

COLES COUNTY PLANNING & DEVELOPMENT COMMITTEE
HEARING ON COLES WIND, LLC'S, APPLICATION TO CONSTRUCT
AND OPERATE A COMMERCIAL WIND ENERGY FACILITY
(WIND FARM) UPON CERTAIN PROPERTIES IN COLES COUNTY

May 20, 2025
6:00 p.m. - 10:17 p.m.

Hearing Facilitator:
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Counsel for Coles County:
Andrew Keyt
Alex Rives

Counsel for the Applicant:
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Jerald Hess
Sarah Lode

Also Appearing for the Applicant:
Brie Anderson
Alan Moore

County Board Members:
Viki Beabout, Administrative Assistant
Bob Bennett
Mike Clayton
Darrell Cox
John Doty
Jeremy Doughty
Tad Freezeland
David Johnson
Tom Royal
Rick Shook
Michael Watts, Chairman

Coles County State's Attorney's Office:
Ronda Parker, Paralegal

Coles County Regional Planning:
Kelly Lockhart, Executive Director

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1 MR. WATTS: Good evening, I'm reconvening this
2 meeting in the Coles County Planning and Development
3 Committee to take up the license hearings for the Apex
4 Clean Energy Coles Wind Project in Coles County. And if
5 you would all please rise and join me in saying the
6 Pledge of Allegiance.

7 (Pledge of Allegiance.)

8 MR. WATTS: Thank you. Roll call:

9 Mike Clayton?

10 MR. CLAYTON: Yes.

11 MR. WATTS: Darrell Cox?

12 MR. COX: Here.

13 MR. WATTS: Jeremy Doughty?

14 Brad Freezeland -- sorry, Tad Freezeland?

15 MR. FREEZELAND: Here.

16 MR. WATTS: I'm Michael Watts, Chairman
17 presiding. And now I turn the meeting over to our
18 facilitator, Scott Kains.

19 MR. KAINS: All right, thank you very much,
20 Mr. Chairman.

21 Good evening, folks. We are continuing with
22 public testimony from folks who are opposed. And we
23 kind of at the end of last night set the lineup for
24 tonight, but it's my understanding that additional

1 persons are here who may wish to testify or offer public
2 comment.

3 I'm gonna tell you the distinction between
4 public testimony and public comment so you can choose
5 which you want to engage in. Public testimony, you'll
6 be sworn, you'll take the witness stand. Your testimony
7 will be under oath, and you will be able to say what you
8 want with respect to the Wind Project. And then you
9 will be subject to questioning, cross-examination if you
10 will, from members of the Planning and Development
11 Committee, other members of the County Board, counsel
12 for Apex, and members of the public. Oh, and also
13 counsel for Coles County, Mr. Keyt and Ms. Rives. And
14 that will be considered evidence.

15 Now, the distinction between that and public
16 comment -- public comment, you stand at the podium and
17 you have a specified period of time. Is it -- in this
18 county, is it three minutes or five minutes for public
19 comment?

20 MR. COX: Three.

21 MR. KAINS: Three minutes? Okay. The rules
22 of --

23 AUDIENCE MEMBERS: Five.

24 MR. KAINS: Okay.

1 MR. WATTS: Five for this, yeah.

2 MR. KAINS: The rules say -- the rules say
3 five, so which is it gonna be?

4 MR. KEYT: I think -- I think, Mr. Kains, the
5 rule specifically adopted for this proceeding had
6 five minutes.

7 MR. KAINS: Okay.

8 MR. WATTS: Correct. Yeah, that's correct.

9 MR. KAINS: Okay. Because I'm in a lot of
10 different counties. And I said five minutes in
11 Livingston County and I had a bunch of people jump down
12 the barrel at me, said it's only three minutes.

13 So, here for this hearing, it is five minutes
14 for public comment. That public comment time period,
15 you will stand and address the committee and the County
16 Board from the podium. Your testimony will be comment.
17 It will not be considered evidence. And you will not be
18 subject to cross-examination by County Board members,
19 committee members, and the attorneys, and the public.
20 So, those are the two distinctions, and so you can
21 choose whether to give public testimony. We're gonna do
22 public testimony first, and then we'll come back after
23 that with public comment.

24 All right, we had talked last night about

1 having Mr. Shaw go first, followed by Mr. Sherman,
2 Mr. Cronkhite, and then we would go to persons neutral
3 on the issue.

4 Just so I'm aware, besides Mr. Clint Shaw, Tom
5 Sherman, and Arthur Cronkhite, are there other folks who
6 wish to give public testimony?

7 (Hands raised.)

8 MR. KAINS: Yes. This lady, this lady, this
9 gentleman.

10 AUDIENCE MEMBER: Question.

11 MR. KAINS: Oh, question. Yes, sir?

12 AUDIENCE MEMBER: What's the length of the
13 time allowed at the -- for public testimony?

14 MR. KAINS: Okay. The -- the question is,
15 "What is the length of time allowed for public
16 testimony?" If you are a resident of Coles or Douglas
17 Counties, you have one hour, in which you may discuss
18 your feelings on the Wind Project.

19 If you are from outside of Coles or Douglas
20 County, by rule, you have 15 minutes. And that's -- and
21 that's just your initial statement and you're subject to
22 cross-examination, and so it can go longer than
23 15 minutes that you're on the witness stand.

24 So, okay, we have this lady, this lady -- were

1 you wanting to give public testimony or --

2 AUDIENCE MEMBER: Yes, please.

3 MR. KAINS: -- public comment? Testimony,
4 okay. And the gentleman right there, public testimony.
5 Okay, so that's four additional people. So -- and,
6 okay, Mrs. Smith also. Okay. Okay, now, Ms. --

7 MS. TAYLOR: Or I can do that. If we -- if we
8 are out of time, I can do the...

9 MR. KAINS: Okay.

10 MS. TAYLOR: Public comment.

11 MR. KAINS: Ms. Taylor, you've already given a
12 written comment.

13 MS. TAYLOR: My husband, yes.

14 MR. KAINS: Okay.

15 MS. TAYLOR: But my name is on it also, but --

16 MR. KAINS: Okay.

17 MS. TAYLOR: -- yes, I'd like to believe -- I
18 can do the comment. That -- that will be fine.

19 MR. KAINS: Okay, all right. Well, we're
20 gonna start with Mr. Clint Shaw, so -- and then we'll
21 get to the other folks in order after the initial three
22 or four.

23 (Witness sworn.)

24 MR. KAINS: Very good. Thank you, sir. And

1 you are Clint Shaw?

2 MR. SHAW: Yep.

3 MR. KAINS: Okay, common spelling on both of
4 them?

5 MR. SHAW: Yep.

6 MR. KAINS: All right, where do you live?
7 What town -- what county?

8 MR. SHAW: I live in Coles County. I live
9 approximately seven miles north of here off of Humboldt
10 Road. I'm the first house on the west side of 130,
11 that'd be 1500 North.

12 MR. KAINS: Okay. Go right ahead, sir.

13 CLINT SHAW,

14 called as a witness, being first duly sworn,

15 was examined and testified as follows:

16 TESTIMONY

17 MR. SHAW: I live almost dead center in
18 this -- of this wind farm projection. My wife and I
19 have two girls, one that's eight, one that's 15, about
20 to turn 16. I've asked multiple times about this wind
21 project to other farmers around the area about it and it
22 was a very tight-lipped situation. The most information
23 that I've received is from coming to these meetings.
24 Obviously, I've been here for a lot of them and I put

1 the time in, and that's why I'm sitting up here tonight.

2 So, a little bit of background about me is my
3 wife and I moved to Coles County in 2001 when we got
4 married. We bought our first small home here in town.
5 We lived with neighbors all around us, just like most
6 people do and start off. In 2006, my wife and I decided
7 to take the leap and move out into the country so we
8 would have no neighbors. And when I say no neighbors, I
9 mean none within shouting distance at least.

10 I don't know how many of you people know this,
11 but my house is within a four-mile radius of all
12 51 turbines. To say that's disturbing to me is beyond
13 words. To say it's not going to affect me or my family,
14 there's no way it cannot, in my opinion. There's been
15 many changes around my house.

16 When we moved there, there was a little red
17 barn out front. There was a big hedgerow about 300 yards
18 from my house. Since then, we've had power lines come
19 in, rip out all the hedgerows so they can put the power
20 lines in. The farmer that owned the property in front
21 of me ripped out the little red barn, demolished it, got
22 rid of that. There were other tree lines, fence rows,
23 wider ditches, CRP around us. All that has been ripped
24 out, cleaned out, to gain a few acres here and there.

1 With that being said, there's -- if you go to
2 my house and you look around, the fence rows, ditches,
3 tree lines, all that stuff is just about nonexistent.
4 All the old homes that people have lived in for years
5 and then they've been sold, bought by other people,
6 bought by bigger farmers, bigger entities, have been
7 torn down, excavated, shoved in a hole, burnt, covered
8 up. I mean, that's -- that's what you see, land
9 clearing, not land preservation.

10 When we moved north of town, we moved up there
11 because we walked outside of the house, we would look
12 around, there was nobody except for the farm ground, you
13 know, clear skies, great views. Go outside, take
14 pictures of the sky, take pictures of our kids out
15 playing with cool skies, all that is in peril due to
16 this wind project. Every picture from 365 degrees of my
17 house, unless I'm taking a picture of my kids in front
or in my house, will be by a turbine or in the background.

 We spend lots of time outside of our home
during the summers. During the school year, we spend a
lot of time running back and forth. So, during the
summer when my kids are out playing in the pool, riding
bikes, riding four-wheelers, doing whatever kids do, now
we're gonna have a bunch of extra people around my house

for a long period of time and that also disturbs me.

That being said, the concerns that I would like to express about my wife and my two kids that I'm a protector of, if there are 300 extra people from who knows where working on different sites around my house, driving up and down the road, which are already busy because it's 130 -- that's how people get into work, get out from work -- how safe is it gonna be for my eight-year-old to be riding her bike in the driveway? How safe is it gonna be for my girls to be at home with all these different people with who knows what kind of backstory. How safe is it for my wife and kids to be in the vehicle with extremely large windmill parts coming down the road, taking our kids into town to sports events or school functions?

Will sound and vibration have health effects on my family? I don't know. My wife lost hearing about five years ago. Will this cause her to lose more hearing? I don't know.

How often will the project wake my kids up at night? I don't know if you guys -- if everybody in here is parents or not, but when your kid wakes up, the first thought on your mind is, "Damn."

(Audience members laughing.)

MR. SHAW: So, you wonder what's coming next, right? If this is a positive for our community, like supporters say, why isn't the energy being used within our community? Does this concern anyone else that most of the testimonies that were based on the models, which are theoretical, why was there no medical expert brought in to testify? Why are we not considering geothermal as an important consideration, something that doesn't impact the environment and surroundings nearly as much? Those are just some of the things I wonder about. Maybe you guys wonder about the same.

Now is where I'd like to address Apex. I think that you guys need to know what you're dealing with. And I'll take this moment to give you my first experience with your company, which I think should be concerning to you. My wife and I received a -- or actually, I received a letter in the mail, telling me to come to the train station, make an appointment to come in and meet with your representative that you had here.

(Pause.)

MR. SHAW: Sorry, I'm a bit emotional about this because it really upsets me.

We walked in, he introduced himself to me, shook my hand, and then turned around without saying a

word to my wife. He was looking and talking to me while I was trying to acknowledge my wife, Katie, in the room. I could almost feel her discomfort, so I tried to bring her into the conversation while he was acting like she didn't exist. I was shocked on how blatantly rude he was being to her. Even though she was and is the property owner with me.

He said that he was allowed to offer us a Good Neighbor Agreement of \$7,000, even though he didn't have any -- we didn't have enough acreage to support the number. As we were leaving, he walked over to me, shook my hand once again, and then turned away from my wife. Yet again, I was shocked. I've met many people, many farmers, many construction workers. What I haven't seen was a farmer that I shook his hand and his hand felt like mush, a pile of tissues.

Katie is my partner in life and I expect her to be treated with respect. I have a mother that's worked in a predominantly male industry as an exhaust business owner and technician for over 45 years dealing with people like him.

If I were you, ladies that are working for Apex, I would not like to be represented in that manner from somebody in my company. And it's 2025. I think

that women should be treated as equals. My wife was not. That's my first experience with your company. What other people's experience have been? I have no idea, but I was less than impressed.

I understand why landowners signed up for the general or -- signed up for the windmills. Generational wealth, that's what it's about. Not being stewards of the land, you don't have to wonder why they want the wind farm to go here, the farmers have ripped out almost every tree, bush, fence row, everything standing in their way. Everyone says it's just seems windier than ever out there. No kidding, there's nothing to stop it. So, now we've taken away all of the structure for all the wildlife to be around. And now we're adding other things to diminish the area in which the wildlife would actually be in.

And I would like to ask the board: Would you like to have a bunch of extra people that you didn't know working around your house, making noise, building, doing stuff all times of the night? I don't. Whether you do, I don't.

How would you feel if you had something like this shoved down your throat and said, "You'll get used to it"? I doubt it. There have been many figures and

models discussed by experts, experts in their fields, not in ours. I've attended a lot of school, inquired a lot of degrees. One of the most valuable things that I've learned in doing all the research is that gathering information can be persuaded in favor of whatever side of the issue that you're likely to be persuaded to. Guidelines may have been followed, setbacks adhered to, but the people who live in the footprint of it are getting something that they did not sign up for.

Here are a few things that I would like for you to know about. The tallest building in Coles County right now is Stevenson Hall on Eastern Illinois University's campus. It's nine stories tall, approximately 100 foot, that's -- that equates out to about one-sixth the height of all 51 windmills, just in case you guys didn't know that.

At 950 cubic yards of concrete for each one of the bases -- of 51 bases, that's 84,450 cubic yards of concrete -- concrete, which will take 4,845 concrete trucks. The amount of concrete that will take is 1,598,850 gallons of water. Each full concrete truck will weigh about 66,000 pounds. This doesn't account for the numbers of trucks being -- hauling equipment, rock, water for dust control prior, during, and

post-construction road repair, outpost stations that they have to build.

That being said, most of the measurements voiced by experts not -- have not been done in standard scales, like feet, miles, pounds, or gallons. I'm pretty sure that's what most of us in here recognize as measuring tools, besides an expert in their field. But for the rest of us, those are how we measure things.

The estimated population of Coles County: 46,060 people. Adding ten jobs to that is .0002 percent of a job. To me it feels like somebody's polishing a turd.

There are federal tax incentives that I'm sure Apex will be receiving in this transaction. There's been business energy investment tax credit. For anyone who doesn't understand that, it's a one-time credit-based investment cost, equalling 30 percent of the qualifying expenses, production tax credit, bonus depreciation tax credit, there's property tax exemptions, sales tax exemptions, state tax credits, renewable portfolio standards, grants, and loans, and then net metering policies. Those are just the federal and state credits or breaks or whatever you want to call them. I could give you the long list of all the

definitions of them. But quite honestly, I just don't want to read them.

My hope in all of this is that the board or whoever else takes into consideration the effect to the families in this county and not just the dollar signs dangling over your heads.

This is a bit extra, Judge. I hadn't -- I heard something last night, a lady asked a question about generation of heat to Ms. Winslow. I did a little bit more research on that myself. It's due to the fact of cables going into the ground and generating heat from the electricity being ran through the cables. There's other ways that you can generate heat, also. Has anybody ever stepped off of their yard and on to their concrete? That's called thermal energy, by the way. That creates heat. There are many ways that this is affecting us, the ground around us, the rich and wonderful growing ground that we're taking -- that's trying to be taken away.

I don't know about everybody else, I normally work five, six days a week. I haul a trailer behind my truck every time I leave my house, every time I come back to my house. I have kids I deliver to school every morning, first my 8-year-old, then my 15-year-old. How

many people in here have daughters? Does anybody know how long it takes to get daughters out of the home?

(Audience members laughing.)

MR. SHAW: I'm not trying to say that some things aren't good. I'm not trying to say that some things aren't bad. What I am trying to say is that I honestly don't want to be impacted the way that this is gonna be impacting my life and then leave my house at a time that I think is acceptable to get to there, be behind some truck and have to walk my kid into school and explain why she's not there and then show up to a job site where somebody had contracted me to be there and do work on their home, their shed, whatever it may be, and show up an hour late.

So, I hope that you guys take into consideration of what I said, you guys quantify some of the numbers that I relayed to you, and please keep this out of our county.

MR. KAINS: Thank you, Mr. Shaw.

Questions for Mr. Shaw regarding his testimony, first from members of the Coles County Planning and Development Committee -- any questions?

Questions from County Board members or members of units of local government, including school

districts?

Mr. Shook?

MR. SHOOK: Thank you, sir.

MR. KAINS: Yes, sir.

MR. SHOOK: If you folks don't know me, my name is Rick Shook. I'm from Mattoon, District Eight, Coles County Board.

EXAMINATION

BY MR. SHOOK:

Q. Mr. Shaw, you said that when you met this person from Apex or whatever...

A. Uh-huh.

Q. What year was that? Did you say 2021?

A. No, that was this year, 2025.

Q. Oh, okay. And -- and he offered -- now I could be wrong, he offered you 7,000-some-dollars --

A. For two --

Q. For a friendly -- for a friend -- they call it a friendly thing?

A. It's --

Q. Friendly neighbor?

A. Good Neighborhood Policy --

Q. Good Neighbor, okay.

A. -- is what they called it. For 2.11 acres.

Q. Okay, but they did offer you some money?

A. Oh, yeah.

Q. Okay. Okay. We had a board meeting a couple months ago, and I asked one of them guys over there involved with you folks, I asked him, I said, "When these things go up, and all this, where does electricity go right off the bat? I mean, as soon as they get done and all this stuff, they plug her in and it starts working, where's it go first?" One of the guys told me and -- I think maybe Tom, too, but we'll leave him out of it -- the electricity will go here first. Then, what's left will go somewhere else. That's the way I understood it. I'm not saying it's the truth or whatever --

A. Yes.

Q. -- but that's the way I understood it after all of the board meeting, I talked to one of the gentlemen.

A. Gotcha. So that -- if that electricity is being generated here and it goes here, how does that affect everybody else and their bills and whatnot else?

Q. Say that again?

A. How is that affecting -- how is that gaining us, as a community or town people or anything else, how

does that -- how does that affect us in a positive way when we already have power to run the lights in here?

Q. Well, I'm assuming it will be cheaper because we'll have more electricity.

A. I don't like to run on assumptions.

MR. KAINS: Mr. Shook, do you have any other questions of the witness?

MR. SHOOK: No, sir, I don't. Thank you.

MR. KAINS: Okay, all right. Very good, thank you.

All right, are there any other questions from County Board members, members of units of local government, including school districts? Very good.

Cross-examination, counsel? Ms. Lode?

MS. LODE: No, sir. Thank you for your testimony.

MR. KAINS: All right, thank you, Ms. Lode.

All right, questions from members of the public who are in favor of the application or neutral on the application? And the reason -- and there's a number of new faces in the room tonight. The reason we do that is, if you're on the same side as Mr. Shaw, who's opposed, so you're opposed, that's called friendly cross-examination, which is to say it's not

cross-examination at all. It's just asking questions and having a nice conversation. So, we don't allow this type of cross-examination. So, only folks who are on the opposite side or neutral on the issue for Mr. Shaw are allowed to ask questions at this time.

So, is there anyone who is in favor or in support of the application or neutral on the application with questions for this witness? Very good, thank you.

All right, Coles County Staff and Consultants, Mr. Kelly Lockhart?

