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PERMIT APPLICATION FOR HERITAGE PRAIRIE WIND

JULY 17, 2024

APPEARANCES: MR. SETH UPHOFF
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On behalf of the Applicant

MR. TOM DLUSKI
Attorney at Law
On behalf of the Zoning Board of Appeals

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Attorneys at Law
On behalf of Livingston County

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1 MS. HUISMAN: Good evening. Welcome to
2 night number four of Livingston County Zoning Board of
3 Appeals hearing for a variance for Heritage Prairie
4 Wind Project. We'll call the meeting to order and
5 start with roll call.

6 MS. MILLER: Scott.

7 MR. SCOTT: Here.

8 MS. MILLER: Flott.

9 MR. FLOTT: Here.

10 MS. MILLER: Kiefer.

11 MR. KIEFER: Here.

12 MS. MILLER: Runyan. Randolph.

13 MR. RANDOLPH: Here.

14 MS. MILLER: Turner.

15 MR. TURNER: Here.

16 MS. MILLER: Huisman.

17 MS. HUISMAN: Here. Okay. We'll turn
18 the mic over to Scott Kains, hearing facilitator.

19 MR. KAINS: All right. Thank you, Madam
20 Chairman. As the Chairman said, this is the fourth
21 night of hearings. We are continuing with testimony
22 and evidence from the Applicant. The Applicant has a
23 number of witnesses that it wishes to call tonight.
24 In the event we have all witnesses from the Applicant

1 completed tonight we will start in on witnesses from
2 the general public. But, first of all, I will turn it
3 over to Mr. Uphoff.

4 Mr. Uphoff, you have some housekeeping
5 matters with respect to documents before we begin with
6 testimony?

7 MR. UPHOFF: I do. Thank you. So each
8 of you up front here should have received a packet for
9 additional inserts into the binder that we've been
10 building as this has been going along. So the top
11 page is a new table of contents. So you can tear out
12 the old one and replace it with this new one.

13 The next is this slide which has a large
14 photo, a gentleman named Nick Fee. If you go to tab
15 three in your binder and you go to the second page
16 you'll see that originally there was going to be that
17 Mr. Ye who was going to be testifying. Due our
18 scheduling changes Mr. Ye's not available but Mr. Fee
19 will be taking his place. So you can rip out Mr. Ye's
20 page and replace it with Mr. Fee's page.

21 After that you will find an image of this
22 map, this was a green map that was put up on the
23 screen last time in reference to the airport
24 testimony. I would suggest that this map go at the

1 back of Tab 12. Tab 12 was where we had -- I think it
2 could be 11 or 12, however you want to do it, but 11
3 or 12 relating to the testimony from Ben Doyle, and
4 this map was referenced during that testimony.

5 Then you'll have a stack of letters, and
6 they're support letters that would be divided by green
7 pages, so everything up to the first green page, these
8 are the organizational support letters and these would
9 go into tab 13. The very first one you'll see is from
10 Dwight Fire and then the last set after the green page
11 is another set of letters, these are landowner letters
12 and these would then go in Tab 14.

13 So any questions as to the inserts and where
14 they go? All right. Very good.

15 Additionally, since the last time we were
16 here there was a table of contents that was provided
17 for the addendum binder, so you've obviously got these
18 large binders, the largest binder is the original
19 application. That -- the other large binder that was
20 submitted is the addendum, that was the materials that
21 the County requested we provide in addition to the
22 original application, initially that binder was
23 missing a table of contents, so that was provided
24 today and put into those binders so you can reference

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1 that if you're looking for the items in those.
2 Unfortunately those are not tabbed binders but there
3 are divider pages, for whatever that's worth, between
4 all the different sections that are laid out in that
5 table of contents.

6 As for the very large original application
7 binder, at the front of that binder you should find a
8 narrative section which is essentially an executive
9 summary and narrative of the entire application. I
10 would suggest to you that that's a very informative
11 way of learning about in the application where all the
12 different sections are, and additionally in that
13 narrative is an entire table of contents for that
14 original application. So if you're looking to try to
15 reference materials in terms of looking to try to
16 finds those, those are different ways to be able to do
17 that. Obviously the other way is to ask us to try to
18 direct you to where those are as quickly as easily as
19 we can.

20 So with that, are there any other questions
21 on the materials that have been provided or that we'll
22 be going through? Seeing none. I'll sit down.

23 MR. KAINS: Mr. Uphoff, I do have a
24 question regarding will you have a motion regarding

1 the admission of these documents at the conclusion of
2 your case?

3 MR. UPHOFF: That's the intention. So
4 we have sort of been building this binder with all
5 these documents and then at the end we'll go through
6 and make sure that all the items are identified, but
7 between the table of contents and the tabs I would
8 then make a motion to admit all that.

9 MR. KAINS: All right. Very good. All
10 right. Seeing no questions for Mr. Uphoff.
11 Mr. Uphoff, do you have any other housekeeping
12 matters?

13 MR. UPHOFF: No other housekeeping at
14 the time. We'd be ready to proceed with testimony.

15 MR. KAINS: All right. Very good. Then
16 call your next witness.

17 MR. UPHOFF: Our first witness would be
18 Josh Delong.

19 J O S H D E L O N G,
20 was called as a witness on behalf of the Applicant
21 and, having been first duly sworn, testified as
22 follows:

23 MR. KAINS: Very good. Thank you, sir.
24 Could you please state your name spelling first and

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1 last names for the record.

2 THE WITNESS: Josh Delong, J-O-S-H,
3 D-E-L-O-N-G.

4 MR. KAINS: All right. Very good.
5 Mr. Uphoff, your witness.

6 MR. UPHOFF: Thank you.

7 **DIRECT EXAMINATION,**

8 **QUESTIONS BY MR. SETH UPHOFF:**

9 Q. Mr. Delong, I know you just gave us your
10 name, but would you please tell us a little about
11 yourself and what it is that you do.

12 A. Josh Delong, born and raised in Dwight,
13 Illinois. I'm the superintendant of schools in
14 Dwight, Illinois, Dwight Public Schools which there
15 are two separate schools districts, our Dwight County
16 School and Dwight Township High School.

17 Q. Okay. And, Mr. Delong, it's a little
18 difficult sometimes to hear in this room and I know
19 it's seems odd, but get as close to that microphone
20 and pull that microphone as close as you can so that
21 we can hear you clearly as we go through this.

22 So you indicated that you're currently the
23 superintendant for Dwight Schools; is that correct?

24 A. That's correct.

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1 Q. And you've been in the education field
2 since you've got out of school, got out of college; is
3 that correct?

4 A. That's correct.

5 Q. And in some of the districts that you've
6 worked including Dwight have those districts been
7 involved with having renewable energy projects provide
8 a tax basis or fortunate with a tax basis for the
9 school operations?

10 A. Not directly. Yes and no I guess. So
11 this is entering my 22nd year in education and
12 starting my teaching career in Dwight after college at
13 the time we did not have any renewable projects there
14 at the time and also were in some dire financial
15 situations at that point in time. Left Dwight to go
16 to Pontiac and spent 11 years there as a low level
17 administrator, finishing as principal for several
18 years, but during that time --

19 MR. KAINS: Excuse me, Mr. Delong, could
20 you just slow down just a little bit.

21 THE WITNESS: Sure. During that time in
22 Pontiac they did, but as a building principal I wasn't
23 directly involved in the revenue source that renewable
24 energy did bring in. So I guess to answer your

1 question, yes, I had some wind farms during that time
2 but I wasn't directly involved in the impact of the
3 revenue, however, I witnessed it first hand from a
4 building level perspective.

5 Q. Okay. So based on some of what you
6 witnessed and some of what you've come to know through
7 your research and setting up on a project such as this
8 what, if any benefits did you see as potentially
9 coming to Dwight School Districts from this project?

10 A. Yeah, I mean, as a school superintendant
11 those two different districts in Illinois, you know,
12 it's a four score project with big ramifications and
13 impacts of the finance revenues coming in, you cannot
14 ignore it. You know, we in times in our school
15 district where we're been very dire straights. You
16 know, right now we're not nearly as bad off, however,
17 the revenue stream this would bring in would be very
18 instrumental in providing education but the
19 facilities, no doubt for our students.

20 Q. Okay. And have you been made aware of
21 the projections that Dwight would potentially receive
22 in terms of the tax revenue?

23 A. I have.

24 Q. All right. And assuming those amounts

1 that they obviously are projections, but assuming
2 they're fairly accurate what types of ways do you
3 believe the district could utilize those funds in the
4 years to come should this project get approved and
5 built?

6 A. Yeah, so, you know, I put the list out
7 so they know I came in to speak tonight on behalf of
8 the school districts and where things stand, you know,
9 Dwight Grade School is projecting right now to receive
10 25 million dollars over 30 years and that comes out to
11 \$833 a year. Again, huge numbers. Dwight County's
12 High School is looking at 20 million dollars over 30
13 years, \$667,000 per year on average, again, huge funds
14 that we're not used to seeing in Dwight, Illinois.
15 You know, both our buildings are aging. Dwight Grade
16 School was built in 1966, the building is dated, it's
17 showing its age and right now it currently has a
18 million dollars it needs for improvements in updates
19 for our students. Have received from the building a
20 longevity, the building study with architects, I
21 understand there are needs and costs for our building
22 in the next five, ten, fifteen, twenty years down the
23 road. The data results of that study have not been
24 finalized by the architects yet. We just had a new

1 roof -- put a new roof on this summer, but the
2 building has leaks in several classrooms, in the
3 gymnasium, the cafeteria. The past ten years they're
4 renovating our plumbing infrastructure. Our
5 building's on a slab so our main sewer line is in
6 concrete. This summer we had to fix tiles and fix
7 sewer lines that basically disintegrated. So that's
8 not going to fix itself in the next couple years, no
9 doubt about it.

10 So our enrollment is down historically. It's
11 showing signs of picking back up. So some more
12 residents will provide that, and once upon we had a
13 time larger enrollment in Dwight Grade School but we
14 didn't have our pre-k classrooms, we didn't all the
15 specification classes we have now. These are great
16 initiatives to provide our students and our children.
17 We're completely out of classroom space, out of office
18 space. So this could be a huge help with us looking
19 at our building long term in looking at additions
20 within a couple years or even a new building within
21 20, 30 years down the road as our aging building is
22 starting to show signs of wear and tear.

23 Dwight Township High School is even older.
24 It was built in 1956. If you drive by you wouldn't

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1 think that because it looks better from the road.
2 Dwight Township High School is in a better financial
3 situation for many years than the grade school was so
4 it's been maintained a little better. We're adding
5 more improvements in the past 20 years, but even so
6 that building is showing signs of wear and tear as
7 well. Plumbing infrastructure is original from 1956.
8 We currently have toilets that don't operate so we're
9 looking at large plumbing infrastructure project
10 within the next year or two to get up to code with
11 that. You know, small things like our track needs
12 replaced, that's a price range of \$800,000 to replace
13 our track. So the cost of things is certainly not
14 going away by any means.

15 You know, the tax rate, you know, Dwight
16 talks about, you know, kind of having my tax rate and
17 taking everything that they put into your tax levy,
18 you know, Dwight Township High School, it goes to our
19 needs, has over the tax rate at over 90 cents the past
20 ten years, the Grade School has done a little bit of
21 that the past few years, but, I mean, in my mind the
22 projections with this project would be essential by
23 our tax rate once we got the building needs taken
24 care.

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1 Q. So obviously you represent the two
2 districts you know that are essentially combined for
3 your purposes, right, but you have a separate school
4 board for the grade school and then the high school;
5 is that correct?

6 A. That's correct.

7 Q. And have there been discussions among
8 the board and you know the board in support of this
9 position that you're espousing here tonight?

10 A. Yes. The board's information when this
11 project first came to us early last year or beginning
12 two years ago potentially whenever that was so well
13 aware of anything, Mark's a grade school board member
14 and Kim is here as well, she's a grade school board
15 member so she's also a director of finance so she
16 understands the financial impact of this project.

17 Q. So you've got representatives from the
18 board here supporting you?

19 A. Yeah.

20 Q. Okay. All right.

21 MR. UPHOFF: Those are my questions.

22 MR. KAINS: All right. Very good.

23 Thank you, Mr. Delong, for your testimony.

24 Any questions for this witness first from

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1 members of the Livingston County Zoning Board of
2 Appeals?

3 MS. HUISMAN: No.

4 MR. KAINS: All right. Very good.
5 Questions for Mr. Delong from County Board Members?

6 Members of units of local government,
7 including school districts?

8 Questions from interested parties represented
9 by licensed attorneys?

10 Questions for Mr. Delong regarding his
11 testimony from the general public?

12 By the way, if I don't see your hand, I can't
13 see everybody so you might -- if you have a question
14 you might just go ahead and stand up so I can see you.

15 All right. Then questions from Livingston
16 County Staff and Consultants, Ms. Miller.

17 MS. MILLER: No, sir.

18 MR. KAINS: No questions. On behalf of
19 the Zoning Board of Appeals, Mr. Dluski?

20 MR. DLUSKI: No questions.

21 MR. KAINS: Mr. Keyt, Ms. Rives?

22 MR. KEYT: No questions.

23 MR. KAINS: Very good. Thank you.

24 Final questions from ZBA Members, anything come to

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1 mind?

2 All right. Very good. Mr. Delong, thank you
3 for your testimony. You may step down.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 MR. KAINS: Mr. Uphoff, call your next
7 witness.

8 MR. UPHOFF: Next we would have
9 Ms. Kathryn Patten landowner.

10 **K A T H R Y N P A T T E N,**

11 was called as a witness on behalf of the Applicant
12 and, having been first duly sworn, testified as
13 follows:

14 MR. KAINS: Could you please state your
15 name spelling first and last names for record.

16 THE WITNESS: Kathryn Patten,
17 K-A-T-H-R-Y-N, P-A-T-T-E-N.

18 MR. KAINS: All right. Very good,
19 Ms. Patten.

20 Mr. Uphoff, your witness.

21 MR. UPHOFF: Thank you.

22 **CROSS-EXAMINATION,**

23 **QUESTIONS BY MR. SETH UPHOFF:**

24 Q. Ms. Patten, I know you stated your name,

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1 but can you please tell us a little bit about
2 yourself.

3 A. Sure. Good evening everyone at the
4 Livingston County Zoning Board of Appeals. My name's
5 Kathy Patten and I was born and raised in Dwight and
6 continue to live there raising my family.

7 Q. All right. And you've got essentially a
8 statement that you would like to provide as your
9 testimony this evening; is that correct?

