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WOODYARD SOLAR, LLC

February 23, 2024

APPEARANCES: MR. JAMES GRIFFIN
Schain Banks
On behalf of the Applicant

MR. ANDREW KEYT
Heyl, Royster, Voelker & Allen P.C.
On behalf of Vermilion County

Jamie S. Atkinson, CSR
Court Reporter
Vermilion County

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1 MR. FOUREZ: According to my time piece
2 it's 9:00 so we'll call the meeting to order. Seeing
3 that all the members of the committee are present I'll
4 dispense with the individual role, if that's okay.
5 And I need a motion to approve the agenda.

6 MR. ELMORE: Make a motion.

7 MR. GREENWELL: Second.

8 MR. FOUREZ: Move to second. Any to
9 second? Hearing none. All in favor say I.

10 MR. CRAWFORD: I.

11 MR. ELMORE: I.

12 MR. GREENWELL: I.

13 MR. PUZEY: I.

14 MR. RUDD: I.

15 MR. FOUREZ: Opposed?

16 (No audible response given.)

17 MR. FOUREZ: Motion carries. We have an
18 agenda. And I will turn things over to Scott to
19 conduct the hearing.

20 MR. KAINS: All right. Thank you,
21 Mr. Chairman.

22 Good morning, ladies and gentlemen. My name
23 is Scott Kains and I am the hearing facilitator for
24 this particular hearing and for the subsequent hearing

1 that is scheduled for today.

2 By way of introduction, I'm an attorney in
3 private practice in Springfield. I've been an
4 attorney for 32 years and my primary area of practice
5 is facilitating or moderating wind farm hearings and
6 solar farm hearings throughout Downstate Illinois. I
7 was in beautiful Nashville, Illinois, last night for a
8 hearing that concluded on a solar project.

9 So we have the identification of the
10 application and project overview.

11 Mr. Keyt, if you would, please.

12 MR. KEYT: So the project proposed by
13 Woodyard Solar is they are requesting a 4 megawatt
14 ground mounted distributed generation solar --
15 commercial solar energy facility on an agricultural
16 parcel approximately 25 acres located at West Woodyard
17 Avenue, Ridge Farm, Vermilion County. That's the end
18 of the identification.

19 MR. KAINS: And, Mr. Keyt, could you
20 please confirm that Vermilion County has received the
21 necessary fees that have been paid by the applicant
22 and that notice of the public hearing has been
23 published and mailed in accordance with law.

24 MR. KEYT: Both have happened and we

1 both received the application and the notice has been
2 published.

3 MR. KAINS: All right. Very good.

4 Thank you, Mr. Keyt.

5 All right. Ladies and gentlemen, in any
6 public hearing or any proceedings such as this there
7 are some rules of procedure that have been developed
8 and approved by the Vermilion County Wind and Solar
9 Committee.

10 First, all witnesses including those of the
11 applicant and other interested party wishing to
12 address this committee shall be sworn. All witnesses
13 shall testify under oath. The applicant shall present
14 testimony and evidence. Each of the applicant's
15 witnesses shall remain present for questioning by the
16 Wind and Solar Committee or other interested parties
17 until such witness -- such time as the witness is
18 excused by me. Members of the Wind and Solar
19 Committee shall have the opportunity to question the
20 applicant's witnesses providing testimony. Wind and
21 Solar Committee members may in the discretion of the
22 Chair or myself, they may ask questions at any time
23 during the hearing. Other interested parties shall
24 have the opportunity to question the applicant's

1 witnesses and evidence. Interested parties wishing to
2 address the Wind and Solar Committee shall identify
3 themselves by name and an address on the record in
4 this hearing. Interested parties will be invited to
5 address the Wind and Solar Committee in the following
6 order:

7 First, members of units of local government,
8 including the Vermilion County Board and any local
9 school district representatives. Then by interested
10 parties represented by licensed attorneys. By other
11 interested parties. By counsel for Vermilion County
12 and consultants. And once the applicant concludes its
13 case persons in favor of the application shall
14 testify. Questioning of these witnesses shall occur
15 in the order specified above. Once all in favor of
16 the application have testified, those opposed shall
17 testify beginning with witnesses called by counsel, if
18 any. Questioning of these witnesses shall occur in
19 the order specified above. Once all opposed to the
20 application have testified, those who are neutral of
21 the application shall testify. Questioning of these
22 witnesses, again, shall occur in the order specified
23 above. Then we will have the presentation of any
24 counsel for Vermilion County reports or comments.

1 There will be an opportunity for the applicant to
2 provide rebuttal evidence. There will be a public
3 comment period and by interested parties, three
4 minutes is the time limit for public comment. Public
5 comment is not testimony or evidence to be considered
6 by the committee. If there are any written comments
7 they will be received by the Wind and Solar Committee.
8 Following that there will be a closing statement
9 presented by the applicant. The Wind and Solar
10 Committee then shall close the evidence and the
11 Committee shall vote -- deliberate and vote on the
12 application. The Wind and Solar Committee may in its
13 discretion set a future hearing date for deliberations
14 and voting on the application. Then we will conclude
15 with public comment unrelated to this project. And a
16 reminder, the vote of the Wind and Solar Committee is
17 not a final decision, it is a recommendation to the
18 Vermilion County Board. The Wind and Solar Committee
19 shall transmit its findings and recommendation to the
20 full County Board.

21 All right. A few procedures governing this
22 public hearing. The Committee will receive evidence
23 regarding the application during the public hearing
24 and evidence may be presented in two forms, oral

1 testimony which may include documentary evidence
2 presented at the public hearing. If you are an expert
3 witness as deemed an expert by me there will be no
4 time limit on your testimony. If you are a nonexpert
5 witness and a Vermilion County resident you will be
6 limited to testifying for 30 minutes and that does not
7 include time for questioning. If you're a nonexpert
8 witness and a non-Vermilion County resident your time
9 to testify will be limited to 15 minutes. These time
10 limits do not -- again, they do not include the time
11 to answer questions from the committee or the public.

12 Written comment submitted either to the
13 hearing or during the course of the public hearing is
14 another way to have your voice heard.

15 Speakers may not grant time to other
16 speakers. Testimony is limited to one time per person
17 unless that witness is recalled by counsel or at the
18 request of the Wind and Solar Committee. Please note
19 audience members must be seated and quiet. Loitering
20 in the hearing room is prohibited. I don't think
21 we're going to have this problem this morning, we have
22 a very small group and we do appreciate your
23 attendance, however, but any person -- I have to read
24 this because it's part of the rules, any person who is

1 unruly, disrupts or attempts to disrupt the hearing or
2 otherwise engages in inappropriate behavior will be
3 expelled. Excessive applause, cheering or other
4 commotion shall be considered disruptive.

5 Now, we have some guidelines that have been
6 adopted by the Wind and Solar Committee.

7 One. These rules are supplementary to the
8 provisions of the Vermilion County ordinances
9 governing commercial wind and solar energy facilities.

10 Two. These provisions shall govern the
11 procedures of the public hearings before the Vermilion
12 County Wind and Solar Committee concerning commercial
13 wind and solar energy facilities. The Chair and the
14 Wind and Solar Committee may modify these procedures
15 in their reasonable discretion.

16 A court reporter will be present at every
17 hearing unless no court reporter is available and she
18 will provide a transcript of the proceedings.
19 Transcripts will be prepared by the court reporter and
20 sent to the Wind and Solar Committee representative.
21 Costs for all transcripts of hearing or voting
22 meetings before the Wind and Solar Committee shall be
23 borne by the applicant and the costs for transcripts
24 shall be paid directly to the court reporting service.