MR. LOCKHART: No, sir.

MR. KAINS: All right, Mr. Andrew Keyt?

MR. KEYT: No, sir.

MR. KAINS: All right, very good.

All right, final questions for the witness come from members of the Planning and Development Committee. Very good.

Mr. Shaw, thank you for your testimony. You may step down.

MR. SHAW: Thank you, sir.

MR. KAINS: All right, Mr. Sherman, are you ready?

MR. SHERMAN: Ready as I'm gonna be.

(Pause.)

MR. KAINS: Gonna need to get you a bigger desk here.

MR. SHERMAN: I need a bigger desk.

MR. KAINS: If you need to move some things off of there, you -- you can. As long as we put them back in the exact same spot, right? Tom, do you want to get that pitcher out of the way or any of that stuff?

MR. SHERMAN: Oh, that's okay.

MR. KAINS: Are you sure?

MR. SHERMAN: Yeah, I'm gonna be handing some things out if that's okay.

MR. KAINS: Okay, do you want to do that now?

MR. SHERMAN: Yeah, that'd be great.

MR. KAINS: Okay, real good. Okay, we're off the record, Lydia.

(Discussion off the record.)

(Witness sworn.)

MR. KAINS: Very good, thank you. And could you --

MR. SHERMAN: I think the last time I said that was at my wedding.

MR. KAINS: Oh.

MR. SHERMAN: "I do," I mean that part.

MR. KAINS: Oh, okay.

(Audience members laughing.)

MR. KAINS: Did she make you to promise to tell the truth and nothing but the truth?

MR. SHERMAN: Every day, sometimes twice.

MR. KAINS: Good for you. Good for you and good for her. All right, and could you please state your name, spelling it for the court reporter?

MR. SHERMAN: Sure, my name is Tom Sherman, T-o-m, S-h-e-r-m-a-n.

MR. KAINS: All right, go right ahead, Mr. Sherman. By the way, you have one hour as a Coles -- you're a Coles County resident, correct?

MR. SHERMAN: Yes.

MR. KAINS: Okay, you have one hour.

TOM SHERMAN,
called as a witness, being first duly sworn,
was examined and testified as follows:

TESTIMONY

MR. SHERMAN: Okay, thank you. Okay, good start. Just to give some background on myself, I live in Humboldt Township. I realize that's not in the footprint of this project, but I'll explain why I was involved in this in a little bit.

The nearest proposed turbine to me would be

roughly about two miles away as the crow flies. Now, when I first got started investigating all this back in 2020, five years ago, there were going to be turbines in Humboldt Township. The closest one would've been about a half a mile from me to the east. They've since dropped the Humboldt Township wind turbines for several different reasons, I believe.

I was born and raised in Charleston. I've received three degrees from Eastern Illinois University. I taught high school business classes in Western Illinois before moving back this way to teach at Arcola and then also business classes at the Charleston High School. I then became a high school principal, first in Western Illinois and then moving to Palestine, Illinois, down in Crawford County, where I was a high school principal first, then the grade school principal, and then subsequently became the superintendent/grade school principal of the school. I was down there for about seven years.

In 2002, my wife and kids and I moved to Coles County here, where I became the business manager for the Mattoon School District. I retired for the first time there in 2018, became a preschool director here in Charleston for a little bit over a year being with

little bitty kids, then I served as the Business Manager Consultant in the Mattoon School District from late 2019 to June of 2023, retiring for the final time.

So, for over 20 years, I've been working with tax levies, property taxes, business-related items of school districts, especially in Mattoon and here in Coles County. I'm very familiar with how the tax system works. I also currently serve as a director on the Coles-Moultrie Electric Co-Op Board for this area, so I know a little bit about the electricity side of things that we're discussing here as well. And, for what it's worth, I'm also a Certified Commission Lay Pastor within the Presbyterian denomination, so God is first and foremost.

I say all that to lay the foundation for what I'm about to say, as I've been attending county meetings, committee meetings, County Board meetings, and in general, being a thorn in Mr. Lockhart's side for about the last five years. I've been involved in this wind turbine process now for about five years. So, with that being said, I'll get started.

A lot of this has already kind of been gone over, but it hasn't because -- and Mr. Kains has directed me the very first night when we're on that side

of the wall, we need to ask questions, but he assured me several different times that "You'll get your chance. You'll get your chance to testify. You'll get your chance to make statements." So, here we go.

In the Apex Application -- this is it, folks, if you haven't seen it. This is what it looks like. 698 pages. And in that application, on Page 1, Introduction Paragraph 2, this paragraph states, "21,500 acres of family farms in the county have signed up." Of the 119 total agreements listed within that application, there are multiple agreements held by the same person. In fact, of the 119 agreements, there are 74 people that actually have an agreement. So, 119 agreements, but 74 different folks. Using the Census of 2023, as Mr. Shaw already said, there's 46,060 residents in Coles County. This represents 16-hundredths of a percent of the entire county. Even worse, of the 74 people that I just mentioned, only 37 people actually live in Coles County, which is 8-hundredths of a percent -- 37 divided by 46,060. These are the only -- the only people gaining a benefit from this project.

In the same section, the property tax portion of this paragraph is not needed. It talks about that.

We've talked about that. They had two expert witnesses talk about that. It's not asked for in the Wind Ordinance. It's not asked for in the State statute. This is immaterial and should not even be up for consideration.

In addition, this is an assumption, a very big, large assumption, for much -- for what we're debating on now -- how this might financially impact the taxing bodies of Coles County. In addition, in the presentation made by Apex to the Mattoon Unit School District Number 2 School Board in January of 2021 -- I was there, I was the business manager -- Apex stated -- they made a presentation -- stated this would bring over 7 million dollars to the Mattoon School District. Guess how much that is now? Zero. Not one dime. Mattoon will not benefit anything from this project.

MR. KAINS: Hang on now, Mr. Sherman.

Do you have an objection?

MR. HESS: I do, and I'm sorry to interrupt, Mr. Sherman. But I would respectfully object. That was a 2021 presentation, and I believe he asked Dr. Loomis about it. Dr. Loomis had no memory about what was said. I mean, I believe him, but it -- in 2021, this was a very different-shaped project. So, whatever statements

were said or not said at that meeting is not the project that's on this map. It's the project that's at issue here. So, I would respectfully object to relevance.

MR. KAINS: Well, I'm gonna overrule the objection to the extent that I'm going to allow Mr. Sherman to testify as to this, keeping in mind that over the last four years, the project has changed.

So, go right ahead with your --

MR. SHERMAN: Thank you.

MR. KAINS: -- testimony, sir.

MR. SHERMAN: There are numerous errors in the Appendix E.2, Economic Impact Analysis, especially on Page 20 of the Appendix where there's discussion about the impact on the property tax moneys and the correlation to state aid for schools.

Furthermore, in the middle of that same page, it says, quote, "The school district can raise the tax rate and increase the revenues as needed." That's an absolutely false, incorrect statement. And that's where I'm getting to this, Mr. Keyt, is my next statement.

So, can I -- do I make my statement or do we talk about the material?

MR. KAINS: Go ahead and make your statement first, and then we'll --

MR. SHERMAN: Okay.

MR. KAINS: -- talk about these documents.

MR. SHERMAN: In this document -- and this is -- ope, wrong document -- the Illinois Property Tax System Document -- and I've given this to the board and to the Apex folks, too -- this is put out by the Illinois Department of Revenue. On Page 6, Numbers 4 and 5, it says what a levy is. A levy: "Taxing districts determine the amount of revenues that they need to raise from property taxes, hold any required public Truth-in-Taxation hearings, and certify the levies to the county clerk." The extension applies -- "The county clerk applies the state equalization factor, calculates the tax rate needed to produce the amount of revenues each taxing district may levy legally, apportions the levy amounts among the properties in a taxing district according to their equalized assessed values so that the tax bills can be computed, abates the taxes and directed by taxing districts, and prepares books for the county collector." So, Dr. Loomis's statement that a school district can raise the tax rate is not correct.

Furthermore, it goes on to say, on Page 20 -- if we go back further -- about what the county clerk

can do.

MR. HESS: And, again, I -- I would just respectfully object. That mischaracterizes Dr. Loomis' testimony. And Mr. Sherman, to give credit, asked Dr. Loomis point-blank this question, and Dr. Loomis said, "Well, it's a question of semantics." You're focusing on the word levy, which is what this document is, he then focused on extensions under the PTELL, which was his answer, which is I believe the other document I expect Mr. Sherman is gonna get to, but I would just object that that mischaracterizes Dr. Loomis' testimony.

MR. KAINS: All right. I'm going to overrule the objection and allow his testimony to stand. But, you know, caution the decision-makers over here in the jury box that sometimes there's apples, sometimes there's oranges, and sometimes they're in the same -- they're in the same bin, so.

MR. KEYT: Mr. Kains, can I make a suggestion?

MR. KAINS: Yes.

MR. KEYT: The -- the documents that Mr. Sherman's referring to are Department of Revenue documents. No one's gonna object to them. I'm not gonna object to them coming into evidence. I doubt the Applicant will either. I'd be surprised if they did.

What I would suggest is, just as a matter of mechanics, is that Mr. Sherman provide those to the -- to the committee at this juncture --

MR. KAINS: Okay.

MR. KEYT: -- so they can read along with it.

MR. KAINS: Okay, any objection to that?

MR. HESS: No, sir.

MR. KAINS: Okay. All right, let's go off the record.

(Discussion off the record.)

MR. KAINS: All right, let's go back on the record. All right, let the record reflect that Mr. Sherman has distributed documents to members of the Planning and Development Committee and other County Board members who are present. The first document is an Illinois Department of Revenue document entitled, "The Illinois Property Tax System." That is the one he is testifying to now. The other document is also an Illinois Department of Revenue publication entitled, "Property Tax Extension Limitation Law: Technical Manual."

And, gentlemen, we were working on Page 6 of the Property Tax System document with the definitions of "levy" and "extension." Mr. Sherman has already

testified to what those are.

Once you've got a chance to review those Numbers 4 and 5 on Page six toward the bottom, the definition of "levy" and the definition of "extension," then we can go to Page 20. And let's also let the -- let the record reflect that these two documents, let's call them -- Mr. Keyt, Sherman 1, Sherman 2, okay?

MR. KEYT: Yeah, that's fine. Mr. Sherman, do you have other exhibits other than those two?

MR. SHERMAN: No.

MR. KEYT: Okay, we'll call them Sherman Exhibits A and B.

MR. KAINS: A and B? Not 1 and 2?

MR. KEYT: We're using letters today.

(Audience members laughing.)

MR. SHERMAN: I like that.

MR. KAINS: Thank you, Mr. Keyt, for having me completely confused.

MR. SHERMAN: Mix it up.

MR. KAINS: Okay, so these -- the Illinois Property Tax System document will be called Sherman Exhibit A, and the PTELL Technical Manual document shall be called Sherman Exhibit B.

All right, Mr. Sherman, you may go ahead. You

were on Page 20, now?

MR. SHERMAN: I'm sorry, let me back up to Page 8.

MR. KAINS: Page 8?

MR. SHERMAN: Yeah.

MR. KAINS: Okay.

MR. SHERMAN: So Page 8 -- this is on the "Budget, Levy, Tax Extension, and Collection Cycle" -- this is how it works. You start with the county clerk, then you start with the taxing bodies, then you get to the county clerk again. And the very first item, "The county clerk calculates tax rates for each combination of taxing districts." So, a school district -- doesn't matter if it's school district, a library district, a road, whatever -- whatever the taxing district is for the county, they don't set the rate, the county clerk does. A taxing body only levies or asks for -- a levy means you're asking. A levy means you're asking for money, that's what a taxing body does, they ask for money. Based on the EAV, the county clerk does all their financial calculations. The county clerk is who sets the tax rate. That's exactly what I wanted to point out -- it's what Mr. Hess said it's about -- Dr. Loomis' statement that was testified to is wrong.

Completely wrong.

Moving on to Page 20 of that same document. Page 20 basically says pretty much the same thing. It's the second bolded item down there, "Calculating the Tax Rate." "Levies are made in dollar amounts --" like I just said -- "to raise the money requested in the levy, the county clerk must calculate a tax rate."

Once again, Dr. Loomis was wrong. It's not the taxing body that does this, it's the county clerk. School districts and other government taxing bodies have nothing to do with setting the rate. That's done within the workings of the county. Taxing bodies can only levy, or ask, for the amount of money for the property tax money in the form of the extension that's given to them once they get through this with the tax process.

MR. KAINS: Mr. Sherman, it looks like we have an objection.

MR. HESS: I would just make the same objection. I think that mischaracterizes Dr. Loomis' testimony. He didn't disagree with the definition of levy. He didn't disagree with the role that the clerk plays. He pointed out the formula and the difference between the numerator and the denominator. His testimony -- the April 10th testimony of that transcript

is available. I would object that this mischaracterizes his testimony.

MR. KAINS: All right, I'm gonna overrule the objection, but just to the extent that -- and again, Mr. Loomis was talking about one thing, Mr. Sherman's talking about another thing. So, I -- I don't know where we're going with this, I think, except perhaps to discuss the credibility of the Dr. Loomis as a witness. But Dr. Loomis' testimony is available on the transcript. You can look at it. You can listen to Mr. Sherman. And if this bears any weight on your decision -- that we will get to, hopefully, on June 11 -- if it bears any weight, you may consider both gentlemen's testimony and, you know, judge it accordingly.

All right, go ahead Mr. Sherman. And by the way, Mr. Sherman, I originally gave you an hour. I'm adding more time --

MR. SHERMAN: Thank you.

MR. KAINS: -- because of me and Mr. Hess and Mr. Keyt talking and --

MR. SHERMAN: Okay.

MR. KAINS: -- we shouldn't be. So, go right ahead.

MR. SHERMAN: And respectfully to Mr. -- Mr. Hess' objection, this document, that was a slide that Dr. Loomis presented, his whole presentation, Slide 6, Page 6, the second bullet, he says, "All tax rates are assumed to stay constant at their '24, '23 tax year rates. Taxing districts can raise tax rates." No, they can't.

So, to your objection about miscrediting Dr. Loomis, yes, that's what I'm trying to do. His statement in here that was presented as testimony is wrong. It's not correct. The Department of Revenue -- I've shown you three different things now within that manual. The taxing body doesn't do it. It's the county clerk.

Moving on, it's extremely important in regards to Dr. Loomis' testimony about the property taxes. See, first and foremost, it shouldn't even be in the application. State statute does not call for it. The wind ordinance doesn't call for anything about money, anything about property taxes, nothing about that. But if this is included, then there's got to be extreme due diligence. If you're going to let this happen, somebody has got to be an eagle eye on this thing to look at it.

I'd like to point out that there has not been

any taxing body person here. Every time that Mr. Kains asks for somebody from the school district, nobody's here. They wouldn't touch this with a ten-foot pole. This only can take place, only once it can be placed on the tax roles during the first year when it's considered new construction or new property.

So, now I want to take you to the Technical Manual, the other document. It's Page 19. The document I'm referring to, again, is -- the Illinois Department of Revenue, is the one that puts this out -- it's called the "PTELL Technical Manual." PTELL is the Property Tax Extension Limitation Law. Normally, it's referred to as "tax caps," which it's not, that's not the -- the right name for it.

But, anyway, if you look at Page 19 -- Page 19, under "New property" oh, about two-thirds of the way down, it lists the several things of bullet items that you can look at. The very first one, "'New property' includes the assessed value of new improvements or additions to existing improvements on any parcel of real property that increased the assessed value of that real property during the levy year. It does not include maintenance and repair." It can only be done in the first year. "New" means "new" means

"new." You can't put it on in the third year, the fifth year, even the second year. There can't be any, you know, "Oops, we missed it." A school district can't say, "Oh, shoot, sorry. Can we go get that now?" Nope. A library board can't say, "Oh, we should've done that back in 2025 or 2026 or whenever this comes on the tax roles," they can't go back and get it. It's only during the first year. If you miss it, whoever the county clerk is and whoever it is the taxing body, the business manager of Mattoon, the superintendent of Charleston -- forget Mattoon, they're not even involved in it -- the superintendent of Charleston, the superintendent of Oakland, the superintendent of Arcola, if they miss it, they're not getting it. Millions of dollars. They won't get it. Somebody has got to be watching this.

It can only be levied -- again, "levy" means asked for -- during the first year. After that, it's not new property or new construction. It's existing construction and it's subject to the PTELL limits, that's in everything else that's in this manual. Which, I didn't give you all 59 pages, but is a huge thing. Somebody's got to be reading that. Somebody's got to be watching what they're doing and watching out for that. They're out of luck if they're not able to do that.

And the revenue that Dr. Loomis spoke of coming to them only applies if they do it in the first year. After that, it's not new construction anymore, and they're only subject to whatever PTELL is, whatever CPI is. And it won't be these millions of dollars that keep floating around.

I'd also like to clarify that these wind turbines, even using Apex's own data, depreciate -- that means they lose value. They go down in value every year. So, you're gonna start out here and it's gonna get lower and lower and lower and lower and lower to whatever taxing body -- take your pick -- school district, county road, whatever it is. They're gonna lose money every single year, each and every year, and there's no benefit to the community at all.

Now, it was talked about yesterday about Charleston and how much they spend per pupil and the budget and everything like that, this is part of that, but it's more than that. There's a lot more to it than just what it works to in the budget.

Along that same line, once the turbines have used up their life -- whether it's five years, ten years, twenty years, whatever -- when that value goes to zero or close to zero, any revenue that the taxing

bodies would've received will be practically zero. Nothing. It will eventually get down to a point when you won't get anymore revenue. It will max out. Then what? Even at best, all things being constant, the tax rate will increase at that point. It'll -- it'll go like this and then it will bounce. Like a mountain, it'll bounce. Because you won't have the revenue to support it to keep the tax rate down.

Normally, if your EAV goes up, the tax rate goes down in a given -- everything else being constant. As your revenues come down, the tax rate will creep up. When that revenue hits zero, your tax rate's gonna be up here. You will be instead doing a disservice to all the other 99.8 percent of the people that live and pay taxes in this county if this is approved, just purely based on the tax thing. Which, again, shouldn't be in there in the first place. The ordinance nor the State statute calls for it.

And the decommissioning part. Once the wind turbines are decommissioned or go out of existence -- whether that's ten years, twenty years, whatever that is -- the following year, like I just said, will have a devastating impact on the taxing bodies. They'll be used to this revenue that they're gonna from here to

here supposedly with what Dr. Loomis is saying. They're just gonna go down, gonna go down, gonna go down, gonna go down, till eventually there won't be anything in there and there'll be a negative impact on the taxing body, as well as the rates that the taxpayers will have to pay.

So, moving on from that. The Wind Ordinance on Page 3, "Special Use Permit Application," Section B states, "The Special Use Permit application shall contain," and it gets into all of that about what's in the application, organization. Not all the details have been placed in the application.

MR. HESS: And I would respectfully object. We've done this once before, but that's not what the ordinance says. It says, "shall contain or be accompanied by." I believe we had this exact back-and-forth with Mr. Sherman when he was cross-examining Ms. Anderson on March 19th. The ordinance says, "shall contain or be accompanied by." There are several instances where, for very good reasons, we separately sent information to Mr. Keyt and Mr. Lockhart. It's what we've discussed on March 19th, so I would object.

MR. KAINS: Objection sustained.

MR. SHERMAN: So, that means I can't answer that?

MR. KAINS: No, we're not --

MR. SHERMAN: Or say it?

MR. KAINS: Nope.

MR. SHERMAN: I thought I needed to make it clear for statements I needed to make?