10 A. Yes.

11 Q. Okay. If you would go ahead, please.

12 A. As I said before my name is Kathryn
13 Patten and I'm a lifelong resident of Livingston
14 County. I'm a landowner that is governing land that
15 has been in my family since the late 1800's. Today
16 I'm here to express my strong support for allowing the
17 installation of windmills on our land. I believe that
18 wind energy represents an incredible opportunity for
19 our county. As a landowner I recognize the potential
20 economic benefits that windmills can bring. Leasing
21 land for wind turbines provides a steady and reliable
22 source of income. This additional income can help
23 cover our property taxes, improve our land maintenance
24 and support regular day livelihood. More of the

1 financial benefits extend beyond individual
2 landowners. The presence of wind farms can increase
3 local tax revenues which could be used as part of
4 public services such as schools, roads and emergency
5 services.

6 As I said, I'm a mother of four children 12
7 and under and their schools, town and county need the
8 financial benefits. My children would directly
9 benefit from the wind resources in the classroom, in
10 their extracurricular, both athletic and academic, the
11 parks, the streets and sidewalks and so much more.

12 Some of our closest dearest friends are
13 employed by local wind farms and rely on that career.
14 The career opportunities provided by Heritage Prairie
15 Wind would change family's lives in our county. This
16 is a win win situation.

17 I understand there may be concerns about wind
18 technology, however, I believe these concerns can be
19 effectively managed.

20 For four years I've resided within one and a
21 half miles of turbines and I've never heard it, seen
22 or felt any negative impacts. The benefits of clean
23 energy and economic growth far outweigh any concerns.

24 In conclusion, I urge the Livingston County

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1 Zoning Board of Appeals to approve the windmills in
2 our county. As a landowner I see the immense benefit
3 that wind energy can bring to our community
4 environmentally, economically and socially. This is
5 an opportunity for us to take steps forward towards a
6 more stable and prosperous future.

7 Thank you for your time and consideration.

8 Q. Thank you, Ms. Patten.

9 MR. UPHOFF: No further questions.

10 MR. KAINS: All right. Very good.

11 Questions for Ms. Patten regarding her testimony from
12 members of the Zoning Board of Appeals? Very good.

13 Questions from members of units of local
14 government, including school districts and County
15 Board Members?

16 Questions from interested parties represented
17 by licensed attorneys?

18 Questions from the general public? Yes,
19 Mr. Kulasik stood first, Ms. Bober will be second.

20 Ms. Bober, Mr. Kulasik was very quick on his
21 feet tonight.

22 MR. KULASIK: Am I to understand that
23 you are going to have some of these wind turbines
24 directly on your property?

1 THE WITNESS: The farmland that I own.

2 KULASIK: Okay. How much are they going
3 to reimburse you for that?

4 MR. UPHOFF: I'm going to object. I
5 don't know that we should be getting into the direct
6 payments. It's part of the lease agreements which
7 aren't in place yet until the project is approved.

8 MR. KAINS: I'm going to overrule it.
9 If the witness can answer what she anticipates
10 receiving.

11 THE WITNESS: Though they have not
12 directly settled those amounts currently I believe the
13 staters are within the \$10,000 range annually.

14 MR. KULASIK: And how many of these
15 turbines would you eventually have on your properties?

16 THE WITNESS: Just one.

17 MR. KULASIK: Just one. And how close
18 will it be to your actual residence?

19 THE WITNESS: It's approximately 2 to 3
20 miles away from my residence.

21 MR. KULASIK: So you currently do not
22 have any wind turbine within 1,300 feet of your
23 residence?

24 THE WITNESS: That's correct.

1 MR. KULASIK: Thank you.

2 MR. KAINS: Thank you, Mr. Kulasik.

3 Ms. Bober.

4 MS. BOBER: Good evening. He took some
5 of my questions, but I do have -- so you're
6 anticipating one wind turbine on your property?

7 THE WITNESS: Correct.

8 MS. BOBER: And you will be compensated
9 as you stated. If you were not getting paid would you
10 still put it there?

11 THE WITNESS: Yes. Yes. I -- the
12 community and the county benefits are probably what
13 I'm most interested in as far as the wind project
14 presented.

15 MS. BOBER: Okay. Thank you.

16 MR. KAINS: Thank you, Ms. Bober. Any
17 other questions for -- yes, Mr. Graefen.

18 MS. GRAEFEN: Hi. My name's Barbara
19 Graefen.

20 Hi. Would you still have one a half mile
21 away from your house?

22 THE WITNESS: Having the windmills
23 within -- I previously have moved, but within the one
24 and a half mile range, having one any closer

1 wouldn't -- wouldn't have made an impact on my family
2 life or living situation.

3 MR. KAINS: Thank you, Ms. Graefen.

4 Any other questions for Ms. Patten from
5 members of the general public? Very good. Thank you.

6 All right. Questions from Livingston County
7 Staff and Consultants, first, Ms. Miller?

8 MS. MILLER: No questions.

9 MR. KAINS: All right. On behalf of the
10 ZBA, Mr. Dluski?

11 MR. DLUSKI: No questions.

12 MR. KAINS: All right. On behalf of the
13 County Board, Mr. Keyt, Ms. Rives?

14 MR. KEYT: No questions.

15 MR. KAINS: All right. Redirect,
16 Mr. Uphoff?

17 MR. UPHOFF: None.

18 MR. KAINS: All right. Final questions
19 of the witness come from members of the ZBA?

20 All right. Very good. Ms. Patten, thank you
21 for your testimony. You may step down.

22 (Witness excused.)

23 MR. KAINS: Mr. Uphoff, call your next
24 witness.

1 MR. UPHOFF: At this time we would call
2 Nick Fee. And for the Zoning Board Members this would
3 be Tab 3 of the binder that we've been providing.

4 THE WITNESS: Good evening.

5 MR. KAINS: Good evening, sir.

6 **N I C K F E E,**
7 was called as a witness on behalf of the Applicant
8 and, having been first duly sworn, testified as
9 follows:

10 MR. KAINS: Very good. Thank you.
11 Could you please state your name spelling
12 first and last for the record.

13 THE WITNESS: Nick Fee, N-I-C-K, F-E-E.

14 MR. KAINS: Very good. Go right ahead,
15 Mr. Uphoff.

16 MR. UPHOFF: All right. Thank you.

17 **DIRECT EXAMINATION,**

18 **QUESTIONS BY MR. SETH UPHOFF:**

19 Q. Mr. Fee, if you could grab that little
20 remote there and you should be able to click through.
21 And now click over to the next slide.

22 And I know you gave us your name, but if you
23 would you please, tell us a little bit about yourself
24 and your background and what it is that you do in

1 relation to this project.

2 A. My name is Nick Fee, Senior Project
3 Manager for the Wind Program at Pattern Energy. I
4 have a bachelor's degree from the University of
5 Minnesota, a master's degree from the University of
6 Mary and I've been in construction of wind farms for
7 about 14 years now.

8 Q. All right. And in that capacity then
9 are you going to be working on the construction and
10 construction management portion of this particular
11 project?

12 A. Yes, sir.

13 Q. And so in relation to that have you
14 become familiar with the generalized plan and the
15 layout project as it stands at this time?

16 A. Yes.

17 Q. All right. So if we could go over to
18 the next slide here. In addition to the towers or to
19 the wind turbines that are going to be built there are
20 some other structures that are going to be built as
21 far as this project; is that correct?

22 A. That's correct.

23 Q. And one of those would be the operations
24 and maintenance building often referred to as the O&M

1 building; is that right?

2 A. That's correct.

3 Q. And on the screen here we have a map
4 that's depicting where the O&M building will be
5 located and the address is listed over there to the
6 side. But could you tell us just a little bit about
7 what's the purpose of an O&M building.

8 A. Yeah. It's kind of the central point
9 for the maintenance and the operations team on the
10 project. The team will go over maintenance and
11 maintain these turbines for the length of the project,
12 the 30 plus years. There's site staff offices,
13 there's a laydown yard so you can store materials and
14 equipment and usually a warehouse.

15 Q. And immediately adjacent to the O&M
16 building, at least according to this map, is going to
17 be the substation for this project; is that correct?

18 A. That's correct.

19 Q. All right. Well, before we jump into
20 the substation let's go to the next slide and this
21 would be a diagram of the general proposed layout for
22 an O&M building; is that right?

23 A. Yep.

24 Q. Just if you would briefly walk us

1 through what these things are and how it's going to be
2 laid out.

3 A. Yep. So you can see the fenced in area,
4 it's that direct angel, the larger rectangle, kind of
5 darker area is the building itself. The next slide
6 has the profile, it has signage and emergency
7 information right at the entrance to the building, the
8 building and the site. Obviously that's parking for
9 the crews and the management on the site and then
10 storage facilities around the yard.

11 Q. And the indication along the road
12 there's a signage so this location would have all the
13 requisite 911 and safety signs that would be required;
14 is that right?

15 A. Yep, that's correct.

16 Q. And then additionally there would also
17 be informational signage that would have a contact
18 phone number and the name of the company so that
19 anybody driving by or would want to try to reach out,
20 they would be able to gather that information just
21 from the sign on the road; is that right?

22 A. That is correct.

23 Q. All right. So I think you said that
24 then in the subsequent slides we have profile views;

1 is that correct?

2 A. Yeah. So this is your typical standard
3 O&M building, you know, it might not look exactly like
4 this when it's finished but this gives you a rough
5 idea of what to expect.

6 Q. And would this -- this is just sort of
7 the Morton building that is a large metal shed with
8 some windows and office space?

9 A. Yes, uh-huh.

10 Q. Okay. So then we indicated before that
11 the substation would be adjacent there; is that
12 correct?

13 A. Correct.

14 Q. And just before we jump to that, though,
15 in relation to OMS you would be familiar with those
16 operations and maintenance procedures; is that
17 correct?

18 A. Correct.

19 Q. And this building would have this
20 office, this is where they would be collecting all the
21 information because they would be logging all of the
22 work that they would be doing on the project site
23 throughout the year; is that right?

24 A. Correct.

1 Q. And then those logs would be available
2 to the county and they would provide annual reports to
3 the county per the ordinance; is that correct?

4 A. That's correct.

5 Q. Okay. All right. So then moving onto
6 the substation, if we'd go to the next slide. Tell us
7 just a little bit about the purpose of the substation
8 as it relates to this project.

9 A. Yeah. Very briefly it's essentially
10 where we collect all the electricity from the wind
11 turbines in the county in a sense. From there it's
12 brought in the collection system, the voltage gets
13 stepped up 345 AV and then moved to the
14 interconnection switchyard via Gen-Tie.

15 Q. And this particular project, I think it
16 was referenced earlier in the proceedings a Gen-Tie
17 connection line is going to go over to a switchyard
18 that's located in Kankakee; is that correct?

19 A. That's correct.

20 Q. And a lot of us have driven around and
21 seen substations along the side of the road when
22 you're out in the country, when you're out on the
23 edges of municipalities, would there be anything
24 different about this substation and its appearance, or

1 would it appear similar to any other substation
2 entity?

3 A. No, very similar.

4 Q. And I'm assuming it would be built to
5 national electric code standards; is that correct?

6 A. Yes, sir.

7 Q. Would have all the required safety signs
8 that's necessary as per the code?

9 A. Yes.

10 Q. And have lighting on that seen which I
11 imagine there would be all that lighting which is
12 downcast and would comply with all the ordinance
13 requirements; is that correct?

14 A. Yes, and yes.

15 Q. All right. So in addition to the O&M
16 building and the substation, then if we go to the next
17 slide. You made mention of the laydown yard earlier,
18 but here we have some references to a laydown yard and
19 a batch plant and a map that depicts where these would
20 be located in reference to the project; is that
21 correct?

22 A. Correct.

23 Q. And there's the road coordinates there
24 that would show where these two locations are going to

1 be; is that right?

2 A. Correct.

3 Q. And tell us if you would a little bit
4 about the purposes of the laydown yard.

5 A. Yeah. So this laydown yard is a
6 temporary use for the construction of the wind farm to
7 be used by the contractor in installing the facilities
8 to be used by the management team. Usually they'll
9 have five or six temporary offices on site for the
10 management teams, you'll have the parking for site
11 staff, for the crews on site. This is where they will
12 huddle up in the mornings, do the their morning safety
13 meetings and kind of get their direction for the day
14 and just sort off to site from there.

15 Q. And then would there also be some
16 material storage on that area?

17 A. Material and equipment storage, correct.

18 Q. And then immediately adjacent to the
19 laydown yard there's going to be a batch plant; is
20 that correct?

21 A. Correct.

22 Q. And describe for us, if you would
23 please, what a batch plant is and what its purpose it
24 will serve for this project.

1 A. Yeah, the batch plant is going to be the
2 temporary concrete -- concrete batch plant that will
3 be used for the installation of the turbine
4 foundations.

5 Q. So those who don't do a lot of
6 construction, this would be where you're mixing the
7 aggregate and other materials to make concrete,
8 putting it into the concrete trucks and then they
9 would deliver it to wherever it needed to be poured;
10 is that right?

11 A. That's correct.

12 Q. So all the materials necessary to make
13 the concrete would be brought into this location and
14 stored here to be used to mix that concrete; is that
15 accurate?

16 A. Yes.

17 Q. All right. So if we go to the next
18 slide I think and a picture of a typical laydown yard;
19 is that correct?

20 A. Yeah. So you can see up in the upper
21 right corner we've kind of got that office complex,
22 this is a double wide or triple wide probably, a
23 couple singles and a double, that's depending on how
24 big the project is, obviously the parking for

1 management, crews and staff and as is noted in the --
2 kind of on the upper left and the left side is the
3 materials, storage.

4 Q. All right. And if we go to the next
5 slide I think we've got some examples of a typical
6 batch plant; is that right?

7 A. Correct.

8 Q. And if you could tell us what -- just
9 describe briefly what we would be looking at here.

10 A. All right. So upper -- upper left
11 you've got your pigs with your concrete additives and
12 materials, you got the hopper, the aggregates, you can
13 see there's a concrete truck loading, the mixer truck.
14 From there obviously it will disperse out to site
15 to -- you know, wherever whichever turbine is pouring
16 foundations that day, but it stays internal to the
17 project site for the most part.

18 Q. And both of these locations then they
19 would have all the requisite code requirements in
20 terms of downcast lighting and appropriate signage for
21 911 and the safety purpose; is that correct?

22 A. That's correct, yes.

23 Q. And then lastly you mentioned this
24 earlier in your testimony but I want to just make sure

1 that it's clarified, you indicated these would be
2 temporary locations. Describe a little more in detail
3 what you mean by that.

4 A. Yeah. So these -- these locations will
5 be used during construction process. Once the
6 construction is complete and the project is turned
7 over to the operations group which will, you know,
8 locate out of the O&M building I discussed earlier
9 these locations will be demobilized and reclaimed back
10 to its original status.

11 Q. So once you're done with the
12 construction process these areas would be returned
13 back to the previous agricultural use?

