

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

WIND FARM
January 29, 2018

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1 McLEAN COUNTY ZONING BOARD OF APPEALS
 2 MEETING
 3 Wednesday, January 29, 2018
 4 6:00 p.m.
 5 at
 6 McLean County Government Center
 7 115 East Washington Street
 8 Bloomington, Illinois
 9 Case Number SU-17-11
 10 BOARD MEMBERS PRESENT:
 11 Brian Bangert
 12 Chris Carlton - 1st Alternate
 13 Rick Dean
 14 James Finnigan - Chairman
 15 Michael Kuritz
 16 Mary Beth Taylor - 2nd Alternate
 17 Julia Turner
 18 Drake Zimmerman
 19
 20 ALSO PRESENT:
 21 Philip Dick, Director of Building and Zoning
 22 Samantha Walley, Assistant State's Attorney
 23 Jerry Stokes, County Engineer
 24
 25 June Haeme: CSR #084-003038
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 Champaign, IL 61820
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1 (Commencing at 6:00 p.m.)
 2 **CHAIRMAN FINNIGAN:** We're going to call
 3 the McLean County Zoning Board to order. Will the
 4 secretary call the roll?
 5 (Roll call was taken with Board Members
 6 Brian Bangert, Michael Kuritz, Rick Dean, Julia
 7 Turner, Drake Zimmerman, Jim Finnigan, Chris Carlton
 8 and Mary Beth Taylor present.)
 9 **CHAIRMAN FINNIGAN:** We have a quorum.
 10 Staff has been affirmed in earlier meetings, so we
 11 don't have to do that. I think we're going to have
 12 counsel tell us where we are, bring everybody up to
 13 speed again like we've been doing and we'll proceed.
 14 **MS. WALLEY:** Good evening, ladies and
 15 gentlemen, we have reached the rebuttal portion of
 16 the evidence and testimony. When we left off before
 17 we had to reconvene, I believe the applicant was
 18 providing some rebuttal testimony but was not yet
 19 finished. Is that correct?
 20 **MR. GRIFFIN:** Correct.
 21 **MS. WALLEY:** Okay. If you want to come on
 22 up and you can finish your rebuttal testimony. My
 23 last recollection was that Mr. Parzyck had
 24 testified. Do you have further testimony from Mr.

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 2 REBUTTAL WITNESSES: Page
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 27 Applicant Exhibit 19..... 1079
 28 revised noise analysis
 29 Applicant Exhibit 20..... 1122
 30 Neutral Exhibit 8..... 1134
 31 SLG Exhibit 22..... 1160
 32

1 Parzyck?
 2 **MR. GRIFFIN:** Yes, I do. Jim Griffin with
 3 Schain Banks, 70 West Madison Street, Suite 5300,
 4 Chicago, 60602. Yes, I would like to, I guess,
 5 recall Mr. Parzyck for rebuttal testimony. I think
 6 we left off Thursday around ten o'clock with some
 7 questions and objections as to these turbine moves
 8 and whether or not we had run another noise
 9 analysis. We did do that over the weekend, I
 10 submitted it to Mr. Luetkehans and Mr. Dick over the
 11 weekend, and so we do want to introduce that into
 12 the record.
 13 And then I'm going to have Mr. Parzyck
 14 provide some brief testimony, obviously he'll be
 15 subject to questions, and then we have Mr. Hankard
 16 here also for some brief testimony as to the revised
 17 noise report. And that -- at the present time,
 18 that's all we plan to do for the rebuttal.
 19 And I believe our next exhibit number is
 20 19, if you could confirm that, Mr. Dick. So this is
 21 going to be Applicant's Exhibit No. 19 and it is a
 22 January 27, 2018, revised noise analysis.
 23 **MR. DICK:** Yes, that's right.
 24 **MR. GRIFFIN:** All right.

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1 **CHAIRMAN FINNIGAN:** Do you want that in
 2 the record?
 3 **MR. GRIFFIN:** I would, yes.
 4 **CHAIRMAN FINNIGAN:** We can do that.
 5 **MR. GRIFFIN:** Thank you. All right.
 6 **QUESTIONS BY**
 7 **MR. GRIFFIN:**
 8 Q. So, Mr. Parzyck, you're still under oath
 9 of course. Before you -- I know you have a copy in
 10 front of you of Applicant's Exhibit 19, the January
 11 27, 2018, revised noise analysis. And the first two
 12 pages of that are a letter from Mr. Hankard which
 13 summarized the turbine eliminations and moves that
 14 had been made; is that correct?
 15 **A. First of all, Kevin Parzyck,**
 16 **P-A-R-Z-Y-C-K, 1 South Wacker, Suite 1800, Chicago,**
 17 **60606. That's correct.**
 18 Q. All right, why don't you go through the
 19 turbine changes that were done regarding proximity
 20 to air strips which you testified again -- which you
 21 testified to on Thursday, but to refresh everything,
 22 why don't you go over those again?
 23 **A. Sure, very quickly. With respect to**
 24 **testimony provided by Mr. Thacker and Schertz, we**

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1 **have eliminated turbines T22 and T80. We have**
 2 **shifted turbine T23 approximately 850 feet to the**
 3 **east, turbine T74 approximately 300 feet to the west**
 4 **and converted it to a 2.3 megawatt unit, and just**
 5 **for reference, that's a unit with a 160 meter rotor**
 6 **versus others that have a 127 meter rotor, and we**
 7 **have shifted turbine T78 approximately 1,100 feet to**
 8 **the northwest. And those shifts are shown at the**
 9 **back. There are -- there are photos, there are**
 10 **plans that show those moves.**
 11 Q. And those moves and eliminations were done
 12 pursuant to communications that Invenergy had with
 13 Mr. Schertz and Mr. Thacker, correct?
 14 **A. That's correct, we had phone conversations**
 15 **and communicated drawings back and forth with both**
 16 **gentlemen.**
 17 Q. Mr. Parzyck, on Thursday you testified
 18 that none of these turbine moves for the air strips
 19 were closer to a residence. Do you remember
 20 testifying to that?
 21 **A. I did.**
 22 Q. Do you want to clarify that testimony?
 23 **A. I would like to clarify that please. The**
 24 **question was asked as to whether this move -- these**

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1 **turbines moved were any closer to nonparticipating**
 2 **residences. I want to clarify that, in that when**
 3 **you look at each turbine, and we looked at the**
 4 **closest nonparticipating resident, when we moved the**
 5 **turbine, we went no closer to that nonparticipating**
 6 **resident, and in fact with these moves, if you will,**
 7 **that original nonparticipating resident was the**
 8 **closest, if that makes any sense. I hope that's not**
 9 **too convoluted, but bottom line is if you're going**
 10 **to move a turbine you're always going to at some**
 11 **point move closer to a nonparticipant, but it's not**
 12 **going to be impactful.**
 13 Q. All right. And, Mr. Parzyck, the revised
 14 noise report also references some other turbine
 15 changes, location changes that were not discussed on
 16 Thursday. Why don't you discuss those?
 17 **A. Sure. What we did is we looked at going**
 18 **back to some of the discussion regarding the 500**
 19 **foot setback from streams in the project area that**
 20 **was identified in the IDNR letter. Where we were**
 21 **able to, we shifted turbine T1 approximately 100**
 22 **feet to the southwest, turbine T35 approximately 25**
 23 **feet to the southwest, and T65 approximately 2,000**
 24 **feet to the east northeast, and what this does is it**

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1 **takes it outside of that 500 foot barrier from the**
 2 **perennial streams.**
 3 Q. And T65 was the turbine that Mr. Young
 4 testified concerning; is that right?
 5 **A. That's correct.**
 6 Q. And is there one, is there still one
 7 turbine in the layout that's within 500 feet of a
 8 perennial stream?
 9 **A. Yes, at this point with our layout,**
 10 **turbine T91 continues to be 300 feet from a**
 11 **perennial creek. Because of setbacks around that**
 12 **turbine, we were not able to move it.**
 13 **MR. GRIFFIN:** That's all the questions I
 14 have for Mr. Parzyck. Thank you.
 15 **CHAIRMAN FINNIGAN:** Questions from the
 16 board?
 17 **MR. DEAN:** On those first moves, I was a
 18 little bit fuzzy on them. What did you -- did you
 19 move closer to a residence or did you remain the
 20 same distance?
 21 **MR. PARZYCK:** So when we -- actually in
 22 the figures here, it identifies the distance that it
 23 had originally been to the nearest nonparticipating
 24 receptor or home and then what the adjusted location

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1 distance was from that closest nonparticipant, and
 2 those all, we were no closer to that closest
 3 nonparticipant.
 4 I will say, however, that turbine T1, if
 5 you look at that figure, and this has to do with
 6 those where we moved to be 500 feet from the
 7 perennial stream, turbine T1 did in fact go from --
 8 if you look on the figure, the original location was
 9 2,210 feet from a nonparticipating home. It is now
 10 2,173 feet from a nonparticipating home. The
 11 turbine was moved approximately -- as I said,
 12 approximately 100 feet, so it was incrementally
 13 closer to a nonparticipating home. That was the
 14 only one of all these moves.
 15 And you can see when you look at the
 16 figures, these dark blue houses that are on there
 17 are nonparticipating and the light blue on there are
 18 participating.
 19 **MR. DEAN:** Thank you.
 20 **CHAIRMAN FINNIGAN:** Any other questions?
 21 **MS. TURNER:** How many turbines do you have
 22 total at this point?
 23 **MR. PARZYCK:** So if you start off with our
 24 117 with the application and you look at what has

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1 gone on with respect to the -- first of all, the
 2 first criteria is the 1.5 mile setback from cities.
 3 The town of Chenoa has agreed to those two that were
 4 in their setback. There was a city council meeting
 5 last week in Lexington where we had requested to
 6 have 18 turbines within that area and they approved
 7 nine of those. So the total number at this point
 8 from that -- and then Gridley, that is still being
 9 discussed with the city.
 10 So if you were to look at that, so you
 11 take 117 less 9, so that puts us at 108, and then we
 12 say here that we have removed turbine T22 and T80.
 13 That puts us at 106. Oh, I'm sorry, Chenoa had four
 14 turbines that they had approved within the mile and
 15 a half setback, I apologize.
 16 **MR. DEAN:** Did Chenoa opt to eliminate
 17 any?
 18 **MR. PARZYCK:** They did not.
 19 **MR. DEAN:** Thank you.
 20 **MR. GRIFFIN:** If I can clarify that, the
 21 turbines that have not been approved or were not
 22 approved as part of that motion that was approved by
 23 Lexington, we've not withdrawn those from our
 24 application. The Lexington motion that was approved

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1 had some contingencies in there, so that hasn't been
 2 completed. So we haven't withdrawn any of the
 3 turbines and we'd be, you know, asking you to
 4 deliberate on all those, obviously knowing that
 5 turbines that aren't approved by Lexington would not
 6 meet your zoning ordinance.
 7 **MR. ZIMMERMAN:** Is the ultimate goal 100
 8 turbines or is it going to be slightly more should
 9 you get approval of those?
 10 **MR. PARZYCK:** It would -- at this point
 11 what we're looking at is 100 or 101 turbines,
 12 thereabouts. The next step will be to get
 13 confirmation of FAA compliance and soil borings are
 14 probably the two big, you know, glitches to
 15 determine exactly which turbines we could build, but
 16 it's right -- our interconnection is for 250
 17 megawatts. We're going to be at 100 or 101.
 18 **CHAIRMAN FINNIGAN:** You brought up the
 19 soil borings. Will you do soil borings on every
 20 turbine?
 21 **MR. PARZYCK:** That's correct, yes, we will
 22 go to every turbine location, do a boring, just to
 23 validate that the soil is satisfactory.
 24 **CHAIRMAN FINNIGAN:** So if you found one

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1 that was in a sandy area or something below that you
 2 couldn't see from above, you'd move to try to move
 3 it?
 4 **MR. PARZYCK:** Well, we'd look to try to
 5 move it if possible or if we have a delta in terms
 6 of, you know, beyond that 101, we may just eliminate
 7 it and use another one. So that -- you know, you
 8 sort of look at all of that. Sometimes what you'll
 9 do is you'll do soil borings, you'll see maybe an
 10 organic seam down there that would require a lot of
 11 remediation and you can look elsewhere, but --
 12 **CHAIRMAN FINNIGAN:** For an example, if you
 13 saw one that didn't meet your criteria, could you
 14 move it 100 feet or something like that and it would
 15 change or --
 16 **MR. PARZYCK:** It could. It depends on
 17 what the -- you know, again going -- looking back at
 18 setbacks, noise, all those other criteria would have
 19 to be in compliance, but that would be a
 20 possibility.
 21 **CHAIRMAN FINNIGAN:** Thanks.
 22 **MS. TURNER:** And you said you did not move
 23 91 because of why again?
 24 **MR. PARZYCK:** It was, it was -- when you

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1 look at all the setbacks, residential setbacks,
 2 roadway setbacks, it was blocked in essentially. We
 3 really did try to move it. It was just blocked in.
 4 And then I don't know if I clarified, but that
 5 turbine is at this point 300 feet from the creek.
 6 **MR. ZIMMERMAN:** For the borings, what
 7 about gravel? There are a lot of gravel veins
 8 throughout McLean County. Do they have much of an
 9 impact?
 10 **MR. PARZYCK:** You know, I have to be a
 11 little cautious. I'm not a geotechnical engineer,
 12 but I am a civil engineer. You can oftentimes,
 13 depending upon the density of the gravel, you know,
 14 vein, you can go ahead and build, you know, the
 15 foundations. Again, we excavate down about 10 feet,
 16 so it's a matter of really how firm it is, you know,
 17 further down as to what the overall bearing can be.
 18 Oftentimes what we'll do is we will design the
 19 foundation to meet the minimum capacity of a lot of
 20 our -- of the entire area just because a lot of
 21 times it's easier to build just one or two
 22 foundation types, keep it simpler for the trades.
 23 **MR. ZIMMERMAN:** So you only bore down like
 24 10 feet?