MR. KAINS: Well, the objection is sustained. It -- the ordinance says what the ordinance says, okay?

MR. SHERMAN: And the application doesn't follow it at all.

Page 3, "Special Use Permit Application," "the potential equipment manufactures," we still don't know. It's May -- what? May 20th? We have no idea what kind of wind turbine they're gonna put up. None. You know, are we getting a, you know, a Ford Fiesta or a Ford pickup? What are we getting? We don't know. This late in the game, wouldn't you think that a multimillion dollar project would know what they're gonna put up?

MR. HESS: And I would again object for two reasons. First, that's not actually the evidence that's been presented. We presented evidence that we're down to two turbines, and we explained why it's still at two.

And then, my second objection is that's not

actually what the ordinance says, again. The ordinance says, "A WECS Project Summary, including, to the extent available," and then it lists all the things, including the potential equipment manufacturers. To the extent available, we identified the two turbine manufacturers that we're down to in consideration.

MR. KAINS: And, again, just in case folks have forgotten, folks on the board, Mr. Hess, why are you not choosing one? I -- I recall there was a business reason for this.

MR. HESS: That's right. So, the three reasons, basically, we haven't gotten a final layout yet, so it's possible that there could be some final issue that comes up.

The second reason is we always like to have a backup plan. The two turbine manufacturers that we're talking about, GE and Vestas, they -- these aren't on the shelf. They make them for each project. So, if something should happen to their manufacturing plant, we like to have a backup plan as long as we can.

But the primary reason, Mr. Kains, is -- you are correct. We are negotiating an agreement with those two manufacturers as we speak. We are negotiating price and, most importantly, schedule of when we're gonna get

those turbines, and it's a matter of business. As soon as you announce publicly who you're going with, if you haven't already signed a contract with them, you have no leverage to get a better price or a better schedule. So, until we have that executed agreement, we would rather not be forced publicly to say which of those two -- we -- we don't have to yet.

MR. KAINS: And, Mr. Keyt, to you, in your experience representing county governments in these types of hearings, is this commonplace to have a decision between two or three different companies for the actual make and model of turbine?

MR. KEYT: Typically there is more than one potential option listed within the application. For -- for clarity -- for some clarity to this, when -- whenever a wind developer files an application in a county, if they -- if they are required to list potential manufacturers, they are limited to those manufacturers in terms of approval. So, all of the studies that they've provided so far are based on the two manufacturers they've provided. And so, when we go through this process, they are limited to these -- those two manufacturers. The ordinance, as is almost the case with almost every ordinance in the State, lists --

requires them to list potential manufacturers. They don't have to have chosen a specific manufacturer yet for the project, but what they do list in the application is what they're stuck with. So, if they choose a different manufacturer later on, then they're -- they're gonna have to come back to the process again because they have to go through the public betting of the sound, shadow flicker, all of those items.

So, it is commonplace to list more than one manufacturer because they haven't chosen them yet as to which turbine model they're going to utilize.

MR. KAINS: All right. Thank you, Mr. Keyt.

Mr. Hess, your objection is sustained.

There -- and, Mr. Sherman, there is a plausible reason why they have not selected one, so let's -- let's go on.

MR. SHERMAN: Okay.

MR. KAINS: Go -- go right ahead, sir.

MR. SHERMAN: And I realize this was cleared with the property value expert, but I want to bring it up as evidence again, that the application has several different mistakes and errors within it. On the Wind Ordinance, Page 4, it talks about what the general

location of the project shall be and where that is gonna be.

The first paragraph of Page 12 of Apex Application refers to the eastern boundaries of State Highway 2. There's no such thing.

MS. ANTONIOLLI: Okay, we corrected the record as to this. This is actually --

MR. SHERMAN: It also says --

MR. KAINS: Okay, hang on, hang on, Mr. Sherman. We have an objection.

MS. ANTONIOLLI: We corrected the record on this, so this is actually making record more difficult for these folks to follow by pointing out an inaccurate statement.

MR. KAINS: Okay, are we talking about I-55 and I-57 here?

MR. SHERMAN: Yes, sir.

MR. KAINS: Okay, that -- that has been cleared up. I think everybody knows that -- and you it pointed out very well, Mr. Sherman, that there were mistakes made in the application, that those have been corrected. We all know I-55 runs by my house, not by your all's houses, okay? It runs from Chicago down to right around New Orleans, okay? And it doesn't run

through Coles County. It's I-57. It's been corrected. Thank you for pointing that out initially, but the objection is sustained.

Let's move on, now.

MR. SHERMAN: Okay. Apex's application, Page 12, talks about interested landowners and broad community support. Again, this is a misleading and very not true statement. Like I talked about before, the 119 total agreements listed within the application, only 74 people actually have an agreement. Only -- only 37 of those 74 actually live in the county. This is not a broad and interested community support project. It -- it's not even one percent -- not even two-tenths of a percent. It's not a broad community support.

Moving on. Different things, too, they've talked about the -- the Wind Ordinance on Page 4, Section 9, about waivers from setback requirements executed by the occupied community building owners and with the nonparticipating property owners bearing a file stamp in the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property. Apex Application, Page 25, Section 3.9 says, and quote, "Template participation agreements with the relevant setback waiver language are

included in Appendix B." In no section, Appendix B or D.4 or anywhere else, are there signed and stamped agreements that -- they're not there. They're not showing up in the -- in the application. Again, it's missing.

Wind Ordinance, Page 5, Section 10, waiver as to the --

MR. KAINS: Okay, hang on, there's an objection.

MR. SHERMAN: Oh, sorry.

MR. KAINS: Mr. Hess, if you could, that way you can let Mr. Sherman know that you have an objection, why don't you stand up and -- and holler "objection." I -- I know that we're -- we're not in a courtroom and we're not doing the theatrics, and I think you've been very polite and restrained to this point, but go ahead and say, "I have an objection."

MR. HESS: Yes, sir. I have an objection.

MR. KAINS: Okay.

(Audience members laughing.)

MR. KAINS: What is your objection, sir?

MR. HESS: That mischaracterizes the record. So, to the extent that those waivers are required, they're in Appendix B.2, available in the link. So,

perhaps --

MS. ANTONIOLLI: Click on that link.

MR. HESS: -- he didn't click on the link, but they have been provided in Appendix B.2.

MR. KAINS: Okay, now wait -- wait a second here. Let me understand this, Mr. Hess. They are in Appendix B, and there is -- in the computerized version, not this here giant notebook version, there is a link. And what does that link go to?

MS. ANDERSON: Every --

MR. KAINS: Okay, this is Brie Anderson, B-r-i [sic], Anderson, common spelling. Ms. Anderson?

MS. ANDERSON: That link saves this application from being another binder this big. It is every memo that has been recorded with the -- at the county courthouse of the signed land, so it's a -- it's a paper-saving mechanism, but we have provided the link to -- so that the County Board, Kelly's team, Andy's team can download and print if they want or view all of the signed landowner agreements that are in the table referenced in Appendix B.1. So, it's a -- it's a -- but we've provided them electronically to not have two binders this size.

MR. KAINS: So --

MR. HESS: And I would -- if I may?

MR. KAINS: Go ahead, Mr. Hess.

MR. HESS: I would add that -- and say that's in the binder. So, the cover page to Appendix B.2 says, "All site control documents have been or in the process of being recorded in the Coles County Recorder of Deeds Office. For convenience, Coles Wind has assembled all of the land agreements associated with the Coles County Special Use Permit Application in a single place. These documents are available for viewing at," and then it provides the link.

MR. KAINS: And what -- what page of the Appendix is that?

MR. HESS: This is the cover page to Appendix B.2.

MR. KAINS: Cover page to Appendix B.2?

MR. HESS: Yes, sir.

MR. KAINS: All right, your objection is sustained. That's -- that's the explanation, so I don't find any incompleteness there.

So, go -- go right ahead now, Mr. Sherman.

MR. SHERMAN: Great. Results of the U.S. Fish and Wildlife Service Information for Planning and Consulting Environmental Review, this is Apex's application, Page 26. On every page, it was marked "not

for consultation," and then it lists, on the very next page, "The following species are potentially affected by activities in this location: Indiana bats, northern long-eared bats, tricolored bats, whooping cranes, snuffbox mussel, monarch butterflies," and then on the page right after that, the very first sentence, "There are likely bald eagles present in your project area." It goes on to discuss the presence and migration of bald eagles in the area. And then it says, later on, a few pages later, "The birds --"

(Simultaneous speaking.)

MR. HESS: I'm sorry, I would object. I'm sorry.

MR. KAINS: Okay, we have -- we have an objection.

MR. HESS: I'm sorry.

MR. KAINS: Okay, what's your objection -- legal.

MR. HESS: I object. That mischaracterizes the record. We went through this when Ms. Iskali was testifying. She was our wildlife expert. Mr. Sherman asked her the same question, and we pointed out there that a separate section of the Fish and Wildlife Service document says the opposite, right? And so he's reading

from sort of a section that is formatted, so I think that document speaks for itself and his characterization of it is inaccurate. We would respectfully object.

MR. KAINS: Okay, where is that document?

MR. HESS: I'm gonna let Mr. Anderson tell me which appendix it is. Appendix D, as in "dog," 3.

Thank you, Ms. Lode.

MR. KAINS: Appendix D.3?

MR. SHERMAN: Yep.

MR. KAINS: And what -- what is the document? Who's it from?

MR. HESS: I believe it is from the United States Fish and Wildlife Service.

MS. ANTONIOLLI: Yes.

MR. HESS: And it is the -- the results of their review of this project. So, as Goni Iskali testified, we've been coordinating with them for several years during the initial review and then the subsequent review. This is the document that they produced, so it's not our document. That is a foreign document that they produced for this project. I -- I mean, Mr. Sherman's correctly quoting it, this is what we did back on whatever day in March Goni testified. There's just another section that is more on point, which I

think it's misleading the testimony, particularly when the document's in the record, everyone can read it for themselves.

MR. KAINS: Can I see the document?

MR. HESS: Yes, sir. May I approach?

MR. KAINS: Yes, yes, you may.

(Documents tendered.)

MR. KAINS: Thank you, counsel.

(Pause.)

MR. KAINS: Mr. Sherman, what is your concern about the bald eagles at this point?

MR. SHERMAN: Exactly what it says on there, that it -- you know, that the bald eagles, and it's -- there are likely bald -- "There are likely bald eagles present in your project area," it just -- it flat out says that.

MR. KAINS: Uh-huh. Mr. Hess, I'm gonna return this to you.

MR. HESS: Yes, sir.

(Documents tendered.)

MR. HESS: Thank you.

MR. KAINS: Did your wildlife expert testify -- what did she testify to with respect to bald eagles observed in the project area?

MR. HESS: So, she testified that we've connected two years of avian studies and not found any eagle nests in the project area. That was her testimony.

MR. KAINS: Her testimony, there were no eagles' nests, I believe there was testimony from individuals or at least in questions from individuals that they had seen bald eagles in or around the project area.

All right, we've beaten this horse. I'm going to sustain the objection to the extent that Mr. -- Mr. Sherman, his reading of the application, is correct, but that there is an appendix, a letter from Fish and Wildlife Service that says they didn't -- there are no nests, all right? So let's -- let's move on.

MR. SHERMAN: Okay.

MR. KAINS: Go ahead, Mr. Sherman.

MR. SHERMAN: Let's talk about the Wind Ordinance, Page 5, about the shadow flicker mitigation, about no occupied community buildings or nonparticipating residents model. Who's checking that? Who's verifying that? Is that Kelly's department that does that? Is that Apex that self-reports? There's no explanation of who would have verified to make sure that

everything that Apex says is really true and -- and going on.

Moving on. We talked about this before, again, so I'll probably get an objection to this, but material changes to the application are not permitted once the notice of the public hearing has been published. There's been multiple times that we've seen things take place during this hearing -- and I realize it's stretched over months now -- that there's been things admitted, things permitted, and that's not supposed to happen according to the ordinance. It's like you turn in, you know, you have a due date on a term paper, and the due date's there and it's 3 o'clock and it's supposed to be turned in, and now, it's two weeks later, we're gonna turn it in.

MR. HESS: I would object to -- to that characterization of the ordinance.

MR. SHERMAN: I figured.

MR. HESS: That's inaccurate, and I would just refer members of the board and the committee to Mr. Keyt's description on March 19 of how the ordinance is written, it's got three stages. We moved through and we're here in stage one. I would object that that mischaracterizes the ordinance.

MR. KAINS: The objection is sustained.

Go -- go right ahead.

MR. SHERMAN: Okay. We talked about Road Use Agreements. This has been brought up numerous times. There should be Road Use Agreements with the county in each affected road district.

This gets into the -- I know we've had the discussion before about building permits and hearings. The ordinance --

MR. HESS: I would respectfully --

MR. SHERMAN: -- calls for this to be in place and it's not.

MR. HESS: And I would have the exact same objection.

MR. KAINS: All right, objection sustained. I think we've all heard that Road Use Agreements are not required to be in place at this point, but Road Use Agreements must be in place prior to the issuance of a building permit by Coles County.

MR. SHERMAN: Moving on. The noise levels, we've talked about this before, too, as well. This was talked about with the second witness, I believe, that Apex had. But if Apex is truly concerned with the public, the health and safety of the public, this would

be within the application. I know that we talked about some mysterious trade secret that can't be given out or whatever, but if they were truly concerned about the health and wellbeing of our community, this should've been in place.

MR. HESS: And I would, again, object. We've actually been through this quite a bit. This was during Ms. Anderson's testimony.

Mr. Kains, you gave an instruction about trade secret information and how there are limits, contractually, on what we're allowed to provide. I mean, I think we spent 30 minutes on that, so I object. It mischaracterizes the evidence and, at this point, is quite repetitive grounds we've already...

MR. KAINS: Yeah, we've dealt with this. The objection is sustained. There are -- there are reasons that certain things aren't disclosed because there are what are considered in business, trade secrets. And this is one of them.

Go ahead, Mr. Sherman.

MR. SHERMAN: I understand and, respectfully, Mr. Kains and Mr. Hess, we've been told when we're sitting on the other side of the bench, "You'll have your chance to make a statement." That's what I'm

trying to do.

MR. KAINS: And you may.

MR. KEYT: Mr. Kains, can I just interject one thing?

MR. KAINS: Yes.

MR. KEYT: He -- I think what Mr. Sherman is getting to is the sound power levels. So, that information has been provided to the county's third-party engineer so that he can verify that the information provided is accurate or not. So, that -- that is provided. We provided that.

MR. KAINS: And will that be coming in your engineer's report?

MR. KEYT: Correct.

MR. KAINS: On June 11th?

MR. KEYT: Correct.

MR. SHERMAN: I guess that my question -- will that ever become -- will that ever become public knowledge?

MR. KEYT: I don't know. That's not up to me.

MR. SHERMAN: Okay.

MR. KEYT: That's...

MR. SHERMAN: Fair enough. I just wanted --

MR. KAINS: Well, if -- if the engineer's

report is presented to me and if I find that it is a valid exhibit, then it will be admitted in evidence and then it will be part of the public record of this hearing.

MR. KEYT: The report would be, yes.

MR. KAINS: The report would be.

MR. KEYT: Yeah.

MR. KAINS: And just want to let you know and let you gentlemen know in the jury box, that I have never excluded an engineer's report unless it is just so awful and woefully done. And I've had one that was awful and woefully done by a licensed professional engineer in the State of Illinois, and I still allowed it in because it had some usefulness toward the determination of that issue.

So, when Mr. Keyt says he has an engineering report from an independent engineer with respect to this project and the viability of it from an engineering standpoint, then, you know, I haven't seen it yet. Don't know what it says. Don't know who his engineer is. Don't know anything about it. But after we look at it, you know, it's a pretty good chance that it will be in evidence. And then, Mr. Sherman, you'll be able to see it then.

MR. SHERMAN: Okay.

MR. KAINS: I'm sorry you don't have it today.

MR. SHERMAN: Okay. And I guess this is more a question -- not a question -- a statement in general. We -- we hashed out -- it seems like we've spent hours about the building permit submittal and in relation to the application and all that.

To the -- to the board, when will the community and the taxpayers be able to look at the builder permit submittal? Is that going to be the day after --

MR. KEYT: Mr. Kains, I'm just gonna object. This -- and I'm not trying to cut you off Mr. Sherman, but we're -- we're jumping way ahead of what the process is of a wind farm being sited and constructed.

So, in terms of a building permit, we are not at that stage. That may not be this year. It may not be next year even. But we're at the special use phase. So, when we -- when we talk about those phases, building permit comes much later. Whether or not the public has a chance to view the building permit, the answer is yes. In fact, even within their ordinance, whenever a building permit comes for -- whenever an applicant comes to apply for a building permit -- now, they have to have

the special use first. They can't just jump to the building permit stage. We're not at a building permit stage yet.

But for them to get the building permit, they have to go through this process first. If the County Board approves it, they then would have the opportunity to come back for a building permits, it's essentially a condition precedent this -- to getting the building permit. The building permit has to be submitted to the county. It's a public record. Anybody can view it at any point in time after it gets submitted.

When it's submitted, there has been a process within the ordinance that delineates then -- then out how the building permit, what materials are required, what information is required. There may be -- if the project's approved, there would be special conditions attached that they would have to comply with, which we haven't even gotten to the conditions yet.

So, jumping ahead and talking about the building permit at this point doesn't have anything to do with whether a special use should be granted or not granted.

MR. KAINS: I --

MR. KEYT: I'm not trying to be difficult

about it or harsh, it just is we're -- we're nowhere near that process yet.

MR. KAINS: I understand your point, Mr. Keyt. And to that extent, the objection is sustained.

The question becomes: When does the public get to view an application for building permit? Whenever it's submitted by the --

MR. KEYT: Whenever it's submitted.

MR. KAINS: If -- if even we get to that point.

MR. KEYT: Right, there are projects -- just for clarity -- there's projects that get a special use granted and never come back to get the building permit for whatever reason. If the building -- but if -- if it gets granted and they come back for a building permit, as soon as it gets submitted, it's a public document subject to -- it's subject to public -- and, you know, it may be possible you just put it up online for people that need it.

MR. KAINS: When they submit it, it would be submitted to Mr. Lockhart, planning -- or Planning Commission?

MR. KEYT: Correct.

MR. KAINS: Okay.

MR. KEYT: Submitted to the county, but --

MR. KAINS: It would be submitted to the county, but it would go -- it would go to Mr. Lockhart?

MR. KEYT: It -- correct.

MR. KAINS: Okay. And then, just -- just so we -- we are all wide open on this, Mr. Lockhart, when you get it, will you be able to put it on the website?

MR. LOCKHART: Yes. I mean, I'll have to refer to my committee, obviously. But, yeah, every intention to -- to make it public.

MR. KAINS: And it's my understanding that you and Mr. Sherman have had quite a relationship over the last five years, I think he said.

MR. LOCKHART: Yeah.

MR. KAINS: So, would you be able -- would you be able to let him know?

MR. LOCKHART: Sure, absolutely.

MR. SHERMAN: Then, my next question is, from that point -- and I realize this is not an Apex issue -- but I appreciate Mr. -- Mr. Keyt, you saying that because during this whole argument, for lack of a better word, I've never heard that definition that you just gave. So, that -- I deeply appreciate the building permit in relation to the ordinance because for me, the

ordinance says one thing, the building permit stuff that Mr. Hess said is a whole different animal. There's a huge disconnect between the two. And if there will be -- if this application gets approved and if there's a building permit process and minutes submitted to Mr. Lockhart, I'm assuming you submit it to the Planning Committee.