14 A. That's correct.

15 Q. So you referenced before that from the
16 batch plant the materials are taken out to pour the
17 foundations for the turbines. Let's go over to the
18 next slide and start talking about the construction of
19 the turbines starting at the foundation. If you could
20 can you walk us through how that process completely
21 goes.

22 A. Yeah. So obviously each turbine has a
23 special footing as you can see on the screen. The
24 process starts with an excavation, you know, usually

1 one or two excavators are out there digging the hole.
2 That hole goes down to about ten, eleven feet deep.
3 From there crews come in and install the steel that
4 kind of forms the structure of the foundation. Once
5 that's complete they install the anchor bolt cage.
6 The anchor bolts are what the turbine -- once their
7 foundation is complete the turbine then bolts to,
8 secures to in the end. That they form enough
9 obviously poured the lower level, you see up here, but
10 there's a little dash line kind of right where the
11 turbine foundation kind of slopes up and then goes up.
12 They are poured in two parts. So the bottom part is
13 poured first and then followed by the top part after
14 the bottom cures. Usually the -- it's called a
15 pedestal which is the top part and usually that's a
16 higher strength concrete. After everything's cured
17 everything on the site is backfilled and once it's
18 back filled the only -- we call it the reveal, all you
19 can see is the concrete foundation is about six inches
20 above the finished grade.

21 Q. And that's the location then where you
22 attach the tower and then build it upwards from there;
23 is that correct?

24 A. Correct.

1 Q. All right. So let's go then to the next
2 slide and talk about installing the towers. And,
3 again, if you could walk us through how those things
4 are put together in the construction process.

5 A. Yeah. We'll start from the bottom. The
6 wind turbine is usually supported by 3 or 4 steel, you
7 know, tower sections. As you can see, you know, they
8 go straight up to what's called an accel. An accel is
9 what houses the generator as the turbine spins, that's
10 where the electricity is generated. The -- we'll call
11 it the -- it's called hub, essentially it's where the
12 nose cone ends and where the blades connect in the
13 center, that's where you get the rotation and force
14 from the wind and, of course, the blades -- are the
15 blades that come out the side.

16 Q. All right. And in relation to the
17 towers, those are painted as sort of a white or
18 off-white color; is that right?

19 A. Yeah, that's correct.

20 Q. And that's the nonreflective considered
21 to be unobtrusive color; is that correct?

22 A. Correct, yes.

23 Q. And then there would be no advertising
24 on these towers, right?

1 A. Certainly not, no.

2 Q. And in relation to those towers one of
3 the concerns is that people might try to climb up
4 them. What would be the climb prevention for a tower
5 such as the design that's going to be utilized here?

6 A. There's no structure on the outside of
7 the steel towers, I mean, it's 15 foot in diameter, I
8 mean, there's just no way to climb up those.

9 Q. So it's just 15 feet in diameter, smooth
10 steel going up?

11 A. Yes.

12 Q. And no outside ladders, no outside
13 ledges that could be grabbed onto, so effectively it's
14 unable to be climbed?

15 A. That's correct.

16 Q. And then in terms of the equipment
17 interior you were talking about, the generator
18 equipment, so are there braking systems that are
19 provided for that?

20 A. Yes.

21 Q. And are there redundant braking systems?

22 A. Yes.

23 Q. And what are the two different -- just
24 generally the two different systems that you have for

1 putting the brakes on?

2 A. You can brake it remotely from the
3 operations and maintenance building and then you can
4 brake it internally with a mechanical brake.

5 Q. So a physical mechanical brake inside
6 the housing inside the unit?

7 A. That's correct.

8 Q. Okay. And, again, for each of the
9 turbine locations there would be the appropriate 911
10 and safety signage and the informational signage that
11 would allow somebody to contact the company if they
12 saw anything that needed to be addressed; is that
13 correct?

14 A. That's correct.

15 Q. All right. So then obviously you talked
16 about the towers are generating electricity, all of
17 that has to be collected and taken to the substation.
18 So if we go to the next slide I want you to talk to us
19 about how that occurs.

20 A. Well, through the collection system the
21 system would take over and collect -- that connects
22 each and every turbine to the substations and the
23 electricity is stepped up and is then taken away from
24 the site, you know, anywhere from 36 to 60 inches

1 below grade depending on the requirement of the
2 requirement of the location it's being installed.
3 Primarily trenched in, if you will, but in certain
4 situations like under row, under pipeline, in a
5 wetland situation it can be, you know, horizontal
6 drilled.

7 Q. And that's what's commonly referred to
8 as boring, going underneath?

9 A. Yes, sir.

10 Q. Okay. So you were just referencing
11 trenching, so let's use that to go over to the next
12 slide here. There's always concern here in this area
13 about agricultural drainage tile, and obviously if
14 you're going to be trenching through these areas
15 you're going to be impacting that drain tile. So tell
16 us a little bit about how you planned for that and how
17 you addressed the drain tile issues.

18 A. Yeah. So this is -- this is highly
19 regulated by the AIMA. We are working -- currently
20 working with a contractor to identify drain tile
21 throughout the entire project site. We will use this
22 information to give to our designers and that also
23 gives us information as we are installing. We have a
24 leg up on getting ahead of drain tile repairs.

Jamie S. Atkinson, CSR
Court Reporter
Vermilion County

1 Obviously once we do start construction we're required
2 to respect any and all drain tile damage that needs to
3 be repaired within 14 days which, you know, will be
4 followed.

5 Q. So when you go through and trench
6 through if you have to cut through a line, once you
7 get all cable laid you will then immediately go back
8 and repair that line?

9 A. Yes. And per the AIMA you have to mark
10 it when you hit it. So you have to have flags out
11 there and, you know, so you can visually see where all
12 the hits are.

13 Q. And then if there's older tile that's
14 clay tile that's still underground in this area that
15 would then be replaced with upgraded plastic tile; is
16 that correct?

17 A. Yes.

18 Q. And then after the project is completed
19 and per the ordinance or Livingston County if there
20 were any areas that were in the line of service that
21 you caused that the landowner observed that there may
22 be some drainage issues you would respond to those
23 within 14 days; is that right?

24 A. Yes, sir.

1 Q. So as the construction process is going
2 on then I would assume that there's going to be
3 materials that aren't used, waste materials. So if we
4 go to next slide, how do you address any of the extra
5 materials or waste that you on the site?

6 A. Yeah. So all the waste is collected at
7 the location and all of that is disposed of in a, you
8 know, proper -- proper and legal matter.

9 Q. And so there's various rules and
10 regulations that impacts waste after you've disposed
11 of and addressed; is that right?

12 A. That's correct.

13 Q. And so the company would commit to
14 following those rules to ensure the safety of those
15 materials and those waste products?

16 A. Yes, sir.

17 Q. And as it relates to safety generally if
18 you go to the next slide. Can you walk us through a
19 little bit about the importance of safety both to the
20 company and to the process of constructing this
21 project.

22 A. Yeah. Safety is the number one concern.
23 We start every meeting with safety moments, we start
24 every day with safety meetings. The entire crew, we

1 get them together sketching plans to make sure they're
2 ready for the day and they're focused on the task and
3 ready to go home safe. It is weighed very heavily
4 when we do choose our contractors, it's one of the
5 metrics that we do evaluate on and we make it a point
6 to make sure our contractors are in, you know,
7 especially upfront in the planning process,
8 communication with the local first responders.

9 Q. And as it relates to safety monitoring
10 throughout the process I think you were referencing
11 earlier when we were talking about braking, that
12 there's a remote monitoring of these turbines; is that
13 correct?

14 A. Yes, sir.

15 Q. And so there's 24/7 remote monitoring,
16 that is always somebody or some system keeping an eye
17 out on how these things are operating?

18 A. Yes, sir.

19 Q. And then additionally you've got the
20 operations and maintenance staff that are on the
21 ground during their working hours that are available
22 to monitor these systems?

23 A. That's correct.

24 Q. And then in addition to other safety

1 concerns, the signage that we've been referencing
2 would have a phone number for a 24 hours a day 7 days
3 a week hotline where individuals could call in to
4 report any sort of safety issues; is that right?

5 A. Correct.

6 Q. Or any issues at all generated?

7 A. Correct.

8 Q. And those -- that call line, those calls
9 are recorded and logged and then that information is
10 provided to the county either annually or monthly or
11 upon request of the county per the ordinance; is that
12 correct?

13 A. Correct.

14 Q. And additionally you indicated that
15 there's safety protocols with the local first
16 responders or there would be overall safety designs
17 and safety protocols that would be put in place and
18 those would be discussed with first responders and
19 there would be coordination with first responders
20 throughout the creation of those plans and also
21 through implementation; is that right?

22 A. Yeah. The first -- the local first
23 responders would be integral in developing this.

24 Q. And then also there would be annual or

1 semiannual meetings with those first responder
2 agencies so that they know what they're dealing with
3 and how to address it?

4 A. Yes.

5 Q. And that's all provided by the company,
6 correct?

7 A. Yes. In association with those
8 contractors.

9 Q. Okay. So then when we get to the end of
10 the life of the project. We go to the next slide. We
11 get into the process for the decommissioning. If you
12 would just walk us through briefly in relation to the
13 decommissioning.

14 A. Yeah. So this again is heavily
15 regulated by AIMA. Essentially the tower will be
16 disassembled piece by piece. Once the tower is
17 removed we will remove the foundation via hydraulic
18 hammers usually. We'll remove the top five feet so
19 there's nothing, you know, below the -- five feet
20 below grade. All of the materials will be either
21 recycled or disposed of properly.

22 Q. And then something you just mentioned,
23 the hydraulic hammer, would that essentially be a
24 large jack hammer that's connected to like an

1 excavator-type piece of equipment?

2 A. Yeah.

3 Q. All right. And so you would be using
4 that to sort of chisel away and break up that
5 foundation?

6 A. Yeah, pulverize it. Then everything
7 gets removed and hauled to be properly disposed of.

8 Q. And as it stands a great deal of the
9 equipment that's already on site is currently able to
10 be recycled and it's anticipated that even more of the
11 materials that will be used on site will be able to be
12 recycled going forward into the future; is that
13 correct?

14 A. That's correct.

15 Q. In relation to --

16 MR. UPHOFF: Just for the purposes of
17 the ZBA, in the addendum binder if you look in the
18 table of contents it indicates that what would be the
19 7th part of that binder there's a decommissioning plan
20 and there's actually two decommissioning plans, one
21 for each proposed turbine model as we referenced
22 earlier in the hearing, that decision hasn't been made
23 yet as to which turbine model is going to be used. So
24 there is a decommissioning plan that's been submitted

1 for each proposed model.

2 Q. And, Mr. Fee, as you understand it then
3 there's a preliminary decommissioning plan that was
4 submitted as part of the application process, right?

5 A. Yes.

6 Q. And then later as you get to the
7 building permit stage and you get more finalized
8 drawings, those decommissioning plans will be updated
9 because it would be a little more exact; is that
10 right?

11 A. That's correct.

12 Q. And then there's cost estimates that go
13 along for this decommissioning plan as part of the
14 application process, as part of the permitting process
15 there would be a bond and security that would placed
16 by the company to cover the proposed estimated
17 decommissioning cost; is that right?

18 A. That's correct.

19 Q. Okay.

20 MR. UPHOFF: No further questions.

21 MR. KAINS: Very good. Thank you.

22 Questions for Mr. Fee regarding his testimony first
23 from members of the Livingston County Zoning Board of
24 Appeals? Very good.

1 Questions from members of units of local
2 government, including County Board Members and school
3 district members?

4 Questions from interested parties represented
5 by licensed attorneys?

6 Questions from the general public for Mr. Fee
7 regarding his testimony? Okay. Ms. Graefen, you'll
8 go first. Mr. Kulasik is on deck.

9 MS. GRAEFEN: The facility that you're
10 going to be building by Cardiff, how many acres is
11 that going to be now?

12 THE WITNESS: I don't have that off the
13 top of my head.

14 MR. UPHOFF: Which facility, ma'am?

15 MS. GRAEFEN: The one that's by Cardiff.

16 THE WITNESS: The temporary?

17 MR. UPHOFF: So is this the facility
18 that you're referencing, ma'am?

19 MS. GRAEFEN: Yes.

20 MR. UPHOFF: Okay. So the O&M facility
21 and the substation.

22 THE WITNESS: Five.

23 MS. GRAEFEN: And how big is the
24 building?

1 THE WITNESS: About 6,000 square feet.

2 MS. GRAEFEN: Thank you.

3 MR. KAINS: Thank you, Ms. Graefen.

4 Mr. Kulasik, you're next.

5 MR. KULASIK: Now, is your role in this,
6 are you like the project manager, are you going to be
7 onsite during the whole construction of this entire --

8 THE WITNESS: No. We'll have a
9 construction management team that will be on the site
10 the whole time.

11 MR. KULASIK: Okay. So one of my
12 questions would be to start as when you start to move
13 pieces for these turbines how are they going to be --
14 is there anybody going to be testifying today to
15 answer to that construction process --

16 THE WITNESS: I could answer --

17 MR. KULASIK: -- with respect to road
18 closures and things like that?

19 THE WITNESS: Yeah, I can answer those
20 questions.

21 MR. KULASIK: Pardon me?

22 THE WITNESS: I can answer those
23 questions.

24 MR. KULASIK: Okay. So like have you --

1 cause like these are huge things and I'm assuming are
2 all fairly much overweight. Do you anticipate any
3 damage to the area roads?

4 THE WITNESS: Yes, and we're working
5 with the local road authorities, some of which are
6 here in this room to perform upgrades prior to
7 construction.

8 MR. KULASIK: Okay. How about after
9 construction? If there is any damage will the company
10 be repairing those roads?

11 THE WITNESS: Yeah, and during
12 construction as well.

13 MR. KULASIK: Okay. If it -- I know
14 like with these blades are huge, they take a while to
15 move. If a road is going to be closed for a while
16 will people that's going to be affected, will they be
17 notified ahead of time so they can plan accordingly?

18 THE WITNESS: Yes.

19 MR. KULASIK: Do you know how that
20 notification will be made?

21 THE WITNESS: Yeah, we're going to try
22 to put together a -- kind of a look ahead post on
23 central locations such as a Facebook page, something
24 like that.

1 MR. KULASIK: When you dig a foundation,
2 I'm just asking, this is more for curiosity, what do
3 you do with all that fill that you pulled out?

