

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

May 21, 2015

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Original File 0521WINDFARM.TXT

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1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
 2 CASE SU-7-14
 3 PLEASANT RIDGE WIND ENERGY PROJECT
 4 May 21, 2015
 5 8:00 PM
 6 Walton Centre
 7 Fairbury, Illinois
 8 BOARD MEMBERS
 9 Michael Cornale, Acting Chair
 10 John Vitzthum
 11 Joan Huisman
 12 Diana Iverson
 13 Richard Kiefer
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1 MR. SCHOPP: This is the May 21, 2015,
 2 continuation hearing of the Livingston County Zoning
 3 Board of Appeals' review of Livingston County Zoning
 4 Case SU-7-14, Pleasant Ridge Energy, LLC, Pleasant
 5 Ridge Wind Energy Project.
 6 Roll call: Mike Cornale?
 7 (No response.)
 8 MR. SCHOPP: John Vitzthum?
 9 MR. VITZTHUM: Here.
 10 MR. SCHOPP: Richard Kiefer?
 11 MR. KIEFER: Here.
 12 MR. SCHOPP: Diana Iverson?
 13 MS. IVERSON: Here.
 14 MR. SCHOPP: Howard Zimmerman?
 15 (No response.)
 16 MR. SCHOPP: Joan Huisman?
 17 MS. HUISMAN: Here.
 18 MR. SCHOPP: And Gibs Nielsen?
 19 (No response.)
 20 Lets's move ahead with your closing.
 21 CLOSING STATEMENT
 22 BY MR. LUETKEHANS:
 23 I'm going to, first of all, quickly thank
 24 the ZBA and the Livingston County Board for paying

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1 attention.
 2 As Mr. Blazer said last night, the
 3 participation by the County Board and Zoning Board of
 4 Appeals has been impressive. I'm not as eloquent as
 5 Mr. Blazer; so I'll just agree with what he says. It
 6 may be the only time I agree with what he says, but
 7 we'll go from there.
 8 There were nights when I drove home wishing
 9 I could have handled certain things better in this
 10 hearing. I want to apologize for those times when I
 11 could not contain my passion for this issue. That was
 12 unacceptable, and I apologize to this Board,
 13 Mr. Cornale, and the public.
 14 We heard a lot about fear and intimidation
 15 last night and heard lots of people being denigrated.
 16 Good people came here to do nothing but tell you what
 17 they knew.
 18 Afterwards, at least two of my clients came
 19 up to me and said, "Phil, please don't do that
 20 tomorrow night in your closing." I found it
 21 interesting.
 22 I have to admit I have come to love this
 23 community and these people. Every night they just
 24 amaze me. They were all so angry last night that,

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1 among other things, their showing up at meetings and
 2 politely expressing their opinions somehow was being
 3 turned into fear and intimidation. However, they
 4 still said to me, "Phil, don't go there."
 5 So I'm going to do my best to go through all
 6 the elements that are at issue here in a way that's
 7 fair and focused on the evidence before you.
 8 Let's be clear on one thing. The burden of
 9 proof here is on the Applicant. It's not on my
 10 clients. The law is very, very clear that the burden
 11 of proof is on the Applicant. I can cite case law, et
 12 cetera, if need be; but no one has disputed that, and
 13 that's the process we've been using.
 14 In this case, the Applicant has failed to
 15 meet its burden in this regard in many respects, which
 16 we will discuss.
 17 I'm not going to read the standards. You
 18 have them all in front of you. They are up here. I'm
 19 not going to waste your time to reread them. You have
 20 them in front of you.
 21 Let me just say that what I have been pretty
 22 much advised is that, if we're having this hearing, it
 23 meets the standards. So, to me, it's not about
 24 standards. We're not going to talk about it very

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1 long.
 2 Standard 2, "The requirements set forth in
 3 the District and this section for such Special Use
 4 will be met." This is probably the most important
 5 section in here. If they don't meet the standards and
 6 the requirements of this section, you have to vote no.
 7 There is no other way to vote.
 8 Besides having complied with the special use
 9 standards of the Zoning Ordinance, the Applicant is
 10 required to comply with the Wind Energy Ordinance
 11 provisions of the Zoning Ordinance and has failed to
 12 meet that burden on a number of fronts.
 13 One of the things that Mr. Blakeman is
 14 handing out is proposed findings of fact. I don't
 15 mean to be presumptive, but I wanted you to know where
 16 we stood on these issues.
 17 Now, I will tell you though, when I was
 18 reading through it and driving down here tonight, I
 19 realized that one of the most important issues is the
 20 first issue I'm going to talk about; and I forgot to
 21 put it in. So I will apologize right now.
 22 One of the things that they need to provide
 23 is financial assistance so that they can develop the
 24 property as proposed. The Applicant, Pleasant Ridge,

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1 relies on two things for this financial assurance:
 2 one, the CoBank letter, which we'll discuss more in a
 3 moment, and, two, Invenenergy's equity.
 4 Let's look at Invenenergy's 2.8 billion in
 5 equity that we heard about. Remember, it's equity.
 6 It's not cash. We have unfortunately seen many
 7 companies in this country, including in the Chicago
 8 area, that we all thought were too big to go under or
 9 to go bankrupt.
 10 We've seen those companies go bankrupt or
 11 would have if the feds wouldn't have bailed them out.
 12 I can think of a few off the top of my head: "Big
 13 Three" auto, the banking industry -- huge companies --
 14 United Airlines, Arthur Anderson, American Airlines,
 15 some of which are Chicago-based companies that we all
 16 know so well. They went for bankruptcy protection.
 17 I'd much rather feel comfortable with United
 18 Airlines at one time in the 1990s than I would with
 19 Invenenergy, but they still filed bankruptcy. These
 20 were all companies with billions and billions of
 21 dollars worth of equity on their balance sheet.
 22 Second, Invenenergy is not the Applicant.
 23 Let's not forget that. Pleasant Ridge is the
 24 Applicant, a single-entity LLC with no known other

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1 assets other than this project. It's not like
 2 Invenenergy is a guarantor of these obligations. I
 3 haven't heard them suggest that. In fact, the
 4 opposite is true. That's why they set up a
 5 single-entity LLC, so they didn't have to be a
 6 guarantor, so they could walk away from it if they
 7 want.
 8 If Invenenergy is worth \$2.8 billion,
 9 obtaining a Letter of Credit for the required amounts
 10 should be easy.
 11 Examples of financial assurance in your
 12 ordinance includes security bond, trust instrument,
 13 cash, escrow, or irrevocable letter of credit, just
 14 the same things you would use when you had a
 15 development. If you have a development, you require
 16 those exact same things so that, if the public
 17 improvements are not done, you can call the Letter of
 18 Credit. That's straight Municipal Law. Don't let
 19 them walk away from that requirement. And they
 20 shouldn't be able to.
 21 Let's talk about the CoBank letter. You
 22 won't be able to see it very good from where you are.
 23 Invenenergy's equity surely does not fall under any of
 24 these categories that I just mentioned. All of these

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1 types of financial insurance are liable to be called
 2 upon if the project is not completed. Parzyck even
 3 admitted such in his testimony.
 4 Only a single hearsay letter from a bank
 5 saying that, while they have not formally reviewed
 6 this project, they would, quote, "expect to be
 7 interested." In fact, the letter goes on to say it is
 8 not a commitment -- not a commitment -- to provide
 9 financing, and any commitment would be contingent upon
 10 the satisfactory completion of due diligence and
 11 internal credit approvals.
 12 This clearly isn't the type of irrevocable
 13 assurances that the ordinances and you should require.
 14 For this failure alone, the application must be
 15 denied.
 16 I talked about the -- I filed -- I had
 17 motions to dismiss a couple of times on incomplete
 18 application. This application is still incomplete.
 19 I'm not going to go through that again. But we still
 20 do not have financial insurance; and, as Patrick
 21 pointed out, we don't have the right microwave study,
 22 still to this day.
 23 Section 620 says we need to show they comply
 24 with Illinois Pollution Control Board Regulations.

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1 This is the most interesting part to me of the whole
 2 thing. The most that was said about this topic was:
 3 We all know why Rand and James did not show, implying
 4 something sinister.
 5 He's right. We all do know. Rick James had
 6 a heart problem. Couldn't leave. Mr. Rand was the
 7 one in fear due to the intimidation, the threats that
 8 occurred to my witnesses. I heard about fear and
 9 intimidation last night. I didn't hear about threats
 10 to anybody else's witnesses other than ours.
 11 Closing last night also spent a lot of time
 12 on Pleasant Ridge Exhibit 325 that says the present
 13 noise guidelines are sufficient to protect people.
 14 The problem is that, here, the Applicant has failed
 15 catastrophically to show that they meet these current
 16 Illinois regulations.
 17 We heard a lot about dissipation of noise
 18 from outside to inside, which is not an issue in the
 19 Illinois Pollution Control Board regs. You won't find
 20 it. Doesn't exist. They haven't showed it to you.
 21 The Applicant's closing completely ignored
 22 and avoided the biggest issue in this hearing, one the
 23 Board has continually picked up on over the last month
 24 or so and the one that you appear to be seeking the

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1 most answers on. You still haven't heard it from
 2 Invenergy. And despite that, Invenergy ignored those
 3 last night.
 4 It's time to give you the answers to this
 5 issue in, hopefully, a clear and succinct manner. We
 6 have prepared a Memorandum of Law regarding noise
 7 emissions that Mr. Blakeman just handed out. That
 8 sets forth the law in this area. You can also listen
 9 to Mr. Hankard's cross-examination last night and hear
 10 the law.
 11 I will go through it fairly quickly tonight.
 12 You have the application in front of you. You have
 13 the case law. You have the Pollution Control Board
 14 regs. You have their opinions. That's the law, not
 15 what Mr. Hankard somehow wants it to be.
 16 Many of the properties which will receive
 17 wind turbine noise in this case are Class A
 18 properties. The actual use of the property determines
 19 the classification of the land, not the zoning
 20 classification. Mr. Hankard even admitted that.
 21 Because every property in this County unincorporated,
 22 I believe, is zoned agriculture. So it's not -- the
 23 IPCB regs are clear. It's not zoning. It's use.
 24 Then they put out an opinion in 1973 that

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1 says the portion of land used as farmland would be
 2 classified as C -- we all agree. We all know that.
 3 Use, that would be a C -- while the farmstead itself
 4 would be classified as an A use -- the farmstead
 5 itself. It's not a farmhouse. It's the farmstead.
 6 Mr. Hymans said last night all studies he
 7 had seen for wind farms call everything but the home
 8 itself a Class C property. That's not what the regs
 9 say. He said that's what he had seen in wind farm
 10 testimony. That doesn't make it the law just because
 11 people like Invenergy and Mr. Hankard come in and
 12 that's what they keep saying and saying and saying and
 13 hoping. It's not the law.
 14 The Applicant must show that the noise does
 15 not exceed the Class A limit for the entire Class A
 16 portion of the property.
 17 Section 901.102 of the regs governing sound
 18 emission standards states in relevant part: "Shall
 19 not allow the emission of sound" -- and I'm skipping
 20 some language in between that's not important -- "to
 21 any receiving Class A land" -- it doesn't say Class A
 22 structure; "Class A land" -- "when measured at any
 23 point within such receiving Class A land . . ."
 24 The regulation defined property-line-noise-

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1 source as "must be capable of emitting sound beyond
 2 the property line" -- property line.
 3 "910.105(a) Site Selection. 1) Measurements
 4 must be taken at one or more microphone positions
 5 within the appropriate receiving land."
 6 You don't take it in the building. You take
 7 it at the land. That's what the ordinance -- that's
 8 what the regs say.
 9 "2) Measurement instruments must be set up
 10 not less than 25 feet from the property line noise
 11 source."
 12 I know we had some issues about that, and I
 13 know one of the Board members -- at least a couple of
 14 the Board members were trying to understand that.
 15 What it means is: If the noise source goes
 16 to the property line from the emitting land, you've
 17 got to go back at least 25 feet. That's what the reg
 18 says. That's what it says. If not, you go to the
 19 property line. This is the exception to the property
 20 line issue.
 21 If the noise source is at the property line
 22 -- and let's say we have a road or something else that
 23 is occurring directly on the property line -- then you
 24 have to give them 25 feet. That's what the reg says.

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1 That's what that 25 feet says.
 2 It is important to note that, when looking
 3 at all the above Illinois Pollution Control Board
 4 regulations and opinions, that despite Mr. Hankard's
 5 unsupported opinion that the structure is the relevant
 6 point from which to model or measure, at no time do
 7 the regs and opinions mention the word "structure" or
 8 "building" when discussing the proper locations to
 9 measure noise emission. We'll talk about that more in
 10 a second.
 11 The Illinois Pollution Control Board's
 12 decisions confirm that measurements at or near the
 13 property line are proper and that the entire receiving
 14 Class A land is protected from excessive noise in
 15 Rhode (phonetic), which -- the full cite is in the
 16 memo.
 17 The Plaintiff's expert took measurements on
 18 the receiving Class A land at distances of 10 and 50
 19 feet from the property line separating the receiving
 20 land and the emitting land. That was found to be
 21 proper.
 22 In Charter Hall -- again in the memo --
 23 measurements were not taken at the residence, and the
 24 IPCB expressly found that the measurement locations

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1 were proper.
 2 Rhode and Charter Hall established that
 3 Mr. Hankard is simply wrong when he says the property
 4 measurement location on Class A receiving land is at
 5 the residence. And you have not heard one case, one
 6 IPCB reg, that says it's the residence.
 7 To the contrary, because the regulations
 8 permit the emission of excessive noise for the
 9 entirety of the receiving Class A land, the center of
 10 the residence is a very poor and inaccurate location
 11 if one wants to get a proper measurement of the noise
 12 received on the land. Instead, the noise should be
 13 modeled on the Class A land at or near the property
 14 line.
 15 There can be no doubt that, when we look at
 16 the facts -- and we'll talk about them more in a
 17 second -- that the Applicant has failed to show that,
 18 at 1,000 hertz, they are not above 41.0 at night. No
 19 doubt.
 20 I'm going to have to read this a little bit
 21 -- and I apologize -- because it's too small on the
 22 screen and too small otherwise.
 23 This is from Mr. Hankard's
 24 cross-examination.

