

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

April 21, 2015

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1 (Commencing at 6:35 p.m.)
 2 **CHAIRMAN CORNALE:** All right, we can go
 3 ahead and get started. Chuck, roll call please.
 4 **MR. SCHOPP:** Okay, this is the April 21st,
 5 2015, continuation hearing of Livingston County
 6 Board of Appeals review of Livingston County Zoning
 7 Case SU-7-14, Pleasant Ridge Energy, LLC, Pleasant
 8 Ridge Wind Energy project. Roll call is Michael
 9 Cornale.
 10 **CHAIRMAN CORNALE:** Here.
 11 **MR. SCHOPP:** John Vitzthum.
 12 **MR. VITZTHUM:** Here.
 13 **MR. SCHOPP:** Richard Kiefer. Diana
 14 Iverson. Howard Zimmerman.
 15 **MR. ZIMMERMAN:** Here.
 16 **MR. SCHOPP:** Joan Huisman.
 17 **MS. HUISMAN:** Here.
 18 **MR. SCHOPP:** And Gibs Nielsen.
 19 **CHAIRMAN CORNALE:** All right, we'll go
 20 ahead and start this evening off as promised. We'll
 21 have some individuals come up to go ahead and
 22 testify. I've got a list here. Looks like I
 23 started with ten when I come in, and it looks like
 24 we've whittled a few out here. I've got eight

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1 individuals on the list. We do know some of you are
 2 in the audience, so we'll go ahead and work through
 3 that.
 4 Additionally this evening we're going to
 5 talk about some exhibits. We're going to try to get
 6 those put into the record. There's a few other
 7 administrative tasks that we'll try to get through
 8 this evening. Our hope is to get through everyone
 9 that needs to testify this evening so that we can
 10 start next week, the 27th and 29th, into the next
 11 phase of the hearing. That will be the rebuttal
 12 phase.
 13 We're working on I guess the rules or the
 14 procedural elements of that rebuttal hearing, so
 15 we'll have something clear and concise for everyone
 16 to work from, with the expectations there may be
 17 some time limits on some of that, so we can work
 18 through that expeditiously.
 19 So with that, first thing on --
 20 **MR. LUETKEHANS:** Mr. Chairman, I don't
 21 mean to interrupt, but -- so that means there's no
 22 hearing Thursday because my notes had a Thursday
 23 meeting, so I just want to make sure that is clear.
 24 **CHAIRMAN CORNALE:** That is correct. In

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1 light of I believe the county board had a -- did not
 2 meet on last Thursday, they rescheduled for this
 3 Thursday, so that would make this space unavailable
 4 as well as several individuals that would be at that
 5 meeting, so --
 6 **MR. LUETKEHANS:** Thank you. I just wanted
 7 to make sure because I had --
 8 **CHAIRMAN CORNALE:** Sure. All right, first
 9 individual on the list, Mary Russell. Mary Russell,
 10 are you available this evening?
 11 **AUDIENCE VOICE:** She isn't here.
 12 **CHAIRMAN CORNALE:** So she's not here.
 13 Eight just went to seven. All right. Next
 14 individual Kent Zimmerman. Kent Zimmerman, are you
 15 here this evening?
 16 **MR. ZIMMERMAN:** Yeah.
 17 **CHAIRMAN CORNALE:** All right. All right,
 18 Mr. Zimmerman, do you wish to take an oath or
 19 affirm?
 20 **MR. ZIMMERMAN:** Affirm.
 21 **CHAIRMAN CORNALE:** All right.
 22 (Mr. Kent Zimmerman was duly affirmed.)
 23 **CHAIRMAN CORNALE:** All right, you may
 24 begin.

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1 **MR. ZIMMERMAN:** Okay, so my name is Kent
 2 Zimmerman. I live in rural Forrest. Address is
 3 29997 East 1200 North Road. I have a wife, five
 4 sons and one daughter. We, if it were to go
 5 through, would have two, two turbines very near our
 6 home.
 7 My concerns for the board to consider,
 8 probably some new, some not new. The noise does
 9 concern me. I am concerned about that, what it will
 10 do to the quality of our life, family's life. The
 11 view, do not care for the view in the existing farms
 12 I see around the countryside, and the lights at
 13 night. Property values is another issue. What's it
 14 going to do to property values? I know it has
 15 affected some in other areas. That also is a
 16 concern.
 17 As far as my farm, I'm a livestock farmer
 18 and grain farmer. We've got a lot of livestock,
 19 finish hogs. I have tried to research some, but
 20 there is just not -- there's not much out there on
 21 livestock and the effects that this might do to
 22 them. I'm concerned about rate of gain, what it
 23 will do to my feed efficiency, and just to the
 24 overall health of my livestock. Any -- hogs are

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1 very touchy. They're -- a lot of things can set
 2 them off. If these things happen, if it causes
 3 effects to them, who's -- who's liable for that and
 4 who's going to make that up?
 5 Another concern I have on the whole
 6 project is the fact that they're federally
 7 subsidized, heavily, just doesn't make sense to me.
 8 If they can't hold their own, why do we even look at
 9 them?
 10 As far as the whole project, as far as tax
 11 revenue, they may bring in more tax revenue to an
 12 extent, but feel that in the long term, people
 13 looking to maybe come to our community are going to
 14 see the fact that a wind farm's there, it's going to
 15 turn a lot of people away from moving into our
 16 school district. In other words, people are -- gets
 17 paid per student. I feel we're going to lose money
 18 in the long run there business-wise and maybe
 19 community-wise.
 20 Another, I guess, testimony I would have,
 21 I do have a brother-in-law that lives out of state
 22 and lives very close to a windmill or wind turbine,
 23 and he has told me it definitely has affected his
 24 life. It affects his sleep and it affects him

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1 during the day. That was testimony he gave.
 2 So it just seems to me like there's so
 3 many unknowns and there's so many things that could
 4 happen. I don't know, it just -- the whole thing
 5 reminds me a little bit kind of of Obama care and
 6 Nancy Pelosi, the Congresswoman that stated, "We
 7 have to pass this to see what's in it." Well, we
 8 don't have to do that. We don't need to make that
 9 mistake again.
 10 That's all I have. Are there any
 11 questions?
 12 **CHAIRMAN CORNALE:** Thank you, Mr.
 13 Zimmerman. ZBA have any questions? Any school
 14 boards or local governments, any questions of Mr.
 15 Zimmerman? Mr. Blazer?
 16 **MR. BLAZER:** No, sir.
 17 **CHAIRMAN CORNALE:** Mr. Luetkehans?
 18 **MR. LUETKEHANS:** He's one of my clients.
 19 **CHAIRMAN CORNALE:** All right, anybody in
 20 the audience with questions of Mr. Zimmerman? ZBA
 21 again? County staff? County counsel? Thank you,
 22 Mr. Zimmerman.
 23 Next on my list, Dieter Elbert. Dieter
 24 Elbert, are you available this evening to speak?

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1 All right, Mr. Elbert, do you wish to take an oath
 2 or be affirmed?
 3 **MR. ELBERT:** You know what, I can be
 4 affirmed.
 5 (Mr. Dieter Elbert was duly affirmed.)
 6 **CHAIRMAN CORNALE:** All right, please state
 7 your name and address for our court reporter and
 8 then you can go ahead and begin.
 9 **MR. ELBERT:** Tell you what, my name is
 10 Dieter Elbert and I reside with my family at 10602
 11 North 2900 East Road in Forrest, Illinois. Why
 12 don't we repeat that?
 13 So thank you for your patience and time
 14 during the last several months. My name is Dieter
 15 Elbert and I reside with my family at 10602 North
 16 2900 East Road in Forrest, Illinois. My wife and I
 17 own and operate Stonewall Cattle Company on 125
 18 acres that we own in Pleasant Ridge Township.
 19 Operating and caring for the cattle is my wife
 20 Rachel's full-time job. We also employ a part-time
 21 employee to help with the day-to-day operations. We
 22 currently have approximately 40 calves a year and
 23 anticipate expanding to 52 to 56 calves per year
 24 when we are finished developing the facilities and

