truly is zoned OM without all the nuisances
16 that that concept plan will bring, that will not
17 impact us the same as what this is, that they're
18 showing us and what they have been talking about the
19 entire time. If they have other visions of what
20 this could be, they surely have not given it to us.

21 The special uses that they were asking
22 for basically, it looked like a word game. It just
23 put the zoning back to M2, which is very confusing.

24 So I would just plead with you to

1 consider truly OM without this and to really
2 consider also that even if we tell the teenagers of
3 those two high schools of Huntley and Hampshire High
4 School "don't play on this road any more, there's
5 gonna be semis," it's not gonna stop the accidents.

6 And that is even with the fact that
7 semis are not supposed to be on that road anyhow, so
8 who is going to monitor this? They already drive on
9 this road. Can you imagine the numbers of them?

10 I sat with a girl trapped in her car
11 with the engine about to burn up for 20 minutes
12 waiting for the emergency vehicles to get there.
13 This was not a drunk teenage girl. She was driving
14 home from work with her friend, they were driving
15 too fast and their lives are forever changed. She
16 will never walk okay again. Don't add semis to that
17 road unless there's some serious way to change what
18 that road is, don't add semis to it. Please think
19 about that.

20 (Applause.)

21 PRESIDENT REID: Okay. The time is now
22 11:53. I'm going to ask that we go into recess
23 until 12:01. 12:05, just so we comply with the
24 state statute.

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1 ATTORNEY VASSELLI: There will be no
2 change to the agenda.

3 Do you mind, Mr. President?

4 PRESIDENT REID: Go ahead.

5 ATTORNEY VASSELLI: There will be no
6 change to the agenda. We are going to continue this
7 meeting. It's been I think an hour-and-a-half since
8 we took our last recess. There might be some people
9 who need to take a recess.

10 PRESIDENT REID: How do I --

11 ATTORNEY VASSELLI: Yeah, same thing.
12 Just make a motion to recess and we reconvene. It
13 will be the same agenda. We will continue working on
14 the same business that we started when we opened
15 this meeting on September the 21st at 7:00 p.m.

16 PRESIDENT REID: Okay. I have a first, by
17 Trustee Kelly and a second by Trustee Foder. Any
18 questions, concerns?

19 (No response.)

20 Mr. Deputy Clerk, can you call the
21 roll please.

22 DEPUTY CLERK WRAY: Ms. Foder.

23 TRUSTEE FODER: Aye.

24 DEPUTY CLERK WRAY: Mr. Kelly.

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1 TRUSTEE KELLY: Aye.

2 DEPUTY CLERK WRAY: Mr. Koth.

3 TRUSTEE KOTH: Aye.

4 DEPUTY CLERK WRAY: Mr. Mott.

5 TRUSTEE MOTT: Aye.

6 DEPUTY CLERK WRAY: Ms. Pollastrini.

7 TRUSTEE POLLASTRINI: Aye.

8 DEPUTY CLERK WRAY: Mr. Robinson.

9 TRUSTEE ROBINSON: Aye.

10

11

(Whereupon, a brief

12

recess was taken.)

13

PRESIDENT REID: Ladies and gentlemen,

14

it's 12:05. Let's move.

15

Mr. Deputy Clerk, roll call please.

16

DEPUTY CLERK WRAY: Ms. Foder.

17

TRUSTEE FODER: Present.

18

DEPUTY CLERK WRAY: Mr. Kelly.

19

TRUSTEE KELLY: Here.

20

DEPUTY CLERK WRAY: Mr. Koth.

21

TRUSTEE KOTH: Here.

22

DEPUTY CLERK WRAY: Mr. Mott.

23

TRUSTEE MOTT: Here.

24

DEPUTY CLERK WRAY: Ms. Pollistini.

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1 TRUSTEE POLLASTRINI: Here.

2 DEPUTY CLERK WRAY: Mr. Robinson.

3 TRUSTEE ROBINSON: Here.

4 PRESIDENT REID: Do we need a make a
5 motion?

6 ATTORNEY VASSELLI: You can.

7 PRESIDENT REID: We just established a
8 forum. Does that count or no?

9 ATTORNEY VASSELLI: We're good. Let's go.
10 We are good.

11 PRESIDENT REID: If we are not good, we
12 just returned from recess.

13 ATTORNEY VASSELLI: You're fine. We are
14 fine. That's why we call to reconvene at a time
15 certain because we come back at that point in time.

16 PRESIDENT REID: Ms. Bev Dohn.

17 (No response.)

18 Ms. Bev Dohn, D-o-h-n.

19 (No response.)

20 Ben.

21 ATTORNEY VASSELLI: That's it.

22 PRESIDENT REID: Mr. Vasselli, we have a
23 gentleman that signed up twice on the same sheet.

24 ATTORNEY VASSELLI: Call the name once.

1 Obviously, he can't talk twice. He's only one
2 person. And you can go as long as you want, but --

3 PRESIDENT REID: Okay. Mr. Gary Heidt.
4 I'm sorry you signed if twice. You can only speak
5 once.

6 ATTORNEY VASSELLI: Okay. Two are off.

7 PRESIDENT REID: Ed Franklin or Fromkin.

8 (No response.)

9 MR. HEDGES: Not here.

10 PRESIDENT REID: Ed?

11 (No response.)

12 PRESIDENT REID: Charles Harding.

13 CHARLES HARDING: Thank you I appreciate
14 the opportunity to speak. My name is Charles
15 Harding and I live in Willow Springs.

16 The reason I came here tonight is
17 because I was worried about three basic things: The
18 pollution that this proposal is going to create, the
19 property values and the congestion. And from the
20 testimony I have heard tonight, everything that was
21 my concern is definitely going to happen.

22 Okay. But I have been thinking about
23 this and watching the actions that have been going
24 on tonight and I heard Mr. Sully.