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1 "Question: You're not denying, are you,
 2 that at the 41 decibel maximum level that you
 3 discussed, there are places where these turbines may
 4 emit over 41 decibels at the property line. You
 5 wouldn't deny that, would you?
 6 "Answer: I haven't done any predictions at
 7 property lines. If they're significantly closer to
 8 the turbines, then, yes, the levels are going to be
 9 louder.
 10 "Question: Okay. So if we've got a house
 11 that was 500 feet back from my property line and I was
 12 at 41 decibels, there's a good chance that I may be
 13 more than 41 decibels at the property line, correct?
 14 "Answer: If you're closer to the turbine,
 15 then there's certainly a chance you're going to be
 16 over 41 --
 17 "Question: If that --
 18 "Answer: -- if it's 500 feet closer, yes.
 19 "Question: If the property line is -- if
 20 the property -- when you say "closer," you mean if the
 21 property line is closer, correct?
 22 "Answer: Yes."
 23 Moving on . . .
 24 "Question: It's also true that under the

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1 report or under the proposal, the turbines can be
 2 moved 250 feet in any direction?
 3 "Answer: I'm not aware of that provision.
 4 "Question: Okay. If a turbine was moved
 5 250 feet closer to a residence, would that change your
 6 analysis? Could that change -- one of those six
 7 receptors could be more than 41 decibels?
 8 "Answer: 250 feet is a moderate change, and
 9 that could cause levels to increase if you're getting
 10 them closer. Moving a turbine 250 feet closer to a
 11 residence, yes, there's going to be some increase
 12 there."
 13 There's no room for play here. They have
 14 all these residences at 41.0. We'll talk about the
 15 numbers in a second.
 16 Okay. The next thing is that land-based
 17 classification system. First page you have is the
 18 cover page. As you will see, on this table -- and you
 19 can see it better in the exhibit. It's hard to read
 20 here.
 21 The land-based classification system, that's
 22 where we get this Class A land, Class B, Class C.
 23 That's where they define this. Okay? And they use
 24 the land. They use an earlier section -- okay? --

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1 that sets forth land. It's land-based classification
 2 system.
 3 However, if you go down to what is -- the
 4 section here, it's structures. Now, when the Illinois
 5 Pollution Control Board took a section of the
 6 land-based classification system, they took a land
 7 analysis. They didn't take a structure analysis. You
 8 will see they did not take this analysis.
 9 They took the earlier chart from this
 10 land-based classification system and made that Exhibit
 11 B to the regs. That chart is land. It's not
 12 structures. If they wanted structures, they could
 13 have done it. They didn't. That tells you everything
 14 you need to know.
 15 Their failure -- the IPCB's failure to make
 16 this the standard speaks volumes about the Pollution
 17 Control Board's intent.
 18 We all saw Mr. Slagel's slides. These
 19 confirm Hankard's numbers within 100th of a decimal.
 20 So he did the exact same ISO model. He ran it and
 21 came up with the exact same numbers that Mr. Hankard
 22 came up with. We're not disputing Mr. Hankard's
 23 numbers on the ISO model. He ran it. We confirmed
 24 it.

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1 The interesting thing is where do these
 2 lines show? These are contour maps. And we heard
 3 they are not as accurate as data points. Well, they
 4 may not be as accurate as data points at one point.
 5 But when you're talking every foot and a half, they
 6 give you a much better perception of what actually is
 7 occurring here.
 8 So let's look at receptor 313. Clearly, at
 9 41.0, the middle of the house is not at 41. The red
 10 is the 41. The green is less than 41. This is one
 11 that's at 40.9. The middle of the house is not at 41,
 12 but a portion of the house is, not to mention the
 13 land. Half this property is over 41. And you're
 14 going to tell me they've met the standards? They've
 15 failed miserably.
 16 Let's look at the next one, receptor 216.
 17 Again, we have a portion of the house. The middle is
 18 not in it, I agree. The point they used is not in it,
 19 but a portion of the house is clearly 41.0. And we
 20 have land that is 41.0. This isn't farmland. This is
 21 residential land. We'll talk about that more in a
 22 second as well.
 23 Next one, 241. Now, we have a third of the
 24 house that's at 41.0 and a heck of a lot of land.

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1 Receptor 438, half the house is 41.0 and
 2 above. The red is 41.1, half of the house.
 3 Now, we've heard Mr. Hankard say: "Well,
 4 but I know these numbers are high because I did Cal
 5 Ridge. I measured at Cal Ridge."
 6 Cal Ridge isn't helpful. They weren't
 7 measured at the property line. There was a point
 8 chosen somewhere that we don't know where to somehow
 9 -- I think it was -- "be similar to or duplicate."
 10 We heard Mr. Hankard's thinking process
 11 about the regulations, and we're going to trust his
 12 judgment about where he put this, where he put these
 13 measuring tools?
 14 He also clearly either doesn't understand
 15 the regs or doesn't care. Because if you look at this
 16 example here, this is something I quoted him in the
 17 cross-examination. He said, on a number of occasions,
 18 "One, I wasn't there for the entire noise analysis,
 19 when the noise analysis was going on. When the
 20 testing was going on, we went out there every however
 21 often and checked them to make sure they were running,
 22 etc." He said it. No doubt about it.
 23 Then he said: But I still complied with all
 24 the IPCB regulations, and Ambrose's letter is full of

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1 you know what because I complied.
 2 Let's read Charter Hall Homeowner's
 3 Association, which I read to him during his
 4 cross-examination.
 5 "Respondents alleged in their prehearing
 6 brief that Mr. Harmon failed to comply with certain
 7 measurement procedures.
 8 Part 951 requires, among other things, that
 9 the person taking sound measurements be present while
 10 measurements are being taken. Mr. Harmon left the
 11 site while the measurements were being taken, exactly
 12 like Mr. Hankard did. Accordingly, he did not comply
 13 with this provision of Section -- Part 951; and they
 14 threw out his opinion, threw it out.
 15 That's exactly what you have to do. He
 16 didn't comply with the IPCB regs. That's his job.
 17 We also looked at -- again, this gets real
 18 small, and I apologize. Me and PowerPoint are not the
 19 best.
 20 These are the two charts, this one and the
 21 next one, that you have in front of you that Mr. Hayes
 22 talked about. I just want to point it out because I
 23 know there was some questions.
 24 The same day, the one up top, the

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1 highlighted one in Table 7-1, he comes up with 41.4.
 2 Same day, same time, next chart, 7-5, comes up with
 3 41.8.
 4 Then we go on to the conclusions of his
 5 report. This is right above table -- this is page 43
 6 of his report on Cal Ridge. "We are 95 percent
 7 confident their two one-hour measurements, if they
 8 attempted to hold everything constant, will be within
 9 4 decibels of one another and that each will be within
 10 4 decibels of the true value."
 11 And, above, he says the expanded uncertainty
 12 at 1,000 hertz is 4.2 decibels. "That is, for
 13 example, with 4 decibels expanded uncertainty, one can
 14 be 95 percent certain that a measured level of 47
 15 decibels, for example, is between 43 and 51."
 16 So you heard him say he had measurements
 17 that he said were akin to Hartke's house at 39, plus
 18 or minus four. So it's either 35 to 43. We don't
 19 know. He doesn't know. His own report says he
 20 doesn't know.
 21 Next page in his report.
 22 "In summary, no turbine-only noise levels
 23 exceed the IPCB limits, and the average of the
 24 turbine-only noise levels measured when turbine

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1 operations were at 39 decibels in the 1,000. That's
 2 average. That's not the issue. The measurements are
 3 not based on averages.
 4 Patrick -- the Patrick study I thought was
 5 very, very interesting. It says 0.6 difference
 6 between receptor and 100 feet from the house -- 0.6.
 7 Hmmmm.
 8 Pleasant Ridge Exhibit 16B shows the numbers
 9 over 40.5 decibels at 1,000 hertz. If we use the 100
 10 meter blade -- so this is LNTE blades after they tried
 11 to fix it, after Mr. Griffin pointed out the real
 12 problem with it. If you add that 0.6, we have 37
 13 properties originally at 40.5 and above.
 14 Adding that 0.6 -- now, this is just 100
 15 feet away, not 4 or 500 feet away like some of the
 16 houses we heard about. At 100 feet away, we have 37
 17 properties at 41.1 and above, 37. Five of those are
 18 at 41.6.
 19 Even if you round like Mr. Hankard wanted to
 20 do, you've gotta round to 42. And I don't even know
 21 how many are at 41.5 because I forgot to count, but I
 22 think he was rounding up from 41.5. So we have more
 23 than that.
 24 If we use the 103 meter blades, the

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1 calculations show 34 receptors at 41.1 and above and 5
 2 of which are at 41.6.
 3 Let's talk about Mr. Kaisner's -- and I
 4 apologize. The sheet right before that, that's
 5 the 0.6 that Patrick was talking about last night. If
 6 you look at it, it goes from 31.9 -- it goes from 37.9
 7 -- I can't read my own thing here, but every one of
 8 them goes up 0.6. From turbines without LNTE blades
 9 to turbines relatively close without LNTE blades to
 10 turbines with LNTE blades to 100 feet closer, every
 11 one of them goes up 0.6.
 12 He's got 5 different tests in there, and
 13 they all go up 0.6. He admitted that. He agreed to
 14 it. There can be no doubt about it. That's the
 15 County's expert.
 16 Let's talk about Matthew Kaisner's house.
 17 This is kind of an interesting one. It's receptor
 18 394, 4.7 acres, all residential -- all residential.
 19 He doesn't farm it. No commercial uses. Doesn't have
 20 a mechanical shop in there like we saw in the Knox
 21 case. We have a straight house and property that he
 22 lives in with his family. Clearly Class A land.
 23 Any statement made last night by Mr. Hymans
 24 as far as farmland was irrelevant to this type of

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1 property. He has a wife and four children with one on
 2 the way. 40.6 decibels with the new LNTE blades at
 3 1,000 hertz. Six wind turbines within a mile. This
 4 is his map.
 5 The one on the left is Mr. Slagel's original
 6 calculations, which he admitted were incorrect because
 7 he didn't have the right numbers. He didn't have the
 8 16B. The one on the right is with 16B, the new LNTE
 9 blades.
 10 Actually, I shouldn't say the one on the
 11 left is incorrect. It's actually the first set of
 12 numbers. That's the actual application that's still
 13 before us. I don't know if it's a revised
 14 application. I don't know what it is.
 15 The one on the right still shows that we
 16 have significant property line -- that significant
 17 property beyond the property line is over 41.0.
 18 Let's go to Don Slagel's house, receptor
 19 241. This one was 41.0 decibels at 1,000 hertz with
 20 new 100-meter LNTE blades. Three acres, again not
 21 farmland. It's used as a Class A residence with the
 22 exception of one shed to the far west for machinery,
 23 the far west.
 24 So I would admit that that part of the land

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1 and the stuff west of that may be Class C. It doesn't
 2 matter because everything else is Class A, including
 3 his house; and it's over 41.1. That is probably -- I
 4 mean, that's another 4 to 500 feet. By the edge of
 5 his property line, it's probably over 42.
 6 Let's assume one had a 100-acre farm and
 7 used 95 acres for the farm and equipment, including
 8 barns. That 95 acres we all agree is Class C. On
 9 this same example, the other 5 acres which the
 10 Livingston County resident mows, has his family house
 11 on it, his family and kids and dogs play on it, that
 12 would be considered Class A.
 13 Or we could have a piece of property that is
 14 just 5 acres, kind of like the Kaisner house. It's a
 15 family home, same scenario. They mow it. The kids
 16 play. Dogs play. Either way, we have 5 acres,
 17 217,800 square feet.
 18 While there are many permutations, one way
 19 to divide that 5 acres would be to have a 200-foot
 20 frontage on the road, and that would leave us with
 21 1,089 feet of depth. Under that scenario, if this
 22 Livingston County resident placed his home at the back
 23 of the lot, he could have 900 feet of Class A land
 24 between his house and the property line, 900 feet on a