4 THE WITNESS: We just put it back in the
5 hole, it goes on top of it --

6 MR. KULASIK: With all that concrete?
7 Is there anything left over that you gotta haul out?

8 THE WITNESS: No.

9 MR. KULASIK: And you had a slide that
10 dealt with hazardous materials.

11 THE WITNESS: Uh-huh.

12 MR. KULASIK: What hazardous materials
13 do you guys use?

14 THE WITNESS: Oils and such, you know,
15 hydraulic fluids, things like that.

16 MR. KULASIK: Okay. It's more your
17 basic stuff?

18 THE WITNESS: Yeah. Common materials.

19 MR. KULASIK: I don't know what term you
20 used, but...

21 THE WITNESS: Everything is, you know,
22 disposed of, it's properly gone.

23 MR. KULASIK: Okay. Thank you.

24 THE WITNESS: Thank you.

1 MR. KAINS: Thank you, Mr. Kulasik. Any
2 other questions for Mr. Fee? Yes, Ms. Bober. And,
3 sir, you'll be next, all right.

4 MS. BOBER: Good evening. How long does
5 it take to do this project? Approximately how long is
6 the community going to be inconvenienced with all the
7 construction traffic?

8 THE WITNESS: The current schedule is
9 two years. Well, let me -- from, you know, we'll say
10 May of 2025 to December of 2026.

11 MS. BOBER: Okay.

12 MR. KAINS: Ms. Bober, could you move
13 the mic just a little bit closer to you. There you
14 go. Thank you.

15 MS. BOBER: Will there be measures in
16 place for debris, things coming off the trucks?

17 THE WITNESS: Yeah. So, of course,
18 we'll keep the roads clean, we'll have sweepers on
19 site. In places where there will be dust that's
20 generated, we'll have water trucks that will keep
21 those roads damp to keep the dust down.

22 MS. BOBER: Okay. And I'm just curious,
23 when these are decommissioned and you do eliminate the
24 top five feet of concrete why do you only go five feet

1 down?

2 THE WITNESS: That's located in the AIMA
3 requirements.

4 MS. BOBER: I'm sorry?

5 THE WITNESS: The government
6 requirements.

7 MS. BOBER: Okay. Very good. Thank
8 you.

9 THE WITNESS: You're welcome.

10 MR. KAINS: Thank you, Ms. Bober. Okay.
11 The gentleman towards the back. Sir, could you please
12 state your name for the record.

13 MR. CARLSON: Rodney Carlson.

14 MR. KAINS: How do you spell your last
15 name?

16 MR. CARLSON: C-A-R-L-S-O-N.

17 MR. KAINS: Very good. Okay.

18 Mr. Carlson, your questions for Mr. Fee, please.

19 MR. CARLSON: Now, you have to
20 understand I'm quite hearing deficit. So I'm also a
21 landowner that you're going to put the towers on.
22 When it comes to the concrete, what is the strength of
23 the concrete, three, four?

24 THE WITNESS: Anywhere between five and

1 6,500.

2 MR. CARLSON: So you're going basically
3 Class X concrete?

4 THE WITNESS: It's some strong stuff,
5 yeah.

6 MR. CARLSON: Or close to it?

7 THE WITNESS: Yeah. The top portion is
8 stronger usually. We haven't finalized the design yet
9 but it's usually stronger than the lower portion.

10 MR. CARLSON: I picked up about half of
11 what you said.

12 THE WITNESS: The top will be about
13 6,500 PSI.

14 MR. CARLSON: This echo in here destroys
15 my hearing. When you were selecting the site with the
16 taller turbine do we as landowners have the ability
17 and rights to bring in the tile people that we wish to
18 have and run the tiles around and make connection
19 before you do any excavation?

20 THE WITNESS: Yes, AIMA does allow for
21 that.

22 MR. CARLSON: I was told when I signed
23 the contracts your connection assembly or lines for
24 the power would be at five feet. I see on your map

1 now that's say three to five feet.

2 THE WITNESS: Yeah, there's different
3 depths in that AIMA requirement. There's different
4 depths for different types of land. So very rocky
5 land where you're imbedding in we'll say bedrock has a
6 much lower depth than if you're in farmland which is
7 five feet.

8 MR. CARLSON: The dirt you're removing
9 off of my property, do I have a right to keep it and
10 tell you where to place it?

11 THE WITNESS: We don't anticipate -- the
12 plan would not be to remove any material off. If we
13 do then, yes, we would have that discussion with you.

14 MR. CARLSON: Thank you.

15 MR. KAINS: Thank you, Mr. Carlson, for
16 your questions.

17 Are there any other questions for Mr. Fee
18 from members of the general public? Very good.

19 Questions from Livingston County Staff and
20 Consultants, Ms. Miller?

21 MS. MILLER: No, sir.

22 MR. KAINS: No. Mr. Dluski, on behalf
23 of the Zoning Board?

24 MR. DLUSKI: No questions.

1 MR. KAINS: Mr. Keyt, Ms. Rives, on
2 behalf of the County Board?

3 MR. KEYT: I have a few.

4 MR. KAINS: Yes. Go ahead, Mr. Keyt.

5 **CROSS-EXAMINATION,**

6 **QUESTIONS BY MR. ANDREW J. KEYT:**

7 Q. Mr. Fee, in relation to the construction
8 process it sounds like you're willing and able to
9 agree to have some sort of website or Facebook,
10 whatever it might be, that informs the public about
11 the movement and traffic during the construction
12 phase, correct?

13 A. Uh-huh, yes.

14 Q. Also true in relation to informing the
15 emergency services and the school districts about that
16 traffic pattern?

17 A. Yes.

18 Q. In terms of the batch plant, is the
19 batch plant owned property or going to be leased
20 property?

21 A. I don't have that information.

22 Q. That's okay. In terms of the
23 substation, is Pattern going to turn that substation
24 over to I think you're in ComEd's territory?

1 A. No, we will hold that.

2 Q. In terms of the O&M facility, is that
3 purchased or is it leased property?

4 A. I don't know the specifics on that
5 either.

6 Q. Understood. In terms of contractors
7 have you chosen an EPC contractor?

8 A. We are in the final stages of doing so.

9 Q. All right. In terms of two specific
10 areas, I just want to touch on the Soil and Water
11 Conservation District had reviewed the project area
12 and there were two turbines were lied within wetland
13 areas, are you aware of that? Are you familiar with
14 that?

15 A. No, not the specific turbines.

16 Q. Okay. All right. So then let me move
17 onto the decommissioning. In terms of the
18 decommissioning cost estimation of the plan that was
19 prepared by Burns and McDonnell, are you familiar with
20 that?

21 A. I'm not.

22 Q. Are you familiar with the cost
23 estimations that were include in there?

24 A. I'm not.

1 Q. In terms of those cost estimations, you
2 would agree those are preliminary cost estimations
3 that have not been reviewed by the county side; is
4 that fair?

5 A. Yeah. As I stated in the testimony,
6 once we've updated on our turbine selection to one and
7 then, you know, a final design we'll update the cost
8 estimates.

9 Q. So the -- Pattern or the developer is
10 agreeable to then having the county review those cost
11 estimations and then having discussions about the
12 appropriate cost estimations and scrap and salvage
13 values, etc.; is that fair?

14 A. I would rather not testify to that.
15 That's not something I personally deal with.

16 Q. Understood.

17 MR. KEYT: That's all the questions I
18 have. Thank you.

19 MR. KAINS: All right. Very good.
20 Redirect, Mr. Uphoff.

21 MR. UPHOFF: Yes, briefly.

22 **DIRECT EXAMINATION,**

23 **QUESTIONS BY MR. SETH UPHOFF:**

24 Q. So something that maybe I neglected and

1 I know it was referenced earlier on an earlier night
2 in testimony but should have clarified again. When
3 you were referencing the AIMA, that refers to the
4 Agricultural Impact Mitigation Agreement and that is a
5 set of guidelines that are issued by the Illinois
6 Department of Agriculture; is that correct?

7 A. Yes, that's correct.

8 Q. And any developer that's going to
9 develop a project such as this has to enter into an
10 agreement with the State of Illinois, the Department
11 of Agriculture to follow those specific guidelines
12 throughout the course of the construction but that
13 really is preconstruction, construction, decommission
14 of the project, correct?

15 A. Yes, that's correct.

16 Q. So any time that you were referencing
17 the AIMA requirements, those are State requirements
18 that are, of course, potentially by the Department of
19 Agriculture and the State of Illinois; is that right?

20 A. Correct.

21 Q. And many of those same requirements are
22 then also adopted by Livingston County and can be
23 enforced through Livingston Zoning Procedures as you
24 understand it; is that right?

1 A. As I understand it, yes.

2 Q. And so when you were being asked some
3 questions about the depth of burying some of these
4 cables you were referencing that the AIMA provides
5 different depths, but I just wanted to clarify, I
6 think maybe you finished with this part of your
7 testimony that when you're talking typical farmland
8 that you have this area for that classification of
9 land you would have to be burying the cabling at five
10 feet or below, right?

11 A. Yeah, that's correct. All depths are
12 specified by that AIMA document.

13 Q. Okay. And you were also asked various
14 questions about road use. There's going to be a
15 comprehensive road use agreement that's entered into
16 between the company and the various road districts
17 that are impacted by this project which would include
18 both the county and the township roads; is that right?

19 A. That's correct.

20 Q. And while you're not directly involved
21 in those have you seen some of those road use
22 agreements on past projects or are you familiar with
23 them generally?

24 A. Yes, sir.

1 Q. Those are generally pretty extensive
2 agreements that have a lot of terms and conditions
3 that have to be met and complied with; is that right?

4 A. That's correct.

5 Q. So when there was questions about
6 repairing damage and things like that, all of those
7 issues will be addressed via that road use agreement?

8 A. Yes.

9 Q. All right.

10 MR. UPHOFF: I don't have any additional
11 questions.

12 MR. KAINS: All right. Very good.
13 Thank you, Mr. Uphoff. Final questions for the
14 witness come from members of the Zoning Board of
15 Appeals. All right. Very good.

16 Thank you, Mr. Fee, for your testimony. You
17 may step down.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 MR. KAINS: All right. Mr. Uphoff, call
21 your next witness.

22 MR. UPHOFF: Next witness would be
23 Jeffrey Nemeth.

24 MR. KAINS: Sir.

J E F F R E Y N E M E T H,

1
2 was called as a witness on behalf of the Applicant
3 and, having been first duly sworn, testified as
4 follows:

5 MR. KAINS: Very good. And could you
6 please state your name spelling first and last names
7 for the record.

8 THE WITNESS: Sure. My name is Jeffrey
9 Nemeth, J-E-F-F-R-E-Y, Nemeth, N-E-M-E-T-H.

10 MR. KAINS: All right. Very good,
11 Mr. Nemeth.

12 Mr. Uphoff, you may inquire of your witness.

13 MR. UPHOFF: Thank you.

14 **DIRECT EXAMINATION,**

15 **QUESTIONS BY MR. SETH UPHOFF:**

16 Q. So you've told us your name, but if you
17 could just give us a brief background of your
18 background experience and your role in the project at
19 this point in time.

20 A. Sure. My role with the company is the
21 Director of Development with Repsol Renewables. I
22 have been working on wind for well over 15 years
23 starting my work at Western Illinois University as
24 well being a graduate of Western Illinois University.

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1 I've done projects from Maine to California and most
2 States in between as well as three Provinces in
3 Canada.

4 Q. So then moving onto the reasons that we
5 wanted you to testify was to talk a little about the
6 financial ability of the company. So we referenced
7 early on in this process that the Applicant here is a
8 joint venture, so it's two companies that are working
9 together to put forward this project. I believe you
10 indicated that you're currently employed with Repsol
11 but you've also familiarized yourself with Pattern
12 Energy who you're working with; is that correct?

13 A. That's correct.

14 Q. And if you could particularly as it may
15 relate to the decommissioning of the financial
16 security and just the ability to build this project
17 generally, can you tell us a little about the
18 financial abilities of the companies that are involved
19 in this joint venture.

20 A. Yes. Repsol and Repsol Renewables North
21 America are a global energy company that is investment
22 grade certified under standard reports, annuities and
23 we have a large experience in developing and funding
24 large infrastructure projects over the world as well

1 as in the United States where we recently did projects
2 in both New Mexico and Texas. The company as a whole
3 has a roughly \$17.6 billion dollar market cap and the
4 company has committed to spending over \$8 billion
5 dollars over the next 3 years in North America on
6 infrastructure projects such as this one.

7 Q. And then as it relates to Pattern, just
8 tell us just a little bit about the financial
9 wherewithal of Pattern.

10 A. Yes. Pattern is also an International
11 Renewable Company in which they have numerous assets
12 in the United States, across Canada and Mexico. They
13 have roughly \$1 billion dollars in operating -- or,
14 I'm sorry, \$1 billion dollars in annual revenue from
15 roughly \$12 billion dollars in assets that they have
16 across the world. They have roughly 15 years of
17 experience in developing and operating these projects
18 which I believe that they have over 20 plus projects
19 that they're now in operation.

20 Q. And so between these two companies it
21 would appear that you would have sufficient financial
22 ability to not only finance the building of this
23 project but also to finance and cover the financial
24 securities that would be required for the

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1 decommissioning?

2 A. That is correct.

3 Q. All right. And then in addition to
4 testifying on that issue you've also been involved in
5 on the development of the road use agreement which we
6 were just referencing with the prior witness's
7 testimony, and while those negotiations are still
8 ongoing so we can't get into all the details, would it
9 be fair to say that the sides are making good progress
10 in reaching a road use agreement?

11 A. That is correct. We've been working
12 with the numerous townships and the counties on this
13 project as well as their legal counsel on, you know,
14 trying to move forward with a road use agreement that
15 supports this project.

16 Q. Okay.

17 MR. UPHOFF: Those are my questions.

18 MR. KAINS: Thank you, Mr. Uphoff.

19 Questions for Mr. Nemeth from members of the Zoning
20 Board of Appeals?

21 MR. FLOTT: Would you go back to that
22 first slide right before this one. What does -- what
23 does the S.A. mean after those -- at the very end of
24 the third line?

1 THE WITNESS: Of course, I forget that.
2 So Repsol Renewables is a Spanish based company. So I
3 think it's Spanish something off the top of my head.

4 MR. FLOTT: Okay.

5 THE WITNESS: Sorry.

6 MS. HUISMAN: Could you explain again --
7 I don't understand the relationship between the two
8 companies and which one do you actually work for?

9 THE WITNESS: I work for Repsol.

10 MS. HUISMAN: Okay. And then Pattern
11 Energy is related to Repsol or --

12 THE WITNESS: No. This is a joint
13 venture between our company and Pattern in which we
14 each own 50 percent of this project.

15 MS. HUISMAN: Okay. And then
16 ConnectGen, what is that, what's that mean?

17 THE WITNESS: So ConnectGen is -- was a
18 former version of Repsol. Earlier this year Repsol
19 Renewables purchased ConnectGen, the entire company
20 and all of its assets.

21 MS. HUISMAN: Okay. And ConnectGen is
22 strictly a United States company?

23 THE WITNESS: That's correct.

24 MS. HUISMAN: Okay. Thank you.

1 MR. KAINS: Any other questions for
2 Mr. Nemeth from members of the Board? Very good.

3 Questions for this witness from members of
4 units of local government, including school districts
5 and County Board Members?