1 Is that your name.

2 ATTORNEY VASSELLI: Vasselli,

3 V-a-s-s-e-l-l-i.

4 CHARLES HARDING: You're the attorney,

5 right?

6 ATTORNEY VASSELLI: I am.

7 CHARLES HARDING: Your attorney said, we

8 have an iron clad agreement, that everybody is going

9 to have use. And I heard other people say they're

10 supposed to bring all these studies and everything

11 to us first before we do the resulting; is that

12 correct? I have heard both things.

13 ATTORNEY VASSELLI: Yes, it's in the

14 agreement that way.

15 PRESIDENT REID: No, the gentleman

16 specifically asked if they were supposed to do the

17 studies first before the rezoning?

18 ATTORNEY VASSELLI: Oh. No.

19 PRESIDENT REID: Okay. Before the

20 building or the use --

21 CHARLES HARDING: I have heard so many

22 things tonight, it's hard to keep track who is on

23 first.

24 UNIDENTIFIED SPEAKER: He didn't say that.

1 All he said was he heard both sides to clarify.

2 CHARLES HARDING: Okay. But who really
3 makes the determination on your use? Who approves
4 it? Do you have the zoning commissioner do that?
5 Do you have a specific body of people? Or is it the
6 council? The council, okay.

7 Okay. I have heard this man over
8 hearsay, hey, we've got over 2 million feet of
9 distribution center and he's extremely excited about
10 that. And I have heard everybody else in the room
11 say they're not excited about it at all. Okay. The
12 whole thing makes me real skeptical about what's
13 going on here tonight.

14 The one thing that I have come to the
15 conclusion, this board is going to finish this
16 business today. You guys have made up your mind you
17 want to be done with this and have it done.

18 And now I heard another attorney say
19 something about you should put up berms and you
20 should notify the owners. There's a lot of
21 concessions you guys could make.

22 I heard one more thing. I heard your
23 attorney say that normally when a rezoning happens,
24 it's automatically an E1 until you change it; is

1 that correct?

2 ATTORNEY VASSELLI: When an annexation
3 happens, it's automatically E1 unless you change it.

4 CHARLES HARDING: Thank you. I heard
5 correctly. Thank you.

6 My question is then, why can't we
7 compromise. Annexing is going to make a ton of
8 sense, you guys get the tax revenue from it and you
9 guys are going to get the growth. It all makes
10 sense.

11 There is too many balls in the air yet
12 to make the zoning -- OM zoning change. Once you
13 annex it tonight to E1 and then make them parcel by
14 parcel tell you what they're going to do with it.
15 You can always rezone it at that time. Why don't
16 you think about doing that?

17 Okay. The last question I have is do
18 you have a water rescue team on your fire department
19 now? That's a good question. Do you have that?

20 PRESIDENT REID: The fire protection
21 district is a separate taxing body. It's not under
22 our control. But I believe you are correct. I do
23 not know for sure.

24 CHARLES HARDING: Because with that

1 retention pond, you're probably gonna need one,
2 because there's gonna be little kids in the
3 neighborhood running around the area -- that's a
4 little play area. And that's gonna be a real
5 tragedy. Okay.

6 I appreciate you listening to me. I
7 hope I brought up a couple points that make some
8 sense. Thank you.

9 (Applause.)

10 PRESIDENT REID: Henry Flores.

11 HENRY FLORES: Hello, at midnight.

12 My name is Henry Flores. So there is
13 a lot less people in here now. Normally, the first
14 time I was here, I gave a quick question to the
15 whole audience of how many people here are under 30
16 and a homeowner effected by this. Nobody stood up.

17 I'm 28. So my parents accomplished
18 the American dream. And my mom's been sick for the
19 last four years. I lost my father in '19.

20 They have given me the opportunity to
21 have purchased this land that's on Briar Hill Road
22 and I am a smalltime farmer. I do massage therapy,
23 but I'm changing occupations to be a carpenter.
24 There is not a lot of them. Nobody wants to do this

1 job. Just raising chickens, and if a branch falls
2 on that coop, who's gonna fix it? Am I gonna call
3 somebody else to fix it? Because our grandparents
4 used to just do everything on our own. Most of our
5 generation are younger and are sick and tired of
6 even thinking of going to work. That's just sad.
7 Because they all say they want more jobs. Most of
8 those people say they don't want to work in
9 warehouses.

10 There's a little empty lot across the
11 BP that's just been vacant. And I when I first
12 moved here in 2020, there was a little Mexican
13 restaurant that was already closed and they demoed
14 it the week I moved in. I said, wow, that's been
15 fun and there's being nothing but fun illegal
16 dumping in that lot.

17 Why don't you get a rec center
18 something to help some of the truckers get out of
19 their trucks, walk around, instead of having it run
20 the whole time. Winter is coming and they leave
21 their engines all the time. I get it. Their job is
22 so important; they are the bloodline of America.

23 If you really all wanted to stop this
24 a lot more efficiently, you guys would all stop

1 buying stuff in stores and just make your shit, but
2 nobody wants to do that today. I get it.

3 For me, this is just an interesting
4 subject of -- I have heard everybody's arguments,
5 they're great, the light, the noise. I actually
6 want to go and even aid at the Hope Reins because to
7 me I love the concept of getting to mess with horses
8 again. In my childhood, I only messed with a donkey
9 in Mexico.

10 UNIDENTIFIED SPEAKER: We have a donkey.

11 HENRY FLORES: The one my grandpa was not
12 kind.

13 This experience of even just having to
14 be part of a community and talk with everyone here
15 is fascinating.

16 I lived in the forest for four years
17 in Washington State. I chose isolation. I came
18 back when COVID hit and I was fascinated by
19 everything that has changed.

