

PERMIT APPLICATION FOR HERITAGE PRAIRIE WIND

JULY 18, 2024

APPEARANCES: MR. SETH UPHOFF
Attorney at Law
On behalf of the Applicant

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

MR. ANDREW KEYT & ALEX RIVES
Attorneys at Law
On behalf of Livingston County

Jamie S. Atkinson, CSR
Court Reporter
Vermilion County

1 MR. KAINS: Good evening, folks. This
2 is the fifth night of this public hearing, and I have
3 learned that Chairman Joan Huisman is not going to be
4 in attendance tonight. She is attending to a sick
5 family member and she indicated that she would be
6 either listening to a recording of this that's being
7 made or examining transcripts. So she will learn of
8 this after the fact, but she will not be in attendance
9 tonight.

10 So we'll call the meeting to order, and,
11 Ms. Miller, if you could conduct roll call, please.

12 MS. MILLER: Scott.

13 MR. SCOTT: Here.

14 MS. MILLER: Flott.

15 MR. FLOTT: Here.

16 MS. MILLER: Kiefer.

17 MR. KIEFER: Here.

18 MS. MILLER: Runyan. Randolph.

19 MR. RANDOLPH: Here.

20 MS. MILLER: Turner. Huisman.

21 MR. KAINS: Thank you, Ms. Miller. All
22 right. The Applicant has concluded it's case and now
23 it is time to hear from the public. Here's how we're
24 going to do it. You have the opportunity to either

1 testify or give public comment. Testimony can be any
2 length of time, although anything that gets too
3 repetitive or redundant I'm not going to allow folks
4 to go on and on, but I think it is fair to allow folks
5 to express themselves, and so if you wish to testify
6 we will be having that tonight, and the one caveat is
7 if you give testimony under oath then you will also be
8 subject as the Applicant's witnesses were, subject to
9 cross-examination by members of the Zoning Board and
10 other folks as we went through the long list of people
11 who have the opportunity to ask questions and counsel
12 for the ZBA, for Livingston County Board and for the
13 Applicant will all have the opportunity to question
14 you if they so desire.

15 If you are not interested in testifying,
16 having ample time to state your case, state your
17 opinion then you may give public comment which will be
18 later on in the hearing tonight.

19 So how I'm going to work this is we will have
20 testimony, sworn testimony first from people who are
21 in favor of the application, then we will have
22 testimony under oath from people who are opposed to
23 the application, and finally we will have testimony
24 from people who are neutral on the application for the

1 wind energy project. Then after we have the testimony
2 then we'll have opportunity for Livingston County to
3 provide any evidence that they wish to provide, if
4 any, and then we will have public comment. I want to
5 do public comment before a vote so it is heard before
6 there is a vote. The vote's not going to happen
7 tonight, that will come on August 12 of 2024, and when
8 I say the vote that would be the vote on a
9 recommendation by this Zoning Board of Appeals to the
10 full Livingston County Board.

11 All right. With that said, may I just see --
12 actually could you stand because I have a hard time
13 seeing over the podium and other folks. Could you
14 please just stand up if you wish to testify and you
15 are in favor of the application, in favor of the wind
16 project. All right. Very good. Okay. This
17 gentleman. Okay. Anybody else wishing to testify in
18 favor of the project? All right.

19 Now, if you could just stand if you are
20 wanting to testify in opposition to the application,
21 you're opposed to the project. Mr. Kulasik, and I
22 can't remember your name but we'll get you. Okay.
23 Very good.

24 And folks who are neutral on the application,

1 anyone who wishes to testify and you don't have a
2 position either for or against? All right.

3 So we'll have three people giving testimony,
4 and anybody else who wishes to speak will be able to
5 do so during the public comment time.

6 All right. Then first the gentleman back in
7 the blue shirt who stood and said he was in favor. If
8 you could please come up to this podium up front. And
9 then anybody who wants to question will have that
10 podium and that microphone.

11 All right. Very good. Sir, could you please
12 raise your right hand and be sworn.

13 J A Y B E N N E T T,
14 was called to testify and, having been first duly
15 sworn, testified as follows:

16 MR. KAINS: Okay. Very good. Could you
17 please state your name.

18 THE WITNESS: My name is Jay Bennett.

19 MR. KAINS: Jay Bennett?

20 THE WITNESS: Yes, sir.

21 MR. KAINS: Okay. Very good,
22 Mr. Bennett. Go right ahead.

23 THE WITNESS: Okay. I am the
24 superintendant of Tri Point Schools over in Eastern

1 Livingston County and prior to that I've been -- I was
2 the superintendant for two years prior and then prior
3 to that I was the principal at the junior high for
4 nine. Obviously we border a little bit of Ford, a
5 little bit of Livingston. So what I'm going to ask
6 about with wind farms and windmills I'll try to really
7 focus on what I've seen them do for us, and I will
8 tell you over ten years ago when I came to Tri Point
9 we were cutting -- Tri Point was cutting programs left
10 and right. We are a conglomerate, a very small
11 township. If you are not familiar with Tri Point,
12 Pella, Piper City, Campus, not -- we don't have a
13 large hub by any means. Boosters were asked to cut
14 our sports, gifted programs were being cut, there was
15 no excess in anything. We have three very aging
16 campuses, they had went years without much of anything
17 being done to improve them, and when improvements were
18 done it was what the general custodian could do on his
19 own. About seven or eight years ago when the first
20 sets of windmills went in it was a game changer for
21 Tri Point. The previous superintendant Jeff Bryan
22 will tell you that it pretty much saved the district.
23 It not only allowed flexibility but we began to start
24 adding programs that benefitted students, that

1 benefitted teachers. Our levy a year ago, we took in
2 nearly 5 and a half million, \$900,000 of that was from
3 wind turbines. 16 percent of our levy is from wind.
4 It is -- as stated it is a game -- game changer that
5 is not tax money being asked of all of our
6 constituents to foot the bill.

7 One of the -- one of the key pieces that I
8 seen it really do is as I stated it was adding
9 programs. Our kids were going without a lot of
10 things. When I asked around our area -- a subdivision
11 is not -- it's not something in our town. I think the
12 last new set of houses in any of our towns was
13 probably 30 years ago at best. We don't have new
14 buildings. When I talked with the superintendant's
15 and PBL's in Gibson City, in the areas they have new
16 houses going up yearly. We don't. It -- this was,
17 like I said, \$900,000 a year. We had major building
18 upgrades. We were able to bond easier for geothermal
19 and new ceilings, lights and things. We added
20 programs back. Before that one of the big cuts we had
21 was the gifted program. The teacher left, went to
22 Prairie Central. Not only were we able to bring him
23 back, this was a golden apple winning teacher, because
24 we were able add that intervention, we were able to

1 add resource officers, we able to take back those
2 sports programs and add to those sports programs. As
3 I stated, I -- and I know I came up here just as pro,
4 but I strictly try to say what they have done for us
5 as a district and, frankly, they saved us. They
6 are -- we have programs for students, we have the
7 resources for teachers, we can keep good teachers that
8 our kids deserve. We have the flexibilities now to
9 maintain and refurbish and possibly look to replace
10 some aging buildings and one of them aging is probably
11 a very nice term. So that is what they have done,
12 that is what they have done for us and that is what
13 they have added to us.

14 So, like I said, I try to stick to the facts
15 and -- and leave the rest obviously to the
16 distinguished people, you know, like you, but that is
17 what we know have done for Tri Point.

18 MR. KAINS: All right. Very good.
19 Thank you, Mr. Bennett.

20 All right. Questions for Mr. Bennett first
21 members of the Zoning Board of Appeals? All right
22 very good.

23 Questions for Mr. Bennett from members of
24 units of local government, County Board, school

1 districts?

2 Questions for Mr. Bennett from interested
3 parties represented by licensed attorneys?

4 Questions for Mr. Bennett from members of the
5 general public?

6 Questions from Livingston County Staff and
7 Consultants first, Ms. Miller, Zoning Administration?

8 MS. MILLER: No, sir.

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

11 MR. DLUSKI: No questions.

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

14 MR. KEYT: No questions.

15 MR. KAINS: All right. Very good. And
16 questions from you, Mr. Uphoff?

17 MR. UPHOFF: None.

18 MR. KAINS: All right. Very good.

19 Final questions from the ZBA members, can you think of
20 anything else?

21 All right. Mr. Bennett, thank you for your
22 testimony. You may step down.

23 (Witness excused.)

24 MR. KAINS: Anyone else in favor of the

1 application who wishes to testify?

2 Those opposed, we'll go lady's first. Ma'am,
3 come forward, please. Could you raise your right hand
4 and be sworn.

5 J U L I E R U S S O W,

6 was called to testify and, having been first duly
7 sworn, testified as follows:

8 MR. KAINS: Could you please state your
9 name for the record.

10 THE WITNESS: Julie Russow, R-U-S-S-O-W.

11 MR. KAINS: R-U-S-S-O-W. And Julie,
12 J-U-L-I-E?

13 THE WITNESS: J-U-L-I-E, yes.

14 MR. KAINS: Some people forget E.

15 All right. Ms. Russow, you may go right
16 ahead. Thank you.

17 THE WITNESS: Okay. I've been here for
18 all of the hearings and one thing that I recall, it
19 sounded like the developer was out of compliance on
20 the flicker study. So I was a little concerned about
21 that. Also I noticed last night during I believe it
22 was -- was it Mr. Wynn's second appearance, he
23 disputed Becky Taylor's report from the soil and water
24 regarding the proximity in terms of the wetlands, and

1 I just was wondering whether she received a copy of
2 that report and whether she was going to have a chance
3 to come back or will she be called back to defend her
4 original conclusions? Just seems that a fair -- or
5 any compliance issues or discrepancies in the case
6 that it doesn't seem like it should be approved, the
7 project should be approved.

8 And then regarding the additional materials
9 that were added to the application last night, I did
10 call the Zoning Office today and I spoke with
11 Ms. Miller and this was about 3:00 this afternoon and
12 those items had not been uploaded to the website yet
13 at that time. So I'm not sure how the public would
14 have an opportunity to have ample time to review
15 those, and I just wanted to call that to your
16 attention.

17 So that's really all I have to say.

18 MR. KAINS: Okay. Very good. Thank
19 you, Ms. Russow.

20 All right. Before we address those, let's
21 see if there's questions.

22 First members of the Zoning Board of Appeals?
23 All right.

24 Questions from members of units of local

1 government, County Board, school districts?

2 Questions from interested parties represented
3 by licensed attorneys?

4 Questions for Ms. Russow from members of the
5 general public?

6 Livingston County Staff and Consultants,
7 Zoning Administrator, Ms. Miller?

8 MS. MILLER: No questions.

9 MR. KAINS: No questions. Mr. Dluski?

10 MR. DLUSKI: No questions.

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

12 MR. KEYT: No questions.

13 MR. KAINS: Mr. Uphoff?

14 MR. UPHOFF: No questions.

15 MR. KAINS: And any other questions from
16 the ZBA?

17 Okay. Ms. Russow, thank you. You may step
18 down.

19 THE WITNESS: Thank you.

20 (Witness excused.)

21 MR. KAINS: All right. She raised the
22 issue of a couple of documents not being uploaded.
23 Ms. Miller, what's the status?

24 MS. MILLER: So this morning Mr. Uphoff

1 sent those over to me at 9:00. I sent -- I sent it
2 over to our IT who was not able to get them on time.
3 I checked in at 3:00, they did put them on right at
4 3:00. I spoke to the assistant and he put those on
5 for us. So they are online.

6 MR. KAINS: And would that be -- and
7 perhaps this is a question better answered by
8 Mr. Uphoff. Would that be the setback table, site
9 plan map?

10 MR. HOFF: No. The materials from last
11 evening would have been the one page for Nick Fee,
12 putting that into the PowerPoint presentation and then
13 the presentation that went along with that, so his
14 PowerPoint presentation. This map, one page map that
15 was previously requested and then the letters of
16 support.

17 MR. KAINS: Okay. Very good. So it was
18 Mr. Fee's PowerPoint and those who were here would
19 have seen that, been able to review that or take notes
20 on it as it was over my head, and then the map that
21 we've discussed at great length with respect to the
22 yellow dots outside of the lawful setback area. Would
23 that be a correct assessment?

24 MR. HOFF: Yes. Sorry. For the purpose

1 of the record I know I held up the map and showed it
2 to you, you are describing it correctly, it is the map
3 that depicts the circle for the IDOT area around the
4 airport and then yellow dots depicting the towers
5 outside of the blue circle.

6 MR. KAINS: And that was testified to at
7 some length in a previous session at this hearing.
8 And then landowner letters of support that you read
9 off as I recall just the names of the persons who
10 wrote letters of support.

11 MR. UPHOFF: I did for the
12 organizations, yes. For the landowners it was one --
13 a form letter signed by many different landowners. I
14 did not read off the landowner names, but for the
15 organizations I did state which organizations had
16 presented letters in support.