6 Questions from interested parties represented
7 by attorneys?

8 Questions for Mr. Nemeth regarding his
9 testimony from the general public? Ms. Bober.

10 MS. BOBER: Good evening. So as you
11 stated they have a -- what, \$12 billion dollars in
12 assets and a billion dollars in annual revenue,
13 correct?

14 THE WITNESS: That's correct.

15 MS. BOBER: Okay. So if something
16 should happen and there's -- the company becomes
17 insolvent is there a failsafe for the decommissioning?

18 THE WITNESS: Yes. So in our
19 decommissioning agreement those are established even
20 prior to us starting construction. So I think it's,
21 you know, Mr. Keyt earlier was asking about the
22 decommissioning agreement, those terms and the amount
23 is agreed to and that's exposed to the county prior to
24 the start of construction and it's maintained through

1 construction and the operations of the project. So
2 that money has already been established and set aside
3 for the decommissioning if anything were to happen to
4 the project companies.

5 MS. BOBER: Okay. And you referenced
6 agreements about different roads, items and what not,
7 how do you get signed agreements and contracts and
8 such before you have approval for a project?

9 THE WITNESS: A lot of meetings. So we
10 will be sitting down with the townships as well as the
11 County engineers as we're like going over what would
12 be the specifications in which the roads would be
13 designed to and built either preconstruction, during
14 construction and post-construction. Those are some of
15 the details that we're working through now with them
16 to, you know, work to come to an agreement.

17 MS. BOBER: Okay. Thank you.

18 MR. KAINS: Thank you, Ms. Bober. Any
19 other questions for Mr. Nemeth from members of the
20 public? Yes, ma'am. And could you please state your
21 name for the record.

22 MS. SHAUGHNESSY: Sure. My name is
23 Brenda Shaughnessy.

24 MR. KAINS: Okay. Ms. Shaughnessy, go

1 right ahead with your questions.

2 MS. SHAUGHNESSY: Okay. Just a couple.
3 I think you had said that there's 20 different
4 projects that Heritage is in charge already?

5 THE WITNESS: That's incorrect. What I
6 was saying is that Pattern Energy who is a member of
7 the -- the joint venture has over 20 operating assets,
8 wind farms, solar, etc., across the United States,
9 Canada and Mexico.

10 MS. SHAUGHNESSY: Okay. Thank you. So
11 what is the oldest wind project that Heritage Prairie
12 Renewable owns that is producing energy?

13 THE WITNESS: So Heritage Prairie
14 Renewables is only this project.

15 MS. SHAUGHNESSY: Okay. Thank you.

16 THE WITNESS: Thank you.

17 MR. KAINS: Thank you, Ms. Shaughnessy.
18 Any other questions for Mr. Nemeth from the public?
19 All right. Very good.

20 Questions for the witness from Livingston
21 County Staff and Consultants, first, Ms. Miller?

22 MS. MILLER: No.

23 MR. KAINS: All right. Mr. Dluski?

24 MR. DLUSKI: Yes. I have a couple

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1 questions.

2 **CROSS-EXAMINATION,**

3 **QUESTIONS BY MR. TOM DLUSKI:**

4 Q. How long has Repsol been in existence?

5 A. I'm -- I don't know off the top of my
6 head any of that information.

7 Q. Do you know any of the history of
8 Repsol?

9 A. A little bit. They started off as an
10 oil and gas company in Spain.

11 Q. Approximately how long ago?

12 A. I want to say more than 15 years ago but
13 I would have to confirm that.

14 Q. You mentioned that Pattern has over 20
15 operating assets. How many does Repsol currently
16 have?

17 A. In the United States?

18 Q. Sure.

19 A. I believe we have three operating ones.
20 I again want to confirm that, with the purchase of the
21 company I'm still getting familiar with all of their
22 operating assets in the United States as well as
23 abroad.

24 Q. And how long have you been with Repsol?

1 A. So Repsol purchased ConnectGen on March
2 5th, so starting March 5th I started Repsol, but I've
3 been a part of ConnectGen for a little over a year and
4 a half.

5 MR. DLUSKI: Thank you.

6 MR. KAINS: All right. Now, Mr. Keyt,
7 and, Ms. Rives.

8 MR. KEYT: Just a few briefly.

9 **CROSS-EXAMINATION,**

10 **QUESTIONS BY MR. ANDREW J. KEYT:**

11 Q. The Heritage Prairie, if I understand
12 it, the project is the joint venture between the two
13 entities; is that correct?

14 A. That's correct.

15 Q. I understand the terms of the
16 decommissioning is one or both of the parent entities
17 is Heritage willing to guarantee the performance of
18 that decommissioning?

19 A. I think that hasn't been decided on how
20 we would do that but that would be typical within the
21 industry to do something like that.

22 Q. Understood. Are you familiar with the
23 cost estimations that are delineated in the
24 decommissioning plan?

1 A. Not off the top of my head, it's been
2 quite a few months since I've read it.

3 Q. Understood. All right. Thank you.

4 MR. KAINS: All right. Redirect
5 examination, Mr. Uphoff.

6 MR. UPHOFF: Nothing based on that.

7 MR. KAINS: All right. Very good.
8 Final questions of the witness come from members of
9 the Zoning Board of Appeals.

10 MR. FLOTT: Where is the home office and
11 where is this company located? Looks like that's a
12 Spanish word after Repsol.

13 THE WITNESS: Repsol is headquartered in
14 Houston, Texas. So Repsol is North America is in
15 Houston, Texas and then our parent company Repsol,
16 S.A., is located in Madrid, Spain.

17 MR. KAINS: Any other questions from the
18 witness from the Zoning Board of Appeals?

19 MS. HUISMAN: Just one. You said you've
20 been with ConnectGen for a year and a half?

21 THE WITNESS: That's correct.

22 MS. HUISMAN: Where were you before
23 that?

24 THE WITNESS: So previously before that

1 I worked two and a half years with Northland Power
2 which is a Canadian based company. Then I did two
3 years with S Power which is based in Utah, and then I
4 did nine years with EEPR.

5 MS. HUISMAN: Thank you.

6 MR. KAINS: Any other questions for
7 Mr. Nemeth from the Board? Very good.

8 Sir, thank you. You may step down.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 MR. KAINS: All right. Mr. Uphoff, call
12 your next witness.

13 MR. UPHOFF: All right. Next witness
14 would be Allen Wynn.

15 A L L E N W Y N N,

16 was called as a witness on behalf of the Applicant
17 and, having been first duly sworn, testified as
18 follows:

19 MR. KAINS: Very good. Would you please
20 state your name spelling first and last names for the
21 record.

22 THE WITNESS: My name is Allen
23 A-L-L-E-N, Wynn, W-Y-N-N.

24 MR. KAINS: Very good. All right.

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1 Mr. Uphoff, go right ahead.

2 MR. UPHOFF: All right. Thank you.

3 **DIRECT EXAMINATION,**

4 **QUESTIONS BY MR. SETH UPHOFF:**

5 Q. Now, Mr. Wynn, you testified night one
6 in the hearing; is that correct?

7 A. That's correct.

8 Q. And I know that seems like a while ago,
9 but if you could just briefly remind us or refresh our
10 recollection as to your background and role in this
11 particular project.

12 A. Yes. I'm the Senior Director of
13 Environmental and Permitting for Pattern Energy and
14 I'm the Environmental Manager on the Heritage Prairie
15 Project.

16 Q. So last week unfortunately you weren't
17 able to be here due to the hurricane down in the
18 Houston area; is that correct?

19 A. That's correct.

20 Q. But you were made familiar with the
21 testimony from the soil and water conservation
22 witness; is that correct?

23 A. That's correct.

24 Q. And Becky Taylor is somebody who you've

1 dealt with on this project as manager of production
2 and then you're familiar with the report that was
3 issued by her agency?

4 A. Correct.

5 Q. So I just wanted to touch on a couple of
6 things that she had raised as it relates to a couple
7 of -- she had mentioned a couple of towers may be
8 close to the flood plain. Can you tell us whether any
9 of the towers are sited in the flood plain.

10 A. No. No towers are sited within the 100
11 year flood plain, with the FEMA 100 year plain.

12 Q. Now, there may be some access roads that
13 would be in the flood plain but those are not
14 prohibited in a flood plain; is that correct?

15 A. That's correct, and they would be at
16 grade and would not be any -- impede the flow water.

17 Q. Could you state that again. They would
18 be built what?

19 A. At grade.

20 Q. Okay. So they would be built at grade
21 so as not to, you know, back up water, not to serve as
22 a dyke or dam or anything like that if they were in a
23 flood plain; is that correct?

24 A. Right.

1 Q. And then there was also some questions
2 about some of the cable lines that may be running
3 through the flood plain, but, again, all of those
4 would be buried below grade and so they wouldn't be
5 impacting that flood plain; is that right?

6 A. That's correct.

7 Q. Okay. Now, there was also some
8 testimony about wetland areas, and can you tell us
9 what steps you go through in relation to determining
10 where the project will be built in relation to wetland
11 areas.

12 A. Yes. So the project completed a wetland
13 delineation which was done in accordance with the US
14 Army Corps of Engineers delineation manual. We mapped
15 all the wetlands, all the streams that occur within
16 the project footprint. At that point that data was
17 collected and we work with our project designers to
18 layout the project to avoid and minimize the impacts
19 to wetlands or other surface waters.

20 Q. And previously when you testified we
21 went through a series of setback maps and they were
22 color coded and one of the color codes that was on
23 those maps were wetland areas; is that right?

24 A. Yes, wetland and IDNR setbacks.

1 Q. And so those for areas, I don't think
2 you even got a chance to testify to this, but for all
3 of those areas you actually took a conservative
4 approach and anything that was arguably a wetland area
5 or a creek you used the most expansive setbacks that
6 you could in relation to those; is that accurate?

7 A. That's correct.

8 Q. And we also talked at that time about
9 how some of the locations where the turbines would be
10 in place were very close to some of those lines on the
11 colored maps, right?

12 A. Yes.

13 Q. But that there was a table that was
14 provided that showed the exact distances that those
15 turbines would be set back from those different areas,
16 for example, wetland area; is that right?

17 A. That's correct.

18 Q. And so if one were to go look at those
19 tables, even though the turbine when they look close
20 on the maps, those tables would layout that they are
21 outside of the setback requirements and are within the
22 required areas?

23 A. Correct.

24 Q. All right. As it relates also to the

1 wetlands you said there was some question about
2 crossing the wetlands with the cabling. Can you
3 describe for us how you would address that.

4 A. All underground cable would be bored
5 under any wetlands or creeks or streams.

6 Q. Okay. So I think that was mentioned a
7 little bit by Mr. Fee, that would be essentially a
8 horizontal drilling to go down underneath of the area
9 that they would be able to run the cables underneath
10 them so as not to disturb the surface of the wetland
11 areas; is that correct?

12 A. That's correct.

13 Q. And that's permissible by the agency
14 that oversees the wetlands; is that correct?

15 A. That's correct.

16 Q. So that's not considered to be a
17 disturbance of the wetlands or an intrusion into the
18 wetlands?

19 A. It is not considered to be an impact,
20 no.

21 Q. Now, anywhere where you have some amount
22 of impact you've tried to plan around having any
23 impact to the wetland areas; is that correct?

24 A. Yes.

1 Q. But should of course during construction
2 should there be some sort of issue that arises is
3 there a permitting process that you would go through
4 to a federal agency in order to address those issues?

5 A. Right. The U.S. Army Corps of Engineers
6 governs impacts to wetlands, things such as road
7 crossings of a creek where we would need to put in a
8 crossing would be culverted, would be a small
9 footprint and those impacts are authorized by the US
10 Army Corps of Engineers as part of their nation wide
11 permitting program.

12 Q. All right. So any time that you're
13 going to be making one of those crossings you would
14 be -- it would be permitted and approved or reviewed
15 or overseen by the US Army Corps of Engineers?

16 A. Correct, and we would follow all of
17 their -- all their conditions of their permits.

18 Q. There is also some questions about some
19 of the access roads that were going to be utilized for
20 collection lines that may impact some existing stands
21 of trees, and while it wasn't a requirement it was
22 stated that it was encouraged that we try to preserve
23 those to the extent possible. Would that be a goal of
24 the project to try to preserve any trees as much as

1 possible?

2 A. We try to preserve as much existing
3 vegetation as we can and we would work with property
4 owners to try to minimize those impacts, yes.

5 Q. So ultimately you'd be working with the
6 property owners as it relates to those types of
7 impacts if there's a particular tree or something like
8 that that would have to be dealt with?

9 A. That's correct.

10 MR. UPHOFF: Those are all the questions
11 I have.

12 MR. KAINS: All right. Very good.

13 Thank you, Mr. Uphoff.

14 All right. Questions for Mr. Wynn first from
15 members of the Zoning Board of Appeals?

16 MS. HUISMAN: Just one. Is this all in
17 rebuttal to Ms. Taylor's testimony?

18 MR. UPHOFF: It addresses it. I guess
19 you could call it rebuttal.

20 MS. HUISMAN: Okay. So, I mean, if she
21 was here, I mean, if you were asked to -- she didn't
22 recommend on many of these where the access road would
23 be moved or maybe move a turbine. I mean, would you
24 be willing to look at that? I understand it's the

1 testimony that it might be outside of the technical
2 footage, but if -- if she's still seeing a potential
3 impact would you look again at those turbines or the
4 access roads or the collection lines to potentially
5 essentially do what she suggested?

6 MR. UPHOFF: Well, I suppose I could
7 correct it when we get the transcript. I don't think
8 she actually recommended for any movement of at least
9 the turbines. I think she indicated there were some
10 that were close based on the maps that she had and so
11 that's why we were trying to specify that if she
12 looked at the actual measurements and table are
13 actually not within those areas. So my recollection
14 was that she indicated that she would request an
15 additional review to ensure that they weren't
16 intruding, but I guess to the extent that you want to
17 consider the rest of that question, Mr. Wynn.

18 THE WITNESS: Well, one thing she
19 suggested that -- was that we conduct a wetland
20 delineation which we have done. So the wetland
21 delineation is more accurate than the data that was
22 included in the MRI. So some of the things that she
23 saw those impacts such as wetlands, after we did the
24 wetland delineation, I mean, we found or actually

1 weren't wetlands in some of those locations. So we're
2 avoiding some of the things that were brought up
3 already.

4 MS. HUISMAN: Okay. That leads me to
5 one other question. You mentioned that you would
6 comply with the US Army Corps of Engineers?