20 And I know it really starts with the
21 young generation and they really have to put their
22 foot forward. And it makes me sad that I am really
23 the only one out of my age group in the situation
24 that has a house. Because most of the grandparents,

1 they have bought their homes when they were 30 with
2 the money in their pocket. My generation doesn't
3 have that luxury any more. My parents had to really
4 break their backs just to get me to this point.

5 It's sad to see that even if it gets
6 built, I don't mind it because they can also pave
7 their way through. You guys have your vote, but
8 there is other means, this is the fun part of your
9 political gain and your voting.

10 It's fascinating just to even get to
11 witness it, to speak, to use the First Amendment
12 that we have been given by our founding fathers. I
13 think it's so interesting just looking at that.
14 Because that's right in my backyard and I get it, it
15 might not affect everyone. It's cool that it
16 affects me to that point. I may have to worry about
17 the run off. I won't get to see the deer any more
18 because they're not gonna flock there because it's
19 just gonna be engines running.

20 To me, I feel even how you all served
21 here today, it's part of the system that has been
22 left for us. How we choose to deem what we show the
23 next generation and how we put our foot forward,
24 that really does get effected. I thank you for even

1 being here at midnight. The last time it ended at
2 midnight for the Planning and Zoning Committee. So
3 I thank you for all your service. Thank you all for
4 even coming here.

5 And I know you had your petition for
6 your vehicle, but you still served. So thank you.

7 (Applause.)

8 PRESIDENT REID: I'm gonna go on a limb
9 here and say this is a Marie Krajeki. Anybody close
10 to that name here?

11 (No response.)

12 Lynn Kern.

13 LYNN KERN: Hi. Lynn Kern, and I'm
14 speaking on behalf of Ken and Jodi Kruswitz
15 (phonetic). They're unable to attend tonight, but I
16 want to express their concern regarding the Light
17 real estate application for annexation and rezoning
18 of the property north and south of Dietrich Road.

19 Their concerns include ground water
20 contamination, preservation of the neighboring
21 wetlands and ecosystem, impacts to major and local
22 roadways, overall financial health and welfare of
23 the community at large.

24 Ken and Jodi live in Botterman Farms

1 located in unincorporated Huntley which borders the
2 Light property to the north.

3 Being in a rural neighborhood, their
4 water supply is accessed to private wells. Most
5 private wells in the area are set about 60 feet.
6 They're concerned that the future development other
7 than residential will negatively impact the aquifer
8 and their entire neighborhood draws from -- that
9 their entire neighborhood draws from.

10 Along the border of Botterman Farms
11 and the Light property, there are wetlands and the
12 wetlands fall mostly within the McHenry County and
13 defined flood plains in the McHenry County GIS.
14 Such wetlands are rated by some ecologists and
15 economists as the land's most beneficial ecosystems
16 providing relief during both floods and droughts.
17 Development on the Light property will negatively
18 impact this ecosystem.

19 Other concerns they have it increasing
20 truck traffic generated from this development. The
21 Illinois Route 20 and I-90-90-90 interchange is
22 already very congested with truck traffic. Neither
23 of these major roadways are managed or maintained by
24 the Village of Hampshire.

1 Have these agencies been notified of
2 this potential development? This development will
3 most definitely have financial impacts to them. A
4 thorough traffic study should be done prior to
5 annexation and rezoning.

6 Ken is a successful general contractor
7 with over 30 years experience in residential and
8 commercial construction providing firsthand
9 experience with the annexation process. Jodi was
10 deputy treasurer for the village of Algonquin for
11 over 20 years and also very familiar with the
12 annexation process as it relates to financial
13 impacts.

14 With the that said, the biggest
15 question to the Hampshire Village Board is: Why
16 would there be any consideration if annexation and
17 rezoning without an actual plan for development?

18 The annexation agreement is a valuable
19 tool to protect the community at large. It is an
20 opportunity to define future impact fees that will
21 protect the long-term financial health of the
22 Village of Hampshire.

23 In most cases annexation agreements
24 are between the governing body and the developer,

1 not a real estate investment company. Until a
2 developer presents a viable plan, there is no way to
3 know what the future impacts will be.

4 If an agreement is signed, it will be
5 difficult to recapture costs for any necessary
6 infrastructure improvements that result from this
7 development.

8 The request under consideration is
9 only a concept plan. Approval of the current
10 application will not serve the people of Hampshire,
11 it will serve only Light real estate.

12 Ken and Jodi attended all the previous
13 public hearings regarding this annexation and
14 rezoning application. To the best of their
15 recollection, there was not one person who spoke in
16 support of the Light real estate application.

17 For all these reasons and many others
18 that can't be covered in 3 minutes, they implore
19 you, the Hampshire village trustees, to vote nay --
20 we implore you, the Hampshire village trustees, to
21 vote nay and deny the Light real estate application
22 for annexation and rezoning.

23 Thank you to the board for the
24 opportunity to express our concerns.

1 (Applause.)

2 PRESIDENT REID: John Kern.

3 JOHN KERN: Hello. I'm John Kern. I have
4 been spending most of tonight scratching off most of
5 the stuff that I wanted to say because things the
6 point have already been said, so I'll be short.

7 I have just a few caveats. So in the
8 comprehensive plan, there is a land use designation
9 for industrial warehouse distribution. You guys
10 already have allocation on your future land use map
11 for that. This is not part of that. So it isn't
12 really necessary to do that. It's already set up.

13 And then on your OM special-use
14 section, it talks about other uses determined by the
15 Planning and Zoning Commission to be in the same
16 general character as uses allowed in this section
17 and found not to be obnoxious, unhealthy, offensive
18 by reason of potential admission or transfer of
19 noise, vibration, smoke, dust, odors, toxic or
20 noxious matter, glare and heat.

21 Anything involving a semi-truck
22 activity is everything in that last statement. So
23 -- and it's so close to residential, so I don't see
24 how you guys could possibly allow this concept to be

1 part of OM.

2 Thanks for your attention.

3 (Applause.)