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1 the pastures.
 2 Our primary source of income on the farm
 3 is producing show cattle, mostly Simmental show
 4 heifers and some crossbred Maine and other crossbred
 5 cattle. We use the latest --
 6 **MR. LUETKEHANS:** Mr. Elbert, I don't mean
 7 to interrupt.
 8 **MR. ELBERT:** Yeah.
 9 **MR. LUETKEHANS:** Can you slow down a
 10 little because we are having a hard time keeping up
 11 and I think she is also.
 12 **MR. ELBERT:** Absolutely.
 13 **MR. LUETKEHANS:** You're reading and she's
 14 going crazy.
 15 **MR. ELBERT:** No, we're all right. So we
 16 use the latest reproductive genetics and techniques
 17 available and continue to look for new ways to
 18 increase the conception rates and the quality of
 19 calves that we produce. The number one reproductive
 20 tool that we use is embryo transfer. Simply put,
 21 that is the practice of harvesting eggs from one cow
 22 and putting them into another cow. This has allowed
 23 us to produce multiple calves that have superior
 24 parents. It also allows us to utilize other herds'

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1 genetics. There are multiple factors in having a
 2 successful ET program. The process starts with high
 3 quality eggs and the proper handling of those eggs.
 4 They're stored in liquid nitrogen and handled as
 5 little as possible.
 6 The process that we spend the most time
 7 and money on is the nutrition and of course the
 8 handling of the recipient cows. This is an area
 9 that we can manage and it gives us the best return
 10 on our investment. Cows must be in good physical
 11 condition with the proper levels of nutrition,
 12 supplemental minerals and a stress-free environment.
 13 To reduce stress in our recipient cow
 14 herd, we built a new barn on our property in 2014,
 15 installed a new chute, sorting pens, new alleys and
 16 new tub to work the cattle easier and with less
 17 stress than the old facilities. We also use the
 18 barn to store hay so it has a higher nutritional
 19 value. And we have seven new cattle nets. We
 20 installed new automatic water troughs to allow for a
 21 fresher supply of water. We also added feeding
 22 areas so that we could feed more cows without
 23 overcrowding and without making them fight for space
 24 at the feed bunks.

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1 The cost for the new barn and the
 2 equipment is slightly over \$120,000. We still have
 3 another 20 to 30 on additional concrete, excavating
 4 and tiling costs, et cetera. Of the 120,000,
 5 approximately 55,000 was spent on local suppliers of
 6 cattle equipment, excavating, electric, plumbing,
 7 gravel and concrete. All of the additional work
 8 will be provided by local Livingston County
 9 businesses.
 10 Why did we spend the money on the barn?
 11 It's pretty simple. It's for one reason, right? To
 12 reduce the stress on the cattle and the operators.
 13 Studies show that stress in cattle has a negative
 14 effect on reproduction and leads to poorer
 15 performance. Stress can occur in many ways: fear,
 16 physical discomfort, right? Mother nature, too hot,
 17 too cold, too wet, too dry. Pain, disease, injury,
 18 our handling stress as well as their social
 19 structure stress, trucking issues, noise, bright
 20 lights and excitement.
 21 So why am I concerned about stress in
 22 cattle? Because noise, bright lights and shadows
 23 cause stress in cattle and that is exactly what the
 24 seven proposed turbines within a half mile of our

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1 farm will bring to us. I'm not an expert on noise
 2 or shadow flicker. For all the reasons that you've
 3 heard over the last four months that cause stress in
 4 people also cause stress in our livestock. Our
 5 cattle live outside 24 hours a day, seven days a
 6 week, 365 days a year. Believe it or not, they
 7 don't go inside and shut the door, they don't pull
 8 down the shades, and they just can't turn up the TV.
 9 Now they will be exposed to the effects of
 10 the turbines all day every single day. I'm
 11 concerned that we manage our cattle carefully to put
 12 them in an environment to be successful and that
 13 installing wind turbines creates a negative
 14 environment and this reduces our competitive edge
 15 and our ability to make money on our farm.
 16 We currently put in embryos for ourselves
 17 and then some for our partners. Our strength as a
 18 partner is because we have access to high quality
 19 nutrition and mostly ideal conditions for breeding
 20 cattle and raising calves. When we can no longer
 21 achieve higher-than-normal conception rates or
 22 experience higher abortion rates because of stress
 23 in cattle, we're no longer a valuable partner.
 24 I'm concerned that the current proposal

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1 not only reduces our current productivity but also
 2 reduces our chance to expand our pastures in the
 3 future. We own 40 acres in an adjoining section,
 4 and the current proposal calls for a turbine next to
 5 our land with no meaningful amount of setback. We
 6 have plans to build another barn in 2017 that would
 7 be used for additional storage and for housing of
 8 show cattle. This barn would bring another 60,000
 9 of expenses paid to local suppliers.
 10 Livingston County has a very rich history
 11 of being a productive agricultural and livestock
 12 area, and this project would make conditions in our
 13 area unfavorable for livestock and would cause us to
 14 refrain from investing more money in the future.
 15 I'm asking the members of the Zoning Board
 16 of Appeals to protect us from the current turbine
 17 proposal. At the same time, we need to make a
 18 statement that Livingston County is not for sale to
 19 corporations that don't have the best interests of
 20 the residents of Livingston County in mind. It is
 21 time for this proposal to end and for everyone to
 22 put this behind them and to return to being friends
 23 and neighbors.
 24 Again, thank you for your time and

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1 diligence throughout this entire process. If you
 2 want to talk about cattle, I will talk about cattle
 3 24/7/365.
 4 **CHAIRMAN CORNALE:** ZBA, any questions at
 5 this point, any questions? All right. Local school
 6 districts, local government, any questions? Mr.
 7 Blazer.
 8 **MR. BLAZER:** No, sir.
 9 **CHAIRMAN CORNALE:** All right. Mr.
 10 Luetkehans, he's your client. Anybody in the
 11 audience with questions for Mr. Elbert?
 12 **MR. ELBERT:** No interest in cattle?
 13 **CHAIRMAN CORNALE:** All right. ZBA again?
 14 We don't have anything? County staff? County
 15 counsel? All right, thank you.
 16 Next on the list, Jon Freed, Jon Freed.
 17 **MR. LUETKEHANS:** Mr. Chairman, we received
 18 a text just a few minutes ago from Mr. Freed's wife.
 19 I think I mentioned the last time he went into
 20 surgery the day of the last hearing, the first day
 21 he was called. My understanding is that I will be
 22 receiving a written statement, I will forward that
 23 to Mr. Blazer, and I will ask for leave to at least
 24 attempt to submit it next week for the board to do

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1 as it wishes.
 2 I just would ask for the opportunity to
 3 see what he says, submit it, and let the board make
 4 a ruling, because, like I said, I think the first
 5 time he was called throughout this process was at
 6 the last -- was at the last hearing or the hearing
 7 before since he was 74th on the list. So we'd just
 8 ask the board's indulgence for Mr. Freed who has
 9 been -- who is I think recuperating from some
 10 serious surgery.
 11 **MR. BLAZER:** I think that's fair, Mr.
 12 Chairman.
 13 **CHAIRMAN CORNALE:** All right. All right,
 14 we'll take the -- we'll take the letter and we'll
 15 consider it after you receive it and we'll make a
 16 final ruling on that.
 17 Next on the list, John W. Rich. John W.
 18 Rich, are you available this evening? All right.
 19 Next on the list George Busch, George Busch.
 20 **AUDIENCE VOICE:** Dubya?
 21 **CHAIRMAN CORNALE:** Nope, not Dubya. And
 22 spelled differently, B-U-S-C-H. Good evening, Mr.
 23 Busch. Please be sworn in.
 24 (Mr. George Busch was duly sworn.)

