

# GLENCOE NEWS

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## Glencoe water plant talk spurs legal threats



John and Tamara Bradley own property adjacent to the Glencoe water pumping station. The couple are at odds with the village over talk of replacing the station. | Dan Dorfman/For Sun-Times Media.

**By Daniel I. Dorfman | Sun-Times Media | @dandorfman**

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Threats of legal action are being tossed around in the initial stages of a multi-pronged debate over how the village of Glencoe is going to deal with replacing its 85-year-old water pumping station.

Recently, Village President Larry Levin met with Jay and Tamara Dempsey, the owners of property close to the existing station. That property is on land that was donated to Glencoe in 1967 with a covenant as to how the property can be used.

Concerns over beach appearance is why this has become an emotional issue, not only for the Dempseys, but other residents as well.

At the meeting between the Dempseys and village, each side accused the other of sharp rhetoric with the village bringing up the possibility of taking the property through eminent domain and the Dempseys countering by legal action of their own.

Levin said the prospect of eminent domain only arose after the Dempseys were threatening legal action of their own.

“She threatened to sue us three times,” he said.

Tamara Bradley said the eminent domain threat caused she and her husband to toss out the idea of legal action.

“We said that would require a court proceeding, which is his interpretation of a lawsuit,” she said.

This back and forth is occurring as village officials are telling residents that no decision has been made about the future of the property where other government agencies – notably the Glencoe Park District – are involved.

The hot button issue being explored is whether the village would engage in a land swap with the Park District to construct a new pumping station a few hundred yards to the north of its existing location, which right now sits on Park District property.

At its October meeting, Village Board members viewed a slide show detailing, in part, how a land swap with the Park District would work. Village officials also have met with their parks counterparts.

That left one trustee with the impression that a park land swap was the preferred way for the village to move forward.

“The presentation the last time created the impression that was the preferred option, and we are steaming ahead with it,” Trustee Bruce Cowans said at Thursday’s meeting. “It was not clear to me, I thought the train was rolling.”

But Levin said the process was now in the early stages months of analysis and no decisions have been made. That theme was repeated in a special mailing that went out to village residents, which noted that updating the existing water plant would be a possibility, as well as building a plant off the beach or building a plant as close as possible to the current location.

Also, there are ongoing conversations between the village and the Northwest Water Commission, which supplies water to several northwest suburbs, to determine whether that agency could get access to Glencoe’s facilities which could finance a new plant.

While Levin has emphasized no decision has been made, a group of residents believe the decision has already been made to move forward with the land swap proposal.

“The rumors floating around are unfortunate because they tend to take the position that we know where we are going with all of this,” Levin said.

If the land swap option is deemed the best option out there, one of the issues the respective government agencies will have to deal with is the interpretation of the deed of the property donated by Harold and Jane Perlman in 1967 to the Park District. The land was donated with a specific provision in the deed that reads in part, “No building or structure shall be built on the land which would impair the view from the house ... now located on the balance of said Lot 1.”

The question becomes whether a new pumping station would violate the deed, especially when the next part reads, "The land conveyed hereby shall be used for recreation-boating. It shall not be used for public swimming without the consent from the then owner of the balance of said Lot 1."

Levin does not believe the construction of a power plant would violate the Pearlman covenant because a portion would still have acceptable uses.

"The covenant does not require exclusive use for recreation and boating," Levin stated.

Village Park District President Bob Kimble was not as certain.

"One of the things we have asked our attorney is review the deed just to see what our legal rights and responsibilities are in that case. We are very grateful for the deed, we are just trying to understand it."

At their meeting Nov. 19, park officials said they are in a wait-and-see mode. The village has put it on the table they would be willing to build a new boating beach for the Park District as the existing one would have to be removed to make way for a new station.

But opposition has boiled up against the land swap, and resident Bob Footlik urged the Park District Board to make some type of official statement that they would not engage in a land swap.

"I think it would be appropriate to do such a resolution," he said. "Simply an advisory one to be able to say that to the village in an open meeting or if they come to you."

Park District Board member Steve Gaines responded that such a move may not be necessary at this point.

"We appreciate your comments, but we don't want to put the cart before the horse," he said.

Meanwhile, other residents are saying it is time to step back and see what is proposed down the road.

"I see a lot of people spreading misinformation and panic and not trusting their elected officials to make a proper decision on our behalf," said resident Nancy Guenther, "They are still doing the study and they don't have anything to say yet."

Resident Eileen Sirkin appeared at both meetings, and overall she was looking for more transparency from Glencoe officials as the process moves forward.

"The information I have is all negative. There is a buzz out there," she said. "I think people are upset because they are not getting information from the village."