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1 5-acre parcel.
 2 It's not my job to show that there are
 3 violations of the Illinois Pollution Control Board
 4 regs even though we have. It's their job to show
 5 there are none. That's their burden -- back to the
 6 burden. It's their burden. So we could have a
 7 property line 900 feet closer to the wind turbines.
 8 Then we have the fact that in the
 9 application the wind turbines can be moved at the
 10 discretion of the Applicant up to 250 feet closer. Oh
 11 my gosh, we now have 1,250 feet -- or 1,150 feet. I
 12 can't do math.
 13 Then Hankard admitted there's a 0.3 decibel
 14 just looking at 50 feet from the middle of the house
 15 to edge. What would it be in the type of yard I just
 16 described?
 17 On top of that, we have the issues that
 18 Hankard admitted regarding margins of error that he
 19 did not place on the model. ISO model that's best,
 20 plus or minus 3 decibels. Manufacturer uncertainty,
 21 another 2 decibels. These are all things he admitted.
 22 I'm not -- these aren't even my estimates. I didn't
 23 have any. I didn't need any.
 24 Three plus two confirms from what we heard

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1 from Lamancusa in his sworn testimony in Wisconsin,
 2 that you should use at least a 5 decibel margin of
 3 error when using the ISO model.
 4 Then we still have the problem that the
 5 model has been seen -- has great uncertainty at over
 6 300 meters -- at over 30 meters in height. Well, this
 7 turbine is well over 30 meters in height.
 8 As I said, it's the Applicant's burden of
 9 proof. In sum, there is no way that this plan has
 10 been shown to meet IPCB regs. In fact, the opposite
 11 is true. This project completely and horrifically
 12 fails to ensure the compliance with the regs and must
 13 be denied on that basis alone.
 14 If we did not have John Slagel here to
 15 testify or had not had the ability to run this model
 16 by one of your residents, they would have gotten away
 17 with it. But he tested the model. He proved it was
 18 right, but he gave us the further information. I
 19 thank him for that, and I think we all should.
 20 Preconstruction road survey -- I'll be real
 21 quick -- Patrick brought this up, and I missed it,
 22 honestly. Mr. Blazer said, "Oh that does not matter
 23 because it's preconstruction." However, that's not
 24 true. That's a requirement of the ordinance that they

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1 give you that. The ordinance says that's part of the
 2 application. It doesn't say you can do it later. You
 3 gotta give it at the time, and they missed it. On
 4 that basis alone, it should fail.
 5 Decommissioning plan, completely
 6 underestimated. And I'll be very quick because I
 7 don't think we even get to that because they don't
 8 meet the burden so there's no doubt in my mind. But
 9 I'll try and be quick.
 10 No idea about the cost to pull out and load
 11 CA6. That was Mr. Rautmann. Don't know the cost of
 12 handling a ton -- a per-ton handling as to CA6. Did
 13 not know end user for CA6 nor tipping fees cost. Did
 14 not know the value of CA6, clean or dirty. We heard
 15 it's zero last night. Do not know the cost of
 16 backfill materials, whether clay or black dirt. Do
 17 not know hours of manpower. Do not know cost to rent
 18 a crane. Do not know size of cut pieces or hours it
 19 would take. Don't know where to take the pieces. Do
 20 not know hours of labor, cost to strip the copper on
 21 the turbine. Never asked the local contractor for an
 22 estimate or even a non-local contractor.
 23 On the other hand, Bill Zehr called the
 24 contractors that Mr. Blazer mentioned as doing wind

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1 farm construction. Estimator could not believe that
 2 the cost he gave them -- that what Rautmann said would
 3 be that low. Estimator said it would be between \$150
 4 and \$200,000 per turbine.
 5 Called local recyclers. They said they
 6 would not pay \$1.60 for a ton of copper, let alone
 7 Rautmann's 2.60.
 8 Don't you want to be in the business with
 9 people who tell you the truth? They may be courting
 10 you now; but once they are here, there's no more
 11 courting. They're your partners, and you can't get
 12 rid of them.
 13 Mr. Hymans' testimony last night, I think we
 14 all agree, was in some ways very enlightening and some
 15 ways not so. His decommissioning testimony was full of
 16 holes because he obviously was not very versed in what
 17 Patrick Engineering did and did not do.
 18 Here is what we learned for sure. Original
 19 Patrick Engineering cost was 8.6 million. Originally
 20 was higher by about 3.2 million but asked for some
 21 reason to take out half the assets.
 22 I do know that if you really want to protect
 23 the community, which I know everyone on this Board and
 24 the County Board has a desire to do, you don't take

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1 out \$3.2 million of the actual decommissioning costs
 2 because you think maybe the roads may stay in, roads
 3 that can be taken out and put to use for farmland,
 4 which is what 90 percent of the people in this County
 5 make their money off of. I shouldn't say that. I
 6 don't know the percentage, but I know it's pretty
 7 high.
 8 So now we're at 11.8 million. You also saw
 9 Patrick Engineering mistakenly -- and I think it was
 10 an honest mistake. I don't think it was a bald-faced
 11 lie -- had salvage costs at least 960,000 too high
 12 because they used metric tons instead of English tons.
 13 As I said, an honest mistake, but now we're at 12.7
 14 million. That's before the other issues that are out
 15 there right now that we know about that were not
 16 included -- drain tile crushing, crop loss -- that
 17 Patrick unfortunately did not calculate for us.
 18 However, we know Hewson's cost. We heard,
 19 oh, he doesn't know what he's doing. He's not an
 20 engineer. 14 million. Patrick, 12.7 million without
 21 these other costs we know about. Right in the
 22 ballpark. Almost exactly. Then we had Rautmann
 23 on.
 24 Unfortunately, we're not able to get to the

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1 bottom of a couple of other issues such as labor rates
 2 and a 38 percent calculation, given the fact that this
 3 is a hugely labor-intensive job. And the general
 4 conditions, which is where you're really save money by
 5 having more teams, was, according to Mr. Hymans,
 6 somewhere below 5 percent.
 7 I have to be honest with you. I represent a
 8 lot of construction companies. I have no idea how you
 9 come up with a 38 percent efficiency, none, just
 10 because you move the job along faster.
 11 Either way, Patrick Engineering's numbers
 12 are a lot closer to Mr. Hewson's numbers than they are
 13 to the engineer estimate commissioned by the
 14 Applicant.
 15 Further, Mr. Hewson went out and called the
 16 local contractor and said, "What's the cost?" 25
 17 million.
 18 He didn't give you that number. He didn't
 19 say that was his number. He said 14 million. He was
 20 trying to be honest with you. He didn't go try and
 21 fear monger and tell you it was 25. He tried to give
 22 you what he understood was the real number, 14
 23 million.
 24 Let me just say, I'd rather be safe than

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1 sorry. As I said, as a municipal lawyer, these
 2 entities are single-entity LLC's that have nothing
 3 behind them. No guarantees. I would think, at 14
 4 million, you need financial assurance. It's the least
 5 they should provide.
 6 And let's talk about the financial assurance
 7 they are talking about. They don't give you the
 8 financial assurance that's required under your
 9 decommissioning ordinance. It's not secure. It's the
 10 same financial definition we talked about earlier. It
 11 is not security bond, trust instrument, cash, escrow,
 12 or irrevocable letter of credit.
 13 They really only want to provide on a
 14 phased-in basis. That's not what's allowed under your
 15 ordinance. If for some reason, God forbid, you do
 16 grant this, make sure you require 14 million up front
 17 in cash, irrevocable letter of credit, something that
 18 you can go after.
 19 Birds, part of this, again, Section 621. We
 20 heard about the limitations from Mr. Dassow of the
 21 bird surveys used. Literature clearly outlines the
 22 problems and offers solutions for them, which they
 23 obviously ignored.
 24 They presented little to no scientific

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1 evidence that suggested that Pleasant Ridge Wind Farm
 2 would have no effect on local ecosystems, especially
 3 wildlife. In fact, the literature suggests there are
 4 possible effects on wildlife and that additional
 5 research is firmly recommended.
 6 The most important thing that I found
 7 interesting was they completely had little regard for
 8 the majority of the Illinois Department of Natural
 9 Resources recommendations.
 10 We heard the significant economic importance
 11 some wildlife provides to the County, which the IDNR
 12 sought to protect with some of their recommendations.
 13 The Applicant, however, would rather ignore these
 14 thoughts by IDNR and decide what is best for the
 15 people and the state of Illinois -- people of
 16 Livingston County and the state of Illinois
 17 themselves. Don't let them do that. Don't let them
 18 do that.
 19 Standard 3i. First part: "To ensure that
 20 any development and production of wind-generated
 21 electricity in Livingston County is safe."
 22 We didn't hear a lot of testimony about
 23 that, but what we did hear is that there were seven
 24 catastrophic breakages in six years over five projects

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1 alone. Catastrophic. That was their wording, not
 2 mine. Not to mention the public health issues we'll
 3 discuss in a few minutes.
 4 It's also to facilitate economic
 5 opportunities for local residents. It promotes
 6 economic opportunities for only about 39 percent of
 7 the property owners in the footprint; and of those 39
 8 percent, only two-thirds of those actually are
 9 Livingston County residents. Not a lot of economic
 10 opportunity for Livingston County residents when the
 11 numbers are that small for such a big project,
 12 thousands and thousands of acres.
 13 We heard about half a percent. That's the
 14 land the wind turbines are on. The footprint -- I
 15 can't remember -- is it 32,000 or 64,000 acres? It's
 16 a huge number, huge. I can't even contemplate that
 17 acreage, but I'm not a farm guy. I'm a city boy.
 18 Okay, economic impact. No one knows if
 19 there are enough people in the Livingston County union
 20 halls to even do the work. Parzyck didn't know.
 21 Loomis didn't know. Local 150 workers that we heard
 22 come from everywhere. They include Mr. Yednock, a
 23 hard working guy. I believe every word he said. He
 24 lived in Ottawa. Traveled daily to Lee and Bureau to

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1 work on the wind farm. So did people from Livingston
 2 County. Did they stay there overnight? Did they eat
 3 there? No.
 4 You heard what he said. He came home every
 5 night. Went there every day. "Brought my lunch."
 6 That adds a lot of economic impact to your economy.
 7 Not using local concrete plants. Why not?
 8 I don't know, but it's not adding any economic
 9 activity to your County again. They're bringing their
 10 own temporary batch plant.
 11 You know, we heard a lot about the pro-wind
 12 and the Anti-Wind Vigilance Society and all of those
 13 things and Illinois Wind Watch. I don't know what any
 14 of them are. I'll be honest with you.
 15 But we also know that they're experts on
 16 pro-wind. Loomis runs a part of the school that gets
 17 people employed by the wind industry. He doesn't have
 18 a job if they're not employing these people.
 19 All the percentage of the project materials
 20 in his JEDI model came only from Invenergy. Didn't
 21 bother to double-check with anyone. There's no
 22 turbine manufacturer in Livingston County. The jobs
 23 he discussed were gross, not net. There is not enough
 24 retail in Livingston County to justify the numbers.

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1 Loomis had no idea what a small percentage of
 2 participating property owners actually reside in
 3 Livingston County.
 4 Never actually tested the JEDI model, not
 5 once, even though we have other wind farms in
 6 Livingston County, Illinois. He's run this JEDI model
 7 other places. Did he ever test it to see what the
 8 actual effect was, how accurate it was? Not once.
 9 Not once. And he works for the wind companies. He
 10 has all the data available to him. Didn't bother.
 11 Wonder why.
 12 Then we heard from Mr. Gruen, who actually
 13 does this for a living. Development will increase the
 14 demand for public service, but associated costs were
 15 not included by Mr. Loomis.
 16 Mr. Loomis doesn't discuss -- include
 17 changes in property values. The employment impact is
 18 less than 1 percent. Are we selling our soul for 1
 19 percent for six months?
 20 This area unfortunately is missing -- and
 21 probably fortunately -- I shouldn't say that. It is
 22 missing many of the types of economic sectors that it
 23 would need to get the type of multipliers that Loomis
 24 predicts. 90 percent of the JEDI model for wind

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1 projects is equipment and materials, most of which
 2 will have to be imported.
 3 We heard the stone quarries won't even bid
 4 this project. The Livingston County stone quarries
 5 won't bid it.
 6 The third standard is "to promote the supply
 7 of wind energy" -- under 3(i) -- "to promote the
 8 supply of wind energy in support of a goal of
 9 increasing energy production from renewable energy
 10 sources." Obviously it does this. It's set up that
 11 it has to.
 12 3 double i -- 2, as my teacher once told me
 13 -- many of the people who have testified worried about
 14 the views and peacefulness of the community. They do
 15 not want the tranquility of their life being ruined.
 16 Where I live, no one would honestly be too
 17 worried about that; but we probably wouldn't allow
 18 wind turbines either. And there are none up there,
 19 obviously.
 20 However, here, I think it is a value that is
 21 really important to the community and the type of
 22 community you have. And it's an unbelievable
 23 community. I'll talk about that more in a minute.
 24 Let's talk about some of the people who

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1 talked about how these things have affected them,
 2 people who live in these.
 3 Marvin Stichnoth: Constant low frequency
 4 noise when sleeping at night. Wake up to a roar
 5 sometimes that he cannot get away from. It penetrates
 6 bathroom doors in the middle of the house. Pillow
 7 over the head would not work.
 8 Sounds like the Hartke family; but, you
 9 know, that's like a four-letter word, I guess,
 10 according to Invenergy.
 11 It penetrates the body and causes sleep
 12 deprivation, even over a fan running in the room.
 13 Sharon Roberts lives a mile and a quarter or
 14 mile and a half away from the nearest wind turbine.
 15 She's not even close. I mean, she's, you know, 7,000
 16 feet. We're talking 1,600 feet here. She hears the
 17 generator and the blades and hasn't been able to use
 18 her TV for two years. At my house, that would get me
 19 shot.
 20 Property values: We don't need a property
 21 value guarantee agreement. There shouldn't be one
 22 because the burden hasn't been met. But I'll talk
 23 about this property value guarantee agreement they're
 24 giving you.