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1 **CHAIRMAN CORNALE:** All right, please state
 2 your name and address for our court reporter and
 3 then you can go ahead and begin.
 4 **MR. BUSCH:** Okay. My name is George Busch
 5 and my address is 11349 North 2300 East Road,
 6 Fairbury. I don't know whether this will qualify as
 7 testimony, but I do have some thoughts about this
 8 whole process.
 9 When it began, I remember a video being
 10 shown by the -- I guess the head operation fellow,
 11 and in that the people were saying hallelujah to
 12 this and this is the greatest thing since sliced
 13 bread. And it occurred to me as they were panning
 14 the hillsides and showing the beauty of all that,
 15 there wasn't a single residence in sight. In the
 16 whole video, there wasn't a single residence in
 17 sight.
 18 Then it came out, well, this is in
 19 Montana. Well, Montana maybe has a population, the
 20 whole state, of 500,000 people. The whole state,
 21 500,000 people. So the density there is incredibly
 22 small compared to this. And people were touting it.
 23 Then it came across a couple of meetings ago, a
 24 gentleman testified that, you know, the nearest town

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1 is four miles away, so of course they love it. They
 2 don't see it, they don't hear it, they don't sense
 3 it, they aren't disrupted in any shape, way, form or
 4 fashion.
 5 I just think this whole thing by this
 6 company just stinks to high heaven. They -- they
 7 saw what they thought was easy pickings in
 8 Livingston County. They probably looked north.
 9 DuPage County, uh-uh, not going to go there, their
 10 preques and their barriers are far too high. So
 11 they looked at sort of a secondary, Livingston
 12 County, and they thought that, my gosh, you know,
 13 they haven't touched their rules and regulations on
 14 this since '06, they're lacking in many respects,
 15 we'll just jingle some money in front of them and
 16 see what we can get going here, and that's where we
 17 find ourselves today.
 18 They jingled a lot of money in front of
 19 who knows, a hundred people, promising lots of
 20 money, okay? Not caring a damn about everybody
 21 else, the nonparticipants, the collateral damage of
 22 them. They didn't care. They still don't care.
 23 Their good neighbor policy: oh, if you live within
 24 a half a mile, we'll give you 1200 bucks a year for

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1 40 years. They aren't going to be in business for
 2 40 years. You know, a young lady last meeting or so
 3 said, you know, what if they, you know, they claim
 4 bankruptcy? Yeah, deal's off, all responsibility.
 5 Deal's off with the word bankruptcy, we're bankrupt.
 6 You know, the fact that they got
 7 government money, actually your money and my money,
 8 to fight us is really a crazy thought. It's just
 9 one bad thing after another. I've got seven of them
 10 I'm looking at, three in front, four behind, all
 11 within -- all within a mile. They are
 12 monstrosities, no two ways about it. They are just
 13 big monstrosities.
 14 And for this company, like the federal
 15 government, Big Brother, trying to jam their way
 16 down our throats and telling us what's good for us,
 17 like we're a bunch of local yokels, is frankly a
 18 little too much to handle. And I think they came
 19 with that idea, we're going to slip it in, no
 20 problem, you know. We talk about, you know, the
 21 sound, the flicker, this and that, the view, the
 22 drop in property values. Who wants that? Who asked
 23 for that?
 24 There's people here that probably are

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1 hoping this goes through. There's people here
 2 hoping and praying that, oh, my gosh, I hope this
 3 goes through, I've already budgeted a big combine or
 4 something for my four turbines or five turbines on
 5 my property, and maybe that's why since '06 the
 6 standards on this by the Livingston County board was
 7 never approached, was never touched. Maybe somebody
 8 on the board itself said, uh-uh, uh-uh, don't rock
 9 the boat, don't rock the boat, we want -- I want
 10 this money, again not thinking a damn about anybody
 11 else but themselves. Just greed, pure, plain and
 12 simple. Greed. Collateral damage.
 13 And all it's going to do is create
 14 enemies. Former neighbors are going to become
 15 enemies, no two ways about it. No two ways about
 16 it. And they're going to be reminded 24/7 every
 17 time they see that damn thing in front of them.
 18 I think that's all I've got to say. Thank
 19 you.
 20 **CHAIRMAN CORNALE:** Thank you, Mr. Busch.
 21 Any questions from the board?
 22 **QUESTIONS BY**
 23 **MS. HUISMAN:**
 24 Q. Mr. Busch, I'm vaguely familiar with

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1 Fairbury, but I don't know where you live. Are you
 2 a farmer? What's your farmstead like?
 3 **A. I have a five acre parcel and I live on**
 4 **the north rural side of things. I have a pig**
 5 **operation across from me, I have a horse operation**
 6 **to the side of me, and they are wonderful neighbors.**
 7 **The pig operation, I don't know if it's my neighbor**
 8 **or if it's his dad or a trust of some nature that**
 9 **wants these damn things, but I know, I know if they**
 10 **go up, it's not going to be neighborly anymore.**
 11 Q. How long have you lived there?
 12 **A. Eight years.**
 13 Q. What caused you to move out into the
 14 country?
 15 **A. Funny you should ask. Where we lived was**
 16 **becoming very, very congested, very crowded. I**
 17 **don't know if you know the Orland Park area, Joliet,**
 18 **they're just crazy. My wife wanted out, so she took**
 19 **a compass and stuck it on a map and started making**
 20 **circles. And we looked for property, affordable**
 21 **property, and didn't see any, didn't sign**
 22 **anything -- didn't find anything, and then finally**
 23 **this little town called Fairbury popped up on the**
 24 **radar. And I did a little research on the water,**

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1 **good water, short, small wells, and that's where we**
 2 **put in our stake.**
 3 **MS. HUISMAN:** Okay, thank you.
 4 **CHAIRMAN CORNALE:** Anybody else on the
 5 board with questions? All right, local school
 6 districts, local government? Mr. Blazer --
 7 **MR. BLAZER:** No, sir.
 8 **CHAIRMAN CORNALE:** -- any questions? Mr.
 9 Luetkehans?
 10 **MR. LUETKEHANS:** Yes, I do.
 11 **QUESTIONS BY**
 12 **MR. LUETKEHANS:**
 13 Q. Mr. Busch, a couple questions. Do you
 14 mind if I ask what you do for a living?
 15 **A. I am an associate at the Walmart in**
 16 **Pontiac after being a teacher for 39 years.**
 17 Q. Okay, great. And what building -- you
 18 said you have five acres. How many buildings are on
 19 your five acres?
 20 **A. Just a house and a very small shed.**
 21 Q. And what's in the shed?
 22 **A. Tractor, a four-wheeler, tools, yard**
 23 **ornamentation things.**
 24 Q. So yard working kind of stuff, an ATV.

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1 Nothing for a commercial operation or --
 2 **A. Oh, no. Absolutely not, no.**
 3 **Q.** Just to kind of mow your own grass, et
 4 cetera.
 5 **A. Oh, yes.**
 6 **MR. LUETKEHANS:** Nothing further. Thank
 7 you, Mr. Busch, appreciate it.
 8 **A. Okay.**
 9 **CHAIRMAN CORNALE:** Anybody in the audience
 10 with questions for Mr. Busch? Anybody out there?
 11 **MS. HUISMAN:** I have another one. You've
 12 got kids in the Prairie Central School District?
 13 **A. Yes.**
 14 **MS. HUISMAN:** Okay. Parker and Spencer?
 15 **A. Yes.**
 16 **MS. HUISMAN:** So they've been here for
 17 eight years, they've been in the school district
 18 eight years. I believe -- you moved directly from
 19 Orland Park?
 20 **A. Uh-huh.**
 21 **MS. HUISMAN:** Gotcha, thanks.
 22 **CHAIRMAN CORNALE:** ZBA, anybody else with
 23 questions? County staff, county counsel, anything?
 24 All right. Thank you, Mr. Busch.

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1 **MR. BUSCH:** Thank you.
 2 **CHAIRMAN CORNALE:** Next on my list, Terry
 3 Cope, Terry Cope, C-O-P-E. All right. Last on the
 4 list, Warren Gillett, Warren Gillett. All right.
 5 Other than the letter from Mr. Freed, we
 6 have went through everybody on the list. Did make
 7 it pretty clear at our last meeting, so I will
 8 consider this their final call, so they -- if they
 9 have not testified previously, they have forfeited
 10 that opportunity.
 11 So with that, I guess we'll move into some
 12 administrative tasks that we need to do this evening
 13 as far as evidence. We're going to work through
 14 several exhibits. Let me just go ahead and start
 15 with that, and we'll try to finish up everything
 16 administratively that we need to do tonight.
 17 So with that, I'll begin. All right,
 18 county accepts Newhouse Exhibit 1 as Early Detection
 19 in Wind Turbine O & M, three simple images. The
 20 county accepts Newhouse 2 as Good-Bye Crane, Hello
 21 Climbing: GE Innovations For Wind Turbine Repairs.
 22 County accepts Newhouse Exhibit 3 as estimated costs
 23 of decommissioning. The county accepts Exhibit
 24 Newhouse No. 4 as Turbine Maintenance: Pay Now or

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1 Surely Pay Later.
 2 County accepts UCLC Exhibit 104 as a
 3 Google Earth Map image of 24370 East 500 North Road.
 4 I'm going to assume that's Fairbury. County accepts
 5 UCLC Exhibit 103 as the village of Forrest August
 6 14, 2014, meeting agenda.
 7 County accepts Bell Exhibit 1 as a scenic
 8 image of farmland adjacent to the residence, 5-by-7
 9 photo. County accepts Bell Exhibit 2 as a plat map
 10 highlighting a small piece of property denoted with
 11 a red arrow. County accepts Bell Exhibit 3 as a
 12 letter from Armstrong Township High School to
 13 Chairman Weinard from William C. Mulvaney. All
 14 right, the county does not accept Bell Exhibit 4,
 15 February 18, 2015, it's from Robert W. Rand, Rand
 16 Acoustics, Noise Review of Pleasant Ridge Wind
 17 Energy Project.
 18 All right. We will redact the transcript
 19 to disallow testimony from Whitney Bell, March 10,
 20 2015. It appeared on pages 2667 line 24, 2668 line
 21 1, 20 -- okay, found on pages 2667, 2668 line 1, 2,
 22 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
 23 18, 19, 20, 21, 22. On 2668 again, lines 23 to 24,
 24 and on page 2669, 1 through 11, strike those. We'll

