

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

April 9, 2015

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

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 12 Richard Kiefer
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1 (Commencing at 6:30 p.m.)
 2 **CHAIRMAN CORNALE:** All right, if we can go
 3 ahead and find our way to our seats. Go ahead and
 4 call this meeting to order. Chuck, roll call
 5 please.
 6 **MR. SCHOPP:** This is the April 9th, 2015,
 7 continuation hearing of the Livingston County Zoning
 8 Board of Appeals review of Livingston County Zoning
 9 Case SU-7-14, Pleasant Ridge Energy, LLC, Pleasant
 10 Ridge Wind Energy project. Michael Cornale.
 11 **CHAIRMAN CORNALE:** Here.
 12 **MR. SCHOPP:** John Vitzthum.
 13 **MR. VITZTHUM:** Here.
 14 **MR. SCHOPP:** Richard Kiefer.
 15 **MR. KIEFER:** Yes.
 16 **MR. SCHOPP:** Diana Iverson.
 17 **MS. IVERSON:** Here.
 18 **MR. SCHOPP:** Howard Zimmerman.
 19 **MR. ZIMMERMAN:** Here.
 20 **MR. SCHOPP:** Joan Huisman.
 21 **MS. HUISMAN:** Here.
 22 **MR. SCHOPP:** Gibs Nielsen.
 23 **CHAIRMAN CORNALE:** All right, we're here
 24 for our 26th evening. Looks like we have -- in

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1 front of me I have a list of about 21 individuals
 2 that would like to speak. We did pretty good the
 3 other night. We got through seven -- eight, eight,
 4 sorry. I'd like to continue to make progress at
 5 least that well or even better.
 6 I'm going to offer this suggestion.
 7 Quantity isn't always quality. We're looking for
 8 new profound ideas or reasons that you feel however
 9 you do with regard to the wind farm. If the point
 10 has been spoken by other individuals multiple times,
 11 if we can -- if we can quickly move through that, we
 12 would appreciate that.
 13 We're looming on right now farmers are
 14 getting a little anxious and I know a lot of farmers
 15 are in this audience. We want to try to wrap these
 16 up. If you guys keep going -- I know as a board we
 17 only have limited evenings to meet, so we try and
 18 work two evenings a week and we keep going. We're
 19 not going to get through this before harvest -- or
 20 planting season. So we're trying our best. You
 21 guys need to work with us as well.
 22 All right. With that, first individual I
 23 have on the list this evening, Jeff Byron -- Bryan.
 24 Jeff Bryan. Mr. Bryan, could you please raise your

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1 right hand?
 2 (Mr. Jeff Bryan was duly sworn.)
 3 **CHAIRMAN CORNALE:** All right. Please
 4 state your name and address and who you represent
 5 for our court reporter and then you may begin.
 6 **MR. BRYAN:** My name is Jeff Bryan. My
 7 address is 121 Crescent Lane, Cabery, Illinois, and
 8 I am superintendent of the Tri-Point School
 9 District. I'm here as a representative of the
 10 Tri-Point Board of Education and I'm joined here
 11 tonight by five members of the Tri-Point school
 12 board.
 13 The Tri-Point School District has a
 14 two-fold interest in this project. The first, six
 15 of the turbines in the proposed project lie within
 16 the Tri-Point School District. The second is that
 17 implications of this project could influence
 18 additional projects in the northern, northeast
 19 Livingston County that happen to lie in the
 20 Tri-Point School District.
 21 Back in October of 2014, I sent a letter
 22 to the Livingston County Board, the Ag Zoning
 23 Emergency Services Committee members, and I would
 24 like to read that letter tonight.

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1 Much information has been circulated about
 2 the effect of a wind farm on public school district
 3 funding, most recently in a flier mailed to local
 4 postal customers with a section entitled Negative
 5 Impact on School Funding and Enrollment. While I
 6 cannot talk specifically about the effect of all
 7 school districts in Illinois, because it changes
 8 from district to district, I can provide you with
 9 factual information about the financial effect to
 10 the Tri-Point School District, but in order to do
 11 this, I need to supply you with some background on
 12 how school finances work.
 13 By far, the two largest contributors of
 14 operating funds to the Tri-Point School District are
 15 local property taxes and general state aid. School
 16 districts in Illinois can levy a property tax to
 17 generate operating funds. This levy -- excuse me,
 18 this levy, usually stated in terms of a rate per
 19 hundred dollars of EAV for personal and commercial
 20 property or in terms of a rate per hundred dollars
 21 of productivity index for farm ground, is combined
 22 with other local taxing bodies and is collected by
 23 the county or counties to be distributed to school
 24 districts.

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1 General state aid is composed of two
 2 components: the foundation formula that provides
 3 funds to school districts that do not generate the
 4 foundation level established by the state, which is
 5 at currently \$6,119 per student, through their local
 6 property taxes and also a supplemental general state
 7 aid, which is commonly called a poverty grant, based
 8 on the number of low income students in the school
 9 district. The foundation formula is used until
 10 schools reach 9 -- can generate 93 percent of the
 11 foundation level and then an alternative formula or
 12 a flat rate -- flat grant formula is used.
 13 There is some truth to the claim from the
 14 flier that a wind farm has a negative impact on
 15 school funding, but only insofar as the foundation
 16 formula portion of the state aid is concerned.
 17 Generally speaking, as local EAV increases, general
 18 state aid decreases. This would occur in any
 19 situation in which the EAV of a school district
 20 increases and would most certainly take place with
 21 the addition of a wind farm within a school
 22 district.
 23 But there is also some inaccuracies in the
 24 flier. In the case of the Tri-Point School

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1 District, the initial monetary gain is not offset in
 2 the years following due to a decrease in state
 3 funding but instead continues to generate additional
 4 operating funds for the school district.
 5 The state of -- the State Board of
 6 Education in Illinois provides school districts an
 7 Excel spreadsheet to calculate general state aid
 8 based on local EAV. It includes average daily
 9 attendance, Department of Human Services low income
 10 count and foundation level, all of the different
 11 components that go into figuring the formula
 12 reimbursement for a school district. Utilizing that
 13 spreadsheet and keeping all other factors the same,
 14 the effect of a wind farm in the Tri-Point School
 15 District can be calculated, and I did so.
 16 We currently are expecting a wind farm to
 17 be put in place by EDF, Electricite de France, in
 18 northern Ford County. It will consist of about 88
 19 2-megawatt wind turbines. The EAV of an 88 turbine
 20 wind farm has been inserted into the general state
 21 aid formula to see what the resulting change would
 22 be. There is a resulting decrease in state aid, but
 23 in the case of Tri-Point, it's easily offset by the
 24 increase in the local property tax.

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1 I did a number of calculations on the
 2 back. The bottom line is not the first year when we
 3 expect the big bump in local taxes plus no change in
 4 state reimbursement, but when we look at the second
 5 year, Tri-Point still will end up with over a
 6 million dollar revenue enhancement by the addition
 7 of this 88 megawatt wind turbine.
 8 I'll be the first to admit that the
 9 factors affecting the Tri-Point School District are
 10 different than those of any other school district in
 11 the area. The combination of low student
 12 population, high student poverty, our own EAV,
 13 number of wind turbines potentially located in the
 14 school district, places us in a unique situation to
 15 profit greatly from a wind farm or wind farms.
 16 Additional turbines in the Tri-Point district would
 17 have little additional effect on general state aid.
 18 The purpose of this letter is to ask the
 19 Livingston County Board and the Zone Ag Committee to
 20 exercise caution as the ordinances for the
 21 construction of wind farms are being examined.
 22 Please do not hinder development on all areas of the
 23 county to satisfy the desires of individuals from
 24 only one part of the county based on financial

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1 generalizations that are not true for all. If you
 2 have any questions about school funding or how I
 3 arrived at my projections, please do not hesitate to
 4 call me at the office, and it was signed Jeff Bryan,
 5 Superintendent of Tri-Point Schools.
 6 I'd like to add in conclusion one
 7 additional item. I recently read a news article
 8 that was put out sometime last fall and it involved
 9 two particular school districts, it was Armstrong
 10 and Gifford, and in that News-Gazette article
 11 entitled "Turbines loosening governments' bank
 12 account share," the numbers that I came up with very
 13 closely reflect the same type of numbers that came
 14 up for Armstrong and Gifford. Both those school
 15 districts and Tri-Point experience great revenue
 16 enhancement with the addition of a wind farm. Thank
 17 you.
 18 **CHAIRMAN CORNALE:** Any questions for Mr.
 19 Bryan?
 20 **MS. HUISMAN:** I do.
 21 **QUESTIONS BY**
 22 **MS. HUISMAN:**
 23 Q. Mr. Bryan, how many turbines are
 24 proposed -- from this Pleasant Ridge Wind Farm are

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1 proposed to be in your school district's I guess
 2 taxes?
 3 **A. We have six wind turbines that according**
 4 **to the projected map -- project map would be built**
 5 **in the southwestern corner of the Tri-Point School**
 6 **District, I think just south of the railroad and**
 7 **north of the school district line. Just those six**
 8 **turbines would generate around 75 to 76,000 in tax**
 9 **dollars. Would cost the school district about**
 10 **38,000 in lost general state aid revenue after the**
 11 **first year, but that still nets a positive 35,000 a**
 12 **year, and in our school district, that's a starting**
 13 **teacher's salary.**
 14 Q. So your -- what you submitted as an
 15 exhibit, that's -- those dollars, million dollars,
 16 is not based on this Pleasant Ridge Wind Farm.
 17 **A. No, just the last one is. But at that**
 18 **time, I just wanted to share with the county the**
 19 **effect that that would have on the Tri-Point School**
 20 **District, and this was a real-life example that I**
 21 **was working through with EDF.**
 22 Q. Okay.
 23 **MS. HUISMAN:** Okay, thank you.
 24 **QUESTIONS BY**

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1 **CHAIRMAN CORNALE:**
 2 Q. Mr. Bryan, just as I quickly look through
 3 this and just so I understand better, as I look at
 4 the revenue differences and that, has any
 5 depreciation been factored into the turbines if the
 6 turbines are allowed? Did you take that into
 7 consideration?
 8 **A. In my calculations, in the second and**
 9 **third year, I did account for 4 percent**
 10 **depreciation, but again, our school district is very**
 11 **unique in the large amount of agricultural ground**
 12 **that goes into our total EAV. We have very little**
 13 **residential and very little commercial properties,**
 14 **and those are the pieces of the property tax that we**
 15 **have seen some decreases in, you know, in the recent**
 16 **past.**
 17 **But because of the way farm ground is**
 18 **assessed using the productivity index, we see a 10**
 19 **percent increase every year in our property -- in**
 20 **our farm ground assessment. So when we take a wind**
 21 **farm at about 21 million compared to our total EAV**
 22 **now of about 60 million, when you do a weighted**
 23 **average, we still come out ahead. The 4 percent**
 24 **decrease on 20 million doesn't come close to the 10**

1 **percent increase that we would see on around 60**
2 **million.**

3 Q. Okay, so the increase, as I look at the
4 additional revenue, it's -- technically it's not
5 generated from the turbines, but rather it's
6 generated from the land value offset, correct?

7 **A. But there's two factors that go in there.**
8 **It does have the money that's generated using a 4**
9 **percent depreciation on the wind farm value for that**
10 **year, so it started out with 100 percent, 96, 92,**
11 **went down, but it also includes the built-in 10**
12 **percent increase that we would see on our farm**
13 **ground assessment.**

14 **Now, because we also have some residential**
15 **and commercial properties, I didn't use the full 10**
16 **percent. We see on a general basis around a 5 or 6**
17 **percent average over the last three years in our**
18 **change in EAV. So I actually used that 5 to 6 total**
19 **EAV on the 60 million, so -- but again, when you**
20 **still average a 5 to 6 percent increase on 60 and a**
21 **4 percent decrease on 20, you still get around a 3**
22 **and a half percent increase on your EAV each year.**
23 **I did keep the tax rate constant on all years.**

24 Q. Okay.

1 **CHAIRMAN CORNALE:** Questions. You're
2 testifying.

3 Q. In that area, then, we could be -- have
4 you done studies I guess on that, if your property
5 values decline, what it could do to your overall
6 picture?

7 **A. Well, I used actually a decrease in**
8 **residential and commercial, you know, in my example,**
9 **but again, the percentage of farm ground assessment**
10 **outweighs that greatly. So that's, you know, the**
11 **research and example I've done.**

12 Q. So -- but you used a decrease, but then
13 you were also using an increase in farm real estate
14 values of --

15 **A. Yes.**

16 Q. -- did you say 10 percent on that?

17 **A. Well, we are in a, we are in -- the**
18 **farmland assessment bill as it is now allows for a**
19 **10 percent increase in the productivity per year on**
20 **the average productivity on ground in the state of**
21 **Illinois. Now, Livingston/Ford County, about 1.11,**
22 **1.12 was the productivity increase, is right at the**
23 **median. And so the recent change in law just a**
24 **couple years ago said, hey, you don't go by your own**

1 **CHAIRMAN CORNALE:** All right. Do we have
2 any other questions? All right. Any units of local
3 government or other school districts have any
4 questions? You'll need to make sure you let us know
5 who you are representing as well.

6 **MR. MARK SLAGEL:** Mark Slagel, member of
7 the Prairie Central Board of Education.

8 **QUESTIONS BY**

9 **MR. MARK SLAGEL:**

10 Q. You said you're not a very heavily
11 populated district, right, the rural part of it?

12 **A. Correct.**

13 Q. So have you seen any of the studies done?
14 Like in Odell there was a study done on what it's
15 done to real estate property values more in like
16 rural communities, but it's a lot -- it's a heavier
17 populated area?

18 **A. Well, I have recently seen an article that**
19 **was Mark -- Mike MaRous did and it was a study of**
20 **all the counties in Illinois. And there was within**
21 **maybe a couple outlier situations, the majority of**
22 **those did not show that there was decreases in EAVs.**

23 Q. Well, like in the Odell area, that it was
24 estimated to be a 13 percent drop in --

1 **farm ground assessment, you're going to use 10**
2 **percent of the median.**

3 **So because there is such a great**
4 **difference between what our productivity increase or**
5 **productivity index is and what our actual farm**
6 **ground value is, we're going to see that 10 percent**
7 **jump on farm ground for a number of years, and so**
8 **that's -- it's like a given now. And this came from**
9 **Farm Bureau. They did a presentation to us as**
10 **superintendents in the McLean County area, brought**
11 **us in a PowerPoint and explained how that entire**
12 **process worked.**

13 Q. Okay. Now, what I'm questioning, did you
14 use that figure, then, in your --

15 **A. Yes.**

16 Q. -- overall picture?

17 **A. I did.**

18 Q. You did increase the farm real estate
19 value?

20 **A. I did, yes.**

21 Q. Okay.

22 **MR. MARK SLAGEL:** No more questions,
23 thanks.

24 **CHAIRMAN CORNALE:** Any other units of

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1 local government or school districts? All right,
 2 Mr. Blazer, do you have any questions?
 3 **MR. BLAZER:** No, sir.
 4 **CHAIRMAN CORNALE:** All right. Mr.
 5 Luetkehans --
 6 **MR. LUETKEHANS:** Yes, sir.
 7 **CHAIRMAN CORNALE:** -- do you have any
 8 questions?
 9 **MR. LUETKEHANS:** Yes, sir.
 10 **QUESTIONS BY**
 11 **MR. LUETKEHANS:**
 12 Q. Mr. Bryan, who showed you the MaRous
 13 report?
 14 **A. What's that?**
 15 Q. Who showed you the MaRous report?
 16 **A. It was -- came across my desk. I've got a**
 17 **number of articles. I keep a file on wind turbines.**
 18 Q. Okay. And how did that come across your
 19 desk?
 20 **A. Provided to me by Mr. Blazer.**
 21 Q. He didn't, however, give you Mr. McCann's
 22 report, did he?
 23 **A. He did share Mr. McCann's report with me.**
 24 Q. Okay, the one that showed the deficit is

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1 over 20 percent in value.
 2 **A. One that I don't personally believe is --**
 3 Q. Well, you know --
 4 **A. -- worth the paper it's written on.**
 5 Q. -- that's nice, but you're not an expert,
 6 are you?
 7 **A. Well --**
 8 **MR. BLAZER:** Mr. Chairman --
 9 **CHAIRMAN CORNALE:** Mr. MaRous --
 10 **COURT REPORTER:** One at a time please.
 11 **MR. LUETKEHANS:** That's my fault, that's
 12 my fault.
 13 **CHAIRMAN CORNALE:** Mr. Luetkehans --
 14 **MR. LUETKEHANS:** It's my fault.
 15 **BY MR. LUETKEHANS:**
 16 Q. Are you an expert appraiser?
 17 **A. I'm not.**
 18 Q. Thank you. When was this letter written?
 19 **A. My letter was written late October of**
 20 **2014.**
 21 Q. Okay, so it was written before any
 22 testimony was brought into this case, correct?
 23 **A. I believe I was at a hearing the night**
 24 **that I delivered it. I'm not sure whether it was**

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1 **testimony to this or -- but it was an Ag Zoning**
 2 **Committee meeting.**
 3 Q. It was an Ag Zoning Committee, it wasn't a
 4 ZBA meeting.
 5 **A. Correct.**
 6 Q. ZBA meetings didn't start until after
 7 this, correct?
 8 **A. Okay.**
 9 Q. And has anyone, anybody objecting to this
 10 project, and there's been many of them testified,
 11 has anyone said that the wind turbines would
 12 actually decrease the tax revenues for your school
 13 district? Has anybody even hinted at that on behalf
 14 of the objectors who have testified before this
 15 board?
 16 **A. In a flier that was sent to the --**
 17 Q. No, in the testimony before this board,
 18 has anybody to your knowledge even said that at any
 19 point, that these school districts would lose money
 20 if the wind turbines went in?
 21 **A. I was not present for all the testimony.**
 22 Q. Okay. So your opinion is 30 -- your
 23 school will, school district will get \$35,000 extra
 24 a year.

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1 **A. From the six wind turbines, correct.**
 2 Q. And you said that you used -- you saw the
 3 MaRous report, you saw the McCann report, and you
 4 didn't believe the McCann report was worth the paper
 5 it was written on, but you still used decreased
 6 values for residential and commercial properties
 7 when you did your calculations, correct?
 8 **A. Correct. Would you like me to explain --**
 9 Q. No.
 10 **A. -- why I did that?**
 11 Q. I don't need you to.
 12 **A. Okay.**
 13 **MR. BLAZER:** I think the witness ought to
 14 be entitled to finish answering the question, Mr.
 15 Chairman.
 16 **MR. LUETKEHANS:** He did finish, he was
 17 finished. He asked me a question and I said I don't
 18 want to hear the -- I don't need the answer.
 19 **BY MR. LUETKEHANS:**
 20 Q. Have you ever reviewed the Livingston
 21 County zoning ordinance?
 22 **A. Have I reviewed it?**
 23 Q. Yes.
 24 **A. I've looked at it.**

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1 Q. Have you reviewed the special use
 2 standards?
 3 **A. I have -- I have read through it one time,
 4 but I have not studied it to memory.**
 5 Q. Have you looked at it to see if this
 6 particular project meets the standards for the
 7 Livingston County wind turbines?
 8 **A. I am not familiar enough with the
 9 locations, I've not seen the map, except for the six
 10 that are within the Tri-Point School District.**
 11 Q. And you're not a -- you're not a land
 12 planner, correct?
 13 **A. Excuse me?**
 14 Q. You're not a land planner?
 15 **A. No.**
 16 Q. Your background is education.
 17 **A. It is.**
 18 Q. That's your expertise, correct?
 19 **A. Correct.**
 20 Q. Okay. Do you have an opinion as to
 21 whether -- so I assume based on that you have no
 22 opinion as to whether this proposed wind turbine
 23 development meets the special use standards. You're
 24 not here to testify to that, are you?

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1 **A. I'm not.**
 2 Q. Okay. And, in fact, if I walked through
 3 these standards, you wouldn't be able to testify --
 4 tell me within a area of expertise whether that
 5 these -- those standards are met by these wind
 6 turbines, correct?
 7 **A. That's correct.**
 8 Q. Okay, and I think the school district has
 9 been, they have decided to -- they made a decision,
 10 an official decision, to stay neutral on this
 11 development, correct?
 12 **A. I understand that's the stance the Prairie
 13 Central school board took.**
 14 Q. How about your school board? Have they
 15 taken a position, an official position one way or
 16 the other?
 17 **A. I am here under their approval.**
 18 Q. That's not my question.
 19 **A. They are in favor of it.**
 20 Q. They're in favor of the --
 21 **A. Of a wind farm in our school district.**
 22 Q. Have they voted on that?
 23 **A. I don't recall during my two years at
 24 Tri-Point that there was a vote taken on that. I**

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1 **cannot answer prior to my arrival.**
 2 Q. Okay. So the two years you've been with
 3 Tri-Point, which are the two years that we've been
 4 dealing -- or which include the years that Invenegy
 5 has been before this board, your board has not taken
 6 a public position one way or the other as far as a
 7 public official vote, correct?
 8 **A. Correct.**
 9 **MR. LUETKEHANS:** Nothing further.
 10 **CHAIRMAN CORNALE:** All right, anybody in
 11 the audience with questions for Mr. Bryan? Do you
 12 have any questions?
 13 QUESTIONS BY
 14 **MR. CAVAZOS:**
 15 Q. Ambiro Cavazos. I guess a couple
 16 questions were already asked.
 17 **A. I didn't hear your name.**
 18 Q. Ambiro Cavazos.
 19 **A. Okay, thank you.**
 20 Q. I just wondered in your school district
 21 has your -- the number of students in your school,
 22 has it gone up or down since you've been -- how long
 23 have you been there?
 24 **A. This is my second year there.**

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1 Q. Second year.
 2 **A. Right.**
 3 Q. Has the population of the school been
 4 going up or down?
 5 **A. Okay, I can -- actually the answer to your
 6 question, there's two different questions. If you
 7 want to know historically, it has gone down
 8 historically. Within the last two years that I've
 9 been there, it has -- negligible, within 1 percent.
 10 I mean, you know, on one day I get three kids move
 11 in and I can say my population has gone up. The
 12 next day two kids move out and I would say, you
 13 know, it's gone down.**
 14 Q. How many --
 15 **A. So we are pretty steady right now.**
 16 Q. How many students do you have in your
 17 school district?
 18 **A. We are around 430 students.**
 19 Q. Okay, I guess I'm not totally familiar
 20 with Tri-Point. That's elementary, high school?
 21 **A. It is a unit district.**
 22 Q. Okay.
 23 **A. Pre-K through 12.**
 24 Q. Okay. And I guess it wasn't asked about

1 McCann's testimony, whether you heard that or not
2 about the -- have you heard about the property
3 values going down when a wind farm comes in?