4 PRESIDENT REID: Heather Beshmann.

5 HEATHER BESHMANN: I wrote a long letter,
6 but I'm a cryer, so I'm not going to read it.

7 But I do want to say that I'm pleased
8 that they removed the special use -- oh, fuck. Here
9 we go.

10 I'm glad that they removed it because
11 it doesn't belong near residences. But I don't see
12 how, if you can have trucks there, it can't be a
13 logistics park. I mean, it's like -- it's just
14 impossible. If you have trucks there, it can't be
15 this.

16 I think you should demand a proper
17 proposal so you can get all the tests that you need
18 and everything before you say yes because once you
19 say yes to this, this isn't OM. OM is acceptable,
20 but I think like they have just kept changing what
21 they're trying to ask for and it seems very sketchy,
22 like a backdoor way to get this. And I don't know
23 why you, like, we continue to let this happen
24 without saying no. This isn't what is supposed to

1 be here.

2 So I would ask that you just say no to
3 this and just wait for like a proper proposal to
4 come from businesses that are really gonna be good
5 for you and everybody around you.

6 That's it. Thank you.

7 (Applause.)

8 PRESIDENT REID: Mike Lacko.

9 MIKE LACKO: One of the slides that
10 Dr. Thunder had shown, can I pull one of those up?
11 If it's possible to get to it.

12 PRESIDENT REID: Which slide is it?

13 MIKE LACKO: It's the one that has all the
14 neighborhoods around it, not just the proposed area.

15 PRESIDENT REID: Okay. I'm gonna ask you
16 to speak while we find it, if that's okay.

17 MIKE LACKO: Okay. Sure. So let's go
18 back. We will do what you want.

19 My name is Mike Lacko, by the way.

20 Do have you a microphone or I can talk
21 loudly one or the other. I just want to point out a
22 few things to everybody -- and thank you again for
23 being here so late.

24 But this little section here, this

1 little this section here, this whole thing when you
2 look at it, it's kind of like a chess game, isn't
3 it? When you really look at it, if this is all the
4 way it is and this is proposed here and this is
5 proposed here, what is the overall plan of this
6 whole thing then? It's really not part of the
7 comprehensive plan.

8 What it's looking like is this is
9 gonna trap people into having to sell. This and
10 this is one giant logistics park.

11 Just a point of interest, I want to
12 bring that up. Most everything has been covered.
13 However, if you could find that slide that Mr.
14 Thunder had.

15 I don't have a way to print 24 by 36
16 pages, so I can't pass them around to you and you
17 guys can see them. But what I want to show is the
18 way the water flows there. We've been at this for
19 months now. And quite simply, we were told by the
20 public is it's hearsay. It's hearsay I guess
21 because we are not experts.

22 But however, the people that do live
23 here and have lived here and been in this area in
24 this neighborhood since 2005, I would be willing to

1 say, no, we're not sitting around and we're not
2 looking at maps and we are not sitting at a computer
3 at our desk looking at it, but if you've been there
4 and you have recordings of water flow during storms
5 and you see all the high water and all that kind of
6 stuff. Seriously, you're the one who is the expert
7 of how the water works here.

8 And on top of it, he was here -- but
9 Gary Botterman was here. Botterman Farms, his whole
10 family, you know, has been there a long time. You
11 want to know how that area works and the water flow,
12 that's who you want to talk to, not just maps and
13 people hypothetically this and hypothetically that.

14 So I'm gonna go up to there and I'm
15 gonna show a couple things real quick and I can show
16 the trustees something real quick, something which
17 has never been brought up yet.

18 So the water flow from here, so this
19 creek right here, this kind of comes this way and
20 then down, right? There is actually a creek that
21 goes right here and they kind of both go like this.

22 So Marengo is that way up there. The
23 glazer, all that kind of stuff, this is all sandy
24 rocky soil here. But the water, what happens is the

1 neighborhood up here called Willow Hill and there is
2 a house or one property right there, and there is a
3 retention pond beyond that. I don't know the exact
4 way, how the water flows in Willow Hill, but pretty
5 much all the houses on that side of that road that
6 flows in flows. It's like a retention basin. So it
7 retains water most of the time and then during
8 certain high-flow periods, it comes out. So it's
9 more like a detention -- a retention pond.

10 So what happens is there is a huge
11 concrete thing that goes under Harmony Road and then
12 flows over into four lots into Botterman Farms and
13 it flows through there and then goes through a big
14 ditch and into a swale, which the very last lot,
15 which is lot 6. I'm gonna show you guys that
16 because I have that plat. It flows there and then
17 it goes all the way back through lot 2 through there
18 it's a massive -- it's a massive on Sunflower -- I'm
19 sorry -- under Botterman Road. It goes under there.
20 It's probably 12 feet wide, and I don't know, 4 feet
21 deep. That's for all that water flow to continue.
22 All these houses it flows into there. So we are
23 picking up farm land water, picking water up from
24 Willow Hill, picking up some of these houses that

1 flows through that big ditch and that swale. If
2 comes all the way through here, it goes behind here,
3 which is lot of -- this is wetlands. It goes over
4 here, which is lot 15 and then it goes under the
5 road here, and then goes into here, which is lot 17
6 I think it is or 16 -- and it's like 17 acres. This
7 whole run up to here is one lot. And then, it dumps
8 into the creek here and moves on.

9 So how this whole thing works is how
10 this water is collected is we are getting water from
11 here and then we are getting water from this
12 subdivision. There is one lot here, another one
13 here and one on the corner here. We get some of
14 their water. There is another retention here. The
15 people like Jim Keller and Todd Graff (phonetic),
16 their areas consistently have high water because the
17 way the whole thing is designed is it all flows back
18 into this direction and into the creek.

19 So what I'm getting at is that this
20 area -- and I know this very well. I know this
21 creek real real well. This area is constantly
22 flooding during spring time from high water or when
23 we have snow melt and spring rains, we get a lot of
24 water in there.