17 MR. KAINS: All right. When it comes
18 right down to it, the gist of this is does the
19 application and the addendum meet the provisions
20 contained in the Livingston County Ordinance and I
21 don't know that -- well, I do know that letters of
22 support are not necessarily anything that has to do
23 with the ordinance. That map does, but that map was
24 put on the screen above, testified to, so I think

1 that's all right too. And then Mr. Fee, he was here
2 last night, his PowerPoint, that's -- that's not
3 something that's going to cause any problems or
4 consternation in this hearing or when the County Board
5 has its decision process.

6 All right. Ms. Russow, thank you for
7 pointing those out. Yes, ma'am.

8 MS. RUSSOW: Did you address the flicker
9 study and the -- Ms. Taylor?

10 MR. KAINS: Okay. Oh, the flicker study
11 and Ms. Taylor, yes.

12 MR. UPHOFF: If I may, she just -- her
13 testimony was that she had -- she hopes that they're
14 complied with. I mean, it's nothing for us to
15 address, I don't believe -- or I should say, I don't
16 believe that there were any follow-up questions to her
17 testimony so I don't know that there's anything to be
18 addressed.

19 MR. KAINS: And with Ms. Taylor, you
20 know, that is something that I will ask this Board
21 whether they want to recall her or not. I don't see
22 her in the room tonight. It's my understanding that
23 she is not -- that she may be out of town perhaps.
24 Does anybody know?

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Mr. Keyt, are you aware of anything?

MR. KEYT: I'm not aware if whether she's in town, out of town or whatever.

MS. MILLER: She is -- she works the fair, so she's at the Livingston County Fair this week.

MR. KAINS: All right. In the event that the Zoning Board of Appeals wishes to hear from Brittany Taylor the Board may recall her and that would be done at the beginning of the August 12 session, but that is entirely up to the Zoning Board of Appeals and we will take that up -- we'll take that up later on.

And with respect to the issue of shadow flicker, that -- that was testified to, there was ample time for cross-examination, so, you know, if we were calling it an objection I would overrule that.

All right. Then I believe that takes care of Ms. Russow's concerns. We appreciate you raising those concerns to the Board and going through those. Thank you.

All right. Next witness, Mr. Tom Kulasik. Sir, could you please raise your right hand.

T O M K U L A S I K,

1
2 was called to testify and, having been first duly
3 sworn, testified as follows:

4 MR. KAINS: Very good. Thank you. Go
5 right ahead.

6 MR. KULASIK: For the record my name is
7 Tom Kulasik. I reside at 27575 East 3000 North Road
8 in Dwight Township. I have resided there since
9 December of 2013 so I'm not necessarily a lifelong
10 resident, I am a transplant, so a little new to the
11 area.

12 Recently we made a reinvestment in Livingston
13 County in building a new house on that lot. So I do
14 have a vested interest in the area going forward long
15 term, and I do not see a lot of this going on in our
16 county on the residential side. One of the first
17 things I'd like to bring is the notification.

18 MR. KAINS: Mr. Kulasik, could you raise
19 your microphone just a little bit.

20 MR. KULASIK: I'm sorry. As I stated
21 earlier, there was a meeting on May 29th to the
22 Livingston County Regional Planning Commission. I
23 received this via registered mail on June 3rd to tell
24 me about the meeting on June 17th. I know the

1 attorney, this gentleman here Mr. Keyt, if I
2 mispronounce your name I apologize, said that the
3 first meeting was not to be considered part of that
4 notification legally, however, the way this letter is
5 written we should have been notified on that. It
6 indicates that the County of Livingston and one of
7 these Boards was in error. Now, one of the things is
8 is that was the first time I was officially notified
9 of this project. I've heard some whispers here and
10 there about it. I am not in the -- at that time the
11 groups or anything that keep me informed of what's
12 going on in the County outside of what I could find on
13 the web, and I do have very limited access to the
14 internet as we have no cable, high speed or even
15 telephone access where I live. So when the Applicant
16 said about everybody being notified of this ahead of
17 this, that was wrong cause we were never approached by
18 the Applicant during the process of them obtaining
19 land leases or permission from these other landowners
20 to use their property. We were never contacted on
21 impacts, we were never asked to come forward with
22 concerns, they were never really addressed by the
23 company ahead of time.

24 Just for the record I have two wind turbines

1 that will be extremely close to where I live, L9 and
2 L4. My concerns with these two are as follows:
3 Sound. I did talk with the gentleman and I
4 cross-examined him as best I could but he never was
5 able to tell me what I'm going to be hearing, what
6 sounds will I be affected by and how they will effect
7 me or what I should hear. The best example I would
8 say is I was asking for one example of things and I
9 was being given another by him. In other words, we
10 had an apples and oranges-type of where we never could
11 get past that, and those answers -- those questions
12 are still unanswered.

13 Number two: The flicker which has already
14 been brought up. It appears that this project is not
15 in compliance with the Livingston County Ordinance,
16 and as a non-participant that may be affected by it I
17 should not be affected by it at all. Not for one
18 hour, not for 30 hours.

19 Another thing is there was no answer to as
20 far as what will this project bring with the
21 electronics and the electricity to the radio frequency
22 noise for and what we call powering noise pollution.

23 There was also brought up from an expert on
24 land values. My research has showed property values

1 less than one mile from a turbine are directly
2 impacted in a negative way but on a short-term basis.
3 What that short-term basis is was not specified.
4 There is no reassurance that my property value which
5 has now increased through my reinvesting in this
6 County by building as I plan to stay may now be in
7 jeopardy of not being property being able to be sold
8 at a property value, yet I will be assessed for
9 whatever value the County and the local township tax
10 assessor deems. There is no guarantees that I will
11 get my money back.

12 Distance from houses. That has been brought
13 up. I know the State has recently past certain
14 legislation to bring down those distances, but how
15 safe is safe. That's up for debate depending on who
16 you ask. I have seen up to five times the diameter of
17 the blades. I have seen other things that 1,000 feet
18 is not good, even one and a half times the height of
19 the tower itself is not good distance, but that's a
20 little bit for debate. But I am going to bring in --
21 in New Hampshire they did have an incident where a
22 blade was thrown 750 feet. Now, these blades, I can't
23 remember exactly how long they are but I know they're
24 greater than 100 feet long and I'm sure they weigh

1 more than a ton. A 100 feet long ton projectile will
2 definitely penetrate a building.

3 There's also been studies that show that
4 fragments from these should these blades fragmentate
5 can travel a distance of six and a half times the
6 height of the entire wind turbine, that's tower plus
7 blades. And if you're wondering where I found that, I
8 found that on Y1.2 plus. 1,000 feet will not protect
9 public health from wind watch and believe it or not it
10 was written by Robert Kennedy. So take that for what
11 it is.

12 Blade failure is a possibility and it does
13 happen. One in 100 wind turbines can experience blade
14 failure, and once again, these fragments can fly quite
15 far. So one of the concerns and one of the things I
16 believe you the petitioner should provide is what will
17 be done should that happen, what safety is going to be
18 done, what liability will they hold, what property
19 damage and, heaven forbid, personal injury or personal
20 death. How does that play since we are now moving
21 these within 1,600 feet of residences.

22 A lot has been said about participating
23 versus non-participating landowners. Participating
24 landowners were contacted a long time ago on this when

1 a lot of these were secure, otherwise we wouldn't see
2 the maps we see. They're being reimbursed as
3 testimony said of upwards of maybe \$10,000 a year per
4 turbine. I do not know what the reimbursement is for
5 right-of-way for cabling, but yet the
6 non-participating people that will have to deal with
7 these and most of the people that did deal with these
8 are non-participants. A lot of your participating
9 landowners are absentee landowners, they don't live on
10 that property and they will not have a turbine within
11 1,300 feet of their full-time residence.

12 Some developers have approached us with the
13 concept of compensation for all within a half mile of
14 the development. This was done in Columbia County,
15 Wisconsin. This Applicant has not done that. I
16 haven't heard of anybody else doing it. However, I
17 think it's an avenue that should be explored.

18 We've heard about the labor, 168 jobs to
19 construct, 22, 26, I'll even give you 30. We need a
20 little more reassurance -- I should say that -- we
21 haven't got the reassurance of how many are coming
22 from the county. The laborers union says they will
23 provide with Livingston County labor first. The
24 operating engineer, I understand they do have to abide

1 by who's qualified to operate the equipment, I would
2 hope it goes to local people first. However, one
3 thing that was never mentioned is that this project
4 and the construction is only open to 10 percent of
5 people that are only eligible to work which starts out
6 90 percent of the working population in this state.
7 That's not inclusive, that's exclusive. If you want
8 to know how that came about, the ages between 19 and
9 65 in this state is approximately 7.5 million people
10 and union member in this state is at 708,000 and
11 Illinois is a non-right to work state.

12 We've also heard about flood plain issues,
13 I've even spoken with Mr. Wynn. I'd like everyone
14 here to say do you live in a flood plain and the
15 answer is yes you do. Don't worry about the zone X on
16 the flood map, don't worry about what FEMA says, you
17 are in a flood plain. Concerns were brought up by
18 soil and water for this County and certain ones. I
19 believe that those specific sites need to be set aside
20 and reexamined by all parties to make sure that the
21 lady from Livingston County Soil and Water is in
22 agreement with what Mr. Wynn has to say. Were they
23 using the same maps, were they using the same data. I
24 don't know what each one went by. Also how old are

1 the maps that we use from the FEMA and all that. I
2 really don't believe that it's going to be a huge
3 issue, flood plain but I do believe that should be
4 something that the County needs to work with the
5 Applicant to ensure that cause some people do have
6 concerns on that.

7 I will say this, the Applicant and some of
8 their representatives have been more than willing to
9 talk with me a little bit. I would like really their
10 reassurance that those of us who are non-participating
11 that are affected have means of contacting the
12 Applicant not only during construction but during the
13 entire life of this project to have our concerns taken
14 care of as it goes, because there are going to be
15 unforeseen circumstances. They're never -- you can't
16 account for everything, I understand that. Things are
17 going to happen a year or two down the road after
18 they're done. As machinery gets older it's going to
19 generate more noise. We'll find in the wintertime
20 there will be an icing problem, will they have people
21 possibly in the path of those projectiles, things like
22 that will have to be addressed in the future and I
23 would like to see that there is a direct avenue to the
24 Applicant from non-participating and even

1 participating people should we have a problem.

2 Once again, I'm not in favor of this and I
3 will get to those other reasons in public comment, but
4 those are reasons as to -- I can give other testimony
5 as the fact as best I know of.

6 MR. KAINS: Okay. Very good. Thank
7 you, Mr. Kulasik.

8 All right. Questions for Mr. Kulasik first
9 from -- do you have something, Mr. Uphoff?

10 MR. UPHOFF: Yes, just a procedural
11 matter. I don't believe Mr. Kulasik was sworn.

12 MR. FLOTT: Yes, he was.

13 MR. UPHOFF: Was he?

14 MR. KAINS: Yes.

15 MR. UPHOFF: Okay. Then I missed it. I
16 apologize. I know he gave his name, but I don't
17 recall you asking him to raise his hand and be sworn.
18 I know he fidgeted with the mic. I was double
19 checking.

20 MR. KAINS: Sometimes I need to be
21 reminded. I couldn't really quite remember.

22 All right. Did you have anything other
23 procedurally, Mr. Uphoff?

24 MR. UPHOFF: No, that was it.

1 MR. KAINS: Okay. All right. Then
2 questions for Mr. Kulasik from the ZBA members? All
3 right. Then -- okay. Mr. Kiefer.

4 MR. KIEFER: What was your address
5 again? I missed it.

6 MR. KULASIK: 27575 East 3000 North.

7 MR. KIEFER: So you live on South Union
8 Street?

9 MR. KULASIK: No. I live in Dwight
10 Township.

11 MR. KIEFER: Come here and show me.

12 MR. KULASIK: Right there.

13 MR. KIEFER: You're right there?

14 MR. KULASIK: Right there.

15 MR. KAINS: All right. Just show for
16 the record that Mr. Kiefer presented a map, looks like
17 mostly orange and Mr. Kulasik made a mark on the map
18 showing where exactly he lives in Dwight Township.

19 Any other questions for Mr. Kulasik? Okay.
20 Very good.

21 All right. Questions from members of units
22 of local government, County Board Members, school
23 districts?

24 Questions for Mr. Kulasik from licensed

1 attorneys?

2 Questions from the general public for this
3 gentleman?

4 Question from Livingston County Staff and
5 Consultants, first Zoning Administrator, Ms. Miller?

6 MS. MILLER: No questions.

7 MR. KAINS: Mr. Dluski?

8 MR. DLUSKI: No questions.

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

10 MR. KEYT: No questions.

11 MR. KAINS: All right. Mr. Uphoff.

12 MR. UPHOFF: Thank you.

13 **CROSS-EXAMINATION,**

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

15 Q. Mr. Kulasik, one of the issues you
16 raised was about notice. Do you go through every
17 single piece of mail that you get or do you sometimes
18 get junk mail that you don't?

19 A. All mail is gone through and all mail is
20 looked at and all mail is shredded.

21 Q. Okay. So you don't recall getting the
22 mailing that was sent to you for the June 6th public
23 information session that would have been June 6th of
24 2023?