4 **A. I've heard of -- I've heard of the report.**

5 Q. Okay. I guess -- and you wrote that
6 letter obviously before all this new information has
7 come out.

8 **A. The new information would not have changed
9 my report because it's based on the numbers for our
10 school district that are -- that are pure numbers,
11 EAV, low student population count. So it's not
12 my -- you know, it's not my belief. It's the
13 generation of numbers.**

14 Q. Okay, some of those pure numbers really
15 are just not real numbers, I guess.

16 **A. Well, they're real numbers. I mean they
17 represent dollars that we assess our taxpayers every
18 year. They represent the real dollars that we get
19 from the state board every year.**

20 Q. And this might not apply to your school
21 district, I'm not sure, but some of the testimony
22 here, in the first year I guess you get the most
23 money from these windmills; is that correct?

24 **A. Well, I would explain that process.**

1 **year that this takes place the state isn't aware of
2 it, the last year that the farm is in operation,
3 they think -- because you're getting tax revenues
4 one more year, they think that you're going to get
5 tax revenue the next year because you got it that
6 year. And so the bump at the beginning is taken
7 away at the end. So the state thinks you have more
8 EAV in the last year than you actually do, just like
9 they don't understand that your EAV from that farm
10 doesn't appear on their books until the following
11 year. So the bump at the beginning then gets taken
12 away at the end.**

13 Q. If -- in that last year, how do you feel
14 it would affect your school district not having that
15 revenue?

16 **A. You know, it's going to be a decrease in
17 revenue. I mean obviously it's a 20 year process,
18 and any prudent school administrator would be
19 putting some money aside each year. You know, if I
20 expected a shortfall, if I knew five years down the
21 road that the state was going to short me on money,
22 I would sure try to take care of that. The same
23 way, if I knew 5, 10, 20 years down the road that I
24 was going to get shorted on tax money, I -- a**

1 **Because state aid lags one year behind real life,
2 essentially the money that I get from the state next
3 year is based on last year's EAV, so there's a time
4 lag in there. And they just can't generate the
5 numbers at the state fast enough to make those
6 numbers more timely. So the first year that a wind
7 farm is in production in a school district, the
8 state doesn't even see that EAV yet. A wind farm
9 doesn't produce, you know, taxable property until
10 it's operational.**

11 **So if I had a wind farm that went into --
12 that started production in my school last year, I
13 would just start to realize tax revenues this year.
14 When I turn in my audit to the State Board of
15 Education, then they use that number to calculate
16 the following year's EAV. So I get full tax revenue
17 from the farm, plus I don't see any decrease in
18 general state aid. The next year I would see the
19 consequent decrease because of that additional EAV.**

20 Q. And what about the last year, the last
21 year -- if I remember right, there's no payment the
22 last year from the wind farms; is that correct?

23 **A. No, there actually is a payment, but this
24 effect turns around backwards. Just like the first**

1 **prudent financial person for a school district would
2 put that money away in reserves, if at all possible,
3 through operations.**

4 Q. We would hope so.

5 **A. Yes, we would hope so.**

6 **MR. CAVAZOS:** Thank you.

7 **CHAIRMAN CORNALE:** Any other questions
8 from the audience? Got a few.

9 **QUESTIONS BY**

10 **MR. STEIDINGER:**

11 Q. My name is Brian Steidinger. A couple
12 questions. Are you aware that the property value in
13 the Odell area from 2008 to 2009, then fast forward
14 five years to 2012 to 2013, the residential home
15 sale prices, the average price fell by 15 percent?

16 **A. My answer to that is no.**

17 Q. Okay. So I'm assuming that the report
18 that I turned in that showed the property values
19 declining over the last -- over this time period was
20 not something that Mr. Blazer gave to you either.

21 **A. I have not seen specifically Odell over
22 that period of time.**

23 Q. Of a report from Brad Steidinger, you
24 didn't see that either, is that safe to assume?

1 A. I did not see one.

2 Q. Okay, okay. You talk about two of the
3 factors, one factor is EAV and the second one is
4 attendance.

5 A. Uh-huh.

6 Q. Would a drop in attendance have an effect
7 on your state aid or the money you receive?

8 A. Yes, it will.

9 Q. Okay. So if there's a potential for a
10 loss in EAV and a potential for a drop in revenue
11 from a decrease in students, how can you say you're
12 going to keep all other factors equal?

13 A. In the spreadsheet that I did, I kept
14 those factors the same year to year to year. I used
15 the same low income count each year, I used the same
16 number of students each year, I used the same tax
17 rate each year, so that the only variable was the
18 difference in the EAV.

19 I'm not saying in real life that those
20 things wouldn't all change because they will every
21 year, but in order to isolate -- and my background,
22 you know, as a chemistry teacher says, hey, if
23 you're going to experiment on a variable, you need
24 to isolate that variable by itself. So I kept all

1 MR. BLAZER: Mr. Chairman, I would ask you
2 to rule.

3 MR. LUETKEHANS: Please.

4 CHAIRMAN CORNALE: All right, he did
5 factor in several variables into his equation and we
6 did pose a hypothetical question, so let's -- if you
7 can answer it fairly, then try to answer it, and
8 then if you can't, you can't.

9 A. Well, let's take that kind of one at a
10 time. Let's go back through what the question you
11 asked, so start over again.

12 BY MR. STEIDINGER:

13 Q. Okay, if we see a loss in property
14 value -- and I'm basing this off of a 15 percent
15 loss that we've seen in the Odell -- the northwest
16 part of the county. If we see a 15 percent loss in
17 residential property value and we see a decline in
18 students because people move out of the area --

19 A. Let's take it --

20 Q. -- would that --

21 A. Let's take it one at a time.

22 MR. LUETKEHANS: No. Well, he gets to ask
23 the question.

24 A. Because you're asking me to calculate a

1 other factors the same to see what the effect of the
2 one piece would be.

3 Q. Okay.

4 A. But I agree with you that those things do
5 naturally change over time.

6 Q. So you agree that if -- if the wind farm
7 is built, property values decrease by 15 percent as
8 it happened in the Odell area, people move out of
9 the area, the data you're presenting really is not
10 valid at that point?

11 MR. BLAZER: I'll object to that question,
12 Mr. Chairman. He is asking the witness to accept
13 his assumption that values will drop by 15 percent.

14 MR. LUETKEHANS: Well, what's wrong with
15 that?

16 MR. BLAZER: It's just his assumption.

17 MR. LUETKEHANS: It's based on evidence
18 that's in the record. Whether you agree with it or
19 not is up to Mr. Blazer, but it's evidence that is
20 in the record, so it's a proper hypothetical.

21 MR. BLAZER: Well, then if it's -- he
22 didn't state it as a hypothetical. If he stated it
23 as a hypothetical --

24 MR. LUETKEHANS: He said if, he said if.

1 spreadsheet that I can't calculate all those factors
2 in my mind. I can give you general trends about
3 different factors, but I can't put them all together
4 in a spreadsheet without precise numbers.

5 Q. I'm not asking precise numbers. I'm just
6 saying would it change your numbers?

7 A. So would -- the question is --

8 Q. A loss in EAV, a loss --

9 A. -- would a loss in EAV --

10 Q. -- in attendance --

11 A. -- and would a loss in student numbers --
12 was there a third factor or just those two?

13 Q. Two factors.

14 A. Okay, if we indeed had a loss in EAV and a
15 loss in student numbers, then a loss in EAV -- a
16 loss in EAV would increase my general state aid.

17 Q. Okay.

18 A. And a loss of student numbers would
19 decrease, so your answer is mixed.

20 Q. Okay, so basically a loss in EAV makes you
21 more dependent on the state.

22 A. It makes the proportion of the state funds
23 greater, yes.

24 Q. So your answer is you're more dependent,

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1 okay. One thing you mentioned is the offset in farm
 2 ground value to residential property and you said
 3 it's 10 percent and you -- do you foresee that going
 4 on for the next 20 years?
 5 **A. I went through -- I went through an**
 6 **in-service that was put on by Illinois Farm Bureau**
 7 **who had pushed the legislation through for the**
 8 **productivity increase. And, you know, currently the**
 9 **-- I'm going to just use a Ford County average. We**
 10 **would say that the average piece of farm ground in**
 11 **Ford County, the productivity increase is somewhere**
 12 **between 200 and \$220. The real value of that ground**
 13 **is much, much higher than that.**
 14 **And so to think that land values and --**
 15 **production costs are going to go up so high and land**
 16 **values come so low and all the cost of inputs are**
 17 **going to change so much to bring that calculation --**
 18 **really Farm Bureau says that that piece of farm**
 19 **ground that's maybe between 200 and \$220 of**
 20 **productivity increase in real dollars today ought to**
 21 **be taxed at about \$800 productivity increase. Now,**
 22 **I'm kind of pulling that number out of my hat**
 23 **because it was about a four times greater number.**
 24 **So when we think about how many years it**

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1 **would take to take that ground that's at a**
 2 **productivity increase -- a productivity index of 200**
 3 **some dollars and move that 10 percent each year to**
 4 **get it up to almost \$800 is a lot of years. So my**
 5 **answer is, yeah, I think that land value increase is**
 6 **a pretty constant piece for us.**
 7 **Q. My last question. You mentioned you have**
 8 **six turbines in your school district, so that would**
 9 **leave approximately 130 in our school district.**
 10 **Have you asked the residents in your district or in**
 11 **our district how -- if they have an opinion one way**
 12 **or the other?**
 13 **A. You know, I actually have two people that**
 14 **I talked to that live I think within a couple miles**
 15 **of that, you know, and their stance was if this**
 16 **generates revenue for our school district and allows**
 17 **us to provide more for our students, they are for**
 18 **it.**
 19 **Q. There's about 38,000 residents in the**
 20 **county and you talked to two?**
 21 **A. Well, you asked --**
 22 **Q. Are there --**
 23 **A. -- if I talked to any people in my school**
 24 **district that are close to the six.**

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1 **Q. Okay, let me --**
 2 **A. That's a very low populated area. I**
 3 **probably talked to 10 percent of the people in that**
 4 **area.**
 5 **Q. Have you talked to anyone from the Prairie**
 6 **Central School District?**
 7 **A. I have not.**
 8 **MR. STEIDINGER: Okay, thank you.**
 9 **CHAIRMAN CORNALE: Anybody else in the**
 10 **audience with questions? Got a couple. Got a lot**
 11 **actually.**
 12 **QUESTIONS BY**
 13 **MS. SEVERSON:**
 14 **Q. I'm Amber Severson.**
 15 **A. I couldn't hear you.**
 16 **Q. Amber Severson.**
 17 **A. Okay.**
 18 **Q. Earlier you spoke about the aid that you**
 19 **get per student. You have the general aid and then**
 20 **you have a poverty aid?**
 21 **A. Yes.**
 22 **Q. Okay. And you gave a number of just over**
 23 **\$6,000 per student currently?**
 24 **A. That's the foundation level that the state**

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1 **says is the lowest adequate number needed to be**
 2 **spent per student to provide education in the state**
 3 **of Illinois.**
 4 **Q. So --**
 5 **A. So 6,119 is what is labeled as the**
 6 **foundation level for Illinois.**
 7 **Q. So the amount of money you get per student**
 8 **is \$6,000 or it's the difference to make up that**
 9 **amount.**
 10 **A. It is the difference to make up that**
 11 **amount, and so -- so what they do is they say, hey,**
 12 **you need to have 6,119. Your local taxes generate,**
 13 **you know, we're just going to say \$3,000, and so**
 14 **maybe you get an additional poverty count. Because**
 15 **you've got some low income kids, they give you a**
 16 **little extra money. Say that brings you up to**
 17 **4,000. Then general state aid, then, is supposed to**
 18 **supply the difference between what you generate**
 19 **locally and -- you know, your property taxes and**
 20 **what you get from the state. So we currently don't**
 21 **even get that from the state anymore. We're**
 22 **prorated at less than that because of the state**
 23 **financial condition. So we don't even get the**
 24 **amount of money we've been promised as a school**

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1 **district.**
 2 Q. Do you know how much you get per student
 3 or how much you generate per student at this point
 4 in time for your school district?
 5 **A. Sure. We are right at the \$5,000 mark.**
 6 Q. Okay. So from the general aid for
 7 poverty, if they were to bring it up to the 6,119,
 8 that means you'd be getting \$1,000 per student.
 9 **A. Correct.**
 10 Q. So 35 --
 11 **A. A little over.**
 12 Q. So \$35,000 a year basically is like 35
 13 students. It provides the benefit of giving you 35
 14 -- if \$1,000 per student, 35 students.
 15 **A. So we get -- and kind of in round numbers,**
 16 **we get a little over a half million dollars from the**
 17 **state --**
 18 Q. Okay.
 19 **A. -- in our poverty count and our general**
 20 **state aid.**
 21 Q. Okay.
 22 **A. So I don't have a calculator in front of**
 23 **me to figure how much that is, you know, per kid,**
 24 **but it would be, you know, 35,000 divided by, you**

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1 **know, 427 kids.**
 2 Q. Well, half a million dollars would be
 3 about a thousand dollars if you have 500.
 4 **A. Sure.**
 5 Q. So about a thousand dollars per child.
 6 **A. Okay.**
 7 Q. So \$35,000 is enough to maybe take care of
 8 35 kids.
 9 **A. Okay, yes.**
 10 Q. All right.
 11 **A. I would agree with that.**
 12 Q. Okay, all right.
 13 **MS. SEVERSON:** I think that's all I have.
 14 Thank you.
 15 **A. Okay, thank you.**
 16 **CHAIRMAN CORNALE:** Any other questions
 17 from the audience? Got one there.
 18 **QUESTIONS BY**
 19 **MS. FOSDICK:**
 20 Q. Julie Fosdick. Earlier you talked about
 21 your formula and that you use a decreasing
 22 residential value. Could you explain further why
 23 you use that value and how you got that?
 24 **A. Oh, we're -- and when we build budgets, we**

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1 **try to use five year trends just to get a good idea**
 2 **of whether our values are going up or down. Every**
 3 **year we get a report, and I get four of them because**
 4 **I have -- I have property in four different**
 5 **counties. My biggest is Livingston and Ford, but I**
 6 **also have a little in Kankakee and Iroquois. But I**
 7 **get a report every year that shows me what my farm**
 8 **land assessment did and what my residential and**
 9 **commercial, and it's in those two different groups.**
 10 **And so we have had a downward trend for a**
 11 **number of years now at the Tri-Point School District**
 12 **in our commercial and residential properties, but**
 13 **like I said earlier, we've had about a 5 percent**
 14 **increase in EAV each year for the last five years,**
 15 **and so the farmland increase has overshadowed the**
 16 **residential and commercial decreases. Does that**
 17 **answer your question.**
 18 **MS. FOSDICK:** Thank you.
 19 **A. Okay.**
 20 **CHAIRMAN CORNALE:** Any other questions
 21 from the audience?
 22 **MS. SCHROF:** I'm Sharon Schrof, Forrest,
 23 Illinois.
 24 **CHAIRMAN CORNALE:** Make sure you speak

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1 real loud for us.
 2 **MS. SCHROF:** I'm going to try to do that.
 3 **CHAIRMAN CORNALE:** All right.
 4 **QUESTIONS BY**
 5 **MS. SCHROF:**
 6 Q. Might the new governor with trying to
 7 change the debt ratio for the State of Illinois,
 8 might that change and might that lower your amount
 9 of money that you'll get? Might it change that
 10 amount that you think you're going to be getting?
 11 **A. There are two things going on I mean, and**
 12 **I'll talk about Andy Manar's bill of last year.**
 13 **Andy Manar is a state senator --**
 14 Q. Yes.
 15 **A. -- you know, from Bunker Hill and he**
 16 **actually proposed a different formula to figure**
 17 **general state aid for schools. He said, hey, you**
 18 **know, we've got some school districts in this state**
 19 **that are already generating -- if we say the**
 20 **foundation level is at 6,000, they're generating**
 21 **12,000 on their own, plus we're still giving them**
 22 **money, they're getting flat grant money. Even**
 23 **though a district is getting that \$6,119, there is a**
 24 **provision that if you're above that number, you're**

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1 still going to get \$218 per kid, and if you've got
 2 10,000 kids, you're going to get a little chunk of
 3 change then on top of what you already have.
 4 And one of his proposals is, hey, these
 5 wealthy school districts maybe need to say, hey, you
 6 know what, we don't need that extra money, we're
 7 already generating this amount locally, let's give
 8 some more money to the poorer school districts. And
 9 in that formula that Andy Manar put together,
 10 Tri-Point would come out ahead because of our low
 11 income count. So we could get more dollars not from
 12 the formula part of it but from the poverty grant
 13 portion of it would generate more dollars.
 14 Now, because there was a lot of suburban
 15 schools that were going to lose a lot of dollars, as
 16 the session has got together this year, they changed
 17 that. They have backed away from some of those.
 18 And even though Tri-Point isn't a very wealthy
 19 district, we would be a loser in this current Senate
 20 Bill 1 which is looking at school funding changes.
 21 So that kind of scares me that we could get even
 22 less money from the state.
 23 Q. And for the wealthy or larger school
 24 districts, actually I don't know how wealthy Prairie

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1 Central is, but larger would also receive --
 2 A. They would see a proportional -- I mean
 3 I'm going to say a proportional change, but some of
 4 it depends on what the local EAV is and the low
 5 poverty count.
 6 Q. Which I do not know. Okay, did that -- do
 7 I know the answer to what you told me? I think so.
 8 A. Okay. I don't know that I answered, but I
 9 tried to.
 10 Q. Thank you.
 11 A. Okay.
 12 Q. The other question I have, you've got
 13 three towns in your Tri-Point: Kempton, Piper City
 14 and Cullom, correct?
 15 A. We actually have more than that.
 16 Q. Thawville.
 17 A. But the original Tri-Point years ago was
 18 Kempton, Cullom and Cabery.
 19 Q. Oh, Cabery not Thawville.
 20 A. And right, Cabery, which is way at the
 21 very north and that's part of where our district
 22 goes into Kankakee County. But then in addition to
 23 that, then when Piper or Ford Central dissolved
 24 years ago, Piper City joined and they didn't

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1 change -- you know, it stayed Tri-Point even though
 2 now there's more than three points in it. And then
 3 the little community of Stelle is in that too. It's
 4 got about 45 houses in it.
 5 Q. Right, right.
 6 A. So really there's kind of five little
 7 communities.
 8 Q. So do you know what the setbacks are from
 9 those villages? Do you have any idea? Like our
 10 village of Forrest is getting half a mile and we're
 11 very populated, which is not good.
 12 CHAIRMAN CORNALE: We're going to need to
 13 make sure we ask him things about school financing,
 14 along those lines.
 15 A. I'm not familiar --
 16 Q. Oh --
 17 A. -- with the setback in Ford County.
 18 Q. -- you did not know that.
 19 A. I'm just not --
 20 Q. I'm sorry, I was wondering that.
 21 A. Okay.
 22 Q. That was my other question.
 23 A. Okay.
 24 MS. SCHROF: Thank you.

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1 A. Thanks.
 2 CHAIRMAN CORNALE: Anybody else from the
 3 audience with questions?
 4 QUESTIONS BY
 5 MR. JOHN SLAGEL:
 6 Q. John Slagel. Do you have existing
 7 turbines in your school district that you get money
 8 from?
 9 A. I do not.
 10 Q. Okay. And you said you have 401 students?
 11 A. It's a little -- it's on any given day 420
 12 some to 430 some.
 13 Q. Okay.
 14 A. You know, I lost a family of five the
 15 other day and it changed my school population by 1
 16 percent, you know.
 17 Q. Right.
 18 A. It's that size and scale.
 19 Q. Okay, so the 35,000 number that you're
 20 talking about, that's the second year increase due
 21 to turbines you're saying?
 22 A. Yes.
 23 Q. And then what's the third year?
 24 A. I didn't figure the third year.

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1 Q. All right. Something less, right?
 2 **A. It would be a little less.**
 3 Q. And up to, say, 18 years it will go down
 4 every year; possibly go up after 18 slightly, right?
 5 **A. You know, I just -- I did not run the**
 6 **numbers out 20 years.**
 7 Q. Okay.
 8 **A. I just wanted to get a general --**
 9 Q. Right.
 10 **A. -- first idea.**
 11 Q. Okay. When you calculated this 35,000
 12 number, did you include the no max funds in your --
 13 when you did the figuring?
 14 **A. What funds?**
 15 Q. A lot of the funds that you can levy, some
 16 of them have maximum caps on how much you can levy.
 17 **A. Oh, I used -- I used the tax rate of 5.17**
 18 **which was our tax rate for last year.**
 19 Q. Okay.
 20 **A. Yes.**
 21 Q. Yes, that means that you did include money
 22 that you're actually not going to get, so your
 23 figure is actually about 40 percent high. If you
 24 stick around tonight, you might find out why that

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1 is, so -- and then it goes down every year so you're
 2 averaging --
 3 **MR. BLAZER:** I'm sorry, was there a
 4 question or --
 5 **CHAIRMAN CORNALE:** Remember, questions,
 6 these are questions, questions of him.
 7 Q. Okay. Do you know what your average
 8 amount will be if you average that 35K over the
 9 lifetime of this project? Not average the 35K, but
 10 did you average the extra income predicted over the
 11 life of the project?
 12 **A. I did not figure over a 20 year life.**
 13 Q. Okay. And this money that you're getting,
 14 how will you use the money to increase student
 15 learning and how will they measure it? Are you
 16 going -- what will you use it for?
 17 **A. Well, I mean obviously we're in a**
 18 **situation like the Prairie Central School District.**
 19 **We're in deficit spending.**
 20 Q. Okay.
 21 **A. We are actually drawing from cash reserves**
 22 **to pay our teachers, buy student supplies, run our**
 23 **school buses up and down the road.**
 24 Q. Right.