7 THE WITNESS: Yes, ma'am.

8 MS. HUISMAN: How do they know what's
9 going on out there?

10 THE WITNESS: Well, if the impact is on
11 certain acreage usually a tenth of an acre or more you
12 have to notify or preconstruction notification that we
13 would notify the Corps of Engineers of the project.
14 If we don't reset threshold there are guidelines and
15 conditions laid out in their permitting program that
16 if you follow all of those terms and conditions you
17 are authorized to do that work under that permit.

18 MS. HUISMAN: Okay. That's all I have.

19 MR. KAINS: All right. Any other
20 questions from members of the ZBA?

21 All right. Questions for the witness from
22 members of units of local government, including school
23 districts and members of the County Board?

24 Questions from interested parties represented

1 by licensed attorneys?

2 Questions from the general public for
3 Mr. Wynn regarding his testimony?

4 Questions from Livingston County Staff and
5 Consultants, first, Ms. Miller?

6 MS. MILLER: No, sir.

7 MR. KAINS: All right. Mr. Dluski, on
8 behalf of the ZBA?

9 MR. DLUSKI: None.

10 MR. KAINS: On behalf of the County
11 Board, Mr. Keyt, Ms. Rives?

12 **CROSS-EXAMINATION,**

13 **QUESTIONS BY MR. ANDREW J. KEYT:**

14 Q. Mr. Wynn, I just have a couple. There's
15 been some discussions with the Army Corps of Engineers
16 already?

17 A. We have not discussed any specifics of
18 impact analysis with the Corps of Engineers at this
19 point.

20 Q. In terms of whether the Army Corps of
21 Engineers requires any permitting, fair to say that
22 you would be able to provide those permits and their
23 approvals prior to getting a building permit from the
24 County?

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1 A. That's correct.

2 Q. In terms of the wetland delineation, I
3 did not see a wetland delineation in the application
4 which is I may have missed it, but it is in the
5 application?

6 A. It is not. That was ongoing at the time
7 of the application so...

8 Q. And so in terms of prior to obtaining a
9 building permit -- or site approval permit from the
10 County, excuse me, you would be able to provide the
11 wetland delineation to the County; is that fair?

12 A. That's correct.

13 Q. I think there was one turbine that was
14 indicated at L56 on your site plan. L56 was indicated
15 in the Soil Water Conservation District report as
16 being in the 100 year flood plain. I understand that
17 you're saying the closer review that you have
18 indicated it was outside the flood plain?

19 A. That's correct, it's close but I think
20 it may be more of a mapping issue than where it looks
21 as close as it is, but it is not within the 100 year
22 flood plain.

23 Q. And you would be able to provide that
24 information prior to obtaining a building permit from

1 the County?

2 A. Yes, we would, correct.

3 Q. So in terms of any approvals that may be
4 required even from the Army Corps of Engineers,
5 ultimately you understand and I think it's clear that
6 you have to get that permit and consult with them
7 prior to beginning construction, otherwise the Army
8 Corps of Engineers comes in and says, wait a minute,
9 you need to get this from us before you begin,
10 correct?

11 A. We also have to get it before that,
12 before our financiers and sponsors so...

13 Q. Okay. So in terms of documentation as
14 it relates to the flood plain or related to wetland
15 delineation you can provide that documentation to the
16 County prior to obtaining a building permit and you're
17 agreeable to that, correct?

18 A. Yes.

19 Q. Okay. Understood.

20 MR. KEYT: Thank you.

21 MR. KAINS: All right. Thank you,
22 Mr. Keyt. Redirect examination, Mr. Uphoff.

23 MR. UPHOFF: None.

24 MR. KAINS: All right. Final questions

1 come from members of the Zoning Board of Appeals. All
2 right. Very good.

3 Thank you, Mr. Wynn. You may step down.

4 (Witness excused.)

5 MR. KAINS: All right. Before we have
6 another witness it is 7:28. Board will be in recess
7 for 15 minutes and we'll come back and go on the
8 record at 7:43. The Board is in recess. Thank you.

9 (A recess was taken at 7:28 p.m.)

10 (Resume at 7:46 p.m.)

11 MR. KAINS: All right. Call your next
12 witness.

13 MR. UPHOFF: We would call Mr. Feely.

14 MR. KAINS: All right. Sir.

15 J A M E S F E E L Y,

16 was called as a witness on behalf of the Applicant
17 and, having been first duly sworn, testified as
18 follows:

19 MR. KAINS: Very good. Could you please
20 state your name spelling first and last for the
21 record.

22 THE WITNESS: My name's James Feely,
23 J-A-M-E-S, F-E-E-L-Y.

24 MR. KAINS: All right. Mr. Uphoff, your

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1 witness. Go right ahead.

2 MR. UPHOFF: Thank you.

3 **DIRECT EXAMINATION,**

4 **QUESTIONS BY MR. SETH UPHOFF:**

5 Q. So, Mr. Feely, can you -- you stated
6 your name, could you please tell us a little about
7 yourself and who you're here to represent.

8 A. Yeah. My name is James Feely. I
9 represent the Local 150 Operating Engineers, we are
10 the heavy equipment operators that handle the crane
11 work, the excavation, all the dirt work for these
12 various projects.

13 Q. All right. And are you familiar with
14 these types of projects generally? Have you worked on
15 any wind projects or have you been familiar with them
16 through your role?

17 A. Yes, I am, but I have worked on them.

18 Q. All right. So tell us a little bit
19 about the types of jobs that can be provided with
20 projects like this and how that benefits the members.

21 A. Well, obviously it will employ a lot of
22 our members, a lot of local people from this area. We
23 cover the cranes, as I stated, the cranes, the fork
24 trucks, the dozers, trenchers that we put the wire in,

1 so forth. Anything that has to do with moving the
2 dirt or excavation will be handled by our local.

3 Q. All right. And did you get an
4 opportunity to see any of the perspective job numbers
5 and estimates of the economic impacts of this project
6 or were you made familiar with those?

7 A. No, I have not.

8 Q. Okay.

9 A. These always do employ a large number of
10 our members and the other trades also in addition.

11 Q. And we had a witness who testified
12 before a little bit about in terms of the labors, how
13 they set up and go through their process with members.
14 Can you give us just a little bit of background as to
15 how it works with your trade.

16 A. Can you clarify that question.

17 Q. Yeah. So if somebody wants to join and
18 become a member they're going to have to go through
19 some training for a project just like this. How does
20 it work with you establishing membership and how will
21 this project benefit driving those memberships?

22 A. Sure. So we have an apprenticeship
23 program through Local 150. They can apply and once
24 they're accepted it's a four year apprenticeship

1 program. It will be on 800 some acre training
2 facility in Wilmington, Illinois, if anybody's
3 interested in coming and seeing it, please do, it's an
4 amazing facility. Our members can be trained on any
5 facets of our work up there, cranes, dozers, anything
6 they need to operate you learn at our facility. It's
7 a four year apprenticeship program and then they're
8 accepted and they'll be dispatched out to work and
9 they will be dispatched as apprentices to these, you
10 know, typical job sites like this one.

11 Q. And when we talk about these projects
12 would be at prevailing wage; is that correct?

13 A. That's correct.

14 Q. And those types of jobs and wages from
15 your experience, how do those benefit the members that
16 you have?

17 A. It's all very good working wage jobs for
18 our families and the communities, of course, all that
19 money stays in the local community, benefits
20 everybody.

21 Q. And do a lot of your members, I mean,
22 what's the area your membership covers?

23 A. Local 150 membership, we cover all
24 northern Illinois, about just south of here to the

1 Wisconsin border across to Indiana and to the Iowa
2 border, just a little bit into Iowa. We have over
3 23,000 members in our local.

4 Q. And typically when it comes to a project
5 like this would there be some prioritization for the
6 more local members that are in the Livingston County
7 general area?

8 A. It's always considered, yes.

9 Q. Okay.

10 MR. UPHOFF: All right. Thank you.

11 THE WITNESS: Thank you.

12 MR. KAINS: All right. Very good.

13 Thank you. Hang on, there may be questions for you,
14 sir.

15 First questions for this witness from members
16 of the Livingston County Zoning Board of Appeals? All
17 right. Very good.

18 Questions from members of units of local
19 government, including County Board Members and members
20 of school districts?

21 Questions from interested parties represented
22 by licensed attorneys?

23 Questions from the general public for
24 Mr. Feely. Yes, Ms. Bober.

1 Mr. Feely, if you could step to the side of
2 the podium, perhaps, and then have the microphone
3 tilted toward you that way you can look at your
4 questioner.

5 Okay. Go ahead, Ms. Bober.

6 MS. BOBER: I'm wondering, what is the
7 criteria for one to apply to work at the local union?

8 THE WITNESS: Just simply apply. You
9 can receive a packet from one of our district offices
10 and simply fill out that packet. It's obviously
11 asking questions, you know, your abilities, and your
12 experience and so forth in the construction industry
13 and just applying.

14 MS. BOBER: How hard is it to get on
15 with 150?

16 THE WITNESS: It's based on your
17 experiences. I mean, I'm first generation. There's
18 no one in my family ever been with Local 150. I
19 applied and I was accepted.

20 MS. BOBER: The first time?

21 THE WITNESS: Yes.

22 MS. BOBER: Wow.

23 THE WITNESS: I applied, it took me four
24 years, but, yes.

1 MS. BOBER: I was just wondering cause
2 my son's applied for ten years straight and never got
3 called.

4 But so you're prioritizing local members and
5 then would you go outside that county or multiple
6 counties?

7 THE WITNESS: Just -- well, our local
8 covers all of northern Illinois and the members that
9 are qualified to handle this type of work in this
10 area, they will be working here and we also may draw
11 our other districts.

12 MS. BOBER: Okay. Would you be the only
13 union represented or would there be others?

14 THE WITNESS: No, all the other trades.
15 I'm simply with the operating engineers, the heavy
16 equipment operators.

17 MS. BOBER: And if for some reason they
18 chose to go with non-union labor would you still
19 support the project?

20 THE WITNESS: That could be an issue,
21 but that's -- I'm not going to comment on that.

22 MS. BOBER: All right. That's what I
23 thought. Thank you.

24 MR. KAINS: Thank you, Ms. Bober. Any

1 other questions for Mr. Feely? Yes, Mr. Kulasik.

2 MR. KULASIK: You used the term
3 prevailing wage and I asked even the last member of
4 the laborers union what is the prevailing wage?

5 THE WITNESS: Prevailing wage --

6 MR. KULASIK: I know -- I know it's
7 going to be different between an apprentice and a
8 journeyman, so if you can give just an example of both
9 I would greatly just appreciate it.

10 THE WITNESS: You're asking how
11 prevailing is decided or are you looking for wage
12 amounts?

13 MR. KULASIK: Okay. How would they
14 decide, I mean --

15 THE WITNESS: Well, prevailing wage is
16 based on the area standards that the locals have set
17 forth, that's how prevailing is set.

18 MR. KULASIK: So somebody working on
19 this project, let's say, what would they be paid?

20 THE WITNESS: That depends on what type
21 of machine they're on. There's a lot of different
22 parameters based on their pay.

23 MR. KULASIK: Could you tell me what the
24 lowest would be and then maybe what the highest would

1 be. In other words, if you're running let's say a
2 Bobcat, just moving some earth as opposed to being a
3 crane operator.

4 THE WITNESS: You would be -- for
5 example, a Bobcat in this area, I don't have the book
6 in front of me obviously, you would be over 30 some
7 dollars an hour. The larger -- the big -- you know,
8 top out cranes you would be \$78 an hour.

9 MR. KULASIK: Okay. That's fair. Thank
10 you.

11 MR. KAINS: Thank you, Mr. Kulasik. Any
12 other questions for Mr. Feely from the public? All
13 right. Very good.

14 All right. Questions from Livingston County
15 Staff and Consultants, first, Ms. Miller?

16 MS. MILLER: No questions.

17 MR. KAINS: No questions. On behalf of
18 the ZBA, Mr. Dluski?

19 MR. DLUSKI: No questions.

20 MR. KAINS: On behalf of the County
21 Board, Mr. Keyt, Ms. Rives?

22 MR. KEYT: No questions.

23 MR. KAINS: All right. Very good.
24 Redirect examination, Mr. Uphoff?

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MR. UPHOFF: None.

MR. KAINS: All right. Very good.

Final questions for the witness come from the members of the Zoning Board of Appeals?

All right. Very good. Thank you, Mr. Feely, for your testimony. You may step down.

(Witness excused.)

MR. KAINS: All right. Mr. Uphoff, call your next witness.

MR. UPHOFF: Mr. Ellis.

MR. KAINS: All right. Sir, could you please raise your right hand to be sworn.

R O N A L D E L L I S,

was called as a witness on behalf of the Applicant and, having been first duly sworn, testified as follows:

MR. KAINS: Very good. Thank you.

Okay. Please state your first name and last name spelling each for the record.

THE WITNESS: My name is Ronald Ellis, R-O-N-A-L-D, last name Ellis, E-L-L-I-S.

MR. KAINS: All right. Go right ahead, Mr. Uphoff.

1 **DIRECT EXAMINATION,**

2 **QUESTIONS BY MR. SETH UPHOFF:**

3 Q. All right. So that's your name. Please
4 tell us a little bit about your background and what it
5 is that you do.

6 A. So I am the business manager of the
7 laborer's local union and that covers Livingston
8 County as well as two and a half other counties. It
9 is my responsibility to dispatch to the local
10 contractors to ensure workforce is going through us.

11 Q. And we heard the other night from
12 Mr. Simpson, do you work with Dave Simpson?

13 A. I do.

14 Q. All right.

15 A. He's a member of our organization.

16 Q. Okay. And so there have been some
17 questions both to Mr. Simpson and then to our last
18 witness about prevailing wage, and do you have some
19 more specific information on that?

20 A. I do. So our total prevailing wage
21 package for one of our labor union members is 67.81 an
22 hour. So what that breaks down to is on the check
23 rate is going to be 39.17 an hour and the rest of that
24 will fill in, add to your pension which is filled in

1 as a contribution as \$12.54 an hour and then you'll
2 have an annuity at \$5.97 an hour, and you have your
3 health insurance which comes in at a contribution of
4 \$8.70 an hour which takes care of your vision and your
5 medical as well -- or your dental and vision as well.
6 And that's pretty much, you know, how things are rated
7 in there. We do pay for our training with pay and
8 people train in our program we put 80 cents an hour
9 into our training program into our facility so all
10 that whole wrapped up is what's in our prevailing
11 wage.

12 Q. And given your experience in this union,
13 just give us a little perspective about what these
14 projects mean for your members.

15 A. So what this means to our members is
16 obviously to take care of their familiar and the local
17 regional area. You know, I heard the comment that
18 these were temporary jobs. I started on the ground
19 floor as just a general laborer 24 years ago in this
20 business and have worked my way through a field
21 representative into a business manager organization,
22 so even though I'm outside of county's jurisdiction,
23 these guys as well as myself I've worked in this local
24 community here with different contractors and things

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1 of that such so what this means for them is just
2 another opportunity to add to that value of their
3 quality of their family with each paycheck as years
4 keep going on and on. Myself I've raised four kids
5 doing local contractors jobs like this and we spent
6 that money here, we pick up the groceries on the way
7 home or we pick up the dinner we take home to our
8 wives with the kids or something else like that, so
9 this just helps their quality of life.