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1 **MR. PARZYCK:** No, I'm sorry, we bore much
 2 deeper. The foundation will only sit 10 feet below
 3 grade, I'm sorry.
 4 **CHAIRMAN FINNIGAN:** Any questions from
 5 staff?
 6 **MR. DICK:** Yes. With respect to turbine
 7 number 74, moving it 300 feet to the west to get out
 8 of the direct path of the Schertz air strip, is Mr.
 9 Schertz okay with that?
 10 **MR. PARZYCK:** He is. Based on our
 11 communications, he said that that would be, you
 12 know, beneficial. I can't -- I can't speak for Mr.
 13 Schertz because, you know, he mentioned moving, he
 14 mentioned eliminating, but his comment was that it
 15 would reduce the criticality of that turbine.
 16 **MR. DICK:** And by converting it to a 2.3
 17 megawatt turbine, what effect does that have on his
 18 landing stripping?
 19 **MR. PARZYCK:** It lowers the tip height, so
 20 it's, you know, instead of a 116 -- or a 127 meter
 21 rotor, it's 116 meters. So it's a lower tip height
 22 which lowers his, you know, his glide pattern. I
 23 mean he's got more space in his glide path, between
 24 the tip and his glide path, and it's further over to

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1 the side.
 2 **MR. DICK:** And it is your testimony that
 3 if 91 has to be 500 -- turbine number 91 has to be
 4 500 feet from the center of the stream, that you
 5 would have to cut that turbine.
 6 **MR. PARZYCK:** That's correct.
 7 **MR. DICK:** That's all I have.
 8 **CHAIRMAN FINNIGAN:** Would anyone in the
 9 audience have questions of this witness? Come
 10 forward.
 11 **MR. LUETKEHANS:** Phil Luetkehans, 105 East
 12 Irving Park Road --
 13 **CHAIRMAN FINNIGAN:** Spell your name.
 14 **MR. LUETKEHANS:** -- Itasca, Illinois,
 15 60143. Trust me, she has it memorized, but
 16 L-U-E-T-K-E-H-A-N-S. Just so I'm clear, Mr.
 17 Parzyck, so you made the decision to not eliminate
 18 turbine 91 but -- is that correct?
 19 **MR. PARZYCK:** That's correct.
 20 **MR. LUETKEHANS:** And if you would have
 21 eliminated it, you would have been 500 feet from all
 22 the perennial streams throughout your project; is
 23 that correct?
 24 **MR. PARZYCK:** That's correct.

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1 **MR. LUETKEHANS:** Nothing further.
 2 **CHAIRMAN FINNIGAN:** Would anyone else have
 3 questions? It has to be on what was testified to
 4 tonight. State your name and address.
 5 **MS. MORAN:** My name is Deann Moran,
 6 M-O-R-A-N. Address is 503 North Orange Street in
 7 Lexington.
 8 **CHAIRMAN FINNIGAN:** Could you spell your
 9 last name?
 10 **MS. MORAN:** Moran, M-O-R-A-N.
 11 **QUESTIONS BY**
 12 **MS. MORAN:**
 13 Q. I just have a question. Our city council
 14 voted that they would allow nine wind turbines
 15 within the setback, and then you had just -- the
 16 lawyer had just said that it sounded like it's not
 17 going to matter whether or not we voted for nine,
 18 that you have some things written in your proposal
 19 that will allow all 18 to be in the setback?
 20 A. No, I -- let me clarify.
 21 Q. Please.
 22 A. What Mr. Griffin was saying was that the
 23 council voted that there were -- that nine of those
 24 turbines could not be built and they approved nine

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1 that could be built. There was I believe four
 2 conditions that were part of that. And so what we
 3 have done, we have not -- because there were
 4 conditions that we still have to fulfill with
 5 Lexington, we have not removed them from the project
 6 at this point. However, once those conditions and a
 7 document is approved by Lexington, then we will
 8 build those that have been approved by the city
 9 council.

10 Q. Can you explain why we even have the
 11 setback if you decide to propose to put things
 12 within a 1.5 mile radius of the town?

13 A. I would -- I would have to defer as to the
 14 -- the zoning ordinance identifies that the cities
 15 have the right to evaluate that region outside of
 16 their boundary. I'd have to defer to the county as
 17 to their rationale.

18 Q. Okay. The next question I have is about
 19 the turbine that you said you have changed the blade
 20 length for the gentlemen that are flying the
 21 airplanes.

22 A. Yeah.

23 Q. Did that change the height of the turbine
 24 at all?

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1 A. Yes, it does. In the end, the tip height
 2 it's shorter, so it's lower.

3 MS. MORAN: Okay, that's all. Thank you.

4 CHAIRMAN FINNIGAN: Thank you.

5 MR. JOLLY: Tim Jolly, 26759 East 2700
 6 North Road, Chenoa.

7 MR. GRIFFIN: Excuse me, sir. I believe
 8 Mr. Jolly is represented by Mr. Luetkehans, so I
 9 don't think he's eligible to cross-examine twice.

10 MS. WALLEY: I think Mr. Jolly gave his
 11 own statement independent of Mr. Luetkehans. Is
 12 that right?

13 MR. JOLLY: That's correct.

14 MS. WALLEY: Okay, so I take it then that
 15 you are not deferring on Mr. Luetkehans to represent
 16 you entirely in the hearing; is that correct?

17 MR. JOLLY: Well, when you mean
 18 entirely --

19 MR. LUETKEHANS: That's correct, that's
 20 correct.

21 MS. WALLEY: Okay, okay. So then since he
 22 gave -- since he did testify, we'll let him
 23 cross-examine Mr. Parzyck.

24 MR. JOLLY: Okay, thank you.

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1 QUESTIONS BY
 2 MR. JOLLY:

3 Q. All right, you had mentioned doing soil
 4 borings in the -- in anticipation of placing
 5 windmills. To do the soil borings, is that
 6 something that's permitted like as far as you have
 7 to get permits from the county to do so?

8 A. I'm not -- I do not believe so.

9 Q. How do -- how deep do you bore?

10 A. I don't have -- I should have that
 11 information. I don't have it at my fingertips, I'm
 12 sorry.

13 Q. Is it over a hundred feet?

14 A. I don't know.

15 Q. Is it over 50 feet?

16 A. I'm sorry, I don't know the numbers.

17 Q. Okay. Say you're boring and you really
 18 don't know how deep you're boring but --

19 A. I don't know, but our team would know.

20 Q. Well, that's what I'm saying. It's kind
 21 of pertinent to see -- my question would be that say
 22 you strike a water source, aquifer, there's been
 23 mention of gravel beds which carry water for the
 24 people, the residents that are in the area. What do

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1 you do in the case of striking something like that
 2 water source for the area residents?

3 A. Following the soil boring, the hole is
 4 repacked and sealed so there would not be -- it
 5 would not impact the water source.

6 Q. Okay. Just one more time, you don't know
 7 how deep at all, even a proximity of how deep you
 8 bore?

9 A. I think you've asked me three times
 10 already.

11 Q. Well, I'm just asking you don't know that?

12 A. I don't.

13 CHAIRMAN FINNIGAN: Any other questions?

14 MS. WINTERLAND: Amy Winterland, 22825
 15 North 3075 East Road, Colfax. Mr. Parzyck, were you
 16 aware that turbine number 91 per your application on
 17 page 65 is on the 100-year floodplain?

18 MR. PARZYCK: I -- if you make that claim,
 19 I will have our team check that out.

20 MS. WINTERLAND: So I expanded the map to
 21 try to see it closely and it is on the line, so I'm
 22 not sure what that clearly defines, but I would
 23 point that out.

24 MR. PARZYCK: Okay, we'll look at that.

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1 **MS. WINTERLAND:** In addition, number 99 is
 2 likewise on the 100-year floodplain on page 65.
 3 **MR. PARZYCK:** We'll look at both of those.
 4 **CHAIRMAN FINNIGAN:** Please push the button
 5 when you're done, thank you.
 6 **MS. SLEETER:** Laurie Sleeter,
 7 S-L-E-E-T-E-R. My address is 23903 North 2900 East
 8 Road in Lexington.
 9 QUESTIONS BY
 10 **MS. SLEETER:**
 11 Q. I have a hard time reading the maps too.
 12 I was wondering if you could tell me the distance of
 13 turbine number 62 from Patton Creek?
 14 **A. I did not testify as to a move of turbine**
 15 **62, that's not on this list, so I don't -- and I**
 16 **would also say I don't have at my fingertips the**
 17 **distance from turbine 62 to the creek.**
 18 Q. How would I find out the exact distance?
 19 You said that -- you said that all the other
 20 turbines, though, were 500 feet away from all the
 21 other waterways?
 22 **A. From the perennial streams, that's**
 23 **correct.**
 24 Q. So you're saying that number 62 is more

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1 than 500 feet away from Patton Creek.
 2 **MS. WALLEY:** Ms. Sleeter, I think what
 3 he's saying is that's beyond the scope of what he
 4 testified to.
 5 **MR. LUETKEHANS:** Not anymore.
 6 **MS. WALLEY:** Mr. Luetkehans, I understand.
 7 **MR. LUETKEHANS:** He said it. I mean all
 8 she's -- she's just following up on what exactly he
 9 said.
 10 **MS. WALLEY:** I understand.
 11 **MR. LUETKEHANS:** I don't think that's
 12 beyond the scope.
 13 **MS. WALLEY:** If you want to answer the
 14 question, you may.
 15 **A. I don't have that figure, I don't know the**
 16 **distance from 62 to Patton Creek.**
 17 Q. How do I find out?
 18 **A. There is a -- we will look, we will look**
 19 **at that location, but as we've laid this project**
 20 **out, we've identified that all the turbines are**
 21 **outside of 500 feet from perennial streams.**
 22 **MS. SLEETER:** Okay, thank you.
 23 **CHAIRMAN FINNIGAN:** Any other questions?
 24 One more. Name and address, spell your last name.

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1 **MR. KILLIAN:** Terry Killian,
 2 K-I-L-L-I-A-N, 116 Delane Drive, Lexington,
 3 Illinois, 61753.
 4 QUESTIONS BY
 5 **MR. KILLIAN:**
 6 Q. You did mention the AIMA agreement
 7 tonight.
 8 **A. No, I did not.**
 9 Q. You didn't?
 10 **A. No.**
 11 Q. Okay. When you're doing the borings, will
 12 you have a soil scientist there?
 13 **A. We will engage a geotechnical firm with**
 14 **professional geotechnical engineers.**
 15 Q. Okay. And there'll be a soil scientist?
 16 **A. I'm not sure what you -- I can't say**
 17 **whether a person with the title of soil scientist,**
 18 **whether that's even a professional name, but we will**
 19 **engage a licensed geotechnical engineer,**
 20 **professional engineer.**
 21 Q. Okay, I didn't know if with the soil
 22 scientist, that you'd have a soil scientist when you
 23 have -- when you agreed to the AIMA agreement, that
 24 you would follow along with the soil scientist

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1 there.
 2 **A. I don't -- I would have to look into it.**
 3 **I mean we will be in compliance with the AIMA**
 4 **agreement. If that requires a soil scientist and if**
 5 **that's defined in the management or the geotechnical**
 6 **firm, then we will make sure that that's the case.**
 7 **I -- I can't really parse a soil scientist versus a**
 8 **geotechnical professional engineer. And if that**
 9 **would have to be done, we'd be in compliance with**
 10 **the AIMA requirements.**
 11 Q. They'll do the plasticity test --
 12 **A. Yes.**
 13 Q. -- to make sure?
 14 **A. Yes, right.**
 15 Q. Okay.
 16 **A. Yes. I'm sorry, maybe I'm trying to parse**
 17 **it a bit too much, but they will do all those tests.**
 18 Q. Okay.
 19 **MR. KILLIAN:** Okay, that's all.
 20 **CHAIRMAN FINNIGAN:** Thank you. Any other
 21 questions? State your name and address please.
 22 **MR. STEVENS:** Les Stevens, 602 North
 23 Street, Chenoa, Illinois, S-T-E-V-E-N-S.
 24 QUESTIONS BY

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1 **MR. STEVENS:**
 2 Q. You had mentioned two towers that were
 3 being moved; is that correct?
 4 **A. Actually --**
 5 Q. One from Mr. Schertz's?
 6 **A. I think I -- I think there's actually six**
 7 **towers that we're moving, but if you want to be**
 8 **maybe a little bit more specific as to --**
 9 Q. Okay, what was the criteria you used for
 10 moving Mr. Schertz's tower or lowering it?
 11 **A. In discussions with him, we looked at the**
 12 **-- we listened to his concerns regarding his glide**
 13 **path for his airport, we looked at the ability of**
 14 **where we could move them, and the -- and his**
 15 **comments back were that, you know, he'd like to have**
 16 **it if possible shorter. And so we looked at the**
 17 **availability of the different products we have, our**
 18 **116 turbine and a 127 turbine, and we found that**
 19 **moving and putting that other turbine was most**
 20 **effective to satisfy or to address his concerns.**
 21 Q. Okay, thank you. In reference to Mr.
 22 Thacker's turbine that's going to be on his
 23 property, what was the criteria for moving that?
 24 Was it at his request or was it from a different

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1 agency request to have that tower moved?
 2 **A. Well, Mr. Thacker testified that he wanted**
 3 **to make sure that he had a half mile clear on either**
 4 **side of his air strip. I believe he had testimony**
 5 **from another aviation agency as well or a group that**
 6 **backed him up on that. So we looked at the turbines**
 7 **that were adjacent to his runway. One turbine we**
 8 **could not move, which was turbine T22, so we**
 9 **eliminated it to make sure that there was a half**
 10 **mile clear to the west of his air strip, and we were**
 11 **able to move T23 east and make sure that he had a**
 12 **half mile clear on the east side of his runway.**
 13 Q. So this moving of those towers or
 14 eliminating those towers, would it make it easier,
 15 because in the past Mr. Thacker has had several
 16 aircraft crashes on that runway going to the south.
 17 So the movement of those, that would either prevent
 18 or eliminate further possible aircraft crashes?
 19 **A. I can't speak to, you know, crashes and**
 20 **risks or any of those things associated with his**
 21 **airport, but in conversation with him in follow-up**
 22 **to his testimony, he requested that those turbines,**
 23 **that he had that free area on either side of his air**
 24 **strip, and that's what we looked to accommodate.**

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1 Q. Did he indicate that he had been advised
 2 by FAA to have those turbines moved?
 3 **A. I, I don't believe he testified to that,**
 4 **but, you know -- and I don't believe that came up in**
 5 **any of our conversations, but, you know, you'd have**
 6 **to ask him.**
 7 **MR. STEVENS:** All right, thank you.
 8 **CHAIRMAN FINNIGAN:** Thank you. Any other
 9 questions?
 10 **MS. ADAMS:** Katie Adams, A-D-A-M-S, 322
 11 West Main Street, Lexington, Illinois. I just kind
 12 of have a quick question.
 13 QUESTIONS BY
 14 **MS. ADAMS:**
 15 Q. You said that you're going to move some or
 16 you're going to eliminate some and that everything
 17 you want to do is to be in compliance with what the
 18 rules are. If your job is to know what the rules
 19 are, then why are we here arguing, because
 20 repeatedly several on your permits are against the
 21 rules.
 22 **A. I'm sorry, you're going to have to be more**
 23 **specific with what you're trying to get at.**
 24 Q. Well, IDNR says you can't have them within

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1 500 feet of a waterway, and yet we're now here and
 2 you said, well, we left that one there, it's only
 3 300 feet away, but we just didn't -- weren't able to
 4 move it. So if it's against the rules and you said
 5 you wanted to follow all the rules, then why is it
 6 being left there?
 7 **A. Well, we've identified -- I mean in our**
 8 **response, based on our analysis of the situation, we**
 9 **do not feel that there is a need to be 500 feet back**
 10 **from the perennial stream. However, we were able to**
 11 **do that with these three turbines that I mentioned**
 12 **this evening, and so we did that.**
 13 Q. But it's not your job to say whether you
 14 find it to be a need. The IDNR says it has to be
 15 that way, correct? That's what the rule is.
 16 **CHAIRMAN FINNIGAN:** They're asking for a
 17 variance for that turbine.
 18 Q. Okay, I just feel like there's I guess --
 19 I mean sorry, but this is not what -- I used to run
 20 a construction company and when we filed permits we
 21 tried to make sure we followed the rules first, we
 22 didn't ask for forgiveness, so I just -- I really
 23 honestly have no idea how this is done, so that's
 24 why I'm asking like why we're having to go point out

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1 the faults or the things that are wrong.
 2 **A. Well, in the zoning ordinance, it points**
 3 **out that the IDNR letter, that it's based on that**
 4 **we're to be in compliance -- I can't remember the**
 5 **exact term, but there is a caveat to compliance. We**
 6 **presented that in our letter and then we'll just --**
 7 **and then we're moving forward that way. But there's**
 8 **a caveat in the ordinance with respect to the IDNR**
 9 **recommendations.**
 10 **MS. ADAMS:** Okay, thank you.
 11 **CHAIRMAN FINNIGAN:** Thank you. I don't
 12 think we've got in the rules that you can come back,
 13 but if you want to, come ahead.
 14 **MS. WINTERLAND:** Sorry.
 15 **CHAIRMAN FINNIGAN:** You can handle another
 16 one, can't you?
 17 **MS. WINTERLAND:** Amy Winterland. So as
 18 we're talking about this and these 500 setbacks from
 19 the perennial streams and the IDNR recommendation
 20 that you stay a half mile back from the Henline
 21 Creek, are we not -- is that a foregone conclusion
 22 now that we are -- that we're not going to stay back
 23 a half a mile from the Henline Creek even though the
 24 IDNR recommendation says to?