1 So the way that's designed, the
2 culverts that come out of the creek, it all gets
3 filled up, so it backs up, it backs up, it backs up
4 and floods everything else.

5 It's real simple. There is a lot to
6 it, but it's hard to explain. But this little creek
7 right here, which goes all the way under 20 and then
8 all the way up the creek, it cannot handle the
9 capacity barely the way it is right it now, and it
10 can't. I have pictures and video of this, all of
11 it. I can submit it and I have. I can get it to
12 you.

13 It cannot handle the capacity it has
14 right now and there is no way putting a massive
15 retention pond here collecting all this water down
16 here that's here, which is what they said they were
17 going to do, is gonna somehow lead into this and
18 this little tiny creek.

19 Some of this here is not even a creek,
20 it's only about three feet and it's grassy on both
21 sides. That's where the wetland is. All right.
22 There is no way you can accommodate that because
23 when this is all flooded -- and again, I can show
24 you -- this gets so flooded that we can actually

1 canoe this area. From our house over here, we can
2 get in here in the creek and we can canoe this area
3 and we are actually over wetlands.

4 PRESIDENT REID: You're at 7 minutes, just
5 so you know.

6 MIKE LACKO: Okay. Thank you.

7 That was pretty much all I have to
8 say. Now, I'm just going to show you guys the maps.

9 Actually, one last thing -- two
10 things. Pollution, it doesn't stop at the municipal
11 border.

12 The other thing is in that proposal,
13 the very first one we were looking at, the Light's
14 -- and I'm sorry, ma'am, I forget your name, but you
15 were representing your whole group.

16 You had said that that's your roadway,
17 your entryway. And I think -- I could be wrong with
18 the wording -- but that's only big enough to have a
19 roadway. And somebody had mentioned that it looks
20 like all landscape. I thought it was you or
21 somebody was. But you said "well, it's just enough
22 to have a roadway." Well, in our neighborhood in
23 Botterman, we have an entryway in and we have an
24 emergency access entryway out, if needed. If

1 needed. So if that's only enough for one roadway,
2 how are you gonna get something in and out of there
3 if there is an emergency situation such as an active
4 shooting and that's the only way in and out? That's
5 something that hasn't been brought up either.

6 But that's all I have to talk about,
7 but that's what I'm gonna show you guys real quick.
8 If you guys want to look at these and hang on to
9 them for later.

10 PRESIDENT REID: Ms. Amy.

11 MIKE LACKO: That's my wife. She's not
12 speaking. She's sick. This is the neighborhood.
13 This is Botterman Road. I'm happy to explain them.

14 MR. HEDGES: Hand it to them and let them
15 look at it, sir.

16 TRUSTEE KOTH: We can see it.

17 PRESIDENT REID: Sharlene Stellmack.

18 (No response.)

19 PRESIDENT REID: Then I have D. Mitchell?
20 No D. Mitchell.

21 (No response.)

22 I have Diane Cichon.

23 (Applause.)

24 DIANE CICHON: Hello. My name is Diane

1 Cichon. I'm the daughter of Maria Lenart, which
2 owns the property just northwest of where the
3 buildings are proposed to be. I will be speaking on
4 her behalf.

5 She would like to say good evening and
6 thank you for the time to speak to you tonight.

7 My name is Maria Lenart. I'm a
8 concerned land owner near this proposed annexation.

9 I purchased this land with my late
10 husband years ago with the intent to live close to
11 family in the country and away from the noise and
12 pollution of the City of Chicago.

13 I wanted to be away from all the
14 things that you get from living in the city: The
15 noise, the congestion, the dirty roads, polluted
16 air, people, car traffic and the density. These are
17 all reasons to move to Hampshire.

18 It feels as though this proposal will
19 just bring some city problems to the country and
20 take the country out of the country.

21 Please consider the ripple and future
22 effects a yes vote will have on the entire area and
23 the people that want to come here because it is what
24 it is and it's a nice place, so let's keep it that

1 way. Leave the city in the city and keep the
2 country in the country.

3 Thank you.

4 (Applause.)

5 PRESIDENT REID: Your mom signed up too.
6 Would she like to speak or you're just speaking on
7 your behalf?

8 DIANE CICHON: No, I just spoke on her
9 behalf.

10 PRESIDENT REID: Okay. Jodi Gustafson.

11 (No response.)

12 UNIDENTIFIED SPEAKER: She left.

13 PRESIDENT REID: Okay. Then Wes Brazas.

14 WES BRAZAS: Good evening. Wes Brazas,
15 president of Hampshire for over 50 years. And it
16 really is, oh, dark 35. Way past my bedtime.

17 So another time, another place before
18 the same board developers gave a presentation with
19 lots of pretty graphics and report after report
20 saying approve our development, we're going to bring
21 you jobs, jobs, jobs and make this Hampshire
22 prosperous.

23 So I'm feeling a great sense of d'javu
24 because 20-some years later, what did that

1 development bring?

2 We just heard earlier Vlissingen is
3 still years away from breaking ground, so their
4 Cinderella pumpkin moment on their annexation
5 agreement has probably come already and who paid for
6 the temporary traffic signal at Ridgecrest and Big
7 Timber?

8 TRUSTEE POLLASTRINI: Kane County.

9 MR. HEDGES: Kane County,
10 (unintelligible), three way split \$136,000.

11 WES BRAZAS: And when is the permanent
12 coming in?

13 MR. HEDGES: A long time. Ten or more
14 years.

15 WES BRAZAS: So the village doesn't even
16 have the monies to support the commitments they made
17 with the Crown Vlissingen agreements. Okay. It was
18 disappointing to hear that the comprehensive plan is
19 still a 2004 plan from the Crown Vlissingen days,
20 the progressive village that wanted to grow and see
21 developments would have at least updated the plan at
22 least to 2040 your timeline horizon.

