

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

March 18, 2015

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1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
 2 CASE SU-7-14
 3 PLEASANT RIDGE WIND ENERGY PROJECT
 4
 5 March 18, 2015
 6 6:30 PM
 7 Walton Centre
 8 100 West Locust Street
 9 Fairbury, Illinois

10 BOARD MEMBERS
 11 Michael Cornale, Acting Chair
 12 John Vitzthum
 13 Richard Kiefer
 14 Joan Huisman
 15 Tom Blakeman, Attorney for Zoning Board of Appeals

16 Charles T. Schopp, Administrator
 17 Livingston County Regional Planning Commission
 18 112 W. Madison Street
 19 Pontiac, IL 61764

20 James R. Griffin
 21 Attorney for Livingston County
 22 Schain, Banks, Kenny & Schwartz
 23 70 W. Madison Street, Suite 5300
 24 Chicago, IL 60602
 312.345.5700

15 Appearing For Applicant/Invenergy:
 16 Michael S. Blazer
 17 Attorney at Law
 18 Jeep & Blazer, LLC
 19 24 North Hillside Avenue, Suite A
 20 Hillside, IL 60162
 21 708.236.0830
 22 mblazer@enviroatty.com

23 Appearing for United Citizens of Livingston County:
 24 Phillip A. Luetkehans
 Attorney at Law
 Schirott, Luetkehans & Garner, LLC
 105 E. Irving Park Road
 Itasca, IL 60143
 630.760.4601
 pluetkehans@slg-atty.com

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1 **CHAIRMAN CORNALE:** All right, if we can go
 2 ahead and make our way to our seats, we can get
 3 going this evening. Chuck, roll call please.
 4 **MR. SCHOPP:** This will be the March 18,
 5 2015, continuation hearing for Livingston County
 6 Zoning Board of Appeals review of Zoning Case
 7 SU-7-14, Pleasant Ridge Energy, LLC, Pleasant Ridge
 8 Wind Energy Project. Michael Cornale.
 9 **CHAIRMAN CORNALE:** Here.
 10 **MR. SCHOPP:** John Vitzthum.
 11 **MR. VITZTHUM:** Here.
 12 **MR. SCHOPP:** Richard Kiefer.
 13 **MR. KIEFER:** Here.
 14 **MR. SCHOPP:** Diana Iverson. Howard
 15 Zimmerman. Joan Huisman.
 16 **MS. HUISMAN:** Here.
 17 **MR. SCHOPP:** And Gibs Nielsen.
 18 **CHAIRMAN CORNALE:** All right. Want to
 19 welcome everybody here this evening again. Quick
 20 reminder out there. I just want to remind everybody
 21 that next week is going to be the last date to sign
 22 up if you intend to testify, so you need to make
 23 sure you sign up by our meeting on Wednesday. You
 24 need to be on that list. That doesn't mean you're

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1 going to get to go that evening, but you need to
 2 sign up. If you don't sign up, you've missed your
 3 opportunity. All right, I want to stress that. I
 4 want to be very clear about that. If you're not
 5 signed up, you need to get on the list. If not, you
 6 lose your opportunity.
 7 Okay, with that, first order of business
 8 we need to take care of, there's been -- there's
 9 been some evidence submitted. The county didn't
 10 accept it in light of a witness coming to testify.
 11 The applicant has made a motion to remove that from
 12 evidence, and we need to discuss and decide what the
 13 fate of that particular evidence is this evening.
 14 So with that, I guess I'll turn it over to
 15 the applicant. You can go ahead and fill us in and
 16 we'll -- and then we'll let Mr. Luetkehans respond
 17 and we'll discuss it from there.
 18 **MR. BLAZER:** I was actually going to try
 19 and be unusually brief, so I'll just -- I'll try to
 20 cut to the chase, Mr. Chairman. We filed a motion.
 21 Obviously it relates to the Rand report and
 22 references the Rand report. We now know, it's
 23 confirmed, that Mr. Rand will not be testifying in
 24 this proceeding. And I don't know if it matters

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1 whether -- I don't know if this matters or not, but
 2 it's not because he can't. It's because he won't.
 3 And his statement that's attached to Mr.
 4 Luetkehans's response is Mr. Rand will not subject
 5 the board, the attending public or myself to further
 6 time wasted. I won't get into his descriptions of
 7 what's going on in this proceeding, but the bottom
 8 line is this is not an issue of whether or not the
 9 rules of evidence apply. That's one of the things
 10 that Mr. Luetkehans said in his response.
 11 This has nothing to do with the rules of
 12 evidence. This has to do with our express due
 13 process rights as enunciated by the Illinois Supreme
 14 Court on the contents of exactly this type of
 15 proceeding to be able to cross-examine a witness.
 16 It's also specifically covered by the rules of this
 17 board. I quoted no less an authority than yourself
 18 when you were asked a question during one of the
 19 hearings about people submitting comment and not
 20 subjecting themselves to cross-examination, and you
 21 said they can't do that, they have to come in and be
 22 sworn.
 23 This is exactly that type of situation
 24 where Mr. Rand has submitted a report and he is not

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1 -- as I said, not just unable to come in, he is
 2 refusing to come in to be sworn under oath and be
 3 cross-examined. And that's contrary to the Illinois
 4 Supreme Court. It's contrary to the rules of this
 5 board as have been enunciated a number of times.
 6 Mr. Luetkehans indicates that there have
 7 been a number of reports that have been introduced
 8 in this case not by their authors. The difference
 9 with that is, number one, they've been introduced by
 10 people who are experts in those fields and could
 11 qualify those documents. And I'll remind you that
 12 as late as this past Monday, just two days ago, you
 13 ruled that certain documents that I had asked Mr.
 14 Punch about would not be admitted into evidence
 15 because he denied any knowledge of them. So that is
 16 the way it's been handled in this proceeding from
 17 day one.
 18 This thing about the video from what seems
 19 months ago, because it is, all the way back to
 20 November 17, the video that Mr. Parzyck introduced
 21 in his presentation, the objection that Mr.
 22 Luetkehans made was not the objection that I'm
 23 making. It had nothing to do with it. The
 24 objection he made was, number one, that he wanted a

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1 copy of it, and number two, he said hearsay and lack
 2 of foundation. He didn't say anything about his
 3 right to cross-examine the people who were in that
 4 video. Had he done that, he could have moved to
 5 strike the video at that time. He never did that.
 6 **MR. LUETKEHANS:** Move to strike.
 7 **MR. BLAZER:** So -- thank you. Thank you,
 8 Phil, I appreciate that. So I think I've already
 9 said more than I said I was going to say. The
 10 bottom line is this person is refusing to come in to
 11 be sworn and be cross-examined. His report cannot
 12 be in the record of this proceeding. It's just as
 13 simple as that. Thank you.
 14 **MR. LUETKEHANS:** Let's think about why Mr.
 15 Rand has refused to come. He's refused to come for
 16 a number of reasons. One is he's watched the
 17 cross-examination which has been so above and beyond
 18 anything that I've ever seen in a zoning hearing
 19 that it is ludicrous. People have come in here to
 20 testify, to tell this board what is going on, what
 21 their opinions are; instead, spent two hours talking
 22 about bias that didn't exist, that this chairman
 23 said didn't exist; talking about ethical violations
 24 that were supposedly violations of the law, none of

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1 which were proven. They were submitted to
 2 cross-examination that was just absolutely crazy.
 3 Second, Mr. Rand was threatened if he came
 4 here to testify, as was Mr. McCann. Mr. McCann was
 5 here with police officers here because of those
 6 threats. Mr. Rand has said he has a fear for his
 7 health. That's why he's not here. You can take out
 8 one part of that statement and point to it, but it's
 9 really the last thing he says.
 10 Let's talk about the right to
 11 cross-examination. Klaeren, Klaeren says you have a
 12 right to cross-examine under certain circumstances
 13 because you have a property right. I'll be honest,
 14 I didn't put this in my motion, but I don't know
 15 what is Invenergy's property right. Every witness
 16 who came in here and said that they had one of these
 17 pieces of property that was asked to be zoned, he
 18 said he didn't represent them. I assumed he did
 19 until Monday night. He said he doesn't represent
 20 the property owners; he represents Invenergy.
 21 That's a different right. It's not the property
 22 right that Klaeren and Supreme Court base the right
 23 to cross-examine on.
 24 Invenergy does not have a property right.

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1 They have a contract right; they don't have a
 2 property right. I have not seen, which I normally
 3 do, and maybe it's here and I missed it, the
 4 authority given to Mr. Blazer and his law firm to
 5 represent the property owners. Every other time
 6 I've been involved in a zoning case where someone is
 7 a property owner and they have a contract with the
 8 company that's buying the property, they have to
 9 provide Mr. Blazer the right to -- the authority to
 10 represent them. That hasn't occurred here.

11 We talk about the video. I made two
 12 objections that first night to see what the rules
 13 were: one, foundation; two, hearsay. The exception
 14 to hearsay is I'm an expert and I can rely on other
 15 people's reports. That's why it's relevant. That's
 16 the hearsay exception that allows you to get -- get
 17 reports in from other experts. It's still hearsay,
 18 but there's an exception to it. We overruled my
 19 hearsay exception because hearsay wasn't applied to
 20 this. That's the only way he gets these reports in
 21 is because he has an exclusion to the hearsay rule.

22 We want to talk about due process. It's a
 23 flexible concept. The Supreme Court says that.
 24 Requires only such procedural protections as

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1 fundamental principles of justice that a particular
 2 situation demands. Does anyone think that Invenergy
 3 has not been given the right to cross-examine, raise
 4 these issues? We've spent nights and nights
 5 cross-examining people on things that had no
 6 relevance to this procedure, this proceeding. To
 7 say now that, you know, that cross-examination,
 8 those threats, are going to be rewarded should not
 9 occur. And to say that they shouldn't occur and not
 10 allow it is a violation of my client's procedural
 11 due process right, which they have because they're
 12 surrounding property owners. They're not contract
 13 rights; they are surrounding property owners. Thank
 14 you.

15 **MR. BLAZER:** Two final comments if I may,
 16 Mr. Chairman, and just to -- number one, the Klaeren
 17 decision which we've cited in our motion, the
 18 Supreme Court decision, does not limit itself to
 19 simply people who have a property right. It is for
 20 the benefit of all participants who are interested,
 21 and that frankly would include everybody in this
 22 audience.

23 But the ultimate ruling which we quoted in
 24 our motion from the Klaeren decision is while an

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1 interested party's right of cross-examination may be
 2 tailored by guidelines such as these, that right may
 3 not be wholly contravened by the procedures used at
 4 the joint hearing at issue here. And the issue in
 5 that case, if -- well, I know Mr. Blakeman and Mr.
 6 Griffin are familiar with it, but the issue was that
 7 the right to cross-examine had been completely
 8 curtailed. So that's what's happening here.

9 I can't comment on this stuff about being
 10 threatened. You know, a lot of people in this
 11 proceeding, a lot of people in this audience
 12 disagree with each other. But whether they're for
 13 or against this project, I find it impossible to
 14 believe that any of the people in this community
 15 would have threatened a witness. So those claims
 16 are unsubstantiated. It's Mr. McCann saying
 17 somebody threatened me. It's Mr. Rand then saying
 18 Mr. McCann was threatened and now I'm afraid.

19 But Mr. Rand's penultimate conclusion,
 20 which is in this unverified letter that he attaches
 21 to Mr. Luetkehans's response, is that he will not
 22 subject the board, the attending public or myself to
 23 further time wasted. He will not come in and be
 24 sworn and be subject to cross-examination. And then

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1 it's a violation of our due process rights, it's a
 2 violation of the Supreme Court case, it's a
 3 violation of the rules of this proceeding, and, Mr.
 4 Chairman, it's a violation of what you said during
 5 this hearing. The witness must appear and be sworn,
 6 subject to cross-examination, all those things that
 7 every other witness is subject to. That comment by
 8 you was in response to the question can someone just
 9 submit written comment and you said no. And that's
 10 exactly what's happening here. Thank you, sir.

11 **MR. LUETKEHANS:** If I may make one
 12 statement, and it's a quote from the case of
 13 Klaeren, and Klaeren case says -- and this is how it
 14 gets to the issue of cross-examination. Quote, as a
 15 result, those parties must be afforded the due
 16 process rights normally granted to individuals whose
 17 property rights are at stake. I still haven't heard
 18 that Mr. Blazer represents anybody who has a
 19 property right. Thank you.

20 **CHAIRMAN CORNALE:** All right. I guess
 21 given this, I want to look to the rest of the
 22 members on the board for any input on this, with
 23 regard to this motion. Either way you guys have any
 24 feelings about it? Do you feel it should be

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1 allowed, shouldn't be allowed? I guess what are
 2 your thoughts on it? John, do you have anything?
 3 Or Joan or Rich have anything?
 4 **MS. HUISMAN:** Did you read the case?
 5 **MR. BLAKEMAN:** Yes, I read the case.
 6 **MS. HUISMAN:** What about property rights?
 7 **MR. BLAKEMAN:** I don't read it that way.
 8 **CHAIRMAN CORNALE:** Okay, the question was,
 9 Joan had a question to our counsel, did Mr. Blakeman
 10 review the case. And your response to that is --
 11 **MR. BLAKEMAN:** I don't read it the same
 12 way that Mr. Luetkehans does, but to take it a step
 13 further, I'm looking at other things other than due
 14 process in this and they're talking about due
 15 process. I'm looking more at the hearing
 16 procedures --
 17 **MR. LUETKEHANS:** Tom, they can't hear.
 18 **MR. BLAKEMAN:** I'm sorry, I said I'm
 19 looking more at the hearing procedures that are
 20 required by the ZBA.
 21 **CHAIRMAN CORNALE:** Okay. I guess my -- at
 22 this point, my thoughts and feelings, and I'll just
 23 throw this out there and you guys can -- we have set
 24 up the process and we have tried to uphold the

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1 process throughout. I guess at this point we need
 2 to continue to uphold the process that we've set
 3 forth. And the statements were made, and I have
 4 made those, that someone must come in to testify in
 5 order to have the evidence submitted or taken into
 6 the record. I guess my feeling is that we should
 7 continue to follow that. Are you guys --
 8 **MS. HUISMAN:** I agree.
 9 **CHAIRMAN CORNALE:** Are you guys
 10 comfortable with that?
 11 **MS. HUISMAN:** Yes.
 12 **MR. KIEFER:** Yes.
 13 **CHAIRMAN CORNALE:** Okay, all right. So
 14 having said that, on the basis of the inability for
 15 Mr. Rand -- the inability of Rand to come to testify
 16 on the report that is very specific to the Pleasant
 17 Ridge Wind Farm, I will make a motion -- no, I will
 18 not make a motion. I will -- I will accept the
 19 applicant's motion to have this particular report
 20 struck from the record.
 21 With that, there are a few other factors
 22 that must take place. There was some testimony with
 23 regard to that. We're going to need to remove that
 24 from the record. I believe Kelson, Mrs. Kelson

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1 testified to that, along with -- was there a
 2 reference in a Bell testimony as well? Okay, so
 3 we're going to need to make sure that those -- those
 4 are correctly redacted, to take that information
 5 that was presented out of there.
 6 **MR. LUETKEHANS:** Mr. Chairman, I would not
 7 ask -- I would ask that they not be redacted. The
 8 motion to strike is -- I assume is granted, but to
 9 redact I think at this point would not be proper if
 10 -- I think the board is smart enough to understand
 11 that they can't take those into consideration, but I
 12 would like those to stay in the record as an offer
 13 of proof.
 14 **MR. BLAZER:** Well, I --
 15 **MR. LUETKEHANS:** You're not going to
 16 object to that.
 17 **MR. BLAZER:** My -- just for the record,
 18 and it's in my motion, the Kelson testimony that's
 19 the subject of this is from the February 9th
 20 hearing. It's pages 1901 line 13 to 1905 line 24.
 21 We don't have a transcript yet from Mrs. Bell, so I
 22 suppose we can address that once we have that
 23 transcript. That was, I think, from last week or
 24 two week ago if memory serves.