MR. LOCKHART: (Nods head.)

MR. SHERMAN: And then the Planning Committee will submit it to the full board?

MR. LOCKHART: Yes.

MR. SHERMAN: So, there'll be two times publicly that the community can see it --

MR. KEYT: Let me just interject --

MR. SHERMAN: -- right?

MR. KEYT: -- for just a second.

MR. KAINS: Okay, go ahead, Mr. Keyt.

MR. KEYT: All this discussion about the building permit is just not relevant to the hearing. We're -- we're talking about something that is prospective in nature, that it doesn't have anything to do with this process. I will read the definition of a WECS Building Permit and it might shed a little bit of light on how that works.

MR. KAINS: What section?

MR. KEYT: It's under the definitions, Subparagraph W. "'WECS Building Permit' means a permit necessary for the commencement of work performed toward the construction, erection, or insulation of an approved WECS substation or operations and maintenance building in connection with a WECS Project. A WECS Building Permit may be issued by the county after a WECS Project has obtained a Special Use Permit from the County Board, and the Planning and Development Committee determines that all conditions, if any, have been satisfied and are imposed by the Special Use Permit. The WECS Building Permit shall require the Applicant (WECS Permittee) to deliver a written 'Notice to Proceed' for the WECS Project to the county prior to the commencement of construction of a WECS Project. The term 'commencement of construction,' as used -- used in this ordinance, include any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of project-related structures, and infrastructure improvements, etc.) regarding the WECS Project.

MR. KAINS: That is in the definitions contained in the ordinance and that is --

MR. KEYT: Correct.

MR. KAINS: -- Subsection W? All right.

Thank you, Mr. Keyt.

Okay, from this point on, we're not gonna discuss building permits because you're right. It does not have any relevance to what we're doing here with respect to siting the project. That's something, as Mr. Keyt said, is a year, year-and-a-half, two years down the road.

So, go ahead with your testimony now, Mr. Sherman.

MR. SHERMAN: Okay. This might get an objection from Mr. Keyt as well, but I'm gonna go ahead with it. On Page 15 of the Wind Ordinance, it talks about liability insurance. I believe one of the county members brought this up. This entire section about during the life of the WECS Project is missing. The entire second paragraph doesn't say anything about liability insurance and -- I have a hard time saying this word -- indemnification. That's not in their application at all. Same way with...

MR. HESS: And I would just object for the record that that mischaracterizes the evidence. We had this back-and-forth when Mr. Sherman asked Ms. Anderson about this and her testimony on March 19th was that she

did refer that. She didn't readily quote the entire provision that he's referring to, but she did testify that we will satisfy the liability insurance and we will satisfy the addendum to the obligation provisions of the ordinance. And I would make the same objection that Mr. Keyt made, better than I can put forward, this is really for much later in the process.

MR. KAINS: Objection sustained.

Go right ahead with your comments.

MR. SHERMAN: Okay. The -- on Page 17 of the Wind Ordinance talks about the hearing factors -- "The establishment, maintenance, or operation of the WECS Project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare," end quote. Of 119 total agreements listed within the application -- again, as I've said before -- 74 people actually have an agreement. Of those 74, 37 only actually live here. These are the only people that gain a benefit. Going back to the definition that's listed there, for the overwhelming majority of residents of Coles County, this project is "detrimental to or endangers the public health, safety, morals, comfort, or general welfare." Everything about this is detrimental to the public: The shadow flicker, the

noise, the damage to the road, the aesthetic views, the soil compaction, the field drainage, the possible leaking from the blades, the engines, the blinking lights, so on and so forth. What do we consider is general welfare, other than money?

Again, hearing factors -- "The project will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties." These 51 turbines, all taller than the St. Louis Arch, will substantially diminish the property values and be injurious -- injurious to the enjoyment of the properties in the vicinity. Mr. Shaw just said that and Mr. Yoder said it yesterday.

In fact, it says, "The most cited 19 wind studies in North America --" in their application, 19 wind studies done -- "all but four concluded that the proximity of a wind farm to a residential home has to no negative impact on property value." Okay, good for Apex.

Four out of 19, though, is 21 percent. 21 percent have a negative impact on property values. That's their own study. To me, that's substantial.

MR. HESS: And I -- I would object that

that -- that mischaracterizes the evidence quite a bit. We had our property values expert testify as to those four studies, the flaws in them, what they specifically found. It's not as if it was a blanket finding as he's characterizing it, so I would object.

MR. KAINS: The objection's sustained.

And, again, members of the committee, members of County Board, you've heard the evidence. And their -- their expert said that some of these studies were not -- they were flawed in some way, you know -- so, you know, it's something that's gonna be a determining factor for you. So, you know, you recall what Mr. Lines, their property valuation expert, said. If you don't, you can go back and look at the transcript.

But go right ahead now, Mr. Sherman.

MR. SHERMAN: All right. Similarly -- I'm sure you'll have the same objection to this -- in another technique that they had, they had nine listed, four have known heights given for the wind turbines. The other five cites that wind turbines -- 328 feet, 426 feet, 453 feet, 328 feet, and 488 feet tall. Keep in mind that Apex is wanting to construct turbines all 644-feet-tall in our project. Using the tallest turbine

technique that they listed, 488 feet, that's only 76 percent of the height of the Apex proposed wind turbines. It is not an apples to apples comparison. It is an apples to oranges comparison of the detrimental impact on property values. It shouldn't be listed at all.

There's nothing in the Apex Application that refers to the numerous drainage districts that are in place in Coles County. In fact, Apex was not aware of any drainage districts within the footprint until I gave a map to Mr. Hess about that.

MR. HESS: And I -- I would object. That mischaracterizes the evidence. Again, Ms. Anderson testified that the evidence is, we do not believe any of the facilities for the project intersect with public drainage districts.

MR. KAINS: The objection is sustained.

Go -- go ahead.

MR. SHERMAN: Okay.

MR. KAINS: Next subject.

MR. SHERMAN: Okay. If Apex is going to say that welfare includes money and property taxes and all of that, then welfare should also included items such as we don't want to look at the blinking lights, we don't want to listen to the sounds they make, we don't want to

see shadow flicker, we don't want our roads destroyed, we don't want ice throw, and on and on. So, it's a matter of what welfare means.

None of the electricity generators will be used here. None. It will be hooked up to the MISO Line. The MISO Line goes off to who knows where in other states, other areas. There will not be any power generated by these wind turbines for Coles or Douglas County.

The Marathon Pipeline runs through the project, runs right through the middle of it. There's been no mention of this at all. None of this is made --

MR. HESS: And I -- I would respectfully object. I believe Mr. Carlson testified explicitly to how we -- where are pipelines, how we crossed them.

MR. KAINS: Objection sustained.

MR. SHERMAN: Okay. Even though statute nor the ordinance requested the information about jobs -- wasn't asked for anywhere -- Apex created and presented this information about jobs. They're very misleading in the number of jobs to be created on a permanent scale. It's not an accurate description of the situation, as Mr. Shaw pointed out earlier. Even using the testimony of those in support of the project, only eight to ten

jobs will be created. We'd be better off if we had another pizza place or Mexican restaurant or a Chick-fil-A open up.

The expert witnesses don't even agree. One night, Mr. Loomis talked about jobs will decline for this area. Mr. Shook even questioned him about that. But then the very next night, the property value witness said that we should have no problem getting people here to this area to work and buy houses. Which witness do we listen to?

Apex wants to paint this rosy picture of being a good neighbor and helping out the community, but when it truly comes down to the health and wellbeing of our community, there is no answers. No answers for shadow flicker or health care issues. No answer for noise issues as it pertains to health of our citizens. No answers for the things that really matter. And now, after several days of the hearing, we hear about the extremely important issue regarding the chicken manure lawsuit and the ground and all that as Mr. Smith talked about last night. And no medical expert testified. None. Not one single medical expert from Apex was presented -- present and you would think that if they're gonna talk about welfare, it means more than money, they

would've had a --

MR. HESS: And, again, I would --

MR. SHERMAN: -- medical expert.

MR. HESS: -- respectfully object.

Mr. Kenneth Kaliski was qualified as an expert on health studies. Now, if Mr. Sherman means he is not an MD, then that would be correct and I would withdraw my objection. But he testified for two nights about all of the health studies that have been done that show no evidence of health effects from wind turbines. He is a medical expert with regards to the studies, so I would object if he's suggesting otherwise.

MR. KAINS: And Mr. Kaliski is -- is he a PhD? Was he a Dr. Kaliski?

MR. HESS: I don't believe he was.

MR. SHERMAN: I don't think.

MR. KAINS: Oh, okay. All right. All right, so if we can agree that no medical doctor has testified, but they did have a health expert who has written reports, studies, in conjunction with I believe it was a major hospital in Boston.

MR. HESS: Yes, sir. And in the MIT studies he testified to, two of the other named lead authors are MDs. So, he's done studies for MIT, done studies for a

hospital in Boston, and I believe through Berkley Laboratories just to name a few.

MR. KAINS: All right, the objection is sustained to the extent of they did have a health expert who worked with medical doctors in writing these studies and conducting the research. But to the extent that there was no --

MR. SHERMAN: Medical expert.

MR. KAINS: -- medical doctor, that is true. So, go right ahead.

MR. SHERMAN: Yeah, and that's my -- that's my point.

MR. KAINS: Go right ahead.

MR. SHERMAN: According to some witnesses, apparently the only time that shadow flicker is an issue at all is if you're inside your house with the window shades open. If you're outside of your house in the evenings or in the mornings and want to enjoy being outside, shadow flicker doesn't come into play. It only matters if you're inside.

MR. KAINS: Mr. Sherman, do you have any more comments on shadow flicker? Or are you going on to another topic?

MR. SHERMAN: I think I'm going on to another

topic.

MR. KAINS: Okay, because you've been on the witness stand for an hour and one minute, okay?

Remember what we said, if you live in the county, you only get an hour. But because of back and forth, I have totalled up at least 14 interruptions and -- and when I say "interruptions" --

MR. SHERMAN: Wow.

MR. KAINS: -- Mr. Hess and Ms. Antoniolli and Ms. Lode have the right to object to anything that is stated. That is their right. And it's then my job to figure out whether it's sustained and to be disregarded or overruled and that it stays in. Mr. Keyt also had some discussion as well. And I counted at least 14 times we were talking when Mr. Sherman wasn't talking, and so they add up to about 21 minutes and 30 seconds. And that's -- that's being generous, okay?

So, we're gonna take a recess. And we're going to come back after the recess. And Mr. Sherman will have 21 minutes and 30 seconds left of his time to testify. And, again, if there are objections and discussions to be had and rulings to be made, he will get additional time.

So, the Planning and Development Committee of

the Coles County Board is in recess. It is 7:38. We will come back at 7:50, 7-5-0. We're in recess, thank you.

(Recess.)

MR. KAINS: All right, it is 7:54, we're back in session.

Ms. Antonioli, you are standing, what's up?

MS. ANTONIOLLI: Mr. Kains, I object to the additional time given to Mr. Sherman to testify tonight. We had over 20 minutes' worth of irrelevant testimony. He completely disregarded your procedural rules to -- to keep it to relevant, not repetitious testimony. And I think that that is very disrespectful, not only to these procedural rules, but also to the County Board and the -- the committee here tonight.

MR. KAINS: Well, I'm going to -- I understand your objection, but I'm going to overrule it. You know, we -- we spent a lot of time talking about some of his comments, whether they were relevant, whether they were objectionable, whatever the reason was. But I'm -- I'm going to give Mr. Sherman 21-and-a-half more minutes. That's in my purview and I'm going to -- I -- I understand your situation. I understand your position. But this is a public hearing and -- and, you know --

and, folks, I do want to say, you know, that we're trying to get through this. And we're gonna work late tonight. So, but if there's something that you need to object to, please do. If there's something you're going to say, you know, just let's -- let's try to stick to the issues, and I know you have. You've gone through the application thoroughly, but let's -- let's talk about the factors that this committee and, ultimately, the County Board will have to decide with respect to approving this, and those factors are contained in the ordinance.

So, with that said, Mr. Sherman, you may go ahead with your testimony.

MR. SHERMAN: Okay. According to the construction expert witness, Mr. Carlson, no water supply has been established for the construction portion of the project. It's a very serious matter. He stated he was hoping to my -- maybe get a contractor to haul the water. My concerns are which contractor from where, will this be an issue with the city of Charleston or Mattoon to provide water, and a possible serious detriment to those citizens concerning their water supply.

MR. HESS: Mr. Sherman, I apologize, I'm gonna

interrupt you again. I do object, this is irrelevant to the -- this stage of the proceedings.

MR. KAINS: Right, it's not -- this is a not yet -- this is not a yet thing. So, the objection is sustained.

Go on, another -- another area of concern.

MR. SHERMAN: Okay. In Mr. Carlson's construction testimony on April 23rd, he stated that especially the wind turbine blades and many of the long trucks would come off of I-57, head east on 1000 North, and then to Illinois Route 130, then north on Route 130, and come north to the project area. Yet, Interstate 57 and Route 130 or County Road 1600 East, as sometimes it's referred to, are not listed as roads impacted. They're not even on the list in the application. I have concerns about the ramps on I-57, concerns about 1000 North -- or the new road as I call it -- and certainly have concerns about Route 130, which isn't even listed in the application, traveling --

MR. HESS: And I would again -- sorry for interrupting, Mr. Sherman, but I would make the same objection. This all goes to an executed Road Use Agreement that comes later.

MR. KAINS: Yep, sustained.

Next subject.

MR. SHERMAN: The main laydown yard, which is set to be just west of the Fairgrange Grain Elevator, is in a terrible location. Lots of traffic with local citizens, as well as farm machinery will be in and out of that intersection. Once again, it doesn't seem like Apex did their homework at all in regards to how much traffic will and is gonna be at that intersection, especially during the harvest season, especially since Charleston has, no longer, a grain elevator.

As it pertains to safety, the safety expert has no idea if Apex's own employees undergo criminal background checks. Furthermore, he has no idea if their own employees go through random drug testing while on the project. In addition, he had no clue if either of these things, criminal background checks and/or drug checks, were done by any contractors or subcontractors.

MR. HESS: And I would object --

MR. SHERMAN: (Speaking simultaneously.)

MR. HESS: -- that mischaracterizes his testimony. He said that that is beyond the scope of his occupational safety job, that that is an HR issue.

I would also point out that we then had testimony from a union rep who testified that he

believes most contractors do enlist those things in his experience. I think that mischaracterizes the evidence that's been presented.

MR. KAINS: The objection's sustained.

Folks on the committee and the County Board, you can -- you can be the judge of that, whether it's a health concern or not.

Go ahead.

MR. SHERMAN: Okay, another problem with the process of the lack of open and honest communication from Apex, who -- case and point, Bill Strode, who's the Fire Chief of Seven Hickory and Morgan Fire Department, was not contacted at all until after the fact by Apex's safety witness, as pointed out by Mr. Johnson, one of the board members, even though the safety expert said he included everyone in the meeting, the same goes true for the Bowdre Township --

(Simultaneous speaking.)

MR. HESS: Again, I would object.

Mr. Conley -- I'm sorry for interrupting, Mr. Sherman.

Mr. Conley testified he included everyone in that meeting that he was told to include by the Coles County Emergency Administrator. He was told who to invite to that meeting. He then followed up after he

got additional information. That was the testimony of Mr. Conley.

MR. KAINS: Objection sustained.

MR. SHERMAN: The Coles County State's Attorney's Office would never support or approve of an ordinance in violation of State statute. Similarly, the Coles County Planning and Developmental Committee under Mr. Watts would never write, support, or recommend an ordinance to the Coles County Board in violation of State statute. Furthermore, the Coles County Board would never and has not ever passed an ordinance in violation or opposition to State statute. This ordinance is in full compliance with the statute. It is not overreaching. It is not more restrictive than the State statute. The application presented by Apex is lacking in various areas and has been pointed out. In meeting the requirements set forth in the Wind Ordinance, it should be denied.

I've heard people say, even Coles County -- some Coles County Board Members say, "We have to approve this or we're gonna get sued." During the second night of testimony, the witness was questioned three times, by me twice and then Mr. -- Mr. Kains once: "If the County Board were to deny the Apex Application and then the

Apex were to sue Coles County, would Apex pay for the litigation?"

MR. HESS: And I would object.

MR. KAINS: The answer to each and every --

MR. HESS: I am sorry, Mr. Sherman, I would object. That is not Ms. Anderson's testimony.

This is from March 19th, Page 40, the question she was asked, quote, "Will Apex pay the costs of litigation if the County Board, Coles County, gets sued?" My colleague objected. There was some back-and-forth. Mr. Kains, you ultimately overruled the objection. And then you, Mr. Kains, restated the question, quote, "Will Apex pay for the costs of litigation?"

The question as presented to Ms. Anderson was not "If Apex initiates the litigation, will we pay?" I understand that that's where Mr. Sherman started his question, but by the time we got to the question as you worded it to Ms. Anderson, that was not the question presented to her and that was the question she answered. She then answered, "We will comply with the ordinance." Mr. Sherman asked a great follow-up, "You mean in Subsection 3 in the ordinance?" Her answer was "Yes, we will satisfy every reimbursement obligation under your

Fee Schedule Ordinance, Subjection 3." And that was the testimony. It's on Page 40, 41, of the transcript. I would... She didn't answer the question, "If Apex initiates the lawsuit, is Apex gonna pay both sides' legal fees?" She simply referred back to the ordinance.

MR. KEYT: Mr. Kains, could I just interject.

MR. KAINS: Yes, counsel, go ahead.

MR. KEYT: That -- that particular issue isn't relevant to whether the special use -- whether the Special Use Application complies or the evidence complies. That's -- that's not an issue for -- for the board to have to consider at this juncture. So, it's just not an issue. It's not relevant.

MR. KAINS: I agree with that.

MR. KEYT: So, we already have a position on it, but the issue is not relevant to the special uses.

MR. KAINS: I agree with you, Mr. Keyt. It's not relevant who's gonna pay for litigation, right? If you all happen to make a decision and you all happen to get sued, it's my understanding that you are not individually liable.

Counties get sued all the time. I was good friends for a long time with a long-time mayor of Springfield. She said any time anybody says, "We're

gonna sue you," she'd just calmly say, "Get in line."

(Audience members laughing.)

MR. KAINS: Okay. Folks, the last thing you should worry about in this hearing is whether or not somebody's gonna get sued. And I would reiterate what Mr. Keyt says, this isn't relevant to this, okay? But you don't have to worry about it. If you're doing your job, you're not gonna get sued individually, personally, okay? Your name may be listed as a -- a defendant, but you're not gonna have to worry about that, okay?

I've been sued multiple times individually for jobs I did as an Assistant State's Attorney in Sangamon County. I never once had to go get a lawyer, okay? The county takes care of folks who are doing county business, all right?

So, your objection, Mr. Keyt, is sustained. It's not relevant. Let's move on.

MR. SHERMAN: Okay. It's important to note that no one, no person, no taxing body west of Loxa Road or south of 1000 North will benefit at all from this project. Nothing. The City of the Charleston will not benefit. City of Mattoon, the Mattoon School District, no one will benefit other than the 37 people living within Coles County that have a signed lease.

It all boils down to whether the County Board wants to defend over 46,000 people of the county and protect them from this wind turbine project or give in to the only 37 people.