1 The hearing shall occur on the date and time
2 set forth in the published notice. All necessary
3 additional hearing dates shall be scheduled at the
4 discretion of the Wind and Solar Committee.

5 The Chairperson or acting Chair of the Wind
6 and Solar Committee shall preside at the public
7 hearings of the Wind and Solar Committee.

8 The Chair shall have the authority to control
9 the hearing proceedings and may set time limits,
10 schedule the appearance of witnesses and require their
11 appearance on dates set forth in the scheduling order.
12 They may restrict witnesses from testifying for
13 failure to appear on the dates scheduled for that
14 witness's testimony, adopt reasonable limits upon the
15 questioning of witnesses by the applicant and
16 interested parties and take other action deemed
17 reasonably necessary by the Chairperson in order to
18 conduct a hearing in an orderly, efficient and
19 professional manner.

20 Point six. The hearing before the wind and
21 solar committee shall not be governed by, shall not be
22 governed by, and the Wind and Solar Committee shall
23 not be bound by the strict rules of evidence. The
24 Wind and Solar Committee may exclude irrelevant

1 material and unduly repetitious testimony and any
2 other testimony or evidence that in the discretion of
3 the Chairperson and Wind and Solar Committee is not
4 pertinent to the proceedings.

5 Seven. At the discretion of the Chairperson
6 the Wind and Solar Committee members shall be
7 permitted to question the witnesses any time during
8 the hearing, and the Wind and Solar Committee members
9 may request that additional information or evidence be
10 presented to them during the hearing.

11 Eight. Public hearings may be held by less
12 than a forum of the Wind and Solar Committee.

13 Nine. The discretion to admit documents into
14 evidence lies solely with the hearing facilitator.

15 Ten. Documents and recordings retained or
16 printed from the internet or elsewhere will be
17 admissible at the discretion of the hearing
18 facilitator who may ask the witness to lay a
19 foundation for the document or recordings based upon
20 personal knowledge.

21 And, eleven. The Wind and Solar Committee or
22 hearing facilitator will determine if a person
23 qualifies as an expert witness and will state its
24 finding on the record. Expert witnesses shall

1 identify their area of expertise and limit their
2 testimony thereto. Experts shall clearly identify and
3 provide any study they completed on the subject matter
4 at the hearing. An expert may rely on studies not in
5 the record used to form their opinion but shall
6 testify about the results of those studies except on
7 cross-examination or upon leave from the hearing
8 facilitator or the Wind and Solar Committee Chairman.
9 All studies relied upon in an expert's written
10 submissions must be disclosed and written credentials
11 shall be provided for expert witnesses.

12 Some lawyers got involved in writing that.
13 And with that, I'll catch my breath and we are ready
14 for the opening statement by the applicant.

15 Mr. James Griffin is here on behalf of the
16 applicant. And, Mr. Griffin, I'll turn the floor over
17 to you, sir.

18 MR. GRIFFIN: Thank you. Thank you for
19 the introduction, Mr. Kains.

20 Again, I am Jim Griffin. I'm with the law
21 firm of Schain Banks here on behalf of the applicant.
22 I've represented solar project developments throughout
23 the State. It's a pleasure to be here. With me is
24 Matt Kwiatkowski, he is here on behalf of the

1 applicant and Matt Clementi, he is with Stantec
2 Engineering, these are civil engineering experts.

3 This is an application on behalf of Woodyard,
4 LLC. Woodyard Solar, LLC is a subsidiary of Nexamp.
5 Nexamp is one of the leading solar energy project
6 developers in the State of Illinois and throughout the
7 country.

8 This is a 4 megawatt community solar project
9 to be located on approximately 25 acres on Woodyard
10 Avenue just west of Ridge Farm. The project area is
11 surrounded by other agricultural land. It has been
12 designed in accordance with the Vermilion County
13 siting ordinance standards and we believe that you'll
14 find it meets all of the ten standards that you will
15 be reviewing for this application.