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1 **CHAIRMAN FINNIGAN:** I'm not sure if that
 2 was in his testimony tonight or not.
 3 **MS. WINTERLAND:** Well, he's saying he's
 4 going to stay back 500 feet from perennial streams
 5 and he's including the Henline Creek in that
 6 definition, and yet I thought we had a different
 7 definition for Henline Creek as being part of the
 8 Mackinaw River Valley INI site -- INAI site.
 9 So what I'm saying is the definition for
 10 Henline Creek is not perennial stream but rather
 11 this Mackinaw River Land and Water Reserve INAI site
 12 which is a half a mile setback, so that's why I'm
 13 confused. Are we going to be able to discuss that?
 14 Is that --
 15 **MR. PARZYCK:** That's --
 16 **CHAIRMAN FINNIGAN:** I'm not going to be --
 17 I can't be questioned. I mean you can ask the
 18 questions to Mr. Parzyck, and I don't think he
 19 testified to that tonight.
 20 **MS. WINTERLAND:** So, Mr. Parzyck, let me
 21 ask you a question. Do you define the Henline Creek
 22 as part of the Mackinaw River Valley Land and Water
 23 Reserve as the IDNR does?
 24 **MR. PARZYCK:** I'm not here to testify to

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1 that this evening. I've identified those turbines
 2 that are being moved off of perennial streams and
 3 that's my testimony this evening.
 4 **MS. WINTERLAND:** But there are a number of
 5 turbines that are on the Henline Creek that are even
 6 less -- or I don't want to ask that question. So
 7 the IDNR is defining Henline Creek not as a
 8 perennial stream, that is part of the Mackinaw River
 9 water reserve, so are you not -- are you not
 10 complying with that, that half mile setback? You're
 11 intentionally not -- am I not answering that
 12 question correctly or asking that question?
 13 **MR. GRIFFIN:** Well, I -- the confusing
 14 part is you're stating what IDNR's definition is and
 15 interpretation. I think that's the confusing part.
 16 **MR. PARZYCK:** I would -- I would answer
 17 that with we testified earlier in these hearings
 18 with regard to the IDNR letter, our response to that
 19 IDNR letter, there was a greater definition as to
 20 half mile setbacks, et cetera. I'm not here this
 21 evening to discuss that whole IDNR interpretation.
 22 I'm not prepared for that this evening and that's
 23 not what our rebuttal testimony is.
 24 **MS. WINTERLAND:** Are you aware that if you

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1 had half mile setbacks on the Henline Creek, you
 2 would be eliminating many more turbines than what
 3 you are testifying to right now?
 4 **MR. PARZYCK:** I know that there are
 5 turbines that if there were greater setbacks off
 6 Henline Creek, yes, there would be turbines
 7 eliminated.
 8 **MS. WINTERLAND:** Do you know what that
 9 number might be?
 10 **MR. PARZYCK:** I don't have that at my
 11 fingertips.
 12 **CHAIRMAN FINNIGAN:** I think we're going
 13 down a line we're not going to go down. I think
 14 we're done. Any other questions? Do you have any
 15 other evidence or witnesses you're going to bring
 16 up?
 17 **MR. GRIFFIN:** One last one, Mr. Hankard.
 18 **QUESTIONS BY**
 19 **MR. GRIFFIN:**
 20 Q. Mr. Hankard, why don't you state your name
 21 and address for the record.
 22 **A. Sure, it's Mike Hankard, H-A-N-K-A-R-D,**
 23 **211 East Verona Avenue, V-E-R-O-N-A, Verona,**
 24 **Wisconsin, 53593.**

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1 Q. Mr. Hankard, you prepared the report
2 that's been marked Applicant Exhibit No. 19, the
3 January 27, 2018, revised noise analysis; is that
4 correct?
5 A. Yes.
6 Q. And in preparing that report, it addresses
7 some turbine location changes and turbines that have
8 been eliminated, correct?
9 A. Correct.
10 Q. And when you did your model again, did you
11 confirm that all receptors still continue to meet
12 the -- your belief, your opinion is that all
13 receptors will meet the standards for noise under
14 the Illinois Pollution Control Board regulations?
15 A. Yes.
16 Q. And did you use the same modelling methods
17 that you testified to earlier in preparing this
18 revised report?
19 A. Yes, the exact same model and methods.
20 Q. You used the same zero ground factor and
21 other conservative assumptions that you testified to
22 before?
23 MR. LUETKEHANS: Objection, leading.
24 Q. Is your answer yes?

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1 MR. LUETKEHANS: I have an objection
2 standing.
3 CHAIRMAN FINNIGAN: What are you objecting
4 to?
5 MR. LUETKEHANS: Leading the witness. I
6 mean if he wants -- if he wants to ask him a
7 question he can, but he shouldn't lead him through
8 the answer and the question at the same time. It's
9 rebuttal, it's not -- it's his own witness. His
10 question is awfully leading.
11 CHAIRMAN FINNIGAN: Clarify the question I
12 guess, questions and answers.
13 Q. Did you use a zero ground factor in
14 preparing this revised report?
15 A. Yes, I did.
16 Q. In your opinion, is that zero ground
17 factor a conservative assumption?
18 MR. LUETKEHANS: Objection, leading.
19 CHAIRMAN FINNIGAN: That's a question.
20 MR. LUETKEHANS: It's a question with the
21 answer in it. That's the definition of the word
22 leading.
23 CHAIRMAN FINNIGAN: He's his expert.
24 MR. LUETKEHANS: You're right, he's his

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1 expert, but he doesn't have the right to testify for
2 his expert which is what he's actually doing.
3 MR. GRIFFIN: I asked him what his opinion
4 is. That's not a leading question.
5 MR. LUETKEHANS: He asked what his opinion
6 was and then gave him the opinion. If he wants to
7 ask his opinion, he should ask his opinion.
8 CHAIRMAN FINNIGAN: Ask the question and
9 we'll see if we can get it worked out
10 BY MR. GRIFFIN:
11 Q. In your opinion, is using a zero ground
12 factor a conservative assumption or not a
13 conservative assumption?
14 A. It's a conservative assumption in that it
15 results in higher noise levels, thus more of a worst
16 case impact analysis.
17 MR. GRIFFIN: That's all the questions I
18 have for Mr. Hankard, thank you.
19 CHAIRMAN FINNIGAN: Questions from the
20 board? Staff?
21 MR. DICK: No.
22 MR. LUETKEHANS: Phil Luetkehans.
23 QUESTIONS BY
24 MR. LUETKEHANS:

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1 Q. Mr. Hankard, your report does something
2 other than just remodel the ones that's based on the
3 movement of turbines, doesn't it? It also adds two
4 new turbines that you missed.
5 CHAIRMAN FINNIGAN: You've got to let him
6 answer the question.
7 MR. LUETKEHANS: It's one question.
8 A. Not turbines. You said --
9 Q. I mean receptors you missed.
10 A. Correct.
11 Q. Okay, let's talk about those receptors you
12 missed for a minute if we could. If we go to -- the
13 pages aren't number so I apologize. It's the
14 last -- it's about the fifth page from the back,
15 it's the last page on table -- actually the table is
16 not -- it's Appendix C, sorry.
17 A. I think I have it.
18 Q. Okay. The two turbines at the bottom,
19 A1001 and A1002, those are -- or the two receptors
20 at the bottom, those are receptors you did not have
21 in your prior report, correct?
22 A. Correct.
23 Q. And those were only found, pointed out to
24 you by Mr. Slagel's testimony, correct?

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1 **A. Yes.**
 2 Q. Okay. Let's talk -- let's go down to the
 3 measurements of those turbines. A1001 we have a
 4 1000 hertz level of 37.6. Again, that's after you
 5 took off the dBs, the 2 dBs?
 6 **A. That's after we made all of the**
 7 **adjustments and --**
 8 Q. And one of those was taking off 2 dBs,
 9 correct, for everything?
 10 **A. One of them, correct.**
 11 Q. Okay. And then you did the same thing for
 12 A1002, correct?
 13 **A. Yes.**
 14 Q. Is it correct that the ISO has a margin of
 15 error of plus or minus 3 decibels at certain levels?
 16 **MR. GRIFFIN:** I'm going to object. This
 17 is beyond the scope of his rebuttal testimony.
 18 **MR. LUETKEHANS:** His rebuttal testimony is
 19 A1001 and A1002 and I'm asking questions
 20 specifically about those two measurements.
 21 **CHAIRMAN FINNIGAN:** Can you answer the
 22 question?
 23 **A. I can, yeah. The ISO 9613-2 methodology**
 24 **does have a margin of error or an uncertainty**

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1 **associated with it. There's a number of parameters**
 2 **that go into that.**
 3 Q. And that uncertainty is plus or minus 3
 4 decibels, correct?
 5 **A. It can be less than that, it can be more**
 6 **than that, but that is kind of considered by some to**
 7 **be a typical uncertainty with the method.**
 8 Q. And there's also an uncertainty in the
 9 method where the noise emitter is above 30 meters,
 10 correct?
 11 **A. The height of the source when it gets**
 12 **above 30 meters, the margin of error increases,**
 13 **that's correct.**
 14 Q. Okay, and the height of the source in this
 15 level -- at this is approximately 140, 150 -- well,
 16 actually 160 meters, correct?
 17 **A. Well, we assume the center of the source**
 18 **to be the height of the source, so hub height of 90**
 19 **meters --**
 20 Q. Okay.
 21 **A. -- but yes, it's more than 30.**
 22 Q. Okay. And also there's an uncertainty,
 23 there's a margin of error or uncertainty that's also
 24 provided by the manufacturer in this case, correct?

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1 **A. Yes, the turbine manufacturers measure**
 2 **noise levels at a test site and then those**
 3 **measurements have an uncertainty associated with**
 4 **them.**
 5 Q. And that's approximately 2 decibels as
 6 well, correct?
 7 **A. It is often 2, yes.**
 8 Q. Plus or minus 2 decibels?
 9 **A. I assume, but to be honest, I'm not sure**
 10 **if it is -- I guess given that it's an uncertainty,**
 11 **yes, it would be plus or minus, but that would be**
 12 **subject to my checking that.**
 13 Q. Do you recall being asked this question
 14 and giving this answer then? So even at conditions
 15 validated for the ISO model, we have a plus or minus
 16 3 decibel margin of error in the ISO model plus a
 17 manufacturer's margin of error of plus or minus 2
 18 decibels, correct? Answer: Correct.
 19 Do you remember being asked that question
 20 and giving that answer to me on December 15th, 2014?
 21 **CHAIRMAN FINNIGAN:** That wasn't tonight.
 22 **MR. LUETKEHANS:** It's impeachment.
 23 **CHAIRMAN FINNIGAN:** We're here to talk
 24 about what was testified to tonight.