23 Sewerage treatment plants has had
24 millions of dollars of improvements, yet it still

1 pollutes Hampshire Creek. The Hampshire Creek
2 remains on the 303D. Why is that?

3 The water plant from the earlier zeros
4 didn't have enough water supply to support the Crown
5 Vlissingen developments, and yet, here you're
6 considering an major development that would tax that
7 supply even further.

8 And the New York times just ran a
9 series of nationwide August 28th that ground water
10 depletion is a nationwide problem. So you don't
11 have the ground water planned for to support this
12 development.

13 There is a traffic plan prepared for
14 the Crown and Vlissingen developments, so I fully
15 endorse Mr. Nawn's analysis of the Light property.
16 I prepared a similar one and it's probably in your
17 files or should be in your file from then that I
18 presented to the village as to the traffic impacts.

19 And so what you have to do is take
20 those impacts, because you already committed to
21 those, which are unfunded, and now add Mr. Nawn's
22 analysis on top of that to truly understand how much
23 this is going to cost the village.

24 So what have we gotten in 20-some

1 years? We have gotten hundreds of houses, but how
2 many jobs did Vlissingen bring?

3 Stormwater. It was mentioned a little
4 bit, the concept for roadway retentions. They call
5 it first flush, where the initial downpour flushes
6 the contaminants off of the hard surfaces into the
7 retention ponds and it's designed to settle out a
8 lot of suspended solids and toxic metals that
9 accumulate from highway roadway type uses and they
10 accumulate into those ponds. So how do you separate
11 that water from the shallow aquifer recharge area
12 there?

13 Prairie Ridge was located on a shallow
14 aquifer recharge area, and the village decided to
15 build houses on it. So they took away that source
16 of future water supply for the village.

17 We have heard a lot of Shireland
18 closed in 1991, so where is the demand for this type
19 of development that's over 30 years ago?

20 And tonight we've heard from
21 petitioner that there is no developer waiting to
22 come here. It could be years away.

23 So in closing, there is no need. The
24 village has not updated their plans to be able to

1 support this to show that the village can afford it.
2 The village could have asked the developer to
3 provide the traffic plan, and marry that with the
4 Crown plan that you're already committed to figure
5 this out, get a financial plan from them to see how
6 much it's going to cost. Briar Hill Road has to be
7 completely reconstructed to handle the truck loading
8 and the grid profile has to change a lot. Because
9 as they said it earlier, it's called Roller Coaster
10 Road because it doesn't have the proper sight
11 distances and safe stopping distances that you need
12 for a high-volume of traffic.

13 So in conclusion, this is something
14 that the village doesn't need. The village doesn't
15 know what they're getting. And the village can't
16 afford it. So I ask you to vote no.

17 (Applause.)

18 PRESIDENT REID: That concludes our public
19 comment for the public hearing.

20 Is there any rebuttal that would like
21 to happen from the petitioner?

22 MR. BURNEY: I'm cognizant of the time. I
23 know that we are three-and-a-half hours of the
24 objector, we had 35 minutes of our presentation.

1 I would like to say where in
2 Hampshire, if not here, can you sit a site, a use
3 like this, that according to our experts, and you
4 can see it going up and down the I-90-90-90 is a
5 need and demand. And what we are asking you to do
6 in a partnership with you by annexing our ground
7 into your community.

8 And that's a huge commitment. We are
9 giving you huge amounts of control over the use of
10 the development of this property moving into the
11 future. And that is the genius of the annexation
12 agreement that's before you. And we are willing to
13 accept that burden as long as you agree to zone it
14 OM and we agree and convince you that what we want
15 to do on the property is acceptable.

16 There is a misstatement, you know,
17 from the very well-meaning people; this property is
18 not adjacent to those residential uses. You can see
19 that the land to the north is an open space creek.
20 Mr. Thunder, when he presented his plans, showed you
21 what it looks like to have a residential development
22 immediately adjacent to a facility like this. And
23 even then, he was able to come up with strategies to
24 mitigate those impacts.

1 I want to talk about Dietrich, just
2 very quickly and stormwater management. Consider
3 the four or five levels of review and approval that
4 we have to go through.

5 First of all, nobody can seriously
6 think that we would be coming in here with an
7 industrial development without a plan to improve
8 Dietrich Road to spend millions of dollars on
9 Dietrich and the 20 intersection and whatever is
10 necessary. This is a huge investment that people
11 are going to have to make in this road system to be
12 able to serve this development.

13 The same thing with stormwater, as in
14 traffic, we are going to have to have our own
15 consultants, then your consultants, and then your
16 staff and then the planning commission and then the
17 village board and then IDOT to approve these plans.
18 They are going to be vetted and they're going to be
19 right and we are gonna have to do it.

20 The same thing with stormwater. There
21 is a Kane County storm water management ordinance.
22 There is your own village engineer. You can have
23 your own consultants to be sure that this is done
24 right.

1 The lady Ms. Paulson noted about the
2 reading of the traffic engineer report, we didn't
3 get it just like you did until this afternoon. It's
4 the same thing about the presentation of these
5 property value studies. We never had them. You
6 didn't see them. It was somebody reading something.
7 So I ask you to look at what we presented. We
8 presented competent experts in the field of land
9 planning, in the field of civil engineering. We had
10 made available our traffic engineer and our real
11 estate broker.

12 There is nobody, no professional has
13 rebutted the professional opinions of Ms. Hansen
14 that indicates that the proposed rezoning is
15 consistent with the standards for rezoning.

16 I ask you, and I thank you for your
17 indulgence, I respectfully request on behalf of LB
18 Anderson and our team that you vote to approve the
19 annexation agreement, you vote to approve the
20 rezoning to OM.