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1 My suggestion would be, and I don't know
 2 if Mr. Luetkehans has an objection to doing it that
 3 way, but I do think it should be removed from the
 4 record. But since we do have the pages and line
 5 numbers, I would recommend that Mr. Luetkehans
 6 simply -- one of the things that lawyers can do when
 7 a situation like this arises is you make what's
 8 called an offer of proof. You folks can't rely on
 9 it, but at least that way he preserves his record
 10 for purposes of any subsequent appeal. So it's
 11 actually in the record but not something that you
 12 can rely on.
 13 So my recommendation would be that he
 14 simply carve those sections out of the transcript,
 15 tender them as a UCLC exhibit as an offer of proof
 16 to --
 17 **MR. LUETKEHANS:** That's unnecessary.
 18 **CHAIRMAN CORNALE:** All right, gentlemen.
 19 In this situation, an offer of proof will not be
 20 allowed. There's no -- there is no eligibility for
 21 an offer of proof because Mr. Rand is refusing to
 22 testify. So we're not denying him the opportunity
 23 to testify. As a matter of fact, we would
 24 appreciate him coming and testifying. The offer of

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1 proof is made in lieu of a denial of our ability to
 2 allow him to testify. We haven't done that. Mr.
 3 Rand is welcome and he continues to be welcome.
 4 So offer of proof -- we will redact the
 5 transcripts to not have the testimony that was
 6 presented in regards to the Rand exhibit in
 7 evidence. It's over.
 8 **MR. BLAZER:** Thank you, Mr. Chairman.
 9 **CHAIRMAN CORNALE:** All right, let the
 10 record indicate that Exhibit 100, Pleasant Ridge
 11 Exhibit 100 is not admitted into evidence.
 12 **MR. BLAZER:** UCLC.
 13 **CHAIRMAN CORNALE:** I'm sorry, UCLC Exhibit
 14 100 is not admitted into evidence.
 15 **MR. LUETKEHANS:** But it is in the record,
 16 correct? Thank you.
 17 **CHAIRMAN CORNALE:** It is in the record.
 18 UCLC Exhibit 100 is in the record but is not
 19 evidence.
 20 All right, with that, we'll go ahead and
 21 continue on.
 22 **MR. BLAZER:** If I may ask for a
 23 clarification, Mr. Chairman, I frankly don't know
 24 what that distinction means. If it's stricken, it's

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1 not in the record.
 2 **MR. LUETKEHANS:** How are we going to
 3 argue -- how are we going to show anybody afterwards
 4 what we're arguing about if it's not there for
 5 someone to look at when the thing goes up?
 6 **CHAIRMAN CORNALE:** I understand we have
 7 not admitted the evidence, so it does not -- it's
 8 not a consideration for this board to utilize in its
 9 process. It still is within the record because it
 10 was submitted, and if there ever is a question of
 11 why we struck it or whatever the case is, it still
 12 exists there.
 13 **MR. BLAZER:** All right.
 14 **CHAIRMAN CORNALE:** All right. First
 15 witness this evening, Brent Johnston. Mr. Johnston,
 16 can I get you sworn in?
 17 (Mr. Brent Johnston was duly sworn.)
 18 **CHAIRMAN CORNALE:** All right, please state
 19 your name and address for our court reporter, and
 20 you can go ahead and begin.
 21 **MR. JOHNSTON:** Good evening. My name is
 22 Brent Johnston. And I'm not from this community. I
 23 want to go on record by saying I'm here for the kids
 24 and the students and your schools. My background is

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1 I'm a long-term retired teacher now. I taught in
 2 the western suburbs for many years, about 34 years,
 3 and during that time, I had a lot of dealings with
 4 parents and students and community, and I thought
 5 tonight I would come down and give you a little
 6 different perspective.
 7 I know this is a very conflicting thing
 8 that you are going through. Some of my background
 9 also includes some very small communities. Newark,
 10 Illinois, and Plano, Illinois, not too far from
 11 here, is where my parents grew up, so I'm very
 12 familiar with local schools and local communities.
 13 The two things that stand out in my mind
 14 is everything -- everything in these communities, at
 15 least from what I understand, surrounds themselves
 16 between two things: the church and school. And I
 17 hope after the dust settles on this entire
 18 proceeding, that we fully understand in this room
 19 that the community is still going to go on. And the
 20 one thing I would ask from both sides of the
 21 community as an outsider is that you still share
 22 your good thoughts together and that you do what is
 23 best for the kids and the community and each other,
 24 because that's not going to go away after the

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1 decision is made by this -- by this panel.
 2 What I intend to do today is give you some
 3 insight a little different than maybe what you're
 4 used to. My background is a very strong background
 5 in legislative materials and legislation, in
 6 particular, driver's education. Yes, I'm that guy
 7 that got in with some teenagers for 34 years and
 8 taught driver's ed to a lot of different kids. I
 9 certainly wish I had been in your community because
 10 most kids know how to drive probably at around nine
 11 or ten years old on the farm, so I wish I could have
 12 taken advantage of that a little bit more, but I was
 13 in a very congested area. And the importance of
 14 education, bar none, is so important to me that I
 15 thought I would spend a few moments here tonight
 16 with you and let you know what's going to happen
 17 maybe in the next couple years.
 18 My focus tonight is going to be
 19 continuously channeled towards what's the best for
 20 the kids and what's the best for the students, and
 21 my central theme tonight will be that. I entitled
 22 this conversation that we're going to have tonight
 23 there's a storm coming from the state that nobody in
 24 this state has ever seen before. And it's going to

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1 be a storm that's going to hit small, rural,
 2 consolidated districts like you have here in this
 3 area beyond belief.
 4 The dynamics of school funding.
 5 And parents, administrators and teachers and
 6 especially the students, you're going to see the
 7 dynamics of this downturn of financial instability
 8 from our state probably for the next three to five
 9 years. I'm expecting a 3 to 5 percent drop in state
 10 funding across the board for all general state aid
 11 and likely more than that if you include what is
 12 known as categorical aid. Categorical aid would be
 13 aid that is given to like special ed or driver's ed
 14 or special categories.
 15 As a parent, now as -- and as a teacher
 16 and then as a person with a great background in
 17 legislative concepts, I think that I have a good
 18 feel as to what the pulse is going to be in the next
 19 few years coming from the state. I work a lot with
 20 state agencies and state legislators regarding
 21 funding.
 22 How school administrators will balance
 23 their revenue and their budgets with the lack of
 24 this revenue is going to be a very difficult thing

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1 to predict. It's rather simple really. A school
 2 district either has sufficient revenue coming into
 3 their various funds or it doesn't. This is based
 4 primarily on two separate revenue sources. Property
 5 tax, and we all know about that, that's the --
 6 property tax is on businesses and properties. And
 7 then the second form of revenue is from general
 8 state aid, that being general state aid or
 9 categorical aid. Unfortunately both of these
 10 sources of revenue can vary widely from year to year
 11 based on, for example, how many property owners
 12 enter or leave a community or how much the State of
 13 Illinois is in trouble in regards to their state
 14 funding.
 15 The state reduces state aid in order to
 16 balance the State of Illinois budget. We all know
 17 that. The problem is, and this gives me no resolve
 18 that -- to tell you tonight that the State of
 19 Illinois regarding state funding for schools is 49th
 20 out of 50 states. We are near dead last. And
 21 everybody in this room I'm sure understands how bad
 22 the state's financial crisis is downstate, and I
 23 don't -- I think we're going to jump to 50 here very
 24 shortly.

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1 As if the first storm is not bad enough, a
 2 second storm is going to be ongoing or rapidly
 3 approaching. As most of you know, there's a pension
 4 crisis in this state that is second to none. We're
 5 probably -- we probably have the worst funding of
 6 pensions, state pensions in the nation. Very soon
 7 the Illinois state Supreme Court is going to make
 8 decisions on the constitutionality of the pension
 9 reform bill that was passed by the Illinois
 10 legislature last year. It is my opinion that the
 11 state Supreme Court will find this reform bill
 12 unconstitutional. When that happens, the Illinois
 13 General Assembly will have to rewrite the pension
 14 reform bill so that it can pass judicial scrutiny.
 15 It is also my opinion and the opinion of
 16 many other legal experts that in order to get the
 17 pension so-called white elephant off the state
 18 legislature's back, that the General Assembly will
 19 place this burdensome pension on the backs of the
 20 local school districts. This is what is known as
 21 and commonly known as the pension shift. Basically
 22 the State of Illinois is going to dump this pension
 23 mess on the local school districts, and that is
 24 going to be very disheartening, especially for

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1 smaller school districts.
 2 Based on your published Prairie Central
 3 Illinois State Board of Education Report Card that I
 4 looked up online, your school district currently
 5 spends approximately \$6,177 per student, and that's
 6 just on instructional spending, which is primarily
 7 teachers' salaries and administrative salaries.
 8 Multiply that number by the total number of students
 9 in your school, which is 2,144 reported on that same
 10 Report Card, we find that the approximate cost of
 11 salaries on instructional spending is right around
 12 \$13,243 and almost \$500[sic].
 13 Assuming that the pension shift does
 14 occur, and the indication that I'm getting from my
 15 inside sources is this is a very real possibility,
 16 school districts, local school districts like
 17 Prairie Central will now have to pay both the
 18 portion of the pension that they currently are doing
 19 as well as what the state is going to dump on them.
 20 Depending on how that all flushes out, that could
 21 mean in the amount of anywhere from 2 to 5 percent
 22 that the state now is currently paying. The idea
 23 here is the state wants to get rid of the pension
 24 mess and put it away from them so they can do things

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1 with our money other than do what they're supposed
 2 to do with it.
 3 The pension shift amount from the state
 4 would have a negative impact on your school
 5 district, and this is something that sometimes we
 6 don't consider. Not just what's going on today, but
 7 more than that is what's going to go on in the
 8 future. What does the future have for this district
 9 and for the community and the kids, okay?
 10 If the state takes a pension shift of 2
 11 percent, that equals right around \$264,000 a year.
 12 That's going to have to come out of property tax,
 13 business tax, that type of thing. You're not going
 14 to get any more money from the state. They're going
 15 to take more money from you to run your school. If
 16 there's a 3 percent increase, we're at 397, 397,000.
 17 A 4 percent pension shift would be almost \$530,000.
 18 And a 5 percent increase would be \$662,000. We're
 19 not talking about pocket change here. This is --
 20 this is a major, major dent in your school's budget.
 21 The numbers above are only approximations,
 22 but please note that this will not be just for one
 23 or two years. This is forever. You're going to
 24 have that tax burden on paying for the pensions

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1 forever. Larger school districts like where I come
 2 from, even though they will have the same pension
 3 shift problems that you guys are having, they have a
 4 better means of being able to afford it because they
 5 have more taxing entities. They have more
 6 properties that they can tax and collect more money
 7 that way.
 8 It may take smaller, rural, consolidated
 9 districts like you have here in this part of the
 10 state anywhere from 10 to 15 years to recover from
 11 such a drastic -- you know, when you combine both of
 12 those things, the pension shift which could be 2 or
 13 3 percent along with the drop in state aid, we're
 14 talking about anywhere from 4 to 6 or 7 percent
 15 decrease in revenue for your school, which as I
 16 understand is already having some financial
 17 concerns.
 18 Simply stated, if you can't -- if you're
 19 having problems now, if your school district is
 20 having financial problems now, the future, and what
 21 I'm saying is within the next one or two years, is
 22 even going to be worse. We are talking about
 23 massive -- you know, when you think how do we
 24 balance a budget, it's the same way you balance your

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1 own checkbook, everyone. You know, if I don't have
 2 enough money coming in, I've got to start cutting
 3 things, okay?
 4 The only way you can really cut something
 5 in a school district that makes the most sense,
 6 because it's the highest payout, we're talking about
 7 massive teacher layoffs, huge increases in class
 8 sizes. If you drop teachers, you still have the
 9 same number of kids; you're going to have to raise
 10 the class sizes. These are things that we have to
 11 kind of expect.
 12 Teachers are probably going to -- you're
 13 going to have to cut salaries or starting salaries
 14 or at least keep them at the same spot, and what
 15 will happen is teachers that would normally come to
 16 this area to teach may find it more prosperous to go
 17 elsewhere. You can no longer count or trust what's
 18 coming from Springfield. I would not count on any
 19 extra funding from that, from Springfield for quite
 20 a while.
 21 Governor Rauner has gone publicly and
 22 stated several times he has a huge initiative to
 23 consolidate school districts across the state, not
 24 only in this area but also up north where I live.

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1 Another initiative is to close neighborhood schools,
 2 you know; and eventually if you consolidate a
 3 school, you know, and you take the kids, you've got
 4 to bus them somewhere. You can't just tell the kids
 5 you have no place to go. So there's going to be
 6 more bussing of students, things like that.
 7 As school districts consolidate, school
 8 boundaries will need to be changed. Students who
 9 have been lifelong friends may now be separated and
 10 go to an entirely different high school depending on
 11 where they happen to live. Kids who do things
 12 regularly together at church and who would normally
 13 go to the same school may not necessarily go to the
 14 same school if things get consolidated differently.
 15 Bussing will likely take longer for kids,
 16 that's a concern that I would have, and especially
 17 for student athletes. We have a concern that they
 18 might lose some of their connection with their own
 19 neighborhood high school if they are no longer going
 20 there. When schools consolidate, many students and
 21 parents are affected with longer travel times as
 22 well.
 23 A yearly drop of 2 to 3 percent in state
 24 aid for the next three to four years before it

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1 bottoms out maybe in the fifth year. We're also
 2 seeing a very, kind of a disappointing feature in
 3 our state universities. We've already seen -- maybe
 4 it's because of all the turmoil going on with the
 5 pension system, but we're already seeing at ISU,
 6 Eastern, Southern, Illinois to a lesser degree,
 7 about an 18 to 20 percent drop in teacher candidate,
 8 degree-seeking candidates. That's quite significant
 9 when you start playing that out into the future. If
 10 we're losing 15 to 20 percent of kids going into the
 11 teaching profession, that's going to make it very
 12 difficult to find highly qualified teachers for
 13 smaller school districts in particular.

14 In order to balance the budget then with
 15 declining revenues, school administrators and school
 16 boards will have to face some very hard choices.
 17 Depending on what happens, there's only a couple
 18 ways you can get revenue. Either you have to
 19 increase the tax levy, okay? The problem is
 20 sometimes the tax levy is already capped out. If
 21 that's the case, you have to hold a referendum to
 22 increase the tax levy in order to get more income
 23 coming in.

24 The other way that a school district can

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1 do new building and things like that is to hold a
 2 referendum for that where people such as yourself
 3 can vote in as to whether or not they want an
 4 increase in their taxes.

5 I guess my biggest concern here is this.
 6 The state has dropped the ball on state funding.
 7 They have done so for the last ten years and it
 8 continues. If we as parents -- and I don't care
 9 what side of the aisle you guys are on, we've got to
 10 take care of the kids.

11 Your property value, at least in my area
 12 and I'm sure it's similar here, your property value
 13 and how you attract new neighbors into the area is
 14 largely due to the existence and the quality of the
 15 schools. And if we let the schools drop to a point
 16 where nobody wants to move into this area with kids,
 17 that's going to be very problematic, not only for
 18 those that want to come in and be a neighbor of
 19 yours, but also for those individuals that would
 20 like to sell their place and move to Florida or go
 21 elsewhere.

22 In order to comprehend the overall effect
 23 of this, a school administrator is going to be
 24 looking at certain items in order to -- if we don't

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1 get state funding, if the wind turbine farm issue
 2 does not maybe go the way some in this room would
 3 like it to go and we cannot increase taxes, where do
 4 you want school administrators to make the cuts?
 5 You can't just say in this room we don't want
 6 whatever, whether it's wind turbine technology or
 7 something else. You can't just say we don't want
 8 that. If you don't want that, that's great, that's
 9 fine, but please tell this board or other people in
 10 the room how do you plan to make up the difference?
 11 We can't just say we don't want it, but how are you
 12 going to make up the difference in tax money or
 13 creative financing?

14 Several years ago when I was coaching
 15 football -- I always like telling this story, so
 16 hopefully you'll get a chuckle -- we would always
 17 have Monday night football. I don't know if you
 18 have that in this community or if you have football
 19 or whatever, but we would always have Monday night
 20 films with the parents. And I would -- I would
 21 always get questioned by usually a dad and say, hey,
 22 coach, you know, why didn't you run this play? Why
 23 didn't you do this play? If only you had done this
 24 play, you might have won the game.

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1 And early on I kind of took that as kind
 2 of offensive to that, but it actually molded me into
 3 the coach that I became later on in my tenure at
 4 Hinsdale Central. It taught me something. You
 5 know, the time you've got to coach is during the
 6 game. Anybody can coach the Monday -- the Monday
 7 after and say would have, could have, should have.
 8 The analogy here is quite simple. The game on wind
 9 turbine technology and wind farms is now. You're in
 10 the game now, you're coaching in the game now. What
 11 I hope nobody does in this room is become the Monday
 12 night coach and a year from now say if only we had,
 13 we would not be in the situation that we are today.