16 One additional request we have above and
17 beyond siting approval, we have requested that the
18 period of time of the permit be extended to 40 years,
19 an increase from the 30 years that is the set amount
20 in your ordinance, and we've done -- we've requested
21 that because that time period will align with our
22 lease with our landowner and also with financing and
23 other types of plans that we've already made. So we
24 also request an addition to the recommended approval,

1 a recommendation for a 40 year period of time for this
2 siting approval.

3 With that I will turn it over to our first
4 witness to be sworn in and he will give a brief
5 presentation, and then we'll have our second witness
6 Matt Clementi and that will be the close of our
7 evidence today.

8 Thank you.

9 MR. KAINS: Very good. Thank you,
10 Mr. Griffin.

11 Mr. Kwiatkowski.

12 M A T T H E W K W I A T K O W S K I,
13 was called as a witness on behalf of the Applicant
14 and, having been first duly sworn, testified as
15 follows:

16 MR. KAINS: Very good. Okay. And, sir,
17 if you could state your name and spell it for the
18 record.

19 THE WITNESS: My name is Matthew
20 Kwiatkowski, that's M-A-T-T-H-E-W, K-W-I-A-T, as in
21 Tom, K-O-W-S-K-I.

22 MR. KAINS: Very good. Go ahead,
23 Mr. Kwiatkowski.

24 MR. GRIFFIN: Yes. I have exhibits to

1 pass out, Mr. Kains. There's two exhibits. One is
2 going to be just a copy of the PowerPoint presentation
3 and the other is Mr. Clementi's resume.

4 MR. KAINS: Okay. Very good. If you
5 could establish Mr. Kwiatkowski as an expert witness
6 in his field.

7 **DIRECT EXAMINATION,**

8 **QUESTIONS BY MR. JAMES GRIFFIN:**

9 Q. Mr. Kwiatkowski, what do you do for a
10 living?

11 A. I'm a project developer for Nexamp.

12 Q. And how long have you had that position?

13 A. A little over a year.

14 Q. And what did you do before then?

15 A. I was in the consulting world. I worked
16 for an engineering firm by the name of Cardno.

17 Q. And what's your educational background?

18 A. I graduated from Purdue University with
19 a degree in landscape architecture.

20 Q. And how many solar projects have you
21 worked on in your career?

22 A. Prior -- prior to joining Nexamp I've
23 worked on over a dozen as a consultant and then with
24 Nexamp about ten.

1 Q. And have these all been community solar
2 projects similar to the one that's being proposed
3 today?

4 A. With Nexamp they have. Prior to Nexamp
5 I worked on utility scale as well.

6 MR. GRIFFIN: Mr. Kains, that's all the
7 questions I have. I'd ask that the witness be
8 recognized as an expert in solar project development.

9 MR. KAINS: Very good. Thank you,
10 Mr. Griffin.

11 Mr. Keyt, do you any objection to this
12 witness testifying as an expert?

13 MR. KEYT: I do not.

14 MR. KAINS: Okay. Very good. Okay. We
15 will consider Mr. Kwiatkowski an expert witness and
16 therefore his testimony will take whatever time it
17 takes. There's going to be no limit on the time of
18 his testimony, but I'm guessing Mr. Kwiatkowski would
19 be less than a half hour, don't you think?

20 MR. GRIFFIN: It should be.

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

23 THE WITNESS: All right. Just let me
24 know if I need to speak up.

1 So my name is Matt Kwiatkowski. I am the
2 project developer for the Woodyard Solar, LLC. This
3 is a subsidiary of Nexamp our parent company and we
4 are here to request a 4 megawatt community facility
5 west of Ridge Farm in Vermilion County.