We've heard testimony of expert witnesses. You've also heard the questions and concerns of the citizens of -- of our community. Real-life concerns. Deep concerns from people that live here. They have real-life questions. People that live here and have seen eagles, not some environmental flyover by a helicopter or someone that hasn't talked to anybody that lives in the area. We've heard about real-life people with concerns of selling their house. We've heard people talk about real-life medical issues, and I'm talking real-life serious, very serious concerns, and not some possible annoyance as was stated. Do we look at all the studies, the what ifs, the modeling, the apples to oranges comparison? Do you look at the 698-page application, or do you listen to the residents of the county?

I'm glad Mr. Thompson, who in his testimony, brought up about being stewards of the land and that's what really hits home with me. I'm on a different side of the fence than he is, I guess. I cannot look at

myself in the mirror, my wife, look at my son or daughter, my grandkids, my father-in-law, my mom, or thinking about my grandparents, a good steward believes it's not what may be built that can kill birds. A good steward doesn't let anything get constructed that can compact the soil, destroy the land with the leaking oil in the blade shards, a good steward would not agree to anything that is of no benefit to our community. These turbines won't generate any electricity in our part of the State. They don't benefit -- benefit anything really, except for the 37 people that financially get money out of this. A good steward means -- of the land means protecting the land, watching out for your neighbors, mindful of the health concerns of the fellow people in the county, being mindful of the birds, the eagles -- all of that to me is what being a good steward is.

MR. KAINS: Mr. Sherman, just slow down a little bit. Lydia's doing a bang-up job, but she might not be able to keep up with you.

MR. SHERMAN: I'm trying to make my time.

MR. KAINS: I -- I know. Yes, you've got that.

MR. SHERMAN: Okay.

MR. KAINS: Don't worry about that.

MR. SHERMAN: All right. Also, along with this, I'm probably stating the obvious, but those who spoke in favor of this project, the witnesses for Apex with their testimony, they've got some financial tie. They've got money to gain. Anybody that's testified in relation to this, Mr. Thompson, Mr. Litteken, all the people that have spoken in support of this have some financial gain, but none of us on the other side of the aisle, none of us that are in opposition will get one dime. Not a penny. But, yet, we stand here to give testimony, we give comments, we give questions, we give support to one another because it's the right thing to do. And that's what being a good steward is. That's what being a good neighbor is, is doing the right thing even if you don't get paid for it.

So, in closing, do you believe in local control? That's the obvious question for the board. Do you, as citizens, taxpayers, County Board members that represent all the county, not just 119 leaseholders, not just 74 people, not just 37 people, but do you represent the 46,060 residents of the county? That's the fundamental question of this entire process.

What is in the best interest of our community? The health, the overall welfare, the general wellbeing,

the type of rural living of Coles County -- not Apex -- Coles County. I strongly encourage you to deny this application as it's been presented.

So, to wrap this all up, I've just got two paragraphs. Thank you to the people involved in this. For the Apex staff, it's been interesting and informative to say the least. I've learned a lot in the last five years. Even in the objections -- and I talked to Mr. Hess during the break -- I know it's not personal. I hope you don't think it is. I don't believe it is, either.

Mr. Kains, I want to thank you for allowing us, everybody that's talked about this, to voice our concerns in an arena that none of us have ever been in before. This is -- at least for me -- it's my first crack at it.

Mr. Watts, the Planning Committee, you guys that are on that Planning Committee, thank you for your hard work in this Wind Ordinance in this hearing.

Kelly, I can't thank you enough. Mr. Lockhart and his staff, all the time and work and listening to me and answering emails and questions and putting up with me.

To all the people that have shown up night

after night -- and I'm looking at you, Mr. Smith -- that's tough. You have my thanks, you have my prayers, and I hope that we can keep going through this together. (Crying.) You -- I'm praying for you, and I know that sounds like a simple thing to say. But you folks kind -- (sighs) -- all you guys -- Meg, Rita or Ms. Rogers...

And, lastly, the Community Board members. Thank you for listening. Thank you for attending for these meetings. Thank you for asking questions.

Mr. Cox is really the only one that lives inside the footprint. He's the only one of the 12 board members, but each and every one of you has a decision to make for the entire county. The entire county.

So, my last thing to say to you would be, please deny this application. I'm done.

MR. KAINS: Thank you, Mr. Sherman.

Questions for Mr. Sherman, now, first come from members of the Planning and Development Committee.

Yes, Mr. Clayton?

EXAMINATION

BY MR. CLAYTON:

Q. Mr. Sherman, you stated that the wind turbines depreciate. Do you have factual evidence from some of

the other wind turbine farms?

A. I believe Apex's own testimony presented that. I don't -- I can't come up with that right offhand.

Q. I missed quite a few, I don't have a...

MR. JOHNSON: From what they were saying, they only go down to 70 percent.

MR. KAINS: Okay, what Mr. Johnson?

MR. JOHNSON: Had -- they depreciate 4 percent annually and they're allowed to depreciate down to 70 percent.

MR. KAINS: Thank you.

MR. JOHNSON: 70 percent down. Is that any good?

MR. KAINS: Is that the evidence you recall? Is that from the evidence you recall?

MR. JOHNSON: Yeah.

MR. KAINS: Okay, very good. I just wanted to make sure.

BY MR. CLAYTON:

Q. So, instead, though, I'm actually asking for -- depreciation is for income tax purposes. And I'm talking about real estate taxes. I assume that's what you were talking about?

A. Yeah, they go down in value, which when they

go down in value, the taxing bodies can't generate revenue off of that.

Q. Okay.

A. The value goes down. So, therefore, the tax rate applied to that value goes down, goes down, goes down.

Q. Okay. And my second question is, you mentioned the -- the trade secrets. Did you find where these trade secrets were registered, who approved them to be a trade secret?

A. I have --

Q. Did you look for that?

A. No, I didn't look for it --

Q. Okay, that's what I was looking for.

A. -- but that was not presented either, so.

MR. CLAYTON: Okay, that's all I have.

MR. SHERMAN: Thank you.

MR. KAINS: Thank you, Mr. Clayton.

Any other questions from members of the committee?

Members of the Coles County Board?

Yes, Mr. Dave Johnson?

MR. JOHNSON: Mr. Sherman, it's a good thing you're retired so you would have time to do all of this.

MR. SHERMAN: Yes.

MR. JOHNSON: You mentioned a couple different things that you've done throughout your career, and I got a couple questions based off of those things.

EXAMINATION

BY MR. JOHNSON:

Q. Out of the evidence that's been presented, how many dollars per year would be going into the Charleston School District based off of Dr. Loomis' testimony versus what you've come up with?

A. I -- I'm just gonna use his figure. It says here, average annual one-point -- \$1,160,056 to Charleston. That's his figure. I don't know if that's correct or not. I didn't apply anything to that.

Q. Okay, and you were basically the financial manager for the Mattoon School District?

A. Yes.

Q. And you were a principal in other school districts?

A. Yes.

Q. So, you've dealt with money coming in and also dealing with watching money affect the performance of students?

A. Yes.

Q. Correct?

A. Yes.

Q. What typically happens when you have just a new revenue stream come in? Does that boost performance of students, or does that have any ill effect, or is this just another off-track betting?

A. It doesn't necessarily have any beneficial impact on it. Well, one case in point, the lottery was supposed to be the "be all to end all," the lottery funds were supposed to go into the school districts. That didn't help anything.

So, extra revenue doesn't necessarily equate to better test scores or a higher graduation rate or anything if that's where you're going.

Q. Okay, all right. You also mentioned you were on the Coles-Moultrie Electric Cooperative Board?

A. Yes.

Q. You need to lower your rates, but none the less...

(Audience members laughing.)

MR. DOTY: Yes, it's a monopoly, not a co-op.

BY MR. JOHNSON:

Q. I'm assuming that you --

MR. KAINS: That's Mr. Doty who just made the

comment, "It's a monopoly, not a co-op."

MR. DOTY: They just disguise themselves as a co-op.

MR. KAINS: All right, go ahead.

MR. SHERMAN: Do I get rebuttal to that?

MR. KAINS: No, nope.

MR. JOHNSON: I -- I would hope --

MR. KAINS: Go ahead, Mr. Johnson.

BY MR. JOHNSON:

Q. Yeah, I'm -- I don't know. Do you have anything or any knowledge about costs of electricity reduction from that position?

A. In regards to wind turbines coming in?

Q. No, as far as just in general.

A. In general, yes.

Q. Okay, where does cost of energy production from wind turbines rate compared to other productions of electricity?

A. In -- like in comparison to fossil fuels, you mean?

Q. Fossil fuels, nuclear --

A. It --

Q. -- whatever.

A. It... In general, it doesn't -- it doesn't

help the -- the matter any. Fossil fuels are more reliable, sustainable types of energy sources, as opposed to wind turbines and solar panels. I know we're not talking about solar panels, but those types of renewable things, they're not as reliable, sustainable over time. They -- they don't store at all like a fossil fuel would, in general, for the most part.

Q. Okay. So, I know Coles-Moultrie does not produce, but --

A. Right.

Q. -- they -- they just market and sell?

A. We're distribution, right.

Q. Right. Do you have any ideas about the efficiency, as far as cost to produce versus sales? Basically, is it -- is it a viable thing? You know, we heard testimony that, you know, we don't get subsidies, but there are tax credits and a litany of tax credits.

A. Well --

Q. Without the tax credits, is wind viable?

A. No, not without the tax credits.

Q. So, without the taxpayers' money, the wind turbine technology to produce electricity is not a viable technology --

A. In my opinion --

Q. -- at this point?

A. -- just one -- one guy that sits on that board, no, it's not a viable -- not a viable option. It -- wind turbines -- even with Mr. Carlson's testimony, he -- I think he said something like 50 percent -- it will only work 50 percent of the time. That, to me, is not reliable. Coal works 24/7, 365. That's reliable.

MR. JOHNSON: Okay, that's all I have.

MR. SHERMAN: That's just my -- that's me.

MR. JOHNSON: Okay, thank you very much.

MR. KAINS: Thank you, Mr. Johnson.

Any other questions from members of the Coles County Board?

Mr. Shook?

MR. SHOOK: Mr. Tom, you mentioned earlier about the City of Charleston and the City at Mattoon, when they start putting these turbines up -- and it's gonna be awhile -- how much water --

MR. SHERMAN: Uh-huh.

MR. SHOOK: -- Mattoon and Charleston maybe has or whatever might use.

MR. SHERMAN: Right.

MR. SHOOK: I don't know about Charleston, but

the City of Mattoon goes through about 2.5 million gallons of water a day -- a day. And each water tower in Mattoon holds over a million gallons. At 12th Street and Marshall, there's an underground well --

MR. SHERMAN: Uh-huh.

MR. SHOOK: -- that holds about 3 million gallons of water. Between Lake Mattoon and Mattoon, there's a tile between Lake Mattoon and to Mattoon that holds about 4.8 million gallons of water. Just for -- just for saying, Mattoon has a lot of water, and we're fortunate to have our lake, obviously, and all that.

And, also, Mattoon has four, maybe five underground streams. And Mattoon won't have to ever worry about not having water. But also, about the water situation with Mattoon and Charleston, if something would happen to the water in Mattoon or something happen to the water in Charleston, there's a pipeline that goes between. We can use -- if something happens to Mattoon's water, we can use Charleston's water, and the same back situation like that. Because that's started when the hospital was built.

And just -- just to say that Mattoon's got plenty of water, and I understand where you're coming from. Thank you, sir.

MR. KAINS: Okay, thank you.

All right, any other questions from members of the County Board?

Questions from members of the local government, including school districts?

Cross-examination, counsel?

MR. HESS: Thank you, Mr. Kains. Mr. Sherman, thank you for your testimony. I don't have a lot of questions, but I do have few.

MR. SHERMAN: (Laughs.) I figured you would. Do I get to object?

(Audience members laughing.)

MR. KAINS: No, but Mr. Lockhart will get to. No, if there's --

MR. SHERMAN: I'm just kidding, go ahead.

MR. KAINS: -- if there's something -- if there's something that you don't want to answer, you can look at me.

MR. SHERMAN: Yeah, bail me out.

MR. KAINS: I may or may not, depends on if the questions's relevant. Let's go.

EXAMINATION

BY MR. HESS:

Q. Okay, Mr. Sherman, you began your testimony by

talking about Dr. Loomis and property taxes, and I want to make sure we understand your position here tonight.

A. Uh-huh.

Q. Your testimony on property taxes is that Dr. Loomis, from the Illinois State University, his testimony on property taxes and jobs is just wrong?

A. Yes.

Q. Dr. Loomis, whose 26 years as a professor at the Illinois State University, testified that he has testified in hearings like this at least 80 to 90 times is just wrong?

A. Yes.

Q. Okay, let's talk about property taxes. You brought two documents with you?

A. Uh-huh.

Q. They're both from the Illinois Department of Revenue. Wouldn't you agree that neither one of these projects -- neither one of these documents is explicitly about wind turbines?

A. Explicitly about wind turbines?

Q. Yes, sir.

A. No, but they are explicitly about property taxes.

Q. Correct, but they don't say thinking in either

of these documents about property taxes for wind turbines --

A. Sure.

Q. -- right?

A. Correct.

Q. Okay, all right. Isn't it true that the Illinois Department of Revenue, the same author of these documents, has authored a different document on taxation of wind turbines that's titled "Wind Energy Device Valuation," dated January of this year? Isn't that true, sir?

A. I don't know.

Q. Isn't it true that that document from the Illinois Department of Tax Review uses that as an example of a two megawatt turbine, and shows that it would be -- have an assessed property value of \$344,414 per year for a two megawatt turbine?

A. Since I don't know the first thing, I don't know the second thing.

Q. Okay. So, you're not aware that the Illinois Department of Revenue has issued a guidance document specific to the taxation of wind turbines?

A. I'm not aware of that, but I am aware of his false statement that says about the tax rates are done

by the taxing bodies --

Q. In all --

A. -- that's not true.

Q. I don't mean to interrupt you, Mr. Sherman.

Please, finish.

A. That's -- I'm done.

Q. In all your experience of school boards, is it fair to say that you've never had a reason to look at a wind turbine as far as taxation?

A. Not until five years ago.

Q. So, in all of your experience about how PTELL works, all of your time as a principal, you never had a reason to understand how PTELL works on wind turbines?

A. Not on wind turbines, but on property tax rates, yes.

Q. Okay, and your testimony is also that Dr. Loomis' predictions about jobs is just wrong?

A. Either he's wrong or the witness right after him the next night is wrong. They said opposite things, so.

Q. Isn't it true that Dr. Loomis was asked, by I believe it was a member of the Planning and Development Committee, "Do your numbers pan out? Have you ever analyzed this after a project was built?" And

Dr. Loomis talked about the Radford Run Wind Project in Macon County, how he analyzed it after construction, and his predictions panned out, they were correct?

A. Yes, and then the next night the -- a different witness said you would have problems, so -- or you wouldn't have problems, so Dr. Loomis' testimony was "you would have a problem." I think Mr. Shook is the one that asked the question about the jobs. And his testimony was the jobs would go down. If Apex and the wind turbines didn't get built, you would have problems with jobs.

Q. That was -- well, I would object to that testimony. That's not the --

A. It's a general statement.

Q. -- his testimony.

A. Yeah.

Q. Understood.

A. I'm with you.

Q. Okay. In depreciation, your testimony here tonight is that Dr. Loomis' own analysis shows depreciation goes down?

A. Yes.

Q. Until zero?

A. It go -- it would eventually hit zero.

Q. Isn't that --

A. As far as --

Q. -- not his --

A. -- as far as new money goes, yes, new money --

Q. Isn't it true that on Page 17 of Appendix E.2, he shows depreciation every year and it never reaches zero? It bottoms out in 2044 at 1.8 million dollars and then goes back up?

A. But the new money is zero.

Q. Well, but your nightmare scenario that you testified to would be depreciation would hit zero and, suddenly, there would be no property taxes, right?

A. I don't think I said that.

Q. You would agree that Dr. Loomis' analysis shows depreciation that never truly reaches zero?

A. I don't know.

(Pause.)

Q. Mr. Sherman, I believe you stated a moment ago that the Coles County Wind Ordinance is in compliance with the State law, is that right?

A. Yes.

Q. And that's --

A. I -- I believe so. I'm assuming the State's Attorney's Office has checked it out, so.

Q. And that's because the Coles County Board revised this Wind Ordinance in 2023 to come into compliance with the new State law?

A. Yes, that's my understanding.

Q. Okay, all right. And both the State law and Coles County's Wind Ordinance impose certain requirements on the Wind Project, right?

A. Yes.

Q. One of those requirements, for example, would be setbacks --

A. Setbacks.

Q. -- right? Okay. So, we heard testimony from Ms. Anderson that under the Coles County Wind Ordinance, the closest a residence could be to a wind turbine, it's all down to the ordinance for participating residents is 1.1 times the tip height, right?

A. Yes, I think so.

Q. Okay. So, in other words, if we take the taller of the two models that have been proposed, 1.1 times the tip height is 709 feet. So, every turbine must be at least 709 feet, by their ordinance, from participating residents, those residents that elected to participate in this project, right?

A. Sure.

Q. Okay. And Ms. Anderson testified that we meet that requirement and walked us through how, right?

A. Right.

Q. You're not disputing that we --

A. No, I'm not disputing setbacks or anything like that.

Q. And even though we meet the setback requirements, you're still opposed to the project?

A. Correct.

Q. Even if Coles County was to double that setback requirement, you would still be opposed to the project --

A. Correct.

Q. -- is that fair?

A. Yes.

Q. And, in fact, Ms. Anderson testified that even if they did double up, we still would meet it because, in fact, we're at least 1,500 feet away from the closest participating residents, right?

A. Right.

Q. You're still opposed to the Wind Project?

A. Yep.

Q. So, your opposition of the Wind Project is not really based on whether we meet the ordinance, it's for

all of the other reasons you've explained?

A. No, I'm not opposed to it based on the setbacks.

Q. Okay.

A. Every scenario you just presented was about setbacks and height and all that. I'm not opposed to that part at all.

Q. Okay. Let's do another one. The ordinance requires that we have an executed AIMA, an Agricultural Impact Mitigation Agreement, right?

A. You have to by law, so, yeah.

Q. But you would agree that we've submitted with our permit application an executed AIMA?

A. From what I've seen, yes.

MR. HESS: Okay, all right. Thank you, Mr. Sherman. I have no further questions. I appreciate your testimony.

MR. SHERMAN: Thank you.

MR. KAINS: Very good. Thank you, Mr. Hess.

Questions from members of the public, folks who are either in support of or neutral on the application.

Yes, sir?

MR. DI NASO: I have a question for Mr. Sherman just regarding --

MR. KAINS: Okay, sir, can you come forward?

First of all, please, sir, could you state your name for the record?

MR. DI NASO: James Di Naso, I'm a resident of Coles County.

MR. KAINS: Can you state -- spell your last name for us, sir?

MR. DI NASO: It's D-i-space-N, as in "Nancy," -a-s-o.

MR. KAINS: Okay. And, Mr. Di Naso, are you in support of the project, opposed to the project, or neutral on the project?

MR. DI NASO: I have a question concerning this, so, yeah, that probably Mr. Sherman would be the only one to answer since he worked with school districts regarding some property taxes.

MR. KAINS: Are you in favor of the project? Opposed to the project?

MR. DI NASO: As of now, I'm still formulating an opinion, but I don't believe I'm in favor.

(Audience members laughing.)

MR. KAINS: That's a good answer.

(Audience members laughing.)

MR. KAINS: Still formulating an opinion?

MR. DI NASO: Yes, and I think this could add

some...

MR. KAINS: We'll call you neutral, and I will allow you to ask the question.

MR. DI NASO: Okay.