14 So whatever the decision is made by this
 15 board, again I'm just an outsider giving some
 16 thoughts that you might not have thought about, and
 17 I appreciate very much your attentiveness and maybe
 18 some day -- I do love small towns. It's a different
 19 world out here. And I guess the thing I like most
 20 about these small communities is everybody knows --
 21 I guess that's not good sometimes too, everybody
 22 knows everybody, but the most important thing,
 23 everybody takes care of everybody. That's -- that's
 24 what's so special about communities like this. We

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1 don't have that as much up north.
 2 So after this is all over, I ask you one
 3 thing. Regardless of your feeling, continue taking
 4 care of yourselves, each other. You're going to be
 5 going to church and outings together. When this
 6 thing is all over, you're still friends and you're
 7 still neighbors. Thank you very much.
 8 I don't know if someone has a question?
 9 **CHAIRMAN CORNALE:** Right. One thing, will
 10 you give us your address?
 11 **MR. JOHNSTON:** Yes.
 12 **CHAIRMAN CORNALE:** Your name and address.
 13 You did name, but you didn't do address.
 14 **MR. JOHNSTON:** I'm sorry.
 15 **CHAIRMAN CORNALE:** Yeah, no problem.
 16 **MR. JOHNSTON:** Again, Brent, B-R-E-N-T,
 17 Johnston, J-O-H-N-S-T-O-N, 245 East, the name of the
 18 street is South, S-O-U-T-H, Street, Elmhurst,
 19 Illinois.
 20 **CHAIRMAN CORNALE:** Thank you. Okay, ZBA,
 21 do we have questions at this point?
 22 **QUESTIONS BY**
 23 **MS. HUISMAN:**
 24 Q. You mentioned you were a driver's ed

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1 teacher?
 2 **A. Yes, ma'am.**
 3 Q. Are you in any part of the administration
 4 of your school district?
 5 **A. I am not, no. I was not an administrator.**
 6 **I was the driver ed coordinator, which is not**
 7 **administrative, but a coordinator is an active**
 8 **teacher that oversees the driver education**
 9 **department.**
 10 Q. So did you have other teachers that worked
 11 underneath you? You were responsible for the
 12 department?
 13 **A. We worked together as collegial --**
 14 **collegially, okay? I basically ran the**
 15 **behind-the-scenes thing. I would schedule kids for**
 16 **driving, make sure that classroom materials were**
 17 **available, films, things like that.**
 18 Q. Were you -- have you ever been a school
 19 board member?
 20 **A. I have not.**
 21 Q. And you said you were at Hinsdale Central?
 22 **A. Hinsdale Central High School, Hinsdale,**
 23 **Illinois. It's in the western suburbs of Chicago.**
 24 Q. I'm familiar with it. What's your

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1 familiarity with Newark and Plano then?
 2 **A. I'm sorry?**
 3 Q. You mentioned Newark and Plano. What's
 4 your familiarity with those small towns?
 5 **A. Newark is where my dad grew up and my**
 6 **grandparents live there on my dad's side. And Plano**
 7 **is where my mother's father and mother lived. I**
 8 **still have relatives in both areas, in particular**
 9 **Sandwich, Big Rock and Plano.**
 10 Q. So you weren't a member or you weren't --
 11 didn't have anything to do with those school
 12 districts?
 13 **A. No, no. The only reference I made to them**
 14 **basically is to give you a little background that,**
 15 **you know, my -- some of my roots come from a small**
 16 **town.**
 17 Q. Gotcha. You also mentioned that in your
 18 -- in the suburban area, you have a lot more tax
 19 base to pull from?
 20 **A. Yes.**
 21 Q. Has there been reaction there when
 22 businesses or even residents are asked for tax
 23 increases or do they just readily give that and
 24 agree to give that to fund school districts?

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1 **A. Just like many -- the one area that I**
 2 **guess unfortunately that we can as citizens kind of**
 3 **vote against seems to have to do with schools, and**
 4 **property taxes is the one -- I mean sales tax,**
 5 **income tax, we really don't have control over that.**
 6 **We still run into the same exact problems with**
 7 **having high taxes, high -- you know, we have higher**
 8 **salaries for teachers, higher expenses, you know.**
 9 **So I guess it's somewhat relative. Yes, we have**
 10 **higher salaries for people, more expensive homes,**
 11 **things like that, but it's still relative. And we**
 12 **still -- schools, you know, the schools and school**
 13 **administrators fight that tax levy issue all the**
 14 **time.**
 15 **The difference between the bigger**
 16 **districts and the smaller districts like you have**
 17 **around here is you rely a lot more on state aid more**
 18 **so than maybe a larger school district, and because**
 19 **of the problems the state is having right now, I**
 20 **personally am anticipating a moratorium or a drop in**
 21 **those funds. The state funding -- you need state**
 22 **funding in a small school to survive. If that**
 23 **starts to go stagnant or, worse yet, go down and as**
 24 **they start shifting even more tax burden onto your**

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1 **community, it's going to hit you guys hard.**
 2 Q. Yeah, it seems like your main interest was
 3 that pensions are going to be impacted for retired
 4 teachers and administrators.
 5 **A. That's correct.**
 6 Q. And how that's going to fall back on the
 7 school districts.
 8 **A. I could --**
 9 Q. Or they're going to try to do that.
 10 **A. They're going to try to do that. The**
 11 **school administrators and school management and**
 12 **lobbyists will fight that tooth and nail and so will**
 13 **the teachers. You know, we're -- that should not be**
 14 **your burden. You know, the General Assembly is the**
 15 **one that dropped the ball on this pension thing not**
 16 **local communities and local taxpayers.**
 17 **MS. HUISMAN:** That's all I've got.
 18 **CHAIRMAN CORNALE:** Any units of local
 19 government or school districts have any questions
 20 for Mr. Johnston? All right. Applicant?
 21 **MR. BLAZER:** Yes, sir. Just a few, Mr.
 22 Johnston.
 23 **QUESTIONS BY**
 24 **MR. BLAZER:**

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1 Q. First a clarification. You were talking
 2 about the combined budget for teachers and staff.
 3 It was something like roughly \$6,000 per student --
 4 **A. Yeah, 6000.**
 5 Q. -- is that right?
 6 **A. From the Report Card on the website, the**
 7 **Internet website that I saw, that was the**
 8 **instructional -- there's an operating budget and an**
 9 **instructional budget. That's the number I got off**
 10 **the Internet. I'm hoping it's correct. Certainly I**
 11 **am not infallible here, I'm not an accountant, but,**
 12 **you know, we can certainly, you know, make -- I**
 13 **guess the point I'm making here is if we're going to**
 14 **drop 3 -- if we're going to add 3 or 4 percent of**
 15 **pension shift, whatever that salary is, you know,**
 16 **the total salary, whatever that number is, and if**
 17 **I'm wrong, I beg your forgiveness, but that's what's**
 18 **going to be hit by the pension shift.**
 19 Q. All right. What website did you go to for
 20 the information?
 21 **A. The Prairie Central CUSD 8 website, and**
 22 **that was under the Illinois State Board of Education**
 23 **Report Card that was listed on the Internet.**
 24 Q. And then you had said roughly \$6,000 per

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1 student times roughly 2200 kids, and I think you
 2 misspoke because I heard -- I did the math on my
 3 phone. You had said 13,000 something and --
 4 **A. I think it's 13 million, yeah.**
 5 Q. All right. Okay, number two, three or
 6 four, I lost count, you seem to have some insight
 7 into the legislative or the pension process in
 8 Springfield. Do you have some other role that
 9 you're in that gives you some insight into what's
 10 going on in Springfield?
 11 **A. Beyond the fact that it affects my own**
 12 **pension, this is what I have heard from legal**
 13 **entities associated with the previous union that I**
 14 **was associated with, IEA and IFT.**
 15 Q. Okay.
 16 **A. But there's nothing -- I mean we're just**
 17 **conjuring and making some thoughts as to where this**
 18 **is going to go. It may not. Yet, everything I keep**
 19 **hearing, there's going to be a portion of what the**
 20 **state pays right now towards the pension, which they**
 21 **haven't paid for the last 30 years which is why**
 22 **we're in the problem that we are in, a portion of**
 23 **that they want to shift over to the local school**
 24 **districts so they don't have to bite off this whole**

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1 **pension crisis themselves. That's how they plan to**
 2 **fix it.**
 3 Q. Are you familiar with something called the
 4 Illinois High School and College Driver Education
 5 Association?
 6 **A. That -- that is my professional**
 7 **association that I belong to. I probably should**
 8 **have made note of that at the beginning of my**
 9 **speech. I am the co-chair of the legislative task**
 10 **force for the Illinois High School and College**
 11 **Driver Education Association. That is a**
 12 **professional organization that primarily oversees**
 13 **how driver education is taught in public schools.**
 14 **And we have nearly 600 members, professional**
 15 **teachers, in that association.**
 16 Q. And then one last subject. You had handed
 17 out this document.
 18 **A. Yes, I forgot to mention that. I don't**
 19 **know if it's to any purpose. I did hand out to all**
 20 **the committee people a handout that I found on the**
 21 **Internet, very strong similarities to what I believe**
 22 **is going on here, and it was an article that talked**
 23 **about how much money came into the local -- you**
 24 **know, it's not just school districts that will be**

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1 **having an advantage to this. It's going to be local**
 2 **villages, communities, you know, public works,**
 3 **things like that. So there's other areas that this**
 4 **is going to help besides schools.**
 5 **MR. BLAZER:** Thank you very much.
 6 **A. Thanks.**
 7 **CHAIRMAN CORNALE:** Mr. Luetkehans, do you
 8 have any questions?
 9 **QUESTIONS BY**
 10 **MR. LUETKEHANS:**
 11 Q. Thank you for your service as a teacher.
 12 My father was a teacher and has a pension as well.
 13 But let me ask this question.
 14 **A. Sure.**
 15 Q. The school district you retired from is
 16 the Hinsdale School District?
 17 **A. Correct.**
 18 Q. And you would agree, would you, that
 19 neither Hinsdale or Elmhurst are anything like
 20 Livingston County, correct?
 21 **A. That is correct.**
 22 Q. They are wealthy suburbs. In fact,
 23 Hinsdale is probably the wealthiest suburb in DuPage
 24 County, correct? Maybe Burr Ridge.

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1 **A. Same area, yes. I would say very highly**
 2 **wealthy, yes.**
 3 Q. Yes, and Elmhurst would be just slightly
 4 under that as far as per capita, correct?
 5 **A. I would say Glen Ellyn. You know, we're**
 6 **in the top five I would say.**
 7 Q. Yeah. And DuPage is in the top two per
 8 capita as far as property values in the state of
 9 Illinois, correct?
 10 **A. I wouldn't know.**
 11 Q. Okay. Well, let me ask this question.
 12 What inside sources did you talk to that told you
 13 that the legislature and the governor have agreed or
 14 will agree to reduce school taxes or school support?
 15 **A. We've seen that in the last -- the last**
 16 **couple years I believe. In particular, I can vouch**
 17 **for the fact that in 2013 there was a huge drop in**
 18 **the amount of about 2 to \$3 million that was dropped**
 19 **from the driver ed fund.**
 20 Q. Okay, but my question is who have you
 21 spoke to that says in 2015 the governor and the
 22 legislature are going to agree to either, one, put
 23 the pension crisis on the local student -- on
 24 governmental bodies or, two, reduce education

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1 funding?
 2 **A. I never said that I spoke to anybody --**
 3 Q. Okay.
 4 **A. -- okay? What I -- what I am telling**
 5 **everybody in this room is that this is one of the**
 6 **possibilities that --**
 7 Q. One of the possibilities.
 8 **A. -- could happen.**
 9 Q. You're absolutely correct. One of many,
 10 many possibilities. And you're not -- you haven't
 11 been a state legislator, correct?
 12 **A. Correct.**
 13 Q. You haven't been a state staffer, correct?
 14 **A. That's correct.**
 15 Q. You're not a state lobbyist, correct?
 16 **A. That's correct.**
 17 Q. You're not an Illinois Senate Republican
 18 attorney like I am, correct?
 19 **A. That's correct.**
 20 Q. Thank you. Any idea whether the school
 21 districts or the citizens in this area would support
 22 a school tax increase via referendum? Any idea?
 23 **A. That the people in this room would**
 24 **approve --**

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1 Q. No, the people who live in the school
 2 districts that we're talking about would not support
 3 a school tax referendum rather than see wind
 4 turbines.
 5 **A. No. And the point I made, sir, was not**
 6 **whether or not they would or would not support such**
 7 **a referendum, but what I was -- what I indicated to**
 8 **them is that's a very strong possibility of what's**
 9 **going to have to happen in the event that revenues**
 10 **do go down. I have -- I have no knowledge or no**
 11 **control as to whether or not state funding is going**
 12 **to go down. I'm basing this on pure logic.**
 13 Q. So you have no idea whether state funding
 14 for schools is going to go down, correct? That's
 15 what you just said.
 16 **A. I have no personal knowledge legitimately**
 17 **that I can stand up here and say that school funding**
 18 **will go down, but I will say this. The likelihood**
 19 **of it happening logically says, yes, it's going to**
 20 **because the state has to balance their budget and**
 21 **the only way they can do that is by making broad**
 22 **removal of many of their programs. Already Governor**
 23 **Rauner has put a moratorium on new -- on new capital**
 24 **expenditures for public works.**

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1 Q. Correct. Do you know who the state budget
 2 director is for Governor Rauner?
 3 **A. I do not.**
 4 Q. Okay. So you wouldn't know that it's Tim
 5 Nuding? Let me ask this question next. We don't
 6 know what's going to happen because to date Governor
 7 Rauner, Senator Cullerton and representative -- and
 8 Speaker Madigan have not agreed on what's going to
 9 happen, correct?
 10 **A. In regards to --**
 11 Q. School funding.
 12 **A. As far as I know, nothing has been**
 13 **indicated for school funding between the leaders of**
 14 **the General Assembly, that's correct.**
 15 Q. Correct. And in past years, when the
 16 concept of reducing or putting the burden for
 17 pensions on the local governments, including the
 18 school districts, both President Cullerton -- or I
 19 should say that has been killed by the leaders of
 20 the legislature, correct? It has never actually
 21 gone to a vote.
 22 **A. In the past, that's correct, but --**
 23 Q. And there's no vote coming this year that
 24 you're aware of, right?

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1 **A. But like you and myself, neither one of us**
 2 **knows if that's going also to hold true for this**
 3 **year.**
 4 Q. Correct.
 5 **A. The legislative session is still in**
 6 **session.**
 7 Q. We don't know, that's the point. You're
 8 just conjecturing is what you said.
 9 **A. Yes, I am.**
 10 Q. Thank you. You said you believe the
 11 Supreme Court will strike down the pension reform
 12 board -- reform bill. Are you a constitutional law
 13 attorney?
 14 **A. No.**
 15 Q. Okay.
 16 **A. If you recall, my statement was it is all**
 17 **my opinion.**
 18 Q. Okay, and I'm just trying to understand
 19 what the basis of your opinion is, like whether it's
 20 you're a constitutional law attorney. That's all
 21 I --
 22 **A. Okay.**
 23 Q. The fact that school funding may go down
 24 is an issue. In your opinion, that if it did go

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1 down, it's not just something that the residents and
 2 the school districts of Livingston County will have
 3 to deal with. It's the exact same thing that the
 4 residents of the York Township School -- the York
 5 School District, the Wheaton Community School
 6 District 200 --
 7 **A. They're all --**
 8 Q. -- all the school districts in Chicago,
 9 they're all going to have that same concern,
 10 correct?
 11 **A. That's correct.**
 12 Q. And I assume we're not putting any wind
 13 turbines up in Elmhurst, correct?
 14 **A. There's one in Schiller Park but not in**
 15 **Elmhurst.**
 16 Q. Okay, but there's no wind farms where 136
 17 wind turbines are going up in Elmhurst, correct?
 18 **A. That's correct.**
 19 Q. And I can promise you they aren't going up
 20 in Wheaton either. We all would agree, would we
 21 not, that Rauner -- you spoke about what Rauner has,
 22 Governor Rauner has suggested. We would all agree
 23 that he has no power to enact those reductions in
 24 school funding without the legislature also voting

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1 for those, correct?
 2 **A. Correct.**
 3 Q. And the Black Caucus in the Senate to date
 4 has gone crazy every time the topic of reducing
 5 school funding has occurred, correct?
 6 **A. I have no -- I don't have particular**
 7 **knowledge. I have seen different articles or heard**
 8 **different news reports that they -- they would**
 9 **certainly be upset with the lack of school funding**
 10 **for Chicago if that's what you're indicating, yes.**
 11 Q. As would the Senate Republicans as it
 12 relates to -- and House Republicans as it relates to
 13 the suburbs and downstate, correct?
 14 **A. I -- I don't know really what the state**
 15 **senators are thinking these days.**
 16 Q. Okay, but they're the people who have to
 17 vote on any reduction in state funding, correct?
 18 **A. The state legislature has to -- they're**
 19 **faced with two things, sir. One is the**
 20 **out-of-control spending that Springfield has been**
 21 **seen doing has to stop somewhere, so maybe we have**
 22 **-- yes, in the past nothing has happened, but that**
 23 **doesn't mean something in the near future is not**
 24 **going to have to happen.**

