From:	bctd84a@aol.com
To:	Anne Kritzmire; Chris Borawski; Jennifer Michaud; Rita O"Connor; Bobbie O"Reilly; Kent Tinucci
Cc:	Greg Jackson; Margerita Romanello; Denise Rosenquist; billjacob@comcast.net; maltenberg@lakecountyil.gov; wilson5279@comcast.net; Michele Schmitke
Subject:	2nd Request: Philip Estates/U.S. Supreme Ct. Decision, & Public Comment
Date:	Wednesday, September 1, 2021 2:52:21 PM

Ladies and Gentlemen:

1) **Second Request** - Philip Estates Reconsideration / SCOTUS 'Takings' Decision

I am unable to trace the courtesy of any response from you (sing. or pl.) to my August 14, 2021 email (repeated below), re: Reconsider Philip Estates in Light of U.S. Supreme Ct. Decision (in addition to my other emails to you on the subject of Philip Estates ordinance violations).

2a) **Second Request** - Public Comment (regarding 1., above)

On August 14, 2021, I respectfully asked that the email regarding 1 above, (repeated below) be made part of the public comment record, having timely copied it to "drosenquist@longgroveil.gov." as instructed...

"Public comments may also be submitted in writing via email to drosenquist@longgroveil.gov. All written comments must be submitted by 6:45 p.m, on August 24, 2021." See: https://www.longgroveil.gov/sites/default/files/fileattachments/village_board/meeting/4501/01_long_grove_8-24-21_village_board_agenda_00029949_vf_final.pdf

My email was sent 10 days in advance of the August 24, 2021 deadline in question. My email included the request to: **"Please make this email and your timely written reply part of public comments and the Philip Estates' permanent record."**

As before (see my Written Public Comments - Philip Estates email dtd 6/22/21) my public comment was scrubbed and suppressed without explanation. My comments were not included in the Details and Meeting Information packet available to the public, which packet was prepared around August 20, 2021. See: https://www.longgroveil.gov/village-board/page/village-board-meeting-44 My comments are now nowhere to be found by me at the Village's website.

The Illinois Open Meetings Act provides: **"Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body."** 5 ILCS 120/2.06(g).

As you know, Rule A3 of the Village's Temporary Rules Concerning Public Comment, requires the following:

"[A]3. All email comments directed to a Public Body that are received 15 minutes or more before the commencement of a meeting of that Public Body will be distributed to all members of the Public Body and acknowledged by the Mayor or Chairperson ("Presiding Officer") during the meeting. All such comments will also be made available to the public on the Village's website."

N.B., instead of addressing the important and timely, public policy, Constitutional and property rights issue raised, and your prior alleged unlawful actions, affecting many current and prospective Long Grove families, you instead took the time to sing and discuss weeds. See video starting at approx. 1:07:15 hour mark: https://www.youtube.com/watch?v=j6cjux5KaVk

2b) **Second Request** - Public Comment (Response to Village's Answer to the - IL Attny General Public Access Bureau Investigation)

On August 24, 2021 at approx. 11:46 a.m. (nearly 6-1/2 hrs before the Village's deadline for email public comment), the Village (at "drosenquist@longgroveil.gov") received my public comments in the form of my response to the Village's answer to the IL AG's Public Access Bureau investigation of your alleged violations of the Illinois Opened meetings Act.

Included in that email response was a request that "...this response be made part of the public comments

for August 24, 2021 Village Board Meeting."

As with section 2a, above, I can find no evidence this was done.

These omissions are yet other documented violations of Village ordinance and the Illinois Open Meetings Act. Aside from other admitted and alleged OMA violations now under review by the Illinois Attorney General's Public Access Bureau, these deserve your immediate action.

I ask that my emailed comments, including my (2a & b) email comments of 8/14/21 and 8/24/21 be acknowledged and all be made part of the public comments record, Details packet, and thereafter, "...be made available to the public on the Village's website" (not requiring a FOIA), as well as the Philip Estates' permanent file, at the earliest opportunity per Rule A3.

Lastly, could someone advise the public exactly where we can find all written public comment "at the Village's website" pursuant to Rule A3, because I for one am having no luck finding any.