MR. KAINS: Go ahead, Mr. Di Naso.

EXAMINATION

BY MR. DI NASO:

Q. Over the last five to ten years or whenever you were employed with the Mattoon School District, had you heard of or do you know of any districts -- since I'm assuming that you had interaction with other districts -- school districts -- of data showing an increase in revenues due to wind farms for the school districts in those particular counties or...

A. I -- I tried asking that question to other districts. I never got a firm answer.

MR. DI NASO: Okay, that's all I have.

MR. KAINS: Okay. Thank you, Mr. Di Naso. We appreciate your question.

All right, any other folks with questions from the public who are either -- or in favor or neutral on the project? All right, very good. Thank you.

Questions from Coles County Staff and Consultants, the Planning Commission Executive Director,

Mr. Lockhart?

MR. LOCKHART: No, sir.

MR. KAINS: Counsel for the County Board,
Mr. Keyt, Ms. Rives?

MR. KEYT: No questions.

MR. KAINS: All right, very good. Thank you.

All right, final questions for the witness
come from committee members. All right, very good.

Mr. Sherman, thank you for your testimony.
You may step down.

MR. SHERMAN: Thank you.

MR. KAINS: All right, on my list next, I have
Mr. Arthur Cronkhite.

MR. CRONKHITE: A question that I have, am I
capable of taking this and taking it up front?

MR. KAINS: Okay, I'm sorry?

MR. CRONKHITE: Is it possible for me to take
and bring this up front?

MR. KAINS: You want to bring the podium up
front?

MR. CRONKHITE: Yes.

MR. KAINS: Oh. What is the word from the
judge who usually sits here during the day on moving
furniture?

MR. LOCKHART: Well, he said not to move anything tonight.

MR. KAINS: (Laughs.) That's what -- that's what I thought. And so I don't get hold in contempt of the judge who made the ruling, Mr. Cronkhite, why don't you come up and have a seat here.

(Pause.)

(Witness sworn.)

MR. KAINS: Very good, thank you. And if you could, please, state your name, spelling your last name for the court reporter.

MR. CRONKHITE: Name is Arthur Cronkhite, C-r-o-n-k-h-i-t-e.

MR. KAINS: And is it correct that you are a resident of Vermilion County, Illinois?

MR. CRONKHITE: Correct.

MR. KAINS: Okay, very good. Then, by rule, you have 15 minutes to testify.

MR. CRONKHITE: Okay.

MR. KAINS: All right, go ahead.

ARTHUR CRONKHITE,
called as a witness, being first duly sworn,
was examined and testified as follows:

TESTIMONY

MR. CRONKHITE: Born and raised in Vermilion County, Illinois, my wife and I moved back to the old home about 24 years ago. Ten acres in the middle of the corn bean desert on land called the "Eight Mile," two miles wide by four miles long, stretched a plat of earth situated between two small rivers. We have a mile's long, 360-degree view, horizon to horizon that is peace and tranquility, living on land that has some of the richest soil in the world.

When we moved from Danville back to the country, I began attending the County Board meetings to monitor and comment on what they were doing. Over the past 20-plus years, I've attended and spoke at nearly every board meeting, attending more board meeting than the board members. When first attending the board meetings, the issue of California Ridge Turbine Cluster was just starting. As the original face of the cluster was online, there was some opposition to them, but the greatest was yet to come. As soon as the cluster came online, the County Board meetings started filling up with impassioned people, complaining about the effects of turbines, ongoing calls for remands, calling 9-1-1 about horrific vibration, affecting their lives, their animals' lives, and the people who visit. A persistent

problem so bad that the sheriff's department eventually refused to send deputies out to people's home, as they found nothing in the area. Standing outside, no sign, go inside and it sounds like a diesel engine running in the living room.

As the months went on, the tensions grew higher, and when people were yelling and almost getting in physical altercations, packed meetings, angry people, so bad the sheriff had to post himself and a deputy at the meeting just in case. Meanwhile, our lapdog media reported nothing on the turbine rebellion, so no one ever knew any of it happened.

After repeated lies and stalling by the turbine company, people began giving up and they all finally went away. Like most government, patronize them long enough, and they'll eventually leave.

Next on the agenda was another phase of the project near Rossville, another working the area before and after the installations. We found that the face of the cluster contained Good Neighbor Contracts, which like the participating contracts, those who have turbines on their land, contained a gag clause, prohibiting the signature from ever talking about the turbines or lose everything they own. The lack of these

good agreements are missing in the first installation, which allowed those living near the turbines to speak out about the harmful effects -- a flaw taken care of in future installments. So, if all this renewable stuff is so (indiscernible) and good for everybody, which is what they constantly claim, why did they gag the landowner? And what possible thing about wind turbines did they possibly need a componential agreement for?

When I first moved back home, the wildlife was what I remembered as a kid. Coyote, deer sometimes wandering across the open fields. Roadkill cleaned up by giant vultures. All the little critters wandering through. At night, their little reflective eyes in the ditches that your headlights reflected off the night creatures' faces. Today, they're all gone, with the exception of rats and mice, they're proliferated, and some coyotes, who all sleep underground protected by the earth from the infrasonic frequencies, but even coyotes are more scarce as their food is diminished.

Vermilion County has two large and wonderful conservation areas. One sets at the edge of the California Turbine Cluster, a beautiful nature preserve with virtually no wildlife left, a silent place with a large lake and no other fowl. The closest turbine from

me is seven miles, and when the weather conditions are just right in our living room, we can hear them running. Then out in the field in the cooler weather, you'll hear what sounds like a diesel running close to you. My prairie and its creatures are gone, poisoned by the chemicals and erased by the frequencies. How do we get them back?

Let's start with the fact that all renewable technologies are net loss designs. They all will create more hydrocarbons than they'll ever say, never producing more energy than it takes to build, distribute, and operate. If any renewable system of any kind saved anything at all, that's all we'd hear about. It doesn't happen because it's all a net loss scam that only exists because of our tax dollars.

During this meeting, everyone in this room is pulling money from their pockets and handing it to those here promoting the scam. It is the largest wealth transfer in human history going into debt to pay unknown persons for unreliable technology. Here's how the turbines scam works:

First, geographical models are created in searching for the best location for ideal installations. Portal weather stations are set up for validating the

models. Meanwhile, flying just below in secret are the closers, slithering about -- the contractual part of being involved, -- getting landowners to sign up for God and country and the laundering cash they'll give them each year, meanwhile telling the signer not to say anything. It's, "Hey, farmer, landowner, want to help America? Energy freedom, cash in your pocket, American jobs. Sounds great, huh? And you get paid from us for taking just a quarter acre space, never mind the ten acres of road leading to the quarter acre. Just sign here. Just one catch, though, you can't give your First Amendment rights, as you never can tell anyone how the turbines are working out for you."

Meanwhile, while everyone is cheering you on because the local government gets money from the scam in the form of tax monies. Simply stated, they get trillions of dollars from the government and then trickle it back through laundered cash money. Scams always seem to entail illusion, so it is with turbines. 14 mile an hour winds will turn true and slowly on the prairie, but are just starting to provide energy. There are primarily three kinds of sounds: The subsonic, the audible, ultrasonic. Ultra-frequencies are always produced. Audible sounds you hear and along with

subsonic frequencies. Elephants, whales, marines species like shark sharks, all use frequencies that are outside of human hearing. All the beachings you hear about are from animals who were involved in U.S. Navy's new weaponized ultrasonic frequencies that destroys the mental -- animal's mental capacity, creating regular mass beachings.

Turbines generate massive subsonic frequencies that damage physical and mental functions, particularly impacted is your REM sleep that can cause virtually any type of illness. With sleep being one of the legal -- legal issues among those who live along the turbines, easily checked on by a health care provider in any turbine cluster. Using the reliable coal, China now controls the world's renewable energy market and controls 85 percent of the renewable solar and turbine energy worldwide. The renewable industry that has been brought here to suck you dry and you leave with nothing, consider that the systems they install are systems that take your money and give you nothing in return but disease and poverty.

Meanwhile, they are facing a technological breakdown in the turbines systems, with a life expectancy of the ever-enlarging bearings in the

machines only lasting about one-third of the time posted for their use. Complex systems that generate inaudible frequencies that shatter bearings. They also create crystal patterns that affects those living in the area.

Oh, they will give you money, given them -- to them by the government until the tax laws are abandoned, which will end the public money being given to the people's tax, ending the great tax giveaways we know today. This is why escrow funding for (indiscernible) is so critical, to cover the scam the company -- that when the company disappears, we say we do as their monies disappear.

Want to see how you'd feel in living with turbine cluster? Take your blood pressure reading and heart rate, drive out to the middle of a cluster, and read a book for a half an hour. Check your measurements again and see what they reveal. Imagine like that being all the time.

Meanwhile, in Vermilion County, we're stuck with a large recovery and we have 250 without any abatement coverage of any kind, even though it was brought up as an issue in the meetings by the public. From the row of suited people sitting in control of the room to the message being presented, you manipulate the

meetings. It is a planned and contrived scheme where suits with money and power control the population through money and influence. Buying the trust of the people, we use our tax money to buy technology that never pays back more than it takes to operate. It's all a net loss product and almost the process -- and almost the process are those who profit from it. You have the same State of Illinois pennant working for you as Vermilion County and other counties have, paid for by a state's attorney who represents the interests of the company applicants. That's why you watch him doing a complete rundown of the testimony by the person who did the marketing plans, making sure that all the legal issues demanded by the State are included in the report.

I would advise this board to question, intentionally, this person, to learn all that he will be doing in making sure you follow everything the State requires. He admitted to your board that he doesn't work for us. He works for the State's Prosecutor's Office to make sure everything is aligned.

Amy Antoniolli told us how things began in this area, where they bought large numbers of people through large tax contributions and the community influence, peddling at the highest levels.

Alan Moore brought us rigor insight into this world, where they didn't even seem to know what infrasonic frequencies were, one of the most important aspects of the full sonic frequency range, and he's the sound study expert.

Brie Anderson, what can you say about her, as she was being apparently influenced by Jason Conley. Jason Conley's presentation, he denied being in the back of the room, acting like a cameo actor, animated and outstanding through the entire presentation by one of his employees. It was the only time he was ever outspoken in public, but took little to (indiscernible) his phone during the seven-hour presentation. It was an outstanding performance with plenty of seating.

When confronted by his influence peddling he'd been doing when he was accosted by two public people at the break, he stated three times that he didn't know what they were talking about. But on the fourth time, admitted that it was his employee and he was influencing and, therefore, he could do that. The denying the affair when it was set -- put to him under oath.

Kelly McKeough, another proud promoter within wind, she had idea what polymer contamination was, no consent as to what kind of massive forever contamination

occurs when dropping a wind turbine and when cutting it to shreds becomes a vapor in the air, permanently contaminating the soil through the entire area to be spread and timed to every field in the area and beyond.

And we have Adam Carlson, a big fly in the hierarchy who takes his company seriously, but lacks the inner conviction of truth. He was totally wrong about small logics being set on each tower, capable of controlling aircraft in the region of the airflow of systems.

MR. KAINS: Mr. Cronkhite, you have three minutes remaining.

MR. CRONKHITE: Oh. And, finally, the property before us, the three -- jeez, I'm sure Ms. -- yeah, have that -- three experts in turbines designs, just ask them to come by and testify again. We've heard the stories of hunters -- the area will become desolate as the animals vanish and (indiscernible) become damaged with greater pains and ailments until they die or leave, except the rodents who will thrive in all sizes.

Did we hear right that there was eagle nests in areas of the wind projects? Because on April 9th, 2025, a French court ordered the entire site of (indiscernible) to cease operation for one year upon a

confirmed death of a golden eagle. How many golden eagles sign faces with proposed turbine installation? Nobody knows. Nobody knows, and no one is talking or giving you directions on how to find them. It's a giant secret, held by the secret government. But then broken blades are simply an interest burden as nasty fibers given off by wind turbines are as dangerous as asbestos with no cleanup available.

So, what you have is manipulated and controlled interests using massive technology and never generates more energy than it takes to build, transport, and maintain.

I'm gonna pop down to the bottom here because I want to make sure... And don't forget the newest law today, helping lower the costs of electrical vehicles and buying energy-efficient appliances, rooftop, and solar. It will phase out tax credits that businesses can use to build new electric generation, like wind and solar. Will you be the judge of what God has created that you're destroying further in interest in God's work? So, there you are, helpful rundown, tag you're it.

MR. KAINS: Thank you, Mr. Cronkhite.

Questions for this witness from members of the Planning and Development Committee?

Yes, Mr. Chairman?

EXAMINATION

BY MR. WATTS:

Q. Mr. Cronkhite, can -- can you tell me who built and maintained the project that you described?

A. I honestly do not know. It's -- it's been there 12 years.

AUDIENCE MEMBER: What was the question?

AUDIENCE MEMBER: We can't hear him.

MR. KAINS: Okay, Mr. Chairman, if you could grab the mic.

MR. WATTS: I'm sorry.

MR. KAINS: That's all right.

MR. WATTS: I asked if he could tell me who put the project up and -- and operated it for 12 years.

MR. CRONKHITE: Right, yep, 10 or 12, something like that.

MR. KAINS: The project in Vermilion County with which he testified?

MR. WATTS: Yeah.

BY MR. WATTS:

Q. So, with all the research you've done, you were never able to get that information?

A. I -- I can probably find it.

Q. Okay, all right.

A. Yeah.

MR. WATTS: All right, thank you.

MR. KAINS: Thank you, Mr. Chairman.

Any other questions from members of the
committee?

County Board?

Yes, Mr. Shook?

EXAMINATION

BY MR. SHOOK:

Q. I just want everybody to know that he said --
Mr. Cronkhite said that he's attempted to go to County
Board meetings, but that wasn't our County Board meetings,
that was in a different county --

A. Vermilion County, correct.

Q. -- correct?

A. Correct.

MR. SHOOK: Okay, thank you, sir.

MR. KAINS: Okay, thank you, Mr. Shook.

All right, any other questions from members of
local government, including school districts?

Cross-examination, counsel?

MS. ANTONIOLLI: Yes.

EXAMINATION

BY MS. ANTONIOLLI:

Q. Mr. Cronkhite, are you aware that the project in Vermilion County that you spoke about is not an Apex Project?

A. Yeah.

Q. Okay. And, in fact, have you read the Coles Wind Application?

A. I -- no, I haven't to be honest --

Q. No?

A. -- with you.

Q. So, you're not aware of what the template agreements or any of the lease agreements or Good Neighbor Agreements in this case say?

A. I've been sitting here and listening to it.

Q. Okay. So, you're aware just from the testimony? So, they are not -- you're aware, then, that they are not similar to the leases that you -- that you spoke about in other situations with other wind farms?

A. They are.

Q. With respect to the --

A. Everything.

Q. (Speaking simultaneously.)

A. Everything.

Q. Then, you're not -- you're actually

mischaracterizing what is in the record because we've -- we've spoke many times that there is no restriction about what people can say except for the sole issue of the financial -- the financials.

A. I've heard you say that.

Q. Okay.

A. And I haven't heard what their rebuttal is.

MS. ANTONIOLLI: Okay, thank you. No further questions.

MR. KAINS: Okay, very good. Thank you, counsel.

All right, questions from Coles County -- or I'm sorry -- members of the public? Not Coles County people, yet. Members of the public, folks in support or neutral on the application with questions for Mr. Cronkhite? All right, very good. Thank you.

Now, Coles County Staff and Consultants, Mr. Lockhart?

MR. LOCKHART: No, sir.

MR. KAINS: Mr. Keyt?

MR. KEYT: No, sir.

MR. KAINS: All right, very good.

Then, final questions for the witness come from members of the Planning and Development Committee. All right, very good.

Mr. Cronkhite, thank you for your testimony.
You may step down.

MR. CRONKHITE: Thank you.

MR. KAINS: All right. I asked earlier for a
show of hands and the first hand that I saw up was
Ms. Becky Miller.

(Pause.)

MS. MILLER: Do you need my legal name or
any -- does it matter?

MR. KAINS: You can give whatever name you
want to give, as long as it's yours.

MS. MILLER: Okay. Okay.

(Witness sworn.)

MR. KAINS: Okay, go ahead. Can you state
your name for the record.

MS. MILLER: Becky Miller, from Vermilion
County.

MR. KAINS: Go right ahead.

BECKY MILLER,
called as a witness, being first duly sworn,
was examined and testified as follows:

TESTIMONY

MS. MILLER: I moved here from Texas. I
married a Central Illinois farmer, whose father and he

were both passionate about farming. I was an elementary school teacher. I mentioned, "Oh, look, wind turbines that's great, you know, not taking away from petroleum." My husband looked at me like I was crazy.

And then, when he -- my husband passed away in 2015 and I inherited the family farm, and then we got invaded by Vermilion County by a company -- wind -- the company that was trying to put in a wind and solar project.

And the salespeople were -- like, it was bad. They trespassed on your property. You could put up signs, which I know they were probably different salespeople. They'd go in your garage and leave you notes, like "You need to call me." I had one walk into my house, uninvited, got past my dogs -- I don't know how that happened, but it did.

Anyway, I also like to go back out west. Well, you know, I want to back up a little bit. When they came to the area, there was a big hot topic. I asked my boys, I said, "You boys are gonna inherit this farm someday. I feel like I'm just the steward on it, since you inherit it. Do you want turbines?" My oldest son, "Absolutely not, Mom. No way, no how." He and his coworkers have discussed it numerous times. He was dead

set against it. My youngest son, he's more, you know, the entrepreneur, money guy, "Yeah, Mom, take the money." I said, "Nope, you two have to be on the same page. You have to agree or nothing -- you know, I'm not gonna do it, I'll -- you know, we'll have a family meeting." Said, "You need to talk to your brother." You know how brothers are, they get along one minute and they want to kill each other the next.

Anyway, they talked and then my youngest son called me within a few days and said, "Nope, Mom, absolutely not." I said, "Fine." And I knew some of the neighbors had signed up around me. And I wasn't sure about it, but I thought I'll try to keep it out of there the best I can.

Now, I like to go back out west. I like to go off the grid. I like to go in the mountains of New Mexico into the wilderness. There's no cell phones, there's no roads, there's no doctors. You are there with nature. I do hire and go with an outfitter, however.

Anyway, I'm driving -- I book my trip. I'm driving out there and it's like, this is great, you know? I'm gonna -- no stress. I'm on my own when I'm out there. And I get -- and the outfitter is hauling

horses and mules to the trailhead. There's no way to get ahold of him. I don't like to go on the interstate. I prefer to go on the highway, cross country. I get near Salina, Kansas -- Salina, Kansas, and all the sudden, I just started feeling like crap, for lack of a better word. I felt like I had someone grabbing my chest. I had my left ear stopped up, and I had what was like butterflies in my stomach, and I could not figure out what was going on. And I had to make the decision: Do I stop, turn around, and go home? But then I was afraid he'd be waiting at the trailhead for me, I'm not gonna show up. I finally made the decision to keep going. So, I keep driving and that goes away a little bit. I thought, "Okay, good. I don't know what it was."

Next thing I know, it starts happening again, like this is bizarre, it's weird. Finally, I realized, I'm looking around, is it environmental? Are there some kind of trees I'm allergic to or what? All I could come up with every time it happened, I was near a wind farm. And I use that term loosely.

So, I finally make it to the trip, surviving the road to the (indiscernible) that's not good, it's not pretty. I go on my trip. Mother nature throws

everything at us it can. And I honestly forgot about the stuffed up ear, the butterflies, the [makes grunting noise] in my chest, till I'm driving home. And I'm driving home and all of the sudden I started having the same symptoms again, like this is bizarre.