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1 Q. And we don't know that something will or
 2 will not happen, correct? I mean we've gone from a
 3 budget deficit of zero to a budget deficit of 16
 4 billion. Is there anything that tells you they're
 5 not going to go to a budget deficit of 18 billion?
 6 A. **Well, I hope we're not like the federal**
 7 **government, but --**
 8 Q. You hope, you're right. And one of the
 9 strongest unions, one of the strongest lobbyists in
 10 the state is the Illinois Teachers Union, correct?
 11 A. **I don't know. I would -- I would assume**
 12 **they're one of the more vocal groups down there,**
 13 **yes.**
 14 Q. Okay. And I think, just to make sure, you
 15 said this was something -- these ideas were things
 16 that you were, quote, conjuring, correct?
 17 A. **I would not use the word conjuring.**
 18 Q. I think you did.
 19 A. **We'll find -- we'll find out if I'm**
 20 **conjuring, sir, in about another year or two when**
 21 **some of the things I said tonight I believe very**
 22 **strongly will come true.**
 23 Q. Well, I don't know --
 24 A. **We'll find that --**

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1 Q. -- if you know more --
 2 A. **-- out in a couple of years.**
 3 Q. -- than the Republican attorney in the
 4 Illinois Senate.
 5 **MR. LUETKEHANS:** Thank you.
 6 A. **You're welcome.**
 7 **CHAIRMAN CORNALE:** All right, anybody in
 8 the audience with questions for Mr. Johnston?
 9 Anybody with a question? We've got a few out there.
 10 Mr. Slagel come on up. We've got some more
 11 questions for you.
 12 **MR. JOHNSTON:** No, I just didn't know if
 13 you wanted the --
 14 **CHAIRMAN CORNALE:** No, no, he's fine.
 15 **MR. JOHNSTON:** Okay. Yes, sir.
 16 **QUESTIONS BY**
 17 **MR. SLAGEL:**
 18 Q. Hello, I'm John Slagel.
 19 A. **Hi, John.**
 20 Q. So do you understand why people here don't
 21 want a wind farm?
 22 A. **Yes and no. I -- that's not -- I know**
 23 **this is going to sound selfish of me. That's -- I**
 24 **would like to know, okay, but my concern is that the**

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1 **kids are taken care of with enough funding, however**
 2 **you guys decide to do that is great. But please**
 3 **share.**
 4 Q. It's basically they're worried about
 5 property values, the noise from the turbines making
 6 people move out of their houses, people moving
 7 out --
 8 **CHAIRMAN CORNALE:** Mr. Slagel, Mr. Slagel.
 9 **MR. SLAGEL:** Okay, sorry.
 10 **CHAIRMAN CORNALE:** Questions, questions.
 11 **MR. SLAGEL:** All right, okay.
 12 **BY MR. SLAGEL:**
 13 Q. Let's just say that citizens have this
 14 lump of concerns that --
 15 A. **Okay.**
 16 Q. Do you know from the Prairie Central
 17 budget what amount of money is going to be -- that
 18 the wind farm will generate, proposed wind farm?
 19 A. **It's several hundred thousand dollars. I**
 20 **didn't really memorize that. You know, I have some**
 21 **-- you know, I have some articles from -- that I**
 22 **gave the chairperson that has what other communities**
 23 **have seen. I think that the thing that I would say**
 24 **would be more -- that I would like to research a**

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1 **little bit more would be after a wind farm does go**
 2 **up, you know, what have been the outcomes.**
 3 Q. You should stay for my testimony and
 4 you'll find some of that out. So I guess --
 5 **MR. SLAGEL:** Can I tell him what the
 6 percent of the budget is or is that testifying?
 7 **CHAIRMAN CORNALE:** No. Questions,
 8 questions.
 9 Q. Okay, I only have one or two more
 10 questions. The -- let's see. So basically you have
 11 a crystal ball and you're saying the future is bleak
 12 with the school finances. You guys are going to
 13 need and want this windmill money. That's your
 14 crystal ball. But we have a crystal ball, I have a
 15 crystal ball that says there's a lot of turbines
 16 that are around a lot of houses; that people live in
 17 the quiet country, they like it, they have been
 18 there for generations. If this comes, it could
 19 cause some of them to have to move. It could cause
 20 some of them --
 21 **MR. BLAZER:** Mr. Chairman.
 22 Q. -- to not sleep at night.
 23 **CHAIRMAN CORNALE:** A question, remember.
 24 Q. Yes, so my question is you have a crystal

1 ball making one prediction that we need the money
2 because the state might have problems more in the
3 future. I have a prediction saying that people here
4 will be affected because of the turbines. So which
5 would you give more credence to, the money or the
6 people living here?

7 **A. I don't live here and I don't think I
8 should give a response to -- I'm not going to tell
9 you what to do. This is your community. I'm just
10 trying to highlight some of my thoughts that I
11 believe very strong. I wouldn't be here, I wouldn't
12 have driven an hour and a half, two hours down here
13 to share some of my thoughts with you. I'm not --
14 I'm not in this community; you guys are. You guys
15 need to decide what to do in regards to wind turbine
16 farms, et cetera.**

17 **If not wind turbine farm revenue, I guess
18 I'm an alarmist a little bit, then where is that
19 other money going to come from and anticipate the
20 need for the possibility of a tax levy increase or
21 the possibility of a referendum. That's pretty much
22 what I'm saying here.**

23 Q. Which leads to my next question which is
24 what brought you here? Do you read the Fairbury

1 **that you're talking about. I've done just a very
2 little research just as in curiosity more than
3 anything. I do know that there are limits as to
4 where these wind farms can be mileage away --
5 mileage-wise away from populated areas and things
6 like that. I certainly would think that it would be
7 national news if -- this is not the only place that
8 wind turbines and wind farms have been implemented.
9 They've been implemented all across the nation. And
10 I would make the assumption that if there was some
11 dire health concerns, and I have no professional
12 knowledge of this, that we would probably have --
13 you know, the state or federal governments would
14 have intervened, you know, at one of these other
15 implementations of wind turbine farms.**

16 Q. I think, if I'm not -- if I'm right
17 anyways, I think most of the wind turbine farms are
18 in unpopulated areas not like this area. So, you
19 know, for most people it's not highly populated like
20 you referred to, but for us it is, especially with
21 136 wind turbines going up.

22 There's a couple of towns here that had
23 setbacks of a half a mile now, and one of them
24 has -- the junior high in Forrest has got a turbine

1 Blade and you saw we're having meetings?

2 **A. I have a local friend here that -- that I
3 was at his place of business and he knew I was a
4 teacher and we started talking. And I volunteered
5 my time to come down here and talk not about my
6 knowledge about turbine technology but my knowledge
7 about what I think is going to happen across the
8 state in regards to finances. And the attorney over
9 here probably would disagree with me in regards to
10 some of that, but we will see who's right in about a
11 year or two.**

12 **MR. SLAGEL:** Thank you.

13 **CHAIRMAN CORNALE:** Any other questions
14 from the audience?

15 **QUESTIONS BY**

16 **MR. CAVAZOS:**

17 Q. Hello, Mr. Johnston.

18 **A. Hi, how are you?**

19 Q. Just fine. Going back to the children we
20 were talking about, if -- if you knew that children
21 would be physically, negatively affected by the wind
22 turbines, would you still want them in your area or
23 would you rather have --

24 **A. I don't know enough about the ill effects**

1 less than a mile from the school. Now, that's too
2 close really for people that are affected by these
3 turbines.

4 **MR. BLAZER:** Mr. Chairman.

5 **CHAIRMAN CORNALE:** Remember, we need to
6 make sure that you have a question.

7 Q. Okay, I guess I was kind of leading into
8 this too. I guess with the half mile setbacks,
9 businesses might have a hard time coming into town
10 and staying in the town, which might cut back on tax
11 revenue, which never would happen if you want to
12 think of the future. And also people that are
13 affected by these turbines, do you think they would
14 move away from the area or from the turbines I
15 should say?

16 **A. I guess everybody has their own fear as to
17 what they would move into or away from a community.
18 You know, I guess we could say the same of jets
19 flying over a populated area, you know. Nobody is
20 trying to -- you know, at least I don't think
21 anybody is trying to put wind turbine farms in so
22 people move away. These are your neighbors, you
23 know, and I think -- you know, I'm not in a position
24 to be able to forecast whether or not people are**

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1 going to move in or out of a community based on
 2 whether it's wind turbine farms or some other
 3 element; that they get a job somewhere else that's
 4 more prosperous for example.
 5 MR. CAVAZOS: Thank you very much.
 6 CHAIRMAN CORNALE: Can you give us your
 7 name for the reporter for the record?
 8 MR. CAVAZOS: Ambiro Cavazos.
 9 CHAIRMAN CORNALE: Okay, thank you. Any
 10 other questions from the audience? Mr. Hayes. Oh,
 11 we've got somebody back there. We'll take yours
 12 next.
 13 A. Yes, sir.
 14 QUESTIONS BY
 15 MR. HAYES:
 16 Q. John Hayes. You mentioned that you became
 17 aware of the situation from a friend.
 18 A. Yes.
 19 Q. A farmer friend who has a business. Does
 20 this friend own farmland?
 21 A. Yes, he does.
 22 Q. Is this friend --
 23 A. But that is not why I'm here if you're
 24 alluding to the fact --

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1 Q. No, I'm just asking you questions.
 2 A. Sure.
 3 Q. Does your friend -- well, is he considered
 4 a participant?
 5 A. Define participant.
 6 Q. Participant would be someone who's going
 7 to have possibly a turbine on their property and
 8 receive revenue for that or possibly transmission
 9 lines run through their property and receive money
 10 for that.
 11 A. He -- he could. I have not actually asked
 12 him that. I'm assuming that that's a possibility,
 13 yes.
 14 Q. I mean I don't want to get too personal,
 15 but I think this is kind of an important thing for
 16 us. Would you share your friend's name?
 17 A. Patrick Harms.
 18 Q. Thank you. I have some other questions.
 19 That's just one of the things I wanted to find out.
 20 Okay. Do you think anyone in the room
 21 here might have been offended that someone from the
 22 outside has to come in and make suggestions to us as
 23 to how we should deal with this, that we can't
 24 handle it ourselves and we have to --

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1 MR. BLAZER: Objection. Object to the
 2 relevance.
 3 CHAIRMAN CORNALE: Mr. Hayes, questions of
 4 him about the financial issues that he stated in his
 5 presentation please.
 6 BY MR. HAYES:
 7 Q. Do you speak regularly or very often about
 8 -- to other groups about financing?
 9 A. To my driver's association, yes.
 10 Q. Have you spoken to any others about wind
 11 farms?
 12 A. I have not.
 13 MR. HAYES: All right, I think all the
 14 other questions I had have been asked by other
 15 people. I thank you.
 16 A. Thank you.
 17 CHAIRMAN CORNALE: Any other questions
 18 from the audience?
 19 QUESTIONS BY
 20 MR. STEIDINGER:
 21 Q. Brian Steidinger. Good evening, Mr.
 22 Johnston.
 23 A. Good evening.
 24 Q. You were asked this question earlier. Are

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1 you familiar with the wind farms we currently have
 2 in Livingston County?
 3 A. I've driven by several on Route 47.
 4 Q. Okay, so you are aware we do have some
 5 wind farms?
 6 A. Yes, but I don't know what county that is.
 7 Q. Okay. Are you aware that in the northwest
 8 part of the county where we have these, the property
 9 values have dropped 15 percent?
 10 MR. BLAZER: Objection, assumes facts not
 11 in evidence.
 12 MR. LUETKEHANS: Oh, no, he testified --
 13 MR. STEIDINGER: I testified to those.
 14 MR. LUETKEHANS: He testified to them.
 15 CHAIRMAN CORNALE: All right, Mr.
 16 Johnston, can you answer the question, please?
 17 A. I am not aware of any value -- devaluation
 18 of any property associated with wind farms, no, I'm
 19 not.
 20 Q. Okay. Are you aware that days on the
 21 market in the northwest part of the county,
 22 particularly the Odell and Streator region, are the
 23 highest of any of the Livingston County Board of
 24 Realtors?

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1 **A. No, I am not aware of that.**
 2 Q. Okay, we talked about funding. And what
 3 the state does to reduce it, it's going to have to
 4 come from several different ways, and one is tax
 5 levies, correct?
 6 **A. No. It would be general -- general state**
 7 **aid that every school district gets is based on the**
 8 **number of students that go to that school. Every --**
 9 **every school in the state of Illinois, depending on**
 10 **the equalized -- the equalizer that the state uses**
 11 **based on property tax, that's general aid, and then**
 12 **there's categorical aid.**
 13 **The tax levy is the tax levy that the**
 14 **community allows to be set at a certain level, and**
 15 **if the tax -- if the tax levy is capped out, then a**
 16 **referendum would have to be passed from the**
 17 **community to increase that tax levy for more income**
 18 **for a school district.**
 19 Q. Okay. So before we get to the state
 20 funding, what we raise in EAV, equalized assessed
 21 value, in our county dictates how much money we get
 22 from the state. Would you agree with that?
 23 **A. Yes, to a certain degree. Categorical is**
 24 **a little different than general aid, but again many**

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1 **times that's based on the number of students.**
 2 Q. Okay. Our tax base in our county is made
 3 up of, would you agree, residential property?
 4 **A. And business property.**
 5 Q. Business property.
 6 **A. Yeah, and in this area, probably farm**
 7 **property as well.**
 8 Q. And wind turbines would be residential and
 9 would be a taxable entity or would we get tax
 10 revenue from the wind farm to the county?
 11 **A. That's how they -- I'm not sure exactly**
 12 **how the -- how the wind turbine feeds the money into**
 13 **the school district, but it must have --**
 14 Q. I'm not talking about the school district.
 15 I'm talking about the county.
 16 **A. I don't know.**
 17 Q. So you don't know how the funding comes
 18 from the --
 19 **A. I do not, I do not.**
 20 Q. -- wind farms? Okay, so are you aware
 21 that the funding comes from the wind farms to the
 22 county and is distributed as any other tax --
 23 **A. Yes, I am familiar with that.**
 24 Q. Okay, so we're on the same page.

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1 **A. Yes.**
 2 Q. Okay. So if we need to raise more tax
 3 revenue for our county, we have to raise taxes for
 4 everybody that lives in the county. Would that
 5 be -- would you agree?
 6 **A. Yes, but in particular the jurisdiction of**
 7 **each school district --**
 8 Q. I'm not talking about the school district.
 9 I'm talking about tax revenue for the county which
 10 indirectly goes to the school district.
 11 **A. To fund -- yes, to fund the school, it's**
 12 **funded through your county property tax.**
 13 Q. Okay. So we could raise residential
 14 property taxes, we could raise business taxes.
 15 **A. Yes.**
 16 Q. Could we raise wind turbine taxes also?
 17 **A. I don't know.**
 18 Q. So you're not --
 19 **A. I'm not --**
 20 Q. Are you aware that the wind turbines have
 21 to depreciate 4 percent a year?
 22 **A. I believe I did know that, yes.**
 23 Q. Plus inflation is added back to it.
 24 **A. I'm sorry?**

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1 Q. Plus inflation is added back at 4 percent?
 2 **A. Right.**
 3 Q. So if we need to raise more money from our
 4 county, we already know that the tax revenue from
 5 the wind turbines is going to go down every year, so
 6 we are going to be more dependent on the residential
 7 property. Would you agree with that?
 8 **A. Yes, but that might be also affected by**
 9 **general state aid as well.**
 10 Q. The general state aid doesn't pay my
 11 property bills. I'm talking about my property taxes
 12 as a residential --
 13 **A. Oh, I see what you're saying. Property**
 14 **taxes are local, but depending on what kind of tax**
 15 **revenue you're getting from the wind turbine taxes**
 16 **would increase or decrease with -- you know, the**
 17 **state aid would increase or decrease accordingly.**
 18 Q. Correct, so we need to raise more taxes in
 19 our county to be less dependent on state aid,
 20 correct?
 21 **A. Hypothetically, yes. State aid is, you**
 22 **know, if you have -- I mean there's different taxing**
 23 **agents. You know, the state is one, the county is**
 24 **one, and your local school district is one. So in**

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1 order to collect more money for schools, for
 2 example, you would have to raise the tax levy that
 3 would allow the school district to increase that
 4 portion of the county tax, okay?
 5 My main point that I'm making here is in
 6 the event that state general categorical -- general
 7 aid goes down in the state, okay, which I believe
 8 personally it's going to do, okay, that money is
 9 going to -- you know, costs are not going to go
 10 down, teachers' salaries are going -- you know, may
 11 stay stagnant for a while, but the cost of gas and
 12 the cost of electricity and some of these other
 13 things are still going to rise slightly, so you're
 14 going to have --
 15 My whole point tonight is to make
 16 everybody in the room think that something is going
 17 to have to happen to even stay status quo on the
 18 funding for schools in this area, whether that be --
 19 you know, if we project a slight decrease in state
 20 funding, that money has to be made up somehow,
 21 either that or programs are going to have to, you
 22 know, hypothetically be cut. Maybe teachers might
 23 have to be -- a couple teachers might have to be let
 24 go. These are all opinions of myself. But that's

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1 the only way a school administrator would be able to
 2 balance their budget.
 3 Q. So at the end of the day, we need to
 4 figure out how to raise more money in our county.
 5 A. Maybe not today, sir, but I think in the
 6 next year to five years out, I think we're in for
 7 some rocky times, yes, sir, I do.
 8 Q. So the next five years, you're of the
 9 opinion that we should take the chance on loss of
 10 property value and trade that for wind turbines that
 11 we know are going to depreciate every year. Is that
 12 your opinion?
 13 A. I don't have -- I told you at the very
 14 beginning, I am not going to take this side or this
 15 side. I said that very clearly at the very
 16 beginning.
 17 Q. Well, you're talking about funding --
 18 A. But the gentleman --
 19 Q. -- and I'm just trying --
 20 A. The gentleman is right. I'm an outsider.
 21 AUDIENCE VOICE: Exactly.
 22 A. I don't have a vote in here. I'm just
 23 trying to say think outside the box a little bit
 24 more than maybe what we have, the we versus them

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1 attitude. Think down the road a little bit of what
 2 could happen and that -- I don't know if that's
 3 going to make a difference, but please at least give
 4 some consideration that there's going to be a loss
 5 of revenue, you know, based on the nightmare that's
 6 going down in Springfield. I just -- I don't want
 7 someone -- I don't want people in here to say, boy,
 8 we're in trouble now.
 9 Q. Well --
 10 A. Whether that's to increase the tax levy,
 11 whether that's to do something else besides wind
 12 farms, you know, that's up to you guys not me.
 13 Q. Okay. With all due respect, we're in the
 14 box and we are concerned with our long-term county
 15 situation.
 16 A. Thank you.
 17 CHAIRMAN CORNALE: Anybody else with
 18 questions in the audience? I hear a lot of talking.
 19 If you guys have questions, come up. I'd rather you
 20 come up and ask your questions than talk in the
 21 audience, so -- I'm having a hard time hearing.
 22 QUESTIONS BY
 23 MS. GERWIN:
 24 Q. I'm Carolyn Gerwin.