Regards,
Phil Goldberg

-----Original Message-----
From: bctd84a@aol.com
To: anne.kritzmire@longgroveil.gov; chris.borawski@longgroveil.gov; jennifer.michaud@longgroveil.gov; rita.oconnor@longgroveil.gov

Cc: bobbie.oreilly@longgroveil.gov; kent.tinucci@longgroveil.gov; gjackson@longgroveil.gov; mromanello@longgroveil.gov; drosenquist@longgroveil.gov; billjacob@comcast.net; cmg3807@me.com; lcpermits@lakecountyil.gov; publicworks@lakecountyil.gov ; maltenberg@lakecountyil.gov; wilson5279@comcast.net

Sent: Sat, Aug 14, 2021 1:49 pm
Subject: Long Grove - Reconsider Philip Estates in Light of U.S. Supreme Ct. Decision

Ladies and Gentleman:

By passing Ordinance 2021-R-XX amending a special use permit for Philip Estates subdivision, each of you laid the foundation for the unauthorized use or taking of our (and others) property. This was done by you ratifying PE's irregular potable water and sewer plan requiring access to dig-up and damage our property as an integral part of the permit. This also included the perpetual use of our land and piping for unaffiliated third parties, and not requiring due amendment to our HOA declaration. Without your vote no such unauthorized use or access would arise toward the diminution of our property value versus unaffected property.

In doing so you ignored the unambiguous language of the Village's own special use permit ordinance (i.e., 5-1--17(E)(1)), and Glenstone HOA's record declaration in your possession. In addition, it was claimed for your refusal to investigate and pursue our well-founded PE/Glenstone criminal complaint, you were "constitutionally unable to expend public resources to advance the private interests that are [ours] to assert", effectively washing your hands of the problem you made and also, law enforcement responsibility.

U.S. Supreme Court Acts to Limit Government Unlawful Infringment on Property Rights
https://www.natlawreview.com/article/supreme-court-finds-fifth-amendment-taking-state-regulation-granting-access-to

It now comes to pass that the Supreme Court of the United States (in *Cedar Point et al. v Hassid et al.,* 923 F. 3d 524*) has decided such action as yours constitutes a "*per se* taking" under the same constitution you cite and swore to support. No matter the artifice employed by you, what you did impairs and undermines our unfettered Fifth and Fourteenth Amendment right to exclude trespassers from our property or solely to grant them an easement, as our property alone, by you authorizing PE and Glenstone's clearly unlawful plan to invade, damage and take our property. Your official action also leaves us in a weakened position

to defend our property rights.

Reconsideration Required

Given the SCOTUS 6-3 decision of June 23, 2021 not factored into your vote, we're asking that you reconsider your unconstitutional action and ordinance violation, and immediately vote to rescind your prior approval to come into compliance with both. This is because it is now clear you have put Long Grove taxpayers on the hook, as well as
previously claiming you are constitutionally unable to expend public resources to advance private interests. In this case those interests being PE and Glenstone HOA's, whose problem it is now theirs alone to fix.

Unless it is your (together with the aforementioned co-conspirators) intention unlawfully to profit at our expense by taking our property we alone own, you will do this without delay. This request should **not** be considered a threat of probable or imminent litigation, which we would like to avoid at all costs as I hope you would too given the crystal clarity of the SCOTUS decision.

Please make this email and your timely written reply part of public comments and the Philip Estates' permanent record.

Regards,
Phil and Cynthia Goldberg

* "***Cedar Point et al. v Hassid et al.,*** 923 F. 3d 524, decided June 24, 2021- "...[Defendant's] access regulation appropriates a right to invade [Plaintiff's] property and therefore constitutes a *per se* physical taking. Rather than restraining [Plaintiff's] use of their own property, the regulation appropriates for the enjoyment of third parties... the owners' right to exclude. The right to exclude is "a fundamental element of the property right." *Kaiser Aetna* v. *United States*, 444 U. S. 164, 179–180. **The Court's precedents have thus treated government-authorized physical invasions as takings requiring just compensation.** As in previous cases, the government here has appropriated a right of access to private property. Because the regulation appropriates a right to physically invade [plaintiff's] property—to literally "take access" [regardless of the preconditions]—it constitutes a *per se*
physical taking under the Court's precedents. Pp. 7–10. ...The right to exclude is not an empty formality that can be modified at the government's pleasure..." Emphasis added here.