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1 First of all, it's mutually exclusive of the
 2 Neighbor Agreement. No idea how long they're going to
 3 give you to sign. Is it two weeks? Two years? Two
 4 years after whatever litigation occurs? A half mile
 5 is random. There's no evidence of that. It's just a
 6 random number they picked out.
 7 Let's talk about what you get. All
 8 appraisals are based on homeowner data. No credit for
 9 improvement made after you sign the contract or due to
 10 increases in property values in non-wind turbine parts
 11 of the County.
 12 Invenergy chooses the first appraiser from
 13 the list of appraisers they have pre-approved. The
 14 appraisers know who pays them. They all know that.
 15 And they want to get rehired, right? They don't want
 16 to be a one and done. They came in and say: "Okay.
 17 I know if I give the right numbers, I'm going to get
 18 hired again."
 19 That first number is also the most important
 20 number because it continues to average with every
 21 other appraisal throughout this process no matter how
 22 ridiculously low it may be. So if I have a half
 23 million dollar house and they appraise it at 200,000,
 24 that 200,000 stays on throughout the process.

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1 Everything else gets averaged with that.
 2 If the property owner doesn't like the
 3 number one appraisal, then he pays for the second
 4 appraisal. He pays for it. And then they average it.
 5 In the end, if the offer to purchase is
 6 lower than the asking price and then there is a third
 7 appraisal, if they don't agree, they average that
 8 again with the first appraisal.
 9 In the end, if the offer to purchase is
 10 lower than the asking price, then Invenergy gets to
 11 mediate. Property owner doesn't get a chance to
 12 mediate. Invenergy does. It's not reciprocal. If no
 13 offer received, than no requirement by the Applicant
 14 to buy the property. Stop living there, or abandon
 15 the home. Or they can lower the price and hope the
 16 Applicant does not force them to mediate.
 17 Lots of holes in this agreement all intended
 18 to drive the costs up and go through the process and
 19 make it not worth doing. Remember, these homes are
 20 often worth \$100 to \$200,000.
 21 All the experts on both sides say what you
 22 want them to say on direct. What is important is what
 23 they say on cross. Here is what we know Mr. Thayer is
 24 aware of. No guarantee your property value is not

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1 going down. He didn't comply with USPAP. The only
 2 person who prepared a USPAP report was in Canada.
 3 Didn't inspect inside the homes. Neither did
 4 Mr. McCann. But Mr. MaRous wanted to blame Mr. McCann
 5 for it but didn't want to talk about Mr. Thayer doing
 6 it.
 7 Banks, as we know, do not use hedonistic
 8 values when providing mortgages. The LBNL study says,
 9 The average value of these homes could be as much as 9
 10 percent higher than it would have been without the
 11 presence of wind turbines, as much as 9 percent lower,
 12 the same, or anywhere in between.
 13 We don't know if it's 9 percent, 8 percent,
 14 7 percent lower. We have no idea. That's what the
 15 study says.
 16 Besides all the other faults of this black
 17 box that we're talking about, one, looked at less than
 18 100 homes with extreme or substantial views. We don't
 19 know how many of those are receiving payments from the
 20 wind turbine company. Did not look at time on the
 21 market or those people who could not sell their homes.
 22 And they looked at -- and I don't want to go
 23 through it again. I did in cross, and you saw it in
 24 Ms. Severson's aerals. They're not comparable.

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1 There's not one of those areas that they looked at
 2 that had the height of the wind turbines we're talking
 3 about, had the closeness, had the number. They're in
 4 rural areas that are much more rural than you have
 5 here.
 6 Despite not having the same intensity, look
 7 at the results. This is Mr. McCann's. I don't want
 8 anybody to say he said it was somebody else's. This
 9 is the average percentage difference in sales prices
 10 that he came up with. For vistas, negative 21
 11 percent. Below average vistas, negative 8 percent.
 12 "Real Estate Damages - Analysis of
 13 Detrimental Conditions." Recognized methods of
 14 applying a detrimental condition sales comparison
 15 approach includes the use of sale/resale analysis or a
 16 paired sales analysis. Only one of those was done,
 17 Mr. McCann's.
 18 Regression studies. The Hedonistic Model is
 19 not viable for damage estimates per IAAO standards for
 20 use in regression analysis. Why not? IAAO standard
 21 for reliability is 0.90. What's the standard
 22 reliability for the LBNL study? 0.67. That's not
 23 even close to what's necessary to give you property
 24 values that make sense -- or an analysis that makes

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1 sense.
 2 We have Mr. McCann's paired sales analysis.
 3 And we heard about how awful he is, what a bald-faced
 4 liar, committed perjury, all those bad things, none of
 5 which is true, but we'll keep moving.
 6 We saw that that's 24.68 percent, and we
 7 heard that there were all these errors in his study.
 8 We also know there are all kinds of errors in Mr.
 9 MaRous's study. I spent an hour on that and could
 10 have spent three hours. But what are we going to do?
 11 Keep going forever? Seems like we already have.
 12 This study in front of you is not in
 13 evidence. It is not going to be admitted in evidence.
 14 It is a demonstrative exhibit. We went through
 15 Mr. Blazer's mistakes that he found, allegedly found,
 16 in the study the first night and cross-examined on
 17 that were property mistakes, you know, used 1.7 acres
 18 or 1.9, you know, didn't have certain classifications
 19 correct.
 20 I put them all in. I gave him the benefit
 21 of the doubt. Would it change the study? Would it
 22 change the numbers? It changed them from 24.68 to
 23 23.58 percent -- 1.1 percent. All of that hour and a
 24 half we did that, 1.1 percent.

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1 Mr. Blazer called Mr. McCann a bald-faced
 2 liar. He committed perjury. Pretty strong charge.
 3 He primarily bases this on the chart that is in
 4 McCann's PowerPoint that he freely admitted was a
 5 compilation of data from the MPAC study that he
 6 created. In fact, he never said it wasn't. In fact,
 7 that's the one I just handed out to you. It's the
 8 single sheet. I didn't put it in the PowerPoint
 9 because the PowerPoint was down the day before; and,
 10 as I said, my daughter wasn't available.
 11 In fact, it says, "MPAC Study Data." It
 12 doesn't say it wasn't in the report or even imply it.
 13 If this is perjury, oh my goodness. What are we
 14 coming to when these types of allegations are thrown
 15 about to make money.
 16 Mr. Steidinger said Livingston County
 17 average homes value from 2004 to 2014 dropped 2
 18 percent. On the other hand, Odell dropped 25.88
 19 percent.
 20 No one who testified disputed the notion
 21 that perception affects value. Here over 2,000 people
 22 sign a petition, think this is a bad thing. Sounds
 23 like a lot of negative perception to me.
 24 The question is: Do you rely on a black box

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1 study or something you can duplicate and analyze?
 2 MaRous mentions that he could not duplicate McCann
 3 report because of a lack of data. McCann provided you
 4 with every sale he used, unlike the black box analysis
 5 we received from Thayer. And Mr. MaRous admitted it
 6 was a black box. We don't have the data. No one has
 7 ever seen the data.
 8 MaRous says McCann was wrong but never has
 9 been asked to do his own study. Why? No, he can't?
 10 He has the time. Has the expertise. Never asked.
 11 Mr. Blazer again takes this opportunity to
 12 complain about the Flanagan sale. His argument is
 13 that McCann said one of the sales was after the wind
 14 turbines were in operation, and Blazer says they were
 15 not in operation until three months later.
 16 Okay. So they were not in operation.
 17 Pretty easy to see why he might think they were
 18 operational and pretty easy to see how that fact that
 19 the wind turbines were staring the property owner in
 20 the face would lower the value. That sure as heck
 21 ain't perjury.
 22 That brings us to Mike MaRous. Found errors
 23 in McCann's report. "We found a ton of errors in his
 24 report." It's sad to say it's not an exact science,

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1 and these things have their limitations as the data
 2 here was received, as we saw in both MaRous's and
 3 McCann's cross-examination. And I sure as heck don't
 4 think that Mike MaRous committed perjury or lied to
 5 you. No way.
 6 However, MaRous argues in a conclusory
 7 fashion McCann's report is not in compliance with
 8 USPAP but fails to mention the Thayer Report, which
 9 they rely so heavily on. It doesn't even come close
 10 to complying with USPAP and doesn't even try.
 11 MaRous complains that McCann had not been
 12 inside the homes and didn't cross for adjustments and
 13 then admitted that's exactly what Thayer did, exactly.
 14 MaRous then tried to analogize one single wind turbine
 15 in Heartland Community College to what we have in
 16 front of us here. Doesn't take a rocket scientist to
 17 know those two weren't similar. And that's a stretch.
 18 I talked about the assessor of Livingston
 19 County. He says that he lived 0.75 miles from one,
 20 and he heard it. No big deal. Just heard it. Point
 21 seven five miles is 3,900 feet. Even at 0.75 miles,
 22 he moved. We didn't know why, but he moved. We have
 23 1,600 feet here, not 3,900 feet. 1,600 feet.
 24 Big reliance last night and in MaRous's

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1 report about what the assessors found, didn't find,
 2 didn't notice, didn't really look at. But we also
 3 know that the Assessor's Office is part of the County,
 4 gets paid by County tax dollars. And if the AV lowers
 5 too much, so are the county tax dollars.
 6 Finally, Mr. MaRous reports that several
 7 large acreage farms in the area were wind farm
 8 properties, but the one he showed us was part of an
 9 industrial use that had semis on it. It had semis on
 10 it. No wonder the wind turbine didn't bother them.
 11 We heard about 11 developments in 18
 12 counties near wind turbines. Don't know how close
 13 those were to the wind turbines. Don't know how big
 14 the farms were. Don't know anything. Don't know
 15 decibel levels, nothing.
 16 What we do know is this: Less than 1 per
 17 county over an 8-year-plus period -- 18 counties, 11
 18 developments. That might as well be no development.
 19 Big position they take is there has only
 20 been one tax appeal. We talked about that, the cost
 21 of a tax appeal. It's just there's no benefit, not
 22 when you have a small home. I mean, my taxes up there
 23 are so much higher than what you are, and it's not a
 24 benefit to me to do it; and I'm a lawyer. Imagine if

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1 you had to go pay a lawyer, go pay an appraiser.
 2 We don't know how many tax appeals are done
 3 on a regular basis in any of these counties. Where
 4 I'm from, they're all commercial because that's the
 5 only way you can make money on the things.
 6 Big question related to Mr. MaRous is why he
 7 was not asked to do a full-blown appraisal study.
 8 He's done one for me. He admitted it. Why not? This
 9 could have really been shoved down my throat.
 10 Mr. Blazer knew that Mr. MaRous has worked for me, but
 11 he didn't ask him to do the one thing that really,
 12 really could have shown this (inaudible).
 13 Crop dusting. Baker does not know if the
 14 aerial application charges more in wind turbine
 15 developments. We know they do. We heard Ms. Dassow
 16 talk about it. Some places will only be accessible if
 17 you pay surcharge. Some places won't be able to be
 18 crop-dusted. We have a 50 percent markup or \$2 to \$5
 19 per acre increased app fee. And then we have IAAA
 20 email exchange, Pleasant Ridge 229, and Megan Dassow
 21 Exhibit 6. This is Megan Dassow Exhibit 6.
 22 Invenergy said IAAA has no concerns.
 23 IAAA says any testimony or exhibits entered as
 24 evidence that this communication demonstrates

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1 acceptance to the Pleasant Ridge Wind Energy Project
 2 is misleading and false -- misleading and false.
 3 Next page. This is their resolution. "Wind
 4 turbine generator" -- I can't even read it -- "farms
 5 create uniquely hazardous and unacceptable dangers to
 6 pilots flying agricultural aircraft in a ground
 7 environment."
 8 Standard iii: Human health. Didn't meet
 9 the burden. I'll be honest with you. I don't know
 10 what causes these problems. None of us do. What we
 11 do know is people are complaining of problems, and
 12 they're real. They're not making them up. They're
 13 not abandoning their home because they're made up.
 14 Here is what Mr. Roberts and Mr. -- or
 15 Dr. Roberts and Dr. Ellenbogen know for sure. Some
 16 people complain of sleepiness. Agrees that it's
 17 possible that a person's sleep being disrupted could
 18 be harmful to their health. And just because you
 19 cannot find objective proof of the complaint doesn't
 20 mean it doesn't exist. There's need for more
 21 research. Nothing has been proven either way.
 22 Sleep is essential for the restoration of
 23 health and a person's well-being. We know wind
 24 turbines disrupt sleep. We know it's essential for a

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1 person's well-being. And we know disrupted sleep is
 2 known to be associated with hypertension,
 3 cardiovascular and coronary disease, impairing of
 4 immune system, elevated stress cortisol levels,
 5 attention and memory deficit, depressed mood, and
 6 cognitive behavioral performance.
 7 The Massachusetts report we keep hearing so
 8 much about says wind turbines can cause sleep
 9 disruption. We know sleep disruption causes these
 10 problems. How this thing is going into the homes? I
 11 don't know. No one knows.
 12 Cape Bridgewater comes as close as anyone
 13 has ever determined. It's some form of sensation that
 14 causes something. But the nocebo effect makes no
 15 sense. We have kids feeling it who have no
 16 conversations. We have Cape Bridgewater when they
 17 don't know if they're on or off. But they're feeling
 18 it. And we'll talk about Cape Bridgewater and
 19 Invenergy's complaint about Cape Bridgewater in a
 20 second.
 21 We don't know what it is. We don't know
 22 what the pathway is. We know what's occurring.
 23 Oh, and Roberts' cross, let's talk about
 24 that for a second. This was actually questions by

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1 Mr. Hayes. At 3765 and 66, Mr. Hayes asked:
 2 "Question: Another statement you made was
 3 that no disease has ever been shown to be caused by
 4 wind turbines, correct?
 5 "Answer: I said there's no recognized
 6 disease associated with wind turbines."
 7 No "recognized" disease. I don't know the
 8 difference, but there is in his mind because he
 9 refused to answer that question time and time again.
 10 "Question: So in kind of a summary, even
 11 though turbines have never been shown to cause a
 12 disease doesn't mean they are necessarily completely
 13 safe and harmless as far as a person's health goes?
 14 "Answer: Epidemiology and science cannot
 15 prove the negative, ever. And so if there -- you
 16 know, if it is not causing a disease, it is not
 17 causing a condition, you can't prove it doesn't."
 18 But he never says no. He never goes out and
 19 says -- answers these questions. If you go through
 20 the testimony, it's replete with these kinds of direct
 21 questions and these kinds of non-answers.
 22 Okay. Let's talk about Punch. Oh, my gosh.
 23 He came in here to tell you the truth. The guy
 24 couldn't have been more honest than the day is long.