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1 redact the transcript to not include those.
 2 All right. County accepts Bell Exhibit 5
 3 as the results of an acoustic testing program, Cape
 4 Bridgewater Wind Farm, prepared for Energy Pacific
 5 by Steve Cooper, The Acoustic Group.
 6 County accepts Boomgarden Exhibit 1 as
 7 Illinois drainage law. County accepts Boomgarden
 8 Exhibit 2 as mutual aid drainage tile and its
 9 protection, PowerPoint presentation presented by Mr.
 10 Boomgarden. County accepts Boomgarden Exhibit 3 as
 11 the soil survey of Livingston County, Illinois.
 12 County accepts Boomgarden Exhibit 4 as the Belle
 13 Prairie Drainage District letter of concern to
 14 Livingston County government which led to
 15 Invenergy's response Pleasant Ridge Exhibit 125.
 16 The county accepts UCLC Exhibit 122 as an
 17 aerial view, Google Earth Map, of 13113 North 2500
 18 East Road.
 19 County accepts Gauwitz Exhibit No. 1,
 20 Great Plains LECET. It's a letter to -- from Mr.
 21 Gauwitz.
 22 County accepts Miller Exhibit 1 as a
 23 pamphlet, Come to Fairbury pamphlet by Rick
 24 Miller -- from Rick Miller.

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1 County accepts UCLC Exhibit 126 as the
 2 Smith-Douglass site out of Streator, Illinois, fact
 3 sheet from the Illinois EPA.
 4 County accepts Johnston Exhibit No. 1 as
 5 Turbines boosting governments' bank account share.
 6 All right. The county accepts Pleasant
 7 Ridge Exhibit 334 as the property of Laura Kerber.
 8 It's a Google Earth image again.
 9 **MR. LUETKEHANS:** Mr. Chairman, I'm sorry,
 10 I just missed the number on that one, I apologize.
 11 **CHAIRMAN CORNALE:** Say that again?
 12 **MR. LUETKEHANS:** I just missed the number.
 13 **CHAIRMAN CORNALE:** 334, Pleasant Ridge
 14 Exhibit 334.
 15 **MR. BLAKEMAN:** It's not on his list.
 16 **MR. LUETKEHANS:** Okay.
 17 **MR. BLAZER:** There are a couple that I
 18 missed that Mr. Blakeman pointed out to me.
 19 **MR. LUETKEHANS:** I'm not blaming. I'm
 20 just trying to make sure I keep up.
 21 **MR. BLAZER:** I'll circulate a new list
 22 tomorrow.
 23 **CHAIRMAN CORNALE:** County accepts Pleasant
 24 Ridge Exhibit 132 as correspondence between Mr. Ted

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1 Hartke and Matthew Wingler dated Monday April 15,
 2 2013. County accepts Pleasant Ridge Exhibit 231 as
 3 correspondence between again Mr. Wingler and Mr.
 4 Hartke dated April 16, 2013. County accepts
 5 Pleasant Ridge Exhibit 232 as correspondence again
 6 between Matthew Wingler and Mr. Hartke dated April
 7 17, 2013. County accepts Pleasant Ridge Exhibit
 8 133, correspondence between Matthew Wingler and Mr.
 9 Ted Hartke May 6, 2013. County -- county accepts
 10 Pleasant Ridge Exhibit 134 being correspondence
 11 between Mr. Hartke and Mr. Wingler, Jessica Hartke,
 12 dated May 7th, 2013. County accepts Pleasant Ridge
 13 Exhibit 135, correspondence between Matthew Wingler
 14 and Sherry C. at Illini Home Improvement. That
 15 would be Sherry Carico. That was dated June 11th,
 16 2013.
 17 The county accepts Pleasant Ridge Exhibit
 18 233 as correspondence from Matthew Wingler to Mr.
 19 Hartke dated May 10th, 2013. County accepts
 20 Pleasant Ridge Exhibit 137, correspondence dated
 21 July the 5th, 2013, to Invenergy from Shriver,
 22 O'Neill and Thompson. County accepts Pleasant Ridge
 23 Exhibit 147 as correspondence between Mr. Hartke and
 24 appears to be several board members of his county

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1 dated May 23rd, 2013. County accepts Pleasant Ridge
 2 Exhibit 148, correspondence between John Dreher and
 3 Ted Hartke dated June 5th, 2013. County accepts
 4 Pleasant Ridge Exhibit 235 as the proposed site
 5 layout and land control summary for the California
 6 Ridge wind energy project highlighting Mr. Hartke's
 7 residence.
 8 County accepts Pleasant Ridge Exhibit 152
 9 as correspondence between Mr. Blazer and Mr.
 10 Thompson dated July 12th, 2013. County accepts
 11 Pleasant Ridge Exhibit 155, correspondence between
 12 John Dreher and Mr. Hartke along with several other
 13 individuals, looks like the county board list, dated
 14 June 16, 2013. County accepts Pleasant Ridge
 15 Exhibit 157 as a letter from Hankard Environmental
 16 to Mr. Blazer dated December 10th, 2013, summarizing
 17 the California Wind Energy Center noise study to
 18 date. County accepts Pleasant Ridge Exhibit 236 as
 19 a letter from the Vermilion County State's Attorney
 20 dated October 3rd to Mr. William C. Mulvaney,
 21 Superintendent. County accepts Pleasant Ridge
 22 Exhibit 237, correspondence from Mr. Bill Donahue to
 23 David Hepler. Mr. Donahue is involved with the
 24 State's Attorney office from the previous exhibit.

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1 County accepts Hartke Exhibit 1. This is
 2 the Hartke testimony presented at our hearing on the
 3 25th of March titled Reliving Year 2013 Near
 4 Invenergy's GE 1.6 Megawatt Wind Turbines.
 5 County accepts Pleasant Ridge Exhibit 136
 6 as wind turbine meeting notes May 28, 2013, Boone
 7 County zoning meeting from Mr. Ted Hartke. County
 8 accepts Pleasant Ridge Exhibit 138 as correspondence
 9 between Mr. Blazer and Mr. Thompson again dated
 10 Tuesday, March 18th.
 11 **MR. BLAKEMAN:** Then there are certain
 12 exhibits that I have and were handed out to the
 13 board, Pleasant Ridge exhibits, but I don't think
 14 they were submitted or utilized. I don't know if we
 15 need to mark those off or --
 16 **MR. BLAZER:** No, they're not on my list.
 17 **MR. BLAKEMAN:** Okay.
 18 **MR. BLAZER:** Just for the record, there
 19 were four that were admitted that I did not get put
 20 on the list. I'll update the list tomorrow. Those
 21 were Pleasant Ridge Exhibits 157, 232, 233 and 234
 22 have been admitted. Like I said, I'll update those
 23 tomorrow.
 24 **MR. BLAKEMAN:** Do you want these submitted

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1 so we know which ones were or were not?
 2 **MR. BLAZER:** That's up to you. Either
 3 way.
 4 **MR. BLAKEMAN:** Okay, let me just read
 5 these. These are exhibits that were not submitted,
 6 so if they're on somebody's list, you can -- you can
 7 cross them off: Pleasant Ridge Exhibit 153,
 8 Pleasant Ridge Exhibit 158, Pleasant Ridge Exhibit
 9 174, and Pleasant Ridge Exhibit 230.
 10 **MR. LUETKEHANS:** Did we decide if those
 11 are going in the record? I assume they're not since
 12 you redacted testimony.
 13 **MR. BLAKEMAN:** Right.
 14 **MR. BLAZER:** I didn't submit them.
 15 **MR. LUETKEHANS:** I understand that. I
 16 just want to make sure Mr. Blakeman has got it in
 17 the record they're not.
 18 **MR. BLAKEMAN:** Right.
 19 **MR. LUETKEHANS:** Thanks.
 20 **CHAIRMAN CORNALE:** All right, the county
 21 accepts Indian Grove Township 1 exhibit, a
 22 resolution of the Board of Trustees of Indian Grove
 23 Township, Livingston County, Illinois.
 24 All right, the county will accept Cook