1 A. No, we did not get that.

2 Q. Okay. You raised some questions about
3 radio interference, did you review the interference
4 studies that were included in the application and the
5 addendum?

6 A. I have looked them over. They don't go
7 into specifics, they just deal with mainly public
8 safety radio systems, doesn't deal with anything in
9 the WiFi and microwave range, it does touch on it a
10 little, but it especially leaves out the HF portion on
11 the radio band.

12 Q. And do you have any information that
13 you're testifying to that there is interference that's
14 caused by this project?

15 A. There could be interference caused by
16 it, because, once again, you're using electrical and
17 electronic equipment that does generate radio
18 interference, the question is how does that resonate
19 that interference and how does it transmit it down the
20 electrical lines.

21 Q. So the answer is you don't actually know
22 whether or not this project would cause any
23 interference?

24 A. I cannot ascertain to that cause I

1 haven't been able to find any of that information.

2 Q. You indicated that you recently built a
3 house; is that correct?

4 A. That is correct.

5 Q. What property value guarantee were you
6 provided when you were building your house?

7 A. 400,000.

8 Q. So who provided the guarantee to you for
9 400,000?

10 A. The mortgage company.

11 Q. Okay. So they're going to guarantee
12 that if you sell your house it will sell for 400,000?

13 A. Well, that's what they assessed it at
14 when we got the mortgage. So there's no guarantee
15 what you're going to get for property until you sell
16 it to the final buyer for it.

17 Q. Okay.

18 A. But that's what they're assessing it at
19 and that's what the County has assessed it at.

20 Q. Okay. You indicated during your
21 testimony that the majority of the landlords involved
22 in this project are absentee landowners. Do you have
23 any information to support that allegation?

24 A. The property directly to my northeast is

1 absentee landlord, the property directly to my south
2 is absentee landlord and the witness that testified
3 for you last night was an absentee landlord.

4 Q. So you're basing it on those three
5 parcels?

6 A. Exactly.

7 Q. And so based on that you're saying that
8 the majority of the landowners are absentee?

9 A. It appears that way.

10 Q. And then you're also claiming that the
11 majority of the people affected are non-participating
12 residents, do you have any proof to support that?

13 A. I have a neighbor who now no longer
14 lives where he lives who was selling his house until
15 the buyer found out that there's going to be a wind
16 turbine in their backyard, he backed out so he did
17 have a negative impact.

18 Q. Well, I'm asking, do you have any
19 evidence to support that the majority of the residents
20 in this project are non-participating residents and
21 you do not, do you?

22 A. I could not provide that as direct
23 evidence, but judging by 71 wind turbines and more
24 than 71 properties in and around them I would have to

1 say quite a few of them are going to be. And judging
2 by who has spoken here tonight that's how I'm making
3 my assertion.

4 Q. Okay. So you're making assertions based
5 on very minimal data and yet you raised your hand
6 earlier and you swore an oath to tell the truth --

7 A. The best I could, yes.

8 Q. No, the truth and nothing but the truth.
9 So you're speculating as to these allegations; is that
10 correct?

11 A. You can call it that but I can't.

12 Q. Okay. Did you hear the testimony from
13 Mr. Fee that at all locations there will be
14 information provided as to the project ownership and a
15 phone number that is provided that is a 24 hour
16 answering service to field any complaints from the
17 public? Do you recall that testimony?

18 A. I believe the testimony as I recall it
19 was that was for emergency use not necessarily to
20 something the company that would be more inclined to
21 come out and speak or at least have a phone
22 conversation. My understanding was those were
23 emergency contact numbers should something go on.

24 Q. These are complaint numbers that are

1 available to the public so if you need to reach
2 anybody with the company you can call that number.

3 A. But the Applicant has not sent me
4 anything like that.

5 Q. No. I'm telling you these signs will be
6 posted that will provide this information at these
7 locations.

8 A. Okay. They will be.

9 Q. Do you understand that?

10 A. Okay. It's a statement.

11 Q. Well, I'm asking is that clear to you
12 now?

13 A. Okay. That -- now you're making a -- I
14 understood it as being an emergency number.

15 Q. Okay.

16 A. My mistake. I apologize.

17 Q. No. No need to apologize.

18 MR. UPHOFF: So those are my questions.

19 MR. KAINS: Okay. Very good. Thank
20 you, Mr. Uphoff.

21 Final questions for Mr. Kulasik come from
22 members of the Livingston County Zoning Board of
23 Appeals. All right. Very good.

24 Mr. Kulasik, thank you for your testimony.

1 You may step down.

2 (Witness excused.)

3 MR. KAINS: Anyone else who wishes to
4 testify under oath who is opposed to the project --
5 opposed to the Application, rather. Very good.

6 Anyone neutral wishing to testify? Okay.
7 That concludes the testimony from the general public.

8 All right. Now, is there any evidence or
9 testimony or written documentation that Livingston
10 County wishes to submit? I will go in order,
11 Ms. Miller, do you have any testimony or documents?

12 MS. MILLER: I do have several notices
13 in opposition -- or letters in opposition, is that
14 what you're speaking of?

15 MR. KAINS: Sure.

16 MS. MILLER: Yes.

17 MR. KAINS: Have you received -- are
18 they email or postally sent letters?

19 MS. MILLER: They are written letters
20 that were sent via mail.

21 MR. KAINS: Okay. Very good. Could you
22 please hand those down to Mr. Dluski.

23 MS. MILLER: I sure can.

24 MR. KAINS: And, Mr. Dluski, once you

1 have had a chance to look at those could you pass them
2 this way.

3 (Brief pause.)

4 MR. KAINS: Thank you. All right. And,
5 Mr. Uphoff, Mr. Keyt, I will allow you to take a look
6 at these. There are several letters that have been
7 received by the Zoning Administrator from Livingston
8 County. A gentleman named Michael Compasso,
9 C-O-M-P-A-S-S-O, of Murphy, North Carolina, who owns
10 property in Livingston County writes in opposition to
11 the application.

12 And a letter from it appears John Ballo,
13 B-A-L-L-O, Executor for the Loretta Ballo trust says
14 he objects to additional windmills.

15 And then a letter to the Zoning Board of
16 Appeals from a Mr. Gerald, G-E-R-A-L-D, middle initial
17 A, last Emperor, E-M-P-E-R-O-R, a typewritten letter
18 in opposition to the application.

19 Then a handwritten letter with some
20 attachments from George Buric, B-U-R-I-C, on East Road
21 in Dwight, and Mr. Buric states that he has concerns
22 and is opposed and the attachments I believe show his
23 parcel number and then a map where he has circled his
24 property.

1 All right. Mr. Uphoff, would you approach
2 and you may take a look at these. Thank you.

3 All right. Ms. Miller, do you have any
4 witnesses you wish to have the Board hear from from
5 your perspective?

6 MS. MILLER: No, sir.

7 MR. KAINS: Okay. Mr. Dluski, on behalf
8 of the Zoning Board of Appeals, do you have any
9 reports or testimony or any kind of evidence?

10 MR. DLUSKI: No.

11 MR. KAINS: No. On behalf of Livingston
12 County Board, do you have any evidence, Mr. Keyt,
13 Ms. Rives, any reports?

14 MR. KEYT: Nothing further.

15 MR. KAINS: Okay. All right. Very
16 good. And these letters in opposition, they will be
17 posted on the County's website as soon as the IT
18 people get to that. I'm going to wait for Mr. Uphoff
19 to review these letters in opposition and then they'll
20 go to you guys, all right.

21 (Brief pause.)

22 MR. KAINS: All right. Counsel, you've
23 all had a chance to briefly review these letters.
24 I'll start with you, Mr. Uphoff, do you have any

1 objection to these letters being admitted to evidence?

2 MR. HOFF: No.

3 MR. KAINS: Mr. Dluski?

4 MR. DLUSKI: No.

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

6 MR. KEYT: No objection.

7 MR. KAINS: All right. Very good. They
8 will be admitted. I guess they would not be
9 Applicant's exhibit. They would be -- we'll call it
10 Exhibit 6, but it's not an Applicant's exhibit, but
11 those letters in opposition, they will be admitted as
12 part of the record as Group Exhibit 6 and will be made
13 available to the Zoning Board of Appeals. They'll be
14 then transmitted to the full Livingston County Board
15 for its review and they are part of the record now.

16 All right. Now, we've got all the evidence
17 in from the Applicant, we've got evidence in from the
18 public. We've got evidence in from the County.

19 Rebuttal evidence, anything from you based
20 upon what we've done tonight, Mr. Uphoff?

21 MR. UPHOFF: Just a moment, please.

22 (Brief pause.)

23 MR. UPHOFF: No rebuttal testimony.

24 MR. KAINS: All right. Very good. All

1 right. Then with that it's a little early for our
2 break, but we're going to come back and we'll have
3 public comment and then closing statements and then we
4 will close the evidence in this hearing, but right now
5 we're go to take a recess. It is 6:54. Let's come
6 back at 7:10 p.m., and then we'll go with public
7 comment.

8 All right. Thank you. We're in recess.

9 (A recess was taken at 6:54 p.m.)

10 (Resume at 7:12 p.m.)

11 MR. KAINS: All right. We're in the
12 home stretch, folks. I had a brief discussion with a
13 group of the Zoning Board of Appeals during the recess
14 and the Board is satisfied with Becky Taylor's
15 testimony and Mr. Wynn's testimony from last night
16 regarding flood plain issues and the Board has
17 determined it does not wish to recall Becky Taylor.
18 And then we had discussion about a gentleman who had
19 been here many nights and is not here -- wasn't here
20 last night and tonight, Mr. Joe Smothers, and the
21 Board has determined that Mr. Smothers will be allowed
22 to present a written statement that will be considered
23 by the Zoning Board of Appeals and will be made part
24 of the record subject to any objections by counsel,

1 but Mr. Smothers will be able to participate in the
2 testimony part of the hearing by providing a written
3 statement to the Zoning Board of Appeals.

4 I'm just going to ask, anybody in the
5 audience, does anybody know Mr. Smothers and how to
6 reach him? Yes. Okay. Is that -- are you
7 Ms. Shaughnessy?

8 SPECTATOR: No.

9 MR. KAINS: No, Ms. Shaughnessy's next
10 to you.

11 SPECTATOR: Yes.

12 MR. KAINS: Okay. And you are?

13 MS. BRADY: Jeanine Brady.

14 MR. KAINS: Oh, that's right, Ms. Brady.
15 Okay. I remember you from last week.

16 MS. BRADY: That was my sister.

17 MR. KAINS: Your sister. If you
18 wouldn't mind getting ahold of Mr. Smothers, either
19 send him a text or call him or email, but if you could
20 please get in touch with him because it is important
21 Mr. Smothers has an interest in this matter and the
22 Board has determined they do wish to hear from him but
23 it will need to be a written statement to be sent to
24 the Zoning Administrator Ms. Brittney Miller. All

1 right. Thank you, Ms. Brady.

2 All right. Our next matter is public comment
3 and we'll go kind of in the same fashion we did with
4 testimony. Public comment will be a three minute
5 comment period. I will ask first the person -- and
6 you don't have to be sworn, I will first ask the
7 person to just state their name and spell their name
8 for the record and then the time will begin. I keep
9 track of the time up here, I'm not perfect but it will
10 be three minutes or just like maybe on three minutes.

11 So may I just see, if you could please stand
12 if you are in favor of the application, in favor of
13 the project, if you could please stand if you wish to
14 make public comment. Okay. These two gentlemen --
15 all right. Very -- oh, three gentlemen. Okay. Very
16 good. Thank you.

17 Those opposed who wish to make public comment
18 please stand. Okay. So we have three in favor, seven
19 opposed. Okay. Thank you. You can sit. And then
20 anybody who is neutral who wishes to make comment.
21 Okay. So we've got public comment anticipated from
22 ten persons, so approximately a half hour plus time
23 for folks to move from their seats back and forth.
24 And we have time to do that tonight but let's begin.

1 First, the gentleman in the back row over
2 here you may come forward. And then will be this
3 gentleman also in the back row and then the gentleman
4 in the -- I'm not good with colors, is that an orange
5 shirt that you have on, sir?

6 SPECTATOR: I think it's salmon.

7 MR. KAINS: I think I only have eight
8 colors in my box of crayons and salmon's not one of
9 them. Orange probably isn't either.

10 All right. Sir, could you please state your
11 name spelling --

12 MR. HOFFMAN: Yeah. My name's George
13 Hoffman, H-O-F-F-M-A-M.

14 MR. KAINS: Okay. And, Mr. Hoffman, if
15 you could move closer to the mic or move the mic
16 closer to you. All right. Mr. Hoffman, what is your
17 address, sir?