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1 **A. And so it's going to be for those things.**
 2 Q. So you're desperate.
 3 **A. Not any more desperate than Prairie**
 4 **Central is, but --**
 5 Q. I would -- I don't think it's there yet,
 6 but -- so if any -- how many -- if a family cannot
 7 sleep at night because of these turbines, we're
 8 going to have over 800 families within a mile and a
 9 half of these turbines --
 10 **MR. BLAZER:** Mr. Chairman.
 11 **CHAIRMAN CORNALE:** All right.
 12 Q. -- is that acceptable?
 13 **CHAIRMAN CORNALE:** School funding
 14 questions. Come on, stick with us on this.
 15 **MR. JOHN SLAGEL:** Okay, that's it.
 16 Thanks.
 17 **CHAIRMAN CORNALE:** Any other questions
 18 from the audience? Anybody else?
 19 **QUESTIONS BY**
 20 **MS. GERWIN:**
 21 Q. Carolyn Gerwin. First of all, you guys
 22 reached a -- as I understand it, your school board
 23 has authorized you to come here and make these
 24 statements?

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1 **A. And they are -- five members are with me**
 2 **tonight.**
 3 Q. Okay. And did you hold a public hearing
 4 with your citizens on this particular topic before
 5 you reached that conclusion?
 6 **A. We did not.**
 7 Q. Were there any members of the public
 8 present when you made that decision?
 9 **A. It was at a school board meeting, so**
 10 **there -- almost always we have some members present.**
 11 Q. And how many were there that night?
 12 **A. You know, we average --**
 13 Q. Less than 50?
 14 **A. Oh, less than 50, absolutely.**
 15 Q. Less than ten?
 16 **A. More than likely.**
 17 Q. Less than five?
 18 **A. No.**
 19 Q. Okay, about five. On the MaRous report
 20 that you saw back in October, how closely did you
 21 read that? If I asked you some questions about it,
 22 would you know the answers?
 23 **A. You know, I would know some general**
 24 **questions about it. I read a little more closely**

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1 **the summary portion of it.**
 2 Q. The executive summary?
 3 **A. The methodology, I didn't really**
 4 **understand what a JEDI piece meant, but I remembered**
 5 **that that was part of his methodology, but I didn't**
 6 **really know what that meant.**
 7 Q. Uh-huh, okay. And -- but you gleaned from
 8 it that there was a conclusion that, generally
 9 speaking, there was no decrease in EAV due to wind
 10 farms if I understood your testimony correctly?
 11 **A. That was my take on the article.**
 12 Q. Okay. So under the formula currently
 13 under discussion in Springfield, the numbers that
 14 you came up with are related to the current funding
 15 regime, correct?
 16 **A. Yes, the current formula that's in place**
 17 **as of today.**
 18 Q. And did you run the numbers with any of
 19 the other suggested --
 20 **A. I don't have access to those formulas.**
 21 **They've not been released publicly.**
 22 Q. Okay. And do you think that your position
 23 or the position of your board would change if you
 24 thought that some children's health were affected?

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1 **MR. BLAZER:** Objection.
 2 **AUDIENCE VOICE:** It's a question.
 3 **MR. JOHN SLAGEL:** We can't talk about the
 4 truth then.
 5 **BY MS. GERWIN:**
 6 Q. Well, they made a policy decision it
 7 sounds like, and what I'm trying to understand is
 8 did they consider any other factors or was it purely
 9 financial? Was it purely financial?
 10 **A. I can't answer what went through the minds**
 11 **of seven different board members.**
 12 Q. In your mind, was it purely financial?
 13 **A. I actually am going to be living within a**
 14 **few -- within, I don't know, whatever the setback is**
 15 **on wind turbines. I'm going to have within the**
 16 **township that I live 88 wind turbines. You know, I**
 17 **grew up with a country windmill at home. Didn't**
 18 **bother me then. You know, it's out there creaking**
 19 **and pumping water day and night, you know, so -- my**
 20 **mother grew up next to a factory that used drop**
 21 **hammers. When she first moved to the farm, she**
 22 **couldn't sleep because it was too quiet. Everybody**
 23 **has things they're used to and --**
 24 Q. How can we --

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1 **A. -- things change.**
 2 Q. Have you studied other factors?
 3 **A. I have not.**
 4 **MS. GERWIN:** Thank you.
 5 **CHAIRMAN CORNALE:** Anybody else from the
 6 audience with questions? All right. Do we have any
 7 other -- I just had one. You did make -- you did
 8 allude to this and I just want to --
 9 **A. Sure.**
 10 **CHAIRMAN CORNALE:** -- want to make sure.
 11 You said you spoke at a board meeting. Because this
 12 question will come up, it's going in somebody's mind
 13 right now, was it on the agenda? Was it an agenda
 14 item at a board meeting?
 15 **A. Yes.**
 16 **CHAIRMAN CORNALE:** It was.
 17 **A. Yes, as a discussion item. Yes.**
 18 **CHAIRMAN CORNALE:** Okay, all right.
 19 County staff? County counsel? Thank you.
 20 **A. Thank you.**
 21 **CHAIRMAN CORNALE:** All right. Next on my
 22 list is John Dassow.
 23 **MS. DASSOW:** It's Dassow.
 24 **CHAIRMAN CORNALE:** Dassow, John Dassow.

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1 Mr. Dassow, let me just ask you this. It's 7:25.
 2 If I stop you and put a break in your presentation,
 3 would you be upset or would you rather take a break
 4 now and just go right through?
 5 **MR. DASSOW:** Rather do it now and go right
 6 through.
 7 **CHAIRMAN CORNALE:** You want to do that?
 8 **MR. DASSOW:** I can probably do it quicker
 9 that way.
 10 **CHAIRMAN CORNALE:** All right, so let's
 11 take -- let's take ten minutes. We've got 7:24.
 12 Let's get rolling again at 7:34.
 13 (Recess at 7:24 p.m. to 7:35 p.m.)
 14 **CHAIRMAN CORNALE:** All right, if we can go
 15 ahead and head back to our seats and get going
 16 again. All right, Mr. Dassow, would you please be
 17 sworn in?
 18 (Mr. John Dassow was duly sworn.)
 19 **CHAIRMAN CORNALE:** All right. Please
 20 state your name and address for our court reporter
 21 and then you may begin.
 22 **MR. DASSOW:** John Dassow, 30155 East 1100
 23 North Road. I'm here tonight on behalf of myself as
 24 well as several landowners and other private

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1 citizens that I work with concerning wildlife. And
 2 I'm here to talk to you about some of the concerns
 3 we have and the related land use with that.
 4 I was raised in southeastern Livingston
 5 County on a farm. From a very young age, I was
 6 instilled with a conservation ethic and a respect
 7 for the land, and I was taught that that was very
 8 important if we were going to pass on this land to
 9 future generations and it was to be profitable and
 10 sustainable.
 11 So from there, I went to Southern Illinois
 12 University where I obtained my bachelor of science
 13 and master of science degree in zoology. You can
 14 see a few of my, I guess, credentials listed here, a
 15 few publications and professional presentations just
 16 to give you a little bit of background on me.
 17 I worked with wildlife for over six years
 18 before my wife and I had the opportunity to move
 19 back to the farm, which was one of the things that
 20 we always wanted to do. I still continue to this
 21 day to work with many private landowners on wildlife
 22 habitat and various other projects. I currently
 23 manage or consult on over 1300 acres. That number
 24 is probably closer to 1500 now and seems like it's

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1 growing every day. We're extremely concerned about
 2 the possible effects that this may have on the
 3 wildlife and the resulting change in the land use
 4 that that may take care of.
 5 After reviewing the evidence and the --
 6 and additional literature review, I still believe
 7 our concerns are warranted. Why we have these
 8 concerns. I want to go over some of the overview of
 9 the -- a little bit of the evidence that was
 10 presented by the applicant and why there may be some
 11 limitations to the surveys and counts used and a few
 12 of the other things that was presented, go over a
 13 little bit of foundation that they laid with the
 14 literature they presented and included in their
 15 report, go over, just touch briefly on a couple of
 16 the IDNR recommendations that we haven't talked
 17 about yet, and then talk about whether this project
 18 is in compliance with the standards for the special
 19 use, which is what we're here for. This is a
 20 special use permit.
 21 So why do we still have these concerns?
 22 As I alluded to, there's not much scientific
 23 evidence that has been presented in this area to
 24 alleviate these concerns. There was a lot of

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1 paperwork that I waded through, but I didn't come up
 2 with that much as far as evidence on how this would
 3 not be detrimental or even no effect on wildlife.
 4 I'm going to specifically talk -- focus on the avian
 5 report, which is Pleasant Ridge Exhibit 103, talk
 6 about the methods and the two metrics that they
 7 measure, which is species richness and bird use, and
 8 some of the results within that.
 9 So something about the methodology that
 10 stuck out right away was that the points were not
 11 random that they sampled, and when you're designing
 12 a scientific study that has the ability to be
 13 randomized, that is the number one most important
 14 thing that you need to do is to randomize your
 15 points to your selection. If you don't do this, it
 16 creates a bias. It's not conscious, you're not
 17 doing it on purpose, but that's what -- that's what
 18 comes out of it.
 19 So if you don't select your points
 20 randomly -- and this is out of their report. They
 21 selected it for relatively even coverage of the area
 22 and surveyed representative habitats. Like I said,
 23 you don't consciously select for certain habitats,
 24 but if you don't randomly select your points, in

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1 reality you are selecting for certain attributes.
 2 And then along with that, at these points when they
 3 did the bird surveys, they collected numerous other
 4 variables, which I'll come back to that.
 5 So let's start with the seasonal timing of
 6 the counts. They did the counts in the spring, fall
 7 and winter, stating that these are seasons of high
 8 bird use. I question whether winter is a season of
 9 high bird use in central Illinois, but if you're
 10 going to include winter, why don't you include
 11 summer? And I would argue that maybe summer might
 12 be more important as this includes the assembly of
 13 birds that nest and breed here as well as raise
 14 their young. And they state multiple times in that
 15 report that there is available nesting habitat.
 16 Even though we are in an agricultural area, there's
 17 still nesting habitat available. It seems like a
 18 flaw to leave out these breeding and nesting birds
 19 when you're talking about establishing a baseline
 20 which was the whole point of this study was to
 21 establish a baseline and find out what is in the
 22 area.
 23 So we talked a little bit about the
 24 nesting birds. Surveys were not conducted in the

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1 summer due to the preponderance of tilled
 2 agriculture, and Mr. VanDeWalle stated birds don't
 3 nest -- just don't nest in crop fields. Well, that
 4 is not the truth. It's well-accepted in scientific
 5 literature that many species of upland nesting birds
 6 nest in crop fields, and these can range from some
 7 of our upland game birds, such as the pheasant, to
 8 the northern bobwhite quail to many species of
 9 waterfowl and even some plover birds. You see a
 10 picture of a nest here. This is an endangered
 11 upland sandpiper nest in one of our crop fields, so
 12 that's a -- that's one of birds that do nest in crop
 13 fields. In fact, there's many acres of no-till
 14 crops which were not separated out from the tilled
 15 acres, and these no-till crops actually provide
 16 somewhat suitable habitat for nesting birds as well.
 17 In fact, Ward and his colleagues found that there
 18 was almost four times as many species and nine times
 19 as many nests in no-till fields compared to tilled
 20 fields, so there is that opportunity for nesting
 21 habitat. And with the ever expanding use of cover
 22 crops as well, this provides even more additional
 23 suitable habitat for these nesting birds.
 24 So let's get back to the two things that

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1 they measured and how they measured them. Like I
 2 said, the two things they measured was species
 3 richness and bird use. What they used to measure
 4 them is called an index. So what is an index? An
 5 index is just a simple estimator of abundance. It's
 6 not a population estimate, it's not an overall
 7 abundance estimate, it's a simple abundance
 8 estimator, and it's used to track changes over time
 9 at certain points throughout the area. It is not
 10 used to be compared between sites or between
 11 regions.
 12 So if we take a look here at species
 13 richness, so what that means is it's just simply the
 14 number of species, different species that they found
 15 throughout the surveys. If we take a look here at
 16 the summary of the species richness findings and we
 17 look at the unique species category, that's the
 18 individual species they found. So they found 59
 19 different species in the spring.
 20 If we notice, this goes down as we move
 21 down the chart as well as so do surveys conducted
 22 and number of visits conducted. That they claim
 23 that this was due to spring, fall and winter being
 24 -- that the variation in the species richness was

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1 due to the seasons, but if we look at this, we see
 2 declining number of visits, we see declining number
 3 of surveys. So, to me, it looks like it might be
 4 possible that it's just basically based on the fact
 5 that as the number of times we survey goes down, the
 6 number of birds we find goes down.
 7 So that -- and there's ways to account for
 8 that and that's what I want to talk about here. You
 9 could have simply controlled this variation that you
 10 may find by simply having the same number of visits
 11 or surveys when you -- per season. So have nine
 12 visits or nine surveys through all the seasons and
 13 that accounts for that variation, and there would be
 14 no question on what the variability is due to. Also
 15 you could have ran a simple statistical test and
 16 that would have told you whether season was the
 17 reason, was it survey number, was it -- was it the
 18 visit number? Which one accounted for the
 19 variation?
 20 So then we move into why there's -- maybe
 21 they had an underestimation due to this, and that
 22 has to do with detection probability. And detection
 23 probability is just the probability that you will
 24 detect every individual that is out there in that

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1 survey area. And there's two places for error here.
 2 The first one is available, was that bird available,
 3 did it call or was it available to see, and if it
 4 was available, did the observer see it? And this
 5 can vary by -- it can vary by species, habitat,
 6 observer, weather, a whole host of other factors.
 7 So if you were to go out and do a bird
 8 survey, I would ask you this question: Do you think
 9 that you would spot every bird within 100 meters --
 10 either by sight or by sound, every small bird within
 11 100 meters or every large bird within 800 meters of
 12 you? And that's what they did. And that's the
 13 point I'm trying to make is the detection
 14 probability, you need to account for that in your
 15 analysis or your results. Otherwise, you have a
 16 severe underestimation of what's possibly out there.
 17 So Burnham said using just the count of
 18 birds detected as an index of abundance is neither
 19 scientifically sound or reliable. It is necessary
 20 to adjust the counts for the detection probability.
 21 And Rosenstock even goes a little bit further and
 22 says the overwhelming reliance on index counts in
 23 recent avian studies is a matter of great concern
 24 and index counts should not be expected to provide

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1 reliable info or a valid basis for inference. I'm
 2 not sure I would go that far to say that there's no
 3 use for it, they do have their place, but you have
 4 to outline your limitations and understand how
 5 you're using them.
 6 So let's go into a little bit of the
 7 results that they found in the analysis or lack
 8 therefore of them. They reported a simple
 9 proportion for bird use, so how many birds per 20
 10 minute survey they found per species. After
 11 thumbing through the literature and with my
 12 experience, I struggled to find anywhere where this
 13 was in line with any kind of -- the way this data
 14 was reported was in line with any kind of other
 15 peer-reviewed scientific literature. There also --
 16 like I said before, there's no statistical test to
 17 adjust for detection probabilities or include other
 18 variables such as habitat, which everybody in this
 19 room knows bird abundance varies by habitat, so you
 20 should include some kind of test to include that in
 21 there.
 22 And like I said before, indices should not
 23 be used to compare between sites. They are used to
 24 compare across time at the same site. And

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1 throughout this report, they go back to Pleasant
 2 Ridge Wind Farm and wind farms all over the Midwest
 3 where they're comparing these numbers when that's
 4 not -- that's not what an indice is used for.
 5 So another thing they had in their
 6 results, which I thought was interesting, is if we
 7 take a look at this, I got the raptors outlined
 8 here, and these are just incidental observations,
 9 which is basically observations or birds that they
 10 seen when they were not doing the survey, so if they
 11 were driving around from point to point or whatever.
 12 And you notice they found 100 individual raptors
 13 during the surveys, and outside of the surveys, they
 14 found 77 raptors. So they almost found as many
 15 raptors outside of the surveys as they did within
 16 the surveys. So this leads me to think that maybe
 17 there might be an underestimation like I was
 18 suggesting.
 19 Another important raptor that they
 20 neglected to survey was owls and they're a very
 21 important raptor in the area. Most owls are
 22 nocturnal or they are crepuscular, which means
 23 they're active during low light times of the day,
 24 early in the morning or late at night. It's

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1 inappropriate -- in the analysis, they included --
 2 they included owls in their bird use. It's
 3 inappropriate to include a species in your analysis
 4 that does not fit the methods that you used.
 5 One claim that I found interesting was no
 6 flocks of birds, no large flocks of birds. I
 7 thought that was pretty interesting. Millions of
 8 birds migrate through Illinois. They reported
 9 several of those flocks during the American golden
 10 plover surveys. This picture right here, I don't
 11 know if you can see it, but that's definitely I
 12 think I would consider large flocks of birds, and
 13 that's in the southeastern part of the county near
 14 one of our farms and it looks like that quite often.
 15 But this -- this graph up here shows
 16 pictures of band recoveries, which is what waterfowl
 17 biologists use to track migration. So as you can
 18 see, the red areas are high incidences of band
 19 recovery. So we see right here to the north there's
 20 a really red area; right here to the south there's a
 21 really red area. So what does that mean? Birds
 22 move south in the fall, correct, so they move right
 23 through this area. So there's a lot of birds
 24 migrating through this area, and I thought it was

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1 kind of interesting that they said, you know, that
 2 there was no large flocks of birds. I know they
 3 didn't see any in their surveys, but that doesn't
 4 mean that you -- you can, you know, put that in
 5 there.
 6 This, again, is pictures of some rare
 7 birds, some whooping cranes outside of Fairbury.
 8 All of the rest of these are on our farm in the
 9 southeastern part of the county. You can see for
 10 yourself. There's some whooping crane pictures I
 11 took next to our farm just about three weeks ago.
 12 So there are many and rare birds that come through
 13 this area, much more than people who aren't out
 14 every day looking at them don't really realize until
 15 you start to look for them.
 16 Something else I wanted to cover was the
 17 raptor nest surveys just briefly. They found two in
 18 2009, two in 2014. I know of two additional ones in
 19 2014. That doesn't mean this study was flawed in
 20 this area. I just wanted to point out that the
 21 detection probability, just because they didn't find
 22 it doesn't mean it wasn't there.
 23 And now I also wanted to point out,
 24 probably the most important thing is this last

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1 point. There are two species of state endangered
 2 raptors that nest on the ground, and obviously these
 3 species were not taken into account during these
 4 surveys. These surveys were done for tree nesting
 5 birds only. They are the northern harrier, which
 6 was found quite a bit in the surveys in a lot of the
 7 incidental observations as well, and the short-eared
 8 owl. Both of them nest on the ground.
 9 So let's go back to what I call the
 10 foundation for this report, or when I was writing
 11 scientific papers, this is what I call the
 12 foundation. It's the background, it's the
 13 literature that you research, and you build a report
 14 or a paper based on this research. Within this
 15 report, there is 87 pieces of literature cited. Of
 16 them, only 25 of them would be considered fair to
 17 use. Eight of them relate to the general biology or
 18 ecology of the birds or outlining some of the
 19 methods and why they used them. Seven are
 20 presentations or theses related to wind energy and
 21 birds. And only ten of them relate to wind energy
 22 and birds and are published in peer-reviewed
 23 scientific journals. Eleven of the literature cited
 24 items are websites or documents that just general

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1 information come from.
 2 And the part that was most alarming to me
 3 was 52 are similar reports by private companies,
 4 mostly for the use by wind energy and governmental
 5 agencies and other agencies. These are not
 6 peer-reviewed, they're not published, they're not
 7 generally released to the public, except in this
 8 case some of them can get out. And Mr. VanDeWalle
 9 has even stated that he was not given all this
 10 information by the applicant in the data. And why
 11 is that concerning is because nobody else has really
 12 looked over these or went over them to see what's in
 13 them or how they're conducted, and so it's just --
 14 it concerns me I guess.
 15 Here's a general overview of those ten
 16 studies that I said were in peer-reviewed journals
 17 based on birds and wind turbines, and I'm not going
 18 to go through them here. You can read them if you
 19 want or you can get a copy of it. But most of
 20 them -- all of them suggest more research is needed,
 21 which is always a red flag to me that we don't know
 22 enough yet to make that determination on what the
 23 real effect is.
 24 All of -- not all of them, a fair amount

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1 of them suggest that there is some effect on birds.
 2 Whether that effect is significant or not
 3 significant, that is the question, but there is some
 4 effect out of a lot of them here.
 5 I would like -- like I said, briefly I'm
 6 going to cover a couple IDNR recommendations here.
 7 I wanted to point out that I think -- I mean I would
 8 say most people think that the IDNR is a group of
 9 well-educated and trained professionals here, and I
 10 think the disregard shown for many of the
 11 recommendations kind of worries me from a wildlife
 12 standpoint.
 13 The first one I want to point out is the
 14 fall curtailment period, recommendation number five.
 15 The IDNR proposed three full months including
 16 October. The applicant proposes October 7th. So
 17 there's a 26 percent decrease in the amount of time
 18 that they are willing to curtail the wind turbines.
 19 So then we move onto why might this be
 20 important. Well, this is a study out of the Journal
 21 of Science. It was done in 2011 by Boyles. It
 22 suggested that bats in Livingston County provide
 23 ecological services that amount to upwards of \$43
 24 million annually, so I thought that was an

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1 interesting thing right there. And that's Exhibit
 2 No. 2 she's passing out here.
 3 Recommendation number seven I'd like to
 4 talk about briefly. It's about obtaining incidental
 5 take permits for the Northern long-eared bat, and
 6 the applicant believed that this was not necessary,
 7 but the state recommended that they obtain a state
 8 permit, which was pretty interesting to me that they
 9 didn't think it was necessary if the state agency
 10 wanted them to obtain a state permit.
 11 But that kind of comes to my Exhibit No. 3
 12 there, which a few of you have in front of you
 13 there. Invenergy was taken to court in West
 14 Virginia a few years back over something very
 15 similar to this, and the judge ruled that due to the
 16 lack of surveys that were recommended by the Fish
 17 and Wildlife Service, they -- that would have
 18 discovered the endangered Indiana bat, they had to
 19 stop construction until they obtained this
 20 incidental take permit, and they also limited the
 21 hours and duration of operation for that wind farm.
 22 Just briefly, the aquatic studies 12
 23 through 15. Just because Mr. VanDeWalle said that
 24 there was no research, and I don't disagree with him

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1 at all, but that doesn't mean that there's no effect
 2 on the fish and the aquatic organisms, and that
 3 means maybe that we should be doing some research to
 4 find out if there is. Beginning research is often
 5 based on anecdotal findings, and maybe that's a step
 6 in the right direction. To me, as an entity
 7 exploiting the resource, they should be the first
 8 ones and the leader in research to ensure that
 9 there's no harmful -- it's not harmful in any way.

