Timothy A. Taylor
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RECEIVED
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BY

July 30, 2005

Mr. Michael MacMullen
Federal Aviation Administration
2300 East Devon Avenue
Des Plaines, Illinois 60018

Dear Mr. MacMullen:

On behalf of myself and my family, I wish to thank the Federal Aviation Administration (FAA) for allowing me to offer this written testimony in regard to the FAA's recently released O'Hare Modernization Final Environmental Impact Statement (FEIS).

Having briefly viewing the FEIS on-line, I wish to comment regarding the Environmental Justice (EJ) portion. When considering the EJ issues, I am compelled to comment regarding the impact of the Bensenville government on its citizens concerning O'Hare expansion. As background for my comments, I have attached testimonies from a Village Board Meeting and a Park District Board Meeting. 1

As indicated, attached is a copy of written testimony that I read at a May 16, 2005 Bensenville Village Board Meeting. I asked four questions, one of which concerned a park called, Schuster Park. The Village's response to the park question was that it was the Park District's problem and that I should call the Park District to fix the park. I do not believe that the Village included my comments in the actual Minutes of their meeting; however, I do believe the meeting was taped and then broadcast on COMCAST a week or so later. Also, attached is testimony that I read at a Bensenville Park District Board Meeting on July 27, 2005, as well as the Park District's response to my questions.

As stated in the testimonies in regard to the Village of Bensenville's July 5, 2005 letter to the FAA, I am disappointed with the Village of Bensenville's mischaracterization of Schuster Park. I would hope the FAA could respond to the Village's blatant misrepresentation of Schuster Park. It is a shame that this type of behavior exhibited by the Village has been consistent throughout their years of fighting O'Hare expansion. 2

As a resident in the proposed southern runway area, I truly hope the FAA moves forward and will accept the full expansion option in its Record of Decision. This would give the area, the state and the nation the needed boost for economic development in and around the airport, as well as ease air-traffic flow across the United States. This would also give my family the opportunity to move to an area not dictated by the whims of the Bensenville Village Board. 3

Timothy A. Taylor
128 Orchard Avenue
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July 27, 2005

I wish to thank the Bensenville Park District Board for allowing me the opportunity to offer testimony this evening. I was going to ask the Village this question, but when I attended the July 18, 2005 Board Meeting, it was immediately cancelled and switched to a Thursday evening session that I could not attend. So, I have come here this evening to inquire about the Bretman-Schuster Complex.

I visited a Village of Bensenville Board Meeting on May 16, 2005 and inquired as to what all the fuss was about a park called Schuster Park that was mentioned during a Bensenville Intergovernmental Group (BIG) Meeting just prior to the May 16th session. I mentioned that as an 11year resident of Bensenville, I didn't even know that the playlot down the street from me even had a name. To be honest, it's a rather dumpy park with outdated park equipment that maybe my kids and I have gone to at most five times. I asked since the Village was so set on keeping the park out of the hands of the City of Chicago, why don't they update the park? The response I received was that it was the Bensenville Park District's responsibility to fix the park; I should go the Park District and ask them to fix the park.

I recently went on-line to the Village's website and downloaded material that was sent to the FAA on July 5, 2005. The letter to the FAA states the the FAA has mischaracterized Schuster Park in its Draft Environmental Impact Statement. The Draft Evaluation describes Schuster Park as follows: "Based on the location of this park, its assets, and size, this park appears to be a neighborhood park. The residences in close proximity to the park, whose occupants are likely the primary users of this park, would be acquired under any of the Build Alternatives. Therefore, the location of the replacement property would not necessarily need to be located in close proximity to the current park location."

The Village implores that this is incorrect...the Village states that the park is a "significant recreational resource currently used by citizens residing throughout the Village of Bensenville, not just those that would be displaced..." The document also states that Bretman Park (owned by the Village) - that's behind the townhomes is also a significant recreational resource.