18 MR. HOFFMAN: 11220 South Gorman Road,
19 Gardner, Illinois.

20 MR. KAINS: Gardner, Illinois. What
21 county is that in?

22 MR. HOFFMAN: Grundy.

23 MR. KAINS: It's in Grundy County, all
24 right.

1 MR. HOFFMAN: Just across the line.

2 MR. KAINS: Okay. You have three
3 minutes. Go right ahead, sir.

4 MR. HOFFMAN: Okay. My name's George
5 Hoffman. I have several parcels of ground in
6 Livingston County in which I am able to have some
7 windmills on. My sons also have some ground that
8 we're able to have some windmills on which will
9 produce a steady income for us. And farming has
10 become very competitive. And I have friends that have
11 windmills already and with their income they have been
12 able to grow and grow. But I also signed up for
13 this -- and I should say -- back this up. On one of
14 my pieces of ground my brother-in-law lives and he's
15 all for it. He's got a new home, he's all for it, and
16 so -- and he knows that he may get a payment, he may
17 not, but he knows it's going to help me, but in that
18 same thing he knows it's going to help this community,
19 this township, his roads are going to be better, his
20 fire department's going to be better, his school
21 system's going to be better. We've seen it to the
22 north of -- up in Graveland and Coal City, they've
23 reaped the rewards of energy, the money for this tax
24 revenue. I'm also hoping that this will provide more

1 money for the community and also keep our real estate
2 taxes at a level base, to keep them from going up.
3 We'll now have -- our schools will have the money, our
4 kids will do better.

5 That's all I have.

6 MR. KAINS: Okay. Very good. Thank
7 you, Mr. Hoffman. All right. Next gentleman. Sir,
8 could you please state your name for the record.

9 MR. MORENO: Yes, Andy Moreno,
10 M-O-R-E-N-O.

11 MR. KAINS: And where do you live, sir?

12 MR. MORENO: 1402 Herbert, Peru,
13 Illinois.

14 MR. KAINS: Peru, and that's LaSalle
15 County.

16 MR. MORENO: Yes, sir.

17 MR. KAINS: All right. Very good. And
18 you may begin.

19 MR. MORENO: First and foremost I want
20 to thank the Board for allowing me to speak tonight.
21 For those that have been here from the first night
22 through the fifth night you've heard testimony for and
23 against. I want to get right back to the testimony
24 that we've heard from our locals and governing bodies,

1 the school board, the superintendant's that testified
2 on behalf of the economic impacts that these projects
3 bring to the community. I've been fortunate enough
4 throughout my 25 year career of heavy equipment
5 operating engineers of work on these project, the
6 economic impact is what needs to be focused on. The
7 local communities, the local townships, the local --
8 all of -- everything that applies to local jobs for
9 local people. It has a great great impact. Those
10 that are, you know, for or against I would ask that
11 you reach out, go out and visit some other
12 communities, some others that have these -- that have
13 had wind project in their communities and try and find
14 a community that says, boy, we wish you never would
15 have done this, very hard to do.

16 You guys have a chance here to have a huge
17 economic impact throughout your county, your schools.
18 I can't speak enough on behalf of the economic impact
19 that these will have into the local governing bodies.

20 Thank you, very much for your time.

21 MR. KAINS: All right. Thank you,
22 Mr. Moreno.

23 All right. The gentleman in the salmon
24 shirt.

1 Good evening, sir. And what's your name?

2 MR. HANSEN: Ryan Hansen.

3 MR. KAINS: Ryan?

4 MR. HANSEN: Yes.

5 MR. KAINS: And spell your last name.

6 MR. HANSEN: H-A-N-S-E-N.

7 MR. KAINS: H-A-N-S-E-N. And where do
8 you live, sir?

9 MR. HANSEN: 101 East North Street
10 Dwight, Illinois.

11 MR. KAINS: In Dwight. All right. Very
12 good. Mr. Hansen, you may go right ahead with your
13 public comment.

14 MR. HANSEN: All right. Thank you. And
15 for the record I think this is actually coral not
16 salmon, but I kind of panicked when you asked me.

17 MR. KAINS: Whatever your wife says it
18 is.

19 MR. HANSEN: Sure. So I've lived in
20 Livingston my whole life, born raised. Went to Dwight
21 High School. Kind of accolating on Mr. Hoffman's
22 comments about the economic impacts to the schools and
23 all the other local agencies that will benefit from
24 this. I grew up competing against schools that had a

1 lot of more resources. I'll say they all had the
2 benefit of the power plants, the nuclear plants there
3 so all of their facilities were just, you know, by and
4 large much better than what we had. We were still
5 competing in old uniforms, you know, we were
6 definitely lower tier to them, you know, what we were
7 provided. This gives us an opportunity to be able to
8 benefit from energy similar to what they do. So the
9 schools are going to be able to, you know, have the
10 resources that they need to be able to, you know, be
11 in line with other surrounding communities.

12 I'm a civil engineer by trade so I see a lot
13 of these projects. I work in and around the
14 communities. So I see the economic impact of a lot of
15 these big energy producing facilities and the towns
16 that do, the townships that do have money to do it.
17 The towns that don't they are struggling. So with the
18 things the way that they are, more expenses, I don't
19 see taxes being lowered, you know, the possibility of
20 trying to keep things stable I think is very
21 intriguing here.

22 You know, just looking at tax rates, you
23 know, in Dwight and approximately 10 percent property
24 tax rates, you look up in Coal City, they're about 6

1 percent. So this 4 percent difference in taxing on a
2 \$300,000 property, I mean, it's thousands of dollars.
3 So these people have liability that -- all of the
4 things, all of the nicer schools and the amenities and
5 while paying lower taxes. So I hope that we take in
6 account all the people that do would be here, half the
7 folks that don't, the folks that are going to be able
8 to benefit from this when we make the decision and
9 make the decision for the people who are actually
10 going to be impacted not by those that are, again, not
11 impacted just not for it.

12 So thank you, very much for your time.

13 MR. KAINS: All right. Very good.
14 Thank you, Mr. Hansen.

15 All right. Then is there anyone else in
16 favor of the application? In favor of the project who
17 wishes to make public comment? You, sir. Yes, could
18 you come up, please. All right. Sir, could you move
19 a little bit closer to the mic. Could you please
20 state your name.

21 MR. KOLTVEIT: John Koltveit.

22 MR. KAINS: John.

23 MR. KOLTVEIT: Koltveit.

24 MR. KAINS: How do you spell your last

1 name, sir?

2 MR. KOLTVEIT: K-O-L-T-V-E-I-T.

3 MR. KAINS: Where do you live, sir?

4 MR. KOLTVEIT: 1847 North 1200 East Road
5 in Pontiac.

6 MR. KAINS: In Pontiac. All right.
7 Sir, you may go right ahead with your three minute
8 public comment.

9 MR. KOLTVEIT: I don't have a whole lot
10 to say. I agree with most everything you've already
11 heard as far as the economic impact that the community
12 and good schools and the fire department and
13 everything like that, and I'm just for this operation
14 because it would be a big impact for me cause I --
15 it's a win win, my wife would have it there, and I
16 just hate to see this money leave the county or not
17 have an advantage of the whole lot of opportunities
18 that that will give us and everything like that.

19 So I'm very for it and have no problems with
20 dealing with it and I think the company Heritage has
21 offered good solutions to any of the problems that the
22 people have objected to and have come up with and
23 everything like that.

24 So I would say we just go right ahead with it

1 and keep the money and the jobs and all the economic
2 value right here in Livingston County for our benefit
3 instead of somebody else's.

4 Thank you.

5 MR. KAINS: All right. Thank you, sir.
6 All right. Anybody else in favor wishing to make a
7 public comment? Okay. All right. Those opposed, I
8 saw that seven people, there could be more. Let's
9 start with the gentleman in the front row with the
10 ball cap.

11 All right. Sir, could you please state your
12 name.

13 MR. BOBER: My name's Austin Bober,
14 A-U-S-T-I-N, B-O-B-E-R, and I live in Dwight.

15 MR. KAINS: You live in Dwight?

16 MR. BOBER: Yeah, do you need the
17 address?

18 MR. KAINS: No. That's all right. All
19 right. Mr. Bober, I do you remember you from your
20 questions maybe a month ago. All right. You have
21 three minutes to make your public comment. Go right
22 ahead, sir.

23 MR. BOBER: Well, I will start off by
24 saying I am opposed to this project and I just -- I

1 don't see how it's really going to be beneficial as
2 everybody thinks it is. I guess you're tossing out
3 all kinds of big numbers right out of the -- you know,
4 millions of dollars here, millions of dollars here,
5 when you break it all down it's not -- it really just
6 seems -- like I broke down, it's just a simple
7 division of the numbers. Like the fire department
8 is -- all the local fire protection districts, they're
9 looking at about 10 grand for the fire department.
10 That's not even up bumper gear for one guy. I mean,
11 that's not that great. It's not like we're getting
12 millions of dollars a year, you know, plus there's
13 nothing in there for public -- about the police
14 department, nothing like that that I saw directly, you
15 know. I mean, as we see more and more on the news,
16 especially like the area more north crime and all
17 that's coming our way too so I don't see any public
18 safety mitigations for -- or any money going toward
19 public safety in that aspect.

20 I also am not really a big firm believer in
21 these wind farms. I think that on the first night one
22 of the gentleman spoke and was asked if any -- how
23 much of this energy is going to stay in this county
24 and he didn't have any number, he didn't even have a

1 guesstimate at -- all he said was that it was going to
2 go under the grid to Kankakee County and then split up
3 elsewhere. In my opinion -- and we're not going to
4 see any energy from it. So I feel like right then
5 that's kind of a red flag because it's like these
6 other gentlemen that are in favor said that they're
7 for it said that all the towns and towns to the north
8 of us, nuclear have all the benefits or extra money
9 for schools and that. They also get all the energy
10 too or a lot of it so. But that's one of the holes in
11 this whole thing. That and just kind of upsets me to
12 see that I moved from Chicago to get away from all
13 that corruption and all that stuff and I just come
14 down here to see people are just in -- like Dwight are
15 just get a little bit of green waived in front of
16 their faces, just come on in, move in town, do
17 whatever you want.

18 So that's about all I can say.

19 MR. KAINS: All right. Very good.

20 Thank you, Mr. Bober. All right. Then next to him,
21 Ms. Bober. And you are?

22 MS. BOBER: Linda Bober.

23 MR. KAINS: Linda Bober.

24 MS. BOBER: That's correct.

1 MR. KAINS: Are you related to Austin?
2 MS. BOBER: I am.
3 MR. KAINS: How so?
4 MS. BOBER: He is my son.
5 MR. KAINS: Well, you should be proud of
6 him.
7 MS. BOBER: I am. Thank you.
8 MR. KAINS: Yes. And where are you
9 from?
10 MS. BOBER: I live --
11 MR. KAINS: Where do you live? Those
12 are two different questions. Where do you live?
13 MS. BOBER: 32433 North 3300 East Road
14 in Reddick.
15 MR. KAINS: Reddick. All right. You
16 have three minutes for public comment, please.
17 MS. BOBER: Thank you, sir.
18 MR. KAINS: Thank you.
19 MS. BOBER: Thank you for the
20 opportunity to speak this evening. I would like to
21 let you know that I am not from Chicago. I am a
22 Grundy County individual born and raised my whole
23 life. I moved to Chicago for my husband's job and
24 then moved back out here.

1 So I'm going to start by saying it's not
2 often that I'm at a loss for words but it is a
3 struggle to write when the words don't matter. We all
4 know this is a done deal and nothing I say will change
5 that. This whole thing has been handled very poorly
6 in my opinion. We were not contacted, no one
7 approached us until we received the letter from the
8 Zoning Board and that arrived after the initial
9 meeting. That was when I first found out. And as far
10 as the 6/23 date that was referenced earlier, we never
11 got that either. And my husband is fastidious about
12 the mail. It's annoying.

13 It's a terrible feeling to have something
14 forced on you. It's horrible to know you don't have a
15 voice and nobody cares until it's on their front
16 porch. I fail to understand how all this talk of
17 clean energy when there's two years of construction
18 traffic utilizing vehicles powered by fossil fuel and
19 petroleum products, and that's supposed to be all
20 about the environment. I wish somebody would make
21 that make sense.

22 I'm going to be brief and close with this.
23 We moved way out here to be left alone and enjoy the
24 peace and quiet. Instead we hear the aforementioned

1 two years of construction traffic with zero benefits
2 to us only to be left with blinking, spinning eyesores
3 that bar the landscape in perpetuity. It makes me
4 absolutely sick to think that my husband worked 30
5 years as a police officer, 24 of them in some of the
6 worse areas of Chicago and 6 out here. 30 years of
7 risking his life nearing retirement and now this is
8 what we get. This is not what I signed up for.

9 Thank you.

10 MR. KAINS: Thank you, Ms. Bober. All
11 right. Ms. Graefen, you're next. And you are Barbara
12 Graefen?

13 MS. GRAEFEN: I'm Barbara Graefen.

14 MR. KAINS: Where do you live?

15 MR. GRAEFEN: 33583 East 3100 North
16 Road.

17 MR. KAINS: In what community?

18 MS. GRAEFEN: Oh, my goodness. Let's
19 see, we have Campus phones, Herscher Schools and
20 Dwight address.

21 MR. KAINS: Dwight address.

22 MS. GRAEFEN: And Round Grove Township.

23 MR. KAINS: All right. Well, we'll go
24 with Dwight address. All right. Then you have three

1 minutes for public comment. Go right ahead, please.