10 So now I'll wrap up here with why I
 11 believe this is not in compliance with the Standards
 12 for Special Use. I'll go over number one, which is
 13 the Comprehensive Plan, and then number five, I
 14 believe this -- well, there's no question this will
 15 be injurious to the use and enjoyment or reduce the
 16 value of neighboring properties when it comes to
 17 wildlife and the land use associated with that.

18 In some cases, if this does -- I'm not
 19 saying it is going to affect the wildlife or it
 20 isn't, but if it does affect the wildlife, some of
 21 these properties may essentially become worthless to
 22 those landowners who use them for those purposes.

23 So then we go back to the Comprehensive
 24 Plan here. We are looking at Section 1.2.6. One

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1 word, open space, there. I mean there's multiple
 2 points down below. We need to encourage the
 3 preservation of open space, which this does not for
 4 sure.

5 Then we go to 1.2.7, environmental and
 6 natural resource goals, supporting USDA and State of
 7 Illinois Conservation Reserve Enhancement Programs,
 8 which are easement programs. You're not going to
 9 see any easements when these guys already have
 10 easements on all this property, so you're no longer
 11 promoting those programs. Preserving and adding
 12 open space, again under natural resources.
 13 Providing incentives to encourage private landowners
 14 to reduce flood losses, preserve farmland, conserve
 15 wildlife habitat and expand recreational areas.

16 And you've seen this before, I think it
 17 was in Mr. Boomgarden's presentation, but it's the
 18 foreword to the Livingston County Comprehensive
 19 Plan. I thought it was a good way to end up my
 20 presentation today. Although we have a strong
 21 tradition of private property rights in this
 22 country, in -- yeah, in this country, we also
 23 recognize that there must be limits to the use of an
 24 individual piece of property. Locating a heavy

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1 industry or racetrack or a slaughterhouse in a
 2 residential area or anywhere else could damage the
 3 quality of life of those who live there. And that
 4 is truly what I believe may happen if this project
 5 goes through.

6 I thank you for your time and I appreciate
 7 all your guys' hard work. I know it's been a long
 8 process, so I appreciate it. And if anybody has any
 9 questions, I know that was pretty quick.

10 **CHAIRMAN CORNALE:** Thank you, Mr. Dassow.
 11 We don't have any questions at this moment. Mr.
 12 Blazer, do you have any questions?

13 **MR. BLAZER:** I will, sir.
 14 **CHAIRMAN CORNALE:** Okay.
 15 **MR. BLAZER:** Thank you.

16 **QUESTIONS BY**
 17 **MR. BLAZER:**

18 Q. Mr. Dassow, have you ever testified as an
 19 expert witness on wildlife impacts from wind
 20 turbines?
 21 **A. No, sir.**

22 Q. Have you ever been qualified as an expert
 23 witness on wildlife impacts from wind turbines?
 24 **A. I certainly have an education and**

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1 **background, and I -- I would leave that up to the**
 2 **person who's qualifying people as experts.**

3 Q. Okay, let me try it this way. Have you
 4 ever been involved in any proceeding like this?
 5 **A. No, No, sir.**

6 Q. Okay. You mentioned a few species, three
 7 of them I think. You mentioned the upland
 8 sandpiper.
 9 **A. Correct.**

10 Q. I didn't -- you have reviewed the IDNR
 11 consultation letter?
 12 **A. That's correct.**

13 Q. And that's Pleasant Ridge Exhibit 110?
 14 **A. Yes, sir.**

15 Q. Okay, so I assume you're aware that IDNR
 16 in its consultation letter concluded that the
 17 proposed action, this project, is unlikely to
 18 adversely affect the essential habitat of the upland
 19 sandpiper?
 20 **A. I did read the IDNR paper, yes.**

21 Q. And then you mentioned the northern
 22 harrier?
 23 **A. Yes, sir.**

24 Q. And I assume you're aware that it's IDNR's

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1 opinion that, absent documentation of any breeding
 2 sites within the project area, the project cannot be
 3 said to adversely affect essential habitat for the
 4 northern harrier?
 5 **A. I -- it has been identified in the county.**
 6 **I don't know if it's been identified in that**
 7 **specific area.**
 8 Q. But you are aware that --
 9 **A. Yes, I'm aware that that's what that says,**
 10 **yes.**
 11 Q. Okay. And then you mentioned short-eared
 12 owls?
 13 **A. Yes, sir.**
 14 Q. And staying with IDNR's consultation
 15 letter, Pleasant Ridge 110, you recall that Mr.
 16 Shank, S-H-A-N-K, from IDNR in the context of the
 17 short-eared owl discusses something called the
 18 Sibley State Habitat Area?
 19 **A. Yes, sir.**
 20 Q. Okay. And he said Pleasant Ridge wind
 21 turbines -- are you aware that Mr. Shank on behalf
 22 of the IDNR said Pleasant Ridge wind turbines will
 23 be visible from Sibley State Habitat Area. However,
 24 Ford County has authorized a wind farm whose

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1 turbines when built will be directly adjacent to
 2 that area. Any adverse effects experienced in that
 3 area will be attributed to those machines. Are you
 4 aware that that's IDNR's position?
 5 **A. Yeah, I don't remember reading that**
 6 **specifically, but I don't doubt --**
 7 Q. It's on page 19, okay. You're familiar
 8 with the U.S. Fish and Wildlife Service?
 9 **A. Correct.**
 10 Q. Have you ever worked with them or for
 11 them?
 12 **A. Yes. In conjunction with them, yes.**
 13 Q. In what context?
 14 **A. Through wildlife habitat projects in**
 15 **multiple states.**
 16 Q. All right. And what is the role of the
 17 U.S. Fish and Wildlife Service?
 18 **A. To preserve our wildlife resources.**
 19 Q. All right. And they manage and enforce
 20 the federal Endangered Species Act and the Migratory
 21 Bird Treaty Act, correct?
 22 **A. Correct.**
 23 Q. Okay. Do you know what a Fish and
 24 Wildlife Service technical assistance letter is?

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1 **A. Yes.**
 2 Q. Could you describe your understanding of
 3 what that is?
 4 **A. It was their letter giving okay to the**
 5 **project, basically that they thought it was all**
 6 **right.**
 7 Q. I mean generally do you know -- we'll get
 8 to their letter.
 9 **A. I mean this is the first time I've seen**
 10 **that.**
 11 Q. Okay, so you've never seen a technical
 12 assistance letter issued by the Fish and Wildlife
 13 Service?
 14 **A. Not for something like this, no.**
 15 Q. All right. Have you seen one in any other
 16 context?
 17 **A. No, I guess not, no.**
 18 Q. Okay. Have you reviewed that letter,
 19 Pleasant Ridge Exhibit 109?
 20 **A. Yeah, I briefly looked over it.**
 21 Q. Okay. So you're aware of the Fish and
 22 Wildlife Service's recommendations with respect to
 23 this project?
 24 **A. Yes, sir.**

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1 Q. Including their recommendations with
 2 respect to curtailment of turbines?
 3 **A. Yes, sir.**
 4 Q. All right. Do you disagree with the Fish
 5 and Wildlife Service's recommendations for this
 6 project?
 7 **A. I don't necessarily disagree, but I know**
 8 **the Fish and Wildlife Service is strapped right now,**
 9 **and there's a lot of things that they push through.**
 10 **And I mean it is a state -- what I was talking about**
 11 **was it's a state agency suggesting they get a state**
 12 **take permit not a federal permit.**
 13 Q. Well, that's -- all I'm asking is are
 14 you --
 15 **A. No, I don't -- no, I don't disagree with**
 16 **that's what they said, no.**
 17 Q. And are you suggesting that the Fish and
 18 Wildlife Service division for Illinois didn't give
 19 this project appropriate attention when they
 20 issued --
 21 **A. No, that's not what I'm suggesting at all.**
 22 Q. Okay. You mentioned the IDNR's discussion
 23 regarding aquatic organisms?
 24 **A. Yes, sir.**

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1 Q. How much research have you done with
 2 respect to aquatic organisms?
 3 A. **Not a whole lot, but like I said, Mr.**
 4 **VanDeWalle said there's no research, and I looked**
 5 **around myself and couldn't find little to nothing on**
 6 **it as well.**
 7 Q. And then you mentioned -- where is it? --
 8 Beech Ridge project in West Virginia which is your
 9 Exhibit No. 3 --
 10 A. **Yes, sir.**
 11 Q. -- correct? Now, this is from December of
 12 2009, right?
 13 A. **Correct.**
 14 Q. Okay, so a little over five years ago.
 15 A. **Yes.**
 16 Q. Do you know what the ultimate resolution
 17 of this matter was?
 18 A. **I know that they -- like I said, that they**
 19 **required them to stop. They got the permit, they**
 20 **continued building, and that they had to curtail or**
 21 **turn off the turbines at certain times of the day**
 22 **and certain seasons. That's all I know.**
 23 Q. All right.
 24 A. **Beyond that, it was hard to find**

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1 **additional information.**
 2 Q. So you are aware that the project
 3 ultimately was built and today is operational?
 4 A. **Oh, yeah, it's running, yeah.**
 5 Q. Okay. And I get the sense you are aware
 6 that Invenergy and the U.S. Fish and Wildlife
 7 Service cooperated with respect to both the
 8 technical assistance letter and the --
 9 A. **Yeah, because they had to get the**
 10 **incidental take permit, of course.**
 11 Q. Right, so they worked with the Fish and
 12 Wildlife Service to resolve the issues that were
 13 raised in that case in 2009, correct?
 14 A. **Right, but my point was that they were**
 15 **recommended to do this study that they didn't do,**
 16 **and then they were forced to shut down to do this**
 17 **study and --**
 18 Q. Right.
 19 A. **-- get the permit. That's, yes, I don't**
 20 **dis -- I -- yeah.**
 21 Q. And in this case, have you seen anything
 22 from the Fish and Wildlife Service indicating that
 23 they recommended that Invenergy do something that
 24 they haven't done?

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1 A. **No. No, sir.**
 2 **MR. BLAZER:** That's all I have.
 3 **CHAIRMAN CORNALE:** Thank you. I forgot
 4 units of local government or school districts as I
 5 was going through. No? Okay.
 6 **MR. BLAZER:** I wasn't going to miss the
 7 opportunity.
 8 **CHAIRMAN CORNALE:** All right. Anybody in
 9 the audience with questions?
 10 **QUESTIONS BY**
 11 **MS. SEVERSON:**
 12 Q. Hi, Amber Severson. I believe that in
 13 part of your presentation you were talking about
 14 some of the IDNR suggestions for this project, and
 15 one of them was asking them to -- asking Invenergy
 16 to get take permits.
 17 A. **Correct.**
 18 Q. And I believe that during Invenergy's
 19 testimony they said they didn't see a need to get
 20 take permits?
 21 A. **And that's exactly what I was talking**
 22 **about. What Mr. Blazer was alluding to, that**
 23 **recommendation number 7 I think it was, that the**
 24 **state wanted them to get a state endangered**

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1 **incidental take permit. The Fish and Wildlife**
 2 **Service said they didn't believe that was necessary,**
 3 **but I see it as if a state agency who manages our**
 4 **state wildlife suggests that you should do that,**
 5 **maybe that's a good idea, just to get a --**
 6 Q. So they didn't say they had to get one,
 7 but they made a suggestion that they should get one?
 8 A. **Yes, correct, they -- yeah, they're**
 9 **recommendations, they're not --**
 10 Q. With your background, could you explain
 11 what a take permit actually means?
 12 A. **It just gives them -- so under the**
 13 **Endangered Species Act, it's illegal to take or to**
 14 **hold an endangered bird. It just gives them the**
 15 **ability, there's -- they give these incidental take**
 16 **permits out to allow them to take, what they call**
 17 **it, or harvest or, you know, kill a bird, whatever,**
 18 **they give them out so that they cannot be prosecuted**
 19 **under the Endangered Species Act basically is the**
 20 **gist of it.**
 21 Q. So what you're saying is a turbine, if it
 22 kills a bird, they -- under the law, they can't be
 23 prosecuted, so --
 24 A. **I don't know the legalities of it, but**

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1 **that's basically that they're okaying us to take or**
 2 **okaying the applicant to take an endangered species**
 3 **or kill an endangered species.**
 4 Q. So if we don't build 136 turbines in our
 5 habitat here, we won't be killing or taking any
 6 endangered species.
 7 **A. Correct, yes.**
 8 Q. Won't be.
 9 **MS. SEVERSON:** Okay, that's all.
 10 **CHAIRMAN CORNALE:** Any other questions
 11 from the audience? Anybody else?
 12 **QUESTIONS BY**
 13 **MS. GERWIN:**
 14 Q. Carolyn Gerwin. Your testimony was that
 15 the efficacy of the review would depend on
 16 availability and detection, correct?
 17 **A. I'm suggesting that due to no adjustments,**
 18 **due to detection probabilities, that their**
 19 **underestimation of bird use and species richness are**
 20 **underestimated.**
 21 Q. So for the detection part of it, that
 22 relates to the expertise of the observer?
 23 **A. Partially. That's one of the factors.**
 24 **It's just the ability -- the ability of the observer**

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1 **to -- it's just not physically possible to detect**
 2 **every bird in that 100 meter, or 800 meter for large**
 3 **birds, that it's just impossible to detect that. So**
 4 **studies have come up with ways to adjust statistical**
 5 **tests to, you know, to take care of that so that you**
 6 **come up with a better estimate in other words.**
 7 Q. How does a person qualify to do these
 8 studies? Is there like a bar exam for bird
 9 counting?
 10 **A. No, anybody can do -- I mean you have to**
 11 **go through an interview process essentially like**
 12 **everybody else, but essentially if one of you wanted**
 13 **to do it and they thought you were qualified, you**
 14 **could do it.**
 15 Q. What if you don't know the difference
 16 between a --
 17 **A. Well, you have to be able to identify your**
 18 **birds by sight and by sound, mostly by sound, so you**
 19 **could see where the error comes in.**
 20 Q. Well, if I brought some of my city friends
 21 down here, they would be like there's a brown bird,
 22 there's a white bird. So how do you qualify someone
 23 to make these -- to do these studies? And my
 24 follow-up question is were the people who did these

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1 studies actually qualified in your opinion?
 2 **A. You're qualified to do these studies based**
 3 **on your education and your experience. So I went**
 4 **six years of school and studied wildlife and I spent**
 5 **over six years in the wildlife field and -- all over**
 6 **this country and in Canada. That qualified me to do**
 7 **one. But, you know, it's the education and**
 8 **experience just like anything else. And I really**
 9 **can't comment to the -- I don't know who did this --**
 10 **well, I mean I know the names, but I don't know who**
 11 **they are and I don't know the qualifications of**
 12 **them.**
 13 Q. Okay, that was my question, whether you
 14 had reviewed their actual qualifications.
 15 **A. No, I don't know them personally, no.**
 16 **MS. GERWIN:** Okay, thank you.
 17 **CHAIRMAN CORNALE:** Any other questions
 18 from the audience? Anybody else? County staff?
 19 County counsel? Thank you, Mr. Dassow.
 20 **MR. DASSOW:** Thank you.
 21 **CHAIRMAN CORNALE:** All right, next on my
 22 list I have Lori Schahrer.
 23 **MS. SCHAHRER:** Schahrer.
 24 **CHAIRMAN CORNALE:** Schahrer.

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1 **MS. SCHAHRER:** I'm going to share a book
 2 with you. Just Schahrer.
 3 **CHAIRMAN CORNALE:** Lori Schahrer. I'm
 4 just screwing up names tonight, sorry.
 5 **MS. SCHAHRER:** That's all right.
 6 **CHAIRMAN CORNALE:** Ms. Schahrer, could you
 7 please raise your right hand?
 8 (Ms. Lori Schahrer was duly sworn.)
 9 **CHAIRMAN CORNALE:** All right, please state
 10 your name and address for our court reporter, and
 11 then you can begin as soon as you are ready.
 12 **MS. SCHAHRER:** Okay, Lori Schahrer, 10185
 13 North 2000 East Road, Fairbury. People create their
 14 own story. Each person's story has a past, a
 15 present and a future. We may be in different places
 16 in our story, but we have an opportunity each day to
 17 write part of our story.
 18 My story in this community began a little
 19 over 11 years ago when I met my husband. Mark was
 20 raised here and we wanted to build a house in the
 21 country. I was unsure of the idea at first. I had
 22 never lived in the country. I grew up in a really
 23 small town but still not the country. I thought it
 24 might be too quiet and lonely, but I thought I could

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1 give it a try, so we decided to purchase five acres
 2 from Mark's parents. We built our home and I love
 3 living in the country. It is very quiet, very
 4 relaxing and very peaceful and not lonely at all.
 5 Our story continues as we have two boys,
 6 Jack eight and Tony seven, and our dog Lucy. They
 7 also love living in the country. They love a great
 8 big yard to play in. We want our children to
 9 continue to enjoy the peace and quiet. As we think
 10 about writing our future, we would like to include
 11 constructing and building on our property and making
 12 changes to our home. However, now that we know a
 13 wind farm might be constructed, we have put those
 14 plans on hold. We have even thrown the idea of
 15 moving in the mix of options. Our story will
 16 continue to develop as time goes on with some
 17 unexpected details and some planned details.
 18 Just as each person has a story, each
 19 community also has a story. The story of our
 20 community has a rich past that our ancestors worked
 21 hard to develop. The community's a sum of many
 22 parts: the people, the land, the values, the
 23 morals, customs, traditions and rituals. In our
 24 community, there is a strong sense of pride and

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1 respect. People may not always agree with each
 2 other, but they are willing to listen. It is the
 3 place where people have worked hard to write their
 4 individual stories by creating homes, by building
 5 relationships with their neighbors and other
 6 community members.
 7 The people of this community also
 8 contribute to the overall well-being by
 9 volunteering, donating money, and serving on local
 10 committees and boards. People in this community are
 11 willing to fight for saving the integrity of it. We
 12 want to be part of writing our own story in our
 13 community. We are willing to work with the
 14 appropriate people to write a story that continues
 15 to support the values and morals that have been
 16 established.
 17 We don't want our story to be about how we
 18 live in a place that an industrial wind farm has
 19 taken over the precious community we call home. We
 20 don't want our story to include how the wind
 21 turbines are keeping people up at night because of
 22 the noise; how the wind turbines are interfering
 23 with the learning process of our junior high
 24 students or other students in the district; how the

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1 property values have decreased and people are not
 2 moving in; how our animals have been negatively
 3 affected; how the tourism business has decreased.
 4 We want our story to be closer to the
 5 mission statement of the village of Forrest.
 6 Printed in the village of Forrest newsletter, the
 7 mission statement is: The village of Forrest is to
 8 be committed to preserving, protecting and enhancing
 9 our unique rural community character, values and
 10 quality of life, and sound fiscal management,
 11 attention to improving our residents' property
 12 values and providing the community with excellent
 13 services, safety and recreational needs shall be our
 14 guiding principles.
 15 These words are part of the story of our
 16 community. Members of our community created this
 17 mission statement because they believed in our
 18 community. Mission and vision statements and
 19 standards and policies guide all of us to work
 20 together to write the appropriate story. Sometimes
 21 we need to be reminded of guidelines that have been
 22 established to help us to continue to create the
 23 story we've worked hard to build.
 24 So why am I talking about writing stories?

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1 Each person who lives in this community has a part
 2 in writing our story. Each person who has been
 3 appointed or elected to a board has the unique and
 4 significant opportunity to write their part of our
 5 story.
 6 We are at a point in our story that could
 7 change the quality of life in our community forever.
 8 As we think about the evidence and personal
 9 statements that have been shared, please consider
 10 how your vote will change the story in this
 11 community. Each of you has an opportunity to
 12 preserve and protect the community. Please make the
 13 right decision for the overall community.
 14 As we look to how this decision will
 15 affect the present and the future, I think it's
 16 important to learn from the writers of our past.
 17 Mark's grandfather shared this wise statement with
 18 him about doing business. If someone is trying to
 19 sell you something and it's all roses and they
 20 didn't tell you about the thorns, look out for them.
 21 Do you want to be part of the story that
 22 potentially sells the beauty of a rural community
 23 and the integrity of our values and beliefs and
 24 morals to an industrial wind farm? I hope not.

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1 Please vote no.
 2 **CHAIRMAN CORNALE:** Thank you, Ms.
 3 Schahrer. Do we have any questions for Ms.
 4 Schahrer? Units of local government, school
 5 districts? All right. Mr. Blazer, do you have any
 6 questions?
 7 **MR. BLAZER:** No, sir.
 8 **CHAIRMAN CORNALE:** All right. Mr.
 9 Luetkehans, do you have any questions?
 10 **MR. LUETKEHANS:** Ms. Schahrer is one of my
 11 clients.
 12 **CHAIRMAN CORNALE:** All right. Anybody in
 13 the audience with questions for Ms. Schahrer?
 14 Anybody out there? ZBA again? County staff?
 15 County counsel? Thank you, Ms. Schahrer.
 16 **MS. SCHAHRER:** You're welcome.
 17 **CHAIRMAN CORNALE:** All right, starting
 18 back on our list, next I have is Cheryl Hoffman.
 19 Cheryl Hoffman, are you available this evening?
 20 **MS. HOFFMAN:** Yes.
 21 **CHAIRMAN CORNALE:** Just a side note here.
 22 Looks like on deck, Carrie Followell. So, Carrie
 23 Followell, you'll be the next to speak this evening,
 24 just so you can kind of be ready.