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1 **MR. LUETKEHANS:** Correct, and he instead
 2 of giving -- he waffled on his answer, and in the
 3 past he's been very certain about the answer, and I
 4 have the right to ask him whether he remembers being
 5 certain about his answer in the past and not
 6 waffling like this. This is not -- this is
 7 impeachment of testimony. And, in fact, Mr. Griffin
 8 hasn't even objected because he knows that --
 9 **MR. GRIFFIN:** I'm trying to limit my
 10 objections.
 11 **MR. LUETKEHANS:** He knows I'm doing it
 12 right.
 13 **MR. GRIFFIN:** I don't think it will be
 14 impeachment because of the way he answered the
 15 question, so -- he didn't answer the question in an
 16 inconsistent manner.
 17 **MR. LUETKEHANS:** It's one answer, does he
 18 remember being asked that question and giving that
 19 answer? That's all it is.
 20 **CHAIRMAN FINNIGAN:** I think we're going to
 21 move on.
 22 **MR. LUETKEHANS:** Nothing further.
 23 **CHAIRMAN FINNIGAN:** Does anybody else have
 24 any questions of this witness? Seeing none, do you

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1 have anybody else?
 2 **MR. GRIFFIN:** No, we don't. Thank you,
 3 Mr. Chairman.
 4 **CHAIRMAN FINNIGAN:** Would you have some
 5 rebuttal that you want to bring forward?
 6 **MR. LUETKEHANS:** No, sir.
 7 **CHAIRMAN FINNIGAN:** Okay, I've got to ask
 8 where we're going again. Would any interested
 9 parties in the audience want to give rebuttal from
 10 what was testified to tonight and a little bit the
 11 other night?
 12 We're at the point where we're going to be
 13 closing statements, so we're going to open up to the
 14 audience, but I think Phil's going to call the names
 15 or somebody's going to call the names, it's not
 16 going to be me, and -- go ahead, come on up if
 17 you've got a question.
 18 **MR. JOLLY:** Tim Jolly, 26759 East 2700
 19 North. I would like to ask that as far as the
 20 audience or the -- I've talked with other
 21 individuals as well that have testified before. I
 22 believe that it would be important that Mr.
 23 Luetkehans gets to present his case because he would
 24 probably have the most weight of the evidence and

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1 things that would be pertinent in this case, and I
 2 believe we don't want to double testify and take up
 3 more of the board's time than necessary, so if we
 4 could possibly request that he be able to take care
 5 of that first and then we can go from there. I'd
 6 appreciate it.
 7 **CHAIRMAN FINNIGAN:** But I think the
 8 problem is we're going to have to call the names and
 9 they're going to have to make that choice on their
 10 own. So they're going to call a name and they can
 11 defer if they want to, but if they want to come
 12 forward, they have a chance to come forward.
 13 **MR. JOLLY:** Okay, and if we do defer, are
 14 we still going to be able to have that chance then
 15 later, to just defer our time now so that we could
 16 let him go first so we don't duplicate testimony,
 17 that's all I'm asking.
 18 **CHAIRMAN FINNIGAN:** No, I don't -- I got
 19 to get a ruling on who's going to be first, but my
 20 thought is that this is a time for everybody to come
 21 forward if they want to and refresh our memory on
 22 what you guys want us to hear.
 23 **MR. JOLLY:** Sure.
 24 **CHAIRMAN FINNIGAN:** And I think that

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1 that's important to us because this hearing has ran
 2 on quite a while and a lot of testimony has been
 3 done in a period of time that I haven't been able to
 4 take notes for, other board members have, but if you
 5 come forward, I think it's important to me to hear
 6 what you want to say, and I think the board wants to
 7 hear what you want to say, and then we can put our
 8 weight on that.
 9 But I know that some of you want to say
 10 that we just don't want a wind farm. Now, that's
 11 not -- that might be what you want, but is there a
 12 second choice possibly? And I think that's
 13 important to let us know what you really want,
 14 supporters and objectors, so that's why it's more
 15 important to me to hear from the person, but I'm not
 16 going to tell you that they have to come up.
 17 **MR. JOLLY:** Well, I understand what you're
 18 saying and I support what you're saying. I'm just
 19 saying that Mr. Luetkehans can put his testimony out
 20 first, and if other people -- I just want to make --
 21 I do want to say something and I know that other
 22 people do as well. It's just a matter of him having
 23 the weight of the evidence and the things that are
 24 probably the most pertinent that may be the things

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1 that your decision would be based on.
 2 And so our opinion is our opinion, but the
 3 facts and the evidence is what would probably weigh
 4 the most, which would probably be beneficial to
 5 possibly get that out first, and then everybody
 6 still I believe should have the opportunity to if
 7 they want to state just one thing or if they have a
 8 closing statement. I just believe that it would be
 9 appropriate to do it that way so that he could. I
 10 myself, if I get my name called, I would rather him
 11 go first.
 12 **CHAIRMAN FINNIGAN:** Well, my counsel has
 13 been whispering in my ear, she doesn't realize how
 14 deaf I am, but we're going to call the names and
 15 we're going to let them have the choice, so that's
 16 the way we're going to do it.
 17 **MR. JOLLY:** The choice of either being
 18 able to say something or nothing at all, is that the
 19 choice?
 20 **CHAIRMAN FINNIGAN:** That's right.
 21 **MR. JOLLY:** Really?
 22 **CHAIRMAN FINNIGAN:** You can either -- you
 23 can come up and do a closing statement or you can
 24 defer your time, whatever you want to do. It's

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1 their choice.
 2 **MR. JOLLY:** Defer our time as in being
 3 able to speak possibly --
 4 **CHAIRMAN FINNIGAN:** We're not going to
 5 shut anybody off.
 6 **MR. JOLLY:** Okay. Well, that's fine.
 7 **CHAIRMAN FINNIGAN:** We're going to give
 8 you the --
 9 **MR JOLLY:** That's fine. I don't want to
 10 argue the point, that's fine.
 11 **CHAIRMAN FINNIGAN:** We've got all night.
 12 If we don't get done tonight, we've got tomorrow.
 13 **MR. ZIMMERMAN:** Mr. Finnigan, I think
 14 deferred time, I think -- does that mean you get to
 15 come and talk later?
 16 **CHAIRMAN FINNIGAN:** No.
 17 **MR. ZIMMERMAN:** I think you want to be
 18 really clear. If you say I don't want to give a
 19 closing statement, and using the term defer in
 20 common language means you get to do it later, this
 21 means no, you don't get to do it later.
 22 **MR. JOLLY:** Well, when he said defer,
 23 that's what I took that as being, so I guess that's
 24 a misunderstanding of everybody.

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1 **CHAIRMAN FINNIGAN:** That's why I have
 2 somebody backing me. So when we call your name,
 3 when we call your name, what I meant to say was
 4 either come forward or say I'm represented by
 5 counsel and he's going to speak for me.
 6 **MR. JOLLY:** Otherwise, I can't wait 'til
 7 later.
 8 **CHAIRMAN FINNIGAN:** When your name is
 9 called, you've got to make that choice. Push the
 10 button please.
 11 **MR. JOLLY:** Yes, sir, I will, thank you.
 12 **MR. DICK:** The applicant can go first.
 13 **CHAIRMAN FINNIGAN:** This will be a five
 14 minute closing.
 15 **MR. LUETKEHANS:** Five minutes?
 16 **CHAIRMAN FINNIGAN:** For all. Can you do
 17 that?
 18 **MR. GRIFFIN:** I can.
 19 **CHAIRMAN FINNIGAN:** It's a challenge for
 20 you.
 21 **MR. GRIFFIN:** Mr. Zimmerman had suggested
 22 30 seconds, so I'm happen to get five minutes.
 23 **MR. ZIMMERMAN:** Think of it as ten times
 24 as much time.

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1 **MR. GRIFFIN:** I do want to pass something
 2 out.
 3 **MR. DICK:** Is this an exhibit or part of
 4 your closing?
 5 **MR. GRIFFIN:** Well, it's not evidence, but
 6 if you want to mark it as an exhibit just so it's in
 7 the record and documented, we can call it
 8 Applicant's No. 20.
 9 **CHAIRMAN FINNIGAN:** I guess we're going to
 10 call it an exhibit.
 11 **MR. GRIFFIN:** That's fine. I just want to
 12 make sure it's not intended to be evidence. It's
 13 just -- as you'll see, I'll go through it in my
 14 remarks here.
 15 All right, Jim Griffin, Schain Banks, 70
 16 West Madison Street, Suite 5300, Chicago, Illinois,
 17 60602.
 18 All right, with only five minutes, I will
 19 dive right in. The applicant believes respectfully
 20 that the application that was submitted, the
 21 substantial application and the testimony that has
 22 been presented to this board demonstrates compliance
 23 with the seven special use standards under the
 24 McLean County zoning ordinance. And I'm going to go

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1 through those very briefly.
 2 Standard A is whether the proposed special
 3 use will not be detrimental to or endanger the
 4 health, safety, morals, comfort or welfare of the
 5 general public. We believe that standard has been
 6 met. The project will utilize wind turbines that
 7 meet all of the design and safety requirements of
 8 the zoning ordinance.
 9 The project will comply with all setback
 10 requirements from residential areas, residences and
 11 property lines. Compliance with these setbacks
 12 ensures the project improvements are located at safe
 13 and appropriate distances from other uses and roads.
 14 The applicant demonstrated through the
 15 report prepared by Mr. Hankard and his revised
 16 report that the project will comply with the noise
 17 standards of the zoning ordinance and Illinois
 18 Pollution Control Board. The noise model utilized
 19 conservative assumptions and established that the
 20 project will not emit noise to the residential uses
 21 near the project at any objectionable level. The
 22 IPCB regulations do not have any provisions as to
 23 modelling, they are only provisions as to noise
 24 measurement, and of course we are not measuring

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1 noise here.
 2 Mr. Hankard is preparing a model to
 3 estimate the noise that may be transmitted by these
 4 wind turbines, and Mr. Hankard did his model
 5 pursuant to international standards and by utilizing
 6 his professional judgment based upon 27 years of
 7 experience, including extensive experience with
 8 modelling for wind farm noise and measuring wind
 9 farm noise. So we believe that Mr. Hankard's report
 10 and his revised report demonstrate compliance with
 11 the noise standard.
 12 The project also voluntarily limited
 13 shadow flicker on any nonparticipating residences to
 14 a maximum of 30 hours per year. The applicant also
 15 will provide decommissioning security for the
 16 ultimate removal of these wind energy turbines.
 17 So for these reasons, and others, we
 18 believe that the project will not be detrimental to
 19 the health, safety, morals, comfort or welfare.
 20 As to Standard B, whether the proposed
 21 special use will not be injurious to the use and
 22 enjoyment of other property in the immediate
 23 vicinity for purposes already permitted or
 24 substantially diminish property values in the

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1 immediate area, that standard is also met for the
 2 reasons I already stated. Additionally diminishment
 3 of property value will not occur as was testified to
 4 by Mr. MaRous in his report and some testimony from
 5 Dr. Loomis, both of whom stated they found in their
 6 research that residential property values did not
 7 substantially decline or decline at all when they're
 8 located in proximity to wind farms. So we believe
 9 that Standard B is satisfied.
 10 Standard C is whether the proposed use
 11 will not impede the orderly development of the
 12 surrounding property for uses permitted in the
 13 district. Nearly all the property surrounding the
 14 project is already developed with existing
 15 agricultural uses which are those that are permitted
 16 by the zoning ordinance, and this project will not
 17 impair any existing or future uses allowed in the
 18 agricultural zoning district.
 19 Standard D is whether adequate utilities,
 20 access roads, drainage or other necessary facilities
 21 have or will be provided. As the report indicates,
 22 all roads will be provided and -- access roads, and
 23 drainage will need to be reviewed and will need to
 24 follow the requirements of the Agricultural Impact

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1 Mitigation Agreement which is also part of this
 2 record in this case.
 3 Standard E, adequate measures have been
 4 taken or will be taken to provide ingress and egress
 5 so designed as to minimize traffic congestion in the
 6 public streets. All parcels in the project have
 7 access via public roads. Accordingly, we believe
 8 that's satisfied. We also believe that the last two
 9 standards are satisfied, but since I'm running low
 10 on time I will have to skip over those.
 11 Finally, what I have passed out to you,
 12 Mr. Dick prepared some staff recommendations that
 13 were presented before we even began testimony and
 14 that included certain stipulations or conditions.
 15 What we have done is we have provided you with a
 16 clean and a red lined copy of what we believe are
 17 proposed revisions that are reasonable to those
 18 stipulations. We've added some stipulations and
 19 we've also added some language. I know my time is
 20 up. I do want to though, if you can just give me
 21 another one minute, I would like to discuss these
 22 IDNR recommendations.
 23 This has to do with stipulation number 6
 24 IDNR recommendations, and the IDNR had seven

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1 stipulations in number 6. Number 1 we've agreed to.
 2 Number 2, as you know, we've requested one year of
 3 minimum bird and bat monitoring rather than three
 4 based upon the low risk that was testified to for
 5 fatalities, and of course if the initial studies --
 6 study indicates problems, we can do that for more
 7 than one year, but we request one year. Number 3
 8 recommendation by IDNR, number 4 we've agreed to.
 9 Number 5 is the 500 feet setback from perennial
 10 streams which was discussed tonight. As indicated,
 11 we don't believe that there is a need for that, but
 12 we have moved all but one turbine out of that.
 13 Finally number 6 we've agreed to. Number 7 we've
 14 agreed -- we are agreeing to that. Previously we
 15 said we would not do number 7 or would prefer not
 16 to, we still don't believe it's necessary, but we're
 17 happy to do it if it will help IDNR understand where
 18 the Franklin ground squirrel lives.
 19 So finally I do want to thank you before
 20 you cut me off, I want to thank the zoning board, I
 21 want to thank Mr. Mitchell, I want to thank Mr.
 22 Dick, I want to thank Ms. Walley for all your time
 23 and effort here. It's been a pleasure to appear
 24 before this board and thank you very much. We look

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1 forward to and ask for your positive recommendation
 2 on this project. Thank you.
 3 **CHAIRMAN FINNIGAN:** Thank you.
 4 **MR. DICK:** Bill Thacker.
 5 **MR. THACKER:** No thanks.
 6 **MR. DICK:** John Capasso. Angelo
 7 Capparella.
 8 **MR. CAPPARELLA:** Spelling and everything?
 9 A-N-G-E-L-O, C-A-double P-A-R-E-L-L-A, 907 South
 10 Bell Avenue, Normal. We need to reset the clock?
 11 **CHAIRMAN FINNIGAN:** We'll cut you off,
 12 don't worry. I mean go ahead, we're sitting here
 13 anyway.
 14 **MR. CAPPARELLA:** Okay, yeah. Just to
 15 re-emphasize that this is the very first time that
 16 the new wildlife portion of the ordinance, which was
 17 implemented I think back in November of last year,
 18 will be utilized in this kind of a project, so
 19 exactly how that will be interpreted by you folks is
 20 going to be important. IDNR was specifically
 21 mentioned as the person to follow just because they
 22 are state biologists who work in these areas,
 23 they're the ones I meet when I roam the woods and
 24 rivers and things, so they really know the local

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1 area. And so you will have to evaluate, if there's
 2 any disagreement with the recommendation, what is
 3 considered credible evidence.
 4 So I am pleased to hear from Invenergy
 5 that they agreed to just about everything, and in
 6 terms of where they disagreed, I still would like
 7 them to follow that additional year for
 8 recommendation number 2 study regardless. I don't
 9 think that they will pick up on any mortalities
 10 after that first year. Having myself been involved
 11 in trying to search cornfields for dead bats and the
 12 like, it's not easy to do, so unless you keep the
 13 area cleared and open with checking, you just don't
 14 know, and there is year to year variation in some of
 15 these things. And we still have a problem with that
 16 one turbine that's rather close to Henline Creek
 17 which was wrapped up in recommendation number 5.
 18 So my personal preference would be to see
 19 all seven recommendations fully implemented because
 20 IDNR is our agency responsible and knowledgeable
 21 about our local scene more so than others. I am
 22 glad though that Invenergy is moving towards that,
 23 and I guess the question would be where are you
 24 going to go with interpreting your new wildlife

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1 component of the ordinance. Thank you.
 2 **CHAIRMAN FINNIGAN:** Thank you.
 3 **MR. DICK:** Mike Matejka? Ron Morehead?
 4 **MR. MOREHEAD:** No.
 5 **MR. DICK:** Manuel Gonzalez.
 6 **MR. GONZALEZ:** No.
 7 **MR. DICK:** Sara Emberton?
 8 **MS. EMBERTON:** Excuse me for one minute.
 9 I'm begrudgingly deferring, but I still respectfully
 10 ask the opportunity to speak to anything that's not
 11 spoken to by our lawyer.
 12 **CHAIRMAN FINNIGAN:** You're going to have
 13 to come forward.
 14 **MS. EMBERTON:** Sara Emberton. Do I need
 15 to spell it? I begrudgingly defer. With all due
 16 respect, I feel this quasi-judicial format has come
 17 back to bite the people that you're supposed to
 18 protect. And at this point if I defer to the lawyer
 19 whom I have, you know, given my representation to,
 20 there may be things that are not covered in there
 21 that I still want you to hear from me. And I'm not
 22 sure why there would be a problem with him speaking
 23 to different things as long as I do not use time and
 24 waste your time to do -- to speak to other things.