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1 He tried to be honest. He tried to tell you the
 2 truth. Instead, he gets beat up for two hours about
 3 qualifications that meant nothing, and then he had to
 4 come back and get beat up about little words. But
 5 that's what they do. It's kill the messenger.
 6 He says: "Effects of annoyance may include
 7 physiological responses, central nervous system
 8 reaction, and biochemical changes, physiological
 9 reactions to sound, annoyance, including increased
 10 heart rate and increased blood pressure, possibly
 11 leading to hypertension." Pretty similar to what
 12 Robinson and Ellenbogen said.
 13 We also had this annoyance from wind
 14 turbines. Again, this is a chart that's very similar
 15 to the one that Hankard showed us. We had anywhere
 16 from 5 percent to 20 percent and 9 percent to 30
 17 percent.
 18 We then go on -- he refers to some studies.
 19 "Wind turbine noise. Annoyance was found to be
 20 statistically related to measured long-term cortisol
 21 levels." We talked about cortisol. That's a big
 22 issue. As much as they want to say it's not, it is a
 23 big issue.
 24 You've also heard that, you know, you

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1 approved three of these before. Yeah, you approved
 2 them. I think it was 2007, 2009, 2010. Wind turbines
 3 in this country were in their infancy.
 4 Here's more studies, most of which after
 5 2009, that say sleep disturbance is the most
 6 well-documented symptom. I think we all agree to
 7 that.
 8 Then we have more studies, from 2009 mostly
 9 -- there's some before -- but heavier 2009 and after,
 10 research linking sleep disturbance and quality of life
 11 to low frequency sound. I don't think anybody is
 12 disputing that.
 13 We have sleep disturbance. I don't know if
 14 it's a disease. I don't know what it is, but it's
 15 disturbance; and it bothers people, and it affects
 16 their lives. It's the health, welfare, and safety of
 17 these people that have not asked to have this come to
 18 them.
 19 Nobody, not Ellenbogen or Roberts, disputed
 20 that wind turbines infrastructure and infrasound
 21 caused the kinds of problems described.
 22 Dr. Punch said "definitive proof that wind
 23 turbines do cause physical symptoms." How does the
 24 Applicant try to pick up the study in this direction?

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1 Points you to issues that were relevant in the study
 2 talked about noise levels below 20 decibels. The
 3 study is not about noise. It's about the effects of
 4 wind turbines. As you will see from the Schomer
 5 letters, that is the issue.
 6 Some people get headaches when there is no
 7 wind turbine operating. I get headaches. I don't
 8 blame that to a wind turbine. But there are times
 9 when you feel something, when you feel a sensation,
 10 whatever that sensation is, and it corresponded to
 11 certain parts of the wind turbines.
 12 This was done by an independent acoustician
 13 actually hired by the wind company, the first time and
 14 maybe the last now, that an independent acoustician
 15 has been given access to all the information that the
 16 wind company acoustician has. This is transparency,
 17 unlike what we saw.
 18 Let's talk about Dr. Schomer. Dr. Schomer
 19 was hired by Invenergy in Cal Ridge. Yes, it was
 20 Mr. Hartke's suggestion. But then he was hired by
 21 Invenergy to work on this project, this project.
 22 Mr. Blazer would have you believe he's
 23 nothing but an anti-wind advocate, but there's no
 24 evidence to that in this record. If he was such an

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1 anti-wind advocate, why did Invenergy hire him for
 2 this project? More importantly, why wasn't he here to
 3 testify? He's very reputable, according to Hankard.
 4 He's a 40-year veteran acoustician. Standards
 5 Director of the Acousticians Society of America.
 6 Let's see what he has to say about the Cape
 7 Bridgewater study. I highlighted it. You know what?
 8 I'm not going to read it all. You can read it. But
 9 it's damning. This is a wonderful study from an
 10 acoustician that is well respected according to them.
 11 Hired by Invenergy. They didn't want him here to talk
 12 about this.
 13 Up until now, wind farm operators have said
 14 there are no known cause-and-effect relationships
 15 between wind farm emissions and responses of people
 16 living in the vicinity. The wind farm operators
 17 simply cannot say there is no known effects and no
 18 known people affected anymore.
 19 You heard about a number of people who felt
 20 something from the wind turbines. I'm just going to
 21 give you their names because I don't want to spend a
 22 lot of time. Margi Hall, Barb Cook, Paula Kelson,
 23 Ambiro Cavazos. Ted Hardke, the devil himself, lives
 24 1,665 feet away from the wind turbine; and he came

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1 here because of nothing more than he hates Invenergy,
 2 according to them. He tried to sleep in the center of
 3 his house. He's abandoned his home just to get back
 4 at Invenergy. Oh, my goodness.
 5 Number of people affected. We heard from a
 6 number of people. Actually, we heard from Hankard; we
 7 heard from Punch that there are a number of people
 8 affected, somewhere between 5 percent and 20 percent.
 9 We don't really know. Five percent was the average
 10 that was Mr. Hankard's; so let's use his.
 11 Number of people within a mile of these wind
 12 turbines: 654 residences within a mile. Let's say
 13 three people live in a house. That's probably low,
 14 but let's say it's 2000 people. According to the
 15 study cited by Hankard, approximately 5 percent of the
 16 people are affected. Five percent of 2,000 is 100
 17 people.
 18 Are we going to let 100 people be affected?
 19 If that number is low, if it's 20 percent, we're at
 20 400 people.
 21 The Easement Agreement goes on to admit --
 22 Invenergy's Easement agreement says audio, flicker may
 23 occur. Noise, vibration, air turbulence, wake, those
 24 are all things that are in their agreement that may

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1 occur.
 2 Shadow flicker, you know, up to 29 hours.
 3 They hit their limit. Everything is to the limit
 4 here. 30 is the limit; let's go to 29. 41 is the
 5 limit; let's to 41.4. Okay, now we're going to go to
 6 41.0
 7 Lots of talks about tax benefits to schools.
 8 Even with those benefits, only one school district,
 9 which has almost no wind turbines in it, came out to
 10 support this project.
 11 We heard from Cheryl Hoffman. The Illinois
 12 State Board of Education, a regional consultant, told
 13 her that most school districts with wind turbines
 14 actually end up in the same position.
 15 Prairie Central: While the windmill may pay
 16 \$441,000 in taxes, only \$288,000 of that is new money,
 17 1.3 percent of the current budget.
 18 A drop in 30 students, either though
 19 attendance or moving out, will lower that number to
 20 less than \$70,000 in new money a year, 70,000.
 21 Either way, it is not the savior it's been made out to
 22 be by Pleasant Ridge.
 23 Mr. Steidinger's PowerPoint showed that the
 24 drop in AV due to loss of property values will have

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1 another detrimental effect on tax revenues. By the
 2 end, school districts and other taxing bodies may
 3 actually end up in the exact same position, the State
 4 Board of Education person told you.
 5 Animals. Vanderwalle didn't want to admit
 6 it, but he had to go through it when I crossed him
 7 about it. Geese study. Cortisol levels go up. They
 8 can't eat. Their behavior changes. We heard Dr.
 9 Whitman about it. We heard Dr. Bieck talk about it.
 10 Then we heard some of the concerns from
 11 people who are raising livestock in this area. Nelson
 12 Zehr raises calves. Keeps them in a very controlled
 13 environment because they're very vulnerable to stress,
 14 cortisol. Effect on even a small percent will have a
 15 huge impact on his business.
 16 This is a guys who spent \$1.3 million in
 17 Livingston County last year. These are the people
 18 we're going to hurt? Oh, my goodness.
 19 Kent Zimmerman, same thing. Hogs are
 20 touchy. Concern about feed efficiency and the overall
 21 health of the livestock.
 22 Dieter Elbert has a reproductive cattle
 23 farm. Seven wind turbines within a half mile. Just
 24 built a new barn to reduce stress on cattle, reduce

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1 stress. Noise, bright lights, and shadow cause stress
 2 in cattle. He's seeing it every day. Those things
 3 that they are bringing here -- noise, bright lights,
 4 shadow -- and stress leads to poor performance in the
 5 cattle.
 6 We heard from two families that supported
 7 this: The Harms and Fosdicks. We heard from a bunch
 8 that didn't. But I found most interesting that we
 9 heard from two people that actually signed agreements,
 10 John Slagel and Rick Miller. They came in here and
 11 testified against this at risk. The contract says
 12 they have to support this project. They came in here
 13 and did the exact opposite -- the exact opposite.
 14 Why? Because it was too important to them to let it
 15 go. As Mr. Slagel said, he wouldn't do this for
 16 millions of dollars if it harmed one child. That's
 17 what we all have to be thinking about, one child.
 18 I don't know about you, but I'll give you
 19 every dime I ever made so my child is healthy, every
 20 dime. I don't know if you can be healthy or not with
 21 this; but I'll tell you what: I ain't taking the
 22 chance.
 23 Township elected officials asked for a 4,000
 24 foot setback from any primary structure in that

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1 Township. That should tell you something.
 2 Application guidelines. This will be a lot
 3 quicker. Consistent in all respects with the
 4 Comprehensive Plan and the Zoning Ordinance. Mr
 5 Blazer's closing consisted of two things, again,
 6 denigrating their Regional Planning position and
 7 relying on a report and testimony by Ms. Blank.
 8 While I would agree that Ms. Blank may be a
 9 fine engineer, one thing is clear; she is not a land
 10 planner and has as much business talking about land
 11 planning as I do talking to you about how to farm.
 12 She never testified before as a land planner
 13 or in compliance with the Zoning Ordinance. Ms.
 14 Blank's testimony and report on this should be given
 15 no weight. It is inconsistent with what your Planning
 16 Commission found. Ms. Blank never even heard of the
 17 LaSalle factors. That's like the Bible of special
 18 uses and ordinances and variations and zoning.
 19 LaSalle factors, never heard them, nor was she even
 20 aware of the special use standards that we're going
 21 through here in the Livingston County Ordinance.
 22 Regional Planning Commission. Oh, my gosh.
 23 Trust me, I don't want to do that job, not here when
 24 the wind energy companies are coming.

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1 My closing last night did not spend any time
 2 on deliberations. But I think after the ripping of
 3 them last night, it is only fair to point out the real
 4 significant parts of the hearing.
 5 One must remember, first of all, these are
 6 just minutes, not verbatim transcripts. These minutes
 7 should not be relied upon as anything more than a
 8 short summary.
 9 However, here is what they say. "In regard
 10 to the December 8, 2014, Zoning Board of Appeals
 11 hearing transcript, the questioning of the Applicant's
 12 expert was pointed out." She had never done a land
 13 plan in her life, okay?
 14 Goes on to say: "Stantec document open
 15 space issues are mentioned, and impacts to wildlife is
 16 mentioned. Mrs. Woodburn expressed her concerns about
 17 this impact statement, when she compared this
 18 information to the information provided in the IDNR
 19 report regarding this zoning case. Discussion then
 20 went to Section 4.1 on page 42 of the Comprehensive
 21 Plan." Then it goes into describe that discussion a
 22 little more -- all reasonable things.
 23 "Residential goals of the Comprehensive Plan
 24 were mentioned and how the proposed development might

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1 have an effect on residential development and property
 2 values."
 3 The Planning Commission discussion on this
 4 application at times reflected on health, safety, and
 5 welfare and general compatibility of the Application.
 6 That sounds to me like people were taking their job
 7 seriously, the job that they get paid probably nothing
 8 for.
 9 To say that the Planning Commission came up
 10 with this recommendation or this finding because there
 11 were people in the room against this project is really
 12 an attempt to say these people were not doing their
 13 duty. That is so improper to state about people who
 14 are giving their time back to this community.
 15 I could go through the Comprehensive Plan
 16 language. You know it. You've seen it. This does
 17 not meet the Comprehensive Plan, and the Regional
 18 Planning Commission was correct. And here is their
 19 finding in highlight: "Not in compliance with the
 20 Livingston County Comprehensive Plan."
 21 Public Health and Safety, this was covered
 22 in standard 3i, above.
 23 Guideline 3, duplicative of Standard 1
 24 above.