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1 All right, Ms. Hoffman, could you please
 2 raise your right hand?
 3 (Ms. Cheryl Hoffman was duly sworn.)
 4 **CHAIRMAN CORNALE:** All right, please state
 5 your name and address for our court reporter and
 6 then go ahead.
 7 **MS. HOFFMAN:** I'm Cheryl Hoffman, 5601
 8 North 2040 East Road, Fairbury, Illinois. I started
 9 my journey, I guess, with looking at school numbers
 10 when I was talking to an ISBE regional financial
 11 consultant. I was taking -- I'm taking classes and
 12 I had to talk to him about a project for some
 13 numbers, and so I sat down with him to learn more.
 14 And we were forecasting, doing some forecasting for
 15 a project for class. And I said -- at one point we
 16 were looking at revenues and I said, oh, there's a
 17 wind farm maybe coming into our district, you know,
 18 it's in the works, so I said we're going to have
 19 more revenue.
 20 **AUDIENCE VOICE:** Move closer to the mic.
 21 **MS. HOFFMAN:** So I said we're going to
 22 have -- we're going to have a nice increase in
 23 revenue. And he looked at me and he says "well..."
 24 and I thought ut-oh. He said most schools think

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1 that they're going to get a windfall from these
 2 turbines. He said most, however, end up in about
 3 the same position. Some relatively good, but most
 4 are about the same position when it's all said and
 5 done, okay? So I said why is that? So he told me
 6 about the general state aid. We've heard about it
 7 tonight, we've heard about it from Dr. Loomis, we've
 8 heard about it many times, so that's nothing knew.
 9 He said the second thing, though, that
 10 most people don't think about is that there's
 11 different levies for the schools and there are. We
 12 have several levies and we'll go over it in the next
 13 slide. Some of them have max tax rates and some of
 14 them do not. And he said a lot of times when
 15 different entities who are trying to make income
 16 look good for schools, they include all the tax
 17 rates and say this is new income to the school.
 18 We'll go over why it's really not, not all of it.
 19 And I'm not in any way saying there's no income from
 20 the windmills. That's -- that would not be correct
 21 to say. I just want to make that clear.
 22 This is a chart of the different levies
 23 for the Prairie Central School District. I'm just
 24 going to hold this. The first seven levies, I'm

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1 just going to go over -- I guess I'll go over it
 2 real quick. The education fund is the fund that
 3 pays our teachers, pays our paraprofessionals, it
 4 pays our cafeteria workers, it pays the school
 5 supplies. That's where the bulk of the income -- or
 6 the revenue and income goes for the school. As you
 7 can see, it has the highest tax rate, so we know
 8 that's where most of the operations go through.
 9 The second levy on the list is operations
 10 and maintenance. That's the building fund. It pays
 11 for the custodians, it pays for repairs to the
 12 school, it pays for heat, light, utilities.
 13 Transportation is third on the list.
 14 Obviously in our school district we are 386 square
 15 miles. We are the largest school district in square
 16 miles in the state of Illinois. Obviously our buses
 17 run a lot and that is a very large expenditure for
 18 Prairie Central.
 19 Working cash fund is basically the savings
 20 account for the school. It's a rainy day -- I think
 21 basically saving for a rainy day.
 22 Life safety pays for the safety features
 23 for the school. It pays for -- I mean it's the
 24 smoke detectors, the fire alarms, those kind of

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1 expenditures.
 2 Leasing pays for anything the school
 3 leases. That would be computers, copiers, whatnot.
 4 Special education. That levy is to help
 5 educate students with special needs.
 6 IMRF and social security run through the
 7 pension fund, and they are -- that pays for the
 8 retirement, pays for the retirement of noncertified
 9 staff, and then social security pays for social
 10 security, FICA, Medicare taxes for all employees.
 11 The tort levy is basically a risk
 12 management fund. It's to prevent legal -- help
 13 prevent legal costs to the school district.
 14 The bond levies are to pay for bonds that
 15 have been previously issued and now the tax payments
 16 or the payments that are due, we have to levy to pay
 17 for those payments.
 18 The first seven in the list do have
 19 maximum tax rates. The current tax rates in the
 20 middle column are -- also happen to be maximum tax
 21 rates because Prairie Central is maximuming -- is
 22 levying at the maximum rate right now for those
 23 levies.
 24 The bottom four do not have maximums. The

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1 reason is because those funds, those are special
 2 funds. Those -- the money that goes into each of
 3 those, the levies and fund are restricted. You
 4 cannot spend any money from the IMRF/social security
 5 fund except for IMRF or social security. You can't
 6 transfer that money, you can't spend that money on
 7 anything other than what's designated for it. The
 8 same with the tort fund, you cannot spend it on
 9 anything other than what's in the risk management
 10 plan. And bonds, the only thing you can spend that
 11 money on is your bonds.
 12 The first -- the first seven, those tax
 13 rates add up to 4.19 percent. The second, if you
 14 include the bottom three, it comes to 4.82ish 1
 15 percent. The bond rates vary across the district
 16 because right now we're carrying different bonds
 17 from Chenoa, old Prairie Central, new Prairie
 18 Central, so that varies across the district.
 19 Okay, I'm going to talk a little bit -- I
 20 had to make a lot of slides and go over and over
 21 just how to explain this to people who don't have a
 22 financial background, and I'm learning along with
 23 everybody else.
 24 Okay, so an example of a maximum tax rate

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1 fund, again that's our education fund we are levying
 2 at the maximum. We can't levy any higher tax rate,
 3 okay? For a tax -- this made-up taxing body has two
 4 homes. Sally and Joe live in this taxing body.
 5 Each house has a home that's assessed at \$100,000,
 6 nice homes, are \$300,000 homes. This taxing body
 7 has a maximum tax rate of 5 percent. Okay, the
 8 total EAV is 200,000 for this little taxing body, so
 9 the taxing body will levy and they will collect no
 10 more than \$10,000 in total. Each homeowner would
 11 pay \$5,000 in property taxes, okay?
 12 Pat decides to move into this little
 13 taxing body. She builds a house -- or she or he
 14 builds a house, another \$300,000 home, which is
 15 assessed at \$100,000. Now, the taxing body says,
 16 oh, hey, there's more -- there's more EAV for me to
 17 tax and I can still tax at that same 5 percent rate.
 18 So I'm now going to levy \$15,000. I now have
 19 \$15,000 to spend. Each property will pay \$5,000,
 20 okay, because there's now \$300,000 of assessed value
 21 to collect on. So for levies with no maximum tax
 22 rates, the taxing body wins with more assessing
 23 properties -- with more assessed properties, okay?
 24 Add one more person to the roll, you get that much

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1 more money.
 2 Now let's look at the no max tax rates.
 3 That's the specialized levies that you cannot spend
 4 the money on anything other than what you need that
 5 money for, okay? Same people, Sally and Joe,
 6 they're sitting in their nice \$300,000 homes that
 7 are assessed at \$100,000 each. If the taxing body
 8 in the first year levies for 10,000 and says I need
 9 \$10,000 to pay whatever is in this max tax rate or
 10 no max tax rate, each home would again pay that same
 11 \$5,000, same as the previous example.
 12 Now, in this example, Pat moves in, says
 13 I'm ready to move here, she builds a home -- and she
 14 builds a home, and same value home, \$100,000 home.
 15 In this instance, the taxing body cannot say, oh,
 16 hey, more -- there's another house, I can now levy
 17 more. No. It still only has legal obligations for
 18 \$10,000, so it will still levy \$10,000, and then
 19 that means that each person instead of paying 5,000
 20 will now pay \$3,333 each, okay? So the taxpayers
 21 win in this situation. When there's more taxing
 22 body, each person pays less to make that same -- to
 23 meet that same requirement. Does that make sense?
 24 Okay. This was really hard to come up with.

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1 Okay, so let's move on. Okay, what I did
 2 was I looked at the report that Dr. Loomis put out,
 3 and thinking back to what the ISBE financial analyst
 4 said, I thought, well, did they use the higher tax
 5 rate or did they use the other tax rate? So I
 6 looked back and I calculated it. And by jove, they
 7 used that 4.8215 percent instead of the 4.19
 8 percent. So in his baseline he says for the average
 9 of all those years, those 23 years or whatever it
 10 was, it was 441,000 average across the year that the
 11 school district would gain. But in reality when you
 12 look down at the 4.19 percent, it's actually 288,000
 13 that the school district would gain.
 14 The windmill -- let me clarify this. The
 15 windmill is still paying the 441,000, but the new
 16 money to the school district is really only
 17 \$288,000, okay? So while the windmills are paying
 18 that, that part of that is reducing the burden to
 19 the rest of the taxpayers, but it's still not new
 20 money to the school district. We can't spend --
 21 say, oh, we're going to get \$441,000 more and hire
 22 eight more teachers, no. We're only going to
 23 actually get 288,000 more, but the difference is
 24 going to help relieve the rest of the tax burden for

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1 everyone else, okay? There is a big difference.
 2 Okay. So as I said, the -- Dr. Loomis's
 3 figure does not accurately reflect new money to the
 4 school district. It does -- is very, very close to
 5 what they actually do pay, I understand that. Even
 6 this overstated figure is just 2 percent of the
 7 current \$22 million school budget. I -- that's a
 8 pretty small number I think. And when you look at
 9 the -- when you take out those no max funds, it's
 10 about 1.3 percent of the current school budget.
 11 So next, we all know that general state
 12 aid is affected, so we started looking at what if
 13 the wind farm actually does cause a drop in
 14 attendance at Prairie Central. General state aid is
 15 calculated based on average daily attendance.
 16 Average daily attendance is not enrollment. So if
 17 we have 2,130 kids enrolled in our district right
 18 now, 1900 come to school on a given day. That is
 19 our average daily attendance. Families moving away
 20 will cause a decrease in ADA and enrollment, but
 21 students who are home sick because they didn't sleep
 22 last night will also cause a decrease in ADA.
 23 So a 1 percent decrease in ADA is about 20
 24 students for Prairie Central. A simple example of

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1 how we could get to that 20, this is, you know, all
 2 hypothetical, if three families of four students
 3 moved away from the district and then -- that would
 4 be 12 kids, and then four students across the
 5 district stay home because their windmill lights and
 6 noise kept them awake all night, and then another
 7 four students became sick because they hadn't been
 8 sleeping well and they fell sick with the flu or
 9 they actually do have some adverse health effects
 10 because of the turbine.
 11 Don't worry, I'm going to be short here.
 12 So this last chart shows that? The various options
 13 or scenarios, I guess. The first column is Dr.
 14 Loomis's where he has the no max fund included,
 15 which is showing the average across the 23 years of
 16 441,000 for the school district. The second column
 17 is the one that I think is more relevant to showing
 18 new money to the school district of 288,000. The
 19 third column shows a 1 percent attendance decrease
 20 and that would drop the average for the 23 years
 21 down to 178,000 which is just .81 percent of the
 22 budget. A 1.5 percent decrease in attendance is 30
 23 children a day. That's \$123,000. And a 2 percent
 24 attendance decrease will result in over the average

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1 of 23 years of \$68,000. That's \$32 per student per
 2 year for the wind farms.
 3 Again, I'm not saying that there's not a
 4 benefit, a financial benefit to the windmills. We
 5 just need to look at how much of a financial benefit
 6 the windmills are.
 7 **CHAIRMAN CORNALE:** Thank you, Ms. Hoffman.
 8 Do we have any questions at this point? Not yet.
 9 All right. Local school districts, units of local
 10 government, anybody out there? Mr. Blazer?
 11 **MR. BLAZER:** Yes, sir.
 12 **CHAIRMAN CORNALE:** All right.
 13 **MS. HOFFMAN:** Oh, I knew this was coming.
 14 **MR. BLAZER:** I guess I'm predictable.
 15 **CHAIRMAN CORNALE:** Go ahead, Mr. Blazer.
 16 You can --
 17 **MR. BLAZER:** Thank you, sir.
 18 **QUESTIONS BY**
 19 **MR. BLAZER:**
 20 Q. Ms. Hoffman, I actually just have a very
 21 few questions. If you expected a lot, you're not
 22 going to get a lot from me, so I really just want to
 23 go through some of these documents I've just handed
 24 you. So let's start with the first one. And I

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1 apologize, they're in date order, but they're not in
 2 numerical order, so I do apologize for that.
 3 The first document I've handed you is
 4 Pleasant Ridge Exhibit 302, 2010-2011 Board Goals,
 5 and then it says new carry-over in blue. Do you
 6 recognize that document?
 7 **A. Uh-huh.**
 8 Q. Yes?
 9 **A. Yes.**
 10 Q. All right. And that's a document that was
 11 prepared by Dr. Capasso, correct?
 12 **A. Right.**
 13 Q. Okay. Did you have any role in preparing
 14 this document?
 15 **A. I'm sorry, what was that?**
 16 Q. Did you have any role in preparing this
 17 document?
 18 **A. No.**
 19 Q. Okay. The next one is Pleasant Ridge
 20 Exhibit 306, which are meeting minutes from the
 21 Prairie Central Board of Education dated August 21,
 22 2014, and it reflects that you attended that
 23 meeting; is that correct? And that's --
 24 **A. Yes. Yes, sorry.**

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1 Q. Okay. And you do recognize these as
 2 minutes of the Prairie Central board, correct?
 3 **A. Yes.**
 4 Q. Okay. The next one is Exhibit 185,
 5 Prairie Central board minutes September 18, 2014.
 6 You attended that meeting; is that correct?
 7 **A. Yes.**
 8 Q. And you recognize these minutes of that
 9 meeting?
 10 **A. Yes.**
 11 Q. Next one is Exhibit 183, October 16, 2014,
 12 minutes. Again, you attended that meeting?
 13 **A. Yes.**
 14 Q. And you recognize these minutes?
 15 **A. Yes.**
 16 Q. Next one is Exhibit 303, minutes -- board
 17 meeting minutes January 15, 2015. Again, you
 18 attended that meeting?
 19 **A. Yes.**
 20 Q. And you recognize these minutes?
 21 **A. Sure.**
 22 Q. And then the last one is Pleasant Ridge
 23 307, March 19, 2015, board meeting. You attended
 24 that meeting?

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1 **A. Yes.**
 2 Q. And that -- obviously that was just last
 3 month, right?
 4 **A. Yes.**
 5 Q. Okay. And you recognize these minutes,
 6 correct?
 7 **A. Uh-huh.**
 8 Q. And these are all available on the school
 9 district website, right?
 10 **A. Right.**
 11 Q. Okay.
 12 **MR. BLAZER:** That's all I have, Mr.
 13 Chairman.
 14 **CHAIRMAN CORNALE:** Mr. Luetkehans?
 15 **MR. LUETKEHANS:** Yes.
 16 **QUESTIONS BY**
 17 **MR. LUETKEHANS:**
 18 Q. Ms. Hoffman, one thing you didn't say is
 19 who you worked for. Obviously I just found out that
 20 you work for the Prairie Central School District,
 21 correct?
 22 **A. Yes.**
 23 Q. And it appears you're also the chief of
 24 business operations.

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1 **A. My title changes daily.**
 2 Q. Okay. One of them appears to be chief of
 3 business operations.
 4 **A. Yes.**
 5 Q. At least according to the minutes.
 6 **A. What's that?**
 7 Q. At least according to the minutes.
 8 **A. Yes.**
 9 Q. Could you tell us what your duties are for
 10 the Prairie Central School District? Just general
 11 summary.
 12 **A. Mainly anything that has to do with money**
 13 **I kind of touch. I don't do the budget, I don't do**
 14 **forecasting, I don't do -- I don't know what else I**
 15 **don't do. I run payroll, I oversee bill paying, I**
 16 **make sure that there's separation of duties, try to**
 17 **make sure there's no fraud going on, no**
 18 **embezzlement.**
 19 Q. So you're pretty familiar with the
 20 finances of the school district.
 21 **A. Yes.**
 22 **MR. LUETKEHANS:** Thank you very much, Ms.
 23 Hoffman, appreciate it.
 24 **CHAIRMAN CORNALE:** Any members of the

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1 audience with questions of Ms. Hoffman?
 2 QUESTIONS BY
 3 MR. CAVAZOS:
 4 Q. Ambiro Cavazos. I just have one question.
 5 Your presentation, it gave a lot of numbers, and I
 6 just wondered if it would be relevant to any other
 7 school district including Tri-Point?
 8 A. No, it would not. It's only relevant to
 9 Prairie Central.
 10 Q. Just to Prairie Central.
 11 A. Uh-huh.
 12 MR. CAVAZOS: Okay, thank you.
 13 CHAIRMAN CORNALE: Anybody else in the
 14 audience with questions? Anybody else?
 15 MR. DAVID SLAGEL: David Slagel.
 16 CHAIRMAN CORNALE: Grab a microphone.
 17 QUESTIONS BY
 18 MR. DAVID SLAGEL:
 19 Q. All right. One real quick question and
 20 that was -- I probably should have done this under
 21 the city government question, but anyway, I'm
 22 curious. Does the max and no max funds, do you know
 23 if that applies to the city, and the county even,
 24 taxing bodies also --

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1 A. They do have --
 2 Q. -- or just the school?
 3 A. -- max funds and no max funds. They are a
 4 little different because like Fairbury, Livingston
 5 County is under a tax cap, so they are handled a
 6 little bit differently. But the school is not tax
 7 capped because we're part of the McLean and Ford
 8 which are not tax capped, so we are not tax capped.
 9 MR. DAVID SLAGEL: Okay, thank you.
 10 CHAIRMAN CORNALE: Anybody else from the
 11 audience with questions? Anybody? I don't see any.
 12 ZBA, do we have any questions?
 13 QUESTIONS BY
 14 CHAIRMAN CORNALE:
 15 Q. I was just going to ask you, because I
 16 asked another individual this that talked school
 17 financing. Type 75?
 18 A. In less than a month I will have it. I
 19 have to pass the CSBO. I have -- I'm in my last
 20 class. I have three more assignments for my last
 21 class.
 22 Q. Okay, so you do have the CSBO endorsement.
 23 A. I will as soon as I get my master's and
 24 will have to test for --

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1 Q. A superintendent endorsement?
 2 A. What's that?
 3 Q. Do you have a superintendent endorsement?
 4 A. No.
 5 Q. Okay.
 6 CHAIRMAN CORNALE: ZBA? County staff?
 7 County counsel? Thank you, Ms. Hoffman.
 8 All right. We're going to take -- since
 9 we took a break a little early, let's just take five
 10 minutes now. So I've got 8:45. Let's get going at
 11 8:50. Carrie Followell, if you want to make your
 12 way up here and kind of get ready to go.
 13 (Recess at 8:45 to 8:50 p.m.)
 14 CHAIRMAN CORNALE: All right, I understand
 15 that Ms. Followell is not interested in speaking.
 16 Next on the list is Steve Knauer. Steve Knauer, if
 17 you're available, please make your way up here and
 18 we'll get going. All right, Mr. Knauer, please
 19 raise your right hand.
 20 (Mr. Steve Knauer was duly sworn.)
 21 CHAIRMAN CORNALE: All right, please state
 22 your name and address for our court reporter and
 23 then go ahead and begin.
 24 MR. KNAUER: Steve Knauer. I know you

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1 asked to keep this short, so I'm --
 2 MR. LUETKEHANS: Hold on, Mr. Knauer. She
 3 wasn't able to hear.
 4 MR. KNAUER: Steve Knauer, 18 Carter
 5 Drive, Fairbury. I know you asked to keep this
 6 short, so I'm just going to make a few observations
 7 here, and then I -- I wasn't quite prepared to be up
 8 here this evening, but we'll do it anyway.
 9 So I want to refer back to the November
 10 24th hearing. It was answering a previous question,
 11 and to me, this kind of stuck out like a red flag.
 12 If I could just read the testimony here. Mr. Blazer
 13 says: That's right -- that's correct, Mr. Cornale,
 14 you had asked -- one of the ZBA members asked how
 15 many residences were within the project boundary and
 16 how many are within one mile of the project. We
 17 have our land agent here, Mr. Andrew Downey, who's
 18 prepared to be sworn and advise what those numbers
 19 are.
 20 Well, Mr. Downey got up and testified that
 21 I'm a land agent and a project manager, and then he
 22 went onto say there are a total of 298 residences
 23 within the project boundary. This is just
 24 residences now not acres. Breaking it down, there

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1 was 74 of those residences within the participating
 2 parcels and there are 224 nonparticipating in the
 3 project.
 4 So I heard that and I thought that is kind
 5 of a red flag. Either those -- 74 percent of those
 6 residents were either ignored or they chose not to
 7 participate, and that was just kind of glossed over
 8 and it wasn't -- it wasn't expounded upon, you know,
 9 and this is within the project. So -- and of course
 10 we all know what went on in Forrest and local
 11 residents in Forrest did not -- were not asked for
 12 their opinions at all on what they thought of the
 13 situation.
 14 And another thing I noticed is that
 15 somebody said this was new technology, one of the
 16 witnesses, and so I went onto Wikipedia, which is --
 17 we can all trust Wikipedia I know, but anyway, it
 18 was kind of -- kind of enlightening really in a way.
 19 It says the first municipal use of multiple wind
 20 electric turbines in the USA may have been a five
 21 turbine system in Pettibone, North Dakota, in 1940.
 22 These -- you know, these were commercial wind
 23 chargers and stuff.
 24 But then it goes on to say in 1980 the

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1 world's first wind farm consisting of twenty
 2 30-kilowatt wind turbines was installed at Crotched
 3 Mountain in New Hampshire. So that's been 35 years
 4 now that this industry has really been trying to get
 5 off the ground and they really haven't gotten
 6 anywhere with this without the political backing,
 7 and it is a -- it is a political football right now
 8 we might say. So if the -- you know, if the funding
 9 should dry up for these projects, then where are we?
 10 And I just have something else that
 11 occurred to me when people were talking. We have --
 12 right now all the wind turbines in the state are,
 13 you know, relatively new and our -- and, you know,
 14 they're nice and white and paint on them and stuff
 15 like that, but -- so we all know the water towers
 16 have to be painted every 10 or 15 years to keep the
 17 algae, rust and that kind of stuff off, so, you
 18 know, just the unsightliness of this might be
 19 something different to consider.
 20 But anyway, like I said, I'm just kind of
 21 rambling because I really wasn't quite prepared to
 22 speak this evening, but I'll -- we had -- earlier
 23 this evening we had a witness come in and talk
 24 from -- well, I will say the superintendent of the

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1 Tri-Point School District and he was trying to put
 2 some numbers together, and -- which is fine and I
 3 don't doubt he did -- has the right numbers for his
 4 district, but I noticed as soon as he was done
 5 speaking, he left. He didn't want to hear any other
 6 testimony.
 7 So that is one of our concerns, that --
 8 you know, other than the finances, what is positive
 9 about these things? And for most of us, it's -- a
 10 lot of the district, a lot of the people in the
 11 area, or the ones -- I should say the pro people
 12 seem to be looking at the finances. The people that
 13 don't like them, it's a quality of life issue. And
 14 nothing has been said yet that it will better our
 15 quality of life.
 16 So, like I say, I wasn't quite prepared
 17 this evening, so really that's all I have to mention
 18 this evening, so thank you.
 19 **CHAIRMAN CORNALE:** All right, Mr. Knauer.
 20 Do we have any questions at this point? All right.
 21 School districts, local government? Mr. Blazer?
 22 **MR. BLAZER:** No, sir.
 23 **CHAIRMAN CORNALE:** Okay. Mr. Luetkehans?
 24 **MR. LUETKEHANS:** Yeah, real quick.