2 MS. GRAEFEN: I'm opposed to this. I'm
3 not opposed to energy and all that, I'd rather see
4 that or lights wherever I'm -- those dishes. I know I
5 don't have the clarity. I liked what Tom Kulasik had
6 to say, also that scares me even more because I
7 already talk about these things exploding and it's
8 going to be about a half mile from my house. Some say
9 no, and another one three quarters of a mile, and then
10 the facility.

11 So this is my retirement home, I've been out
12 here since 2000. We enjoy peace and quiet and our
13 neighbors are half a mile away. I enjoy my nature, I
14 enjoy just being able to sit on my deck and just the
15 peace, the sunset and the sunrise. I go out in the
16 morning, I don't have air conditioning. I enjoy the
17 fresh air. That's all going to be obstructed. I
18 wasn't asked. It doesn't matter. It's a done deal.

19 Everybody talks about these incentives from
20 the community, it's great for them, I'm grateful for
21 the kids, but there is -- they don't live by them,
22 they're not going to be living a half a mile, they're
23 not going to have a monstrosity in front of their
24 face. They're living in town. They are there. This

1 young lady that testified, she's in town. She's not
2 going to be out there half a mile away or from her
3 home. So, yes, I know it's not going to make a
4 difference but you have disrupted -- this has caused
5 me anxiety to know end, and I just wanted to live my
6 retirement years out. I may not even know where
7 they're going to go cause I don't think it's going to
8 be two years with all this mess. You know, as I
9 talked about before of the fires, Reddick needed the
10 money, but they're not going to get much money.
11 They're still not going to able -- they're volunteer.
12 Some people up -- which is close to my house, they're
13 not going to get out there in time, that is not enough
14 money that they were offered. I don't even know it's
15 like -- I'm not going to go with numbers cause I don't
16 have all day. No one's going get to my house, you
17 know. The gentleman had said, well, what if a combine
18 blows up. Okay. Well, that's not overhead. It's
19 going to blow over, you know, it just was a smart
20 aleck remark. I have general concerns, you know, like
21 these two people here finally come talk to me and that
22 was very nice people and hopefully we have further
23 conversation but --

24 MR. KAINS: You have 30 seconds

1 remaining.

2 MS. GRAEFEN: Thank you.

3 MR. KAINS: Oh, okay. Well, thank you,
4 Ms. Graefen. All right. In the second row. There
5 were a couple of people who stood. All right. Go
6 ahead. Come on up. Okay. Could you please state
7 your name for the record.

8 MS. SHAUGHNESSY: Barbara Shaughnessy.

9 MR. KAINS: And, Ms. Shaughnessy, where
10 do you reside?

11 MS. SHAUGHNESSY: I reside at 16942
12 North at 1075 East Road in Pontiac.

13 MR. KAINS: In Pontiac, all right. Okay
14 you have three minutes for public comment. So you may
15 go right ahead.

16 MS. SHAUGHNESSY: Okay. I just want to
17 give credit to my sister who's here with me cause
18 she's the one that wrote this. But I think it should
19 be any of us in our family saying this because we're
20 all on the same page believe it or not. So I
21 appreciate your time for letting me talk.

22 According to Pattern Energy the company that
23 holds the HPR who is proposing the Heritage Wind
24 Project, our approach to building the facility is to

1 work closely with residents in a way that is
2 respectful and in a way to understand local
3 communities that hosts us. We need those partnerships
4 and those long-term residents to the way we operate.
5 We prioritize relationships and open communication and
6 aim to address feedback and further local benefits. I
7 would love to profess hope and risk saying the parent
8 company Pattern Energy to take these statements to
9 heart.

10 Our family integrated in this country in the
11 17 and 1800's. Our family is a result of multiple
12 generations calling this prairie our community. My
13 parents are still living on this land at 92 and 87
14 years of age. My brother, sister, sister-in-law,
15 aunts, uncles, nephews and cousins live on this land.
16 In the past -- in the last month Heritage Prairie
17 Windmill Project being part of Heritage Prairie
18 Renewables has pit neighbor against neighbor and
19 family member against family member. If the project
20 proceeds it will split families and friends and in an
21 irreparable way. I believe that money is the
22 motivating factor in the decision of many and not
23 ecology. I believe that property over partnership is
24 not the self-sustaining model. This project is only

1 projected for 30 years and it will damage the
2 sociological psyche of this community for generations.

3 When our family refers the parcels of land
4 that are farmed they refer to them as the Coming, the
5 Muldune, the Fissure Home Place and the Brewster.

6 MR. KAINS: Ma'am you have 30 seconds.

7 MS. SHAUGHNESSY: Where each year we
8 purchase the same parcels by number. Each family of
9 the five acres who immigrated to this country with a
10 fortune in business to farm this land and raise
11 families here. Over the generations the land was
12 handed down from one generation to the next where the
13 responsibility of being good stewards of the land.
14 Installing roads and windmills on the most fertile
15 soil in the world does not fit the stewardships
16 definition. If HPR fails, does not live up to the
17 rhetoric of this proposal and decommission and
18 restores the land to its present condition the
19 landowners and farmers will be left with a costly
20 clean up.

21 MR. KAINS: Ma'am, could you please
22 conclude now.

23 MS. SHAUGHNESSY: Yes. With inflation
24 over the next 30 years this cleanup may cost more than

1 what was paid to the original landowner or cost their
2 heirs for their farmland.

3 MR. KAINS: Thank you, Ms. Shaughnessy.
4 All right. Next. Could you please state your name.

5 MS. BRADY: Brenene Brady.

6 MR. KAINS: Okay. So spell you first
7 name, please.

8 MS. BRADY: B-R-E-N-E-N-E.

9 MR. KAINS: And last name Brady?

10 MS. BRADY: Brady.

11 MR. KAINS: Where do you reside?

12 MS. BRADY: 31085 East 2800 North Road
13 Dwight.

14 MR. KAINS: Dwight. Okay. Ms. Brady,
15 you have -- unlike your sister, you have three
16 minutes. So go right ahead.

17 MS. BRADY. Okay. I'm just going to
18 take over where she left off. When the residents were
19 offered a considerable amount of money to allow the
20 wind turbines to be erected closer to the airport than
21 allowed by IDOT regulations for the runways current
22 designation the residents respectfully asked Chuck
23 Brady what his wishes were since he was the originator
24 of the airport community. When Arrow Acres owners

1 claimed money the wind turbines moved outside 5,000
2 foot IDOT regulations regulating obstruction clearance
3 to the letter of the law. The safety of the pilots
4 was not a paramount decision -- Oh, I'm sorry, in
5 putting L71, L68 and L69 at the east end of the runway
6 flight path. This will keep the aircrafts from coming
7 in and taking off on the east end of the Arrow Acres
8 runway. This could endanger pilots that have
9 mechanical difficulties and need to use the runway for
10 emergency landings. The FAA and landing strips that
11 are under their jurisdictions are required to have
12 greater clearance for safety of the pilots and
13 passengers. I am surprised that common sense and
14 common courtesy was not used in prevailing of the
15 placements of the proposed windmills. These comments
16 are only the tip of the proverbial iceberg. They do
17 not include the people that have moved into the area
18 and spent thousands of dollars to renovate, restore
19 and improve small pieces of land that they now call
20 home. They were not contacted or considered -- or
21 considered when placing the proposed windmills. They
22 do not own the land on which the windmills are to be
23 erected but will be affected by the windmills both
24 physically and emotionally. I pray the people of

1 Livingston County will not lose the humanity and will
2 consider their neighbors' well-being over their own
3 financial gain.

4 MR. KAINS: You have 30 seconds -- oh,
5 are you done?

6 MS. BRADY: I'm done.

7 MR. KAINS: Okay. Very good.

8 MS. BRADY: Thank you, very much.

9 MR. KAINS: Thank you, Ms. Brady. Thank
10 you. All right. Anybody else in the second row who
11 is wishing to make public comment? All right. Then
12 the third row is Ms. Russow and Mr. Kulasik. Anybody
13 else back there? Okay, Ms. Russow. All right. You
14 are Julie Russow?

15 MS. RUSSOW: Correct.

16 MR. KAINS: And where do you reside?

17 MS. RUSSOW: Cornell.

18 MR. KAINS: Cornell. And what county is
19 that?

20 MS. RUSSOW: Livingston.

21 MR. KAINS: Oh, that's a new one to me,
22 but then I'm not from here so.

23 MS. RUSSOW: Very small.

24 MR. KAINS: All right. You have three

1 minutes and you may begin.

2 MS. RUSSOW: Okay. Well, thank you for
3 listening to what we have to say tonight. So here we
4 are again participating in one of the most one-sided,
5 unfair displays of local government that I've ever
6 witnessed personally. Over here you have a developer
7 with their very polished and experienced attorney,
8 widely with fast resources putting on a very good
9 show. There are all kinds of expert witnesses who
10 will conclude in favor of the wind company every time
11 because that's who hired them. Behind me you have
12 very interested parties, local citizens, people who
13 live and work here, raised their families here, shop
14 here and support this area and some having done so for
15 decades otherwise known as the public. Many of whom
16 do not want this kind of development in the area, but
17 because they have no legal representation and no
18 expert witnesses they're at an extreme disadvantage.
19 Now, this very evasive business along with some
20 absentee landowners who conveniently won't be affected
21 by the nuisance and decreased property values that
22 they caused steps in and ruins everything that these
23 people hold dear. And I don't care that the experts
24 claim no negative impact, because everyone with common

1 sense knows that wind turbines close to a residence
2 cause the value of that property to decline and the
3 wind companies know it too or they wouldn't offer good
4 neighbor agreements that come with financial
5 incentives. Ironically there is nothing good or
6 neighborly about them. Some agreements even include a
7 run with property clause binding any future owner to
8 the same restrictions. Try to get whole market value
9 of your property with that hanging over it.

10 While I understand the need for this step in
11 the process it's obvious that whoever made the rules
12 lost sight of who he serves. If this is considered
13 due process I believe we've lost our way.

14 Please think about all of this when you vote
15 on the project.

16 And I just wanted to add to the couple
17 gentlemen who spoke in favor earlier, this is just my
18 opinion as all that is, more money to schools doesn't
19 necessarily guarantee that our youth will be better
20 educated.

21 MR. KAINS: You have 30 seconds.

22 MS. RUSSOW: And if you ask someone who
23 lives near a turbine who has to listen to them, they
24 wish the turbines were never constructed.

1 Thank you again.

2 MR. KAINS: Thank you, Ms. Russow. And
3 Mr. Kulasik. All right. Mr. Kulasik, where do you
4 reside again?

5 MR. KULASIK: Tom Kulasik, 27575 East
6 3000 North Road, Dwight.

7 MR. KAINS: All right. Mr. Kulasik.

8 MR. KULASIK: Once again, as you know
9 I'm opposed to this on many levels. Number one, is
10 one thing that hasn't been brought out is this
11 industry wind and solar heavily subsidized by the
12 federal government. At 34 trillion dollars in debt
13 and 800 billion annually in just interest payments on
14 that our society as we know it and our economic system
15 in this country cannot sustain. By you approving this
16 you are taking money from 330 million people and
17 putting it in your community. If this project were
18 completely privately funded I may have a little
19 different opinion on that, but it's my money that's
20 going to fund this. And a lot of people that are
21 supporting this, a matter of fact, everyone that seems
22 to support it is benefitting it financially whether it
23 be a private landowner or a taxing body. Another
24 point is on the taxing body 31 -- in 31 years are

1 these taxing bodies going to be ready to lose this
2 money. As we all know government agencies, government
3 boards, people that make up the government and excuse
4 the language can piss away money faster than they can
5 get it with no thinking of the future. 30 years is a
6 long time. Most of us won't even be here, some of us
7 won't be alive. But what are you going to leave the
8 next generation to deal with. Just like our financial
9 situation in Ashling you're leaving the next
10 generation to fail should this project be shut down in
11 30 years. It's not sustaining. It's a very short
12 term. 30 years may seem like a long time but it's
13 very short-term.

14 And, finally, on behalf of the same
15 sentiments as everyone else, this has been a great dog
16 and pony show. Mind's been made up. Decisions have
17 already been made.

18 I'm going to ask publically that one member
19 please sustain from voting on this in the Zoning Board
20 of Appeals. I believe you're prejudice in this
21 matter, and that would be the gentleman -- I don't
22 have, there's no names up here, unfortunately our
23 county does not believe in bringing themselves to the
24 public. Remember, you serve us. I know this three

1 minutes is a pain for some of you and that's why you
2 limit it to that instead of what normal counties
3 usually is five because you don't want to listen to
4 us, but we are your boss and we pay your salary.

5 MR. KAINS: You have 30 seconds.

6 MR. KULASIK: Okay. You need to take
7 our input and it's not just this Board -- Zoning Board
8 of Appeals, it's the County Board.

9 Thank you.

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

11 Is there anyone else in the audience who
12 wishes to make public comment who is opposed to the
13 application?

14 Anyone in the audience who is neutral on the
15 application, either in favor nor opposed who wishes to
16 make public comment? Very good. Thank you. That
17 concludes the public comment period.