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1 **CHAIRMAN FINNIGAN:** Basically it's now is
 2 your time to talk and that's the way it has to be.
 3 It's the way we set it up.
 4 **MS. EMBERTON:** Fine. I hope you all hear
 5 me and really hear me because we're putting in your
 6 hands our homes, our families and our well-being. I
 7 feel that Standard A has very much not been met.
 8 The proposed special use will not be detrimental or
 9 endanger the health, safety, morals, comfort or
 10 welfare of the public. Think about it. 2,000 feet
 11 off my back door. Not my property line because
 12 that's not where they're measuring from; my back
 13 door. Noises that are allowed to be louder at night
 14 than they are during the day because I should be
 15 holed up in my home. Flashing lights that will
 16 interfere with us as well.
 17 I want you to think about the testimony
 18 that was given by Dr. Schomer. While they may have
 19 presented a witness as well, I believe we would all
 20 agree to Dr. Schomer's expertise and the fact that
 21 he would even state that he was involved in the
 22 original information the county bases their noise
 23 ordinances on is antiquated at best. Now while you
 24 may not be able to do anything about that, you

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1 should listen to his testimony.
 2 I also believe that Standard B has not
 3 been met. The proposed special use will not be
 4 injurious to the use and enjoyment of others, their
 5 property, in the immediate vicinity for the purposes
 6 already permitted and substantially diminish
 7 property values in the immediate area. My property
 8 is residential even though I am in a country
 9 setting. I am in a small community of homes that
 10 were formerly a cul de sac of sorts. I should be
 11 able to use my property the way that I purchased it
 12 for and pay my taxes for, and you should not let a
 13 corporation come in from anywhere and take that away
 14 from me.
 15 I also expect that you guys will protect
 16 the right that if I do choose to sell my home some
 17 point down the road out of necessity, that my
 18 ability to will not be infringed upon based upon
 19 some hand-picked evidence by special witnesses for
 20 the applicant. We all know that I could find a
 21 number to come at you with that would counter that.
 22 In closing, I ask that you take everything
 23 else out of the equation except for protecting the
 24 people within these zoning limits. That's all, just

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1 the people, their homes, the taxpayers within these
 2 zoning limits, and do nothing more than that.
 3 **CHAIRMAN FINNIGAN:** Thank you.
 4 **MR. DICK:** Eric Penn. Andy Byars. Amy
 5 Winterland.
 6 **MS. WINTERLAND:** I have a handout with my
 7 recommendations in writing. Can I hand this out?
 8 **MR. DICK:** Ms. Winterland, did you want to
 9 give this as an exhibit?
 10 **MS. WINTERLAND:** It's not new evidence, so
 11 I guess yes, it should be -- or I don't know what
 12 the legal rules are.
 13 **MR. DICK:** We can put it as an exhibit.
 14 **MS. WINTERLAND:** Okay.
 15 **MR. DICK:** Would you want to be calling it
 16 an objectors exhibit?
 17 **MS. WINTERLAND:** You can still call it
 18 neutral, although I'm going to talk about that a
 19 little bit in my speech --
 20 **MR. DICK:** Call it Neutral Exhibit --
 21 **MS. WINTERLAND:** -- because I was neutral
 22 to begin with, so my initial testimony is under the
 23 neutral exhibit. I think maybe 3 or 2?
 24 **MS. CARLTON:** Phil, there were not enough

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1 handouts.
 2 **MS. WINTERLAND:** I have one extra. I made
 3 ten. Are there not ten? You guys need one? I have
 4 one extra.
 5 **MR. DICK:** We'll call this Neutral Exhibit
 6 8.
 7 **CHAIRMAN FINNIGAN:** You ought to give your
 8 name again.
 9 **MS. WINTERLAND:** Do you think? Amy
 10 Winterland. I appreciate the opportunity to give
 11 closing comments. This has been a long process.
 12 The board has been very patient and has tolerated
 13 those of us who have stumbled while trying to make a
 14 difference.
 15 I found myself being a lot more neutral
 16 earlier in this process than I am currently, and I
 17 want to apologize to the board, to the people who
 18 have testified, if I asked inappropriate questions.
 19 This is not my forte, we are all new to this that
 20 have spoken, and I will try to keep my emotions in
 21 check, although that's becoming more difficult.
 22 First, I truly thought Invenergy and the
 23 zoning board would care about some of the things
 24 that I brought up in testimony and in questioning,

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1 things like the fact that certain turbines were
 2 located precariously close to floodplains, see page
 3 2, number 1 -- or numbers 91 and 99. And that
 4 Invenergy did not do a ten mile eagle nest survey in
 5 2017, see page 3 and 4, per the U.S. Fish and
 6 Wildlife Services recommendations. And that Dr.
 7 Hankard's noise study was done without the benefit
 8 of specific noise emission specifications for the
 9 500-foot low noise trailing edge blades, see page
 10 number 5 where they had to estimate that noise
 11 reduction.
 12 But when I heard last week that the board
 13 would listen to anything we, the citizens, have to
 14 say but that more credibility was given to the
 15 experts, I was seriously taken aback. What that
 16 means to me is that Invenergy with their lawyers and
 17 their experts have much more weight than me, a
 18 simple resident, a concerned citizen, who thought I
 19 had a voice and who thought I could make a
 20 difference.
 21 The other thing that has changed over the
 22 course of this process is my opinion about this wind
 23 company. I naively believed Invenergy would, as a
 24 good neighbor should, do the right thing and

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1 voluntarily comply with various recommendations, but
 2 Invenergy has made it quite clear that they will
 3 only comply with changes if the zoning board and
 4 McLean County require it. So apparently this zoning
 5 board must be very specific in what it requires
 6 Invenergy to change.
 7 So based upon my original testimony, I
 8 want to close by asking for three things. I want
 9 the zoning board to uphold the ordinance and force
 10 Invenergy to accept the IDNR recommendations.
 11 Specifically there should be a one half mile setback
 12 to both the Mackinaw River and the Henline Creek,
 13 and not just the confluence area where the two areas
 14 meet but the entire Henline Creek. The Henline
 15 Creek has woodlands sporadically along its banks.
 16 It's not just at the confluence where the woodland
 17 exists. And I'm asking the zoning board to protect
 18 the pristine nature of this Illinois Natural Areas
 19 Inventory, INAI, site and require Invenergy to
 20 comply with this one half mile setback. That will
 21 mean additional turbines would need to be
 22 eliminated.
 23 As a resident within the project -- number
 24 two. As a resident within the project footprint

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1 with ten turbines around my house, of course I'm
 2 concerned with noise. After hearing the testimony
 3 of Dr. Schomer, I'm even more concerned. When the
 4 McLean County board adopted the current wind power
 5 text amendment in November of 2016, we did not have
 6 the benefit of Dr. Schomer's testimony. Dr. Schomer
 7 clearly stated that the Illinois Pollution Control
 8 Board maximums did not contemplate wind farms and
 9 that using IPCB standards would be improper. He
 10 further stated that 1500 foot setbacks would be a
 11 mistake and would not adequately protect residents
 12 from noise emissions. Now that you, the zoning
 13 board, have heard that expert testimony, I hope you
 14 consider it when making your decision. I would like
 15 to see more research done before approval because it
 16 appears that our ordinance does not adequately
 17 satisfy the first standard, Standard A. I believe
 18 that our health, safety, morals, comfort and welfare
 19 of the residents will be impacted if these things
 20 are implemented.
 21 Finally, if the zoning board has no desire
 22 to look further into noise and/or potential health
 23 issues, then at a minimum I would like the zoning
 24 board to include a stipulation in the special use

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1 application that requires Invenergy to use the low
 2 noise trailing edge blades on all turbines,
 3 including the 29 that are currently slated to use
 4 standard blades. And more specifically, around the
 5 Winterland residence, that would be turbines number
 6 76, 54, 94, 95, 97 and 98. I thank you for your
 7 consideration. Amen.
 8 **CHAIRMAN FINNIGAN:** You did a fine job.
 9 Thanks for coming up.
 10 **MR. DICK:** Julie Cotter.
 11 **MS. COTTER:** Julie Cotter, C-O-T-T-E-R. I
 12 too want to thank you for all your time and
 13 patience. We are not professionals at doing what
 14 we've been doing here these last few weeks. And I
 15 apologize if some of this may be redundant to the
 16 people who have already testified.
 17 I am asking you to look at this as if it
 18 was potentially coming to your backyards. This
 19 project has only one advantage which is money being
 20 made by very few people, most of whom do not live on
 21 or even near their property that they've signed up
 22 to have these turbines. The school and a few other
 23 entities also stand to make extra money. If this
 24 project is rejected, none of those people or

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1 entities will be any worse off than what they are
 2 today. However, on the other hand, there are many
 3 disadvantages and many will be made worse off than
 4 what they are today if the turbine project goes
 5 through.
 6 The number of McLean County residents
 7 affected adversely far exceeds the number of
 8 residents that benefit. It will affect those of us
 9 that are nonparticipants 24 hours a day, seven days
 10 a week for the next 20 or 30 years of our lives,
 11 many of us the rest of our lives. It is already
 12 dividing families and breaking up friendships in our
 13 community.
 14 As stated in number one of your standard
 15 issuance of a special use permit, it will be
 16 detrimental and endanger our health, both physically
 17 and mentally; our safety both during construction
 18 and after as there's chances of malfunctions,
 19 tornadoes, things that we're not even aware of. It
 20 will definitely have a huge negative effect on our
 21 comfort and welfare. The definition of comfort from
 22 the dictionary being: affording or enjoying
 23 contentment and security free from stress and
 24 tension. We will no longer have that. The

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1 definition of welfare from the dictionary being:
 2 the health, happiness and fortunes of a person or
 3 group.
 4 Number 2 of your standards. Without a
 5 doubt, it will be injurious to the use and enjoyment
 6 of our property in the immediate vicinity. There is
 7 a very large potential that nonparticipants will be
 8 limited to the use and what can be done on our
 9 properties, especially due to the turbines being
 10 measured from our foundations and not property
 11 lines. The fact that nonparticipants will lose the
 12 ability to enjoy their property as before has been
 13 made very clear here time and time again, most
 14 recently from the gentleman from Carlock who
 15 testified to the reality of living with turbines
 16 from a human side, not charts and evidence that's
 17 not even always truthful.
 18 Property values. While there is no hard
 19 study showing either way, it is only common sense
 20 that anyone with a choice would prefer not to live
 21 surrounded by turbines. The comparisons presented
 22 by Invenergy were a farce. Comparing Downs
 23 property, which is almost a suburb of Bloomington, a
 24 thriving town with beautiful growing subdivisions

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1 and some new very pricey homes and rural property,
 2 to Sibley, Illinois, is preposterous. Sibley is a
 3 tiny dying town in the middle of nowhere with no
 4 retail stores, except if you need livestock feed or
 5 farm supplies. They are miles away from a grocery
 6 store or any place to purchase any necessities. So
 7 Downs and Sibley, there is no comparison.
 8 Without taking more time and going into
 9 details, this project and company have been
 10 discredited on every one of the five remaining
 11 standards. It is for this reason that my husband
 12 and I are begging you to adhere to your own
 13 standards and reject the entire project. Thank you.
 14 **CHAIRMAN FINNIGAN:** Thank you.
 15 **MR. DICK:** Barb Metz.
 16 **MS. METZ:** Barb Metz, 27709 North 2550
 17 East Road in Lexington. I had a prepared speech
 18 last Thursday when I came, but then of course I
 19 didn't bring it today and I apologize. I feel like
 20 the residents of Lexington are at a total
 21 disadvantage at this board meeting. Invenergy has
 22 had years to make their preparations, get their
 23 experts. I received a letter about this board
 24 meeting. Others in our community directly impacted

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1 in this footprint didn't receive the letter. I live
 2 out in the country, I don't get a paper. I do see
 3 the McLean -- or the Pantagraph online. Did not see
 4 anything to do about a public meeting and all this
 5 other kind of stuff. I don't know if any
 6 publication was submitted in the Lexingtonian or the
 7 Chenoa paper, but I think that's by design. They
 8 don't really want the community citizens to know
 9 what's going on and I feel at a very disadvantage.
 10 So I showed up because I got a letter, I
 11 don't know why, but it just said come listen. So I
 12 came and I listened, and the very first night I'm
 13 hearing testimony by Invenergy experts, and then
 14 when our Lexingtonian people get together and say,
 15 hey, we need to discuss this, we find out our
 16 attorney that we finally decided we need to present,
 17 to go to bat for us, isn't even allowed to tell our
 18 story for us. And then one meeting we were told it
 19 doesn't really matter what the citizens say, it's
 20 all expert testimony. Well, you just told our
 21 attorney weeks after the fact that he couldn't come
 22 and talk for us because we missed the boat because
 23 we didn't know he was supposed to be here for us. I
 24 really feel like that we've been set up on this and

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1 I don't feel it's fair.
 2 And then when I look at the seven things,
 3 the proposed special will not be detrimental or
 4 endanger the health, safety, morals, comfort,
 5 welfare of the public. Now Invenergy's not new to
 6 this. They've done this what, ten plus years? You
 7 can't tell me it's all glory. There has to be a bad
 8 picture someplace, something didn't go as they
 9 planned, the results didn't turn out as they
 10 planned, but we don't hear any of that.
 11 We -- they have a chance to tell their
 12 story, that what they did right, hey, we put this
 13 project out there, we went and evaluated every
 14 single property, we figured out we were right on
 15 target or we missed the target, but they don't
 16 address that. If they came to my home tomorrow and
 17 said, Barb, we resurveyed and this is what your
 18 sound levels are, I can't dispute that, I'm not a
 19 sound expert, I don't even know what those little
 20 squiggly lines mean, they could tell me anything.
 21 It's not proof for me. All I know is I might
 22 possibly have an issue. They have not -- they have
 23 the data to prove what they're saying. They did not
 24 come and prove anything to me. I don't think really