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1 **QUESTIONS BY**
 2 **MR. LUETKEHANS:**
 3 Q. Mr. Knauer, I apologize, you gave numbers,
 4 footprint participating versus nonparticipating, and
 5 you --
 6 **A. Yes, that --**
 7 Q. You were a little quick for me. Could you
 8 do that a little slower? My handwriting --
 9 **A. All these came from the November 24th**
 10 **hearing.**
 11 Q. Yes.
 12 **A. And it's in the -- it's on page 342 of the**
 13 **November 24th hearing and it was a quote by Mr.**
 14 **Downey that there was 298 residences within the**
 15 **project boundary. I just wanted to stress or make a**
 16 **reference this is not -- many are not actually**
 17 **landowner related.**
 18 Q. Yes.
 19 **A. But he said breaking it down, there's 74**
 20 **of those residences within participating parcels and**
 21 **there are 224 consequently nonparticipating in the**
 22 **project, so either these people chose not to**
 23 **participate or they were just ignored.**
 24 Q. Okay, thank you. The numbers, you got

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1 them out a little quick for me, so I apologize.
 2 **A. Okay.**
 3 **MR. LUETKEHANS:** That's what I got. Thank
 4 you now. I appreciate it.
 5 **CHAIRMAN CORNALE:** All right, anybody else
 6 with questions? Anybody in the audience with
 7 questions for Mr. Knauer? Anybody with questions?
 8 ZBA again? County staff? County counsel? Good?
 9 Thank you, Mr. Knauer.
 10 Next on my list I have Tom Ambrose. Tom
 11 Ambrose. Mr. Ambrose, can you please raise your
 12 right hand?
 13 (Mr. Tom Ambrose was duly sworn.)
 14 **CHAIRMAN CORNALE:** All right, state your
 15 name and address for our court reporter and then go
 16 ahead and begin.
 17 **MR. AMBROSE:** My name is Tom Ambrose,
 18 19840 East 300 North Road, Fairbury. I want to
 19 start my comments out tonight by saying that I
 20 believe strongly in everything I say tonight, but at
 21 no time do I intend to be rude or disrespectful to
 22 anyone or to take anything to a personal level. I
 23 just want to start that out. Sometimes it sounds
 24 good up here. By the time it comes out here,

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1 it's -- you know, anyway.
 2 My wife Linda and I live on a farm south
 3 of Fairbury in Belle Prairie Township. We also farm
 4 in Indian Grove and Avoca Townships. All of these
 5 townships are within the footprint of this proposed
 6 industrial wind project. I don't know for sure
 7 where the term wind farm came from, but what I can
 8 tell you is as a farmer a cluster of industrial wind
 9 turbines is not a farm. There is no agriculture
 10 taking place inside a turbine, and there is no food
 11 or fiber being grown or produced inside a cluster of
 12 turbines. As a matter of fact, wind turbines could
 13 be considered an anti-farm because they actually
 14 prevent agriculture from taking place on the turbine
 15 site and on the access roads that lead to and from
 16 them.
 17 Let's be honest here for a moment and
 18 recognize these turbines for what they actually are.
 19 They are an industrial complex, and Invenergy is
 20 asking Livingston County to allow them to build this
 21 industrial complex on land that is zoned
 22 agricultural.
 23 Now, let's be clear again. This is not
 24 just run-of-the-mill farmland. This is some of the

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1 richest, darkest, blackest, most fertile farmland in
 2 the entire world. My uncle who was born here in
 3 Livingston County and farmed within a six mile
 4 radius of his birth site had a unique way of
 5 describing this land. He said this is some of the
 6 best ground that lays outdoors. To me, he really
 7 hit the nail on the head.
 8 Other than our families, this land is
 9 perhaps the greatest asset we possess. Its value
 10 lies far beyond the income that it can produce for
 11 its owner. It is our heritage and it is our legacy.
 12 It is our responsibility, as it was our parents, our
 13 grandparents and, for some of us, our great
 14 grandparents, to preserve it, protect it and pass it
 15 on to the next generation in as good or better
 16 condition than it was when we got it. That is a
 17 sacred obligation and is not to be taken lightly.
 18 There has been some talk in these hearings
 19 of local jobs, and I believe that some Local 150
 20 members have come to these hearings to tell us how
 21 this project will provide jobs for them. I am sure
 22 if this project is approved some Local 150 members
 23 will get jobs within the project. Those jobs, as I
 24 understand, are slated to last about seven months

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1 during the construction phase. At the end of the
 2 seven months or so, these workers will go home to
 3 their families and they will leave the innocent
 4 people of southeast Livingston County to deal with
 5 the effects of these 136 industrial turbines for the
 6 next 25 to 35 years and they will never give us
 7 another thought.
 8 To them, this is a job, just another
 9 project to complete. To us, it's our families, our
 10 homes, our property, our health, our view, our
 11 peaceful quiet country life, and for many of us,
 12 it's our life's work. They risk nothing while
 13 expecting us to risk everything we value so that
 14 they can earn seven month's wages. That, ladies and
 15 gentlemen, is not a good trade and it is one I am
 16 not willing to make.
 17 There's been some question about aerial
 18 application at these hearings. For those of you who
 19 are not farmers or not involved in production
 20 agriculture, I will attempt to explain why some
 21 farmers are concerned. There are basically two
 22 types of application methods farmers use when they
 23 need to spray their crops: ground application and
 24 aerial application. Both of these application

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1 methods have their pluses and minuses, but we won't
 2 get into that here tonight.

3 Suffice to say, that by the time July and
 4 August arrive, the corn and bean crops in this area
 5 are tall. Corn can be anywhere from seven to ten
 6 feet tall and beans three to four feet tall. Crops
 7 this size take a special type of sprayer if a farmer
 8 chooses to use ground application. These are the
 9 sprayers with the tall narrow tires in the front and
 10 the rear. A person my height can walk upright
 11 underneath the chassis of this sprayer and they are
 12 designed to run through tall crops without damaging
 13 them. These machines are extremely expensive as you
 14 might imagine and many farmers do not own this type
 15 of a sprayer and so they would need to hire their
 16 local crop supplier if they needed their crops
 17 sprayed.

18 If we have an outbreak of disease or an
 19 insect infestation that involves hundreds of
 20 thousands of acres that need to be sprayed within a
 21 very narrow window of opportunity, there may well
 22 not be enough ground application equipment available
 23 to get everything sprayed. Without aerial
 24 application as a viable additional resource, some

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1 fields or farms may not get sprayed before
 2 irreversible damage has occurred to the crop.
 3 Remember, airplanes do not go straight up and
 4 straight down, so even if you don't have turbines on
 5 your farm, if your neighbors do, that plane may not
 6 have time to get down to your property and back up
 7 again before he encounters turbines on a neighbor's
 8 property.

9 There may have been some confusion in
 10 earlier meetings about our views on private property
 11 rights. We believe strongly in private property
 12 rights. We are all owners of private property and
 13 we believe in the right to use and enjoy our
 14 property as we wish. That doesn't mean, however,
 15 that we can do anything we want any time and the
 16 world be damned. We as property owners have an
 17 obligation to our neighbors to ensure that what we
 18 choose to do on our property in an attempt to
 19 enhance our lives does not have the unintended
 20 consequence of lowering our neighbor's quality of
 21 life, his property values, his health or his ability
 22 to use and enjoy his property as he wishes. Your
 23 rights as a property owner extend only to the point
 24 where they begin to infringe on the rights of

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1 another. In other words, the right of one property
 2 owner does not supercede the right of another
 3 property owner. We feel that our rights as property
 4 owners are being threatened and infringed upon by
 5 this proposed industrial energy project.

6 I have a question for you this evening.
 7 Other than your family members, what in your life is
 8 not for sale? I have heard some people say that
 9 everything is for sale at the right price. How
 10 about your life? If it's for sale, for how much?
 11 How about your freedom? Is it for sale or would you
 12 risk it for a price? Mine isn't. Too many people
 13 have fought and died over the decades and centuries
 14 to win that freedom for us and countless others have
 15 stood upon and manned the wall of freedom to
 16 preserve that for us, including some of us here in
 17 this room tonight. Surely you wouldn't sell or put
 18 that at risk for a price.

19 And how about your quality of life? Your
 20 happiness? That which brings the most joy and
 21 fulfillment to your life, would you put it at risk
 22 for a price? Most of the people in this room
 23 tonight have said no, they would not put their
 24 quality of life at risk for any price. But now we

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1 find out that we -- it may be taken from us anyway.
 2 There may be those who would say, hey, you had your
 3 chance to get paid, but you chose not to, so suffer
 4 the consequences. If that is the case, we never
 5 really had a choice in the first place. It was
 6 either take the money and lose your quality of life
 7 or just lose your quality of life. This has never
 8 been about money for us.

9 There are people in this room and many
 10 others that are not here tonight for various reasons
 11 that were never even asked to begin with. Why? I
 12 assume because they didn't own a large enough piece
 13 of property. Are they therefore of no consequence?
 14 If they had been asked, most probably would have
 15 said no. Why? Probably because, like those of us
 16 who were asked and said no, they have something more
 17 valuable to them than what was being offered. My
 18 point is simple. Everything is not necessarily for
 19 sale. Money can't buy everything because money is
 20 only one form of value or wealth, and some people
 21 value what they already have as much or more than
 22 the money.

23 We have heard testimony from experts who
 24 tell us that there will be a percentage of our

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1 population that will experience adverse health
 2 effects due to their exposure to wind turbines. We
 3 have heard testimony from people who live near other
 4 industrial wind turbine projects and they have told
 5 us under oath of their health issues that are
 6 associated with their exposure to industrial wind
 7 turbines.

8 We have even heard testimony from our own
 9 neighbors and friends who, when they heard there was
 10 a possibility of turbines coming to our area, took
 11 it upon themselves to visit nearby industrial wind
 12 turbine complexes to learn more. They shared with
 13 us the negative symptoms they experienced from just
 14 a very short-term exposure to those industrial wind
 15 turbines. I have no reason to doubt their sincerity
 16 or their testimony.

17 Even Invenergy's experts acknowledge that
 18 there are issues associated with turbines. Among
 19 them: noise, vibration, infrasound, flicker,
 20 flashing red lights, bird mortality, aesthetics or
 21 the lowering of the quality of the view due to the
 22 obstruction by 450 foot tall towers. But they refer
 23 to these things as annoyances. Are you kidding me?
 24 An example of an annoyance is a neighbor

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1 who decides to mow his lawn at seven o'clock on
 2 Sunday morning. An annoyance is usually a short
 3 term in duration, they don't happen all the time,
 4 and sometimes you can actually take some action to
 5 mitigate the annoyance. Not so with industrial wind
 6 turbines. They are a 24-hour-a-day, 7-day-a-week,
 7 365-day-per-year annoyance. You can't turn them off
 8 and they never go away. When you get up in the
 9 morning and look out your bedroom window, they're
 10 there. When you come home at night, still there.
 11 You find that your home may no longer be your safe
 12 place, the place where you return to to unload the
 13 weight of the world. Instead, it has become a
 14 source of permanent annoyance. An annoyance that
 15 never ends cannot be healthy and will likely become
 16 an even greater problem as time persists. Ladies
 17 and gentlemen, we don't have any of these annoyances
 18 now. We don't want any more annoyances in our lives
 19 and we don't want them imposed on us by others.

20 So here's the question that I think we
 21 must ask. There may be some here who think this is
 22 an unfair question, but I think it needs to be
 23 asked. How many of us, how many of our neighbors
 24 and friends, are expendable? In other words, how

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1 many honest, hard-working, tax-paying, law-abiding
 2 citizens of southeast Livingston County are we
 3 willing to put at risk to get the money? Because
 4 that is exactly what this is all about.

5 It's about money for a group of
 6 landowners, some who don't even live in Livingston
 7 County, some who don't even live in the state of
 8 Illinois, and others that do live in Livingston
 9 County do not live on the parcel where the turbine
 10 will be sited, and of course some taxing bodies
 11 stand to get some -- have some financial gain.
 12 Regardless of what you think or have been told by
 13 people in high places, nothing, and I reiterate,
 14 nothing in this world is free. Someone always has
 15 to pay the price.

16 This project is no different. Every
 17 taxpayer in this country is paying to build and
 18 operate these industrial wind facilities. After
 19 more than 30 years in existence, this industry still
 20 cannot stand on its own and compete in the
 21 marketplace from the sale of the energy that they
 22 generate. They are too inefficient. So we as
 23 taxpayers are forced by our government to pump
 24 billions of dollars per year into wind energy in

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1 order to keep it viable. Billions of dollars that
 2 could be going to help reduce the 17 or 18 trillion
 3 dollar national debt that we experience today. This
 4 alone should be reason enough to reject this
 5 application.

6 With this project, the nonparticipating
 7 home and property owners in and just outside the
 8 footprint of this project may be forced to pay the
 9 highest price of all. So if you think you're
 10 getting something for nothing, be assured someone
 11 else is paying for it.

12 Invenergy's experts, executives and legal
 13 staff have nothing at stake personally in southeast
 14 Livingston County. When this process is over, they
 15 will go home and I doubt they'll be back.
 16 Interestingly, none of them live in or near an
 17 industrial wind project, and none indicated in their
 18 testimony that they were actively looking to buy
 19 property within an industrial wind project in order
 20 to relocate their families there. To the contrary,
 21 all of them are safe from these industrial turbines
 22 and they have no accountability to any of us.

23 I was raised, and I am sure some of you
 24 were as well, under a value system that said never

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1 ask someone to do something you are not willing to
 2 do. This is a core value. This, ladies and
 3 gentlemen, is honor. Apparently some of Invenergy's
 4 experts and employees don't believe in that code
 5 because they are suggesting that we do something
 6 that they have not demonstrated a willingness to do.
 7 I am not impressed with these people's
 8 arrogant assurance that we have nothing to worry
 9 about because once again they have no skin in this
 10 game, their boots are not on the ground, and they
 11 have -- and nothing of theirs is at stake. Only the
 12 nonparticipating homeowner and property owners
 13 within and just outside the footprint of this
 14 project are at risk. And theirs are the voices that
 15 need to be heard the loudest.
 16 This hearing process has been a long and
 17 exhausting journey, and we as objectors have spent
 18 time and treasure we will never get back to protect
 19 what is ours. We are not fighting for financial
 20 gain or for anything extra. We are fighting not to
 21 lose what we already have. All we want is what we
 22 have now, and if the quality of life that we cherish
 23 so much is taken from us, it will -- it will be gone
 24 forever.

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1 If you believe that wind energy is the
 2 answer to our nation's energy needs, and I obviously
 3 don't, but if you do, at least we should be able to
 4 agree that there must be hundreds, perhaps even
 5 thousands of places in this country better suited
 6 for a wind energy project than southeast Livingston
 7 County, one that does not put so many people at risk
 8 and doesn't take such rich valuable farmland out of
 9 production and risk its long-term productivity.
 10 Remember, there has never been a
 11 decommissioning of a wind energy complex in this
 12 country, so we don't know if this high quality
 13 farmland can actually be returned to its original
 14 productivity after 25 to 35 years of excavation and
 15 use as an industrial complex. And who will make
 16 that determination? Will it be the landowner? The
 17 county? The company? Who? All we have is a plan
 18 submitted by Invenergy based on a model not on any
 19 real-life experience.
 20 I don't have any confidence that Invenergy
 21 really cares if this plan will work the way they say
 22 it will. After all, some of us and all of them will
 23 be gone in 25 to 35 years. Another group of people
 24 will be left to clean up this mess. Many of them

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1 will be our children and our grandchildren. We owe
 2 them something better than that.
 3 I am asking the ZBA and the Livingston
 4 County Board to deny the special use permit because
 5 it does not and cannot meet the standards of the
 6 Livingston County Comprehensive Plan. I've lost my
 7 last page. Oh, I got it.
 8 Number one, it violates Standard 1 because
 9 it is not consistent in all aspects with the
 10 Livingston County Comprehensive Plan.
 11 Number two, it violates Standard 2 because
 12 it may be detrimental to and endanger the public
 13 health, safety, morals, comfort and general welfare
 14 of the citizens in and near the footprint.
 15 Number three, it also violates Standards 3
 16 and 4 in my opinion because it is being proposed in
 17 a district that is zoned agricultural not
 18 industrial. And it would take therefore a -- it
 19 would require, therefore, a modification of the
 20 zoning ordinance to make it so.
 21 Number four, it definitely violates
 22 Standards 5 and 6 because it may well be injurious
 23 to the use and the enjoyment of other property in
 24 the immediate vicinity for uses already permitted or

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1 substantially reduce the value of neighboring
 2 property. It will also impede orderly growth,
 3 development and improvement of surrounding
 4 properties for the uses permitted in the zoning
 5 district.
 6 Beyond that, I also ask the Zoning Board
 7 of Appeals and the Livingston County Board to reject
 8 this special use permit because the majority of the
 9 people who live and farm within and just outside the
 10 footprint of this project have told you honestly,
 11 respectfully and consistently that we do not want
 12 this project near our homes, our families or our
 13 property. We, the people -- that's not a catch
 14 phrase. We, the people, do not want these
 15 industrial turbines.
 16 So there it is. There's your out. If
 17 someone asks you at some time why the special use
 18 permit was denied, simply tell them the truth. Tell
 19 them that the people in the area that were going to
 20 be forced to live around these industrial turbines
 21 didn't want them. That is really what's important
 22 here. So please remember, if you are going to err,
 23 always err on the side of caution. Please do no
 24 harm.

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1 Thank you, ladies and gentlemen, for your
 2 time and attention. May God bless all of us.
 3 **CHAIRMAN CORNALE:** Thank you, Mr. Ambrose.
 4 ZBA, do we have any questions? Units of local
 5 government, school boards? Anybody out there with
 6 questions? Mr. Blazer, do you have any questions --
 7 **MR. BLAZER:** No, sir.
 8 **CHAIRMAN CORNALE:** -- for Mr. Ambrose?
 9 Mr. Luetkehans, any questions?
 10 **MR. LUETKEHANS:** (Shakes head).
 11 **CHAIRMAN CORNALE:** Anybody in the audience
 12 with questions for Mr. Ambrose? Got one back here.
 13 Please state your name for us and then go ahead with
 14 your question.
 15 **MS. VIRKLER:** Willa Virkler, 24370 East
 16 500 North Road, Fairbury.
 17 **QUESTIONS BY**
 18 **MS. VIRKLER:**
 19 Q. Tom --
 20 A. Yes.
 21 Q. -- you are a farmer.
 22 A. Yes.
 23 Q. In your opinion, with the wind turbines
 24 coming into our area and, as a farmer, how much is

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1 that area the wind turbine is going to take out of
 2 production?
 3 A. Well, what I've heard, and I'm no expert
 4 in this area, I've heard anywhere from
 5 three-quarters of an acre to an acre per turbine.
 6 So if that's accurate, it would be somewhere in the
 7 neighborhood of 130 to 40 acres.
 8 Q. And how much is that in your revenue that
 9 you're not going to be getting from your crops?
 10 **MR. BLAZER:** Excuse me, Mr. Chairman. Ms.
 11 Virkler is one of Mr. Luetkehans's clients.
 12 **MS. VIRKLER:** So? I'm just asking a
 13 question of a farmer.
 14 **CHAIRMAN CORNALE:** Yes, she can ask
 15 questions.
 16 **MR. BLAZER:** I thought the rule, Mr.
 17 Chairman, was that if parties are represented by
 18 counsel, that their counsel is required to ask the
 19 questions.
 20 **CHAIRMAN CORNALE:** No, not --
 21 **MR. BLAZER:** That's been the rule since
 22 day one, Mr. Chairman. You had --
 23 **AUDIENCE VOICE:** That was your rule.
 24 **CHAIRMAN CORNALE:** All right, hold on,

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1 hold on. All right, Ms. Virkler, go ahead and sit
 2 down. Mr. Luetkehans -- you are represented by Mr.
 3 Luetkehans, so we'll just have him.
 4 **MS. VIRKLER:** Okay.
 5 **CHAIRMAN CORNALE:** To stay consistent with
 6 our process.
 7 **MS. VIRKLER:** All right, thank you.
 8 **CHAIRMAN CORNALE:** Anybody else in the
 9 audience with questions? All right. Thank you, Mr.
 10 Ambrose. All right, next on the list, John Hayes.
 11 John Hayes.
 12 **MR. HAYES:** Mr. Chairman, we're going to
 13 be here a while probably. I've got to get a
 14 PowerPoint presentation, got to get the computer set
 15 up. I'm willing to go if you're willing to stay a
 16 little bit.
 17 **CHAIRMAN CORNALE:** How much -- how much
 18 presentation do you have, Mr. Hayes?
 19 **MR. HAYES:** Maybe 20 minutes.
 20 **CHAIRMAN CORNALE:** Okay, this is new stuff
 21 and all --
 22 **MR. HAYES:** Yeah.
 23 **CHAIRMAN CORNALE:** -- like I talked
 24 earlier?

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1 **MR. HAYES:** I mean it could be shorter
 2 possibly than 20 minutes. My presentation --
 3 **CHAIRMAN CORNALE:** Okay, let me just kind
 4 of get a check here. Ruth Wessels? Ruth Wessels?
 5 Mary Russell? Any of these names have a shorter
 6 presentation that might fill our space? Kent
 7 Zimmerman? Dieter Elbert?
 8 Mr. Hayes, it's you. Go ahead, let's do
 9 this.
 10 Appreciate everybody being patient with
 11 this. I just want to talk about just real quick
 12 Monday the 13th at 6:30 here is our next meeting.
 13 So Monday the 13th at 6:30 here at the Walton Centre
 14 we'll meet again. We'll talk about some more dates
 15 following that. We'll have kind of a good pulse on
 16 where we're at in regard to getting through
 17 witnesses. I'm not sure which number we're on
 18 tonight, maybe seven, so we're doing pretty good.
 19 We started with 20 some and we've got seven, that's
 20 14, 13, something like that, so we'll work through
 21 everybody as best as possible. If you know you're
 22 going to testify or if you're prepared or -- be
 23 ready to go here these next couple of nights, so I
 24 do want to reiterate that.