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1 Guideline 4, already obviously dealt with
 2 this when going over the standards.
 3 Guideline 5, almost identical to Standard
 4 3 ii.
 5 Guideline 6, "Will not impede orderly growth
 6 and improvement of surrounding properties."
 7 No evidence by the Applicant. Only evidence
 8 is Mayor Gulliford. He said it was okay with his
 9 board in exchange for hundreds of thousands of
 10 dollars. That's what he told you. I don't know what
 11 that does to growth of surrounding properties, but I
 12 know it makes the coffers of that town hundreds of
 13 thousands of dollars.
 14 Then they go relying on Ms. Blank's report,
 15 one she is not qualified to write or testify about.
 16 In sum, there is no way the Applicant met its burden
 17 on this issue.
 18 On the other hand, we heard from many people
 19 who said that they would not have bought homes or
 20 improved property if they knew or know what they know
 21 now about wind turbines -- Megan Dassow, Jill Whitman,
 22 Dr. Dan Bieck, Dieter Elbert.
 23 Then we have the issue of property values
 24 again, which falls under this; and we also have the

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1 issue of 2,000 plus signatures. Only two people sent
 2 back saying not interested. Two thousand people who
 3 are concerned about whether this will affect their way
 4 of life and their ability to improve their properties.
 5 Guideline 7, Adequate Utilities. Storm
 6 Water Conservation District study recommended shifting
 7 wind turbines from areas of concentrated flows.
 8 Nothing was done in that regard; and if they do, now
 9 we have different noise levels that we don't know
 10 about. Now we're back at it again.
 11 Also, they weren't given the time to take
 12 into account all the operations and revised locations.
 13 That's what they say, not what I say. This project
 14 has been ongoing for years. Why not do it right and
 15 allow understand all the ramifications?
 16 We all know why. There was a time limit.
 17 They were worried about changes to the ordinance, and
 18 they tried to beat it. That's why this is haphazard.
 19 That's why you have half the information you need.
 20 They failed, and now they want to place the risk on
 21 Livingston County and its residents.
 22 Drain tiles. Parzyck told this board he was
 23 not aware of procedures in place to double-check the
 24 drain tiles. It appears there may be some procedures

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1 in place to check drain tiles, I will admit, when
 2 they're tiled. The problem is: What happens when
 3 they're crushed?
 4 As we know, drain tiles are hugely
 5 important. We heard Mr. Boomgarden. This is a huge
 6 topic for the people in this audience, the people in
 7 this county who rely on farming.
 8 Crushing is the biggest problem. Some of
 9 these drains were laid over a hundred years ago.
 10 These were the same concerns raised by the Belle
 11 Prairie Drainage District. The damage may not be
 12 found for years after it causes problems to the crops.
 13 How much will that cost the neighboring farms that are
 14 not involved in this? These cranes are over 900,000
 15 pounds.
 16 We heard some cross-examination about tracks
 17 and how much actual weight versus trucks per inch.
 18 However, like many things in this case, there was
 19 actually no evidence to support that cross-examination
 20 -- none. All we know for sure is we have 900,000
 21 pound cranes traipsing through and over drainage tile,
 22 and we're supposed to believe they won't be crushed.
 23 Wes Engelhart testified. He lives on a wind
 24 farm. He found broken farm tile. Didn't find it

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1 until the problems had already occurred. He also had
 2 compaction of soils because of it and damage to
 3 neighboring properties. He has five towers. Wishes
 4 he didn't ever have one. And he's getting the money.
 5 Little or no evidence by the Applicant to
 6 prove that they had met the standard.
 7 Minimize traffic congestion. Again, no real
 8 evidence by Applicant. It's their burden of proof.
 9 They rely upon Mr. Lenz's testimony to say this issue
 10 was resolved. I didn't recall that; so I went back
 11 this morning and looked at the transcript. Mr. Lenz's
 12 entire testimony was that negotiations are ongoing and
 13 that the commissioners are not taking any position.
 14 Doesn't sound like they resolved anything to me.
 15 All they say in the application is that --
 16 the roads section says "deals with public routes."
 17 The section does not address this issue. It just says
 18 they will comply with County requirements or
 19 restrictions. That is clearly not what is
 20 contemplated by the ordinance as a means of minimizing
 21 traffic congestion. That's not a plan. It's a punt.
 22 Applicant's burden meet this, and they failed.
 23 Heard a lot about precedent last night,
 24 which is really a veiled threat to litigation because

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1 you passed others. It's really all it is. Just
 2 because you passed other ones doesn't mean you have to
 3 pass this one from a legal or moral standpoint. In
 4 fact, the opposite is true. And if anybody tells you
 5 differently, they are wrong.
 6 I've been a municipal lawyer for 25 years.
 7 That is not the standard. You look at each one of
 8 these on their own with a new eyesight. There is no
 9 precedent. You can't even get old cases into the new
 10 case. It's not relevant.
 11 You have to meet the standards or you don't.
 12 And each wind farm is different. Each development is
 13 different. This one doesn't meet the standards. You
 14 just heard in 15 ways why they don't meet the
 15 standards. Don't be bullied into this.
 16 You have different acreage. You have
 17 different evidence. You have new evidence that has
 18 occurred that was not available to you in 2009.
 19 I am sorry, but the world has changed. You
 20 know, in the 1960s, no one knew cigarettes caused
 21 problems; and we heard from the cigarette companies no
 22 big deal. Fifty years later, we know a lot different.
 23 I'm not saying these are creating cancer.
 24 Don't get me wrong. But we learn more. We learn --

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1 we have new evidence. New studies have since been
 2 approved or new studies have occurred, Cape
 3 Bridgewater being one.
 4 Case law is clear that every hearing is
 5 looked at in its own merits and its own facts. No
 6 case has ever held that you can be sued because you
 7 previously approved one before.
 8 And, honestly, I'm not trying to tell you
 9 anything you don't know. I've never been in a zoning
 10 hearing that took this -- I've never been in one that
 11 took this amount of time, I have to admit, first of
 12 all. But I've never been in a disputed zoning hearing
 13 that did not end up in litigation one way or another,
 14 not with a dispute this large and this long and time
 15 intensive. I hate to say it; but, either way, someone
 16 is going to sue you. And please don't take that as
 17 anything other than just my experience.
 18 We know Invenergy has been in many, many
 19 suits over the past five years or eight years. We put
 20 some of them in evidence. That's just what we did a
 21 quick Internet search about.
 22 I would just ask that you look at the
 23 evidence and rule with an open mind and then decide
 24 whether the Applicant in this case has actually

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1 complied with your zoning ordinance and the standards
 2 set forth. I would submit to you, when you look at
 3 the evidence, it will be a clear and resounding no.
 4 Judith Gap. It's been kind of an
 5 interesting issue. That was early on, first night
 6 video, Pleasant Ridge Exhibit 5. That was the
 7 ultimate bait and switch. Town of 126 people.
 8 Population of the entire county, 2168. We had almost
 9 that many people sign the petition against this thing.
 10 That's the whole county.
 11 Closest residence, 0.6 miles. The county
 12 with only 2,100 people is 40 percent larger than
 13 Livingston County. That's the definition of desolate.
 14 That's where these things should go. I would agree.
 15 Judith Gap should be happy as, you know, a pig in
 16 slop. Sorry. Is that a bad term?
 17 That's where they should be. They made a
 18 ton of money and had no effects. The second closest
 19 residence, over a mile away. Again, wish we could say
 20 that here.
 21 The Invenergy rep admitted to Rebekah Fehr
 22 that these projects bear a community burden. I will
 23 tell you this has been the most amazing experience in
 24 community in my life. And I've represented people

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1 throughout this state, pretty much in every county in
 2 the state. And I have never come across a community
 3 like this. Don't let it be ruined. I am so impressed
 4 with what you have here now. In my 25 years of
 5 litigation and zoning hearings, I have never seen
 6 anything like it.
 7 Invenergy says they want to build where
 8 there's community support for the project.
 9 Obviously not here. There is no community support.
 10 Not one resident testified for this project that did
 11 not have a financial gain in wind turbines. And then
 12 only two families.
 13 This tears communities apart. If you put
 14 them in, it's really going to tear this community
 15 apart. It's going to change what this community is.
 16 I ask you not to change this community. It's -- I
 17 don't even know how to explain it. It's changed me.
 18 I would ask that you look at the facts that
 19 have occurred in this hearing and vote what the
 20 evidence clearly shows, and that is that the Applicant
 21 has not met its burden of proof.
 22 In particular, its failure to prove that its
 23 plans meet the Illinois Pollution Control Board
 24 Standards, in and of itself, as well as the lack of

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1 financial assurance -- those two things alone or
 2 either one of them is fatal to this application, and
 3 you cannot approve it. Just those two things -- done.
 4 And there's no doubt that that's correct, no doubt in
 5 anybody's mind that they failed in that regard.
 6 That's before you even take into account the
 7 fact that there's significant health and financial
 8 risk to your constituents that can no longer be
 9 ignored.
 10 I had written down conditions if you do do
 11 it. I can't even bring myself to talk about them.
 12 This project must be denied based on the
 13 law.
 14 I really want to thank you for your time,
 15 again. And I apologize I've taken longer than I hoped
 16 to, but there was a lot here. Thank you very much for
 17 your time. I want to thank everybody on both sides
 18 for the unbelievable time and effort that we have
 19 spent. Thank you.
 20 **CHAIRMAN CORNALE:** Thank you,
 21 Mr. Luetkehans. I just want to take this opportunity
 22 to tell everybody I'm sorry I wasn't here earlier. I
 23 had something come up. I wasn't able to be here until
 24 now.

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1 Counsel just let me know that everybody
 2 needs ten minutes worth of break. Why don't we go
 3 ahead and take ten minutes now, and we'll come back
 4 and keep going.
 5 (Recess in proceedings.)
 6 **CHAIRMAN CORNALE:** I just want to be certain
 7 that there are no units of local government or school
 8 districts with a representative that would like to
 9 give a closing statement.
 10 **AUDIENCE MEMBER:** There is a school board
 11 tonight.
 12 **CHAIRMAN CORNALE:** I understand. We will go
 13 ahead and get started on my list.
 14 Mark Aberle? Come on up to the podium.
 15 Bryan Bell? Suzanne Bell? Whitney Bell?
 16 Dan Bieck? David Boomgarden? Karen Branz? Roger
 17 Brown? Tom Brucker? George Busch? Judy Campbell?
 18 (No responses to Bell through Campbell.)
 19 Ambiro Cavazos? Come on up to the chair.
 20 Mr. Aberle you may begin.
 21 **CLOSING STATEMENT**
 22 **BY MR. ABERLE:**
 23 Everything I was going to say has already
 24 been said, but this is my only chance. I'm really --

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1 the green energy, I've been all for it, you know,
 2 enough to where I put in a geothermal at home and did
 3 a lot of those same things as this wind farm. I dug
 4 in the ground and did a lot of things, trenching and
 5 some pouring.
 6 The only difference -- the one thing I
 7 didn't do, I did not offend or disappoint any of my
 8 neighbors, not a one of them. And I feel that's
 9 important. And I think it's very important. That's
 10 one of my fears.
 11 We heard so much about the decommissioning
 12 cost. I don't know how we put a price on if we divide
 13 a community. I just don't know how we figure that.
 14 We're all going to live with each other after this is
 15 over with. I hope we can live in peace. That's all I
 16 got.
 17 **CHAIRMAN CORNALE:** Mr. Aberle, thank you.
 18 All right, Ambiro, if you can just hold
 19 here, I'll read off a few extra names.
 20 And I do want to remind everybody that I do
 21 have a timer going for two minutes up here.
 22 Leslie Chouinard? Come on up to the chair.
 23 Mr. Ambiro, you may begin.
 24 **CLOSING STATEMENT**

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1 **BY MR. CAVAZOS:**
 2 I ask the ZBA, Livingston County Board, and
 3 the Ag Zoning Committee to take a step back and think
 4 of the tremendous amount of work and effort put forth
 5 by your constituents.
 6 Before these hearings, most of us were
 7 ignorant of any negatives associated with wind
 8 turbines.
 9 During these last seven months, we have
 10 heard more about Invenergy and their efforts to
 11 surround us with wind turbines than the last seven to
 12 nine years they claim to have been openly working in
 13 the public.
 14 We have learned of environmental damage and
 15 consideration of wildlife death and destruction,
 16 violation of Illinois noise pollution laws, proof of
 17 negative health impacts, significant drops in property
 18 values associated with close proximity to wind
 19 turbines, home abandonment, and the list seems
 20 endless.
 21 Wind energy companies will always deny these
 22 facts. It is our duty as mothers, fathers,
 23 grandmothers, grandfathers, friends, neighbors, ZBA
 24 members, County Board members to see through the

