



*Office of Jill Ferko*  
*Kendall County Treasurer & Collector*  
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March 12, 2010

Todd Milliron  
61 Cotswold Dr.  
Yorkville, IL 60560

RE: FOIA Request Received March 9, 2010, Regarding Kendall Land & Cattle  
Landfill Application Hearings.

Dear Mr. Milliron:

My office is in receipt of your FOIA request dated March 9, 2010, wherein you request the following: "Please produce copies of checks that were written to James F. McCluskey, James S. Harkness and/or Momkus McCluskey LLC law firm for Kendall Land and Cattle, LLC and Waste Management landfill hearing siting. Please confirm how much County tax payer money was used to fight their appeals. Please produce amount WM paid County's retained legal counsel to fight their appeal if any."

Your request is granted. Attached, please see a copy of check 112855 dated July 21, 2009, payable to Momkus McCluskey LLC. Please note that the amount reflected in that check represents payment to Momkus McCluskey for legal services in both the landfill appeal and Kendall County Circuit Court case seeking payment from Waste Management for the County's costs in the landfill appeal. The check was payable from County funds and, to that extent, constitutes tax payer money.

As for the portion of your request regarding the amount Waste Management paid the County's retained legal counsel for the appeal, the only amount paid by Waste Management to the County for the appeal is reflected in a deposit on April 14, 2009 in the amount of \$23,490.22. Of that amount, 22,243.47 represents the cost of preparing the record for appeal of the landfill siting hearing. The remaining balance was reimbursement for the outstanding siting hearing expenses. No other payments were made by Waste Management regarding the appeal to Illinois Pollution Control Board.

Very truly yours,

Jill Ferko  
Kendall County Treasurer & Collector



03/10/10

Account: 028568
Name: Kendall County Treasurer
Address: 111 W Fox Rd
Yorkville, IL 605601621

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## Waste Management pulls landfill plan after settlement Won't appeal to Pollution Control Board

By Matt Schury

Kendall County has, for now, closed a long chapter on a proposed landfill in far southern Kendall County.

The County Board voted unanimously at their meeting Tuesday morning to accept a settlement agreement with Waste Management and Kendall Land and Cattle LLC.

In the settlement, the Waste Management says it will withdraw its appeal of the county's landfill application denial to the Illinois Pollution Control Board. In return, the county will drop its pending lawsuit in the 16th Circuit Court against the company for legal fee reimbursements.

In November 2008, the Kendall County Board voted 6-4 to deny the landfill application presented by Waste management and Kendall Land and Cattle LLC.

The application was the second the company filed in as many years to site a landfill in Lisbon Township on the south side of Whitewillow Road, east of Route 47. Following a lengthy hearing process, the county denied the application and Waste Management appealed that decision to the Illinois Pollution Control

Board. The county subsequently filed a lawsuit to be reimbursed for costs incurred during that appeals process.

"This would in essence resolve the case—the case would go no further in either Circuit Court or before the Illinois Pollution Control Board," Kendall County State's Attorney Eric Weis said.

The board still needs to pay \$165,000 in legal and expert fees incurred during the appeals process, Weis added. During that process, the board hired the law firm of Momkus McCluskey LLC of Lisle. Weis said he estimates the county owes them for about 700 hours of legal fees.

According to state regulations, Waste Management cannot file another application to site a landfill in the county for two years from the date they filed the first application. The soonest the company could come back to the county would be November 2010.

"If they decided to come back at some point, we would have to start over at square one," Weis said.

Square one would include drafting a new host agreement and holding the lengthy hearing process again.

Records show the company still owns 669 acres of land at Ashley and Whitewillow Roads.



'Down on the Farm': Dominic Vashkelrs-Benson works on his craft project during the Yorkville Parks and Recreation Department's "Down on the Farm" class Tuesday. Another such class is held next Tuesday. Another photo is on page 13, this section. (Record Photo by Eric Miller)