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1 Just a couple other kind of statements.
 2 As we're looking at -- if you have testified
 3 previously or are set to, you will have the
 4 opportunity to make a closing statement, and I want
 5 to -- I just want to throw out there, there's a very
 6 good possibility that we're going to time limit
 7 those closing statements, probably around two
 8 minutes, two minutes worth of closing statements.
 9 We feel that we've given everybody enough time as
 10 they've testified that the two minute idea is going
 11 to work good for their final closing statements.
 12 So --
 13 **MR. LUETKEHANS:** Mr. Chairman, Mr.
 14 Chairman, I just wanted to -- I think it would help
 15 to clarify that my clients, because I don't talk to
 16 them all, you know, are not able to give closing
 17 statements, correct?
 18 **AUDIENCE VOICE:** Yeah, we are.
 19 **CHAIRMAN CORNALE:** All right, the official
 20 legal decision is if you are represented by Mr.
 21 Luetkehans, you do not, do not have the opportunity
 22 to make that final closing statement. I think the
 23 best, the most efficient way, to throw this out
 24 there for closing statements, and I think it seems

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1 logical to me, is we'll take the number of
 2 individuals on Mr. Luetkehans's list that he
 3 represents, multiply that times two minutes and
 4 that's how long Mr. Luetkehans gets.
 5 I think that being fair, Mr. Blazer, if
 6 you'll agree with that on the closing statement
 7 side, we'll take whatever his number is and we'll
 8 multiple -- we'll give you the same amount of time.
 9 **MR. BLAZER:** I lost you, I'm sorry.
 10 **CHAIRMAN CORNALE:** All right, on the
 11 closing statements, now this is past rebuttal,
 12 surrebuttal, everything that you guys have worked
 13 out.
 14 **MR. BLAZER:** Right.
 15 **CHAIRMAN CORNALE:** And I don't -- okay.
 16 Closing statement, final closing statement, we're
 17 going to take and -- we're going to take Mr.
 18 Luetkehans's list of individuals. We give every
 19 individual two minutes. We're going to multiply his
 20 number times two minutes. Whatever that is, that's
 21 how long he has. Now, he may not choose to use it.
 22 Mr. Blazer, you'll get an equal amount of time.
 23 **MR. BLAZER:** Understood.
 24 **CHAIRMAN CORNALE:** And then for everybody

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1 else in the audience that wasn't represented by Mr.
 2 Luetkehans, they'll get their two minutes. Does
 3 that seem --
 4 **MR. BLAZER:** It does, sir. Thank you.
 5 **CHAIRMAN CORNALE:** All right, very good.
 6 Mr. Hayes, you look like you're ready to go. All
 7 right, Mr. Hayes, let's get you sworn in. Mr.
 8 Hayes, please raise your right hand.
 9 (Mr. John Hayes was duly sworn.)
 10 **CHAIRMAN CORNALE:** Please state your name
 11 and address for our court reporter and go ahead and
 12 begin.
 13 **MR. HAYES:** John Hayes, Rural Route 1, 603
 14 South Jackson, Fairbury, Illinois.
 15 **CHAIRMAN CORNALE:** Mr. Hayes, you've got a
 16 microphone and you've got to use it.
 17 **MR. HAYES:** Good evening. I'll try to
 18 make this as brief as possible, and there may be
 19 some things I may skip over a little bit to do as
 20 Mr. Cornale as suggested and try to get right to the
 21 new stuff, is what I would consider new.
 22 I'm just -- I'm going to give you some
 23 personal information first. My background. I've
 24 lived in Fairbury for the last 44 years, taught in

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1 the Prairie Central School District for 30 years and
 2 eight years down the road at Gilman. I have a
 3 bachelor's degree from Illinois State University
 4 with a major in chemistry and a math minor. I have
 5 a master's degree from Eastern Illinois University
 6 in physical science, and this was a special master's
 7 type program for people who were teaching, so it was
 8 under the physics and chemistry departments jointly.
 9 And the main reason I went to get the
 10 master's degree was to improve my physics knowledge
 11 because that was one of the subjects I was teaching.
 12 And so I took -- all the classes I took as part of
 13 my master's classes were in physics, with one
 14 exception, one was a chemistry class. So, in other
 15 words, my master's work was in physics. The classes
 16 I took covered all major areas of physics, including
 17 wave sound, ultrasound and infrasound, and all the
 18 other areas of physics that wouldn't pertain
 19 necessarily in great detail to these proceedings.
 20 So I have a pretty strong background in the
 21 understanding of science.
 22 I also, although this isn't important, but
 23 I did participate in three summer long workshops
 24 on -- whose primary goal was to improve the teaching

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1 of physics in generally the whole United States but
 2 particularly in small rural schools such as Prairie
 3 Central.
 4 Now, I've kind of seen a pattern that a
 5 lot of people testify that they're not qualified to
 6 testify, so I thought I'll go ahead and throw it in
 7 there. My testimony might be referred to as invalid
 8 because I do not have a special certification, such
 9 as a medical doctor, an acoustician, an appraiser,
 10 or other specialized certifications. The testimony
 11 I will present does not require a special
 12 certification. My science background is more than
 13 sufficient to read scientific study conclusions. In
 14 addition, my background gives me the knowledge to
 15 determine what constitutes a valid and unbiased
 16 scientific study. It also gives me the ability to
 17 look at, take a conclusion, in my opinion anyway,
 18 this would be my opinion, and I feel I can
 19 extrapolate it to -- from one area into another
 20 area, and I hope you will be able to see my
 21 connections, but I will do very little of that here.
 22 When I was thinking about this
 23 presentation, my main thought was to try to
 24 demonstrate to the Zoning Board of Appeals that

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1 the -- there are several things about this project
 2 that doesn't meet the Standards for Special Use, and
 3 we've been hearing a lot of that. And I want to try
 4 to kind of make a point as to not just that but as
 5 to why some of the expert testimony that was
 6 presented might not be as valid as it might have
 7 been presented as.
 8 So I just thought, well, I'm going to
 9 approach -- start with Standard 2, which part of it
 10 states will not be detrimental to or endanger the
 11 public health, safety, morals, comfort or general
 12 welfare. And I put that up there because there was
 13 a gentleman here who did talk about health from --
 14 and his name was Ellenbogen. I'm not sure if I'm
 15 pronouncing if quite right. You may have remembered
 16 him. He was their expert witness on sleep.
 17 And one of the statements that he said,
 18 there was no evidence linking wind turbines to
 19 physiological changes in humans. And he may not
 20 have used the word physiological, but I think
 21 everybody understands that physiological would be
 22 like headaches, sleep disorders, and all those kind
 23 of things that have been pointed out as caused by
 24 wind turbines or at least proposed to be caused by

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1 wind turbines. And when he made that statement, I
 2 had to agree with him because I looked and I
 3 couldn't find anything. Wasn't any proof.
 4 Well, we did have a veterinarian come in
 5 and he gave us a report on a geese study that proves
 6 that turbines cause physiological change in geese.
 7 I believe that was a cortisol increase. And geese
 8 are mammals, same as we are, so that's possibly true
 9 that you could try to extrapolate that to humans,
 10 but that's probably not a good leap. So -- and
 11 unfortunately that's not absolute proof that these
 12 turbines are affecting people.
 13 Then something came up along later after
 14 Mr. Ellenbogen gave his testimony. It was the Cape
 15 Bridgewater study. And I'm certainly not going to
 16 go back through that, I may have a little up here
 17 that you can try to read quickly, but this was --
 18 this was a new study that actually did prove that
 19 turbines produce physiological changes in humans.
 20 This study was published after Ellenbogen's
 21 presentation. So what I'm saying is, yeah, when he
 22 gave his presentation, there wasn't any proof, but
 23 now there is.
 24 We can skip the first paragraph, the

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1 second. This was just kind of covered on Tuesday
 2 night a little bit and it just was -- but I didn't
 3 coordinate my testimony with other people, so I
 4 didn't know that that was going to be given by Ms.
 5 Fehr, so I'm just going to skip that part because
 6 that's really not new.
 7 And this next page kind of says the same
 8 thing. It's just part of what was given on Tuesday
 9 night. Not a whole lot different there, so I'm
 10 going to pretty much just skip that part too.
 11 But I did come up with an analogy because
 12 one of the things that when Dr. Punch gave his
 13 testimony, it was so interrupted, I had concerns
 14 about people in the audience really being able to
 15 follow. So I did ask a couple people and talked to
 16 one who totally missed the message of the Cape
 17 Bridgewater study, and they kind of thought it was
 18 because it was so broken up. So I thought, well,
 19 maybe if I gave you an analogy of that part,
 20 something that's a little different, and this is
 21 what the Cape Bridgewater study -- this is an
 22 analogy of what took place.
 23 A friend of mine in another state makes a
 24 bobblehead doll that looks like me, I don't know why

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1 they'd do that. But at 8:00 a.m. he strikes it and
 2 I get a headache in a different state. I have no
 3 idea why I got a headache. But then, say, nine
 4 o'clock he it strikes again and I get another
 5 headache and I have no idea why I'm getting these
 6 headaches. And he continues this. And then at a
 7 later time I talk to my friend and I find out that
 8 he's been doing this. I had no idea that he was
 9 hitting a doll and what time, but I kept getting
 10 headaches that I was writing down in my little
 11 journal and they all matched up perfectly. So, you
 12 know, you can draw a cause and effect from that, you
 13 know, that he strikes the doll, I get a headache.
 14 Now, we know that's not a real situation,
 15 but that's what happened at Cape Bridgewater. These
 16 residents were writing down things, they were
 17 physiological changes, and the most severe ones
 18 occurred when the turbines changed power by 20
 19 percent more, started up, stopped or just increased
 20 power or decreased power. Their sensations went
 21 to -- all the way up towards the top of the charts
 22 and they just matched up perfectly. And that's a
 23 proof there's something -- doesn't say it's
 24 infrasound, although that's what I'm thinking,

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1 there's something from the turbines is causing this
 2 change in these people's bodies. So, to me, that is
 3 proof there are physiological changes being caused
 4 by turbines.
 5 Okay. I have a quote there that it does
 6 -- it proves conclusively that turbines do affect
 7 public health and comfort and general welfare, so
 8 that's a reason right there to vote no, because it's
 9 not -- these turbines cannot affect our health
 10 according to the Standards for Special Use.
 11 And their experts came in, and pretty much
 12 all of them met those criteria. There was nothing
 13 at -- Ellenbogen says there was no health effects
 14 caused by it. So I was really curious about that,
 15 particularly after Ellenbogen's testimony, and so I
 16 went out and I looked for wind -- studies from wind
 17 turbines and sleep, and there aren't any. You just
 18 can't find any.
 19 But I thought it would be -- I still
 20 wanted to look up about sleep and see what, if
 21 anything, I could find, and I was able to find a
 22 study on -- that did include wind turbines and sleep
 23 disturbance, and this sound study was performed
 24 primarily by three investigators with some

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1 additional people, and one of them happened to be
 2 Dr. Ellenbogen who had testified here, and part of
 3 his testimony was turbines do not affect people's
 4 sleep. As he said, he would look for other causes,
 5 something other than turbines, whether it be sleep
 6 apnea, mental illness, whatever it is, that
 7 something other than turbines is what he said, but
 8 is that what he really believed? Well, that's --
 9 when I got looking at his study, I came to some
 10 other conclusions.
 11 So for those people that have the printed
 12 ones, this is -- okay, before we do that, excuse me
 13 for a second. If you will get the Ellenbogen
 14 "Evidence-based design meets evidence-based
 15 medicine: the sound sleep study." It's the thicker
 16 one. If you look towards the bottom of the first
 17 page, principal investigators, and you will see
 18 there's three of them, and the third one down is
 19 Jeffrey Ellenbogen, the man that testified here.
 20 Okay. Now, I'm going to ask you to turn
 21 to page V-I-I, which would be Roman numeral VII.
 22 Okay, now I realize I don't have this up here in the
 23 slide for those people in the audience, I apologize
 24 for that, but down at the bottom of this page, for

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1 the people who have the paper copies, there's a
 2 little last paragraph. It's under the problem. And
 3 you remember, this is a study that Ellenbogen and
 4 other prestigious doctors have put their name on.
 5 That means they believe this stuff. They wouldn't
 6 put their name down on something they didn't believe
 7 in and were very proud, because Ellenbogen, I found
 8 at least three press interviews that he did about
 9 this study, so I know he's quite proud about it.
 10 But here's one of the things that I found
 11 in print here that we can attribute to Dr.
 12 Ellenbogen and the other people who published this
 13 study. And here's a quote, "Disrupted and/or
 14 limited sleep has been illustrated to have adverse
 15 impacts on several important health measures and
 16 outcomes, including blood pressure, weight gain,
 17 heart disease, pain, stress levels and
 18 inflammation." Now, that's basically -- I just
 19 wanted to bring out the fact that they do believe
 20 that interrupted sleep is going to cause health
 21 issues. That's one of the things they put in there.
 22 Now, I'd like you to turn to page 11, that
 23 would be X-I. And before we go too much further, I
 24 will give you a little bit of background about this

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1 study so you know what it is. This study was
 2 performed by Ellenbogen and others to -- they
 3 investigated the effects of sounds in the hospital
 4 on patients' sleep because that was one of the main
 5 complaints that patients in the hospital had was
 6 their sleep was being interrupted from all the noise
 7 in the hospital.

8 And since you can't do experiments on sick
 9 people, because it just wouldn't be ethical, they
 10 did recruit some people and got it down to 12 people
 11 that they ran through a sleep study, most of which
 12 were young and they were all healthy and good
 13 candidates for this sleep study. And if any of
 14 you've ever had one, you know what that is. They
 15 put you in a room, they wire you all up, put all
 16 kinds of wires all over you to see how you sleep,
 17 and then they know what's going on. And then what
 18 they did was they exposed them to, I believe it was,
 19 14 different sounds that are common in a hospital
 20 throughout the night at various increasing volumes
 21 just to see what the effects would be. That's
 22 basically what the sleep study was.

23 And you'd think, well, how does that apply
 24 to wind turbines? Well, I'm going to try to show

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1 you that, because on page XI it's -- I found this
 2 quote. "With regard to other stimuli, those with
 3 shifting contours, towel dispenser, door closed,
 4 toilet flushed, ice machine --" and what that's
 5 saying is this was an electric hum. Paper
 6 dispenser, you put your hand under it, it goes bzzz;
 7 put your hand under it, bzzz. What they mean by
 8 shifting contours, the ice machine pops out the ice,
 9 they go clunk, makes a noise, so it's the kind of
 10 things where the noises were not continuous like a
 11 running fan "-- tended to be more arousing than
 12 those with continuous contours, traffic and laundry
 13 carts."

14 One possible -- this is my opinion. One
 15 possible application of this result could mean that
 16 a sleeping person is more likely to be aroused by
 17 the pulsating sound of a turbine blade than
 18 continuous road traffic. And what I'm saying is if
 19 you live near an interstate, you've got a lot of
 20 road traffic, yeah, you probably can sleep through
 21 that and get used to it. But when you have a blade
 22 on a big industrial turbine going by and it's going
 23 swoosh and thunk and you get that amplitude
 24 modulation and it's not every -- it may be a second

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1 or 1.2 seconds. This variation in the contour is
 2 more likely to wake you up is what I'm saying; that
 3 the people who did this study found that to be true.
 4 Now, they didn't do it for wind turbines. I tried
 5 to show the connection here.

6 Okay, I'll come back to that other thing I
 7 believe in a little bit. But on page 29, the last
 8 paragraph, and this is what I found very interesting
 9 about this study of Dr. Ellenbogen who was here
 10 testifying. He and his other study members found
 11 that this statement was important enough to include
 12 in their study. Even though they didn't study wind
 13 turbines, they did -- they did -- they were aware
 14 that helicopters fly over the hospital and other
 15 things, maybe the hospital could be near a road, a
 16 lot of road traffic, so they were aware that there
 17 are other noises than just those that are inside the
 18 hospital, but this is one of the things they
 19 included. A newly reported concern for rural
 20 settings -- that would be like this wind farm --
 21 where regions have shown very low ambient noise
 22 sound levels is the installation of wind turbines.
 23 Here is Ellenbogen saying this is a concern,
 24 turbines in rural settings are, you know, as far as

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1 disrupting sleep, which to me is just the opposite
 2 of what he said when he was here and he testified.

3 Some citizens, even those who have
 4 expressed support for turbine installations, have
 5 reported sleeplessness and other health and quality
 6 of life problems. "Because the characteristic
 7 sounds include significant low frequency exposures,
 8 consideration may be needed in planning adequate
 9 hospital building envelopes --" and when they mean
 10 envelopes, they're talking about soundproofing the
 11 hospital, that's elsewhere in that study, you can
 12 figure that out, that's what they mean by envelopes
 13 "-- in some rural settings."

14 Future re -- okay, "Future research should
 15 explore sleep disruption from low frequency sounds,
 16 especially as related to wind and turbine rotational
 17 speeds." Well, here they're saying you should be
 18 doing -- there should be more research on this.
 19 Well, you think about this. The last sentence
 20 contains that phrase "explore sleep disruption from
 21 low frequency sounds, especially as related to wind
 22 and turbine rotational speeds."

23 Well, as Ellenbogen said, they don't
 24 disrupt sleep. If they don't disrupt sleep, then

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1 why would you need to explore it? You know, the
 2 fact they put in here we need to explore it tells
 3 you he's acknowledging that turbines are going to
 4 disrupt sleep despite what he said. You've got to
 5 remember this is his wording not mine.
 6 This statement about turbines and sleep
 7 disruption is in Ellenbogen's noise study. The
 8 statement clearly communicates that wind turbines do
 9 cause sleep interruptions in hospitals, and the
 10 rural settings may need special building design to
 11 keep turbine noise from entering the hospital.
 12 There is a handout for the people. It's
 13 -- I think it would be Hayes 7. I -- well, yeah.
 14 **MR. LUETKEHANS:** Yes.
 15 **MR. HAYES:** Well, let's see. Yeah, Hayes
 16 7. On the, this is a, this was a -- oh, it's just a
 17 press release sort of. An interview was done of
 18 Ellenbogen by I think it's probably a television
 19 station, but then they sometimes put the posts on
 20 their websites to the stories and I think that's
 21 what it's from, but it was just because it had some
 22 different wording. It did not state anything new
 23 that wasn't in the study, but there's a little bit
 24 of different wording that I find interesting in

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1 here.
 2 And it's right on the tenth paragraph on
 3 this paper. It starts with "The other surprises."
 4 If you'll find that. Okay, here's what they put
 5 there or states there. "The sleepers' heart rates
 6 temporarily jumped as much as ten beats per minute
 7 as they were aroused, researchers reported, and they
 8 didn't remember most of the disruptions even though
 9 brain recordings clearly showed their sleep was
 10 interrupted, which suggests that patients'
 11 complaints are underestimating the problem."
 12 What that -- what was going on, and this
 13 is -- you know, I have sleep apnea. I had no idea
 14 why I was so tired until I had the sleep study. I
 15 didn't realize I was waking up all night long. I
 16 didn't know that. That's what they found to be true
 17 for these patients that are people -- the
 18 participants in sleep studies.
 19 So I want to get down here, because this
 20 is a quote by Ellenbogen. He said, "My God, we
 21 delivered 100 sounds to this person and woke them up
 22 40 times, and they're reporting to us just a couple
 23 of awakenings," Ellenbogen said with disbelief. So
 24 what does that mean? Well, this is where my science

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1 background comes in and tells me -- tells me the
 2 following.
 3 The above study research indicates
 4 noise -- and I'm going to tell you wind turbine
 5 noise is noise, you do hear it the same as you hear
 6 other noises -- can result in interrupted sleep, and
 7 the sleeper may not even be aware their sleep was
 8 interrupted by the noise or the source. There are
 9 many reported cases of sleep interruptions from a
 10 wind turbine.
 11 I believe from the study results that
 12 additional people are having interrupted sleep and
 13 are not aware of this fact and therefore are not
 14 reporting turbines as interrupting their sleep. And
 15 interrupted sleep is harmful to health and that
 16 clearly violates one of the Standards of Special
 17 Use. And that's a real concern. You could be
 18 sleeping, you know, near one of these turbines and
 19 having your sleep interrupted and you might not even
 20 know it. You might just wake up tired and not
 21 really know that the turbine woke you up, and that's
 22 something that's -- that I consider new and I
 23 consider it important and something you need to
 24 think about.

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1 This study by Ellenbogen and others
 2 acknowledges that turbine noise can cause sleep
 3 interruption. Ellenbogen testified that turbine
 4 noise does not interrupt sleep. This study by
 5 Ellenbogen coauthored -- and it should be 2010, I
 6 think I looked at the press release and it may have
 7 said 2012 or something, I got the wrong date there,
 8 this was done in 2010 -- brings up increasing
 9 concerns of low frequency turbine noise disrupting
 10 sleep, especially in rural areas.
 11 Ellenbogen's testimony at the Pleasant
 12 Ridge Wind Farm hearings is contradicted by the
 13 beliefs he supported in his research study. His
 14 change of opinion concerns me greatly. Based on
 15 Ellenbogen's beliefs presented in this study and the
 16 fact that Ellenbogen was compensated for his
 17 testimony leads me to strongly question the validity
 18 of his testimony.
 19 So I hope I made my -- made it clear that
 20 I don't really believe Ellenbogen's testimony was
 21 what he really believes. Now, you -- and there's
 22 his words right in this study, I just pointed them
 23 out, and the fact that he even included information
 24 about he believes wind turbines can disrupt sleep.