18 All right. Now, counsel, we have some
19 housekeeping to do with respect to the admission of
20 exhibits. Do we wish to do closing statements and
21 then handle the exhibits and then closing of the
22 evidence or do we wish to do it the other way. Do you
23 have a feeling, Mr. Uphoff?

24 MR. UPHOFF: No, I don't. I think we

1 could go through the evidence fairly quickly and then
2 conclude with the closing arguments. But I'll leave
3 it in your discretion.

4 MR. KAINS: Mr. Dluski, that's fine.

5 MR. DLUSKI: I agree.

6 MR. KAINS: Mr. Keyt, Ms. Rives, do you
7 have a preference?

8 MR. KEYT: No preference.

9 MR. KAINS: Okay. So we're going to go
10 through the exhibits and work on whether they are
11 admissible or not.

12 All right. Mr. Uphoff, you've presented to
13 me a summary list that states Heritage Prairie Wind,
14 the Zoning Board of Appeals hearing, Summer 2024
15 Exhibit list. 1 is the application that was admitted
16 on June 17. 2, the application addendum also admitted
17 in evidence on June 17. That leaves Exhibits 3, 4 and
18 5. And 3 is what we've called the binder with Tabs 1
19 through 14.

20 And, Mr. Uphoff, do you have any comment on
21 these documents?

22 MR. UPHOFF: I would just say that
23 the -- all of these items were addressed and gone
24 through to the Board. Each of these tabs represents

1 the PowerPoint presentation that was presented to the
2 Board and visible to the public. Additionally there
3 were some reports that were submitted, for example, in
4 the Tab 3-7 that was an addendum report on the
5 property value impact, on 3-9 -- or, excuse me, 3-10
6 that was the economic impact study, those are somewhat
7 duplicative because they came directly from the
8 application, however, they were provided in this
9 binder to try to make them easier to access. So aside
10 from the, you know, potential duplicative nature of
11 them I think that they should all be admitted. I
12 don't think the duplicative nature of them should
13 cause there to be a removal of those tabs or that they
14 not be admitted into evidence, they're not
15 conflicting, they're direct copies. There was some
16 additional evidence that was submitted in the Capital
17 Airspace testimony so in, I believe that would be 3-12
18 there was a letter and maps that were submitted and
19 those were new substantive evidence that was
20 presented. Those were done through an expert witness
21 so I think those should be admissible.

22 Jumping down to numbers 4 and 5, again, those
23 were materials that were to be in the review of the
24 setbacks. There is a significant amount of

1 information provided as all the setbacks for the
2 towers of that table and map I believe were aids to
3 help the Board to digest that information and process
4 it. So I think everything was properly covered and I
5 think there was a foundation for everything that was
6 presented and I think everything that was presented is
7 relevant. And then obviously the Board has the
8 opportunity to give whatever weight it deems necessary
9 that they think is appropriate.

10 So with that I would ask that Exhibits 3, 4
11 and 5 all be admitted into evidence.

12 MR. KAINS: Mr. Dluski, your feelings?

13 MR. DLUSKI: No objection.

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

15 MR. KEYT: No objection.

16 MR. KAINS: All right. Binder Group
17 Exhibit 3 with tabs 1 through 14 I do agree with you,
18 Mr. Uphoff, adequate foundation was presented for the
19 admission of these documents and I believe you had
20 indicated that these were placed in a binder to aid
21 the Zoning Board of Appeals in locating them rather
22 than leafing through the voluminous application and
23 addendum, would that be a fair statement?

24 MR. UPHOFF: That's correct.

1 MR. KAINS: All right. Then with
2 respect to the initial information provided in I
3 believe you said this tab -- or it would be Exhibit
4 3-12 I believe foundation was adequately presented for
5 the admission of that. There was testimony from
6 Mr. Doyle. There was more than adequate
7 cross-examination, many questions from Mr. Smothers
8 and I believe another member of the public with
9 respect to Mr. Doyle's testimony, so I believe that
10 that was all vested and foundation was laid.

11 With respect to Group Exhibit 3 and Tabs 3-1
12 through 3-14 inclusive, that will be admitted in
13 evidence.

14 With respect to Exhibits 4 and 5 from the
15 Applicant, a setback table, I believe adequate
16 foundation was laid for the admission of that. There
17 was adequate questioning and answers and evidence
18 presented with respect to both Exhibits 4 and 5. Tell
19 me again, Mr. Uphoff, Exhibit 5.

20 MR. UPHOFF: That was the large site
21 plan map that provided context for where the
22 individualized smaller setback maps could be located.
23 So that would be the individualized setback maps for
24 each tower were zoomed in so you could get a good look

1 at the setbacks, but at times you could lose context
2 of where that particular tower was in relation to the
3 rest of the project so this was an oversized 11 by 17
4 site plan map. It came from the site plan map that
5 was provided in the application, but, again, we
6 provided it with the setback table to make it easy for
7 the Board to recognize.

8 MR. KAINS: So it was already in
9 evidence in the application, Exhibit 1?

10 MR. UPHOFF: Yes.

11 MR. KAINS: All right. Very good. All
12 right. So Exhibits 4 and 5 will be admitted in
13 evidence.

14 So what that means, folks, is all of the
15 exhibits that they have provided they did provide
16 what's called legal foundation, that's an evidentiary
17 term saying that they provided the necessary questions
18 and subsequent answers to allow for the admission of
19 these documents.

20 So Exhibits 1 through 5 from the Applicant
21 are admitted in the record. They will be part of the
22 record of this hearing and to be used in the Zoning
23 Board of Appeals determination of the matters
24 pertinent to this hearing and they also will be part

1 of the record that will be sent to the full Livingston
2 County Board for its consideration.

3 We also have Exhibit 6 has already been
4 admitted. Those were the letters in opposition that
5 were sent to the Zoning Administrator Ms. Miller and I
6 ruled on that just a little while ago.

7 As far as evidence, Mr. Uphoff, anything
8 further from you?

9 MR. UPHOFF: No additional evidence.

10 MR. KAINS: Mr. Dluski?

11 MR. DLUSKI: No.

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

13 MR. KEYT: No.

14 MR. KAINS: All right. Then with the
15 exception of a written statement from Joe Smothers
16 should he choose to provide that to the Zoning Board
17 of Appeals prior to August 12 of 2024, there is no
18 additional evidence and the evidence will be closed at
19 this time. There will be no further evidence to be
20 submitted to the Board for its consideration from this
21 point on. Any statements that are made are not to be
22 considered as evidence but they -- there will be an
23 opportunity for closing statements to be made. Under
24 the rules that have been promulgated by the Livingston

1 County Zoning Board of Appeals there is an opportunity
2 for a closing statement from members of the public who
3 have previously testified. That would be Ms. Russow
4 and Mr. Kulasik. And how this is usually done in a
5 courtroom is the party with the burden of proof
6 meaning they have to prove their case, they go first
7 and then the other side goes second and then there's a
8 chance for what's called a rebuttal argument from the
9 party that has the burden of proof.

10 To expedite things, and, folks, we're trying
11 to expedite things, we don't want to go any longer
12 than we have to, but this is important that anybody
13 who has testified has a chance to make a closing
14 statement. I'm not going to allow Mr. Uphoff to make
15 closing statement until after. So he's not getting a
16 closing statement, he'll get a rebuttal statement. So
17 we'll shave off a few minutes of time there.

18 And, Mr. Uphoff, you have agreed to that in
19 advance.

20 MR. UPHOFF: Yes.

21 MR. KAINS: Okay. Thank you. All
22 right. So if there's anything else you wish to say,
23 Ms. Russow, you may come up and say it.

24 MS. RUSSOW: Not at this time.

1 MR. KAINS: Okay. Very good.

2 Mr. Kulasik, if there's anything else you wish to say
3 you can make a closing statement.

4 MR. KULASIK: I can't pass it up.

5 MR. KAINS: You can't pass it up. Well,
6 God love you, sir.

7 MR. KULASIK: He's probably the only one
8 right now.

9 MR. KAINS: No, I would argue with that.
10 Okay. Mr. Kulasik, you may make your closing
11 statement.

12 MR. KULASIK: Okay. Once again I'd just
13 like to say in the opposition of this on the grounds I
14 put in not only on my testimony but some of the
15 questions I directly stated in questioning some of the
16 expert witnesses.

17 The Applicant still has not shown that it
18 will be in compliance with the County's flicker
19 ordinance, and I still have very big reservations on
20 the sound, especially as this equipment ages. I don't
21 believe that that has safely -- the way it is and
22 eventually it will get worse.

23 Also once again the benefits of the
24 community, everyone that has spoken here for this

1 project is benefiting financially in one way, shape or
2 form. Most of us that are opposed to it are not and
3 most of us that are speaking out against it are
4 directly impacted by this. Even some of the witnesses
5 that came forward -- I shouldn't say witnesses, my
6 apologies, under public comment once again show that
7 these were absentee landowners. They're benefitting
8 by property that don't even live in the county but yet
9 they own property in the county and will be getting
10 the wind turbines. I believe that should weigh very
11 heavily on your decision as they're not affected.

12 We're not only talking about the economic
13 benefit to the community or not that benefit, but
14 we're also talking about way of life and that way of
15 life is as the one lady said quiet, peaceful, without
16 visual obstructions. And I would hope that this Board
17 would seriously take that into consideration, and,
18 please, I would ask that you look beyond the money
19 which I know is important to this County, but remember
20 that number at 31, don't forget it. You won't be here
21 for it but your kids will. How are they going to deal
22 with the mess that you are going to leave them.

23 Thank you.

24 MR. KAINS: All right. Thank you,

1 Mr. Kulasik.

2 All right. Closing statement, Mr. Uphoff.

3 MR. HOFF: Thank you. And I've got my
4 bifurcated -- because we had the bifurcated proceeding
5 in relation to the variance and the SUP. So my
6 intention is to go through the SUP argument second,
7 I'll do the variance argument first and I'll switch to
8 a slide show here and we'll carry on.

9 So as it relates to just the variance. I'm
10 going to jump right into it so that we can move on
11 then to the remainder because I know you won't be
12 making a decision yet tonight.

13 The basis of our variance is essentially that
14 the ordinance for Livingston County on this particular
15 issue does not align with the State's law. So the
16 State law as listed on here in the top paragraph, and
17 you'll see a highlighted portion, you got the letters
18 in red and it states that for these types of
19 facilities industry standard computer modeling is what
20 you're to use to indicate whether or not there's more
21 than 30 hours of shadow flicker per year under planned
22 operating conditions. So that's the language from the
23 State statute. Industry standard computer modeling is
24 what you're to use in making your determination.

1 Now, Livingston County in its code did not
2 include any of the language related to industry
3 standard computer modeling, that was left out. So
4 that's an important factor that needs to be in the
5 Livingston County Code and consideration by this
6 Board because that's the State's requirement. You
7 have to consider industry standard computer modeling.

8 Additionally, Livingston County made an extra
9 requirement and more imposing requirement for trying
10 to determine shadow flicker, because at the end of the
11 section from Livingston County Code as you'll see here
12 in italics it states, planned operating conditions is
13 defined as those conditions that would exist if the
14 sun were to shine every day of the year with no cloud
15 cover. It's essentially what was referred to in the
16 testimony as a 100 percent sunshine requirement.
17 Meaning that you are to assume 100 percent sunshine
18 every day of the year during the hours that the sun
19 would be up. All of us who live and especially those
20 who live in this area understand that that is
21 unrealistic standard. It is not anything that would
22 be considered industry standard. So in order -- and
23 it doesn't take into account at all computer modeling.
24 And, in fact, what that -- what that does is it takes

1 a requirement and it changes what would be industry
2 standard computer modeling.

3 So we had testimony from the expert Aaron
4 Anderson. He had over I believe 15 years of
5 experience, he's got the degrees to back it up, this
6 is what he does day in and day out, and he testified
7 to you about the industry standards when it comes to
8 these things. And he testified that industry standard
9 is to utilize new world weather data, you know,
10 decades and decades of data available and you should
11 utilize that and so they do, the industry, that's how
12 their computer model was set up, it's to incorporate
13 that information.

14 Livingston County's Code requirement changes
15 that. It makes it so that they can't really use
16 industry standard computer modeling because you're
17 changing the parameters that make it the industry
18 standard. Industry standard is to rely upon real
19 world weather data and you're taking that standard and
20 you're changing it, you're saying, no, you're going to
21 rely upon pretend data. Data would never be possible
22 100 percent sunshine all the time. Now, I understand
23 the idea was to be more conservative, to try to be
24 more protective, I get that, I can understand that,

1 but there should be bounds for that, and I think you
2 have to remain within real world parameters in doing
3 so.

4 Additionally, I would make the argument that
5 it's even more imposing, a more burdensome requirement
6 and that by the State statute is something not allowed
7 to do. Planned operating conditions is what the
8 statute reads from the State and that's where it
9 should remain and it shouldn't have been defined
10 differently.