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1 Exhibit 1, which is a picture of Cook's Cove swans.
 2 The county accepts Exhibit 2 as a script for
 3 rehabilitation for Barbara Cook from St. James, John
 4 W. Albrecht Medical Center, dated June 1st, 2006.
 5 County accepts Exhibit 3 as pictures of geese in a
 6 pasture. And the county accepts Exhibit 4 as a
 7 picture of a protest sign to turbines in Vermilion
 8 County.
 9 The county accepts Fehr Exhibit No. 5 as
 10 the -- all the associated -- the names and
 11 associated signature pages for their submitted
 12 names. All right. The county accepts Fehr Exhibit
 13 4 as Invenergy wind turbine contract terminated,
 14 Your online newspaper for Southwestern Ontario.
 15 County accepts UCLC Exhibit 133 as New
 16 York State Department of Environmental Conservation.
 17 It's a notice of violation to Mr. Mike Bessell,
 18 Stony Creek Energy, LLC. It's dated April 18, 2013.
 19 County accepts UCLC Exhibit No. 3 as a hearing -- a
 20 hearing between several individuals and Invenergy,
 21 LLC, heard in the State of New York Supreme Court,
 22 County of Wyoming, Complaint Index No. 46912.
 23 **MR. BLAZER:** For the record, Mr. Chairman,
 24 it's a complaint, it's not a hearing.

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1 **CHAIRMAN CORNALE:** Complaint, all right.
 2 That is correct, a complaint. Again, county accepts
 3 UCLC Exhibit No. 4. It's a complaint between
 4 Richard and Karen Slowinski and Invenergy, LLC, in
 5 the State of New York Supreme Court, County of
 6 Wyoming. Appears to be Complaint No. 46066.
 7 **MR. BLAKEMAN:** Okay. In the record on
 8 page 3202 reference is made to UCLC Exhibit No. 5,
 9 something to do with Willowbrook. We have no such
 10 exhibit. And I noticed, Mr. Luetkehans, on your
 11 list of exhibits there is no UCLC 5.
 12 **MR. LUETKEHANS:** Let me -- if you don't
 13 mind, I'll check and -- I might have been going off
 14 the transcript at the time, so let me see what I can
 15 find. I don't know what it is.
 16 **MR. BLAKEMAN:** Okay. Do you have No. 5?
 17 **MR. BLAZER:** No.
 18 **CHAIRMAN CORNALE:** All right, county
 19 accepts UCLC Exhibit 7 as a hearing heard between
 20 Daniel Brian Williams and Invenergy. It's a case
 21 heard at the United States District Court, District
 22 of Oregon, Pendleton Division, dated 5th day of
 23 August, 2013.
 24 **MR. BLAZER:** For the record, I'm sorry,

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1 Mr. Chairman, this is also a complaint not a
 2 hearing. Right below the case number it says
 3 plaintiff's complaint on the right-hand side.
 4 **CHAIRMAN CORNALE:** Plaintiff's complaint.
 5 Again, that is correct. Plaintiff's complaint,
 6 nuisance, trespass, permanent injunction, demand for
 7 jury trial. County accepts UCLC Exhibit 8, Noise
 8 Complaint Generates Wind Farm Fears, April 2nd,
 9 2010, from the Dailyreporter.com.
 10 All right, just to be certain we're clear
 11 on this, UCLC Exhibit 28 was originally objected to,
 12 we ruled we allowed it, and that's from the Public
 13 Service Commission of Wisconsin. It was a certified
 14 Docket 2535-CE-100 and that's PSC reference number
 15 187987.
 16 County accepts Exhibit Zehr 00 -- okay,
 17 let me correct my statement. The county accepts
 18 Exhibit Zehr 001 as the Judith Gap Wind Farm. It's
 19 a periodic -- or it's an article from the management
 20 division -- no, it's not. It's from Montana.gov.
 21 All right. County accepts Zehr Exhibit 2 as the
 22 agreement regarding easements. I believe it's also
 23 referenced as Pleasant Ridge Exhibit 7. County
 24 accepts Zehr Exhibit 3, neighbor agreement, again

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1 referenced as Invenergy Exhibit 6. County accepts
 2 Zehr Exhibit 4, cooperation and release agreement,
 3 again Pleasant Ridge Exhibit 8. County accepts Zehr
 4 Exhibit No. 5 as the Time Magazine article The Power
 5 of Sleep. County accepts Zehr Exhibit No. 6 as U.S.
 6 Energy Information Administration, EIA, Independent
 7 Statistics and Analysis. County accepts Zehr
 8 Exhibit 7 as the Renewable Energy Subsidies in
 9 Electricity Generation. County accepts Zehr Exhibit
 10 8 as the -- or remarks given by Mr. Zehr at this
 11 hearing. For the record, that is one, two, three,
 12 four, five, six -- six separate stapled attachments
 13 should all go with that Zehr Exhibit 8. County
 14 accepts Zehr Exhibit 9 as the vitae of David G.
 15 Loomis, Illinois State University, again referenced
 16 as Pleasant Ridge Exhibit 114.
 17 County accepts UCLC Exhibit 42 as the U.S.
 18 Department of Energy's Wind Program, Lasting
 19 Impressions, Wind Program Accomplishments. County
 20 accepts UCLC Exhibit 43, it's from the Office of
 21 Energy Efficiency in Renewable Energy. It's about
 22 the DOE wind program.
 23 County accepts Tri-Point Exhibit 1 as a
 24 letter to Livingston County board members, Ag

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1 Zoning, Emergency Services Committee members written
 2 by Mr. Jeff Bryan, Superintendent of Tri-Point
 3 Schools, without a date. County accepts Tri-Point
 4 Exhibit 2 as the NG article "Turbines loosening
 5 governments' bank account share," again references
 6 Pleasant Ridge Exhibit 123.
 7 County accepts Pleasant Ridge Exhibit 307
 8 as meeting minutes from Prairie Central School
 9 District March 19, 2015. County accepts Pleasant
 10 Ridge Exhibit 303 as the Prairie Central School
 11 District meeting minutes from January 15, 2015.
 12 County accepts Pleasant Ridge Exhibit 306 as Prairie
 13 Central School District meeting minutes August 21,
 14 2014. County accepts Pleasant Ridge Exhibit 185 as
 15 the Prairie Central School District meeting minutes
 16 September 18, 2014. County accepts Pleasant Ridge
 17 Exhibit 302 as the Prairie Central School District's
 18 2010-2011 board rules. County accepts Pleasant
 19 Ridge Exhibit 183 as the Prairie Central School
 20 District meeting minutes October 16, 2014.
 21 County accepts Hoffman Exhibit No. 1 as a
 22 PowerPoint presentation Wind Turbines and Prairie
 23 Central School Funding by Cheryl Hoffman.
 24 County accepts Dassow Exhibit 1 as

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1 Wildlife Concerns and Land Use PowerPoint
 2 presentation. County accepts Dassow Exhibit 2,
 3 Economic Importance of Bats in Agriculture. For
 4 those two previous exhibits, allow the record to
 5 indicate that's John Dassow, John Dassow. All
 6 right. This is John Dassow Exhibit No. 3, Judge
 7 Halts Wind Farm Over Bats, published in the New York
 8 Times.
 9 County accepts Hayes Exhibit 1, The
 10 Results of an Acoustic Testing Program, Cape
 11 Bridgewater Wind Farm. County accepts Hayes Exhibit
 12 2, Review of Acoustic Testing Program at Cape
 13 Bridgewater Wind Farm. County accepts Hayes Exhibit
 14 No. 3 as further comments on the Cape Bridgewater
 15 Wind Farm study, Muddying the Waters, Schomer, Mr.
 16 Paul Schomer appears in this, dated February 2015.
 17 County accepts Hayes Exhibit No. 4 as the
 18 investigations of the acoustic impact of Pacific
 19 Hydro's wind turbines at Cape Bridgewater, Victoria,
 20 Australia, participants -- participating resident
 21 statements, 21st January 2015. County accepts Hayes
 22 Exhibit No. 5 as Evidence-Based Design Meets
 23 Evidence-Based Medicine: The Sound Sleep Study.
 24 County accepts Hayes Exhibit No. 6, Reasons to Vote