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1 Now, you'll have to be the judge for yourself on
 2 that issue.
 3 Okay, and then there's another idea that I
 4 wanted to quickly go over and that really had to do
 5 with Mr. Hankard's testimony. He would be the noise
 6 guy, the one that came up with the decibel readings
 7 for the different frequencies. But the first part
 8 of here is really not new. And I put down another
 9 reason to vote no is the fact that predicted ISO
 10 model decibel values do not include sound increases
 11 due to amplitude modulation and resonance.
 12 **MR. BLAZER:** Mr. Chairman, I'll object to
 13 this portion. This witness has already acknowledged
 14 that he's not an expert in acoustics.
 15 **MR. HAYES:** I do have a very good, strong
 16 physics background in sound and I got A's in all my
 17 classes.
 18 **AUDIENCE VOICE:** Good enough for me.
 19 **MR. BLAZER:** While I congratulate him on
 20 that, and I can assure him I didn't get an A in
 21 physics, nevertheless he's not an acoustician and
 22 he's not an expert in noise modulating.
 23 **MR. LUETKEHANS:** There has not been any
 24 testimony that says an acoustician is necessary to

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1 testify to these types of physics issues. They're
 2 sound. It's a sound issue; it's not an acoustics
 3 issue.
 4 **MR. HAYES:** I've taught resonance to some
 5 of you people sitting --
 6 **MR. BLAZER:** Sound is not acoustics?
 7 **MR. HAYES:** I taught John and some of you
 8 other people.
 9 **CHAIRMAN CORNALE:** All right, let's keep
 10 this on the physics level and just keep rolling with
 11 it and --
 12 **MR. HAYES:** All right, will do, but
 13 basically if I could just basically say that there
 14 are a couple of things that are included in the ISO
 15 model. One would be resonance, and I thought about
 16 demonstrating it, but the equipment that I would've
 17 had to have brought in would be kind of big and has
 18 water and is messy, so I decided not to. And the
 19 other thing I mentioned earlier over at Pontiac in
 20 the cross-examination of Mr. Hankard was amplitude
 21 modulation as (indecipherable) and that's not
 22 included. So when they tell you that the numbers
 23 they're going to have -- and when you start looking
 24 at a lot of those numbers, they're at maximum values

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1 and they haven't included other sound that can end
 2 up with higher amplitudes from the turbines, to me
 3 that's not quite right, but that's the way they did
 4 it, so I just threw that in.
 5 Now, the other thing that I wanted to
 6 quick comment on was the -- one of the purposes of
 7 the Cal Ridge study was to prove that sound levels
 8 at Mr. Hartke's house did not exceed Illinois
 9 Pollution Control Board maximum values. The data
 10 provided by the study did not contain all vital
 11 information needed to determine the validity of the
 12 study --
 13 **MR. BLAZER:** Again, Mr. Chairman, I'll
 14 object to this. This is beyond the scope of this
 15 person's expertise and is not relevant.
 16 **MR. HAYES:** I looked over the data and I
 17 can tell you, because I looked at things, I know. I
 18 know better than Mr. Blazer about scientific
 19 studies --
 20 **CHAIRMAN CORNALE:** All right, Mr. Hayes,
 21 Mr. Hayes.
 22 **AUDIENCE VOICE:** Yeah.
 23 **CHAIRMAN CORNALE:** Physics is physics, and
 24 you've interpreted the data from that, so we can't

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1 -- you can't keep talking about the Cal Ridge study.
 2 You aren't qualified -- well, I shouldn't say that,
 3 but in the minds -- in this setting, you're not
 4 qualified to interpret the data of the report.
 5 **MR. HAYES:** Okay, then I'll -- I'll honor
 6 that, I have no -- okay, that will be fine. Then --
 7 I'm not really trying to interpret the data. That
 8 wasn't what I was trying to do at all to tell you
 9 the truth, but that's okay.
 10 The one last bullet I have on this one
 11 here, this is just what I encourage the county board
 12 to do. I would encourage the county board to
 13 request the operating output megawatts of all
 14 individual turbines during the Cal Ridge study, and
 15 Invenergy needs to be more transparent. And the
 16 reason for that is when -- and this is already in
 17 testimony, this is not new. This is -- without
 18 knowing the energy output, and the energy output is
 19 related to the amount of sound they're producing on
 20 those turbines near Mr. Hartke's house, we have
 21 no --
 22 **MR. BLAZER:** Objection, beyond the scope
 23 of this person's expertise. It's not relevant.
 24 He's now testifying about acoustics.

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1 **CHAIRMAN CORNALE:** Mr. Hayes, you are
2 interpreting the data again.
3 **MR. JOHN SLAGEL:** I have a quick question.
4 **MR. HAYES:** Wait, you can't talk about --
5 **CHAIRMAN CORNALE:** No.
6 **MR. HAYES:** Another concern I have with
7 the Cal Ridge study concerns the statement in
8 conclusions. At location prime 2, which is located
9 a similar distance to the --
10 **MR. BLAZER:** Same objection, Mr. Chairman.
11 **MR. LUETKEHANS:** You know --
12 **MR. HAYES:** Yeah, he's got to object
13 for -- he doesn't want the truth to come out. Now
14 that's enough.
15 **AUDIENCE VOICE:** Yeah, yeah.
16 **MR. HAYES:** And I'm not interpreting
17 anything. I just want to show you. I'm not
18 interpreting, I'm not reading --
19 **MR. LUETKEHANS:** So far, all he's done is
20 read the Cal Ridge study that Mr. Blazer put into
21 evidence. I don't know what the objection to that
22 is.
23 **MR. BLAZER:** If you'll look at the next
24 paragraph, Mr. Chairman --

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1 **MR. LUETKEHANS:** You know what?
2 **MR. BLAZER:** -- it reports --
3 **MR. LUETKEHANS:** I still get to object.
4 **MR. BLAZER:** I didn't interrupt you --
5 **MR. LUETKEHANS:** And I --
6 **MR. BLAZER:** I didn't interrupt you,
7 counsel. And again, yelling doesn't make you right.
8 If you look at the next paragraph, Mr. Chairman --
9 **MR. LUETKEHANS:** Mr. Blazer, you've been
10 doing this all --
11 **CHAIRMAN CORNALE:** Guys, hey, we're trying
12 to get done tonight. You guys argue, it goes
13 longer.
14 **MR. LUETKEHANS:** Well, then --
15 **CHAIRMAN CORNALE:** Let's --
16 **MR. LUETKEHANS:** -- let's get through the
17 testimony.
18 **AUDIENCE VOICE:** Yes.
19 **MR. LUETKEHANS:** You can -- you have the
20 right to decide whether he --
21 **CHAIRMAN CORNALE:** Mr. Hayes --
22 **MR. LUETKEHANS:** -- has the ability to
23 testify or not.
24 **CHAIRMAN CORNALE:** -- let's be careful not

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1 to interpret the data of the Cal Ridge study.
2 **MR. HAYES:** Okay. What I'm going to do is
3 I'm going to go down slides, and then we can come
4 back and look at it maybe, not even read it, but I
5 think what I can do then is --
6 **CHAIRMAN CORNALE:** Okay, let's be careful
7 not to --
8 **MR. HAYES:** I think the relevance is going
9 to show up here really quick.
10 **CHAIRMAN CORNALE:** Okay, but it's in
11 evidence, so now we're repeating everything that's
12 previously been submitted.
13 **MR. HAYES:** No, this -- well, okay.
14 **CHAIRMAN CORNALE:** Let's see how we do.
15 **MR. HAYES:** What happened, John?
16 **CHAIRMAN CORNALE:** You're at the end of
17 the slide show. You need to backspace.
18 **MR. HAYES:** So I missed something, oops.
19 There. Keep going down until we get to the page.
20 **AUDIENCE VOICE:** It's showing up on his
21 shirt.
22 **MR. HAYES:** Okay.
23 **CHAIRMAN CORNALE:** Okay.
24 **MR. HAYES:** Okay. Now the Cal Ridge

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1 study, I looked at it because of one of the
2 conclusions of Mr. Hankard. Not me, Mr. Hankard's.
3 His conclusion was that all of the decibel readings
4 that were found at the Cal Ridge study were within
5 limits. And I don't know for sure, but I did look
6 at some of the numbers, and some of the numbers
7 were -- exceeded the nighttime value of 41 by a
8 little bit. But I also saw in the Cal Ridge study
9 that he was considering 41.49 to meet the 41 decibel
10 level.
11 Well, I tried to find where there was any
12 place or anybody that rounded these things like
13 that, and I just didn't find it. That doesn't mean
14 it doesn't exist. I didn't find it. I went to the
15 Illinois Pollution Control Board's site, their
16 table, it says 41. It doesn't say 41 plus, it says
17 41. But that's one thing that was a little bit of
18 concern, the numbers were above, and that came up in
19 regard to earlier. But what I also did was I looked
20 at two tables. And they didn't print very good.
21 Let me see if I can get this to go up.
22 Okay, there are a couple of tables, and
23 you're probably going to have a little trouble
24 reading them, so I did go ahead and I took data off

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1 of those, these two tables, and re-typed them larger
 2 so they could be seen. And one of these tables was
 3 analysis of complaint times during the noise study
 4 for Mr. Hartke's house. And as he testified, that
 5 his sleep was interrupted and had problems and
 6 eventually had to abandon his house. Well, he was,
 7 as was testified, filing or saying that his sleep
 8 was being interrupted, and this was kept track of by
 9 Invenery and it was going on during the sleep
 10 study, so there's dates and times and things when
 11 data was collected during the sleep study, and this
 12 stuff was in this table and it was used to basically
 13 state he complained the most when the turbines were
 14 near maximum operating. Well, that makes sense.
 15 And then we had another table over here,
 16 and this table over here has numbers in it that I
 17 believe were used to draw the conclusion that all
 18 the values for the not exceeding Illinois Pollution
 19 Control values at Mr. Hartke's house were met.
 20 Now, these two tables are -- both were
 21 prime 2, that would be microphone 2, for the same
 22 microphone, and they do have some common data
 23 points. That means they occurred at the same day,
 24 same hour, recorded by the same microphone, and they

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1 would have been analyzed by Mr. Hankard, should get
 2 the same results.
 3 And so I -- you know, because in this
 4 table here, everything matches, but I did find -- or
 5 I mean does meet using his rounding. Some of them
 6 were, in my opinion, don't meet, but according to
 7 Mr. Hankard would because of rounding, but I did
 8 find one over here that was an anomaly. So let me
 9 go to the other table and try to point out to you.
 10 On November 15 at four o'clock in the
 11 morning, this is 24 hour time, the -- there's the
 12 500 hertz data and it could be up to 47 and not
 13 exceed the Illinois Pollution Control values. And
 14 if you look on all these numbers here, they're all
 15 below 47, except the ones on 11/9 at three o'clock
 16 in the morning, they exceed the 47, but if you look
 17 at the wind speed, it's 7. Anything at 5 and above,
 18 they throw it out, they don't count that. Not that
 19 you can't hear it, but you can't separate the
 20 turbine noise from the wind noise, and they don't
 21 know how much is turbine noise, therefore you can't
 22 say that the turbines were making all the noise. So
 23 that's still legal, I have no problem there.
 24 But then when I went over to the 1000

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1 hertz and I started looking down, you're going to
 2 see here a 3. -- I mean 36.7 and a 37 between the
 3 two different graphs. Well, they're supposed to be
 4 the same number. Okay, well, maybe he did round
 5 36.7 to 37 for simplicity, I don't know, that's what
 6 it appears, and then when you look at here -- well,
 7 that one, of course, would be thrown out because
 8 it's 7, but here we have 41.2, 41.2, exactly what I
 9 would expect from a scientific study. I don't
 10 really expect this (indicating). This raises
 11 questions in my head, why are you rounding in one
 12 table and not the other, but it might still be
 13 considered fine. It's not -- certainly not
 14 misleading.
 15 And then when you get to 11/4 at five
 16 o'clock in the morning, we have values at 38 and 38.
 17 Those are even exactly the same. Well, on November
 18 9th at -- that would be ten o'clock, these are the
 19 two numbers I found. Now, the one -- this 41.4
 20 meets the nighttime value, according to Mr. Hankard,
 21 because he would go 41.49, you know, even though the
 22 limit says 41. But this number here, 41.8, same
 23 data, somehow this number wouldn't meet and couldn't
 24 make that statement and conclusion that every point,

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1 every decibel reading was within limits. This
 2 somehow miraculously got changed to 41.4.
 3 Now, I don't know how that happened. You
 4 know, it could be something that's not nice, it
 5 could be just an honest mistake, but if that's an
 6 honest mistake even, I -- boy, if I was doing
 7 research and I had numbers in my results that
 8 weren't right, I wouldn't consider that very good
 9 results for an experiment.
 10 Now, I would consider, you know, there's
 11 something not trustworthy about your data if you
 12 can't even keep it the same numbers for the same set
 13 of data in two different data tables and just --
 14 this one here, I'm sure this is a table he used to
 15 come up with all of them being 41.4 or less. So
 16 I'll leave it up to you guys to decide. This is for
 17 the people out there too. I really have some issues
 18 with this data, the same as I had issues with Mr.
 19 Ellenbogen's testimony.
 20 This just says what I just said. That's
 21 all it says. There's no conclusions in there. It
 22 just says what I just went over with you. This is
 23 my opinion here, right here. This is an opinion
 24 that I have. I don't -- I really don't have faith

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1 in his finding that the data -- that's not right in
 2 there. There's no other -- I don't know what the
 3 explanation for it is, but even if it were to be
 4 accidental, then how do I know that? It brings into
 5 question all the data in my opinion.
 6 And so in conclusion, I hope the Zoning
 7 Board of Appeals and the whole county board will
 8 vote no. And I would like the board to rewrite the
 9 county ordinance to protect the health and welfare
 10 of everyone in Livingston County from future wind
 11 farm projects. I sincerely thank you for your time
 12 and patience in this matter, the Hayes family.
 13 **CHAIRMAN CORNALE:** Thank you. ZBA, any
 14 questions? Mr. Blazer, did you want --
 15 **MR. BLAZER:** Did you want to ask
 16 government first?
 17 **CHAIRMAN CORNALE:** What's that? School
 18 districts, local government?
 19 **MR. BLAZER:** I wanted to stay true to
 20 form.
 21 **QUESTIONS BY**
 22 **MR. BLAZER:**
 23 Q. Mr. Hayes, let's look first at your
 24 Exhibit 5, this study by Dr. Ellenbogen and others.

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1 First of all, I do believe you corrected it. This
 2 is from 2010, correct?
 3 **A. Yes.**
 4 Q. Okay.
 5 **A. Yes.**
 6 Q. And then could you go to page -- I think
 7 you were talking about Romanette vii, the small
 8 Romanette vii.
 9 **A. Okay, I'm there.**
 10 Q. If you could go there. It's the first
 11 paragraph on the executive summary and --
 12 **A. Oops. Oh, I don't -- I'm sorry. I'm on**
 13 **page viii.**
 14 Q. Executive summary. Here you go.
 15 **A. Yeah, I know.**
 16 Q. Got it?
 17 **A. This -- there we go, yes.**
 18 Q. Okay. And the last sentence of --
 19 actually the last two sentences, I'll read this and
 20 then I'll ask you a question about it. This is
 21 talking about the sounds that were transmitted.
 22 "They were transmitted through an array of speakers
 23 positioned in the hospital sleep laboratory room.
 24 Sounds were delivered in rising 5 decibel step

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1 exposures from 40 to 70 dB(A)." Do you see that?
 2 **A. Yes.**
 3 Q. Okay. "With steady 32 dB(A) night
 4 background levels from air handling equipment."
 5 Right?
 6 **A. Yes.**
 7 Q. Okay. If we assume an exterior noise
 8 level of 40 dB(A), do you know what the
 9 corresponding interior noise level would be?
 10 **A. I can only base this a little bit on**
 11 **personal experience not on any technical knowledge I**
 12 **have, but having been through three sleep studies,**
 13 **they soundproof the building where the sleep study**
 14 **is done, so I would expect it to be none of the**
 15 **sound from outside would come in. I never noticed**
 16 **any when I did my sleep study, that any sound**
 17 **outside came into the inside of the building.**
 18 Q. I'm asking only because they were
 19 subjecting these subjects to noise levels between 40
 20 and 70 dB(A). So what I'm asking is if you had 40
 21 dB(A) outside, do you have any reason to dispute
 22 that the indoor conversion of that would result in
 23 19 dB(A)?
 24 **MR. LUETKEHANS:** Objection, assumes facts

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1 not in evidence.
 2 **MR. BLAZER:** I'm just asking if he knows.
 3 **CHAIRMAN CORNALE:** All right, hold on.
 4 **MR. HAYES:** No, I do not --
 5 **CHAIRMAN CORNALE:** Mr. Luetkehans --
 6 **MR. HAYES:** -- know that for a fact.
 7 **CHAIRMAN CORNALE:** Mr. Hayes, hold on,
 8 hold on. He hasn't -- he told us he wasn't an
 9 acoustician.
 10 **MR. BLAZER:** Right.
 11 **CHAIRMAN CORNALE:** And we didn't let him
 12 interpret the data because he wasn't an acoustician.
 13 Now, you're asking him acoustician questions.
 14 **MR. BLAZER:** And just for the record, Mr.
 15 Luetkehans is wrong. That evidence is in the
 16 record. It's the World Health Organization report.
 17 But in any event, I'll move on.
 18 **MR. LUETKEHANS:** Then give the full
 19 hypothetical with all the parameters not just one
 20 question, one part of it.
 21 **BY MR. BLAZER:**
 22 Q. Now, going to page 29 of this study, this
 23 2010 study, which you also -- you reported this in
 24 your presentation. I apologize, this is the first

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1 time I saw this. And actually your pages aren't
 2 numbered. Do you know in your presentation you
 3 started with page 29?
 4 Anyway, in this study, it actually --
 5 bottom of page 29, goes to the top of page 30,
 6 correct?
 7 **A. Yes.**
 8 **Q.** That's where these people talked about
 9 wind turbines.
 10 **A. Yes.**
 11 **Q.** Okay. And the conclusion here is, "Future
 12 research should explore sleep disruption from these
 13 low frequency sounds especially as related to wind
 14 and turbine rotational speeds." Correct?
 15 **A. Yes.**
 16 **Q.** Okay. Have you read Pleasant Ridge
 17 Exhibit 59, the 2012 Wind Turbine Health Impact
 18 Study: Report of Independent Expert Panel prepared
 19 for Massachusetts Department of Environmental
 20 Protection and Massachusetts Department of Public
 21 Health which is co-authored by Dr. Ellenbogen?
 22 **A. No, I have not.**
 23 **Q.** Okay. Now again, because you don't have
 24 pages on your presentation, it's -- I don't know how

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1 to identify this page. It's this page (indicating).
 2 At the top it says "This study proves conclusively
 3 that turbines do affect the public health."
 4 **A. Yes.**
 5 **Q.** All right. And here you're reporting on
 6 page small Roman xi, and then after the quote,
 7 there's a line there -- there are a couple of lines
 8 that start "one possible application of this
 9 result." Do you see that in your slide show?
 10 **A. I'm not sure -- I'm not sure I'm quite to**
 11 **the right page yet, I apologize. Okay, I think I'm**
 12 **-- am I there?**
 13 **Q.** (Indicating).
 14 **A. Yeah, I -- oh, no, I'm not there. Oh, I**
 15 **can just read it, thanks.**
 16 **CHAIRMAN CORNALE:** Mr. Blazer, go ahead
 17 and ask the question.
 18 **A. Okay.**
 19 **Q.** Okay, the line -- there are a couple of
 20 lines that start "one possible application of this
 21 result."
 22 **A. Yes.**
 23 **Q.** That's not Dr. Ellenbogen's language,
 24 that's your language, right?

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1 **A. That is true. I thought I made that**
 2 **clear.**
 3 **AUDIENCE VOICE:** Yes, you did.
 4 **AUDIENCE VOICE:** You did.
 5 **AUDIENCE VOICE:** I could hear it out here.
 6 **BY MR. BLAZER:**
 7 **Q.** And then referring to your Exhibit 7, this
 8 article from 2012.
 9 **A. Yes.**
 10 **Q.** And again, this is from -- the top of the
 11 page says, "I found the following statement."
 12 **AUDIENCE VOICE:** It's behind you. It's on
 13 the screen.
 14 **Q.** Oh, there you go. Yeah, there it is.
 15 Thank you. In that fourth bullet, the blue, "wind
 16 turbine noise is noise," that is your -- that is
 17 your language, right?
 18 **A. That is -- that is my language, that's**
 19 **true.**
 20 **Q.** This article didn't address wind turbines,
 21 correct?
 22 **A. It did not.**
 23 **MR. BLAZER:** That's all I have.
 24 **CHAIRMAN CORNALE:** Mr. Luetkehans,

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1 questions?
 2 **QUESTIONS BY**
 3 **MR. LUETKEHANS:**
 4 **Q.** Yeah, one question. Mr. Hayes, when you
 5 were referring to Dr. Ellenbogen in your PowerPoint,
 6 it appears to me that you quoted -- you put quotes
 7 around every statement that was from Dr. Ellenbogen,
 8 correct?
 9 **A. I'm sorry, I didn't --**
 10 **Q.** When you in your PowerPoint --
 11 **A. I'm hard of hearing.**
 12 **Q.** In your PowerPoint -- and this isn't
 13 working. So in your PowerPoint, when you were
 14 quoting Dr. Ellenbogen, you put quotes around those
 15 statements, correct?
 16 **A. Yes. I think I might have missed one**
 17 **somewhere. I thought -- when I started to read it,**
 18 **I thought I saw I messed up in my typing. But yes,**
 19 **I put quotes around his statements to draw attention**
 20 **they were from him.**
 21 **MR. LUETKEHANS:** Thank you.
 22 **CHAIRMAN CORNALE:** Anybody else in the
 23 audience with questions for Mr. Hayes? Anybody?
 24 Anybody? Nobody. Anybody? All right. County

1 staff? County counsel? ZBA? Mr. Hayes, thank you.

2 **MR. HAYES:** Thank you.

3 **CHAIRMAN CORNALE:** All right, just a quick
4 reminder, Monday the 13th at 6:30 back here at the
5 Walton Centre. Just want to remind everybody that's
6 possibly set to testify: Remember, new information,
7 we like that. We've heard a lot. We don't need a
8 repeat. All right. With that, we need a motion to
9 recess.

10 **MR. VITZTHUM:** I make that motion.

11 **CHAIRMAN CORNALE:** Vitzthum motions. Can
12 I get a second? Kiefer seconds. All in favor?

13 **ALL MEMBERS:** Aye.

14 **CHAIRMAN CORNALE:** Opposed?

15 (Adjourned at 10:17 p.m.)

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24

1 STATE OF ILLINOIS)
2 COUNTY OF FORD)SS

3
4 I, June Haeme, a Notary Public in and for
5 the County of Ford, State of Illinois, do hereby
6 certify that the following Livingston County Zoning
7 Board of Appeals Case SU-7-14 hearing was taken at
8 the Walton Centre, 100 West Locust Street, Fairbury,
9 Illinois, on April 9, 2015.

10 That the said testimony was taken down in
11 stenograph notes and afterwards reduced to
12 typewriting under my instruction and that the
13 transcript is a true record of the testimony given.

14 I do further certify that I am a
15 disinterested person in this cause of action; that I
16 am not a relative, or otherwise interested in the
17 event of this action, and am not in the employ of
18 the attorneys for either party.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and affixed my notarial seal this 27th day of
21 April, 2015.

13

14

15

16

JUNE HAEME, CSR
NOTARY PUBLIC

17

18

19

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22

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24

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