Finally, the Village of Bensenville states that it "...has plans to upgrade Bretman Park with additional recreational facilities to make Bretman Park even more of a

recreational resource for residents from throughout Bensenville. It is the Village's hope that under a cooperative relationship with the Bensenville Park District, the Bretman-Schuster complex will – even more than it is today – be one of the major recreational resources in Bensenville."

So, my inquiry leads to this:

- Has the Village of Bensenville approached the Bensenville Park District in regard to creating a Bretman-Schuster Complex?
- If so, at what cost?
- Would the Park District agree with the Village in its characterizations of Schuster and Bretman Parks?
- Does the Park District agree with the FAA's characterization of Schuster Park?
- Anyone know why the Village after not even two months after my original inquiry, has embraced the idea of improving not only Schuster Park, but Bretman Park, as well?

The portion regarding Schuster Park from the Village's letter to the FAA is attached.

Again, I thank you for your time this evening.

Encl.

Timothy A. Taylor
128 Orchard Avenue
Bensenville, Illinois 60106

May 16, 2005

Village President and Village Trustees
Special Village Board Meeting
12 S. Center Street
Bensenville, Illinois 60106

My name is Tim Taylor and I reside at 128 Orchard Avenue, Bensenville, Illinois. I have four questions. I thank you for the opportunity to speak this evening.

The first question concerns the enforcement of the Village of Bensenville's Ethics Ordinance. I only come to this body now because there seems to be no effort by the Village Board to enforce its own Ordinance.

The Ethics Ordinance states: "The public has a right to expect that every public official and employee will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government represented."

It also states: "No official or employee shall request, use or permit use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of the official or employee or any other person."

It further states: "The best interests of the public require that any public official or employee found to be in violation of this ethics policy shall be subject to reprimand or other vote of no confidence, suspension, or discharge."

My question is: Is the Village Board of Bensenville going to examine the alleged activities of Bensenville Village Board Trustee, Hank Mandziara in regard to the violation of the Bensenville Village Board Ethics Ordinance concerning his alleged use of a state police database to run license plates of people working for the campaign of John Wassinger?

I am not a judge. If Mr. Mandziara is innocent of the alleged activities, then by all means move on; however, if Mr. Mandziara has made a mistake, then he has not preserved the public's confidence and the Village Board should follow its own Ethics Ordinance.

The second question is: What's the status of the lawsuit against the Village in regard to the fire fighter's pension fund?

The third: I had the opportunity to sit in on a Special Bensenville Intergovernmental Group (BIG) Meeting and the topic of contention was a small park called, Schuster Park. It seems the park was created through a number of funding vehicles, one of which was a federal grant. If the City of Chicago were to acquire this park for O'Hare expansion, it would have to relocate it somewhere else. I won't speak to that item as I see that a BIG Meeting topic is scheduled for later in this meeting. However, being a resident of Bensenville for over 11 years, now I have to be honest...I didn't know the piece of land they were arguing about actually had a name. It's actually a dumpy little park with park equipment that wouldn't be up to the standards of a 1950's Drive-In...If the Village is so worried about a little park at the end of Orchard Street near the townhouses, **then here's question three:** "Why doesn't the Village invest some money into the acquisition area to make it a more enjoyable place to live like a safe park then just buying homes?

The fourth question is: In regard to Item #9 on the Agenda, what is the Legal Defense Trust Fund and why does Elk Grove need money for it and how much money is the payment for?

Again, thank you for your time.

if a project is expected to exceed the NAAQS for any criteria air pollutant, then it must conduct more analysis, not less.[35]

None of the FAA's assertions about $PM_{2.5}$ in the Draft Evaluation justify its failure to further evaluate this pollutant in either its NEPA, NHPA Section 106, or Section 4(f)/6(f) evaluations.

