



VOD Clerk <clerk@villageofdowns.org>

Exhibit A

Please put on record from the Meeting September 30th

2 messages

Sun, Oct 4, 2020 at 7:12 AM



Julie,

These are my comments from the September 30th meeting. Mike said if we wished to have them added to the record they needed to be forwarded to the Clerk.

Thanks

Cheryl

I am Cheryl Bach. My husband, David and I have resided at 109 W Franklin Street since 1980.

We appreciate that a open public meeting is being held to allow the residents of Downs to be heard. We do not support the Special Use for the concrete crusher. It does not qualify for Special Use in C2 zoning. It is not environmentally or community friendly. Residents have not asked for more restrictions. They have asked for a NO vote for the Special Use.

We have decided it will be best to address our questions to you, the Trustees, not the Mayor, because you are the ones that will be making the decision and placing a vote.

The list of requirements for operation of the concrete crushing has grown from the 7 items actually agreed to by the Zoning Board to 14 listed on the "From the Desk of the Mayor" page August 2020 flyer and now to the present list of 16 listed under Misch Special Use Permit Information on the front page of the Village website.

In reference to the Special Use Permit Information shown below-

These are our questions to each of you

Are you totally familiar with the details of each of these 16 "terms and conditions" and can you answer residents questions about the details of each? As Trustees, have you been given the details of each of the terms and conditions?

As a Trustee, are you prepared to tell the residents of Downs that you are ready to participate in the monitoring (and are knowledgeable)?

As a Trustee, are you prepared to explain to the residents why crushing is a concern to the school and not to other residents?

If there is no health concern then there should be no concern for ALL.

As a Trustee, are you prepared to explain to the residents what exactly will constitute a "reasonable objection" to stop crushing? Are you prepared to decide what event can be deemed important enough to stop crushing.

Do you, as Trustees, have a plan in place to give residents and the school the required 5 day notice before crushing?

As a Trustee, have you developed a plan how the yearly renewal process will work and definite guidelines about approval or disapproval?

As a Trustee, can you explain to residents what makes up the "crushing and storage area" that Misch will be required to have fenced or hidden? Does this include the large piles of uncrushed concrete or just the crushing and storage area for the crushed concrete?

As a Trustee, can you explain to residents what a "similar" to an 8 foot wooden privacy fence is?

As a Trustee, can you explain to residents what height of berm and trees are required?

As a Trustee, can you explain to residents what "equivalent erosion control" is? Who decides what is equivalent to silt fencing?

As a Trustee, can you explain to residents WHY any agreement regarding a negotiated rate for the purchase of recycled material or free crushing of concrete for the Village belongs in ANY zoning agreement? Zoning agreements are not to be about what the applicant is offering to do if approved.

As a Trustee, are you prepared to explain the amount of the fines to be imposed for non compliance. The timing of the "3 strike" system. Who will actually be doing the review and making the rulings.

As a Trustee, are you prepared to tell the residents that ALL of the requirements will have to be in place before ANY crushing begins?

As a Trustee, are you prepared to listen to the residents who are not asking for more rules. They are asking for a NO vote for a project that does not belong in a C2 district and (if you will read the description) does not belong in a M1 either.

And finally, as a Trustee are you prepared to commit your time and energy to make this project happen for one businessman with no benefit to the Village?

Misch Special Use Permit Information

The following information was presented to the Board of Trustees by Misch Excavating LLC for their special use permit agreement being considered by the Village Board of Trustees after approval by the Zoning Board of Appeals.

Agreement Terms and conditions that were required by the ZBA and expanded by the Village Board and agreed to by Misch Excavating LLC:

1. Concrete crushing: allowed no more than 2x per year for up to 5 days each time between the hours of 7 am – 5 pm with reasonable inspection by the village. Monitoring to be done by Village employees, Trustees and Mayor. IEPA is responsible for making sure they adhere to State Laws and are also considered a monitoring entity.
2. Only allowed to operate when school is not in session.
3. Must provide school and village minimum 5-day advance notice before each operation for reasonable objection to proceed with operations. I.e. – interferes with a school/village activity or event or not operating as described within the agreement.
4. Special use agreement which allows the concrete crushing and storage at their new business location is ONLY good for 1 year and must be renewed each year by the Board of Trustees. Does not require ZBA approval.
5. Must file the annual IEPA permit with the village each year with first notice to proceed.
6. Concrete crushing and storage are ONLY allowed in the Northeast corner of the property as designated in the site layout.
7. ONLY "Clean" concrete, as defined by IEPA, can be crushed/recycled at this location
8. As required by the IEPA, concrete crushing is not allowed without proper water mitigation system to eliminate dust. The agreement should require the additional use of X-Hesion Pro or like product as an added measure to mitigate dust.
9. Conveyor belt shoot must be as close to the pile as possible to eliminate dust discharge.
10. Misch Excavating LL is not allowed to transfer the Special Use Zoning to any business or person. If named business entity is no longer operating, Special Use Zoning agreement and permit is automatically terminated.
11. 8' wooden privacy, or similar, fencing is required on the North and West sides of the crushing and storage areas.
12. Berm with trees are required on the East and South sides of the crushing and storage areas.
13. Silt fencing or equivalent erosion control is required to stop runoff of surface material.
14. Misch Excavating LLC will provide Village ability to purchase recycled material at negotiated rate.
15. Misch Excavating LLC will recycle Village provided "Clean" material at no charge.
16. Fines will be imposed for non-compliance with agreement on a 3-strike and you are out system. The result being the revocation of this special use zoning permit and agreement.

We look forward to your answers to these questions. It will be reassuring to the residents to know that our Trustees are totally knowledgeable before casting their vote.

Cheryl and David Bach



VOD Clerk <clerk@villageofdowns.org>

Downs Meeting Statement

1 message

Teresa Manzella <TManzella0725@icloud.com>
To: clerk@villageofdowns.org

Wed, Sep 30, 2020 at 7:42 PM

Downs Meeting

Hello my name is Teresa Manzella and my family has been a CUSD #3 tax payer for 13 years. We most recently built our second house in Cross Creek subdivision approx 4 years ago.

I first want to address a comment that was made by Mayor James at the last Village meeting around the residents of Cross Creek being anti small business. My husband and I own a small business and we actually employ 3 Downs residents so we are SUPER PRO SMALL BUSINESS! Additionally, when we chose our lot in Cross Creek, we knew there was a bustling daycare and GameDay literally in our back yard. I happily tossed 5 balls a day back over the fence and frequented the bar / restaurant that had headlights shining in our bedroom window, outside patron arguments and even the police knocking on our door looking for a battery suspect. But we never complained because we know the value that those business bring to Downs in taxpayer revenue, jobs and attracting future Downs families. What we didn't sign up for was a concrete crushing facility that will do nothing but depreciate our community. It will be a big black eye sitting near our schools, our business district and some of the highest taxed homes in Downs. It would be completely irresponsible to take THE BIGGEST real estate draws to the community, our Blue Ribbon School District, and jeopardize that. Putting that at risk will hurt property values for all in the school district, not just those near the plant.

It will also take a commercial TIF district and all but ensure that no business will ever come to that area. I can't think of one business that would want to be in the same area as a loud, toxic, corrosive, dust producing eye sore! I also can't think of one reason why Downs would want this venture in the middle of our village, so even more suspect and mind boggling that any impending vote seems like a technicality at this point.

The Misch family has a proven history that they behave in a non EPA compliant manner, as evidenced by a January 2011 EPA Filing against Jeff Misch alleging the release of domestic sewage and hydroexcavation return waters into the ground from 2008. The fine in the initial filing was \$157K. This was eventually reduced to \$20K under the explicit conditions that he cease any further land application of the aforementioned toxic liquids and make payments over approximately 20 months. (I'm more than happy to provide the relative court documents to whoever wants them). So now we're just going to let this same person with this history bring in a self serving endeavor handling toxic materials and trust that he'll keep my family, your families, our children, our brand new beautiful school and our community safe when they aren't even bringing any financial value at all to our community? I'm not willing to take that risk and I'm all but begging that the voting members of the Village Board don't either. There are plenty of true rural locations that are far more appropriate for a personal venture like this.

Mayor James, I'm also begging you not to let this non-business, non-revenue generating, future business deterring, processing plant that will allegedly only benefit one family while hurting most, be one of the last things you allow as mayor of the amazing community you've helped grow.

Let's work together towards true economic development and attract businesses that can take advantage of the TIF district, grow our tax revenue and bring jobs, new families and a high quality of life to Downs.

Sent from my iPhone