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1 A. Hi, Carolyn.
 2 Q. Welcome to Pontiac -- I mean to Livingston
 3 County. I had Pontiac on the mind because I was
 4 wondering if you have done any research on the
 5 impacts of the existing wind farms on school
 6 budgets? I tried to do this myself and found it
 7 quite challenging, so I was wondering if you have.
 8 A. I have not. I -- in particular, I looked
 9 at just this community. I am no expert in regards
 10 to other communities. I don't go around the country
 11 testifying. Nothing like that.
 12 Q. But you talked about our current pension
 13 debt situation --
 14 A. Yes.
 15 Q. -- and Governor Rauner's approach and so
 16 on. Would you agree that our pension debt is around
 17 roughly \$111 billion?
 18 A. Am I agreeing to that? Yes, ma'am.
 19 Q. And have you ever done the math to figure
 20 out how much wind energy taxes would chip away at
 21 that?
 22 A. I have not.
 23 Q. Also are you aware of the issue being
 24 discussed in Minnesota regarding the changes in the

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1 wind -- in the school funding formula to squeeze the
 2 wind farm revenue into the general fund so that all
 3 schools are --
 4 **CHAIRMAN CORNALE:** Carolyn, Carolyn, stop
 5 here. Minnesota. Illinois.
 6 Q. I'm introducing the topic. Are you aware
 7 of that?
 8 **CHAIRMAN CORNALE:** No. Livingston County,
 9 Illinois, keep your questions on that track please.
 10 Q. Okay. Are you aware of how much of that
 11 pension debt would be solved by a very small
 12 reduction in teachers' pensions if they were to
 13 agree to that? Have you done that math?
 14 **A. I would love for the following to happen,**
 15 **but we haven't had the leadership in the General**
 16 **Assembly yet to do this. Bring everyone together,**
 17 **including the teachers and the -- and the other**
 18 **state workers. We know there's a crisis here. We**
 19 **are willing to help out. Why haven't our leaders**
 20 **brought everybody into a room and said what can we**
 21 **do to get this thing resolved to move forward so**
 22 **that we don't have this burden on the entire**
 23 **citizenry of Illinois? And I'm sorry, lawyers on**
 24 **both sides, the lawyers are the only ones that are**

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1 **going to get rich in this thing.**
 2 **Let's get this thing done, bring everybody**
 3 **together and get it done. I think -- I think you**
 4 **will find that the teachers are willing and even the**
 5 **retired teachers like myself are willing to help**
 6 **out.**
 7 Q. I'm so happy to hear that.
 8 **MS. GERWIN:** Thank you.
 9 **CHAIRMAN CORNALE:** Anybody else from the
 10 audience with questions? Anybody else? I saw
 11 hands. Come on up. Please state your name for us
 12 and you can go ahead with your questions.
 13 **QUESTIONS BY**
 14 **MR. IFFT:**
 15 Q. David Ifft.
 16 **A. Hi, Dave.**
 17 Q. I've been a resident of Livingston County,
 18 Belle Prairie Township, for 58 years. I'm 58 years
 19 old. My address, 2115 North 2300 East Road,
 20 Fairbury. The question I had, it's been kind of
 21 asked but not quite, is we know we have a problem of
 22 the school funding, but is windmills the answer?
 23 That's what it looks like you came down here tonight
 24 to tell us.

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1 **A. I don't know if it's the answer, Dave.**
 2 **It's an option.**
 3 Q. Yeah.
 4 **A. You know, I would list that as an option**
 5 **instead of the Holy Grail so to speak, okay? It's**
 6 **certainly an option that has conflicting views**
 7 **between the public. I can see that tonight based on**
 8 **the people that are in this room. To get this many**
 9 **people at a meeting is very difficult to do. But it**
 10 **is -- it is an option that you have to consider**
 11 **versus the other options that are out there.**
 12 Q. You realize how windmills are funded?
 13 **A. By the electric company I would assume.**
 14 Q. No, it will be federal taxes and --
 15 **A. Oh, I see what you -- where you're going.**
 16 Q. Okay.
 17 **MR. IFFT:** That's all I have.
 18 **CHAIRMAN CORNALE:** Any other questions
 19 from the audience? All right, let me -- I just had
 20 a couple quick questions.
 21 **A. Yes, sir.**
 22 **QUESTIONS BY**
 23 **CHAIRMAN CORNALE:**
 24 Q. Mr. Johnston, you said you were a teacher.

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1 Type 75?
 2 **A. I actually have a Type 75, but I never**
 3 **utilized it.**
 4 Q. Okay. CSBO?
 5 **A. I'm sorry?**
 6 Q. CSBO, do you have a CSBO endorsement?
 7 **A. No.**
 8 Q. Okay, superintendent's certificate?
 9 **A. It was a Type 75 administrative principal.**
 10 Q. Okay.
 11 **A. Principal, dean, you know, department**
 12 **head.**
 13 Q. Right. Have you ever prepared a school
 14 budget or a levy?
 15 **A. I have not.**
 16 Q. You have not, okay, okay. Just one other
 17 quick question. As you did in some research, did
 18 you look at any of the offsets, that the proposed
 19 revenue stream would offset by taking away general
 20 state aid? Did you -- are you familiar with that?
 21 **A. Yeah, I am, very little. I touched upon**
 22 **it. To be quite honest, I didn't really study that**
 23 **as diligently as I probably should have before this**
 24 **meeting. Again, my purpose here was to not so much**

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1 be the expert on the wind, you know, the wind
 2 turbine technology and the funding and how
 3 everything works. My concern as I said very, very
 4 -- at the very beginning of my speech was to
 5 demonstrate to the audience my concern especially
 6 for the kids and that we are the caretakers of those
 7 kids as a group. I don't care if I'm not in your
 8 community or not. I still feel as a teacher and as
 9 a human being we have to take care of our kids. And
 10 my goal tonight was to especially mention some of
 11 the things coming down the road that may or may not
 12 have been considered by this group.
 13 Q. Sure.
 14 A. That, you know, you don't want to react to
 15 something. You want to be proactive not reactive
 16 and --
 17 Q. Okay, back to my original question,
 18 though, you have not looked at offsets of the
 19 levy --
 20 A. I have not.
 21 Q. -- versus general state aid.
 22 A. There's a whole lot of smarter people in
 23 this room.
 24 Q. Right, okay. And a lot of this has been

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1 presented to us, so --
 2 A. Okay.
 3 Q. Okay.
 4 CHAIRMAN CORNALE: County staff, county
 5 counsel, any questions? Okay, Mr. Johnston, thank
 6 you for coming.
 7 A. Thank you very much.
 8 CHAIRMAN CORNALE: 8:04. Ten minutes.
 9 8:14 we'll get going again.
 10 (Recess at 8:04 p.m. to 8:15 p.m.)
 11 CHAIRMAN CORNALE: Let's go ahead and get
 12 back to our seats. We'll get going again. All
 13 right, everybody, we're going to get going. We've
 14 got a few things to talk about regarding schedule.
 15 So next Wednesday, the 25th, we're going
 16 to be back here at this location at 6:30, all right?
 17 Looking forward to April, we're going to schedule
 18 three days in April for now. We'll talk about some
 19 more as we get further along. We're looking at
 20 April 7th, April 9th, and April 13th. For now we'll
 21 say 6:30 and location to be announced.
 22 All right. With that, we'll go ahead and
 23 take our next witness. Rebekah Fehr, Rebekah Fehr,
 24 are you available?

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1 MR. LUETKEHANS: Mr. Chairman, I guess
 2 what I would like to do is I have many of the
 3 witnesses that are coming I would just like to
 4 change. I would like to have Marcus Maier go now,
 5 if you want to put her at the end, but I think
 6 Marcus, we would like to have him testify tonight
 7 and get it over with. And I know Carol Waibel is
 8 from out of town, so --
 9 CHAIRMAN CORNALE: Carol Waibel has been
 10 struck from the list for the evening. Okay, just
 11 let me be clear. Everybody on this list is yours,
 12 Mr. Luetkehans?
 13 MR. LUETKEHANS: Other than Mr. Brown,
 14 everybody is mine. They're all my clients.
 15 CHAIRMAN CORNALE: Mr. Brown. Is Mr.
 16 Brown here this evening? Roger Brown. Mr. Brown,
 17 can you tell me about how long you might have?
 18 MR. BROWN: Mine will not be very long.
 19 CHAIRMAN CORNALE: Okay, here's what's
 20 going to happen. Your name's on the list above
 21 Marcus Maier, so we're going to go ahead and take
 22 you because yours is not going to be very long, and
 23 then we're going to get to Marcus Maier because the
 24 rest of them are Mr. Luetkehans's, all right?

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1 Mr. Luetkehans, we'll go ahead and do that
 2 for the effort of fairness because I'm sure you
 3 talked to the rest of the people.
 4 MR. LUETKEHANS: Yeah, that's fine.
 5 CHAIRMAN CORNALE: Okay.
 6 MR. LUETKEHANS: Please.
 7 CHAIRMAN CORNALE: All right, Mr. Maier
 8 [sic].
 9 (Mr. Roger Brown was duly sworn.)
 10 CHAIRMAN CORNALE: All right, please state
 11 your name and address for our court reporter and
 12 we'll go ahead and get going.
 13 MR. BROWN: Roger Brown, 24262 East 1200
 14 North Road. I want to thank the zoning board and
 15 the county board for their time and patience and
 16 understanding in listening to all this testimony.
 17 And I'm talking tonight not as an expert. I'm
 18 really coming to share my farming experience with
 19 working around a turbine.
 20 I farm a farm up by Dwight. It's west.
 21 It's the Top Crop Wind Farm. I was farming the farm
 22 before the wind turbine came in, during it and after
 23 it. And I have to say before the turbine came, we
 24 had a gravel road. After the turbine was

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1 constructed, we have a blacktop road.
 2 They were very good about working with us
 3 as a farmer compensating for crop damage during the
 4 construction of it. The people were checking with
 5 us, and even after construction, they drove by and
 6 they saw me working and asked was there anything
 7 that was needed.
 8 The tile that when they run the
 9 transmission lines, they were very good about taking
 10 pictures, GPSing it and repairing them. And
 11 actually that's been a good thing for us because the
 12 landlord that has it was not aware of where tile
 13 lines were, so it helped in identifying the tile
 14 lines on the farms that we did not know and I had
 15 not been farming it that long. I use GPS, I plant
 16 with guidance, I harvest with guidance. I've never
 17 lost any -- any signal at any time farming around it
 18 and very seldom even notice the turbine as I'm
 19 planting.
 20 I've served on the FSW school board and
 21 Prairie Central school board and know the importance
 22 of generating new money to fund schools and other
 23 taxing bodies, and I think we've heard everything
 24 there probably is to hear about that. The only

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1 thing that I would share, since fiscal year 2011 to
 2 date, we've lost \$1,758,129. This information come
 3 from the -- the ISBE website, and then when you go
 4 there, there's FRIS inquiry, and that's a section
 5 for public access.
 6 So basically -- and the question was said,
 7 well, would a wind farm compensate? No, but I do
 8 know that in economics, if you don't bring new money
 9 into the box, it's going to be limited to what you
 10 can do. And that's all I'll say because I'm not an
 11 expert on any of that funding. Serving on the
 12 board, I know that we have passed referendums, and
 13 our school is very interested or our community is
 14 very interested in education, and I know they will
 15 work with it. Wind farms is an option as it was
 16 said.
 17 The -- in small communities, and I think
 18 that we have talked about it, we've got to survive
 19 as neighbors and be together. And we're not denying
 20 anything that is said, but we got to look. And when
 21 I was on the school board and made decisions, or
 22 pork producer board, it's important to note the
 23 validity, the resource of information and the
 24 background that you're -- you have.

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1 And once again, I thank you for your
 2 patience and understanding listening to all the
 3 testimony, and that is all I have to say.
 4 **CHAIRMAN CORNALE:** Thank you, Mr. Brown.
 5 I apologize for getting a little mixed up on your
 6 way up here. Tell me again what town -- you gave us
 7 your address but not your town initially.
 8 **MR. BROWN:** Oh, Fairbury, Illinois.
 9 **CHAIRMAN CORNALE:** Okay, Fairbury
 10 Illinois, perfect. Okay, ZBA, do we have any
 11 questions for Mr. Brown at this point? All right.
 12 Units of local government, school districts? All
 13 right. Counsel on either side?
 14 **MR. BLAZER:** No, sir.
 15 **CHAIRMAN CORNALE:** Mr. Luetkehans?
 16 **MR. LUETKEHANS:** Yeah, just a couple.
 17 **QUESTIONS BY**
 18 **MR. LUETKEHANS:**
 19 Q. Mr. Brown, are you a participant in this
 20 project?
 21 **A. I am.**
 22 Q. Okay. Just so we're clear, Dwight is not
 23 an Invenergy wind farm, correct? That's Iberdrola.
 24 **A. Pardon?**

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1 Q. The wind farm you spoke about up north --
 2 **A. It was Top Crop.**
 3 Q. -- that's not an Invenergy wind farm,
 4 correct?
 5 **A. No. No, it is not.**
 6 Q. And then one last thing. It's my
 7 understanding that the Prairie Central school board
 8 has not taken a position one way or another on this
 9 wind farm; is that correct?
 10 **A. That is -- to my understanding, they have**
 11 **not taken a position. I served on the board, and on**
 12 **an issue like this, I don't believe it would be**
 13 **right for a school board to take a position on this.**
 14 **MR. LUETKEHANS:** Thank you very much.
 15 **CHAIRMAN CORNALE:** Anybody in the audience
 16 with questions? Anybody in the audience with any
 17 questions for Mr. Brown?
 18 **QUESTIONS BY**
 19 **MR. HAYES:**
 20 Q. Evening, Roger.
 21 **A. Hi, John.**
 22 Q. Just a real quick, short question that I
 23 really don't know the answer to this question. You
 24 indicated you're a participant and I'm just

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1 wondering how -- what the distance will be from your
 2 residence to the nearest turbine?
 3 **A. Less than a half a mile.**
 4 Q. Okay, thank you.
 5 **A. And I'm not getting a turbine either by**
 6 **the way, but it will be -- the one that will be**
 7 **closest to me will be less than a half a mile.**
 8 **MR. HAYES:** Okay, thank you.
 9 **CHAIRMAN CORNALE:** Anybody else in the
 10 audience with a question? County staff then?
 11 County counsel? ZBA? Thank you, Mr. Brown.
 12 Next, Marcus Maier.
 13 **MR. MAIER:** Maier.
 14 **CHAIRMAN CORNALE:** Maier, Marcus Maier.
 15 All right, Mr. Maier.
 16 (Mr. Marcus Maier was duly sworn.)
 17 **CHAIRMAN CORNALE:** Please state your name
 18 and address for the reporter and we'll get going.
 19 **MR. MAIER:** Marcus Maier, 4084 North 2700
 20 East Road, Forrest, Illinois.
 21 **MR. LUETKEHANS:** For the record, Mr. Maier
 22 has a PowerPoint presentation that's being handed
 23 out now. It's UCLC Exhibit 130.
 24 **MR. MAIER:** While that's being handed out,