11 There was testimony about planned operating
12 conditions meaning the industry for wind towers, and
13 that type of planned operating conditions is setting
14 the parameters for which the turbines will turn, when
15 they will turn. And we had testimony from Graeme
16 Agate who talked about how typically that type of
17 planned operating condition comes in to play when
18 you're talking about planned curtailment. So
19 curtailment is when they -- they're slow or stop the
20 turbines blades from spinning, and one of the primary
21 examples that he used for that was there were times
22 during the migratory season for certain bats where
23 they will stop the turbines from spinning at night so
24 that the bats aren't impeded. That's a planned

1 operating condition. They are planning to do that.
2 Weather is by nature unplanned and yet there's a
3 condition from Livingston County here saying you have
4 to assume a certain weather condition at all times,
5 that's part of a planned condition. So I just don't
6 think it's consistent with State law and has an
7 impact, and that impact was shown through the
8 testimony of Aaron Anderson.

9 So when you look at the industry standard
10 modeling what we referred to as real world sunshine
11 you get the numbers here of participating receptors
12 that could potentially be over 30 hours per year, and
13 you can see those numbers in the top part of the
14 graph. If you go down to the bottom number, the
15 Livingston County model, the 100 percent sunshine
16 you'll see that those numbers are much much higher,
17 you know, they're considerably higher. Now,
18 ultimately Livingston County can only police what
19 happens in the real world. Once any project gets an
20 SUP and they go into operation it's the real world
21 conditions are what can be monitored and what can be
22 enforced by Livingston County. So when there was
23 testimony and comments about we're not meeting the
24 requirements, we won't know that until the end of year

1 one because the requirement is just that we stay below
2 30 hours per year. And the only way we'll know that
3 is at the end of the year and they calculate it.

4 Now, there are some ways that the company
5 monitor it and that's the intention is to monitor it.
6 But if you look at the difference in the scope of
7 monitoring here that's where this really has an
8 impact. So under real world conditions there's still
9 monitoring that's going to have to occur, there's no
10 doubt that my client has not shied away from that.
11 There are residences that might not be monitored,
12 there are residences that are potentially going to be
13 over, there are steps that will have to be taken in
14 order to address that to comply with the County's
15 code, but the question really becomes how much
16 monitoring and how extensive is that monitoring. I
17 know the Livingston County requirement is that
18 monitoring becomes much more extensive and is much
19 more burdensome than the State statute requires.

20 So for those reasons we are asking that you
21 would grant the variance and that you would apply the
22 industry standard modeling as the statute calls for,
23 that you would apply the modeling that is in the top
24 part of the graph, and my client has committed to

1 monitoring and complying with the State law but asks
2 to do so under the real world sunshine requirement.

3 So that's my argument as it relates to the
4 variance.

5 Okay. Now, for the SUP, and I neglected when
6 I got up here and started with the variance to sort of
7 go back through the introductions.

8 So I'm Seth Uphoff. I'm here with Illinois
9 Generation, LLC, the Applicant and that's a joint
10 venture between two companies. Those companies are
11 Pattern Energy and what was ConnectGen and now is
12 Repsol, and so those two companies you've heard
13 testimony about. They joined together for this
14 project. They're bringing both of their resources
15 there and they're going to try to come together to
16 create a successful project here in Livingston County.
17 And on behalf of myself and the company, the
18 Applicant, I want to thank you for your time and
19 attention throughout all this. I know it's a lot. I
20 can see the binders, I can see all the information, I
21 know how much I've had to go through to prepare for
22 this and I know how much you have to do on your side.
23 So we appreciate that time and effort that you put in
24 and we know that you'll continue to do so as we go

1 through the deliberation process.

2 You heard testimony that covered a lot of
3 topics and I'm not going to go through each of them,
4 I'm going to go through and hit some highlights and as
5 it relates to the project.

6 You heard initially about the project
7 background, about the companies, the joint venture and
8 how they've gotten from 2017 to where we are now,
9 cause that's when they started. Started back in 2017
10 with all the legwork, the due diligence and they
11 worked their way up to where we are now with
12 permitting. And in the process they developed this
13 project layout as you'll see up here. This is a
14 generalized view of the project layout, it's of
15 Livingston County and extends over to Kankakee County.
16 Obviously we're only addressing the Livingston County
17 part of this, but there is an entire Kankakee portion
18 of this project as well.

19 So this is a very large project that has a
20 lot of impact to the benefit of both communities, both
21 Livingston County and Kankakee County.

22 This more specific layout was addressed as we
23 got into the testimony of Allen Wynn. These are the
24 individual turbine locations and the collection lines,

1 access roads, a lot of information on -- an O&M
2 facility and other items are noted here and this gives
3 you an idea of how this project is laid out in
4 relation to the Villages of Dwight and Campus.

5 Now, obviously one of the major
6 considerations that we have in relation to these site
7 plans with these projects is the setbacks. This is
8 just an example of one of the setback maps that were
9 presented. There were setback maps presented for each
10 and every turbine location for this project and we
11 walked through several of them in depth and then
12 obviously we made the decision that the Board could go
13 through the remainder on their own and assess them
14 once it had been described how these maps worked.
15 Color coded to try to make it easy, there's a
16 developable area that's in the center of where these
17 turbines are located, but on occasion such as maybe
18 L14 that's on the screen here it gets pretty close to
19 the line and so in order to make sure that we were
20 providing you with the exact details we also provided
21 the setback table which was referenced earlier. This
22 is just one of the pages of that setback table and it
23 tells you the exact distance down to the foot that
24 these turbines are away from the individual setbacks

1 that they're required to be away from. So you can go
2 down each of these columns and you can ensure that
3 each of the turbines is meeting the setbacks that are
4 required under the code.

5 We then later in the hearing talked about the
6 installation of these turbines and you've all seen
7 them, I think you're very familiar with them, but we
8 walked through how these are built, how these are put
9 together and the process that it goes through.

10 In this particular situation there are two
11 different turbines that are in consideration. The
12 decision hasn't been made yet as to which it's going
13 to be. So we provided evidence and testimony
14 regarding both. One of them is referred to as the
15 Vestas tower, you can see the descriptions are here.
16 The other is the GE brand tower and you can see the
17 descriptions here.

18 We walked through the various steps that we
19 would go through in setting up the project area and
20 going through construction. We talked about the
21 different structures that would be built, some of them
22 more temporary than others. Obviously for a project
23 as Mr. Kulasik stated it has a lifetime that's going
24 to come an end and I believe his testimony or

1 statement and argument was that its very short term.
2 I think when you take a grand view of things it is a
3 short term, it is a temporary use. Typically we get
4 the opposite. People say this is going to be here for
5 a very very long time and several decades is a long
6 time for most of us. But if you look at the history
7 of Livingston County, the history of Illinois, 30 to
8 40 years is not a huge amount of time. It is a very
9 short term period and so that's just another reminder
10 that this is a temporary project that eventually will
11 be removed and return this ground back to the state
12 that it's currently in.

13 As we talked about the project overall there
14 was an emphasis on safety. You heard the testimony of
15 Nick Fee who talked about how much of a priority
16 safety is both in selecting our contractors and going
17 through the daily business. It's also important that
18 there's safety not just for the workers who are on
19 site but for the community in general. There are many
20 safety requirements in all of the governing laws for
21 these types of projects. The State law, AIMA,
22 Livingston County's Ordinance, all of the federal
23 regulations, there are just numerous regulations that
24 apply at every level for these types of projects. So

1 these types of projects are going to be watched like a
2 hawk, and they're going to have to comply with all
3 these things or else there's going to be complaints
4 and those complaints get investigated and if there's
5 something wrong there's going to be shutdowns or
6 there's going to be, you know, fines or whatever it is
7 that's the appropriate remedies, but there is a huge
8 incentive for this company to make sure that they're
9 living up to their promises of safety and compliance
10 and to make sure that there's opportunities for
11 reporting.

12 There's a 24 hour emergency -- not just
13 emergency 24 hour public information and support
14 hotline that you can call and the information for that
15 is going to be posted at all various locations as is
16 required by the ordinance.

17 Going through the construction, there was
18 also discussion about the drain tile. I know this is
19 always an important issue in an agricultural area such
20 as this. We talked about AIMA, we talked about the
21 requirements and we talked about how already the
22 agricultural drainage tile work is being undertaken.
23 They're out there right now this summer mapping and
24 they're going to be doing additional mapping as the

1 project goes along and they'll take into account all
2 the steps that need to be covered for the drain tile.

3 Obviously we touched on decommissioning.
4 That just goes back to the fact that this is a
5 temporary use. This is a project that eventually will
6 be decommissioned, it will be removed and the property
7 will be returned back to the state that it's in. You
8 heard the testimony about how they'll dig down and
9 take the foundations down to below five feet, that's
10 the requirement from the Department of Agriculture.
11 They'll go through and pull out all these materials,
12 they'll recycle absolutely as much they can and
13 anything that can't be recycled would be appropriately
14 disposed of. But eventually the project will reach
15 the end of its life and at that point in time this
16 will be removed and the ground will be returned back
17 to probably agricultural use, although it's not
18 required.

19 You then heard testimony from expert
20 witnesses first -- or one of those I should say not
21 first, but one of those was on sound and I know
22 there's been some comments about sound here tonight
23 from individuals, but the Illinois Pollution Control
24 Board is who sets the standards for sound. They are

1 the ones that researched it, the State has researched
2 it, AIMA cited it and these are the appropriate
3 requirements, these are the requirements that have to
4 be met. And I would also point out that the project
5 with both towers, both maps here, both tower designs
6 meet not just the daytime standards of the Illinois
7 Pollution Control Board but nighttime standards.
8 There are nighttime standards that are more
9 restrictive and you heard from the witness that that's
10 the standard they use to determine whether or not
11 there's compliance here. So these turbines are not
12 going to create any sound that will rise above the
13 levels that are deemed safe and appropriate by the
14 Illinois pollution Control Board.

15 We then get to shadow flicker, I just
16 commented on that in relation to the variance. Again,
17 we believe that the 100 percent sunshine requirement
18 is not in keeping with State law and therefore
19 shouldn't be enforced in this particular situation.
20 So we're asking for a variance on that. I've covered
21 that so we'll move on from there.

22 We then had expert testimony in relation to
23 the property value impact. Now, I know that there was
24 comments tonight about how anybody with common sense

1 would know that there's going to be a negative impact.
2 If that were true I believe the studies would bear it
3 out. But study after study, project after project has
4 been analyzed by these experts has shown that there's
5 no consistent negative impact that has occurred to an
6 adjacent property's value that can be attributed to
7 the proximity of the adjacent windmill. Not my not
8 position, that's the position of the experts. This is
9 what they researched, this is what they do, and that
10 research included reaching out to individuals in those
11 communities. One of whom is right here from our
12 community Shelly Renken, that -- our Supervisor of
13 Assessments here in Livingston County and she was
14 asked about this and I know you can try to put a
15 different connotation on this so I'll tell you what my
16 connotation is in reading her statement here, but it
17 sounds to me like if you're asked is there any impact
18 on this, she's saying there's no documentation that
19 shows that that's happening, that values have gone
20 down or up as a result of being near a wind farm. My
21 interpretation of that is she saying there's no
22 evidence of it. Now, doesn't mean there's evidence
23 that it's good, it doesn't mean there's evidence that
24 it's bad. There is no evidence that it's having an

1 impact and I think if it were having an impact people
2 such as Shelly and others in her position would be
3 seeing it, they would be hearing it, we would be
4 hearing from the assessor saying that we've got to
5 lower the assessments on these properties cause
6 they're not worth as much. But that's not the
7 testimony, that's not what the research bears out.

8 So I think that you have to look at the
9 evidence that was presented by the experts and that
10 was the evidence that was put forward by Ms. Bowen
11 when she testified.

12 As it relates to people's use of the property
13 or the value of the property. We then had a lot of
14 testimony back and forth about an airport that was
15 located in the project area. And obviously that was a
16 touchy subject for those who were involved, but in
17 reality when we had the witness come and testify about
18 it, it's a fairly simple straight forward issue and
19 that is that the FAA and the Illinois Department of
20 Transportation measured these two things differently
21 and even Mr. Smothers when he was questioning the
22 witnesses admitted that the FAA standards do not apply
23 to their airport. The Illinois Department of
24 Transportation standards apply, IDOT standards apply.