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1 they proved anything to you. All you have is their
 2 testimony and their models. They've done enough
 3 testing they could have proven it if they so chose.
 4 They chose not to.
 5 You guys all know my house is up for sale.
 6 I dropped the price \$10,000 the other day. People
 7 came to look. Their comment to the realtor, I like
 8 it but I don't know what's going on with the
 9 windmills. That hurts me. Whether they want to
 10 admit it or not, that hurts me and that's very
 11 distressful to me.
 12 At the very least, my first choice is wind
 13 energy gets denied, I don't want that in our
 14 Lexington area, but at the very least, I think I
 15 have a turbine about 2300 feet from my residence. I
 16 would like it to go with Dr. Schomer's
 17 recommendation and expand to 3400 feet I think,
 18 so -- because I'm in the direct line of that
 19 southwest wind coming directly at my house. And I'm
 20 turbine -- or turbine 39 I think is the one that's
 21 going to cause me the problems.
 22 I will be impacted by this one way or
 23 another. We all know that the ones of us in the
 24 footprint that are not participating are only going

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1 to be distraught by this, we are getting no benefit,
 2 and I ask that you disapprove this. There's a whole
 3 lot more of us in the not beneficial than there is
 4 the beneficial category. Thank you.
 5 **CHAIRMAN FINNIGAN:** Thank you.
 6 **MR. DICK:** Jim Pitzer.
 7 **MR. PITZER:** Defer.
 8 **MS. WALLEY:** Mr. Pitzer, can you come up
 9 for me?
 10 **MR. PITZER:** Where do you want me?
 11 **MS. WALLEY:** Have a seat. Jim, can you
 12 turn the microphone on? I missed what you said.
 13 **MR. PITZER:** I said I defer.
 14 **MS. WALLEY:** You mean you want Mr.
 15 Luetkehans to speak on your behalf?
 16 **MR. PITZER:** I'm not represented by him.
 17 I defer. I have nothing to say.
 18 **MS. WALLEY:** Defer means to speak later.
 19 You don't have the option to speak later, it's --
 20 **MR. PITZER:** That's fine.
 21 **MS. WALLEY:** So would you like to speak
 22 now?
 23 **MR. PITZER:** No.
 24 **MS. WALLEY:** Okay, okay, you're choosing

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1 not to.
 2 **MR. PITZER:** Yes.
 3 **MS. WALLEY:** Okay, I just wanted to make
 4 sure I understood.
 5 **MR. PITZER:** Okay.
 6 **MR. DICK:** Glenn Schwass. David Hill.
 7 Ronny Paul. Dan Whalen. Scott Schertz. Tim Jolly.
 8 **MR. KURITZ:** Wait, we have -- Scott
 9 Schertz is coming up.
 10 **MR. SCHERTZ:** Hello. I am Scott Schertz,
 11 22761 North 1300 East Road, Hudson, Illinois.
 12 **CHAIRMAN FINNIGAN:** Could you spell your
 13 last name, Mr. Schertz?
 14 **MR. SCHERTZ:** Certainly, S-C-H-E-R-T-Z,
 15 and my comments here are referring to Schertz Aerial
 16 Service. Our main location is near Cooksville,
 17 Illinois, in the southeast corner of Lexington
 18 Township.
 19 And just for the record, I do want to
 20 clearly state the statement that I have on the
 21 modifications. These placement and height
 22 modifications may mitigate some risk from wind
 23 turbines for operations at my company's main air
 24 strip. I want to be clear that is all that I have

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1 agreed to or that I think is appropriate to
 2 represent. Okay, thank you.
 3 **CHAIRMAN FINNIGAN:** Thank you.
 4 **MR. DICK:** Tim Jolly.
 5 **MR. JOLLY:** Tim Jolly, 26759 East 2700
 6 North Road. First and foremost, I want to thank
 7 you, the board, for hearing quite a volume of
 8 testimony, evidence, and the things that you have to
 9 weigh out for your decision is pretty burdensome and
 10 there's a lot of people depending on the decisions
 11 that you make and I just want you to know that we
 12 appreciate you taking the time to do so.
 13 The first thing that -- and it's really
 14 the one thing that is undisputed and it hasn't
 15 really been talked about a lot, but these windmills
 16 are killing machines. They've killed wildlife,
 17 they've affected things in the wildlife aspect, and
 18 they bother people that live close by. That's
 19 undisputed. It's been testified to.
 20 They are also operating at 30 percent
 21 efficiency. I think that if we gave 30 percent of
 22 our effort in our jobs, we wouldn't have a job very
 23 long. And that also to me indicates that this is
 24 not the place for this project. There are surely

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1 other places where this project can be better suited
 2 to send the energy somewhere else which this project
 3 is going to do. It's not even going to benefit the
 4 people that are in the immediate area. So this
 5 project really doesn't even belong here.
 6 I believe it's the responsibility of
 7 either the applicant or the McLean County government
 8 to properly notify the citizens, and I mean all of
 9 the citizens, of these proceedings. That's
 10 something that I think is probably the most
 11 impactful of what's been happening with this
 12 proceeding. I've even had people two days ago tell
 13 me that this is the first time they heard of it and
 14 it's ridiculous that we can't get some kind of a
 15 notice.
 16 Like I indicated in my testimony, I
 17 deliver mail. They have box holders. And if done
 18 by a permit, nonprofit permit or whatever, it goes
 19 to every single household, whether you rent, whether
 20 you own. If there's a delivery address, everybody
 21 gets it. I am just suggesting that that's one
 22 possible way. There are many other ways though that
 23 you can do it as well and I think that they should
 24 be looked into.

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1 There was also not enough time allowed in
 2 the October 16th or back in the 2000, back in
 3 2016 -- I'm sorry, let me correct myself. I don't
 4 believe that there was ample enough time to allow
 5 testimony to do so in that 2016 set of hearings.
 6 The hearing that I attended, a fellow, as I
 7 indicated, was cut short with his testimony, and
 8 part of his testimony had to do with the sound and
 9 how the models that were put forth, and actually it
 10 was to include Dr. Schomer which would have been
 11 able to testify at that time and we probably
 12 wouldn't be sitting here today.
 13 Had Dr. Schomer been able to testify, I
 14 think he would have enlightened the ZBA, the county
 15 board, in how the IPCB standards are improper for
 16 windmill projects. He stated that when he was here
 17 and actually did testify. And that the 1500 foot
 18 setback would be a mistake and would not adequately
 19 protect residents as he testified here in these
 20 proceedings. He helped write the standards in 1968,
 21 there were no windmill projects at the time, and it
 22 was testified as well. Those standards were not
 23 even taking into account the windmill farms, I don't
 24 even want to call them farms, I farm and that's not

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1 even in the same realm, that he -- that they don't
 2 even take into effect the windmills and what they do
 3 to the residents nearby. The pollution standards
 4 have to do with just decibels of noise, but there's
 5 so much more in the windmills and everybody
 6 understands that from the testimony, and there are
 7 so many other things that can affect besides just
 8 sound, infrasound, vibration all the things that are
 9 involved.
 10 Invenergy has had opportunities to cite
 11 studies that show no effects, so they've had the
 12 opportunity to prove that this is harmless, it's not
 13 going to affect us, you don't have nothing to worry
 14 about. That's what they tell us, but they've
 15 provided nothing to show us that we're not at harm's
 16 risk.
 17 My concerns for the communities that are
 18 affected, especially Lexington, Chenoa, Colfax,
 19 Gridley, the first families to move out of the
 20 communities are the families with children, young
 21 children. Lexington can't afford to lose any more
 22 children. Money is not going to fix bringing
 23 children in. It's the surroundings and the
 24 environment. They have a wonderful community, they

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1 still have their school, but what's to say ten years
 2 down the road you have windmills and then you have
 3 less children, then the state comes in and says you
 4 don't have enough, we're going to make you go to
 5 somewhere else with your children. Then you have no
 6 school, then you have windmills. It's a double
 7 problem, something that's going to be paid for later
 8 that we really have no idea what's going to happen.
 9 The measurements need to be made from the
 10 edge of the blade sweep to the building site
 11 property line. Those are the things that are
 12 important. If somebody wants to build a shed on
 13 their property within the property lines, if it's
 14 within the setbacks, according to zoning, you
 15 probably won't even be able to build that building
 16 because it's going to be too close. Not to the
 17 house it shouldn't be measured.
 18 I was a little disappointed when I was
 19 asking Mr. Parzyck about the boring on the sites and
 20 he had no idea, so, you know, the lack of
 21 information and everything. I believe that the
 22 proposals and everything that they have come up
 23 with, they do not conform to your criteria for doing
 24 so, so I'm asking that you deny the petition or the

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1 application.
 2 **CHAIRMAN FINNIGAN:** Thank you.
 3 **MR. JOLLY:** Thank you for your time.
 4 **MR. DICK:** Kimberly Brucker.
 5 **MS. BRUCKER:** Kimberly Brucker,
 6 B-R-U-C-K-E-R, 20662 North 2900 East Road,
 7 Lexington. Again, like everybody is saying, thank
 8 you very much for your time. One of the things that
 9 I thought about over the last couple days, I would
 10 invite any of you all, members, board members, as
 11 well anyone from Invenergy, to come and spend a day,
 12 bring your kids, bring your grandkids to my farm on
 13 a gorgeous summer day. We ride horses, we ride the
 14 four-wheelers, we take a kayak in the river, and we
 15 fish. Mark my words, that would probably be one of
 16 the best days that your kids would have. At the end
 17 of the day, I'd like to think you would enjoy
 18 yourself as well. If the windmills do come through,
 19 those aren't going to be the days that we remember
 20 there. I moved to my farm to raise my kids in that
 21 environment, and it does sadden me to think that
 22 that may not happen, it may be changed.
 23 What I'm asking of all of you on the
 24 Zoning Board of Appeals is to stop and consider if

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1 you believe that this has been a fair process for
 2 those of us who live in the footprints of these
 3 windmills in McLean County. Invenergy has had
 4 approximately two years to plan for this. We were
 5 blindsided and scrambled to even wrap our minds
 6 around this. It's left us very little time to
 7 prepare or to gather our own expert witnesses.
 8 After listening to some of the testimonies last
 9 Thursday night, especially the gentleman from
 10 Carlock, the potential consequences of this
 11 frightens me to my core. I'm under the belief that
 12 you have been appointed to these positions to
 13 protect the citizens of McLean County. Clearly
 14 there are people who are worried about their future
 15 on their farms that are counting on you to protect
 16 them.
 17 I ask that you vote this project down or
 18 at the very least postpone it to allow us more time
 19 to research this and prepare the exact same that
 20 Invenergy has. Thank you.
 21 **CHAIRMAN FINNIGAN:** Thank you.
 22 **MR. DICK:** Joseph Bertsche.
 23 **CHAIRMAN FINNIGAN:** State your name and
 24 address again for the record.

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1 **MR. BERTSCHE:** Joe Bertsche,
 2 B-E-R-T-S-C-H-E, 27651 East 2700 North Road, Chenoa.
 3 **CHAIRMAN FINNIGAN:** Go ahead.
 4 **MR. BERTSCHE:** Since they brought up the
 5 amount of the depth of the drilling, Horizon came
 6 out and did test borings on my farm when they -- I
 7 think it was 2008 or 9, whatever that was they came
 8 out, and the project all fell through, so we pulled
 9 the -- they insert a plastic pipe down there and I'm
 10 estimating they stuck out of the ground about four
 11 feet, and I probably pulled about 25 feet of pipe
 12 out of the ground, so that's about where it was.
 13 And I did that in two different places because we
 14 had two sites on the farm at that time.
 15 The other thing I want to talk about is
 16 last Thursday my wife and me, we went down to see
 17 the windmills out here on Route 9. I -- I went down
 18 the Leroy-Lexington blacktop, crossed over Route 9,
 19 and pulled into the first turbine on the west side
 20 of the road, and I had a laser range finder and it
 21 was 780 feet from where I stood, where I parked the
 22 car in the access road, and I listened for it or I
 23 listened to it. I could hear a little bit of a
 24 whoosh and I could hear a little bit of a whine at

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1 the top. The wind was blowing at about, the TV said
 2 about 10 to 20 mile an hour, it was blowing pretty
 3 hard, and they -- I think the windmills at that time
 4 were really putting out because we measured them and
 5 they were all facing -- the wind was coming straight
 6 out of the south and they were all facing straight
 7 south into the wind, and we counted them doing
 8 approximately 15 revolutions a minute by the time --
 9 just going by my watch. Could have been more, could
 10 have been a little less.
 11 I left there and went south to the first
 12 crossroads and found one that was just under 1500
 13 feet away and it was blowing -- well, it wasn't
 14 blowing, it was aimed right to a farmstead to the
 15 north of it. Like I said, the wind was blowing
 16 right out of the south. I heard the same thing
 17 there, only a little less because I was a lot
 18 further away.
 19 Where the projected windmill on our place
 20 is I'm going to be 1540 feet from the south, south
 21 of my foundation. My property line will be another
 22 135 feet to the north, but I figured that was a
 23 pretty good example of where I will be at. I don't
 24 have any doubt that I'll probably on a night that's

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1 decent and cool, that I might sit out on my patio
 2 and listen to it. Some people say they're noisy;
 3 some people say they're not. I'm not going to argue
 4 the fact. It is what it is for me. I can't say
 5 that for anybody else.
 6 My nearest neighbor is over three-quarters
 7 of a mile away. I'll have -- I know there will be
 8 one more to the southeast, there'll be two -- one to
 9 the southwest and then there will be some more to
 10 the south, two more on the Stover ground there.
 11 There'll be three or four to the north. I'm right
 12 in the middle of it. I'm as close as anybody is
 13 going to be to any of these windmills, plus I've got
 14 the substation and I'll probably have lights and
 15 this and that to put up with. I don't think that
 16 will bother me too much. At least it'll keep
 17 vandals out of the south end of the farm.
 18 But those are the findings I found. I'm
 19 not going to argue with anybody what they'll be,
 20 whether good, bad or ugly or otherwise, but I think
 21 we're passing up a good chance to get some money to
 22 our local taxing bodies. And I'll be the first to
 23 admit, yes, we will be paid for them. That's just
 24 the way it works. We're in America. We accept when

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1 somebody wants to deal with you, we -- most of the
 2 time we cash the check. So I'd like to thank the
 3 board for listening to me and take everything into
 4 consideration and I thank you for your time.
 5 **CHAIRMAN FINNIGAN:** Thank you for coming
 6 forward.
 7 **MR. DICK:** Theodore Hartke. Dennis Hoff.
 8 **MR. HOFF:** My name is Dennis, D-E-N-N-I-S,
 9 Hoff, H-O-F-F, 1217 Royal Pointe Drive, Bloomington,
 10 61704. I keep hearing people say there's no benefit
 11 to me. My background is mainly based in energy, and
 12 I got to tell you that power has to come from
 13 somewhere. Every time you flip that switch, you
 14 depend on whatever you do. We're just all so used
 15 to it, I guess, we don't even consider not being
 16 without it, but I'm telling you that power's got to
 17 come from somewhere and I prefer this over a coal
 18 plant and I certainly prefer this over added
 19 nuclear. I just want to say that. Thank you very
 20 much.
 21 **CHAIRMAN FINNIGAN:** Thank you.
 22 **MR. DICK:** Yale Young.
 23 **MR. YOUNG:** Respectfully decline.
 24 **MR. DICK:** Dan Deneen.