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1 I'm just going to have a statement to make before I
 2 start this evening with the PowerPoint.
 3 No matter where we are, whether you're for
 4 or against this project, we should be thankful we
 5 live in a country where we can openly debate it. We
 6 have the freedom to do so. In many places in the
 7 world, this particular type of hearing would not be
 8 possible without fear of reprisals or risk of life
 9 or not even take place at all. I know most of us,
 10 if not all, are getting tired of the length and
 11 duration of these hearings. Kudos to the ZBA and
 12 the county board for staying on task and hearing all
 13 that wish to speak.
 14 We have people here from all walks of
 15 life, from government officials to farmers to
 16 operating engineers to professionals to business men
 17 and women and everywhere in between, and that is a
 18 great thing we can all meet together and discuss.
 19 It reminds me of a Norman Rockwell painting of a man
 20 standing up and speaking his piece. We must never
 21 ever take this freedom for granted. As has been
 22 stated, freedom is not free. Many had to pay the
 23 ultimate price, past, present and future. And in
 24 the end, after the lawyers and the experts and such

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1 leave, after the decision has been made, we all must
 2 continue to live together in our community. I
 3 sincerely pray we can do so peacefully.
 4 Can you all hear okay? If I start talking
 5 too fast, you just holler or throw something at me.
 6 Here to talk this evening about noise analysis.
 7 **MR. BLAZER:** Mr. Chairman, for the record,
 8 I have to object to this. I was just handed for the
 9 first time this presentation entitled Noise Analysis
 10 of Pleasant Ridge Wind Energy Project. I've glanced
 11 through it quickly. There are references to Mr.
 12 Rand that we talked about earlier, there are
 13 opinions stated regarding noise issues, acoustic
 14 issues, Illinois law regarding noise limits, and I
 15 look on page 2 and Mr. Maier says he is not an
 16 acoustician and he is not an attorney and he is not
 17 an expert. And I don't -- I don't see the relevance
 18 of this nor is there any foundation for this person
 19 to give this type of testimony.
 20 **MR. LUETKEHANS:** I think we should wait
 21 and see what his testimony is first. If you want to
 22 go through the fact that he's not an attorney -- I
 23 mean it's a state statute.
 24 **MR. BLAZER:** Well --

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1 **MR. LUETKEHANS:** He's providing this
 2 for -- it's a state statute. He's here to testify.
 3 If Mr. -- if he says something or if Mr. Blazer
 4 wants to move to strike it afterwards, but this
 5 gentleman is here, he's got a presentation, I think
 6 the board should hear it.
 7 **MR. BLAZER:** Again, Mr. Chairman, we have
 8 the presentation here, he's handed it to us. He's
 9 purporting to give all kinds of opinions on
 10 acoustics and the law.
 11 **MR. LUETKEHANS:** No, he's not.
 12 **MR. BLAZER:** And --
 13 **MR. LUETKEHANS:** Read the document before
 14 you say that.
 15 **MR. BLAZER:** I did read it. I --
 16 **MR. LUETKEHANS:** The document --
 17 **CHAIRMAN CORNALE:** Gentlemen.
 18 **MR. LUETKEHANS:** He's quoting other
 19 documents.
 20 **MR. BLAZER:** And when I'm reading this,
 21 he's not an acoustician, he's not an attorney, he's
 22 not an expert.
 23 **MR. LUETKEHANS:** Correct.
 24 **MR. BLAZER:** So I don't know what the

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1 point of this is.
 2 **MR. LUETKEHANS:** He's not testifying as an
 3 expert. If there's an expert opinion you think he's
 4 giving, then Mr. Blazer can move to strike. There
 5 is -- Rand is mentioned one time in this entire
 6 PowerPoint with a -- and now it's with a pinpoint to
 7 a site that has nothing to do with this. It has to
 8 do with another site, another paper that he wrote
 9 with Stephen Ambrose.
 10 **MR. BLAZER:** Mr. Chairman, one of the
 11 rules of this board is that information provided has
 12 to be relevant. I do not see the relevance of
 13 acoustic and legal opinions from a person who, by
 14 his own admission, is neither an acoustician nor an
 15 expert.
 16 **CHAIRMAN CORNALE:** All right, gentlemen,
 17 here's what's going to happen. We're going to start
 18 through this and we're going to see how it goes.
 19 We've already decided that Rand -- anything
 20 regarding Rand isn't going to be allowed.
 21 So, Mr. Maier, I will remind you that any
 22 reference to Rand will not be allowed. From that --
 23 **MR. LUETKEHANS:** Wait, wait, if I may,
 24 that is any reference to Mr. Rand's report. That's

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1 -- that's the ruling on this.
 2 **CHAIRMAN CORNALE:** That's correct.
 3 **MR. LUETKEHANS:** Okay.
 4 **CHAIRMAN CORNALE:** Okay, so we'll go
 5 through it, we'll try our best to get through it,
 6 and if there's particular issues as we go, then
 7 we'll discuss them further at that time.
 8 **MR. MAIER:** Thank you. So you've all been
 9 able to read the slide by now, so you know I'm not a
 10 acoustician, I can barely hear the attorney; I'm not
 11 an attorney, I thank the good Lord for that; I'm not
 12 an expert. But I can read and I can write and I can
 13 do arithmetic and I do have an opinion and I think I
 14 have some common sense.
 15 This presentation is a compilation of
 16 information from a variety of sources. You can read
 17 them for yourself. The second bullet point there is
 18 studies, reviews, letters and other information from
 19 acousticians, including Mike Hankard, Robert Rand in
 20 general concepts not dealing with Pleasant Ridge,
 21 and Steve Ambrose. All are from public domain or
 22 public sources, any place I quote there. So you can
 23 go Google it if you want and find them.
 24 Applicable law sections. Livingston

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1 County Zoning Ordinance, Illinois Compiled Statutes,
 2 Illinois noise regulations. Again, they're all out
 3 there, you can Google them, you can find them, you
 4 can look them up, you can read them.
 5 What we're going to talk about tonight.
 6 Overview. Property line requirements for predicted
 7 noise levels. California Ridge used to validate
 8 Pleasant Ridge modelling process. No safety
 9 margins. Illinois Chapter 35, Section 900.102 is
 10 not addressed. And then we have potential remedies.
 11 So the big question. Did the applicant
 12 meet its burden of proof that all noise limits are
 13 met to assure compliance with all aspects of local
 14 and state law? So let's take a look from the
 15 layman's point of view.
 16 Property line requirement, Illinois law,
 17 Chapter 35.
 18 **MR. BLAZER:** Objection, Mr. Chairman,
 19 relevance, beyond the scope of this person's
 20 knowledge and expertise. And I just want to remind
 21 you Mr. Luetkehans acknowledged when we had the
 22 argument earlier, an expert certainly can rely on
 23 outside sources as an exception to the hearsay rule.
 24 By this person's own admission, he is not an expert

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1 in anything relevant to the issues that he's trying
 2 to discuss.
 3 **MR. LUETKEHANS:** He is talking about a
 4 state statute and --
 5 **MR. BLAZER:** He's not an expert, so he
 6 can't --
 7 **MR. LUETKEHANS:** Can I finish for once?
 8 **MR. BLAZER:** You know, yelling doesn't
 9 make any difference.
 10 **MR. LUETKEHANS:** You know what? You
 11 cutting me off is not helping. It's getting
 12 wearisome, Mr. Blazer.
 13 **MR. BLAZER:** Yelling doesn't make you
 14 right; it just makes you louder.
 15 **MR. LUETKEHANS:** Mike.
 16 **CHAIRMAN CORNALE:** Gentlemen.
 17 **MR. LUETKEHANS:** Cutting me off doesn't
 18 advance this at all.
 19 **CHAIRMAN CORNALE:** We're just going to
 20 stop there, we're going to stop there. It's a
 21 matter of public record. This is -- it's available
 22 to anyone. You may interpret it as such.
 23 **AUDIENCE VOICE:** Thank you.
 24 **MR. MAIER:** This particular section I want

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1 to read so we all understand where we're at and are
 2 all on the same page. "Expect as provided elsewhere
 3 in this Part, no person shall cause or allow the
 4 emission of sound during nighttime hours from any
 5 property-line-noise-source located on any Class A, B
 6 or C land to any receiving Class A land which
 7 exceeds any allowable octave band sound pressure
 8 level specified in the following table, when
 9 measured at any point within such receiving Class A
 10 land provided, however, that no measurement of sound
 11 pressure levels shall be made less than 25 feet from
 12 such property-line-noise-source."
 13 Really the rule's concentrating on
 14 emitting sources from the Class C land to Class A
 15 land in the 1,000 octave band range, which for this
 16 case the key one is 41. You can see it's
 17 highlighted.
 18 Illinois law, Chapter 35, classification
 19 of land according to use. What is Class A property?
 20 The entire property of a residence that is only a
 21 residence. What part of the residence is also part
 22 of the family farm business is --
 23 **MR. BLAZER:** Objection, relevance, beyond
 24 the scope of this person's knowledge or expertise.

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1 **CHAIRMAN CORNALE:** Continue.
 2 **MR. MAIER:** Applicant needs to prove the
 3 area of the property that is used solely for farm
 4 business purposes is not used as residential. So
 5 what is Class A property? Well, you can go look it
 6 up. It's a land based classification standard that
 7 applies to schools, medical facilities, nursing
 8 homes, hotels, museums, parks and even correctional
 9 institutions. There are other things too, but you
 10 can figure it out.
 11 So why should the property line
 12 requirement as required by the Illinois Pollution
 13 Control Board, IPCB, be ignored for the Pleasant
 14 Ridge project? Noise level predictions for the
 15 Pleasant Ridge are not in compliance with IPCB's
 16 requirement to measure at the property line.
 17 **MR. BLAZER:** Objection, relevance, beyond
 18 the scope of this person's knowledge and expertise.
 19 **MR. LUETKEHANS:** He's got an opinion as a
 20 resident.
 21 **CHAIRMAN CORNALE:** This is an opinion, Mr.
 22 Maier can have an opinion on this, so we'll allow
 23 it. Continue.
 24 **MR. MAIER:** The burden of proof is on the

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1 applicant to prove that a property is not classified
 2 as Class A. California Ridge real measurement noise
 3 analysis used to validate Pleasant Ridge modelling
 4 process.
 5 Big concerns at Pleasant Ridge. The IPCB
 6 upper limits for nighttime noise levels are at 41
 7 decibels in the 1000 hertz octave band. Applicant
 8 did not provide 1000 hertz narrow band noise
 9 contours. No --
 10 **MR. BLAZER:** Objection, relevance, beyond
 11 the scope of this person's knowledge and expertise.
 12 **MR. LUETKEHANS:** Did you provide them?
 13 I'll ask I mean.
 14 **MR. BLAZER:** My objection is addressed to
 15 the chairman not to you.
 16 **MR. LUETKEHANS:** Well, is it untrue?
 17 Don't you have the right to cross and find out if he
 18 thinks it's untrue?
 19 **MR. BLAZER:** Not the point of my
 20 objection.
 21 **CHAIRMAN CORNALE:** Mr. Maier, go ahead and
 22 continue.
 23 **MR. MAIER:** So we have no way to prove
 24 compliance at property lines. 45 residences, 30

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1 which are nonparticipants, are predicted at 41
 2 decibels at the residence in the predicted sound --
 3 predicted sound analysis results. There's
 4 absolutely no room for error.
 5 In his 11/18/14 testimony, Hankard says,
 6 this is acoustician Hankard, I was the principal
 7 acoustical consultant for the Sidney -- Shirley Wind
 8 project in Brown County. I did all the pre-survey
 9 work there. I did all the compliance measurements,
 10 including low frequency and infrasound measurements.
 11 He's also taken full responsibility for the
 12 California Ridge.
 13 So it begs the question, we know that
 14 there have been noise complaints at both locations,
 15 so what proof is there that we won't have more of
 16 the same here in Pleasant Ridge?
 17 **MR. LUETKEHANS:** I would like to at this
 18 time enter the Shirley Ridge report from the Public
 19 Service Commission of Wisconsin into evidence, UCLC
 20 Exhibit 34. We have a certified copy for the Zoning
 21 Board of Appeals. From the Public Service
 22 Commission.
 23 **MR. MAIER:** California Ridge project was
 24 used to validate the Pleasant Ridge modelling

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1 process. You can see in the bottom source it's
 2 directly from Mr. Hankard. See Steve Ambrose's
 3 review, the exhibit which is being passed out now.
 4 Mr. Ambrose reviewed Mr. Hankard's noise level
 5 compliance analysis for California Ridge.
 6 **MR. BLAZER:** Objection, relevance, beyond
 7 the scope. This person is not an expert. He can't
 8 authenticate anything that Mr. Ambrose did. And I
 9 just looked at another exhibit that was handed out
 10 that is a letter from Mr. Ambrose. Mr. Ambrose, at
 11 least as far as we know, is not going to be
 12 testifying in this proceeding.
 13 **CHAIRMAN CORNALE:** All right. Neither of
 14 these speaks specifically to the Pleasant Ridge wind
 15 project, so on the same basis that we accepted your
 16 motion earlier, we have to deny your objection at
 17 this point. Continue, Mr. Maier.
 18 **MR. MAIER:** This analysis of Mr. Hankard's
 19 noise level compliance analysis for California
 20 Ridge. Measurements were made without an observer,
 21 which contradicts IPCB rules. Measurements were
 22 made during -- measurements were made without an
 23 observer which contradicts IPCB rules.
 24 **MR. BLAZER:** Mr. Chairman, this letter

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1 evidently is a criticism of the study that was done
 2 at California Ridge which this witness just
 3 confirmed a little bit ago Mr. Hankard did some
 4 months ago. The results from California Ridge were
 5 used, in fact, to validate the model that was run
 6 for Pleasant Ridge, so it does relate to this
 7 project. And this person has no expertise to
 8 testify about this. Mr. Ambrose will not be
 9 testifying in this proceeding. It's completely
 10 inappropriate.
 11 **CHAIRMAN CORNALE:** In an effort to keep
 12 the hearing moving, we'll take your objection under
 13 advisement with regard to this particular exhibit
 14 and we'll allow Mr. Maier to continue.
 15 **MR. MAIER:** Measurements were made during
 16 the mandatory operation curtailment or harvesting
 17 months. What about California Ridge? Applicant
 18 refused to provide proof that nearby turbines tested
 19 at California Ridge were operating at or --
 20 **MR. BLAZER:** Objection to relevance,
 21 beyond the scope of this person's expertise. He has
 22 no knowledge of what occurred at California Ridge or
 23 how it was conducted. This is pure speculation.
 24 **MR. LUETKEHANS:** He's citing the Ambrose

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1 report.
 2 **MR. MAIER:** This is the Ambrose report.
 3 **MR. BLAZER:** He has no basis for citing an
 4 Ambrose letter. It's not a report. Mr. Ambrose
 5 will not be testifying in this proceeding.
 6 **CHAIRMAN CORNALE:** To that statement, that
 7 first bullet, is there any -- this is to the
 8 applicant. Is there -- is there truth to the
 9 statement?
 10 **MR. BLAZER:** Which statement?
 11 **CHAIRMAN CORNALE:** Applicant refused to
 12 provide proof that nearby turbines tested at Cal
 13 Ridge were operated near or full electric power
 14 output. Did you refuse to provide the proof?
 15 **MR. BLAZER:** Absolutely not. Nor is there
 16 any evidence of that in this proceeding. So at this
 17 point you're asking me a question that's not even
 18 part of the record of this case, and that's part of
 19 the problem with even looking at this letter from
 20 some person named Ambrose who we know isn't going to
 21 be testifying in this proceeding. And this
 22 gentleman, who I'm sure has the best motives at
 23 heart, cannot authenticate this document or any of
 24 the statements in this document.