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1 denials, the objections, and all of the efforts to
 2 suppress the truth and look deeply and thoroughly into
 3 all the information that has been presented to us, as
 4 I'm sure most of us have.
 5 This is in order to protect those who are
 6 unaware or unable to do for themselves such as our
 7 children, grandchildren, and future generations that
 8 do not have a chance, with our efforts here and now.
 9 This is a plea for help. Please vote
 10 against this application and any future applications
 11 from any company that looks only to benefit at someone
 12 else's expense.
 13 I believe most people who signed contracts
 14 with wind energy companies would not do so again after
 15 learning of all the information brought to life by so
 16 many concerned citizens. Some of these citizens are
 17 not even from our own county. I plead to you: Heed
 18 their warnings.
 19 I thank you all for your time and patience
 20 through these hearings.
 21 **CHAIRMAN CORNALE:** If you could just hold on
 22 for a second, Leslie.
 23 Barb Cook? Come on up to the chair.
 24 If you can state your name for us and for

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1 the court reporter.
 2 **MS. CHOUINARD:** Leslie Chouinard,
 3 C-h-o-u-i-n-a-r-d.
 4 **CLOSING STATEMENT**
 5 **BY MS. CHOUINARD:**
 6 After speaking with Linda Ambrose, a friend
 7 and former teacher, this is what I'd like to say to
 8 the Zoning Board of Appeals.
 9 Over 2000 residents in pleasant Ridge have
 10 spoken clearly and some passionately. They do not
 11 want this industrial turbine complex to be approved.
 12 Mr. Blazer mentioned that he met some nice
 13 people from this area. Please do not mistake this
 14 civility as lack of resolve. We are adamant that we
 15 do not want to lose the homes and lifestyles we have
 16 worked to create.
 17 I saw where Relight Energy has come back to
 18 the Logan County Board to see what the Company can do
 19 to change their mind after the County Board did not
 20 approve Relight's wind proposal. When there's
 21 millions of taxpayers' dollars at stake, these
 22 companies just keep coming back and hounding you.
 23 The citizens want to make it clear that
 24 there is nothing that Invenergy can do to make this

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1 project right for this area.
 2 My family's farm, as my mother, Willa
 3 Virkler, told you, is the oldest farm in Livingston
 4 County. Our family raises heirloom vegetables and is
 5 an educational center for children and adults alike.
 6 Turbines on the horizon will destroy the historical
 7 significance of the area that we are trying to
 8 preserve and pass on.
 9 Invenergy is an industry that cannot stand
 10 on its own and compete in the marketplace. The wind
 11 energy endeavor is wrong on so many levels for the
 12 people in the Pleasant Ridge area and the people of
 13 this country who are being taxed to death.
 14 We thank the Zoning Board of Appeals for the
 15 numerous hours they have put in to listening to
 16 testimony. We hope and have prayed that you have
 17 heard us and our experts who have presented new
 18 information.
 19 Looking down the road, if the vote by the
 20 Livingston County Board is anything but 24 to 0, then
 21 they are not listening to the people, and they are
 22 running their own agenda. If anyone votes to approve
 23 this proposal, then they, like some in the federal
 24 government, feel that they know what's better for us

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1 than we do. Thank you.
 2 **CHAIRMAN CORNALE:** Duane Durham?
 3 Julie Fosdick? Larry Fosdick? Henry Gauwitz? Sue
 4 Gero? Jim Gulliford? Donald Harms? Patrick Harms?
 5 Ted Hartke?
 6 (No responses to Durham through Hartke.)
 7 **CHAIRMAN CORNALE:** John Hayes?
 8 All right. Ms. Cook, you may begin. Please
 9 state your name for the record, and go ahead.
 10 **CLOSING STATEMENT**
 11 **BY MS. COOK:**
 12 Barb Cook. This has been a long road, and
 13 it looks like we are finally getting nearly the end of
 14 the journey.
 15 Once again, I'd like to bring up how the
 16 turbines have affected me in a physical manner. I was
 17 diagnosed with vertigo, and they have a visual effect
 18 on me, as they do other people that I know. It's the
 19 spinning motion, the strobe-light effect of the
 20 blades.
 21 I can kind of compare that -- if you think
 22 of the optical illusion diagrams with the black and
 23 white circles. They spin and they move. Well, they
 24 make me spin also. And so do the turbines.

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1 I worry about other people who have other
 2 medical issues that might have balance problems.
 3 Mr. Blazer stated a lot of people that have medical
 4 issues that have been in a study, that they have been
 5 diagnosed with these previously. Once again, I am
 6 concerned about how these turbines affect people that
 7 have these medical issues.
 8 The turbines do not create the vertigo in
 9 me, but they do have an effect on me.
 10 Animals, I don't think they're safe. I
 11 don't think there's enough evidence out there, enough
 12 studies. The biologist even said himself there
 13 weren't enough studies about animals. He made a
 14 comment -- knew a vet who had animals and lived by a
 15 turbine. Yet this biologist also failed to even say
 16 anything about the hundreds of birds and thousands of
 17 birds that fly by my house and stay over during
 18 migration time in spring and fall.
 19 Where I live, my lake, this is a happy place
 20 for me. I've been there for 25 years. The memories
 21 -- the lake kind of has a life of its own to me. It's
 22 almost like an old friend. The memories, the presence
 23 of my mom and dad and other family members and friends
 24 that are no longer with us are everywhere I look.

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1 **CHAIRMAN CORNALE:** Ms. Cook, I'm going to
2 have to stop you there. All right. I'm sorry. Two
3 minutes. Thank you.
4 **CHAIRMAN CORNALE:** Cheryl Hoffman? Nancy
5 Homerding? Brent Johnston? Matthew Kaisner? Robert
6 Lenz?
7 (No responses to Hoffman through Lenz.)
8 **CHAIRMAN CORNALE:** Rick Miller? If you want
9 to work your way up to the chair.
10 Mr. Hayes, you may begin.
11 **CLOSING STATEMENT**
12 **BY MR. HAYES:**
13 John Hayes. What are the benefits of this
14 wind farm? Is it going to provide recreational
15 activities for our children? Places for us to go have
16 picnics or, like, a park or something or go out and
17 sit under the turbines?
18 Well, the only thing that I can see, the
19 only positive thing, would be money, money, money.
20 And it seems that Invenergy is throwing that at us.
21 Invenergy is counting on one of the human problems of
22 greed to get a yes vote.
23 What do the families that live in the
24 proposed wind farm desire? Well, I'll tell you; it's

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1 not money. Families just want life to continue as it
2 exists now. The men, women, children, and other
3 family members want to enjoy outdoor birthday parties,
4 reunions, weiner roasts, and many other activities on
5 their quiet rural property.
6 Please allow the residents of this part of
7 the county to continue their current lifestyle.
8 Simply put, what do you as Board members consider to
9 be more important, money or the families of Livingston
10 County? I hope you will consider people to be more
11 important than money.
12 The length of these proceedings should
13 clearly tell the Board that these turbines need to go
14 to another location, somewhere where they are wanted
15 by the people, someplace where they're better sited.
16 I urge all of the County Board members to
17 vote no. You certainly have been given enough
18 evidence to support that.
19 In conclusion, I want to thank all the
20 members of the United Citizens of Livingston County
21 for all their work and effort to stand up for the
22 people in this area. And, finally, my last thank you
23 to all County Board Members for their service to the
24 County.

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1 **CHAIRMAN CORNALE:** Marshall Newhouse?
2 Brian Olson? Ron Schneeman? John Slagel? Brad
3 Steidinger? Marvin Stichnoth? Ruth Wessels? Lance
4 Yednock?
5 (No responses to Newhouse through Yednock.)
6 **CHAIRMAN CORNALE:** Mr. Miller? You're it.
7 Go ahead.
8 **CLOSING STATEMENT**
9 **BY MR. MILLER:**
10 Thank you. I would just like to do a little
11 takeoff from the sentence: "Please don't do this to
12 our lives."
13 Here are a group of people who have steadily
14 come most every meeting and expressed their opinion,
15 and they're all saying, "Please don't do this to our
16 lives."
17 And when we look at the maps, the
18 distribution, the sighting of those things is just
19 crazy. They're sited a long ways away from the
20 owners, and they're put right close to the people who
21 didn't sign contracts or prefer not to have those. So
22 that's it.
23 **CHAIRMAN CORNALE:** All right. That's
24 everybody from the list. Is there anybody out there

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1 that I read off your name the first time through and
2 you maybe didn't want to come talk to us?
3 **MR. BLAZER:** Mr. Chairman, my copy of the
4 list had Steve Knauer on it. I'm not sure if you
5 mentioned him.
6 **CHAIRMAN CORNALE:** He excluded himself.
7 You're checking up on me.
8 Tell me about your additional closing. What
9 have you got? What are you thinking?
10 **MR. BLAZER:** Well, I have no interest in
11 keeping anyone here any longer than absolutely
12 necessary. I'm thinking about 15 minutes.
13 **CHAIRMAN CORNALE:** About 15 minutes.
14 **MR. BLAZER:** Which, if yesterday is any
15 guide, means about an hour and a half. No, just a few
16 topics.
17 **CHAIRMAN CORNALE:** All right. Let's say I'm
18 going to set my -- I am going to set my timer. If you
19 get to 20 minutes -- all right. Go ahead.
20 **FURTHER CLOSING**
21 **BY MR. BLAZER:**
22 Just a few topics. Patrick Engineering
23 confirmed Hankard's modeling results. They confirmed
24 that we complied with the IPCB regulations, even when

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1 they add in ambient noise, which is not what the
 2 regulations calls for.
 3 Phil mentioned Lamanacusa's testimony in
 4 Wisconsin. He failed to mention that Lamanacusa's
 5 testimony in Wisconsin was rejected by the Wisconsin
 6 Public Service Commission. Instead, they accepted
 7 Hankard's testimony and granted that permit.
 8 So why does Patrick Engineering confirm that
 9 we meet the regulations? First and foremost, Patrick
 10 Engineering is certainly not pro wind. Let's not
 11 forget Phil is their lawyer.
 12 But here is what they confirmed. First,
 13 UCLC Exhibit 154, one of their own exhibits. This is
 14 a discussion that the Pollution Control Board issued
 15 right after they adopted the noise regulations.
 16 First, what is a property line noise
 17 standard? Ms. Huisman, I'm about to answer the
 18 question you asked repeatedly. Actually, I won't; the
 19 IPCB does. "No person shall emit beyond the
 20 boundaries of his property." That's a property line
 21 noise standard.
 22 "The Board, pursuant to the procedures
 23 prescribed in Title 7 of this act, may adopt
 24 regulations prescribing limitations on noise emissions

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1 beyond the boundaries of the property."
 2 The classification of land is dependent on
 3 the actual use being made of the land rather than an
 4 anticipated or planned use such as could occur if the
 5 classifications were based on zoning.
 6 The sound pressure levels -- this answers
 7 your other question -- the sound pressure levels must
 8 be measured within the receiving property but not
 9 closer than 25 feet to the property line noise source.
 10 This represents a significant departure from the
 11 original proposal, which measured sound pressure
 12 levels at the emitter's property line.
 13 Since the regulation is intended to protect
 14 people from noise pollution, it is appropriate to
 15 measure the levels on the receiving property, not at
 16 the property line.
 17 Another one of UCLC's Exhibits, the LBCS
 18 tables, Phil read you just one portion of it. I'm
 19 going to read you a few more.
 20 First, "Similarly, residential uses in
 21 single-family dwellings, multifamily structures,
 22 manufactured houses, or any other type of building
 23 would all be classified as residential activity.
 24 "Individually owned residences as well as

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1 residences owned by rental or management companies are
 2 included. Establishments in this category include
 3 apartments, condominiums, mobile homes, townhouses, et
 4 cetera. The vast majority of residential uses fall in
 5 this category. Use this category as the default for
 6 quickly coding large residential areas."
 7 That's code 1100, private hospital, which is
 8 the one that's adopted by the Pollution Control Board
 9 regulations.
 10 Structure codes, under 1100. Single-family
 11 buildings, detached units, attached units, duplex
 12 structures, row houses, accessory units, townhouses,
 13 manufactured housing.
 14 What is included in non-class A, in
 15 nonresidential? Sheds, farm buildings, or
 16 agricultural facilities.
 17 I mentioned accessory uses. That's one of
 18 the things they talk about as part of residential, and
 19 they define accessory units.
 20 "Use this category for an accessory unit
 21 which is structurally separate and distinct from the
 22 main structure. An accessory unit is a second
 23 dwelling unit structure-wise that is added to an
 24 existing lot for use as a complete and independent

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1 facility. For an accessory use not structured as part
 2 of the main structure or not incidental to the primary
 3 use, classification options vary. Such a unit is also
 4 known as a 'granny flat.'"
 5 That's what the LBCS codes say. That's why
 6 the measurements are limited to the residential
 7 portion, to the house, not to anything surrounding the
 8 house. Everything around the house is unclassified.
 9 And, therefore, no noise limit applies.
 10 We know that because the latest statement
 11 from the Illinois Pollution Control Board is from
 12 2003, and it's the Knox case that we talked about
 13 earlier. I'm just going to read you a couple of
 14 things out of there.
 15 Phil focused on the shed. That's really not
 16 the main focus of the decision. The main focus of the
 17 decision is -- Mr. Knox testified that the duck pond
 18 has always been a getaway place where he likes to
 19 relax. The duck pond is stocked with fish that he
 20 feeds daily.
 21 The particular household code provides that
 22 farm homes are also included under household units.
 23 They should be identified separately from the
 24 remainder of the farm, which is coded under

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1 agricultural.