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1 **MR. DENEEN:** Dan Deneen, 2219 West Oakland
 2 Avenue, Bloomington. I'll try to be very brief.
 3 Won't spend a lot of time on this. First on the
 4 environmental matters, Invenergy is still confused
 5 on their role. They said we agree we'll go along
 6 with this. It's not for them to agree to comply
 7 with county regulations. It's for them to accept
 8 them or to provide credible evidence, and this needs
 9 to be important in future hearings for the ZBA and
 10 the county board; that it's not a negotiating game
 11 for some people to play around with.
 12 Angelo Capparella testified that and
 13 pointed out that IDNR, the experts, had 12 plus
 14 pages of experts stating their position on the seven
 15 recommendations. Instead we get -- we didn't get
 16 that, we didn't get studies. We got a two and a
 17 half page response from someone who didn't even know
 18 the standards of credible evidence he was required
 19 to meet. So Katie Adams stated correctly, why bend
 20 rules? You have the rules, so don't bend them.
 21 They've agreed to comply, as far as I can
 22 understand, except for one variance to place a
 23 turbine within 500 feet of one of the creeks, so do
 24 not allow any other variances, especially including

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1 on turbine 90 if it's within half a mile from the
 2 INAI section of Henline Creek. It shouldn't be
 3 placed there.
 4 The second area, and not connected to park
 5 land, is the noise. We have someone who is not
 6 following proper science. It's been 42 years ago
 7 that I took some courses where they tried to teach
 8 me about bell curves and standard deviations and all
 9 that. I can remember enough from 42 years ago that
 10 if you have a 3 decibel variance according to a
 11 standard such as ISO, if you take 2 decibels, you're
 12 going pretty far the other way. What their expert
 13 testified to is pretty much what is the best case
 14 scenario for Invenergy which is to minimize their
 15 costs and maximize their profits by placing the wind
 16 turbines closer to residences.
 17 I would respectfully suggest to this board
 18 that you should consider what's the best case
 19 scenario for all of the nonparticipating persons out
 20 there and that would be to move the wind turbines
 21 sufficiently far away from the nonparticipating
 22 residents so the noise that they hear, which is
 23 subjective of course but it is annoying, will be
 24 minimized. And I do not believe that their noise

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1 study with the bias that he built in against
 2 accepted scientific standards should be adhered to
 3 closely and that they haven't complied with A and B
 4 in that regard. I'm still not saying don't tell
 5 them no entirely on the project, but they can do
 6 some homework and get the turbines further away from
 7 the nonparticipating residents. Thank you.

8 **CHAIRMAN FINNIGAN:** Thank you. It's about
 9 eight o'clock, so we're going to take a ten minute
 10 break. We'll put it up on the timer out there.

11 (Recess at 7:55 p.m. to 8:07 p.m.)

12 **CHAIRMAN FINNIGAN:** Let's come back to
 13 order if we can. Thank you.

14 **MR. DICK:** Phil Luetkehans.

15 **MR. LUETKEHANS:** Phil Luetkehans on behalf
 16 of 52 McLean County property owners and residents.
 17 First of all, thank you for your time. I'm going to
 18 do my best to go through all the elements that are
 19 at issue here in a way that focuses on the evidence
 20 before you. In front of you is SLG Exhibit 22.
 21 We'll talk about that in a minute.

22 It's important to remember that the burden
 23 of proof is on special uses on the applicant to meet
 24 the standards set forth in the zoning ordinance.

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1 This is not a case of weighing. It is an evaluation
 2 of whether Invenergy actually met its burden of
 3 proof as it relates to each and every standard, not
 4 whether they presented the prettier dog and pony
 5 show with their experts that all work exclusively
 6 for wind companies and never against them. There
 7 are four standards of the seven that they have
 8 failed to meet.

9 The first standard, will not be
 10 detrimental to health, safety, morals, comfort or
 11 welfare of the public. First of all, Invenergy has
 12 not provided you with any medical evidence that
 13 these does not cause health concerns or cause people
 14 to be highly annoyed. It's their burden; they
 15 failed to meet it. On the other hand, Dr. Schomer
 16 provided you firsthand testimony that a certain
 17 percentage of people become highly annoyed living
 18 near wind turbines. He was honest and testified
 19 that the number was only about 4 or 5 percent, but
 20 that is enough and that's undisputed in the
 21 evidence. The standard is not there because if the
 22 number is small enough we do not care about them.
 23 Everybody counts. If it puts at risk one person,
 24 one child who can't sleep, one of our elderly who

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1 spends his or her whole life working towards a
 2 peaceful retirement who now has to put up with
 3 annoyance on a daily basis, then we must protect
 4 these people. Due to that, Dr. Schomer and three
 5 other renowned acousticians have independently
 6 advised, relying on four different national and
 7 international standards, that the best way to limit
 8 these from affecting residents that are forced to
 9 live near wind turbines are to limit the dBAs
 10 between 38 and 40.

11 I have handed you what is SLG Exhibit 22.
 12 The first approximately 14 pages are Dr. -- or Mr.
 13 Hankard's 13 pages chart. 206 of the receptors are
 14 over -- are at 40 dBA or over. 206 out of
 15 approximately -- sorry, we're now at 503. 40
 16 percent are at risk, 40 percent of the homes.

17 None of us should have to go through this
 18 so that the industry can make money. One of the
 19 important people to testify was Larry Ryan. He
 20 lives in the middle of the White Oaks project which
 21 was originally an Invenergy project. We learned
 22 some interesting things that night. Learned that
 23 there is significant noise. It originally bothered
 24 him and his wife. Also heard they've been able to

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1 get used to it. What about those for whatever
 2 reason that their body does not adapt to it, the 4
 3 to 5 percent of the people that Dr. Schomer
 4 testified about.

5 We heard of a road that had only one way
 6 to and from a house that was shut down for four
 7 hours. Thank God no one needed to get an EMS
 8 vehicle through during those time periods.

9 I don't want to focus on Mr.
 10 Hankard's[sic] testimony, but one thing is very
 11 important. He lived 1665 feet from a wind turbine.
 12 He abandoned his home. No one, no one abandons
 13 their home unless there is a significant problem.
 14 If one person has to abandon his home, that's too
 15 many.

16 If you go to the chart on page 14, for
 17 demonstrative purposes you will see that the homes
 18 in red have decibels of -- dBAs of 40 or above.
 19 Those in purple are 38 to 40. Those below -- in
 20 green are below 38. The yellow is the actual
 21 turbines. It's a huge number of your homes that are
 22 going to be affected by this.

23 Standard 2, proposed special use, one of
 24 the things is will not be injurious to use and

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1 enjoyment of other property in the immediate
 2 vicinity. As we've already discussed in Standard 1,
 3 it will be injurious to the use and enjoyment of the
 4 other property in the area. Hankard implied that
 5 people are in their homes at night hours, so what
 6 the measurements are outside is irrelevant,
 7 irrelevant. To take away the use of someone's yard
 8 so that people can -- so Invenergy can make more
 9 money is wrong and would be clearly injurious to the
 10 people's health and welfare and enjoyment of their
 11 property.
 12 Third standard, special proposed use will
 13 not impede the orderly development of the
 14 surrounding property for uses permitted in the
 15 district. No evidence is provided by the applicant
 16 to meet this burden. Not one iota of testimony.
 17 With all the resources Invenergy has and has thrown
 18 at this thing, they presented no evidence on this
 19 issue.
 20 Standard 7 relates to the applicable
 21 regulation of the district. They need to show that
 22 they comply with the IPCB regs, not just the
 23 measurement standards, all of them. As shown in our
 24 memo of law and as seen throughout the testimony, it

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1 is not only the strict measurement guidelines that
 2 are issue. The other question is will the noise
 3 cause a nuisance under 910.104, and the effect that
 4 wind turbines have on sleep is one of those
 5 nuisances. These are still part of your ordinances
 6 and still must be kept in mind.
 7 On the other hand, all you hear Mr.
 8 Hankard and Invenergy talk about is 901.102.
 9 However, you saw the -- heard the testimony of Dr.
 10 Schomer, who also agreed with Dr. Leventhall with
 11 Walker and Hessler, all who primarily work for the
 12 wind industry, that 200 homes, 206 homes over 40 dBA
 13 will be at risk.
 14 Even if compliance with the numeric limits
 15 of 901.102 is all that is needed, applicant has
 16 failed to meet that burden as well. Schomer has
 17 been doing this for 50 years and was involved in the
 18 IPCB regs and says you measure at the property line.
 19 Dr. Schomer, what he said is backed up with the IPCB
 20 regs, which say at any point within the property,
 21 that's where you measure, that's where you model.
 22 You don't get to pick and choose a point inside the
 23 property. You don't get to take away the use of
 24 people's outside.

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1 As Mr. Hankard admitted, if you do not
 2 reduce by 2 decibels at the 1000 hertz octave band
 3 due to his fudge factor from his model, seven
 4 properties would be over 41 decibels to the 1000
 5 hertz, another 11 or more would be right up at the
 6 edge, so obviously the first question is was this 2
 7 decibel reduction proper? By your own rules and
 8 procedures, the answer is a resounding no. Your own
 9 rules require that, quote, unsupported testimony
 10 should not be allowed and, quote, experts shall
 11 clearly identify and provide any study they've
 12 completed on the subject matter. You didn't get any
 13 of that. He never provided you with any backup for
 14 his 2 decibel reduction. Did he provide a study --
 15 I know, but I mean I've got 50 residents
 16 and we've had ten nights of hearings and I'm
 17 three-quarters of the way through this and I'd
 18 really like to be able to finish for these people.
 19 **CHAIRMAN FINNIGAN:** We set the rules up to
 20 start with.
 21 **AUDIENCE VOICE:** The other guy got an --
 22 **MR. LUETKEHANS:** How about if four of my
 23 clients give me their time?
 24 **CHAIRMAN FINNIGAN:** Everybody has got

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1 the -- everyone got the same amount of time as the
 2 first guy.
 3 **AUDIENCE VOICE:** You clearly don't want to
 4 hear the truth.
 5 **AUDIENCE VOICE:** You're only for them.
 6 **AUDIENCE VOICE:** You cut him off every
 7 damn time he tries to go over anything else.
 8 **MR. LUETKEHANS:** We would ask for three
 9 more minutes. I have 52 clients, you've had about
 10 ten nights of testimony, and we're trying to
 11 summarize ten nights, and I think under Klaeren we
 12 have the right to do that. It is not to have an
 13 artificial cut-off that was told to me the first
 14 time -- tonight for the first time of this cut-off.
 15 I would ask for three more minutes.
 16 **CHAIRMAN FINNIGAN:** Put three minutes on
 17 the clock. We're going to give him three minutes.
 18 **MR. LUETKEHANS:** Thank you. Did he
 19 provide the study? No.
 20 **CHAIRMAN FINNIGAN:** That will be it.
 21 **MR. LUETKEHANS:** That's fair. Did he
 22 provide the study? No. Dr. Schomer told you it was
 23 improper to reduce those 2 decibels. This is black
 24 box theory. Put it in the black box, we don't tell

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1 you what goes in, we don't tell you what happens in
 2 and we don't tell you how it comes out, just we did
 3 it. On the other -- and then, as we saw tonight,
 4 the ISO model has got a 3 decibel contingency or
 5 uncertainty, the fact that the manufacturer has
 6 another 2 decibel uncertainty, we're at 5 to 7
 7 decibels uncertainty before this is over.

8 I would ask you to look at the Cal Ridge
 9 study which is pages 17 through 19. If you go to
 10 page 17, month 11, day 9, hour 22, what's the noise
 11 level that Mr. Hankard is using to say one of the
 12 noise levels is at 41.4. You go down this list, all
 13 these noise levels are in the 40s. That's -- those
 14 are the high. That gives you a reason to deduct 2
 15 decibels? That didn't even come close. That's over
 16 the limit already right there, but he used it to
 17 deduct.

18 Hankard also admitted to a .3 decibel
 19 difference just looking at 50 feet. It would
 20 obviously be more when looking at something like 800
 21 feet, which I think was Ms. Fizer's testimony. So
 22 if I own property that's, let's say, 40.8 at the
 23 house, there can be little doubt that the
 24 measurement in the area that I use to raise my

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1 family, where they play ball, play on the swing set,
 2 or just drink my bottle of Bud Light, would be over
 3 41 if measured at the right place. Further, those
 4 properties that Hankard measures at the edge of the
 5 house at 41.4 would be up to 42 or 43 if measured
 6 where the law requires, a clear violation of the
 7 IPCB regs. I don't have to prove that. They have
 8 to show that they're not violating and they haven't
 9 done that. It's important to remember that it's
 10 applicant's burden of proof to show that they meet
 11 this requirement of your zoning ordinance.

12 In sum, there is no way this plan has been
 13 shown to meet IPCB regulations. In fact, the
 14 opposite is true. I would also ask that you look
 15 real quickly at the last page of SLG Exhibit 22.
 16 Even in the California Ridge study, Mr. Hankard
 17 admits that the expanded uncertainty is 3.5 decibels
 18 at 500 hertz and 4.2 decibels at 1000 hertz or about
 19 4 decibels overall. He says that in the same study
 20 that he said he used to deduce -- to deduct 2
 21 decibels. That makes absolutely no sense. None
 22 whatsoever. And then he goes on to say that 95
 23 percent certain that a measured level of 47 dBs, for
 24 example, is between 43 and 51 dBs.

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1 They have not met their burden and we
 2 would ask that you deny their request. Thank you
 3 for your time and additional time tonight.

4 **CHAIRMAN FINNIGAN:** Thank you.
 5 **MR. DICK:** Dennis Bourgerie. Louis
 6 Lipscomb. Art Schlipf. Matt Wyss. David Kaufman.
 7 Dave Glacinski. Kellie Duzan.

8 **MS. DUZAN:** I have a handout for anybody
 9 who would like one. Do you need my address as well?
 10 Kellie, K-E-L-L-I-E, Duzan, D-U-Z-A-N, 24322 North
 11 2250 East Road, Lexington.

12 Tonight I'm here once again to say please
 13 consider the health effects that these turbines will
 14 have on children as well as adults who are in the
 15 footprint of this project. There are concerns for
 16 every age group. Last week I focussed on hearing,
 17 brain activity, sleep deprivation and concentration
 18 both for children in the schools and adults in the
 19 home or work force.