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1 And, again, the California Ridge study, as
 2 Mr. Hankard testified and as this gentleman
 3 confirmed, was used to validate the results of
 4 Pleasant Ridge, so this relates directly to the
 5 results at Pleasant Ridge.
 6 **MR. LUETKEHANS:** It relates directly to
 7 California Ridge. And I'm glad that Mr. Maier has
 8 the best intentions at heart because at least
 9 somebody does. Thanks.
 10 **MR. BLAZER:** This is completely
 11 inappropriate, Mr. Chairman.
 12 **MR. LUETKEHANS:** You've already said
 13 you're going to take it under advisement. I think
 14 he should finish and move on.
 15 **CHAIRMAN CORNALE:** All right, Mr. Maier,
 16 why don't you keep continue moving and we'll --
 17 we're going to try our best to get through this.
 18 **MR. MAIER:** Thank you. Turbines can spin
 19 a full RPM, yet at lower power output. Noise is a
 20 function of power output. RPM is irrelevant if the
 21 blades are feathered. And the third bullet point
 22 there is sort of like having a 25,000 watt PTO
 23 generator. You can run it at full RPM, but until
 24 you actually put a lid on it, the noise is going to

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1 change. So from a practical standpoint, I know what
 2 that sounds like.
 3 Stephen Ambrose's letter referred to
 4 Hankard's California Ridge analysis. This report is
 5 not credible, does not comply with IPCB rules, and
 6 does not meet the intent to prove noise level
 7 compliance. California Ridge noise level compliance
 8 analysis should be not -- should not be used to
 9 validate Pleasant Ridge.
 10 **MR. BLAZER:** Objection, Mr. Chairman.
 11 Same objection. Now we're directly looking at
 12 validation of the Pleasant Ridge study by someone
 13 who will not testify at this proceeding, and they're
 14 trying to get it in through someone who has no basis
 15 whatsoever to testify about this subject.
 16 **CHAIRMAN CORNALE:** Again, we'll take that
 17 under advisement. You can continue, Mr. Maier.
 18 **MR. MAIER:** In a review of ten other
 19 operating wind projects by acousticians Stephen
 20 Ambrose and Rob Rand, actual noise measurements of
 21 operating wind turbines averaged 6 to 7 dB(A) higher
 22 than predicted.
 23 **MR. BLAZER:** Objection, relevance, beyond
 24 the scope of this person's expertise. Now he's

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1 trying to introduce as a nonexpert alleged readings
 2 from ten other projects that he's never been
 3 involved in and has no basis for testifying about.
 4 Now we don't even have a report. We have a slide
 5 that this person prepared.
 6 **MR. LUETKEHANS:** No, you have a source.
 7 If you look to the bottom, you see we have a
 8 source --
 9 **MR. BLAZER:** Oh, absolutely.
 10 **MR. LUETKEHANS:** -- of where this comes
 11 from and you'll find --
 12 **MR. BLAZER:** And he's not an expert. He
 13 can't testify about hearsay from other experts,
 14 alleged experts.
 15 **MR. LUETKEHANS:** You will find that this
 16 is the exact same information that we've been
 17 receiving throughout this hearing.
 18 **CHAIRMAN CORNALE:** All right. This
 19 particular objection, we're going to accept the
 20 objection. Let's move on past slide 15 and past
 21 slide 16. If 17 interprets that, we're going to
 22 need to move on past it as well. Oh, I'm sorry, my
 23 numbers are different. So 17, let's move on past
 24 17. Okay, is that a good place to start? You're

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1 comfortable there?
 2 **MR. MAIER:** So why the lack of safety
 3 margins? International standard IEC 61400-11 --
 4 **MR. BLAZER:** Objection, relevance, beyond
 5 the scope of this person's knowledge and expertise.
 6 He has no knowledge of what the requirements may be
 7 of this acoustic standard or how they may apply to
 8 this proceeding.
 9 **MR. LUETKEHANS:** He should have the right
 10 to place into evidence what the acoustic standards
 11 are. If they want to show that they don't apply,
 12 they absolutely have that right, but this is a
 13 public published standard.
 14 **MR. BLAZER:** And what they should have
 15 done is got an acoustician who --
 16 **MR. LUETKEHANS:** If you wouldn't have
 17 scared them off, we would have.
 18 **MR. BLAZER:** I suppose that speaks volumes
 19 about their willingness to be sworn under oath, but
 20 in any event --
 21 **CHAIRMAN CORNALE:** All right, Mr. Blazer,
 22 Mr. Blazer. This is available to any member of the
 23 community. Anyone. He simply is just pointing it
 24 out to us, so --

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1 **MR. BLAZER:** Mr. Chairman, if he's reading
 2 from it, I don't see the relevance but that's fine,
 3 but if he's purporting to state opinions based on
 4 what he thinks it says, that's not fine.
 5 **MR. LUETKEHANS:** Why don't you wait until
 6 he states an opinion before you make the objection
 7 then because he hasn't stated one yet.
 8 **CHAIRMAN CORNALE:** Mr. Maier, continue.
 9 **MR. MAIER:** The uncertainty of the
 10 measurement results shall be stated. This is
 11 directly from the standard. So what are some
 12 miscellaneous type B uncertainty components that can
 13 be --
 14 **MR. BLAZER:** Objection, relevance, beyond
 15 the scope of this person's knowledge and expertise.
 16 Now he's purporting to give numbers and reading
 17 decibel levels that he has absolutely no basis for
 18 testifying about.
 19 **MR. LUETKEHANS:** That are in the
 20 international standard we just said he could read
 21 from.
 22 **AUDIENCE VOICE:** It says source.
 23 **MR. BLAZER:** He has no basis for
 24 testifying about any of this.

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1 **CHAIRMAN CORNALE:** Mr. Maier, please
 2 continue.
 3 **MR. MAIER:** If you look at the
 4 possibilities, from calibrations, to chaining the
 5 instruments together, to the microphone mounting
 6 board, distance from the microphone to the hub,
 7 impedance of the air as well as turbulence, if you
 8 add those first six columns up under that yellow
 9 column, you get a 1.3 decibel, and that's a lack of
 10 a safety margin right there just in the
 11 instrumentation.
 12 **MR. BLAZER:** Objection as to his opinion
 13 regarding lack of safety margin.
 14 **CHAIRMAN CORNALE:** Please continue, Mr.
 15 Maier.
 16 **MR. MAIER:** Uncertainty in design
 17 calculations is the norm in engineering practices.
 18 **MR. BLAZER:** Objection, relevance, beyond
 19 the scope of this person's expertise and knowledge.
 20 He's not an engineer and he couldn't possibly
 21 testify as to what the norm is in engineering
 22 practice.
 23 **CHAIRMAN CORNALE:** I believe it's found in
 24 that source. Continue.

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1 **MR. LUETKEHANS:** For the record, we're
 2 supplying -- for the record, we're supplying the ZBA
 3 with UCLC Exhibit 132, which is the source from the
 4 Bulletin of Science, Technology and Society.
 5 **MR. MAIER:** Plus/minus 4 dB(A) is --
 6 **CHAIRMAN CORNALE:** Hold it, Mr. Maier, we
 7 need to do something now. Okay, so the exhibit is
 8 132; the slide presented has 122. So we need to
 9 make sure we note that in the submission of this
 10 slide it needs to be changed to the "Source: UCLC
 11 Exhibit 132." Okay, go ahead and continue.
 12 **MR. BLAZER:** And if I may, Mr. Chairman,
 13 for the record I'm looking at Exhibit 132. It's not
 14 a standard. It's a study by an individual named
 15 John P. Harrison. And as far as I know, Mr.
 16 Harrison will also not be testifying in this
 17 proceeding. This isn't a standard; it's a study.
 18 Published in a bulletin. This is not an
 19 international electrical standard; it's someone's
 20 opinion.
 21 **CHAIRMAN CORNALE:** We'll consider the
 22 weight of this evidence, Exhibit 132, in our
 23 decision, and we'll allow it at this point. Mr.
 24 Maier, please continue.

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1 **MR. MAIER:** Plus or minus 4 dB(A) is real
 2 and should be tolerated in the noise prediction
 3 calculation. For the wind developers, erring on the
 4 side of caution could protect their very large
 5 investments when testing for compliance does become
 6 the norm.
 7 I would like to read from the bulletin
 8 that you have in front of you, page 258, second
 9 column, approximately a third of the way down, under
 10 deficiency with present noise regulation.
 11 **MR. BLAZER:** Mr. Chairman, just so I don't
 12 have to keep doing this, can I have a standing
 13 objection to this person reading from this bulletin
 14 by this person who will not testify at this
 15 proceeding?
 16 **MR. LUETKEHANS:** No objection.
 17 **CHAIRMAN CORNALE:** All right, we'll take
 18 your standing objection under review for further
 19 consideration later. And you need to -- you need to
 20 help her out because you are going fast and you're
 21 going quiet and you need to speak loud and slow.
 22 **MR. MAIER:** Gotcha, gotcha. So reading
 23 from page 258 from the Bulletin of Science,
 24 Technology and Society, the second column, "Also

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1 noted above, the standard algorithm for predicting
 2 noise at a receptor is ISO-9613-2, but this was
 3 never designed for turbine noise. The ISO manual is
 4 specific in limiting its use to noise sources close
 5 to the ground, such as a road traffic -- road and
 6 rail traffic, industrial noise sources, construction
 7 activities, and many other ground-based noise
 8 sources. Turbine noise derives from blades rotating
 9 typically between 35 to 125 meters above the ground
 10 level. When used without compliance testing, the
 11 results of the predictions have little meaning."
 12 No safety margin was stated in the
 13 Pleasant Ridge application. No safety margin was
 14 included. The prediction method used by the
 15 applicant, ISO 9613-2, has a plus/minus 3 decibel
 16 uncertainty out to 1000 meters. That could be found
 17 in various transcripts listed below. The plus or
 18 minus 3 decibel uncertainty becomes greater when the
 19 sound source is above 30 meters. Again, refers to
 20 the source. The turbine hub height at Pleasant
 21 Ridge is 80 meters.
 22 Manufacturer's batch uncertainty could be
 23 up to 2 decibels. See the source. What about
 24 distance between turbines for downwind and crosswind

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1 turbulence? Should there be a safety margin for
 2 turbulence or dirty air? Again, referring to page
 3 258, bottom of the second column, turbines leave
 4 behind them a turbulent wake and a wind speed
 5 deficit. Turbulence is known to exacerbate turbine
 6 noise. Turbulence occurs naturally in the
 7 atmosphere, but the wake turbulence can --
 8 **MR. BLAZER:** Objection, relevance, beyond
 9 the scope of this person's knowledge and expertise.
 10 At this point, he's not even reading from anything
 11 we've seen.
 12 **MR. LUETKEHANS:** He's reading from the
 13 same report that he's already read from.
 14 **MR. MAIER:** The Bulletin of Science,
 15 Technology and Society.
 16 **CHAIRMAN CORNALE:** Mr. Blazer, I believe
 17 you already have a standing objection.
 18 **MR. BLAZER:** I do. I didn't realize the
 19 witness was reading from this, Mr. Chairman.
 20 **MR. MAIER:** I'll begin again with my last
 21 sentence. Turbulence occurs naturally in the
 22 atmosphere. The wake turbulence can equal the
 23 natural turbulence up to a five blade diameter.
 24 **AUDIENCE VOICE:** Can you try lowering the

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1 microphone a little?
 2 **MR. MAIER:** How's that?
 3 **AUDIENCE VOICE:** There you go.
 4 **MR. MAIER:** Should have told me before.
 5 Finally, after all these factors are taken into
 6 account, would it not make sense to include at least
 7 a 1 to 2 decibel margin to ensure compliance on the
 8 project as a whole? It appears that no facility
 9 design margin was included.
 10 **MR. BLAZER:** Objection, relevance to this
 11 opinion, beyond the scope of this witness's
 12 knowledge and expertise as to what appears.
 13 **MR. MAIER:** It didn't appear; it's not
 14 there.
 15 **MR. BLAZER:** Objection, move to strike.
 16 **MR. LUETKEHANS:** You know what? Wait a
 17 second. He is saying the exact same thing that Mr.
 18 Hankard -- he's just commenting on exactly the
 19 testimony of Mr. Hankard --
 20 **MR. BLAZER:** If that's your --
 21 **MR. LUETKEHANS:** -- which was you're not
 22 including design margin. Let me finish please once
 23 tonight, Mike, before you cut me off. That's a
 24 direct quote from Mr. Hankard.

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1 **MR. BLAZER:** Are you done, Phil?
 2 **MR. LUETKEHANS:** Yes.
 3 **MR. BLAZER:** Okay. This person is stating
 4 an opinion as to whether or not facility design
 5 margin was -- was included or excluded. He says "it
 6 appears." It's on slide 24. That's an opinion. He
 7 has no basis for stating an opinion. It's
 8 irrelevant.
 9 **MR. LUETKEHANS:** It's a quote from Mr.
 10 Hankard.
 11 **MR. BLAZER:** It's not attributed to
 12 anywhere on this document.
 13 **MR. LUETKEHANS:** Well, we all know. We
 14 all sat here and listened to it.
 15 **MR. BLAZER:** Move to strike.
 16 **CHAIRMAN CORNALE:** This -- this particular
 17 issue, if you can find the source, cite the source,
 18 we'll allow it. Otherwise, it's hearsay. So you're
 19 welcome to cite the source on that and we'll accept
 20 that. Otherwise, we'll rule in favor of his
 21 objection.
 22 **MR. MAIER:** I don't have the source with
 23 me, but I have it back there.
 24 **CHAIRMAN CORNALE:** All right, and we can

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1 take that at a later time as well.
 2 **AUDIENCE VOICE:** Which issue are you
 3 talking about right now?
 4 **CHAIRMAN CORNALE:** The statement that it
 5 appears that no facility design margin was included.
 6 **MR. MAIER:** Where are the safety margins
 7 for the ISO 9613-2 manufacturer's batch uncertainty,
 8 dirty air uncertainty and facility design margin?
 9 With an increase of only 1 decibel due to the lack
 10 of nighttime safety margin, 45 residences, 30 of
 11 which are nonparticipants, noise measurements could
 12 be over the IPCB limits resulting in a violation of
 13 the law.
 14 **MR. BLAZER:** Objection, relevance, beyond
 15 the scope of this person's knowledge and expertise.
 16 He's stating an opinion as to -- move the slide back
 17 so I can see what I'm objecting to. He's purporting
 18 to a state an opinion regarding compliance with
 19 nighttime noise levels. He has no qualifications to
 20 do that. Move to strike.
 21 **MR. LUETKEHANS:** It's simple math.
 22 **MR. BLAZER:** No, it's not simple math.
 23 **MR. LUETKEHANS:** Can I finish once? It's
 24 simple math that 1 decibel plus 45 decibels is 46.

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1 We've all heard that 45 is the limit from his
 2 experts.
 3 **MR. BLAZER:** I won't get into Mr.
 4 Luetkehans's testimony.
 5 **CHAIRMAN CORNALE:** Mr. Blazer, Mr. Blazer.
 6 **MR. BLAZER:** Yes, sir.
 7 **CHAIRMAN CORNALE:** Mr. Maier isn't
 8 asserting an opinion. We're going to allow it.
 9 **MR. MAIER:** Illinois Chapter 35, Section
 10 900.102 is not addressed. Application does not
 11 address Chapter 35, Section 900.102 for the zoning
 12 board to assess permit as suitable for enjoyment of
 13 life.
 14 **MR. BLAZER:** Objection, relevance, beyond
 15 the scope of this person's knowledge and expertise.
 16 **MR. LUETKEHANS:** He can read the report.
 17 900.102 is not anywhere in the report or in Mr.
 18 Hankard's testimony.
 19 **MR. BLAZER:** That's right. He has no
 20 basis for purporting to generate an interpretation
 21 as to what this regulation or any --
 22 **MR. LUETKEHANS:** He hasn't made any
 23 interpretation. He's just said so far, he said --
 24 **MR. BLAZER:** He said so far --

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1 **MR. LUETKEHANS:** Can I finish?
 2 **MR. BLAZER:** -- application does not
 3 address Chapter 35, Section 900.102.
 4 **MR. LUETKEHANS:** Mr. Chairman, could I
 5 please get an instruction that I at least be able to
 6 finish my sentences around here tonight? I have not
 7 finished one.
 8 **CHAIRMAN CORNALE:** I'm ready to go home.
 9 Again, I'll instruct both you guys to try to get it
 10 together. We're trying to get through this. This
 11 is a member of the public. He's asserted that he's
 12 not an expert. Please, let's not do this to this
 13 gentleman.
 14 Now, the one thing that he has underlined
 15 there, that's important to us. The Zoning Board of
 16 Appeals, that's a condition that we look at,
 17 enjoyment of life, enjoyment of property. So if
 18 he's got something to say to address that --
 19 **MR. MAIER:** I would like to read the last
 20 paragraph on the page. No person shall cause or
 21 allow the emission of sound beyond the boundaries of
 22 his property, as property is defined in Section 25
 23 of the Illinois Environmental Protection Act, so as
 24 to cause noise pollution in Illinois, or so as to

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1 violate any provision of this chapter.
 2 Noise pollution defined as the emission of
 3 sound that unreasonably interferes with the
 4 enjoyment of life or any lawful business or
 5 activity. Illinois case law supports that this
 6 project must comply with regulations which prohibits
 7 noise pollution. And you can read that for
 8 yourself.
 9 **MR. BLAZER:** Mr. Chairman, now he's
 10 purporting to give you an opinion about what
 11 Illinois case law provides. I recognize that this
 12 is an effort to get around the fact that Mr. Rand's
 13 report is not in the record. Nevertheless, this is
 14 not a person qualified to issue this kind of an
 15 opinion.
 16 **MR. LUETKEHANS:** He is qualified to say
 17 what a case says. The board may disagree, Mr.
 18 Blazer may disagree whether -- we will be arguing
 19 these things very much later, but this gentleman can
 20 at least say what his opinion is, his personal
 21 opinion.
 22 **CHAIRMAN CORNALE:** With regard to the last
 23 slide, the particular objection to that case law, I
 24 will ask Mr. Maier not to assert an opinion based on

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1 this case law, this particular case law. You're not
 2 an attorney, you're -- all those things that you
 3 already said you weren't. So, okay, move on.
 4 **MR. MAIER:** Since the application did not
 5 prove compliance with and omitted any reference to
 6 Chapter 35, Section 900.102, it leads me to believe
 7 that there is no concern for the enjoyment of life.
 8 Hence, this application will inevitably violate
 9 Livingston County Zoning Ordinance, Section 49-44,
 10 public welfare; Livingston County Comprehensive
 11 Plan; Illinois law, IPCB Chapter 35, Section
 12 900.102.
 13 Some potential remedies. More low-noise
 14 trailing edge blades. LNTE blades have not been
 15 proven to be a sure remedy for noise issues.
 16 **MR. BLAZER:** Objection to that opinion.
 17 No basis for it. It's irrelevant.
 18 **CHAIRMAN CORNALE:** Mr. Maier has an
 19 opinion. Overruled.
 20 **MR. MAIER:** The applicant's Pleasant Ridge
 21 Wind Energy Project sound study by Stantec dated.
 22 You can see the differences there between LNTE
 23 blades and standard blades, 1.7 for the 100 meter
 24 and 1.9 dB for the 103.