10 Q. So local members earning wages and
11 putting them back into the local community?

12 A. Absolutely every time.

13 Q. Okay.

14 MR. UPHOFF: No further questions.

15 MR. KAINS: Very good. Thank you. All
16 right. Questions for Mr. Ellis first from members of
17 the Livingston County Zoning Board of Appeals?

18 Questions from members of units of local
19 government, including school districts and County
20 Board Members?

21 Questions for Mr. Ellis from interested
22 parties represented by licensed attorneys?

23 Questions for this gentleman from members of
24 the general public? Ms Graefen.

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1 MS. GRAEFEN: I didn't hear what union
2 you were with.

3 THE WITNESS: I'm sorry. I'm with the
4 laborers union here from Livingston County.

5 MS. GRAEFEN: Okay. So I couldn't get
6 my question together, I don't know still if I do, but
7 the other gentleman I'm sure you knew. If you were
8 on -- a union member and if you get your card caught
9 up could you come back to the -- to your union to your
10 local?

11 THE WITNESS: I'm sorry, ma'am, I didn't
12 understand the question.

13 MR. GRAEFEN: So I know a few people
14 that were operators and they didn't have any work so
15 right now they're -- and I don't know if they kept up
16 their card, but I will let them know, if they get back
17 in good standing could you take from Livingston County
18 workers? Are you going to look within the county in
19 your local first?

20 THE WITNESS: Absolutely. 80 percent of
21 our membership even though I cover three and a half
22 counties 80 percent of that membership comes from this
23 local county here. As far as the operators go, those
24 people that had questions for the operators and, you

1 know, that we are taking applications every first
2 Tuesday at the end of the month for two weeks after
3 that Tuesday between 8 a.m. and 9 a.m. online at
4 ILLaborers.org, so anybody who's in this community we
5 have an open door and no waiting list on our
6 apprenticeship program at this time.

7 MS. GRAEFEN: Thank you.

8 MR. KAINS: Thank you, Ms. Graefen.

9 Any other questions for Mr. Ellis from
10 members of the general public? Very good.

11 Questions from Livingston County Staff and
12 Consultants, Ms. Miller?

13 MS. MILLER: No questions.

14 MR. KAINS: Mr. Dluski?

15 MR. DLUSKI: No questions.

16 MR. KAINS: Mr. Keyt, Ms. Rives?

17 MR. KEYT: No questions.

18 MR. KAINS: Very good. Redirect,
19 Mr. Uphoff?

20 MR. UPHOFF: None.

21 MR. KAINS: All right. Then final
22 questions come from members of the Zoning Board? Very
23 good.

24 Thank you, Mr. Ellis. You may step down.

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(Witness excused.)

MR. KAINS: All right. Mr. Uphoff, call your next witness.

MR. UPHOFF: We would call Mr. Franklin.

THE WITNESS: Good evening.

MR. KAINS: Good evening, sir. Could you raise your right hand and be sworn.

B R A D F R A N K L I N,

was called as a witness on behalf of the Applicant and, having been first duly sworn, testified as follows:

MR. KAINS: Very good. Thank you. Could you please state your name spelling your first and last names for the record.

THE WITNESS: Brad Franklin, B-R-A-D, F-R-A-N-K-L-I-N.

MR. KAINS: Very good, Mr. Franklin. Go right ahead, Mr. Uphoff, with questions for this witness.

MR. UPHOFF: Thank you.

DIRECT EXAMINATION,

QUESTIONS BY MR. SETH UPHOFF:

Q. So, Mr. Franklin, obviously you just gave us your name but tell us a little bit about

1 yourself, where you're from and who you're with.

2 A. I am within Dwight. I am a homeowner
3 and I am a member of Labor Union Local 996.

4 Q. All right. And you're here tonight to
5 testify in support of the project; is that correct?

6 A. That is correct.

7 Q. All right. So tell us what you'd like
8 us to know about your support of the project.

9 A. Well, I actually wrote something down to
10 testify.

11 Q. Sure.

12 A. All right. As I stand before you guys
13 there's immense benefits of a wind farm operation from
14 start to finish. Particular term --

15 Q. I'm sorry, Mr. Franklin, I'm going to
16 stop you. It's fine if you want to read it but you're
17 going to have to read it a lot slower, all right.

18 A. Particularly in terms of job creation
19 and growth. Have you heard about the fable of the
20 traveler, the inn keeper and the candlestick maker.
21 It's a story of a traveler that comes to a small
22 village, spends his money which circulates through the
23 town allowing the townspeople to pay off their
24 debts --

1 MR. KAINS: Mr. Franklin, you've got to
2 slow down just -- so we can understand you. I know
3 when you read something it's very tempting to just fly
4 through it. I have been told by court reporters for
5 33 years, hey, slow down. And I'm going to be a whole
6 lot nicer than hey slow down, but Jamie over here may
7 not. But, Mr. Franklin, you're doing fine, but just
8 if you could go a little bit slower, please.

9 MR. UPHOFF: And start back at the
10 beginning of your story if you would and try to go
11 real slow.

12 THE WITNESS: It's basically, it's a
13 story -- it's called the -- it's a fable of the
14 candlestick maker, the inn keeper and the traveler.
15 It's basically a story of a traveler comes to the town
16 and the money that he spends it's generated, it goes
17 through the town and it allows all the townspeople to
18 pay off their debts.

19 I live on a street much like you guys do, but
20 I live here in Dwight. On my street there is a fellow
21 laborer, there is a -- pardon me, IBEW lineman, a
22 retired union carpenter, a widower and a teamster, as
23 well as a retired 150 operator whose sons have
24 followed in his footsteps as well. These are families

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1 that will see a direct positive impact. Jobs like
2 those directed by the Heritage Prairie Wind Farm will
3 benefit not just the individual workers but also local
4 businesses and the schools. When local workers are
5 employed they spend their money and their earnings in
6 the community supporting shops, services and local
7 infrastructure. This creates a positive ripple effect
8 and thus strengthens our local county community.

9 Embracing wind energy is a crucial step
10 towards sustainable future and it provides immediate
11 potential benefits in a form of local jobs. These
12 jobs are how I provide for my family. That is why I
13 take them to the grave, temporary jobs. A homeowner
14 is a temporary job, our home built is a temporary job.
15 The target is a temporary job.

16 This wind project is more than an investment
17 in clean energy -- oh, pardon me. These temporary
18 jobs can be tied together to create a career. That
19 career someone can be proud of. With the ability to
20 raise their family in Livingston county.

21 This wind project is more than just an
22 investment in clean energy, it is an investment in our
23 community. According to the economic impact study
24 this project represents an investment of 1.3 billion

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1 dollars into the economy of Livingston and Kankakee
2 Counties. This is an opportunity we cannot afford to
3 turn down.

4 I urge the Board to approve this proposal.
5 The jobs it will create are vital to our workers and a
6 large economic impact is beneficial for all of us. By
7 supporting these wind projects we are supporting our
8 families and our neighbors for our futures.

9 Thank you.

10 MR. KAINS: Very good, Mr. Franklin.

11 Thank you.

12 All right. Questions for this gentleman from
13 members of the ZBA?

14 All right. Questions from members of units
15 of local government, including County Board Members
16 and members of school districts?

17 Questions from interested parties represented
18 by licensed attorneys?

19 Questions from the general public for
20 Mr. Franklin. Yes, Ms. Bober.

21 MS. BOBER: Okay. Just two quick
22 questions. One. The same question I asked the other
23 gentleman. If they decided to go non-union would you
24 still support the clean energy?

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1 THE WITNESS: I've always supported
2 clean energy, ma'am, always.

3 MS. BOBER: And would you want one to be
4 right directly outside of your home?

5 THE WITNESS: It won't be too far from
6 my house, to be honest with you.

7 MS. BOBER: How far is too far -- not
8 too far?

9 THE WITNESS: I live on South Street, it
10 will be directly past 47 as I understand it so I'll
11 see it --

12 MS. BOBER: What is that -- what is that
13 distance? I'm not familiar with that.

14 THE WITNESS: Less than two miles.

15 MS. BOBER: A little different than
16 right outside your door, but okay.

17 MR. KAINS: All right. Thank you,
18 Ms. Bober.

19 Any other questions for this gentleman? Oh,
20 yes, sir. Mr. Simpson.

21 MR. SIMPSON: Yep.

22 MR. KAINS: We're not going to play home
23 team and ask him what softball questions now, are we?
24 Because I'm not interested in bolstering someone's

1 testimony, but go ahead with your question.

2 MR. SIMPSON: Absolutely. Did you go
3 through an apprenticeship program?

4 THE WITNESS: I did.

5 MR. SIMPSON: And in going through that
6 apprenticeship program you think you learned the skill
7 set to be able to build a project of this magnitude
8 safely, efficiently, timely?

9 THE WITNESS: I joined the
10 apprenticeship at 45 years old and I still thought I
11 learned quite a bit in my apprenticeship. They set
12 you up with such skills in order to tackle about any
13 project based on the tiering system that's on my
14 paycheck.

15 MR. SIMPSON: Thank you.

16 MR. KAINS: Okay. Thank you,
17 Mr. Simpson.

18 Any other questions for Mr. Franklin from the
19 general public?

20 All right. Livingston County Staff and
21 Consultants, Ms. Miller?

22 MS. MILLER: No.

23 MR. KAINS: Mr. Dluski?

24 MR. DLUSKI: None.

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1 MR. KAINS: Mr. Keyt, and, Ms. Rives?

2 MR. KEYT: No questions.

3 MR. KAINS: All right. Very good.

4 Thank you. Redirect examination, Mr. Uphoff?

5 MR. UPHOFF: Just briefly.

6 **REDIRECT EXAMINATION,**

7 **QUESTIONS BY MR. SETH UPHOFF:**

8 Q. So, Mr. Franklin, it sounds like you
9 joined the union a little bit later in life than a lot
10 of people; is that right?

11 A. That's right.

12 Q. Saw that as an opportunity at that
13 juncture in your life to be able to make exception in
14 furtherance of where you wanted to go, right?

15 A. This is correct.

16 Q. And you said you lived in Dwight, how
17 long have you lived there?

18 A. I bought my house in '07.

19 Q. All right. And are you from this
20 general area originally?

21 A. Actually, no, I'm not. I've lived in
22 Illinois for about 20 years now.

23 Q. Okay. But did you move in and you've
24 made it a home in Illinois for 20 years and Dwight for

1 the last 7 years?

2 A. That's correct.

3 Q. All right. And so how many job
4 opportunities have you had for a project like this
5 while you've been living in the Dwight area?

6 A. Before union?

7 Q. Correct.

8 A. Very very few.

9 Q. All right.

10 A. I've actually had no opportunities of
11 this magnitude.

12 Q. Once you joined the union did you start
13 having opportunities for a project like this?

14 A. Yes.

15 Q. And is this going to be one of the first
16 projects that would be in such close proximity to
17 where you live?

18 A. This will be the biggest one closest to
19 my house, yes.

20 Q. Would it be fair to say that for other
21 projects you've had to drive distance --

22 A. I drove an hour and four minutes this
23 morning.

24 Q. Okay. So this will provide an

1 opportunity not only for you to begin with the new
2 career path that you've taken but also to do so here
3 close to home and to return those, you know, back into
4 the community where you actually live?

5 A. This is correct.

6 Q. All right.

7 MR. UPHOFF: Thank you.

8 MR. KAINS: All right. Very good.

9 Thank you, Mr. Uphoff.

10 Final questions of the witness come from
11 members of the Zoning Board? All right. Very good.

12 Thank you, Mr. Franklin, for your testimony.
13 You may step down.

14 (Witness excused.)

15 MR. KAINS: All right. Mr. Uphoff, next
16 witness.

17 MR. UPHOFF: I don't have any additional
18 witnesses at this time.

19 I would like to draw the Board's attention to
20 some additional exhibits that were handed out that we
21 gave this evening.

22 MR. KAINS: All right. Are we going to
23 take up all the exhibits now?

24 MR. UPHOFF: That would -- I would start

1 with the ones that were run through and then recap all
2 of them, yes.

3 MR. KAINS: Okay. Very good. All
4 right. I have a question, this was asked of me at the
5 beginning of the recess just a moment ago.

6 Are these additional exhibits that you passed
7 out to members of the Zoning Board of Appeals? Are
8 they posted online somewhere yet?

9 MR. UPHOFF: I believe they're in the
10 process of being posted online. So they were just
11 recently provided to the Zoning Office, and my
12 understanding is that they're going to be posted
13 online.

14 MS. MILLER: They are online.

15 MR. KAINS: Okay. All of these new
16 exhibits are on the County's website?

17 MS. MILLER: Correct, yes.

18 MR. KAINS: Okay. There's the answer to
19 the question.

20 All right. Okay. Mr. Uphoff, let's take up
21 the exhibits.

22 MR. Uphoff: So I just want to go to Tab
23 13, just this was handed out at the beginning of the
24 night and I just wanted to -- I'm not going to go

1 through and read all of these, but these are letters
2 of support that were provided by the following
3 community organizations or community groups.

4 So the first is from the Dwight Fire
5 Protection District. The next is from the Reddick
6 Community Fire Protection District. There's a letter
7 of support here from the Dwight Economic Alliance. A
8 letter of support from Dwight Public Schools, you'll
9 see that's signed by Superintendant Delong who
10 testified earlier. Letter of support from Kankakee
11 Community College signed by their President. A letter
12 of support from Midland State Banks. There's a letter
13 of support from the Livingston County United Way. And
14 then you will also see in there are letters, they're
15 saying that these are resolutions from the communities
16 that are impacted. So you have resolutions of the
17 support from the Village of Campus and from the
18 Village of Dwight.

19 MR. KAINS: All right. Mr. Dluski,
20 Mr. Keyt, Ms. Rives who's keeping track?

21 MR. KEYT: Mr. Dluski is.

22 MR. UPHOFF: If I may, I would submit
23 everything in Tab 13 as a group exhibit.

24 MR. KAINS: All right.

1 MR. UPHOFF: Being organizational
2 letters of support.

3 MR. KAINS: Okay. Letters of support,
4 organizational letters of support.

5 Mr. Dluski, what exhibit is that going to be?

6 MR. KEYT: Can I make a suggestion.

7 MR. KAINS: Yes, absolutely.

8 MR. KEYT: I think we probably need to
9 organize all of the exhibits and I think that's where
10 Seth is going.

11 MR. KAINS: Okay.

12 MR. KEYT: I think what he is doing
13 right now I think is referencing exhibits that haven't
14 yet been referenced yet tonight or the previous
15 nights, am I correct?