20 In addition to those concerns, it is
 21 documented that in patients with seizure disorders
 22 and those who are prone to migraines, symptoms
 23 increase with the shadowing and the flickering of
 24 the turbines. Wind turbine syndrome, although not

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1 an accepted American Medical Association diagnosis,
 2 is a term that has been coined to describe the
 3 cluster of symptoms that are being seen in people
 4 who live in the midst of these wind farms. These
 5 symptoms will likely be a very real consequence of
 6 the decision to allow Invenergy to invade McLean
 7 County.

8 I've given you a brochure and it is from
 9 the Third Annual State of the District meeting on
 10 January 27th for Lexington School District. It will
 11 show you that Lexington ranks number one out of 20
 12 HLIC schools and other area high schools in the
 13 percentage of students meeting or exceeding expected
 14 standardized testing scores. In addition, since the
 15 2012-'13 school year, Lexington has gone from a
 16 \$785,000 deficit to a \$300,000 surplus in its
 17 education fund. For the 2017-'18 school year,
 18 curriculum has been added, administrative staff has
 19 been added, and building improvements have been
 20 made. We are a successful school district with
 21 outstanding facilities. Why do we want to
 22 jeopardize our students' health and well-being and
 23 academic success? We need to give our students
 24 every chance we can to be successful, but being

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1 forced to live in the middle of a wind farm does
 2 just the opposite.
 3 Invenergy's proposed project is not an
 4 emergent situation. If you have any doubts at all,
 5 would you not want to err on the side of caution?
 6 Vote no to this project. Invenergy banks on the
 7 fact that they can come here and befriend those in
 8 charge and that they will then be trusted by those
 9 who they pretended to care about. Don't fall victim
 10 to this tactic and have to look back later in
 11 regret. You are in the driver's seat, not
 12 Invenergy.
 13 As I said on Thursday, McLean County's
 14 rural residents with the most to lose in this
 15 decision have the least voice in the matter. We are
 16 being forced to rely on you to stand against
 17 Invenergy in their quest to invade McLean County,
 18 turn our lives upside down, and go on their way to
 19 the next victims. Frankly I don't know how they
 20 sleep at night, but you have the power to end it
 21 here.
 22 Again, I will remind you that forcing all
 23 of us to live among the turbines against our will
 24 forces all of you to live with the weight of that

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1 decision. Are you prepared? And are the lives in
 2 rural McLean County worth less than promised but not
 3 guaranteed financial gain? Please do not put money
 4 ahead of people. Thank you.
 5 **CHAIRMAN FINNIGAN:** Thank you.
 6 **MR. DICK:** Terry Pitzer.
 7 **MS. PITZER:** I'll pass.
 8 **MR. DICK:** Eric Elder.
 9 **MR. ELDER:** Hi, I'm Eric Elder, 25615 East
 10 3000 North Road, Chenoa, Illinois, and directly
 11 living in the impacted area.
 12 I don't envy you guys your job, but I am
 13 here to offer you a solution that I think will be a
 14 win-win for everybody, so I'm just going to make
 15 your life easier, and it was really something that
 16 Mr. Dick had commented to WGLT recently or at least
 17 they were reporting on it, and I just thought it was
 18 a great, a great quote. I just want to read it
 19 here, and if I'm wrong, you're the director of
 20 zoning and building permits here, in case you don't
 21 know Mr. Dick.
 22 I love what he said. "That there are
 23 other renewable energy projects, like solar farms
 24 for instance, and typically they have smaller

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1 acreages involved and less impacts on neighbors than
 2 the sometimes controversial wind farms. Regarding
 3 solar projects, Mr. Dick said, they don't have much
 4 negative impact. They don't impact properties
 5 nearby. There's a hum of the transformer that if
 6 put toward the center of the facility I don't even
 7 believe you can hear it at the property line." I
 8 assume that's something close to what you said, but
 9 it was reported by WGLT.
 10 And I thought, wow, we didn't really think
 11 this through as a community, Chenoa and Lexington,
 12 we didn't really get together and say, hey, what do
 13 we want to do with our natural resource? Do we want
 14 to have solar or hydroelectric or what kind of
 15 renewable energy project would we want to do? And I
 16 think that would be a really fascinating thing to
 17 consider.
 18 I know I also have to address Invenergy's
 19 proposal and why I believe it doesn't meet the
 20 standards, but I just want to say when I get to the
 21 end of my presentation, I just have a proposal that
 22 I think would be helpful and that is I would like
 23 the board to develop a comprehensive renewable
 24 energy plan, a comprehensive plan for renewable

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1 energy in McLean County, a plan that you guys could
 2 go and just really come up with what you think
 3 should be for this community, what you think McLean
 4 County should be known for and what you think is
 5 best in the interest.
 6 And if you had such a plan, that could
 7 include some of the things that -- I know you've
 8 recently updated your zoning ordinances to include
 9 other wind farm, you know, setbacks and all that
 10 kind of stuff, you recently added some of those
 11 ordinances, and that could be part of the plan, all
 12 the things that are in the wind farm territory, but
 13 also part of the plan could include things like our
 14 neighbors to the north in Livingston County. After
 15 they went through a particularly contentious wind
 16 farm development project in Chatsworth, they stepped
 17 back and they just said, you know, we're going to
 18 put some rules in place for some of these large
 19 scale industrial strength projects that impact so
 20 many people.
 21 And this is a project they said is only
 22 13,000 acres, but they also say that's the 13,000
 23 acres where the turbines are located. This covers
 24 it looks like on the map to me from what I

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1 calculated 90,000 acres, 70 square miles, and
 2 they're going to put in massive amounts of steel and
 3 concrete to build turbines that are two to three
 4 times higher than what we have seen before. And
 5 then next week we're going to hear a hearing from
 6 another company that we just heard about January
 7 12th and not even everyone on the board heard about
 8 this and that -- that company is putting in 58, if
 9 they get approved, turbines that are taller than
 10 these by 50 feet. 550 feet, that's as tall as the
 11 Washington Monument which is 555 feet minus me. I
 12 mean if I stood up and you subtract me from the
 13 Washington Monument, that's what they're going to
 14 put right next to this project on the other side of
 15 Chenoa and we're going to be back here doing this
 16 whole thing again.
 17 And our neighbors to the north in
 18 Livingston County, they said, you know, we're going
 19 to give people on these large scale projects, we're
 20 going to give them a 90 day notice to everyone
 21 that's in the impacted area before we have our even
 22 first hearing. I mean here we are, I got the notice
 23 just before Christmas, I left on Christmas break
 24 like many other people with their families for two

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1 weeks, my scheduled trip from a year ago didn't get
 2 me back here for the January 2nd meeting, I got back
 3 January 3rd, and here we are just a few weeks later
 4 and we're having closing testimony on a project
 5 that's going to impact me for the rest of my life.
 6 I -- you know, a simple rule in a project
 7 like -- in a plan like this, a comprehensive plan
 8 for renewable energy for McLean County, would simply
 9 be able to say, hey, what kind of mix do we want of
 10 different energy? We've got a couple of wind farms.
 11 Maybe we should try a couple solar, maybe we should
 12 try hydroelectric. Invenenergy does solar things. In
 13 fact, they put in the largest solar panel project in
 14 the state just a few years ago up in LaSalle County.
 15 There are other options available to us,
 16 and I think our community should know that, that
 17 don't have an impact, at least according to what
 18 you -- you know, what you've read or studied, and,
 19 you know, you'll hear more next week because there's
 20 two solar projects being considered next week as
 21 well the wind project. You're going to have a range
 22 of things that you could include in a comprehensive
 23 plan for renewable energy in McLean County.
 24 And I just think it's a good idea just to

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1 step back and take a deep breath and even maybe put
 2 a moratorium while you're thinking about this on
 3 hearing any new cases. I don't know what the legal
 4 issues are with, you know, the cases that are
 5 already on your docket, but I just think that
 6 there's reams of things.
 7 You know, there's a lot of projects that
 8 make dollars, but not every project makes sense.
 9 And this project might make dollars, but it does not
 10 make sense. I don't know if you understand that 457
 11 of us who are not participating in this 70 square
 12 mile area, that represents a large percentage. What
 13 percentage would you guess that is of the whole
 14 project, of the households, the residences? 92
 15 percent. That's not a fact they've disclosed, that
 16 92 percent of the residential homes, 457 of the 500
 17 and a few homes are nonparticipating, are not
 18 getting anything from this. I mean maybe indirectly
 19 through the community and taxes like this.
 20 If you -- if you see a theme here, the
 21 people that are getting paid from this, they're
 22 getting something from this, think it's a fine idea,
 23 they're willing to put up with them, I would be too.
 24 I'm getting nothing. I asked them on the break, I

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1 said is there a good neighbor offer or not, which
 2 other companies have. The next one you're going to
 3 hear next week, they have a good neighbor offer that
 4 offers a certain amount per year or a lump sum up
 5 front for people that are in the zone. And their
 6 lawyer said, no, there is no good neighbor offer.
 7 Then he turned to his vice-president who -- and he
 8 asked, you know, is there something, do we have a
 9 good neighbor? And he said no, but there is -- and,
 10 you know, correct me if I'm wrong, he said no, but
 11 there is an easement type of agreement that anyone
 12 in the project area can apply for. And I said how
 13 much is it worth, he said about \$2,000, and I said,
 14 oh, you've never come to me, and he said we've been
 15 talking to people for two years. I said you never
 16 came to my house. I think if you would ask for a
 17 show of hands right now, just ask them --
 18 **CHAIRMAN FINNIGAN:** Time is up.
 19 **MR. ELDER:** So I would deny it. They've
 20 been not trustworthy and I -- you know, they might
 21 be fine, but I think it's been stacked against us.
 22 Thanks so much.
 23 **CHAIRMAN FINNIGAN:** Thank you.
 24 **MR. DICK:** Larry Ryan. Lindsay Bachman.

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1 **MS. BACHMAN:** My first name is Lindsay,
 2 L-I-N-D-S-A-Y, Bachman, B-A-C-H-M-A-N. Address is
 3 23479 East 2700 North Road in Lexington.
 4 As we prepare to close, I would like to
 5 remind you all of just a few things. First of all,
 6 this project as it is currently designed is
 7 unacceptable. The inconsistencies and discrepancies
 8 from Invenergy are undeniable, and if you do not see
 9 them, then we have a bigger problem on our hands
 10 than this wind farm. To allow turbines that are
 11 nothing like we've seen in this area yet without a
 12 complete overhaul of standards and setbacks is
 13 irresponsible. It does not take an expert to
 14 understand that a turbine of twice the size and
 15 power should not be allowed to operate under the
 16 same guidelines as a significantly smaller model.
 17 I would like to remind you of last Tuesday
 18 night and also last Thursday night when I spoke
 19 about my own home. We sit in the second spot on Mr.
 20 Hankard's table of highest predicted noise of
 21 nonparticipating residences. We're number two. And
 22 actually I would like to point out that our dBA is
 23 the highest on the table. We just numerically fall
 24 under the person in the first spot, if that makes

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1 sense.
 2 Aside from the farthest northwest corner
 3 on our property, we are completely blanketed in a
 4 red zone, which indicates noise levels -- noise at
 5 levels that far exceed the standards put in place by
 6 the Illinois Pollution Control Board. What good are
 7 standards if no one is held accountable to them?
 8 I'm asking one more time -- and I'd like
 9 to clarify this. My first choice would be that you
 10 vote no completely on this project, but I agree with
 11 whoever said that at this point we're needing to get
 12 specific. So I'm asking that if you allow this
 13 project to continue, that you would at the very
 14 least require Invenergy to remove turbine 32, which
 15 is the one I stated on Thursday sits 1,710 feet from
 16 the foundation of our house, remove it altogether or
 17 adjust its placement to a safer distance from our
 18 property. To be clear, I said adjust the distance
 19 from our property not the distance from the
 20 foundation of our house. In regards to this
 21 requested change and any others made, Invenergy
 22 should not be trusted to be taken at their word.
 23 Any adjustments that are made need to be supported
 24 by a new noise study and adequate documentation that

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1 will provide adjustments -- that these adjustments
 2 are sufficient and address not one but all concerns
 3 of nonparticipating homeowners.
 4 Finally, I would like to remind you that
 5 you are responsible for the safety and well-being of
 6 all residents of McLean County. You are just as
 7 much responsible for the landowner with 5 acres as
 8 you are the landowner with 5,000 acres. I am not
 9 denying that landowners have property rights, and
 10 sadly that may include allowing a wind turbine to be
 11 placed there. But who are you to say that their
 12 rights to their property are any more important than
 13 my rights to enjoy my property safely and
 14 peacefully. They are not. And that is one of the
 15 reasons that your positions exist in the first
 16 place.
 17 I've said it before and I'll say it one
 18 more time. To make a recommendation to the county
 19 board in favor of this project as it stands right
 20 now would be irresponsible, but to make a
 21 recommendation that conveys the idea that one
 22 person's property rights are more important than
 23 another person's quality of life would be shameful.
 24 Thank you.

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1 **CHAIRMAN FINNIGAN:** Thank you.
 2 **MR. DICK:** Jared Hudson.
 3 **CHAIRMAN FINNIGAN:** That's the end of our
 4 list of people that testified and you were all
 5 asked, so that's the end of our closing statements.
 6 And we are not going to deliberate tonight, I'll say
 7 that right now. What I suggest is we've been given
 8 a lot of information and we're going to take this
 9 home. We have been looking at information I'm sure,
 10 all of us have, but look at it again. And I really
 11 appreciate all your closing statements because they
 12 bring it back forward for us and renew it to what we
 13 have heard from you already maybe, but it helped me
 14 quite a bit. And we will be back tomorrow night at
 15 seven o'clock. Don't you think that -- seven
 16 o'clock is our normal time of meeting. We've been
 17 trying to accommodate these meetings at 6:00 to get,
 18 to try and get -- move along with them.
 19 So we will recess -- reconvene tomorrow
 20 night, she has to tell me every time, reconvene
 21 tomorrow night at seven o'clock and we will be at
 22 the point of no more testimony. We might ask
 23 questions or something, but we will try and get to a
 24 point tomorrow night. So thanks for coming.

1 (Adjourned at 8:37 p.m.)

2 STATE OF ILLINOIS)
3)SS
4 COUNTY OF FORD)

5 I, June Haeme, a Notary Public in and for
6 the County of Ford, State of Illinois, do hereby
7 certify that the following hearing was taken at the
8 McLean County Government Center, 115 East Washington
9 Street, Bloomington, Illinois, on January 29, 2018.

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

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

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and affixed my notarial seal this 14th day of
22 February, 2018.

23

24

25 JUNE HAEME, CSR
26 NOTARY PUBLIC

27 "OFFICIAL SEAL"
28 June Haeme
29 Notary Public, State of Illinois
30 My Commission Expires:
31 September 28, 2020

32

33

| | | | | |
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