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1 Applicant should be required to show the
 2 reduction in -- applicant should be required to show
 3 the reduction in decibel via comparison
 4 documentation between measured levels using LNTE and
 5 measured levels using standard blades on all like
 6 turbines when turbines are at equivalent power
 7 output to validate manufacturer's predictions.
 8 Having looked at the initial application,
 9 I think I read there were four LNTE blade turbines
 10 designated. A little bit later, we saw there were
 11 12 LNTE blade turbines that are designated. The
 12 document dated 1/21/15, I believe it's Pleasant
 13 Ridge Exhibit 16A, we are now up to 20 103s and 24
 14 100s. What's next?
 15 Without this documentation, applicant
 16 should be under a stringent obligation to mitigate
 17 exceedance levels if the wind farm is approved.
 18 Once built, shutting down the turbines is the only
 19 reliable alternative to mitigate.
 20 Isn't the potential increase in decibels
 21 due to the lack of safety margins far greater than
 22 the unvalidated potential decrease in decibels
 23 resulting from the use of LNTE blades?
 24 Increased distance/setbacks to ensure

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1 compliance with the noise limits in the law prior to
 2 permitting. Noise levels 6 dB higher than in the
 3 application would require setbacks to be doubled to
 4 comply with the law.
 5 **MR. BLAZER:** Objection, relevance, beyond
 6 the scope of this person's knowledge and expertise.
 7 He's referencing some outside reference by someone
 8 named John Eargle. He has no knowledge or
 9 expertise. It's not relevant. And this is clearly
 10 an opinion.
 11 **MR. MAIER:** Absolutely, and I did find the
 12 acoustic formula. I read it.
 13 **AUDIENCE VOICE:** Every college student
 14 knows this formula.
 15 **CHAIRMAN CORNALE:** All right, with regard
 16 to this, this is a very specific acoustical formula.
 17 Your preface of not being an acoustician I guess
 18 would disallow this particular statement, so we'll
 19 allow Mr. Blazer's objection in that regard. If you
 20 could just move on.
 21 **MR. MAIER:** Conclusions. In looking at
 22 noise limits, there are many areas where the
 23 applicant has not met its burden of proof in
 24 demonstrating compliance with the law.

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1 Noise level predictions for the Pleasant
 2 Ridge are not in compliance with the IPCB's
 3 requirements to measure at the property line. This
 4 is a breach of law.
 5 Applicant appears to have withheld
 6 pertinent information that has a high probability to
 7 prove noncompliance with Illinois law.
 8 **MR. BLAZER:** Objection, relevance, beyond
 9 the scope.
 10 **MR. MAIER:** With an increase of only 1
 11 dB --
 12 **MR. BLAZER:** Mr. Chairman.
 13 **CHAIRMAN CORNALE:** There again, Mr.
 14 Maier -- Mr. Blazer, this is Mr. Maier's opinion,
 15 he's allowed to have that, so we'll allow that.
 16 **MR. MAIER:** With an increase of only 1
 17 decibel, due to the lack of nighttime safety margin,
 18 45 residences noise measurements will be over the
 19 IPCB limit resulting in violation of the law.
 20 **MR. BLAZER:** Just for the record, I know
 21 this is a repeat, Mr. Chairman, but just for the
 22 record, I'll object again to this opinion.
 23 **MR. MAIER:** This application will
 24 inevitably violate Livingston County Zoning

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1 Ordinance, Section 49-44, public welfare, the
 2 Livingston County Comprehensive Plan, and the
 3 Illinois law, IPCB Chapter 35, Section 900.102
 4 enjoyment of life.
 5 So the only sure remedy is to increase the
 6 distance in setbacks to ensure compliance with the
 7 noise limits in the law prior to permitting.
 8 **MR. BLAZER:** Objection, Mr. Chairman.
 9 This is the same statement that he made on slide 36
 10 that you already sustained the objection.
 11 **CHAIRMAN CORNALE:** Hold on, Mr. Maier.
 12 **MR. LUETKEHANS:** I don't think this was
 13 objected to on slide 36.
 14 **MR. BLAZER:** Yes, it was.
 15 **MR. LUETKEHANS:** You objected to slide 35.
 16 **MR. BLAZER:** No, I objected to his opinion
 17 regarding setbacks.
 18 **MR. LUETKEHANS:** Slide 36 was --
 19 **CHAIRMAN CORNALE:** No, to correct that, we
 20 objected to his use of the reference data. So we
 21 allowed your objection on 36, but we're going to
 22 allow him to continue on slide 42.
 23 **MR. MAIER:** Did the applicant meet its
 24 burden of proof that all noise limits are met to

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1 assure compliance with all aspects of the local and
 2 state law? Absolutely not. United Citizens of
 3 Livingston County respectively ask the ZBA and the
 4 county board to vote no for the special use permit.
 5 Thank you.
 6 **CHAIRMAN CORNALE:** Thank you, Mr. Maier.
 7 Sorry to have to go through that so slow with you.
 8 ZBA, do we have any questions at this point for Mr.
 9 Maier? Okay. Units of local government, school
 10 districts? Mr. Luetkehans?
 11 **MR. LUETKEHANS:** (Shakes head.)
 12 **CHAIRMAN CORNALE:** Mr. Blazer.
 13 **MR. LUETKEHANS:** He's my client. I don't
 14 have any.
 15 **MR. BLAZER:** I think I made my point, Mr.
 16 Chairman. No questions.
 17 **CHAIRMAN CORNALE:** All right. Members of
 18 the audience.
 19 **MR. CAVAZOS:** Ambiro Cavazos. I had a
 20 question. I wonder if this is a record for
 21 objections, first of all, but --
 22 **MR. BLAZER:** It's not.
 23 **MR. CAVAZOS:** Okay.
 24 **QUESTIONS BY**

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1 **MR. CAVAZOS:**
 2 Q. Do you think in your opinion -- well,
 3 first of all, will this information be available to
 4 the public to read? Can we have copies of this
 5 or --
 6 **A. It's considered an exhibit for UCLC --**
 7 **CHAIRMAN CORNALE:** I'm having a hard time
 8 hearing both of you guys. Okay, time-out, time-out.
 9 **A. He's asking me whether this is going to be**
 10 **available for the public consumption.**
 11 **CHAIRMAN CORNALE:** Yes, yes, this will be.
 12 There may be parts that we have to take out. It
 13 will probably get all posted. There may be some
 14 particulars that we have to excerpt from that
 15 record, but yes to answer that question.
 16 Q. Okay. And you deal with -- all this
 17 information you gave us for most of us is pretty
 18 serious. I guess do you feel, because of all these
 19 objections, Invenergy is taking it serious too? And
 20 do you feel that maybe they don't want this out
 21 there?
 22 **MR. BLAZER:** Objection.
 23 **CHAIRMAN CORNALE:** All right, Mr. Cavazos,
 24 new question.

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1 **MR. CAVAZOS:** I guess that answered my
 2 question. Thank you.
 3 **CHAIRMAN CORNALE:** Anybody else from the
 4 audience with questions?
 5 **MR. MAUBACH:** I would like to know if you
 6 think that you have a right to have your own opinion
 7 on this subject?
 8 **A. Absolutely. We still live in the United**
 9 **States of America.**
 10 **MR. MAUBACH:** Okay, thank you.
 11 **CHAIRMAN CORNALE:** All right. Anybody
 12 else from the audience with questions? Anybody
 13 else? County staff? County counsel? Members of
 14 the ZBA? Mr. Maier, thank you.
 15 **A. Thank you.**
 16 **CHAIRMAN CORNALE:** All right, I've got a
 17 quarter after 9:00 and I've got a list with several
 18 names still on it. I'm going to read off a few
 19 names, and if you have about ten minutes worth of
 20 comments or so, raise your hand and we'll get you up
 21 here.
 22 **MR. LUETKEHANS:** Mr. Chairman, Ms. Kerber
 23 I know is on the list and she has about three
 24 minutes and I know she's had to get a sitter for the

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1 kids and I'd just like to --
 2 **CHAIRMAN CORNALE:** Three minutes is
 3 perfect.
 4 **MR. LUETKEHANS:** I thought it might be.
 5 **CHAIRMAN CORNALE:** Ms. Kerber, come on
 6 down. All right, we'll get you sworn in.
 7 (Ms. Laura Kerber was duly sworn.)
 8 **CHAIRMAN CORNALE:** All right, please state
 9 your name and address for the court reporter and go
 10 ahead.
 11 **MS. KERBER:** I am Laura Kerber,
 12 K-E-R-B-E-R, and I live at 25615 East 1100 North
 13 Road in Forrest, Illinois. I live in Pleasant Ridge
 14 Township.
 15 Our homestead is settled on four acres. I
 16 reside with my husband Chris and our three young
 17 children. My husband is a farmer, but we do not
 18 farm any of the land surrounding our house. We also
 19 do not own any land that is in the footprint. We
 20 have one landlord who lives out of state who is a
 21 participant. I can promise you that his money will
 22 not be supporting the local county nor will he ever
 23 lay eyes on these wind towers.
 24 Why is this so important to me? The house

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1 that my family and I reside in is my childhood home.
 2 I was raised in this house and I am proud to raise
 3 my children here. It saddens me that something that
 4 I highly hold so dear is of -- I'm sorry, is of no
 5 consequence to those who stand to make a profit from
 6 this purported project.
 7 Furthermore, I have lived in my house for
 8 32 years, minus the time I was in college. I've
 9 been a resident of this community -- of this county
 10 for 32 years. Not one single time before or during
 11 this project has one member of the local government
 12 or a single county board member ever asked my
 13 opinion. I was under the impression that I was not
 14 represented. I've heard board members say that
 15 they've been out and about speaking with people.
 16 Who? I have had the same address for 32 years.
 17 Shouldn't you be talking to the people whom this
 18 affects the most, the people who don't stand to
 19 benefit from the proposed wind farm?
 20 I have wind towers surrounding my house.
 21 I do not want them. I surely do like and appreciate
 22 my neighbors, even those who have assigned up for
 23 wind towers. However, I would also like to think
 24 that if this had been truly an open and fully

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1 disclosed project from the beginning and my
 2 neighbors knew how I felt, they would have taken it
 3 into some consideration out of common courtesy as
 4 they were given the luxury of making a decision that
 5 affects the happiness of my family.
 6 Also, seven years or so ago when this
 7 project was introduced, I was seven years younger
 8 and I did not remotely have the cares I have now or
 9 the responsibilities. I can tell you that I didn't
 10 care for them seven years ago when they were going
 11 up elsewhere, and had I known where it was going to
 12 turn into today, I absolutely would have done more.
 13 I was truly unaware of the proposed wind project and
 14 the ramifications that it would have.
 15 This summer I was taking my kids for a
 16 walk down our very quiet country road as we often
 17 do. I was saddened when I was taking a picture of
 18 my daughter and I realized this could all be coming
 19 to an end.
 20 We have also received a neighbor contract
 21 from Invenergy in regards to the project. I can
 22 assure you it makes good kindling, but I couldn't
 23 find any other use for it, nor was I willing to
 24 waste ink on it.

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1 I beg all of you to consider the fact that
 2 whether those of us in opposition are the majority
 3 or minority, we have the most to lose from the
 4 proposed project and should therefore be considered
 5 with your utmost priority. This shouldn't come down
 6 to an issue of money and politics. I think history
 7 speaks for itself on that. Thank you.
 8 **CHAIRMAN CORNALE:** Thank you. ZBA, do we
 9 have any questions for Ms. Kerber? All right.
 10 Local governments, school districts? One of these
 11 days we're going to get somebody in that category.
 12 Haven't yet. Mr. Blazer.
 13 **MR. BLAZER:** Just a couple quick ones, Mr.
 14 Chairman.
 15 **CHAIRMAN CORNALE:** All right.
 16 **QUESTIONS BY**
 17 **MR. BLAZER:**
 18 Q. (Handing document.)
 19 **A. Yes, I'm familiar with where I live.**
 20 Q. Ms. Kerber, I've handed you what's been
 21 marked as Pleasant Ridge Exhibit 334. Do you
 22 recognize that as an aerial photo of your -- of your
 23 property, your residence area?
 24 **A. Yes.**

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1 Q. Okay, could you -- your house is the one
 2 with what looks to be the brown roof on the west
 3 side of the property or toward the west of the
 4 property; is that correct?
 5 **A. Correct.**
 6 Q. What's the building on the north?
 7 **A. That's a machine shed.**
 8 Q. And what's the building on the east?
 9 **A. It's a barn.**
 10 Q. Okay.
 11 **MR. BLAZER:** Thank you, that's all I have.
 12 **CHAIRMAN CORNALE:** Mr. Luetkehans?
 13 **MR. LUETKEHANS:** (Shakes head).
 14 **CHAIRMAN CORNALE:** Okay. Members of the
 15 audience, any questions out there? Any questions,
 16 county counsel, county staff, ZBA? Thank you.
 17 9:22. We're going to get out of here
 18 early tonight. All right, I'm going to remind
 19 everybody that next Wednesday is the meeting, 6:30,
 20 here, Walton Centre. It's going to be your final
 21 opportunity to sign up. I can't tell you that
 22 enough. If you miss your opportunity, you've missed
 23 your opportunity. I've announced it enough.
 24 We have the dates April 7th, April 9th and

1 April 13th. We're going to do 6:30 for times, but
 2 we don't know location yet.
 3 All right, need a motion to recess.
 4 **MR. VITZTHUM:** I'll make that motion.
 5 **CHAIRMAN CORNALE:** Vitzthum motions to
 6 recess.
 7 **MR. KIEFER:** Second.
 8 **CHAIRMAN CORNALE:** Kiefer seconds that
 9 motion. All in favor?
 10 **ALL MEMBER:** Aye.
 11 **CHAIRMAN CORNALE:** Opposed?
 12 (Adjourned at 9:23 p.m.)
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1 STATE OF ILLINOIS)
 2 COUNTY OF FORD)SS
 3
 4 I, June Haeme, a Notary Public in and for
 5 the County of Ford, State of Illinois, do hereby
 6 certify that the following Livingston County Zoning
 7 Board of Appeals Case SU-7-14 hearing was taken at
 8 the Walton Centre, 100 West Locust Street, Fairbury,
 9 Illinois, on March 18, 2015.
 10 That the said testimony was taken down in
 11 stenograph notes and afterwards reduced to
 12 typewriting under my instruction and that the
 13 transcript is a true record of the testimony given.
 14 I do further certify that I am a
 15 disinterested person in this cause of action; that I
 16 am not a relative, or otherwise interested in the
 17 event of this action, and am not in the employ of
 18 the attorneys for either party.
 19 IN WITNESS WHEREOF, I have hereunto set my
 20 hand and affixed my notarial seal this 30th day of
 21 March, 2015.
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