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1 No by John Hayes, a person whose family and friends
 2 will be impacted by the proposed wind farm.
 3 **MR. BLAKEMAN:** Now I've got --
 4 **CHAIRMAN CORNALE:** I've got 7. County
 5 accepts Hayes 7, Noisy hospitals affect patient rest
 6 and health in the WJLA.com article from 3/14 -- no,
 7 excuse me, June 11, 2012.
 8 **MR. BLAKEMAN:** Okay. There's UCLC
 9 Exhibits 34 and 29 and I believe that they are the
 10 same?
 11 **MR. LUETKEHANS:** Correct. UCLC Exhibit 34
 12 should not be on the list, I apologize.
 13 **MR. BLAKEMAN:** So it's withdrawn.
 14 **MR. LUETKEHANS:** Yes. It was never
 15 presented in that format. It was just something I
 16 had in my file.
 17 **MR. BLAKEMAN:** Okay. Now, that leaves us
 18 with exhibits from the last meeting and there's a
 19 motion to reconsider on file, and we will take up
 20 those exhibits at the next meeting as well as the
 21 exhibits associated with Marcus Maier. Do you want
 22 to take a break and then we can deal with --
 23 **MR. LUETKEHANS:** Mr. Chairman. If I may,
 24 just so everybody if they're reading it, and I

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1 accidentally -- they shouldn't let me type anything.
 2 It accidentally says Slagel -- or, excuse me, Megan
 3 Dassow Exhibit No. 6 in one place. It's only Megan
 4 Dassow Exhibit 7 and then the exhibit from Mr.
 5 Slagel.
 6 **CHAIRMAN CORNALE:** All right, I've got
 7 7:30. Why don't we take -- why don't we take ten
 8 minutes, take a bathroom break. We're going to work
 9 through a few other administrative things up here,
 10 and let you guys know kind of what's going to happen
 11 for the rest of this meeting and then kind of our
 12 looking ahead.
 13 All right, so 7:30. Want to try to be
 14 back at 7:40. Thank you.
 15 (Recess at 7:32 p.m. to 7:49 p.m.)
 16 **MR. BLAKEMAN:** When Bekah Fehr testified,
 17 there were certain documents that were handed out.
 18 At the time they were handed out, they were not
 19 recognized as being exhibits to be presented to the
 20 ZBA. They were not presented to the board on that
 21 particular evening. I only became aware of the
 22 existence when Mr. Luetkehans advised me at the next
 23 hearing what was the status of these Exhibits 1, 2
 24 and 3?

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1 Copies have been provided to the ZBA board
 2 members as well as Mr. Blazer and Mr. Luetkehans.
 3 And, Mr. Blazer, if you'd like to make a comment
 4 about those exhibits?
 5 **MR. BLAZER:** The specific ones, I don't
 6 have them in front of me, unfortunately they're back
 7 in my briefcase, but there were two documents --
 8 **MR. BLAKEMAN:** If you want copies, I can
 9 give you copies again.
 10 **MR. BLAZER:** Yeah, just to glance at them
 11 briefly. I thought I had them; turned out I didn't.
 12 **MR. BLAKEMAN:** Here.
 13 **MR. BLAZER:** This one's -- that one I have
 14 no objection. No. 1, I have no objection. 2 and 3
 15 purport to be excerpts from some sort of manuals
 16 from two companies, Vesta and Nordex. They're
 17 turbine manufacturers. Invenergy isn't proposing to
 18 use either Vesta or Nordex on this project, we're
 19 proposing GE, so we don't see the relevance.
 20 **CHAIRMAN CORNALE:** Mr. Luetkehans, do you
 21 have a response to that?
 22 **MR. LUETKEHANS:** Yeah, these are other
 23 manufacturers' wind turbines and statements they
 24 have regarding safety and health, and we would ask

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1 that they be admitted. And if you want, you know,
 2 we can put the whole safety manual in there, we're
 3 hoping not to have to do that, but these are wind
 4 turbine manufacturers, and what they think about
 5 health and safety I think is relevant.
 6 **CHAIRMAN CORNALE:** All right, I'm just
 7 going through very quickly the highlighted locations
 8 in these single page documents. It appears that
 9 they're just general safety concerns. They may even
 10 possibly appear in some way, shape or form in the GE
 11 manuals. Possibly. So I guess we'll just allow --
 12 we'll allow those.
 13 So let's go ahead and accept -- the county
 14 accepts Fehr Exhibit No. 1, Tipton County, Indiana,
 15 commissioner voted for wind farms, now lives with
 16 regrets. It's a letter written by Jane Harper. It
 17 was accepted into official public record in Tipton
 18 County, Indiana. The county will accept Fehr
 19 Exhibit No. 2 as an excerpt from a Vesta manual
 20 highlighting 2.7, in case of run-away operation.
 21 And the county will accept Fehr Exhibit No. 3 as an
 22 excerpt from the Nordex manual, safety manual,
 23 highlighting falling turbine parts.
 24 **MR. LUETKEHANS:** Mr. Chairman, one thing

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1 that was brought to my attention at the break was
 2 that we admitted Zehr Exhibits 1 through 9. I think
 3 there may have been some other Zehr exhibits from I
 4 think it was Nelson Zehr or one exhibit, so if we
 5 could just label for the record these last exhibits,
 6 which are actually labeled H. Zehr, if we could just
 7 -- I assume those were the nine exhibits that you
 8 were admitting into evidence, Mr. Chairman.
 9 **CHAIRMAN CORNALE:** That is correct.
 10 **MR. LUETKEHANS:** Thank you.
 11 **CHAIRMAN CORNALE:** So let's allow these
 12 last three that I've just taken in to be -- do we
 13 want to call them --
 14 **MR. LUETKEHANS:** No, I'm sorry, there's
 15 only one Fehr. This is Zehr.
 16 **CHAIRMAN CORNALE:** Oh, I'm sorry.
 17 **MR. LUETKEHANS:** The ones from earlier.
 18 They were right before the break. It was just it
 19 came to my attention during the break, and I
 20 probably should have mentioned it earlier, I
 21 apologize.
 22 **CHAIRMAN CORNALE:** Okay.
 23 **MR. LUETKEHANS:** They're actually labeled
 24 H. Zehr 1 through 9.

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1 **MR. BLAKEMAN:** Harvey?
 2 **MR. LUETKEHANS:** Yes.
 3 **CHAIRMAN CORNALE:** All right. Can we work
 4 the transcript to include that correctly without
 5 going through each one of them separate, the
 6 previous Zehrs?
 7 **MR. LUETKEHANS:** Mr. Chairman, I think
 8 your statement is acceptable to us. We don't need
 9 to go through all of them.
 10 **CHAIRMAN CORNALE:** All right, very good.
 11 **MR. LUETKEHANS:** Thank you.
 12 **CHAIRMAN CORNALE:** All right. So just
 13 bringing everybody up to speed on scheduling and
 14 where our locations are going to be and kind of
 15 what's going to happen. The 27th and the 29th are
 16 our next proposed meeting dates. They're scheduled
 17 to be here in this location, historic county
 18 courthouse or historic courthouse at 6:30 for those.
 19 What we'll do, probably the first thing on
 20 the 27th, we have two motions in front of us, the
 21 Marcus Maier testimony and then there's a motion to
 22 reconsider some testimony given by Megan Dassow and
 23 Mr. John Slagel. We'll take those up first thing,
 24 and then we'll go ahead and start with our rebuttal

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1 and surrebuttal at that point in time.
 2 We're working diligently through the
 3 procedural hearings associated with that. It's
 4 going to be very strict rules that we're going to
 5 have to comply with. You're going to have both --
 6 all sides involved will have very stringent
 7 guidelines to follow. We're going to try to come up
 8 with reasonable time expectations for everyone
 9 involved in that. We're going to also work through
 10 a list of those individuals that have the
 11 opportunity to provide rebuttal, surrebuttal.
 12 So we're sorting that out, how it works
 13 out, and whether it's everybody that's testified,
 14 whether it's everybody that's testified that's not
 15 represented by Mr. Luetkehans. They're legally
 16 sorting that out. So to have a clear and concise
 17 answer for you this evening, I don't have that,
 18 okay? So -- but I will -- with certainty, I will
 19 spell that out for everyone before we start, along
 20 with the time limits, so that we all know how it's
 21 going to shake out, okay?
 22 After we go through the rebuttal and
 23 surrebuttal, there will be opportunities for closing
 24 statements. I can say with certainty that there

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1 will be time limits. I expect the time limits on
 2 that to be around two minutes for those individuals
 3 wanting to make a closing statement, and in order to
 4 make a closing statement, you've had to previously
 5 testify. That's testify. That's not question
 6 someone; that's testify. So you were sworn in, the
 7 whole procedure. And additionally not be
 8 represented by counsel. So you represented yourself
 9 up here and you were not on the list of Mr.
 10 Luetkehans.
 11 All right, so I think we get to have a
 12 real short evening tonight.
 13 **MS. SEVERSON:** Excuse me, Mr. Chairman.
 14 **CHAIRMAN CORNALE:** Yeah.
 15 **MS. SEVERSON:** Amber Severson. I just
 16 took a quick review of the county website knowing
 17 that my presentation was posted. I understand that
 18 none of my supporting documentation was posted and I
 19 am going to -- I'm going to guess that that was
 20 because I put it on a USB drive, but my presentation
 21 does have a hyperlink, and when I hit it, it says no
 22 information found. So my presentation is not on the
 23 website. And likewise, Nelson Fehr's -- excuse me,
 24 Nelson Zehr's presentation isn't there either.