C. FAA Mischaracterizes Schuster Park.

The Draft Evaluation identifies Schuster Park as both a 4(f) and 6(f) property. Section 6(f) of the Land and Water Conservation Fund Act, 16 U.S.C. § 4601-8(f)(3) establishes additional requirements with respect to 6(f) properties. Specifically, 6(f) property may not be converted from public outdoor recreational use without the approval of the Regional Directors of the National Park Service (NPS) (pursuant to delegation from the Secretary of Interior). This approval shall only be provided where the NPS provides that the conversion is "in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreational properties of at least equal fair market value and of reasonably equivalent usefulness and location."

In order to evaluate the equivalency of the usefulness and location of potential replacement properties for Schuster, it is critical to properly characterize

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[35] *See* FAA Order 1050.1E, Appendix A, Section 2.2d ("If . . . there is potential for the proposed action to cause the area to exceed the NAAQS, then further consultation, analysis, and documentation will be required in an EA or EIS . . . .").

the purpose and use of the existing resource. The Draft Evaluation describes Schuster Park as follows:

> Based on the location of this park, its assets, and size, this park appears to be a neighborhood park. The residences in close proximity to the park, whose occupants are likely the primary users of this park, would be acquired under any of the Build Alternatives. Therefore, the location of the replacement property would not necessarily need to be located in close proximity to the current park location.[36]

The characterization of this park and the related legal conclusions with respect to the acceptable location of any replacement are incorrect. Schuster Park (and the adjacent parkland – Bretman Park – owned by the Village of Bensenville) is a significant recreational resource currently used by citizens residing throughout the Village of Bensenville, not just those that would be displaced by Build Alternatives. The Village of Bensenville has plans to upgrade Bretman Park with additional recreational facilities to make Bretman Park even more of a recreational resource for residents from throughout Bensenville. It is the Village's hope that under a cooperative relationship with the Bensenville Park District, the Bretman-Schuster complex will – even more than it is today – be one of the major recreational resources in Bensenville."

Accordingly, pursuant to 36 C.F.R. § 59.3(b)(3), any replacement for Schuster Park must meet the similar recreational needs (basketball, soccer, picnicking, playground, biking and significant open space), be located in at least a "reasonably equivalent location," be accessible by the same "user community," and also be

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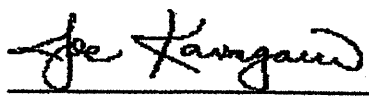
[36] Draft Evaluation at 3-4 and 4-3 to 4-4.

administered by the "same political jurisdiction as the converted property" (presumably either the Bensenville Park District or the Village of Bensenville itself).[37]

IV. Conclusion.

For the reasons presented above, the FAA's Draft Evaluation of 4(f) and 6(f) properties is fatally flawed and the FAA may not approve or permit the project to go forward.

Respectfully submitted,



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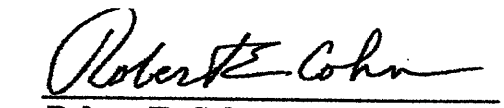

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[37] 36 C.F.R. § 59.3(b)(3)(iii). Although exceptions to the rule of locating replacement property close by the converted property are discussed in NPS regulations, Schuster Park, accurately described, would not fall within one of these exceptions.

BENSENVILLE
PARK DISTRICT

July 29, 2005

Timothy A. Taylor
128 Orchard Avenue
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Dear Mr. Taylor,

Thank you for your attendance at our recent Board meeting. Below I have provided the answers to the questions you provided in writing.

- Has the Village of Bensenville approached the Bensenville Park District in regard to creating a Bretman-Schuster Complex?

  A: No

- If so, at what cost?

  A: See above.

- Would the Park District agree with the Village in its characterizations of Schuster and Bretman Parks?

  A: No

- Does the Park District agree with the FAA's characterization of Schuster Park?

  A: Yes

- Anyone know why the Village after not even two months after my original inquiry, has embraced the idea of improving not only Schuster Park, but Bretman Park, as well?

  A: As you know, this question answers itself.

Thank you again for your interest. Please feel free to contact me should you require further information.

Very truly yours,

Michael J. Benard
Director of Parks and Recreation

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