21 And I would ask that if you are going
22 to proceed to deny the special uses that it's clear
23 on the record that you're doing it without
24 prejudice, so that as I read the findings, there was

1 a feeling by the plan commission that we did not
2 present sufficient evidence at that time to justify
3 those. But I don't want somebody saying that we are
4 now forever barred from bringing this request.

5 Thank you very much.

6 PRESIDENT REID: Does any member of this
7 board have any questions for the petitioner for the
8 remainder of the public hearing?

9 TRUSTEE KELLY: Sorry. I have a couple
10 questions.

11 One it states in the agreement, it
12 states or it was mentioned during the hearing this
13 evening that the petitioner is responsible for all
14 road improvements?

15 ATTORNEY VASSELLI: Correct.

16 TRUSTEE KELLY: Does this include road
17 improvements downstream that may be affected by the
18 development of this property such as Route 20
19 between Dietrich and the I-90-90-90 interchange,
20 which is outside their property?

21 ATTORNEY VASSELLI: It does. The scope of
22 it was enlarged to include that anything that
23 effects the development is called for. We have a
24 large scope.

1 TRUSTEE KELLY: And ultimately, I believe
2 and it was stated earlier, that heavy trucks are not
3 on that Dietrich Road. That's an IDOT change that
4 has to occur?

5 ATTORNEY VASSELLI: It's not our
6 jurisdiction.

7 TRUSTEE KELLY: Yeah.

8 There was a statement said and it's in
9 the letter that you have Mr. Vasselli that according
10 to the McHenry County and Lake County land
11 conservation group -- I'm sorry -- I don't have the
12 correct name on that -- it's the letter that was
13 presented where in the bottom of it it's stated that
14 it's a state statute that this be received as a part
15 of the application.

16 Can you verify whether we are legally
17 allowed to move forward without having that
18 received?

19 ATTORNEY VASSELLI: We are absolutely
20 allowed to move forward. I spoke to Ryan Leiber who
21 is the conservation specialist today who is in
22 charge of that. He said he knew this was a
23 political thing and people were asking for it to be
24 able to bring this up. We are allowed to move

1 forward.

2 There is a case, it is a McHenry
3 County and I believe citizens for McHenry County --
4 or I can give you the citation -- but it says that
5 this is informational only, it is not binding in so
6 much it cannot overrule a final action by a board.

7 TRUSTEE KELLY: It does not have to be in
8 hand.

9 ATTORNEY VASSELLI: It does not have to be
10 in hand. It says when you get it, you can take it,
11 you can throw it away.

12 TRUSTEE KELLY: There is been a lot of
13 discussion today on the proposed project. There is
14 no buyer, there is no proposed developer for a
15 logistics facility. There are a lot of uses for OM
16 and some of the constituents tonight who have spoken
17 as to how they would like to see those uses
18 potentially for OM.

19 That being said, as a planning and
20 zoning committee or as, ultimately, the village
21 board, are we allowed legally to reject what would
22 be considered an acceptable OM use, such as a
23 warehouse distribution in the future if it's felt
24 that is not the best usage for that particular

1 parcel?

2 ATTORNEY VASSELLI: Yes. The agreement is
3 set up for that. That they would have to come back
4 for any use, permitted or otherwise, and seek your
5 approval for that.

6 TRUSTEE KELLY: And there's no legal issue
7 stopping us from saying, actually, we like the OM,
8 but whomever is on the board at the time can deny
9 warehouse distribution?

10 ATTORNEY VASSELLI: You can't do it like
11 that. Think of it rather than a categorical denial.
12 Think of it as an end-user, you can't use this
13 end-user coming in because then they will come in
14 with the specifics that have been asked for tonight
15 and the board does deserve to see before final
16 approval is given.

17 TRUSTEE KELLY: And I think, Mr. Burney,
18 you're here tonight representing Light, correct?

19 MR. BURNEY: I am.

20 TRUSTEE KELLY: Can you speak to this
21 board with the Planning and Zoning meetings what the
22 issue was with so many times for having to
23 reschedule for failure to notify the neighbors in
24 the area? What was the difficulty reached and why

1 did it have to happen so many times?

2 MR. BURNEY: The second to last time was
3 there was a sliver of land that was owned by a
4 gentleman, and when we examined the property within
5 250 feet didn't catch it. And I think it was
6 transition from one map to the next. And the time
7 before that -- I can't specifically remember what
8 the -- does anybody remember -- what the defect was.

9 ATTORNEY VASSELLI: I don't recall.

10 MR. BURNEY: There was another defect.

11 DEPUTY CLERK WRAY: One of the notices had
12 the location incorrect since it had moved from
13 Village Hall to the school gymnasium.

14 MR. BURNEY: Okay. All right. So we used
15 a template, didn't catch it. And, you know, it was
16 not our proudest moment, let me tell you, all these
17 good people assembled. We apologized. And we
18 appreciate that you considered to hang in there with
19 us. And we hope that this is not a reflection on
20 really what is a quality land owner in the Chicago
21 metropolitan area. So thank you.

22 PRESIDENT REID: Don't walk away yet.

23 Trustee Koth.

24 TRUSTEE KOTH: I have one question. On

1 the OM zoning, I've heard a lot tonight about OM
2 zoning all over the board.

3 My question is what is your intention
4 as far as semis? Are you going to have 1,500 or
5 1,800 semis or whatever that lady put down from her
6 buddy's study? Are you guys planning on putting
7 \$1,500 semis in?

8 MR. BURNEY: Sir, our intention --

9 TRUSTEE KOTH: That would be a yes or no.

10 MR. BURNEY: No.

11 TRUSTEE KOTH: Thank you.

12 TRUSTEE POLLASTRINI: I think my question
13 is more towards Mr. Vasselli.

14 Right now we have control over making
15 a decision here. If we annex it in, then we have
16 the ability to be able to oversee any end-user that
17 comes up, correct?