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1 So I just wanted to bring that to your
 2 attention, since you're admitting evidence or
 3 testimony, whatever, exhibits, if you could please
 4 check on that. Thank you.
 5 **CHAIRMAN CORNALE:** Okay. To your first
 6 point, we'll work on that. As far as trying to get
 7 the hyperlink working, there might be security
 8 issues where they don't hyperlink out of the county
 9 site, so I can't promise you that's ever going to
 10 work.
 11 The next thing is the Zehr exhibits were
 12 just accepted this evening, so --
 13 **MS. SEVERSON:** Does that include Nelson
 14 Zehr from February 9th?
 15 **CHAIRMAN CORNALE:** Okay, excuse me.
 16 **MR. SCHOPP:** We'll look at it.
 17 **CHAIRMAN CORNALE:** Okay, we'll work on
 18 that, sorry. All right, anybody else with just
 19 procedural questions?
 20 **MS. AMBROSE:** For us novices, what is
 21 surrebuttal? We don't know what it is.
 22 **CHAIRMAN CORNALE:** Mr. Blakeman.
 23 **MR. BLAKEMAN:** Rebuttal is where the
 24 applicant in the situation will have an opportunity

1 to present evidence indicating why the evidence
2 submitted by UCLC and the other people was incorrect
3 or erroneous. And the surrebuttal is your chance to
4 say why theirs was wrong.

5 **MS. AMBROSE:** You mean sur is the people
6 outside --

7 **MR. BLAKEMAN:** The opposition, right. If
8 you're represented by an attorney, your attorney
9 will do the surrebuttal for you.

10 **MS. AMBROSE:** Will do that, okay.

11 **CHAIRMAN CORNALE:** Does that help
12 everybody in the audience a little bit with
13 rebuttal, surrebuttal?

14 **MR. JOHN SLAGEL:** Do we -- so does the
15 surrebuttal part -- like the next time we meet will
16 just be Invenergy and then we can question them or
17 how does that -- the details of that? Are they
18 bringing witnesses back or --

19 **CHAIRMAN CORNALE:** Yes, witnesses are --
20 the intention is witnesses will come back to further
21 validate their, their position or reasoning or
22 statements, and then that possibly could open up a
23 small line of questioning, and know that that's
24 going to be a very concise line of questioning.

1 inconvenience to anybody.

2 Okay. All right, that's everything I've
3 got on the list. Is that everything you got, Mr.
4 Blakeman?

5 **MR. BLAKEMAN:** Yes.

6 **CHAIRMAN CORNALE:** Mr. Griffin, have you
7 got anything to add as far as rebuttal, surrebuttal?
8 Is there anything that we're missing that you want
9 to spell out?

10 For those in the audience, the
11 surrebuttal, rebuttal, we have done it, but it's
12 never been, we never had -- in previous hearings, we
13 haven't had the expectation that it's going to be as
14 lengthy or as big as this one possibly could be, so
15 that's why I'm honest with you guys and I want to
16 tell you the right information and not mislead you.
17 So that's why I'm kind of allowing counsel to
18 further explain this better. So with that --

19 **MR. GRIFFIN:** I'm working with Mr.
20 Blakeman on putting together the rules we're going
21 to suggest.

22 **CHAIRMAN CORNALE:** Okay, okay.

23 **MR. LUETKEHANS:** If I may, the one thing
24 that Mr. Blazer and I have talked about, I think

1 It's not going to be off on a tangent. It's going
2 to be very -- I mean a few times I interrupted
3 individuals when they got going. Plan on me
4 interrupting a lot because we have to keep it very
5 concise to what they're here to rebut, okay? So
6 it's not going to turn into a lengthy chain of
7 questions, all right?

8 **MR. BLAKEMAN:** I was just advised that
9 this room -- for the hearing on April 29th, this
10 room will not be available until six o'clock.

11 **AUDIENCE VOICE:** 27th.

12 **MR. BLAKEMAN:** What? I'm sorry, the 27th
13 that this room will not be open. There's going to
14 be something else going on, so the room won't be
15 available until six o'clock. I know some of you
16 come early.

17 **MR. SCHOPP:** We can go someplace else if
18 you want to.

19 **MR. BLAKEMAN:** It won't be --

20 **CHAIRMAN CORNALE:** So you just can't get
21 in before 6:00. For our meeting at 6:30,
22 individuals will be able to come into the room
23 following the meeting at 6:00, whatever is in here
24 until six o'clock. So it shouldn't be a huge

1 it's been put on the record but just to make it
2 clear again, is that Mr. Hankard, we forego -- we
3 forego questioning him when he came back the second
4 time, and we were going to broaden that scope of the
5 questions on rebuttal of Mr. Hankard only dealing
6 with that. That's something Mr. Blazer and I
7 previously agreed to because -- so we didn't bring
8 Hankard back three times or four times, whatever it
9 was.

10 **MR. BLAZER:** That's correct.

11 **CHAIRMAN CORNALE:** Okay. So as -- so as
12 we allow the open questioning of Mr. Hankard in
13 rebuttal, surrebuttal, to fairly give to everyone,
14 we'll allow the same open questioning to all those
15 in the audience as well. Are you guys --

16 **MR. BLAZER:** Obviously with respect to
17 what he discusses, not with everything he has ever
18 discussed because --

19 **CHAIRMAN CORNALE:** All right, yeah.

20 **MR. BLAZER:** -- the plan is our rebuttal
21 for Mr. Hankard will be focused on some limited
22 issues. Phil, Mr. Luetkehans, I'm assuming will be
23 asking questions about those and then some
24 additional ones regarding some matters that he

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1 didn't have an opportunity to ask previously. That
 2 doesn't from our perspective open up questioning to
 3 everything that's came from Hankard in all his prior
 4 appearances in this proceeding. It's limited to
 5 what happens when he testifies this time.
 6 **CHAIRMAN CORNALE:** Okay. Is he going to
 7 be available the 27th?
 8 **MR. BLAZER:** I believe he is.
 9 **CHAIRMAN CORNALE:** Okay, so let's just do
 10 this different. Let's not start rebuttal. Let's
 11 allow Hankard to come, let's get any questions there
 12 out that we have, that's audience, that's anybody
 13 else, we're going to get those, and then we'll allow
 14 you to start your rebuttal.
 15 **MR. BLAZER:** That's fine, that's fine.
 16 **CHAIRMAN CORNALE:** Okay, that way we have
 17 a formal break in this that we're not -- because I
 18 don't want your time necessarily to be gobbled up
 19 in --
 20 **MR. BLAZER:** Understood.
 21 **CHAIRMAN CORNALE:** -- any questions that
 22 we may have.
 23 **MR. BLAZER:** That's fair. The only thing
 24 I just -- and I told Phil that I -- and I'll do the

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1 same with Tom and Jim. Because we didn't find out
 2 until today that we weren't going Thursday, I have
 3 to make some phone calls tomorrow morning to shuffle
 4 some people around. So I'm fairly certain that
 5 Hankard will be here Monday, but I just need to
 6 reconfirm that.
 7 **CHAIRMAN CORNALE:** All right, very good.
 8 **MR. BLAZER:** And I'll let the attorneys
 9 know as soon as I confirm that.
 10 **CHAIRMAN CORNALE:** Okay. Chuck, is there
 11 anything that you had procedurally or anything that
 12 you want to discuss? No?
 13 **MR. SCHOPP:** We'll cover it on the 27th.
 14 **CHAIRMAN CORNALE:** Okay, a couple more
 15 things and then we'll --
 16 **MR. BLAKEMAN:** All right. I have an
 17 affidavit signed by David Rautmann. It's my
 18 understanding that it is appropriate for me to hand
 19 out copies to the ZBA? I have not done so before.
 20 **MR. BLAZER:** Actually I thought we had
 21 taken care of that. We had agreed that that would
 22 go in in lieu of rebuttal testimony from Mr.
 23 Rautmann.
 24 **MR. BLAKEMAN:** Right, and I just want to