1 And when you look at the specific language that's in
2 here that was referenced and gone over by Ben Doyle
3 during his testimony it makes it pretty clear that
4 these two things are measured differently. He had
5 very helpful I thought graphs showing how these
6 different areas are measured. And the language makes
7 it very clear, FAA, they're measuring from the end of
8 the runway, Illinois they're measuring from the
9 geographic center of the airport and you end up with
10 different shapes. You end up with shapes that look
11 like this, and every time that Mr. Smothers was trying
12 to talk about how it was more like a rectangle, to me
13 is that's sounds like he's thinking about the FAA
14 requirements. But the FAA doesn't govern his airport
15 IDOT does and the IDOT standards come out as a circle.
16 And if you look at the language and you think about it
17 I believe you would reach the some conclusion as that
18 expert. I'm pulling this language right out of the
19 graph -- graphic that was being shown to Ben Boyle and
20 that Mr. Smothers kept referring to. If you look at
21 the language there it's very clear, the geographic
22 center of the airport. The geographic center is
23 pretty easily defined. If somebody says where's the
24 geographic center in the United States you don't say

1 well it's over on Virginia and North Carolina on the
2 edge there and it's says Northern Carolina -- or,
3 excuse me, Northern California over here. You don't
4 get two points on the coast and say that's the center
5 because it's not. The center is somewhere around
6 Kansas. So when he kept saying the geographical
7 center means the center of the runway at the ends,
8 that doesn't add up. That's not what the language is
9 and it doesn't make sense if you think about it. So
10 the geographic center is at the middle of that runway
11 and then if go out 5,000 feet you end up having to
12 draw a circle, and the circle came out like this. And
13 we talked about it and then we showed this, that's all
14 the turbine locations are outside of that circle. So
15 the safe set parameters. The Applicant reviewed the
16 parameters and the Applicant has met those parameters.
17 And so on that particular issue, while I know we don't
18 have Mr. Smothers potential testimony yet and I hope
19 that we will be allowed an opportunity for a rebuttal
20 statement if he's allowed that, but despite all of
21 that, the fact of the matter is this is the way that
22 the area is drawn and we have to comply with the State
23 law by putting all the turbine locations outside of
24 that area.

1 I think also if you're considering anything
2 more about the airport I think you also have to
3 balance the impacts, you have to weigh what you're --
4 the impact that it's going to have for the community
5 versus the impact that it may have for an individual
6 who uses that airport.

7 There was no testimony presented that that is
8 a commercial airport that it is generating income,
9 that it's being used to help the economy here in
10 Livingston County. There wasn't testimony at all
11 really, but even if you were going to believe what was
12 going on there from Mr. Smothers I think you would
13 believe that it was a recreational airport, it was
14 something that they use to go out as joy flying, and I
15 get that and I appreciate that, and recreational areas
16 are important. However, in a situation like this you
17 have to start to balance that against the rights and
18 the benefits of the others. So here under the map
19 that was provided from the Illinois Department of
20 Transportation, you go out 5,000 feet, that's not
21 quite -- that's darn close. And so there's a mile's
22 reach that he is clamming he has from the airport
23 which is just a recreational area. And for anybody
24 within that mile reach if you go by his arguments

1 they're not allowed to do anything like participate in
2 this project and gain any economic benefits from that
3 because he wants to preserve his recreational area.
4 So he's already got nearly a mile reach. If you start
5 going beyond that circle you're giving him even more
6 reach and you're taking away the economic benefits not
7 only for the landowners but of local communities.

8 I know one of the individuals got up and
9 talked earlier was talking breaking down the
10 economics, if you do the simple math on the amount of
11 real estate tax revenue that's projected on this
12 project and divide that number of turbines you come
13 out to about 1.4 million dollars per turbine for the
14 life of this project. So if you were going to start
15 extending this reach you're starting to knock off
16 millions of dollars of benefits to those taxing bodies
17 and that doesn't even include the economic benefits to
18 the landowners, the economic benefits from all of the
19 jobs that are created and the ongoing benefits that
20 trickle down from that.

21 So I think when you balance those concerns
22 you have to start thinking about the recreational
23 property versus the economic benefits for the
24 landowners and the general public. I think the State

1 set the rule and I think we comply with the rule and I
2 would ask you to apply that rule.

3 Speaking of those economic benefits then we
4 obviously heard the testimony from Dr. Loomis.
5 Dr. Loomis is an expert in his field and provided a
6 background of information, he provided a voluminous
7 report that was included in the application. There
8 was a great deal of testimony and information that was
9 provided, but boiling it down to his conclusions he
10 talked about the amount of jobs that would be created
11 during construction and then another number of jobs
12 that are long-term direct, indirect and induced local
13 jobs. Again, when we were talking about local he made
14 it clear where this project is located up in the
15 corner of the County it's connected to a project that
16 is in Kankakee County but there are people from
17 Kankakee County, Livingston County, Grundy County
18 definitely will benefit from a project like this in
19 local area, locate unions that are going to be working
20 these jobs. They talked about how they try to pull
21 from local to start with, they may have to reach out
22 further but they're going to start local and try to
23 pull from local. And the more people we can get
24 working these local jobs obviously the more benefit

1 there is for the community overall. When he broke
2 down those numbers for the benefits that result just
3 said real estate tax money. The overall, the
4 investment of this project just, you know, on the
5 Livingston County side I think was over 600 million
6 dollars and on the Kankakee County side about the same
7 so over 1.2 billion dollar investment into the local
8 area. That's a huge amount of money and its going to
9 make it's way around and filter down to a lot of
10 different people throughout those areas.

11 There was some testimony earlier or maybe it
12 wasn't testimony maybe it was comment talking about
13 how this really isn't that much money. Well, I can't
14 speak for these townships and villages, some of them
15 spoke for themselves because they submitted letters of
16 support. Those letters of support came from Dwight
17 Fire District, the Reddick Fire District, they came
18 from the Village of Dwight, the Village of Campus, the
19 Dwight Economic Alliance, United Way, Kankakee
20 Community College, they came from all these various
21 taxing bodies that stand to benefit from this, and the
22 numbers that were being mentioned earlier I don't
23 think were accurate. I don't know how the math was
24 working there because Dr. Loomis broke it down for

1 these individual townships, road districts, fire
2 districts, I'm not going to go through all of them
3 here, but I wanted to point out that for the fire
4 districts, you know, the average -- the annual average
5 for these and it starts higher and works its way down
6 because of depreciation but the annual average for
7 Dwight Fire District is \$145,000 a year. That's a
8 substantial amount of money for their department.
9 Same thing for the Reddick Fire Department, another
10 \$40,000 a year. Now, somebody says, well, that's not
11 really that much money, I bet if somebody walked up
12 and dropped \$40,000 on your desk you wouldn't say
13 that's not a lot of money. I think you would say
14 that's a great amount of money for us, put it to use
15 projecting the public, serving the public cause that's
16 what those agencies do.

17 There's also discussion about the breakdowns
18 for the schools. We heard from one of the
19 superintendant's tonight, we heard from another
20 superintendant last night and they talked about how
21 these types of projects can have a substantial benefit
22 to the their schools, referred to as a game changer to
23 the schools because it would allow them to keep their
24 head above water to start making progress on behalf of

1 the kids. And if you look at those numbers, that
2 breakdown obviously here Tri Point is going to
3 potentially average just shy of \$100,000 a year.
4 Although it's not nearly as much as Dwight but that's
5 because the project is much closer to Dwight and I'm
6 sure Tri Point doesn't want to turn down and the
7 superintendant didn't seem to want to turn that
8 average of \$100,000 a year. But if you look at those
9 amounts, that's a substantial amount of money for
10 those individual schools and the grand total is in the
11 tens of millions of dollars for them over the life of
12 the project.

13 So finally I want to get to the overall
14 benefit of this project. There's obviously people who
15 feel differently about these various issues, but I
16 will tell you that I believe that projects like this
17 provide opportunity and continue adding power to a
18 grid that's going to need it. We continue to have
19 more and more reliance on electricity throughout the
20 years and more and more for our gadgets and more and
21 more things that rely upon using the juice that flows
22 through those lines, and these types of projects help
23 provide power to the grid and they do so in a cleaner
24 and renewable way. They do so with a temporary use.

1 They are -- we talked about, they're going to
2 eventually be removed and it's really only a fine
3 amount of land to be used for this project in the
4 grand scheme of things. The original testimony from
5 Graeme on night one I believe was right about 238
6 acres for this and that 238 acres eventually will be
7 returned to the landowners and be returned back to
8 whatever use they decide to put to it, but in the
9 interim they're going to generate tens of millions of
10 dollars for this community. There's benefits to the
11 environment, there's benefits to the community that
12 we've already discussed, there's obviously benefits
13 for the landowners that we've already discussed.

14 So I think you have to continue to keep those
15 things in mind and that's the evidence that's been
16 presented. And I want to come back to that because I
17 know you understand this as the ZBA but I think it
18 bears repeating, your duty is to make an evidence
19 based decision. You're suppose to look at the
20 evidence that was presented under oath subject to
21 cross-examination in this hearing and make your
22 decision based on that, and you're to take that
23 evidence and you're to apply it to the law. The State
24 law and the Livingston County's code.

1 I believe that we've demonstrated that we
2 meet all of the requirements of the State law, that we
3 meet all the requirements of the County Code. Some of
4 those requirements are the ones that we can't fully
5 demonstrate until a later point in time such as shadow
6 flicker, but the application process required us to
7 submit information so that you can have the best
8 opportunity to determine whether we will be able to
9 comply with those requirements. Those initial
10 requirements we'll have to provide and meet before we
11 get into the building permit process, there's a road
12 use agreement that has to be completed, there's
13 engineer drawings that have to be reviewed by the
14 County and approved. We have to go through a lot more
15 steps before this project ever breaks ground. But
16 we've committed to doing that, we've provided you as
17 much possible information as we can to establish that
18 we have the wherewithal to do it and we have the
19 desire to do it and to do it the right way. And we do
20 all of this, we bring all of this to the County, we
21 bring this 1.2 plus billion dollar project to the area
22 to try to create additional benefits for the public
23 through the generation of energy and through the
24 economic benefits that come along with it without

1 adding a lot of additional burdens. You heard earlier
2 from the superintendant, normally they see an influx
3 of tax money when there's new subdivisions, when
4 there's new homes that are built and when you have
5 those things, you have more roads to maintain, you
6 have more snow to plow, you have more water in the
7 sewer to maintain, and you have more kids who
8 eventually make their way to the schools, they need
9 more teachers, there's more wear and tear on the
10 buildings, there are burdens that come along with
11 those types of developments, and while there may be
12 some temporary burdens from this project during the
13 construction ultimately once this project starts
14 operating there's going to be no burden to the taxing
15 bodies, there's no additional kids in the school,
16 there's no additional sewer lines that have to be
17 maintained, there's no additional roads that have to
18 be plowed, but yet you're still going to get all those
19 enormous benefits, so all the benefits and really none
20 of the burdens.

21 But ultimately what it comes down to and I
22 know that some of you may have heard me argue before
23 and seen this before but I think it's an important
24 thing and that is that we have to consider the

1 property rights of the landowners who are
2 participating in this project. They own their
3 property, they should have the right to use it up to
4 the point of whether or not actively harming their
5 neighbors. And if you're basing the decision on the
6 evidence I don't think there's been any evidence
7 presented to you throughout this hearing that these
8 towers, that this project is going to actively harm
9 any of the non-participating residents in that area.
10 There hasn't been any evidence of it. All the
11 evidence that's been provided is that we're meeting
12 the Illinois Pollution Control Board standards, that
13 we're complying with all the government requirements
14 or where we're going to put the lines and avoid the
15 wetland areas, all of those things we've demonstrated.
16 So we're not actively harming any of our neighbors.
17 So why that shouldn't be landowners have the
18 opportunity to use their land to the best benefit of
19 them and their family. And that's what they're asking
20 so for. So a free country such as ours property
21 rights are extremely important and I would ask you to
22 keep in the top of your mind when you're balancing and
23 considering the evidence and that decision that you
24 have to make.

1 So with that on behalf of the companies and
2 the joint venture here, Pattern Energy, Repsol Energy,
3 on behalf of Illinois Generation, LCC that's seeking
4 to build this project I'd ask that you make a
5 recommendation to the County Board that this project
6 should be approved.

7 Thank you.

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

9 All right. That concludes closing
10 statements. The next matter to be taken up will be
11 deliberations by this Zoning Board of Appeals. They
12 will be reviewing findings of -- proposed findings of
13 facts that will prepared by counsel, Mr. Dluski, prior
14 to August 12th and then on August 12th the Board will
15 make its -- will decide and vote on its recommendation
16 to the full County Board.

17 Mr. Dluski, any other matters to take up
18 before we adjourn?

19 MR. DLUSKI: No.

20 MR. KAINS: Excuse me, we're not
21 adjourning, we'll be going into recess. Huge
22 difference.

23 Mr. Keyt, Ms. Rives, anything further from
24 you?

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MR. KEYT: Nothing further.

MR. KAINS: Anything else, Mr. Uphoff?

MR. UPHOFF: No, sir.

MR. KAINS: All right. Very good. All right. The Board will be in recess until August 12, 2024, at 6:00 p.m., we will be in this room, I believe this is called the historic courthouse; is that right? Okay. I'm in so many courthouses and I just don't even remember where I am. I know I'm in Livingston county and it's good to be here.

Well, the Board will be in recess until 6:00 p.m., August 12, '24 in this room. The Board is in recess. Thank you.

(Cause recess.)

WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS CAUSE ON SAID DAY.

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C E R T I F I C A T E

I, Jamie S. Atkinson, Official Court Reporter
in and for the County of Vermilion, State of Illinois,
do hereby certify that the foregoing to be a true and
accurate transcript of the proceedings had in the
before-entitled cause on said day.

Dated this 8th day of August, 2024.

jamie atkinson

Jamie S. Atkinson, CSR
Official Court Reporter
License No. 084-004156