Then, I find out about this little thing called infrasound, and I'm like maybe that's what it is. There are people online that chronicle their lives living by turbines. Some of them, I've heard of people building bunkers in their basements, trying to insulate their houses. I reached out to one person, and I said, "I don't know, could you help me out? I'm trying to figure out what was going on with me." So, she goes, "Sure," she said, "Tell me your symptoms." I described my symptoms and I said, "Is this what you feel like with your family?" She said, "Yes, but it's worse because we live here and we can't escape it."

So, that made me feel like, now with the plan in place for Southern Vermilion County, there will be turbines on four sides of my house. Now, I have to be a warrior because I live in a little old farmhouse, probably a tenant house that's been added on to two or three times, the door frames are cockamamie and everything else. That's my house. It's been in my

husband's family for years. And I'll be darned if I'm going to leave my house because I can't live like this. And I will say, when I have to go by a turbine farm now, a wind turbine place, okay, I have to -- like you're having a baby, you have to block it out and drive by it because it affects me so badly. I will also say, now, when I go look out my north door, when I walk out of the house, I see the blinking lights up by Oakwood and Collison. They blink all night long and you never get used to them. You will not tune them out, you will not block them out, they are constantly blinking every single night.

Now, when I pull out of my driveway, I get to see the blinking nights at Newman. They don't go out at night, they blink constantly. I know Apex says they're gonna have the kind that shut off. I don't know. But that's -- it's just -- I don't know. I don't understand how you can be a steward of the land and love the -- I don't want to leave this mess for my kids and my grandkids. I don't want to leave tons of concrete underneath the ground with rebar. I don't want to have to have a grandkid not come over because of infrasound. Maybe it won't bother them, but maybe it will.

It's like the school where I -- I still am

involved with teaching. To the fact that we have kids with heart issues, hearing issues, there's not a school district that doesn't have special needs kids, if it even risks that in any way, it just doesn't make sense to me.

So, I'm done, I'll get off my high horse.

MR. KAINS: Okay. That's not your high horse, Ms. Miller, that's your heart --

MS. MILLER: I guess.

MR. KAINS: -- and your testimony. Thank you.

Questions for Ms. Miller from members of the committee?

Members of the County Board?

Members of the units of local government?

Cross-examination, counsel?

MS. ANTONIOLLI: No, sir.

MR. KAINS: All right, very good. Thank you.

Members of the public, folks in support of or neutral on the application? Very good, thank you.

Coles County Staff and Consultants, Mr. Lockhart?

MR. LOCKHART: No, sir.

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

MR. KEYT: No questions.

MR. KAINS: All right, thank you.

And final questions from committee members.

Ms. Miller, thank you for your testimony.

MS. MILLER: Thank you --

MR. KAINS: You may step down.

MS. MILLER: -- for listening.

MR. KAINS: There was another lady, the one with glasses right there. Oh, my goodness, Kelly is back.

MS. CLARK: Yeah.

MR. KAINS: Okay, the -- the lady with the glasses right here in, perhaps, the third row.

Ms. Clark, we won't forget you.

MS. CLARK: Okay.

(Pause.)

MR. KAINS: Good evening, ma'am.

MS. SHAW: Good evening.

(Witness sworn.)

MR. KAINS: Very good, thank you. Just have a seat. And could you please state your name for the court reporter?

MS. SHAW: My name is Katherine Shaw.

MR. KAINS: Katherine Shaw?

MS. SHAW: Uh-huh.

MR. KAINS: And do you get to be married to

the fine gentleman who started us off this evening,
Mr. Clint Shaw?

MS. SHAW: I will -- I will claim him this
evening.

MR. KAINS: All right, very good. And do you
live in Coles or Douglas?

MS. SHAW: I live in Coles County.

MR. KAINS: Okay, go right ahead.

DR. KATHERINE SHAW,
called as a witness, being first duly sworn,
was examined and testified as follows:

TESTIMONY

MS. SHAW: Okay, good evening, everyone.
Thank you for allowing me the time to speak about a
topic that I could feel passionate about for my family,
my neighbors, and my community. My name is
Dr. Katherine Shaw, I'm a property owner of multiple
real estate parcels within Coles County, but the
property I wish to speak to you about tonight is my
primary residence at Coles County N 1/2 Northeast 1/4
SEC 10 T13N R09E, property index number 12000154000.

You okay?

COURT REPORTER: (Nods head.)

MS. SHAW: Okay, my father was raised in Coles

County and met and fell in love with my mother on the Eastern Illinois University campus. I grew up only 40 minutes away and visited the campus and our family here regularly as a child. This county has held a special place in my heart for my entire life. I have lived here for over half of my life and have devoted countless resources to this community. We have owned this house for approximately 20 years. We have brought home two babies to this house, raised two daughters here, hosted numerous family gatherings, worked hard to make improvements and build equity in our investment, and monitor our girls' growth over the years in the door frame.

I would like to talk with everyone this evening about trust. The Oxford English Dictionary defines trust primarily as "a firm belief in the reliability, truth, or ability of someone or something." To build the trust in my testimony tonight, I would like to offer the following information to you about myself:

I'm not claiming to be an expert this evening because I am not a paid or a contracted business brought forth by Apex. I am simply offering my credentials to build my creditability and trust as you listen to my testimony this evening. I received my Doctorate of

Philosophy degree in Textiles from Florida State University. I have been a college professor and researcher for 22 years. I serve on my university's Master of Sustainability faculty, and I am a coordinator of another graduate program on our campus. I have taught research methods and statistics at the graduate level multiple times. I have served on countless master's theses and doctoral dissertation committees. I have coauthored and authored numerous national and international conference presentations and journals.

I'm currently working on my third textbook with a New York City publishing company. The textbook is primarily focused on retailing at the global level with emphasis on marketing and sustainability. I am also currently working on my application to be a Fullbright Scholar and travel to (indiscernible) to study the impact of textile waste and sustainability in the world around us.

Amongst all these things, I tell you the most rewarding and trustworthy job I have is being a mother the last 16 years. The highlight of each week is the time I spend in my daughter's classroom working with sweet second graders helping them learn to read.

Driving down 130 and across town -- this is Highway

130 -- to their various activities and spending time in the evening chatting with them about their day. I have not come to most of these meetings for that reason and because Clint Shaw has been our representative for our family.

That said, I have watched hours of testimonial videos, read transcripts of the hearings, reviewed the application, and researched countless peer-reviewed journal articles. I do worry about the safety of my children concerning this wind farm for multiple reasons. The greatest of those reasons, frankly, is that I have a soon-to-be 16-year-old new driver that will be traveling down 130 multiple times a day, every day, amongst the construction and laydown yard area. This is something I do not trust.

Okay. Next, I would like to discuss trust and research and data. One of my research method professors at Florida State often likes to quote Mark Twain, reminding us that "figures don't lie, but liars do figure." In my doctoral program, one of the things that I was trained was to review the validity, creditability, efficacy, and ethics of every bit of research I take in. I encourage you to think about the ethics of the research you have heard during these testimonials.

I have continued that training and passed it along to my students as I teach the research method -- that I teach them the research methods and data collection analyses. We find in research that peer-reviewed research and not for profit data collection tends to be the most ethical and often falls with parameters of the criteria I have previously mentioned. So, those would be validity, creditability, efficacy, and ethics. The authors or experts presenting research must declare that they have no conflicts of interests.

I would like to give you an example of how to carefully dissect research data, and I'm going to use the article that has been listed in Coles County Wind Ordinance documents filed online. Can someone please clarify for me who has provided that document for us to read and review so that we have that on record? The article is "Wind Turbines in Health, a Critical Review of Scientific Literature," from the *Journal of Occupational Environmental Medicine*, from November of 2014.

MR. HESS: May I respond, Mr. Kains?

MR. KAINS: If -- if you want, you don't have to.

MR. HESS: Well, Dr. Shaw, I believe -- I believe we provided that through the testimony of

Kenneth Kaliski.

MS. SHAW: Okay, thank you very much,
Mr. Kains -- or Hess -- excuse me.

Okay, so the first thing I want to address is that this research was from 2014. Typically, in the world of research, we like our articles to be much more recent and up-to-date in order for it to -- especially in a topic that is changing daily, right? So, an article that is 11 years old, unless it's presented as seminal research -- which would mean it would be a keystone of our research data -- that is something we would not -- I would discourage my students from using on their research paper or if they're working on collecting research or data.

Sorry, let me organize myself here.

So, that's just something I wanted everyone to consider. I also want you to consider that this article was written by Mr. Kaliski, who we talked about earlier. And it also notes on the article that the authors declared no conflict of interest. I'm not sure that was an ethical thing for Mr. Kaliski to do. I don't know. I don't know his heart.

I also want to point out that this is actually a very unusual -- it's not really a study. So, no data

has gone -- like, there hasn't been anyone that has gone out and collected data in the way that some of you might be thinking. This is also -- this is actually what we call "qualitative research," so they've done the content analyses. It contains 162 references in this article. It's called a "narrative synthesis," so they're taking all of these articles and pulling the information that they want to help prove the theory that they're trying to prove, okay? So, basically, they're synthesizing, they're summarizing these -- these articles, and then pulling the data. And as I mentioned before, I can make data look just about however I want probably, okay?

So, now, in their method of methodology, it states that of those 162 articles, 65 documents were actually screened, so typically this is done with a data collection system where I can take all of the articles, enter them into a database, and then the computer runs and makes the themes or consistencies amongst all of this data, okay? And they actually only use 20 that met their criteria for this research.

(Mr. Royal coughing.)

MS. SHAW: So, of the 162 -- sorry, if I had a fresh water, I'd give you one -- only 20 were used. There are certain things that my students and I would

do, as far as looking at and dissecting data or the -- looking at the validity of a research article. I do find it interesting that some of the key points that were most -- how can I put this -- I mean, Apex is the entity that placed this article for evidence, I'm guessing that they also highlighted in there the items that they thought would be most readable to us, perhaps.

I do want to point this out. So, one of the ways one of the research studies actually didn't even -- it was university students. So, the university students were exposed to recorded sounds from locations from a series of Swedish wind turbines for ten minutes and then were assessed for parameters of annoyance. I -- I don't know how that applies to me, who's living in the middle of this.

I teach university students every day. They are very wise people, but they aren't going to understand in the same way, okay? So, I'm just giving you these things, just as I would with my students, to always question. Just because it's written down, just because it's in a textbook, just because it's a journal article, it doesn't mean it's truth. It's all theory. It's -- it's not a hundred percent, okay?

The other data that I looked at on this

article was this graph. And this, again, analyzes several different research studies that have been done that these scientists summarizing these, Mr. Kaliski has a BE and a PE.

MR. KAINS: Dr. Shaw, what are you holding up? What is that?

MS. SHAW: I'm sorry, this is a larger version of -- it's a screenshot -- of a graph that is in the research article.

MR. KAINS: Which research article?

MS. SHAW: The one that I've been discussing.

MR. KAINS: And again --

MS. SHAW: That Apex submitted.

MS. ANTONIOLLI: Yes, and for clarification, it's the MIT study that we referenced earlier with Mr. Kaliski.

MR. KAINS: The MIT study with a couple of doctors and Mr. Kaliski also as an author?

MS. ANTONIOLLI: Correct.

MS. SHAW: Yes.

MR. KAINS: Okay, all right. So --

MS. SHAW: (Speaking simultaneously.)

MR. KAINS: Are you -- are you clear -- hang on -- counsel, are you clear with what she's holding up?

MS. ANTONIOLLI: Yes.

MR. HESS: Yes, sir.

MR. KAINS: Okay, as long as --

MS. SHAW: Okay.

MR. KAINS: -- as long as you're clear, go ahead, Dr. Shaw.

MS. SHAW: Thank you very much. Okay. So, all of these studies, again, are ranging in dates from 1993 to 2013. I went in and looked at each of them and read each of them. Neither in Mr. Kaliski's study and the majority of these studies listed the height of the windmills that were being investigated.

So, I went in and delved deeper. And I looked at the average height of windmills in each of these countries listed and during that year. So, in the Netherlands, in 1993, the average height of a windmill was 33.3 or 53 meters, which is 109 to 173 feet. And in Sweden, we go at 80 to 150 meters -- 262 to 492 feet.

Interestingly enough, Sweden is actually working out on getting a wooden wind turbine, which of the turbines, I think that's a better choice, actually, because it's actually made from a natural fiber that is more biodegradable than the fiberglass fibers that could never biodegrade or take thousands of years to

biodegrade. That is true with all synthetic fibers. They take much longer to biodegrade than a natural fiber that comes from the earth or an animal.

In the Netherlands, 154 to 543 feet. Poland, 322 feet -- that's a current measurement because I couldn't find a previous one. United Kingdom in 2013 was 75 meters or 246 feet. I have been to London, I have been on the London Eye at 443 feet. Our turbines will be 650 feet. I'm not sure how this study applies to what we are talking about for our community.

Please consider we reviewed -- or we were given six peer-reviewed journal articles, which in most research studies -- and this is only the data that I have been able to find on the website -- that's typically very weak data representation in a research study. Six studies tells me very little. Most data is not peer-reviewed, but brought -- any other data that we received is not always peer-viewed, but brought to us in these hearings by their contracted experts.

I could very easily come up with six peer-reviewed journal articles that would speak to the negative impacts of wind farms. I actually came up with a list of 33 in the matter of two days. And some of those were the same authors that have articles listed in

Mr. Kalinski's [phonetic] study -- Kaliski.

Interesting. Food for thought.

I will now end my teaching session on data and research methods. I'm glad to answer any questions that anyone has about that after my talk.

So, now I'm going to talk about trust and respect in our human interactions with one another. In 1974, almost 20 years before she became a Supreme Court Justice, Ruth Bader Ginsburg gave birth, fought for, and passed the Equal Credit Opportunity Act. For those not aware, this broke down barriers for women to own property, leading to increased female homeownership and broader financial independence. It was because of Justice Bader Ginsburg that I was able to get my first credit card, establish a credit score, get a car loan as a woman. I am a mother of two daughters, and I look forward to them one day having a credit score, applying for loans, and owning property.

In my experience, almost 50 years later, with Coles Wind and Apex, this is not a component -- component of -- this is a component -- excuse me -- of a good neighbor process that they forgot. Let me explain.

My husband talked -- touched on this earlier, but I would like to give my side of the story. Both of

us are listed on all real estate deed transactions in Coles County that we have been involved in over the last 24 years of our marriage. And yet, when Apex sent the letter about participating in a Good Neighborhood Agreement, my name was not listed or addressed on the envelope or on the enclosed letter. I was angry. I was offended, but I followed through and I went and made the appointment -- I made the appointment for my husband and I to meet with this gentleman. Probably, it would've never happened if I hadn't because I'm the one that opens all the mail, typically, too, and do most of our business paperwork.

Furthermore, when we met with the Apex representative, he did not acknowledge my existence as a human in that room. He shook my spouse's hand when he entered the room, but did not acknowledge my offer of a handshake as I did with the Apex gentleman tonight, who responded in a handshake and his apology to me this evening.

He did the same when he exited the meeting. During our time talking, he continued to disregard my existence as part of the conversation, having his body turned in a manner that made it hard for me to be a part or include me in the conversation -- ope, sorry, I

jumped down -- made it hard for me to be apart of the conversation and making no eye contact with me. My spouse and I both made efforts to include me in the conversation and they were unmatched.

This behavior was disrespectful to me as a woman, a property owner, and a mother of two girls. This behavior certainly did not build my trust in Apex as a company. It leaves me to wonder if the contracts for the Participating Neighbor Agreement could have been signed without my signature or consent as a co-owner of the property listed on that deed and all county records.

This is something that I highly recommend that the Coles County Board further investigate. I want Apex Wind to know this kind of behavior is not how you build trust to sign a Participating Neighbor Agreement or build trust in a community. In hindsight, it led to me learning experiences about Apex as a company, hours of research on Good Neighbor Agreements, and, ultimately, a decision as a family to not sign the agreement. So, perhaps, I have this human to thank for all of that.

(Pause.)

MS. SHAW: Trust your instincts. I asked that you, each of our board members, trust their instincts when making the decision on how you vote for this

proposal. Please consider that my family and I will be surrounded by 52 windmills in a four-mile radius of our home.

We were offered \$7,000 a year as part of a Good Neighbor Agreement. At the two percent land escalation inflation rate offered by the company, that would mean \$283,978 over the next 30 years that my family and I have sacrificed for the ability to use our voice at these testimonials. That doesn't seem fair, but it's life and it's the decision we made.

This contract would become part of our deed for 30 years, with ten options for the company to extend. So, ultimately, a 50-year contract possibility. To those that did sign, this contract is recorded and part of your deed and will become an incumbrance on your property. This incumbrance, as well as the placement of wind turbines and related infrastructure adjacent to our properties, may have a significant negative impact on the value of our homes and, for some of you, the ability to make money as you previously did, far exceeding the money that was offered in our Good Neighborhood Agreements.

Our instincts told us it would not be a good idea to sign this agreement. We trusted our instincts.

Board members, please be aware of this information as you make your decision.

I understand the importance of renewable energy. I find it very interesting that I am sitting here with cardboard water and everyone at the Apex table has a plastic water bottle. I also find it interesting as a textile scientist that the hats that they're passing around for Coles Wind are made out of synthetic fibers that are not biodegradable or as biodegradable as the natural fiber option would've been. A significant amount of our textile waste ends up in our oceans and our waterways.

As mentioned earlier, I studied sustainability as part of my research agenda. However, I firmly believe that there are alternative solutions that can meet our energy needs without sacrificing the wellbeing and quality of life of Coles County residents. I ask that you consider how you would feel living directly in the middle of this wind farm as you make your decision.

Thank you to everyone for your time and consideration, and thank you to the board members who have continually showed up. Thank you for your -- the time you give serving our community as Coles County -- Coles County Board Members. My family and I are

trusting you to make the best decision for us and our community. Thank you.

MR. KAINS: Thank you, Dr. Shaw.

Questions for Dr. Shaw, first from members of the committee?

Chairman Watts?

EXAMINATION

BY MR. WATTS:

Q. Thank you, Dr. Shaw, for your testimony. I'm curious to know, did you do a critique of all the studies that were submitted and was the one that you cited the most lacking of those, in terms of what we -- you would see as being acceptable or thorough?

A. That's a great question. I did review all of the articles, and I did find this to be the most lacking and it's the easiest to present to you as far as a lesson. If that helps.

Q. In doing your critique, were there studies in there that you would consider acceptable?

A. I would, but then again, I might not as far as research ethics. Especially the ones that Mr. Kaliski has given us because in my mind, he has a conflict of interest in -- in doing that research and then also being contracted by wind companies.

MR. WATTS: Okay. Thank you.

MS. SHAW: Yes.

MR. KAINS: Thank you, Mr. Chairman.

Any other questions from members of the
committee?

County Board?

MR. SHOOK: Yep.

MR. KAINS: Mr. Shook?

MR. SHOOK: I got one.

EXAMINATION

BY MR. SHOOK:

Q. Thank you, ma'am. If you -- when you had your
meeting with the gentleman from -- with these folks --

A. Uh-huh.

Q. -- the first time and all that, the gentleman
shook his hand with your husband and kind of pushed you
aside, if you don't mind me saying that?

A. No.

Q. If he would've been a lot different, if he
would've came up to you and shook your hand and talked
to you and treated you a lot better and all that, would
you have talked to your husband and maybe agreed to do
the contract?