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1 make sure that's the case.
 2 **MR. LUETKEHANS:** I have no objection to it
 3 being handed out. I think it should be
 4 appropriately put in at the rebuttal stage, but to
 5 be handed out to the board at this point I have --
 6 **MR. BLAKEMAN:** That's my question. Okay,
 7 I'll do that. And then I have a report, Pleasant
 8 Ridge Exhibit 312, from Michael MaRous. I have not
 9 handed that out to the board yet. Is it appropriate
 10 for me to hand it out to the board at this time so
 11 they have it in advance of the hearing, the next
 12 hearing date?
 13 **MR. LUETKEHANS:** Yes.
 14 **MR. BLAZER:** Yes.
 15 **MR. BLAKEMAN:** Okay, thank you.
 16 **MR. BLAZER:** And I think they already had
 17 311, which was his other report.
 18 **MR. BLAKEMAN:** Right.
 19 **CHAIRMAN CORNALE:** All right, so you're
 20 going to hand -- you're going to give us 312. Are
 21 you going to --
 22 **MR. BLAKEMAN:** And the affidavit.
 23 **CHAIRMAN CORNALE:** And the affidavit,
 24 okay.

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1 **MR. BLAKEMAN:** So you can study it.
 2 **CHAIRMAN CORNALE:** All right. So just so
 3 that everyone's clear, what that allows is Mr.
 4 Rautmann to testify via this affidavit in lieu of
 5 appearing. There's some very specific, very little,
 6 four -- it's three things that he's actually adding
 7 to his testimony or clarifying in his testimony.
 8 Has to do with some lengths of roads and different
 9 things, aggregate base courses. All right, so we'll
 10 take that.
 11 All right, the 27th, 6:30, here.
 12 Remember, don't come too earlier, you can't get into
 13 the space. Oh, we've got one more.
 14 **MR. JOHN SLAGEL:** I'm sorry.
 15 **CHAIRMAN CORNALE:** A procedural question?
 16 **MR. JOHN SLAGEL:** Yes.
 17 **CHAIRMAN CORNALE:** All right.
 18 **MR. JOHN SLAGEL:** So during the rebuttal
 19 or surrebuttal, are -- is new evidence allowed,
 20 exhibits to be entered, or has that ended? Like
 21 when Hankard comes, are new exhibits -- are we to
 22 the point where exhibits are no longer allowed or
 23 are they still allowed, are they allowed to a
 24 certain point? That's my first question.

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1 And then my second one is the Patrick
 2 Engineering sound study and decommissioning studies,
 3 when do those get presented? I thought the county
 4 was going to present those at some point.
 5 **MR. SCHOPP:** We'll present those on the
 6 27th.
 7 **MR. JOHN SLAGEL:** Okay, will there be
 8 questioning of them then or how does that work? Are
 9 they like any other witness?
 10 **CHAIRMAN CORNALE:** All right, so everyone
 11 hears, the Patrick Engineering studies we're going
 12 to get on the 27th. I would imagine, just as this
 13 has happened previously, we've gotten the study from
 14 Patrick engineers on previous projects, we've had
 15 some time to take a look at it, and if there were
 16 questions on it, they did come in to talk to us. So
 17 we'll -- that will be in open forum, open session
 18 questioning.
 19 Your first question, you're going to have
 20 to -- it was will evidence be presented?
 21 **MR. SLAGEL:** (Nods head).
 22 **CHAIRMAN CORNALE:** Counsel, why don't you
 23 guys take this one.
 24 **MR. BLAKEMAN:** There will be an

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1 opportunity for exhibits, but they won't be new
 2 exhibits. Again, you'll be indicating why you think
 3 the testimony of the witnesses presented by the
 4 applicant were incorrect. The why, what's wrong and
 5 why.
 6 **MR. SLAGEL:** Okay. I guess my question is
 7 more like will Invenergy's witnesses be presenting
 8 new evidence that goes into the exhibits on the
 9 website again? Is this like a repeat?
 10 **MR. BLAKEMAN:** They'll be responding to
 11 the evidence that was submitted by the opposition.
 12 **MR. SLAGEL:** Okay, they won't be
 13 introducing anything new?
 14 **MR. BLAZER:** That may entail some
 15 additional material to rebut --
 16 **AUDIENCE VOICE:** Here we go.
 17 **MR. BLAZER:** -- what was brought in.
 18 **MR. BLAKEMAN:** All I -- the best I can say
 19 is we'll just have to deal with it as we go along.
 20 **CHAIRMAN CORNALE:** All right, I know that
 21 wasn't a hundred percent concise, but as we spell
 22 out the rules -- that's why we're sorting through
 23 the rules as well. And we want to air these things
 24 out so that we can like say rule number 7, no, this

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1 is not allowed.
 2 So I have one other question procedural
 3 out there?
 4 **AUDIENCE VOICE:** There's one over here.
 5 **MR. WEEKS:** Maybe the way to do this, when
 6 Mr. Blakeman and Mr. Griffin have the rules and
 7 procedures in place, you post those on the county
 8 website so these folks can see those so they have an
 9 idea what the procedures will be.
 10 **MR. BLAKEMAN:** If we get them done in
 11 time, yes.
 12 **MR. WEEKS:** Otherwise, they can see it
 13 ahead of time, so they have an idea what to know --
 14 **MR. BLAKEMAN:** I understand what you're
 15 suggesting.
 16 **CHAIRMAN CORNALE:** I think, too, that and
 17 to the -- to having them prepared previously, I
 18 don't know. I think that that would be great, but
 19 at the same time I think as a board we need to all
 20 agree to that as well. So there may be some things
 21 on this that I -- that these rules that I may not
 22 agree with, we may have to change as well. There
 23 may --
 24 **MR. WEEKS:** These folks need to know what

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1 the rules are.
 2 **CHAIRMAN CORNALE:** I understand. And that
 3 is the importance of why I said on the 27th we're
 4 going to spell them out, we're going to explain
 5 them, we're going to get everybody on the same page.
 6 I hope that Mr. Blazer, as we're explaining, they're
 7 going to have maybe discussed it, and if I decide to
 8 change something, he can somewhat vary his rebuttal
 9 to make those changes as he goes. I can't imagine
 10 there's going to be anything major. And then we'll
 11 kind of see how everybody else -- how he does it and
 12 then we can work backwards from that, all right?
 13 **MR. WEEKS:** Good enough.
 14 **CHAIRMAN CORNALE:** All right. With that,
 15 I need a motion to recess.
 16 **MR. VITZTHUM:** I'll make that --
 17 **CHAIRMAN CORNALE:** Oops, I'm sorry,
 18 another question.
 19 **MS. SCHROF:** Yes. As I understood, Mr.
 20 Parzyck will be back? Is he one that's coming back
 21 again?
 22 **CHAIRMAN CORNALE:** Parzyck, will Parzyck
 23 be back for rebuttal?
 24 **MR. BLAZER:** Yes.

1 **CHAIRMAN CORNALE:** The answer is yes.
2 **MR. BLAZER:** Very limited.
3 **CHAIRMAN CORNALE:** All right. Motion to
4 recess?
5 **MR. VITZTHUM:** I'll make that motion.
6 **CHAIRMAN CORNALE:** Vitzthum motions. Can
7 I get a second?
8 **MS. HUISMAN:** I'll second.
9 **CHAIRMAN CORNALE:** Huisman seconds. All
10 in favor?
11 **ALL MEMBERS:** Aye.
12 **CHAIRMAN CORNALE:** Opposed?
13 (Adjourned at 8:13 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 Livingston County Historic Courthouse, 112 West
9 Madison Street, Pontiac, Illinois, on April 21,
10 2015.
11 That the said testimony was taken down in
12 stenograph notes and afterwards reduced to
13 typewriting under my instruction and that the
14 transcript is a true record of the testimony given.
15 I do further certify that I am a
16 disinterested person in this cause of action; that I
17 am not a relative, or otherwise interested in the
18 event of this action, and am not in the employ of
19 the attorneys for either party.
20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and affixed my notarial seal this 28th day of
22 April, 2015.
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JUNE HAEME, CSR
NOTARY PUBLIC

"OFFICIAL SEAL"
June Haeme
Notary Public, State of Illinois
My Commission Expires:
September 27, 2016

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