2 Specifically at issue is classification of

3 the duck pond where the noise measurements were taken.

4 The noise measurements upon which the alleged

5 violations were based were taken at the duck pond and

6 unclassified property. Since the duck pond is not a

7 classified property, the alleged numeric violations do

8 not apply. Accordingly, the Board finds no numeric

9 violations as alleged in the complaint.

10 And one final thing: "The Complainants have

11 not proven that the noise emissions from Turriss'

12 ventilation fans substantially and frequently

13 interfere with their enjoyment of life. They have not

14 shown that the noise in question is anything more than

15 a minor annoyance.

16 "The noise in question was characterized as

17 an aggravation by both complainants. Based on the

18 evidence before it, the Board finds that noise

19 emissions do not substantially and frequently

20 interfere with the complainants' enjoyment of life and

21 weighs this factor in favor of the respondents."

22 That's the latest statement issued by the

23 Illinois Pollution Control Board.

24 Phil mentioned John Dassow's testimony. Mr.

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1 Dassow testified about three particular species that

2 he's concerned about. And on cross-examination, he

3 acknowledged that all three of those species have been

4 excluded from any impact by this proposed project by

5 the IDNR.

6 And pursuant to consultation with the US

7 Fish and Wildlife Service, we're already doing

8 everything that the IDNR has recommended except for

9 items that, as Mr. VanDeWalle testified, would

10 actually increase the risk to endangered species.

11 I had a note here. It's over 52,000 acres,

12 Phil, that is the entire project site. But as I

13 mentioned yesterday, as the Soil and Water

14 Conservation District confirmed, out of that, we are

15 actually only using less than one half of 1 percent, a

16 total of 132 acres.

17 Phil mentioned Nelson Zehr and his confined

18 animal feeding operation. He answered your question

19 Ms. Huisman. You may remember. What effects them?

20 And he answered: Weather changes.

21 Phil said the only person who prepared a

22 USPAP report was McCann. Actually, he didn't because

23 we've established that he didn't comply with USPAP,

24 first and foremost because he's a lobbyist.

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1 Phil also said, in terms of what we talked

2 about yesterday, "None of which is true, but we'll go

3 past it." We can't go past it. You can't ignore the

4 fabrications from McCann.

5 Phil makes no mention of the fact that all

6 of McCann's statements regarding 20-plus percent

7 reductions in property values in Ontario were false,

8 were fabricated.

9 In terms of the missing wind farm, Phil

10 says: Well, it was really about the fact that there

11 was an anticipation of the wind farm coming. That's

12 not true. I told you yesterday; McCann said three

13 separate times it was the effect of the existing wind

14 farm.

15 And it wasn't that the wind farm wasn't

16 operational when McCann claimed the effect occurred.

17 It's that construction hadn't even begun and didn't

18 begin until months later. As you all know, that wind

19 farm didn't begin operating until December of 2012,

20 ten months after McCann said it was there.

21 And one more thing about McCann. There was

22 a mention about cumulative days on market, marketing

23 time, how long it takes to sell one of these,

24 particularly in Livingston County. This is what

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1 McCann said:

2 "Well, that's right. It's actually the

3 target area and lead that was -- the lead average was

4 635 days, cumulative days on market."

5 And MaRous addressed that. Here is what he

6 says about Livingston County. "The Livingston MLS

7 didn't lend itself to backtracking the prior listing;

8 so all I really had was the most recent sale in time.

9 And that would include, you know, changes -- changes

10 in brokers that -- you know, all it is is the last

11 listing."

12 So he says there's no information available

13 in Livingston County for cumulative days on the

14 market. That was also a fabrication because, thanks

15 to Mr. Steidinger, this is what we learned.

16 "Question: All right. I think you said

17 you're a member of the local Board of Realtors; is

18 that correct?

19 "Answer: Correct.

20 "Question: All right. Do you know what

21 CDOM is?

22 "Answer: CDOM? Yeah. It's an abbreviation

23 for something. I'm not exactly sure.

24 "Question: Cumulative days on market. Does

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1 that sound --
 2 "Answer: We call it 'DOM,' which is what
 3 our MLS system is; and we don't have the C. DOM, days
 4 on market.
 5 "Question: And what do you mean by your MLS
 6 system?
 7 "Answer: The Livingston County Board of
 8 Realtors typically presents it as DOM instead of CDOM.
 9 "Question: So, for example, if an appraiser
 10 wanted to find DOM or CDOM, whichever way you call it,
 11 the Livingston County MLS contains that information,
 12 right?
 13 "Answer: Yes, it does."
 14 Two thousand signatures on a petition. I
 15 was going to say that we don't know what was said to
 16 these people, but we actually do. It was what was
 17 said to the Prairie Central School Board and to your
 18 Planning Commission. It's what was said at that town
 19 hall meeting last summer.
 20 And we know what the impact is of that, of
 21 exactly something like that meeting, that town hall
 22 meeting. Pleasant Ridge Exhibit 272, "Fomenting
 23 Sickness: Nocebo priming of residents about expected
 24 wind turbine health harms." It was the study that

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1 considered what the aftermath was of holding a public
 2 anti-wind meeting.
 3 "In this paper, we present a case study of
 4 the apparent impact of an anti-wind farm public
 5 meeting on the generation of negative news media and
 6 the subsequent expression of concerns about
 7 anticipated health and noise impacts to a planning
 8 authority approval hearing.
 9 "We present a content analysis of the
 10 negative claims disseminated about health and noise in
 11 the news media and available on the Internet prior to
 12 the hearing and another content analysis of all
 13 submissions made to the planning authority by those
 14 opposing the development application.
 15 "The continued prominence of this issue in
 16 wind energy planning cases is linked not to legal
 17 utility but more likely to the resonance of received
 18 negative information about health impacts of wind
 19 farms and its subsequent repetition through news media
 20 and in submissions.
 21 This effect is likely to reflect the various
 22 'fright factors' that characterize environmental
 23 threats with greater propensity to cause outrage in
 24 communities. These include factors such as

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1 involuntarily exposure, perceived inequitable or
 2 unfair distribution of risk, 'industrial' rather than
 3 'natural' risks, untrustworthy sources and dreaded
 4 consequences.
 5 Crop dusters. Number one, 18 counties in
 6 this state with wind farms. Are none of them getting
 7 crop dusting services? One million properties in
 8 those 18 counties. Are none of those getting crop
 9 dusting services?
 10 Pleasant Ridge Exhibit 23, which was
 11 presented during Jacob Baker's testimony back in
 12 November, was a video of a crop duster dusting through
 13 a wind farm.
 14 And number 3, Pleasant Ridge Exhibit 229,
 15 the communication between Invenergy and Mr. Reed at
 16 the IAAA. And he expressed only one concern before a
 17 member of this community approached him. And the only
 18 concern he expressed was: Can you mark the met tower
 19 in alternating stripes? That's what our fliers have a
 20 problem seeing. And of course we agreed. Not a
 21 single other concern was expressed.
 22 Talking about Punch, Phil said
 23 "qualifications that mean nothing" and "little words."
 24 Those qualifications that mean nothing and those

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1 little words sure meant a whole lot to Cary
 2 Shindeldecker, who was led to believe that he had Wind
 3 Turbine Syndrome when he really has obstructive sleep
 4 apnea and irregular heart rhythm.
 5 Phil said cortisol is a big issue. And a
 6 whole lot of -- a whole lot more studies have been
 7 conducted since 2009, since the last time you approved
 8 a wind farm, which was actually in 2010.
 9 There have been a lot more studies. I agree
 10 with that. That includes, as I mentioned yesterday,
 11 the most expensive one ever conducted published just
 12 in November of last year, the Health Canada, which
 13 completely rejected every single claim of health
 14 impacts from wind turbines.
 15 Phil called the Cape Bridgewater Study a
 16 wonderful study which proved sensation. It proved
 17 sensation when the wind turbines were turned off.
 18 "Invenergy has been in many, many suits."
 19 Fifty-six projects over a 14-year history. And what
 20 did we here from Rebekah Fehr? One guy in Oregon.
 21 Don't know the status. One guy in 2010 in Wisconsin.
 22 Don't know the status. Some folks in upstate New
 23 York. Don't know the status.
 24 The Comprehensive Plan Report, Blank's

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1 experience. Phil forgot to mention one thing. This
 2 is his cross-exam.
 3 "Question: How did you take into account
 4 this section when you did your 16 points, or did you?
 5 "Answer: We did. We did an analysis of the
 6 actual amount of land that will be used for wind farm
 7 facilities versus the amount of agricultural and prime
 8 agricultural land that's within the project area.
 9 "Question: And when you say 'we,' who is
 10 we?
 11 "Answer: Myself and the land use planner.
 12 "Question: Who is your land use planner?
 13 "Answer: Faye Simon.
 14 The claims from -- the testimony from
 15 Mr. Cavazos and Ms. Kelson -- I have to quote you
 16 again, Mr. Chairman. This was in your ruling where
 17 you ruled that John Slagel's effort to bring in his
 18 FaceBook conversation with Cary Shindelcker would not
 19 be admitted into evidence. And here is the reason
 20 why.
 21 "All right. So he can't self-diagnose with
 22 authority."
 23 Dr. Roberts said what needs to happen in a
 24 situation like this. And it's the same thing, oddly

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1 enough, that Nina Pierpont said. If you think you
 2 have a problem, don't self-diagnose. Don't go to the
 3 Internet. Go to a doctor or find out what's really
 4 wrong.
 5 And, finally, new evidence that was not
 6 available in 2009. You're right. Pleasant Ridge
 7 Exhibit 100. "Pursuant to your request, the intent of
 8 this letter is to discuss complaints that Streator
 9 Cayuga Ridge Wind Power LLC has received regarding the
 10 Cayuga Ridge South Project." This is dated November
 11 11, 2014.
 12 "After achievement of commercial operations,
 13 our record show that their response system received
 14 fewer than ten complaints regarding the project. One
 15 of the most common issues was related to potential
 16 interference with television reception. In each case,
 17 SCRS resolved the matter by adjusting the landowner's
 18 television services.
 19 "One landowner also expressed concerns about
 20 selling a house during hearings in Livingston County
 21 related to Iberdrola Renewables Streator Deer Run
 22 Project. In 2011, the landowner's house was
 23 successfully sold.
 24 "Since March 2011, SCRS has not received any

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1 complaints about the project from residents in the
 2 project area." That's the information you have today.
 3 Thank you very much. And by the grace of
 4 God, we are finally done.
 5 **CHAIRMAN CORNALE:** Thank you. 20 minutes
 6 And 20 seconds.
 7 All right. The County will accept -- we
 8 have an Exhibit list called Livingston County Zoning
 9 Board of Appeals Group Exhibit Number 1. It is an
 10 entire list of all the exhibits that have been placed
 11 into evidence throughout this entire proceeding. All
 12 right?
 13 Well, it's step 13 on my list. The ZBA
 14 shall close the hearing. We've all been waiting for
 15 that. At this time, we will close any additional
 16 public comment, any comments by the Applicant, and we
 17 will begin the deliberation process. We're not going
 18 to start that this evening. It's too late.
 19 So our next meeting is scheduled for June 2.
 20 The location is to be determined. Verify on the web
 21 site. And the time at this point is 6:30.
 22 So for those of you not familiar with the
 23 process, what will happen is, since we have all the
 24 evidence at this point, we as a board will discuss the

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1 direction we feel this project needs to go or whatever
 2 the case and make a motion accordingly. And we'll
 3 vote from that. Realistically, we will probably
 4 discuss it for an evening. From that, we'll have an
 5 idea so that some findings of facts and decisions can
 6 be drafted accordingly. And then we'll probably come
 7 back yet to another meeting and actually vote on that.
 8 Now, we may deliberate. We may end up
 9 needing a couple nights to deliberate. I don't
 10 foresee that, but I don't know. So with that, I need
 11 a motion to recess.
 12 **MR. VITZTHUM:** I'll make a motion.
 13 **CHAIRMAN CORNALE:** Vitzthum makes the
 14 motion. Can I get a second?
 15 **MR. KIEFER:** Second.
 16 **CHAIRMAN CORNALE:** Kiefer seconds. All in
 17 favor?
 18 **ALL MEMBERS:** Aye.
 19 **CHAIRMAN CORNALE:** Opposed? (No response.)
 20
 21 (Hearing adjourned at 10:45 p.m.)
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CERTIFICATE OF REPORTER

I, BRENDA L. ZEITLER, CSR-RPR, License No. 084-004062, do hereby certify that the foregoing transcript, consisting of pages 4306 through 4405, both inclusive, constitutes a true and accurate transcript of the original stenographic notes recorded by me of the foregoing proceedings had before the Livingston County Zoning Board of Appeals at the Walton Centre, Fairbury, Illinois, on the 21st day of May, 2015.

Dated this 17th day of June, 2015.

Brenda L. Zeitler, CSR-RPR
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