16 MR. UPHOFF: That's correct.

17 MR. KAINS: Okay.

18 MR. KEYT: Okay. So then I think before
19 we start marking them with numbers we just get through
20 what he's wanting to reference to make sure he's
21 referencing them tonight before we get them marked
22 with numbers because that may impact what they are.

23 MR. KAINS: Okay. Because I want before
24 the end of the night if we can, otherwise we have to

1 start tomorrow, have these numbered, have you move
2 them, have us consider them. So, all right, I will
3 sit back and let you go right ahead with your
4 discussion with your exhibits, Mr. Uphoff.

5 MR. UPHOFF: Thank you. And Mr. Keyt is
6 correct, I just wanted to make sure that I was
7 referencing these that were submitted tonight and
8 drawing them to the attention of the members and also
9 making it clear on the record what has been submitted
10 because I know I referenced it the during housekeeping
11 at the beginning but I just wanted to make it more
12 specific.

13 In Tab 14 there is a series of letters,
14 they're form letters. The first one you'll understand
15 them all, but these are from landowners. So at the
16 bottom of each you'll see that there's a reference
17 signature and the address for the various landowners
18 that signed these letters. So I would reference these
19 as a group of landowner submitted letters. Again, I
20 just wanted to bring those to the attention of the
21 ZBA.

22 So in terms of going through the exhibits I
23 believe in terms of numbering, at the outset we
24 requested that the application be entered as Group

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1 Exhibit Number 1. What wasn't clear at that point in
2 time is whether that was going to include the addendum
3 exhibit. So I guess maybe for purpose of clarity and
4 because they're separate binders I would ask that the
5 original application be Exhibit 1 and then the
6 addendum binder and that addendum to the application
7 be Exhibit 2, both those being group exhibits. Then
8 as it relates to the binders that we have been
9 creating for the ZBA as we've gone through this, these
10 would be the binders that I was just referencing
11 materials for, there is table of contents they should
12 have received tonight, the binder now includes tabs of
13 1 through 14 each of those individual tabs is
14 identified within the table of contents as to what is
15 contained within them. And so I would ask that this
16 binder be submitted as Group Exhibit Number 3 with all
17 of its contents. Additionally in relation to that
18 binder we handed out some larger size, oversized maps
19 and setback tables, those were tucked into the inside
20 pocket, but I would pull those out and I would
21 individually identify those. So there is a setback
22 table which has all of the numerical setbacks for all
23 of the tower locations in relation to the variance I
24 consider categories from which they have to be setback

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1 from, that is a 3 page exhibit, so I would ask that
2 that be Exhibit Number 4. And then in addition to
3 that there was an oversized map that was provided of
4 the overall site plan area and it's a colored map of
5 orange and green primarily in terms of the colors and
6 that was used in conjunction with the individualized
7 setback maps and the setback table, so I would ask
8 that that be Exhibit Number 5.

9 I believe all of those items that have just
10 been identified, obviously some of them being within a
11 group context are all of the items that have been
12 submitted throughout the course of this hearing either
13 when the application was first made or materials that
14 we provided during the actual hearing process. So
15 those would be the exhibits as I would identify them
16 at this time.

17 If there's any additional breakdown needed we
18 could do that as well.

19 MR. KAINS: All right. Very good.
20 Thank you, Mr. Uphoff. There was a map that I recall
21 that showed yellow dots, turbine locations beginning
22 with L's, where is that, and it showed that they were
23 all outside the setbacks.

24 MR. UPHOFF: That was handed out tonight

1 and was added into tab -- I believe it was Tab 12. So
2 that should now be included in Tab 12 of the binder.

3 MR. KAINS: In Group Exhibit 3, the
4 binder?

5 MR. UPHOFF: Yes, sorry. Group Exhibit
6 3, Tab 12.

7 MR. KEYT: Can I make a suggestion.

8 MR. KAINS: Yes.

9 MR. KEYT: Group Exhibits 1 and 2 were
10 submitted prior, they were the application and the
11 addendum thereto, we can -- between Mr. Uphoff and
12 Mr. Dluski and myself, I think we can identify those
13 further by date which we -- I don't think we
14 necessarily need to do that on the record per se, but
15 Group Exhibit Number 3 for clarity has 14 tabs to it.
16 I think for the record and for the -- Mr. Dluski's
17 purposes of drafting the findings of fact we could
18 identify those as Group Exhibit Number 3 and then
19 within that, you know, would be further identified I
20 think as individual tabs 1 through 14 with the topic
21 item or the -- what it is further listed, out as
22 Mr. Uphoff has already done in that table of contents.
23 So it would be Group Exhibit 3 and then this
24 additional sub-tabs or sub-exhibits, if you will,

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1 identifying those, if that makes sense to Mr. Dluski
2 and Mr. Uphoff.

3 MR. UPHOFF: I have no objection to
4 that.

5 MR. DLUSKI: Yeah, I have no objections.
6 I agree.

7 MR. KAINS: So, Mr. Keyt, are you
8 suggesting then that this binder is Exhibit Group 3
9 and the tabs would be referenced as Exhibit Group 3-1,
10 -2, -3 up to -14?

11 MR. KEYT: Something along those lines.

12 MR. KAINS: Let's use numbers rather
13 than letters. Lawyers like to use numbers then
14 letters, then numbers, then letters. But these are
15 called 1 through 14 in tabs. So we might as well call
16 them Group Exhibit 3 and then dash 1 through 14
17 inclusive.

18 MR. KEYT: Yeah. I think we can come up
19 with that list in the sense of drafting it up so it's
20 clear for the record. I don't know that we
21 necessarily need to do it per se on the record is my
22 point. But if there are objections or something to
23 specific documents, that could be taken up if somebody
24 has one.

1 MR. UPHOFF: And I will prepare a more
2 full list, you know, similar to the table of contents.
3 I can lay these all out and identify all of those
4 sub-tabs in Exhibit 3. I can take care of all that.

5 MR. KAINS: That would be very helpful.

6 All right. I'm going to reserve ruling on
7 admitting these documents until such time as I see the
8 breakdown of what tabs 1 through 14 are. I'm sitting
9 here as a hearing facilitator without any of these
10 documents in front of me and there's a reason for
11 that, I'm not a decision maker with respect to the
12 vote. That's up to these folks, the members of the
13 Zoning Board of Appeals, but as far as putting these
14 and having the documents admitted into evidence so
15 that they can be considered by this Board and
16 ultimately the Livingston County Board, I do want to
17 look at the breakdown and the tabs. So I'm going to
18 reserve ruling on all of these exhibits and we'll have
19 that hopefully tomorrow evening.

20 All right. Mr. Uphoff, do you have any other
21 matters of housekeeping that we need to take up?

22 MR. UPHOFF: No, that's going to be it.
23 So subject to the admission of those exhibits we would
24 rest our case in chief.

1 MR. KAINS: All right. Very good. All
2 right. Mr. Dluski, do you have any matters of
3 housekeeping that we need to address?

4 MR. DLUSKI: Yeah. Well, one of the
5 things that we're going to need obviously prior to
6 doing the findings of fact is getting the transcripts
7 and I just wanted to see what the status of the
8 transcripts are.

9 MR. KAINS: All right. We'll discuss
10 that after -- after we recess for the night, but it
11 may take -- may take a little while. We can find that
12 out.

13 Ms. Rives, Mr. Keyt, do you have any other
14 matters of housekeeping?

15 MR. KEYT: No, sir.

16 MR. KAINS: All right. Just want to
17 confirm, Ms. Miller, all of this stuff, these
18 documents are on the Livingston County website?

19 MS. MILLER: That is correct.

20 MR. KAINS: How do we get there, what's
21 the address?

22 MR. UPHOFF: With a caveat the stuff
23 that was handed out tonight would not be on there yet,
24 correct?

1 MS. MILLER: Correct.

2 MR. UPHOFF: So it would be everything
3 up to tonight. Then after tonight it would be
4 submitted and available.

5 MR. KAINS: Okay. And then I have a
6 question then, when would the information that was
7 presented tonight by Mr. Uphoff and through his
8 witnesses, when would that be able to be on the
9 website?

10 MS. MILLER: If Mr. Uphoff sends it over
11 to me tomorrow morning we can have that up within an
12 hour of him sending it to me.

13 MR. KAINS: Wow. Technology is truly
14 amazing. I don't know how to use it but it's truly
15 amazing.

16 Okay. So with that said, members of the
17 public, if you wish to access any document that has
18 been submitted in this hearing, and, again, none of
19 it's in evidence yet until I say so, but you'll be
20 able to go and look at it tonight, tomorrow and prior
21 to tomorrow evening. So that's wonderful, Ms. Miller.
22 Thank you.

23 All right. Anything from the Zoning Board of
24 Appeals?

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1 Okay. Folks, before we start with testimony
2 from the general public, that's where we're headed
3 next, before we start with that I think that the
4 Board -- well, the Board is going to go into recess
5 until tomorrow night at 6:00, that way if members of
6 the public want to, need to, feel compelled to look at
7 any of these documents you have time tonight, tomorrow
8 before the hearing resumes tomorrow night to access
9 those documents and take a look and to formulate your
10 testimony if you so desire.

11 Mr. Uphoff, do you have anything?

12 MR. UPHOFF: I was just going to say
13 before we recess for the night would we be able to
14 take a short break to discuss some scheduling matters
15 then go back on the record to clarify those.

16 MR. KAINS: Yeah. Yeah. That's -- are
17 we talking about another night of hearings?

18 MR. UPHOFF: Potentially.

19 MR. KAINS: Yeah. Okay. It's 8:27 now,
20 let's take a recess until about 8:40 -- yes. Yes.
21 Mr. Randolph says the public comment is limited to
22 three minutes per individual. So keep that in mind
23 when you're formulating your comments.

24 All right. Let's take a recess. Members of

1 the Zoning Board and counsel, we're going to stay
2 right here and work out some additional scheduling.

3 So the Board's in recess till about 8:40 or
4 until we get this resolved. Thank you.

5 (A recess was taken at 8:27 p.m.)

6 (Resume at 8:46 p.m.)

7 MR. KAINS: All right. Let's go back on
8 the record, please. In the schedules of everyone up
9 here and a bunch of lawyers too is like putting
10 together a Rubik's Cube. Has anybody ever
11 successfully done that? Not I either. But I think
12 we've got this almost figured out and I say almost. I
13 do have a question for the public, will you folks --
14 will you folks be ready to testify tomorrow night?

15 MS. GRAEFEN: I'm working on it.

16 MR. KAINS: Ms. Graefen.

17 MS. GRAEFEN: I'm working on it.

18 MR. KAINS: You're working on it?

19 MS. GRAEFEN: Yes.

20 MR. KAINS: Okay. Very good.

21 Mr. Kulasik, will you be ready tomorrow night?

22 MR. KULASIK: I can't say what I would
23 have would be more testimony than more opinion comment
24 so...

1 MR. KAINS: All right.

2 MR. KULASIK: I can't say I would speak
3 to testimony but I would be speaking at the public
4 comment session.

5 MR. KAINS: Okay. Very good. All
6 right. Then we will have testimony from the public
7 tomorrow night and depending on how that all goes we
8 can have then closing statements as well, public
9 comment on the project and then there will be a
10 decision night that will be scheduled at a later date
11 and we have that date, August 12, 2024, at 6:00 p.m.,
12 in this courtroom -- County Board Room. So August 12
13 at 6:00, and we will plan to have on that night -- the
14 only thing that will happen -- unless Mr. Smothers
15 gets back from his trip. I would think the Board
16 wants to hear from him -- at least a couple Board
17 Members expressed that he's had an active role in
18 questioning and he may wish to testify. So that would
19 be the only thing other than the Board's deliberations
20 and decision coming on August 12. So tomorrow night
21 we will meet in this room at 6:00 and it will be an
22 opportunity at that time for anyone who wishes to
23 testify under oath, okay. Testifying under oath is
24 different from public comment. A lot of people don't

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1 want to testify under oath. As Mr. Kulasik just said,
2 he just wants to give his opinion on it which may or
3 may not be testimony, it may be considered public
4 comment, but anyone who wishes to testify under oath,
5 you can say what you want as long as it's relevant to
6 this particular project. Folks who testify, however,
7 will be subject to questioning by members of the
8 Zoning Board and I go through the long list of folks
9 who have the right answer questions, including general
10 public, including Mr. Uphoff and the other attorneys
11 involved in the case. Public comment, of course, is
12 not subject to questioning, it's just a three minute
13 public comment. But you can testify and according to
14 the rules that I've reviewed there is no time limit on
15 testimony but it has to be related to the project and
16 your feelings on the projects.

17 All right. With that said, Mr. Uphoff,
18 anything further tonight?

19 MR. UPHOFF: Not tonight.

20 MR. KAINS: All right. Mr. Dluski?

21 MR. DLUSKI: Nothing.

22 MR. KAINS: Mr. Keyt, Ms. Rives?

23 MR. KEYT: Nothing further.

24 MR. KAINS: All right. Ms. Miller,

1 would please give the website address where all of
2 this material has been and continues to be posted.

3 MS. MILLER: Sure. It is
4 Livingstoncounty-il.org.

5 MR. KAINS: Livingstoncounty.

6 MS. MILLER: -il.org.

7 MR. KAINS: -il.org. And it's my
8 understanding in talking with counsel and the Zoning
9 Board up here that much if not all of the material,
10 well, 99 percent of the material has been posted on
11 there for some time. The application and the
12 addendum, and Mr. Uphoff has told me that the binder
13 that he's referenced as Group Exhibit 3 has tabs 1
14 through 14, those have all been pulled from the
15 application or addendum just for easy reference by the
16 Board. So those things have already been up on the
17 website. So the only new things are some of the
18 larger maps and setback tables and those are on the
19 website -- are they on the website now?

20 MR. UPHOFF: Everything except what was
21 submitted tonight, and after the hearing I will email
22 tonight's materials to the Zoning Office and then as
23 soon as they post it it will be posted.

24 MR. KAINS: Okay. Very good. Thank

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1 you. So if you need to go to the website to look at
2 things you have at it.

3 All right. I don't believe we have any other
4 business to discuss. So we will see you back here
5 tomorrow night at 6:00. And just make a note that the
6 decision night will be August 12, 2024, at 6:00 p.m.,
7 in this room and that will be the decision of the
8 Zoning Board of Appeals which will be a
9 recommendation, simply a recommendation to the full
10 County Board which will then make the final decision
11 on this application.

12 All right. Very good. The Zoning Board of
13 Livingston County has recessed until tomorrow night at
14 6:00 p.m. Thank you.

15 (Cause recessed.)
16 WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS
17 CAUSE ON SAID DAY.

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