18 ATTORNEY VASSELLI: Correct.

19 TRUSTEE POLLASTRINI: If we don't annex --
20 so right now there is a whole board of people that
21 can go into this right now and make decisions.

22 If we don't annex, the petitioner
23 still has the ability to approach the county?

24 ATTORNEY VASSELLI: Absolutely.

1 TRUSTEE POLLASTRINI: And if they do that,
2 then the entire county board, only one of which
3 lives in the area, gets to decide what happens here
4 in Hampshire?

5 ATTORNEY VASSELLI: You lose a massive
6 amount of control as the dominion over land use.
7 And your point is well-taken if you don't annex.
8 Because they can come from the county and they can
9 ask for the equivalent of M3 and then get that
10 approved.

11 TRUSTEE POLLASTRINI: And we would have
12 absolutely no say at that point as to what we want
13 in the community here?

14 ATTORNEY VASSELLI: Correct.

15 TRUSTEE POLLASTRINI: And the taxing body
16 would have no say on it either except for the
17 county?

18 ATTORNEY VASSELLI: Good point.

19 We could protest. We could show up as
20 people do. We could raise objections as have been
21 raised. But to your point, what gives these -- this
22 body the most control and protection over the
23 villagers and the neighboring property owners,
24 absolutely annexing it.

1 TRUSTEE POLLASTRINI: So if we don't
2 annex, we give up the ability to decide who our
3 neighbors will be and the business that would be in
4 this community that is feet from our borders,
5 correct?

6 ATTORNEY VASSELLI: Absolutely.

7 TRUSTEE POLLASTRINI: All right. Thank
8 you.

9 TRUSTEE ROBINSON: I guess my question is
10 then to petitioner, why Hampshire? Why are you
11 approaching Hampshire when you can approach Kane
12 County or Marengo or Huntley? Why Hampshire?

13 MR. BURNEY: Hampshire has experience in
14 terms of approving heavy commercial uses in the
15 immediate facility.

16 If you're a municipal government that
17 is hands on right in the immediate area, this is a
18 logical extension of where Hampshire goes.

19 We believe that we could form a good
20 partnership with the village that's a win win for
21 everybody. That's why -- this has been a very
22 challenging process for all of us. And, you know,
23 we appreciate your efforts.

24 And, you know, I hope that -- we have

1 been accused of being greedy and looking powerful,
2 but this is not an easy thing to do. And I just
3 would ask you to reflect on that in terms of what LB
4 Anderson has been doing even though we had a few
5 missteps on the notice.

6 So thank you. Does that answer your
7 question, sir?

8 TRUSTEE ROBINSON: (Shaking head up and
9 down.)

10 TRUSTEE KELLY: I just have a question on
11 the point of process, Mr. Vasselli. If we have
12 questions specific to the annexation agreement,
13 should we hold it out of public hearing from the
14 point when we hit it on the public agenda?

15 ATTORNEY VASSELLI: That's a great point.
16 We can close the public hearing and still talk about
17 the annexation agreement.

18 If we want to, for example, to we have
19 professionals here who have been more than generous
20 with her time and she very much would appreciate
21 for what they have done. It's in the record now and
22 we can talk about it when those things come up.

23 TRUSTEE ROBINSON: Can I make a motion to
24 close the public hearing?

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1 TRUSTEE KELLY: I second that.

2 PRESIDENT REID: Do we have to do anything
3 special with that or is that good enough?

4 ATTORNEY VASSELLI: That's it.

5 PRESIDENT REID: Mr. Deputy Clerk.

6 DEPUTY CLERK WRAY: Ms. Foder.

7 TRUSTEE FODER: Aye.

8 DEPUTY CLERK WRAY: Mr. Kelly.

9 TRUSTEE KELLY: Aye.

10 DEPUTY CLERK WRAY: Mr. Koth.

11 TRUSTEE KOTH: Aye.

12 DEPUTY CLERK WRAY: Mr. Mott.

13 TRUSTEE MOTT: Aye.

14 DEPUTY CLERK WRAY: Ms. Pollastrini.

15 TRUSTEE POLLASTRINI aye.

16 DEPUTY CLERK WRAY: Mr. Robinson.

17 TRUSTEE ROBINSON: Aye.

18 PRESIDENT REID: Okay. What do you want
19 to do?

20 ATTORNEY VASSELLI: Mr. Chair, if I may, I
21 would just like to thank you the court reporter for
22 being here tonight. She is here for the public
23 hearing. The public hearing is now closed.

24 With her permission, Mr. Chair, I'm

1 sure she'll appreciate this, she can be excused.

2 PRESIDENT REID: Same. What about our
3 audio guy?

4 ATTORNEY VASSELLI: We don't need the
5 audio. We just have to talk louder as a practical
6 concern.

7 PRESIDENT REID: So. I guess I give
8 permission or release, however it is that I have to
9 do it, for the court reporter and then, Boom, you
10 can start packing up, if that's all right.

11 MR. BURNEY: On behalf of the petitioner,
12 we thank both of these individuals for hanging in
13 there with us.

14 (End of PUBLIC MEETING.)

15 FURTHER SPEAKERS SAYETH NOT. . .

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1 STATE OF ILLINOIS)
2)
3 COUNTY OF COOK)

4 Carla L. Camiliere, CSR, being first
5 duly sworn on oath, says that she is a Certified
6 Shorthand Reporter, that she reported in
7 shorthand the testimony given at the taking of
8 said MEETING, that the deponent was duly sworn by
9 her and the deposition is a true record of the
10 testimony given by said SPEAKERS.

11 And further, that she is not connected
12 by blood or marriage with any of the parties to
13 this action, nor is she a relative or employee or
14 attorney or counsel of any of the parties, or
15 financially interested directly or indirectly in
16 the matter in controversy.

17 

18 CARLA L. CAMILIERE, CSR
19 License No. 084-003637

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