A. So much of that is like a "what if." And I'm

not sure that I can really answer. I don't -- I don't think I would've ultimately because I am a researcher and I spend my life asking questions and really reviewing both sides of information as any of the research I would do to make decision on many aspects of my life.

Q. And that's your opinion?

A. What is my opinion?

Q. Your opinion is that if you don't agree with something and you voice your opinion and somebody else agrees to it and likes it, that's your opinion to not like it, correct?

A. I am confused.

Do you want to try and clarify that for me?

MR. KAINS: I don't know if I can.

(Audience members laughing.)

MR. KAINS: Can you rephrase, Mr. Shook?

MS. SHAW: I'm telling you that I base my opinions, I guess, on a dearth of research typically, so -- not a dearth -- an abundance of research, to the point where it often drives my spouse nuts because I am never black-and-white about anything.

MR. SHOOK: Okay.

MS. SHAW: I think there is always questions

to -- there are always questions to be asked. And even when I have an opinion, I'm always willing to listen to other people's opinions as well and take in that information.

MR. SHOOK: Okay. Thank you, ma'am.

MS. SHAW: Uh-huh.

MR. KAINS: All right, thank you.

MS. SHAW: If you're asking about my opinion, I guess that's what it is.

MR. KAINS: Thank you, ma'am.

Thank you, Mr. Shook, for you questions.

Any other questions from member of the County Board?

Members of units of local government, including school districts?

Cross-examination, counsel, Mr. Hess?

MR. HESS: Thank you, Mr. Kains.

Good evening, Dr. Shaw. Dr. Shaw, I want to begin, first, by apologizing to you. The way you were treated is completely unacceptable. On behalf of me and behalf of our team, I apologize.

MS. SHAW: Thank you. Did you -- could I -- I have the hearing off. Could you just make -- and I'm sorry if I'm extra loud because I have a hard time

knowing how loud I am, so.

MR. KAINS: Mr. Hess -- Mr. Hess, you speak up.

And I'll tell you what, Dr. Shaw, I think your testimony, I could hear it because I'm old and curmudgeonly and I could hear you, so awesome.

MS. SHAW: Okay.

MR. KAINS: You can speak up, counsel.

MR. HESS: Yes, sir.

Dr. Shaw, would you like me to apologize again?

(Audience members laughing.)

MS. SHAW: Only a million more times.

(Audience members laughing.)

MR. HESS: Yes, ma'am.

MS. SHAW: Thank you.

MR. HESS: Okay, Dr. Shaw, I have just a few questions for you.

MS. SHAW: Absolutely.

EXAMINATION

BY MR. HESS:

Q. You described the 2014 MIT study as unusual and not a study because instead of a synthesis of data -- did I get that right?

A. Right.

Q. And so -- and I want to make sure that I

understand your point there -- your point is that there wasn't a lab experiment, there wasn't a big review of medical records, it was just looking at what other people had written?

A. Right, so there was no field -- there was no data collected in the field.

Q. And so --

A. It was these I think it's four researchers gathering a lot of research articles and synthesizing them or weeding them together to help prove their theory.

Q. Okay. And so, then, Dr. Shaw, if that is an unusual study, I want to see if I can understand what, in your opinion, would be a more usual study that -- would you agree it would be like a properly-controlled lab experiment? Of course, the methodology would get very complicated and have to be explained, but is that the type of study that you would have in mind when you think of a study where this one was unusual?

A. Okay, let me clarify what I meant by that.

Q. Sure.

A. Perhaps I should clarify in saying that I think the layperson, who is not practiced in research, would have no -- would probably not understand what a

review of literature is. We typically think of, as a layperson, someone that goes out and is collecting data, quantitative research, and then coming back in and analyzing that data. So, that was what I meant as usual versus unusual. It might not be the usual way that someone that isn't trained in research would understand a research study could also look like.

Q. Okay, very good.

A. Does that make sense?

Q. It does. Thank you, Dr. Shaw. And so then just to pick up on what you just said --

MR. KAINS: Can you raise your voice a little bit?

MR. HESS: Yes, sir.

BY MR. HESS:

Q. So, just to pick up on what you just said, then, a more usual review -- I believe you just testified -- would be to go out and collect data and then analyze it, is that fair?

A. No, I said that the usual way that a layperson, someone who is not trained in research, might understand research to look that way.

Q. It -- in your experience, though, all of your background and credentials, when you were teaching your students how to look at studies, is it fair that one way

studies are done is by going out and collecting data, such as medical records, and then analyzing that data?

A. Yes, it is regularly done, but with pre-existing data of all kinds. I'm guessing that even some of the research presented by your testimonials was also pre-existing data, as well.

Q. Okay, all right. And then I want to touch on the conflict of interests --

A. Uh-huh.

Q. -- testimony that you gave. And, as I understand your testimony, but please correct me if I have this wrong, your concern about Mr. Kaliski's conflict of interest, for example, is that he has been hired by Apex to testify here, is that...

A. My concern is that he did not travel here out of the goodness of his heart. I'm assuming that he was compensated in some manner.

Q. He was, you are correct.

A. Okay. I didn't want to ask that because I didn't know if it would be able to be asked.

Q. Yes, ma'am. So, Dr. Shaw, is it fair to say, though, that in 2014, at the time that he authored that study, that he had not been compensated by Apex at that time? And that point in time, he would have no conflict

of interest, at least with Apex?

A. At least with Apex. I do not know Mr. Kaliski. I don't know if he has other conflicts of interests. I -- you mentioned -- I don't know if he's a retired or an emeritus professor or whatever he does. But, typically, as a researcher for a lifelong process, you would not be paid to do your research in that manner.

Q. Okay. Thank you, Dr. Shaw. And would you agree, then, that one possible way to respond to the conflict of interest that you've identified here is to have Coles County hire its own consultant, so Apex is not the fault, and have that consultant conduct an evaluation of the application?

A. I -- I don't think I can speak for Coles County. I'm not on the payroll.

Q. Okay.

A. So, I don't want to answer that question.

MR. HESS: Fair enough, Dr. Shaw. Thank you very much for your testimony, and I do apologize.

MS. SHAW: All right, thank you.

MR. KAINS: Thank you, Mr. Hess.

All right, questions from members of the public, folks either in support of the application or

neutral on the -- yes, ma'am.

MS. SHEPHERD: Hi.

MR. KAINS: Ma'am, what is -- what is your name?

MS. SHEPHERD: My name is Cindy Shepherd.

MR. KAINS: Okay, can you spell you last name, please?

MS. SHEPHERD: S-h-e-p-h-e-r-d.

MR. KAINS: Okay, and are you in support of the application or neutral on the application?

MS. SHEPHERD: I'm in support of the application.

MR. KAINS: All right, very good. Go ahead with your questions for Dr. Shaw.

EXAMINATION

BY MS. SHEPHERD:

Q. Dr. Shaw, I have a couple of questions just based on the fact that both you and your husband mentioned the -- your introduction to an Apex personnel person. And then when I heard your story, I was wondering, you were obviously -- are interested in learning things and asking good questions. I wonder, did you ask the man why he didn't shake your hand?

A. I did not.

Q. Are you aware that Muslim men do not shake the hands of women when they meet them?

A. I am aware of that, yeah.

Q. I -- I work with someone who's neurodivergent and he has a very difficult time holding eye contact. Did you consider the fact that maybe this person wasn't being disrespectful, but was dealing with a disability and doing so the best he could?

(Audience members murmuring.)

A. If that were the case, then I would wonder why he could make eye contact with my spouse but not with me.

MR. KAINS: Okay, folks in the audience --

MS. SHEPHERD: Thank you.

MR. KAINS: -- let's stop talking so the court reporter can take down the question and the answer.

Did you have any other --

MS. SHEPHERD: Did you get it all?

MR. KAINS: Did you get it?

COURT REPORTER: (Nods head.)

MR. KAINS: Okay, thank you.

MS. SHEPHERD: Thank you.

MR. KAINS: Okay, thank you, Ms. Shepherd.

All right, any other questions from the audience, for those in support of or neutral on the application? Very good. Thank you.

Coles County Staff and Consultants, Mr. Lockhart?

MR. LOCKHART: No, sir.

MR. KAINS: Mr. Keyt?

MR. KEYT: No, sir.

MR. KAINS: All right, very good.

Final questions for this witness come from members of the committee. All right, very good.

Dr. Shaw, thank you for your testimony. You may step down.

MS. SHAW: Thank you very much.

MR. KAINS: All right, we're gonna keep going, right, Chairman?

MR. WATTS: Yes.

MR. KAINS: Yep, okay. But we're going to have to take another break because I can't break Lydia's fingers. And if we keep going, she might just roll up her fists and hit me.

So, the Planning and Development Committee of the Coles County Board will be in recess. We will come back in about 13 minutes. Let's go 9:47, please. We're in recess.

(Recess.)

MR. KAINS: All right, we're back on the record. I was able to have a discussion with some of the attorneys and some of the County Board members

during the recess. It has become apparent that we're not going to be able to finish with all of the testimony tonight. We have four -- four people, I believe, who we're wanting to hear from. And then there would be public comment, the reading of written comments, and it's become apparent that we're going to need to do that when we come back in June.

So, we are gonna do one more witness and it's -- he's promised to be relatively brief. And, sir, in the front row, if you could come forward. And the other witnesses I've identified -- Ms. Clark, Mr. Di Naso, and Mr. Borgman, we will have you back on June 11th.

(Witness sworn.)

MR. KAINS: Okay, very good, sir. Have a seat. And if you could, please, state your name for the court reporter.

MR. MILLER: My name is Alva Miller.

MR. KAINS: Okay, how do you spell your first name, sir?

MR. MILLER: A-l-v-a.

MR. KAINS: A-l-v-a?

MR. MILLER: Uh-huh.

MR. KAINS: All right. Mr. Miller, where are

you from?

MR. MILLER: I am from the wonderful Village of Chesterville located in Douglas County, halfway between Arthur and Arcola.

MR. KAINS: So, you're a resident of Douglas County? All right.

MR. MILLER: Correct.

MR. KAINS: You -- you may go ahead with your testimony, Mr. Miller.

MR. MILLER: First, I'd like to ask, is it permissible to ask the assembly here a question to be answered by a show of hands?

MR. KAINS: No.

MR. MILLER: Okay.

MR. KAINS: You need to testify.

MR. MILLER: Okay, okay.

MR. KAINS: Go right ahead.

ALVA MILLER,
called as a witness, being first duly sworn,
was examined and testified as follows:

TESTIMONY

MR. MILLER: I guess my question would've been: Who here owns the home they live in? I think most of us represented here probably do own our own

home. And because of that, we probably have a feeling that that home is our castle 'cause that's just natural. We paid money for it and, thus, it becomes something that we value.

And I'm not here to speak about value, as much as I am to speak about more of a story, a personal story, and it concerns homeownership. And it concerns what took place when I was a young boy.

On August the 19th of 1969, my mother hollered up the stairs, asked me to get up and go out to the barn and tell my dad that breakfast was ready. And she had to ask, I think, a second time, but I got up and I went out.

I had grown up on a farm, doing farming. My dad was a farmer. My grandpa was a farmer. My great grandfather back in nine -- or 1879 built the buildings on our property. So, I was the fourth generation living on that farm.

So, as was my habit, I went downstairs and I raced out to the barn to tell Dad, "Breakfast is ready." I looked in the first opening of the barn where he would normally have the draft horses and he wasn't in there. So, went to the second opening, which was the threshing floor, and I looked in and my dad was there. And he was

hanging from a rope. He had hung himself.

I quickly raced up the ladder to the loft where he had tied the lariat that we normally used to rope the cattle to dehorn. He had tied a simple slip knot, and I yanked with my all my skinny 14-year-old strength. And I was able to open that knot. He landed on the threshing floor with a thump. And I jumped down instead of taking the ladder. And I tried to find a sign of life, there was none.

I tell you all this, not to sensationalize, but to show the value that we place upon our properties, upon our homes. The fact that my great grandfather built that place, and my grandmother inherited it, and then my dad ended up living there with his family after two of the brothers had tried and failed to meet with Grandpa's approval.

So, this was in 1969, and this took place two years after Grandma passed away in '67. And so there was some estate issues that needed to be addressed. And through that, with nine children in the family of siblings, eight siblings to my father, there was a lot of squabbling over this land and this property. There was a lot of vested interest in it because some of the brothers had lived there and tried

to satisfy Grandpa.

The point is, this was very important to these folks, to the point where there was acrimony between them and my parents, and to the point where Dad suffered a nervous breakdown and eventually ended up taking his own life. I raise this issue because of the fact that our homes are our castles. That's where we raise our families. That's where we have our children. That's where the grandchildren come to spend the night, which we have one this evening. We had three last evening. It's about family and it's about the home that they live in.

You know, the farmers always said, "Good fences make good neighbors." Well, the Yoders are here, they're going to have these wind turbines located in close proximity to their home. They lived in Arthur for a while. We purchased the home that they rented from us, but they wanted to live in the country. Someone else alluded to that earlier this evening, that they wanted the privacy and the quiet of country living.

So, my son-in-law and my daughter and their young child, Allie, with the broken arm, she's here this evening, they found this ideal property out in the country. No close neighbors. So, they purchased it.

They moved there. They put their heart and soul into it. They planted numerous trees. They fixed up the house. They've done a tremendous amount of work to make it nice -- just put in a new septic system at a very high cost.

"Good fences make good neighbors." I don't think that my son-in-law can build a fence tall enough to hide these wind turbines that are going to be intruding upon their property.

Again, I'm not allowed to ask for a response from the audience, but does anyone actually believe that there are crowds of people just waiting to move into an area where there are wind turbines right outside and build a new five-hundred-thousand-million-dollar home there? I would beg to suggest that that is highly unlikely.

And along with that, obviously, your property values are decreased. It's been mentioned earlier and we were here another evening, that it appears this is mostly about money, and I don't doubt that.

We have a small farm, located in Cumberland County, also adjoining here. And the soil there is nowhere as near as good as it is here. And so our neighbors, farmers, nonresident farmers, were offered

the opportunity to put a solar field there, 2,000 acres of solar and they signed up, but it fell through. Well, now, there's a company offering to put wind turbines in there. So, we will be personally affected by this as well, even more so than what we are currently with our daughter, our baby, having to put up with this.

I remember -- Darrell, you'll identify with this -- Darrell Cox, former sheriff here -- I remember vividly back in the 60s looking out in our living room window -- we lived right on Highway 133, west of Arthur, two-and-a-fourth miles -- looking across the highway to the fields on the other side and seeing 50 to 60 pheasants out there. You won't see that today.

Farming has become big business. And I'm not in any way suggesting that that is wrong. It's what it is. So, they're constantly trying to maximize their investment. I'm not saying that's right or wrong. But I am saying that it probably is wrong that we have displaced all of these creatures because of clean farming because of all of the chemicals that it requires today to do the farming. And I personally think wind turbines in your view every day are an absolute abomination. Thank you.

MR. KAINS: All right, very good. Thank you,

Mr. Miller.

Questions for Mr. Miller, first from members
of the Planning and Development Committee?

County Board?

Members of units of local government, including
school districts? Very good.

Cross-examination, counsel?

MS. ANTONIOLLI: No, sir.

MR. KAINS: All right, very good. Thank you.

Members of the public, folks who are either in
support of the application or neutral on the application?

MR. KAINS: Coles County Staff and Consultants,
Mr. Lockhart?

MR. LOCKHART: No, sir.

MR. KAINS: Mr. Keyt?

MR. KEYT: No, sir.

MR. KAINS: And final questions come from
members of the committee.

Mr. Miller, thank you, for your testimony.
You may step down.

MR. MILLER: You're welcome.

MR. KAINS: All right. I had received a
request from members of the committee to just go and get
this thing done tonight. Ain't gonna happen. We have

four more witnesses that I've identified, plus there may be other folks who might raise their hand if I say, "You want to testify?" Plus, we have written comments that need to be read into the record. I have a nice little stack of comments from about 30 people that need to be placed into the record. We have public comment, oral comment, of five minutes each. We have closing statements from counsel, from the public, and rebuttal statement from counsel. And it's 10 o'clock. We could probably go until 1 o'clock in the morning, but we're not going to.

So, we're gonna come back on June 11th. That is our next scheduled date. And we're going to hear, at that time, from Kelly Clark, Katina Smith, James Di Naso, and if any other folks who are opposed, also folks who are neutral on the application, Phil Borgman, and if there's anybody else. And then we will have evidence from Coles County Staff. Mr. Keyt has indicated that he has an engineering report that has been prepared on behalf of the county. There will be written comments also on June 11th and public comment. And if we get to it, we'll have closing statements. So, we're gonna be here a while on June 11th. But that's -- that was the night we were hoping to have the board's --

the committee's discussion on this matter and the vote.

So, Mr. Lockhart, do you think we ought to open it up now to see availability later in June, or do you want to get with your folks in a more relaxed setting?

MR. WATTS: I want to set the date tonight.

MR. KAINS: You want to set the date tonight, Chairman?

MR. WATTS: Yeah, I do.

MR. KAINS: Excellent. All right, get out your calendars. Since my wife said I have to have one of these smarter than I am phones, I have two calendars now, one that I know how to use and one that she knows how to use.

(Audience members laughing.)

MR. KAINS: She's the smart one in the family. I just have the law degree.

MR. CLAYTON: I just have people call my wife.

MR. KAINS: You got to call your wife, Mr. Clayton?

MR. CLAYTON: I have the people call my wife.

MR. KAINS: (Laughs.) All right. We're going to be here on June 11th. Let's look at June 12th.

(Pause.)

MS. ANTONIOLLI: Good for us.

MR. KAINS: Mr. Keyt, do you think that will work for the -- because the court reporters have to get transcripts done and in the hands of members of committee, is June 12th too soon for the court reporter?

MR. KEYT: Well, the only question will be the night of the 11th, I think, whether that can be done, turned around that day.

MR. KAINS: Yeah, so there will -- there will be testimony from the public, so.

MR. KEYT: If they're all here on the 11th, that's fine, but I don't know if that's gonna be the case.

MR. KAINS: Let's go off the record.

(Discussion off the record.)

MR. KAINS: Okay, here's what we're gonna do: We're gonna be in recess until Monday, June 9th, at 6:00 p.m. We'll finish up public testimony. We'll have Mr. Borgman go first, okay? And then Ms. Clark, Mr. Di Naso, and Mrs. Smith. And if there's anyone anybody else who wants to testify, I guess, then they'll jump in. Then, we'll have written comments, public comments, closing statements, rebuttal closing statement from the Applicant, and then we'll be in recess, then,

until Wednesday, the 11th, at which time the committee will begin the hard work of reviewing the findings of fact to be prepared by Mr. Keyt and Ms. Rives. And if the project is approved, they have to go through and look at potential conditions that may be imposed on the Applicant by the county, and then a vote of a recommendation.

All right, the Planning and Development Committee is in recess until 6:00 p.m. on June 9th, in this courtroom, in the courthouse on Jackson Street. Court is in recess -- or the committee's in recess.

(End of hearing.)

CERTIFICATE OF REPORTER

I, LYDIA G. MADLEM, an Official Court Reporter for the Fifth Judicial Circuit of Illinois, do hereby certify that the foregoing Report of Proceedings was reported in machine shorthand by me and is a true, correct, and complete transcript of my machine shorthand notes so taken at the time and place hereinabove set forth to the best of my ability.

A handwritten signature in cursive script that reads "Lydia Madlem". The signature is written in dark ink on a light-colored background.

LYDIA MADLEM
Official Court Reporter
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Dated this 28th day of May, 2025.

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