6 I'm just going to go over kind of the key
7 objectives of our presentation. I'll give you a
8 little bit of background about Nexamp, I'll go over
9 what a community solar, how it compares to a larger
10 utility scale, I'll go over the project location and
11 just general information, go through due diligent
12 items that we've done to date prior to this hearing,
13 I'll go over the community benefits and then that will
14 be my portion, and then Matt Clementi who's our
15 engineer of record will go over the site plan, the
16 proposed landscape and site photos and then
17 decommissioning.

18 Just to give you a little bit of background
19 about Nexamp, we were founded in 2007 by two Army
20 Veterans. They came back from being deployed overseas
21 and realized a lot of the conflict overseas was about
22 energy resources so they wanted to do something about
23 it. Fast forward 16 years later we're over 475
24 employees nationwide. A key component of our company

1 is that we're vertically integrated, so that means we
2 just don't develop the projects and sell them off, we
3 own and operate them all the way to decommissioning,
4 so, you know, we'll be the company throughout the life
5 of the project. We were voted number one community
6 solar company in 2003 by Solar Power World Magazine,
7 and we just completed last year the largest domestic
8 module purchase in community solar history with
9 Heliene, Minnesota. We purchased 1.5 gigawatts of
10 solar panels and that equates to 1,500 megawatts, and
11 that just ensures that we're getting these panels
12 domestically, and then -- you know, our supply chain
13 because we've done an advanced purchase, our supply
14 chain is ready to deliver for quick, quick, quick
15 access and construction.

16 This just kind of highlights, so, like I
17 said, vertically integrated from development, we
18 manage the access and we also manage our -- you know,
19 the customer acquisition part of it for people to
20 subscribe for our solar facility.

21 Specific to Illinois we started to build out
22 our Midwest team in 2018. We're up to over 80
23 employees here in Illinois and announced a few weeks
24 ago that our second headquarters is in Chicago.

1 Currently building or operating 20-plus projects
2 Statewide with 30 more in development and our
3 operation assets serve over 5,000 residents here in
4 Illinois. So over 5,000 residents subscribed to
5 our -- our solar facility.

6 Just a little quick overview of what
7 community solar is. Kind of like the graph on the
8 bottom, at the top you have your utility scale, you
9 know, that's gone into transmission grid and it's
10 being exported, you know -- you know, you got coal and
11 gas plants and utility scale solars and the big solar
12 projects on hundreds of thousands of acres. Then the
13 utility scale wind, and then we fall in the small
14 generation side of things. So that just goes into the
15 local distribution grid so the energy stays local.

16 Go a little further into what is community
17 solar, sometimes referred to as "shared solar" where
18 the electricity's generated and shared by multiple
19 parties. It's on the distribution grid so it's not
20 going on transmission lines and being exported so the
21 energy stays local. It's free to sign-up and once it
22 is built and generating power you will -- the people
23 that sign-up will receive credits for their share of
24 energy.

1 You pay for credits at a 15 percent discount
2 and those credits are applied to your normal utility
3 bill.

4 It allows businesses and residential
5 customers access to solar that, you know, don't --
6 maybe can't afford to put it on their roof or don't
7 have the right property to do so with the trees and
8 shading and things so they allow somebody to be a part
9 of solar but not necessarily have it on their
10 property.

11 And just to -- I -- I thought I had another
12 slide here, but just to go into a little more detail
13 about that credit. So you basically pay for your
14 credit, you know, Nexamp's credit's free to sign-up,
15 you get that 50 percent discount, it's almost like
16 getting like a token in the form of a credit, you're
17 paying 50 percent less with that token and then that's
18 applied to your energy bill. So you're saving 15
19 percent off your -- your Ameren bill or what have you.

20 As we work through this site plan I like to
21 show you some pictures just to have some visuals in
22 your head instead of looking at the exterior plan and
23 kind of think about what this looks like. We have the
24 equipment pad which my engineer will point out the

1 specific location for the equipment pad, but that
2 houses the transformers and the inverters and
3 essentially it's located in the site.

4 We are proposing pollinators in the buffer
5 and inside of the fence, and that -- pollinators do a
6 lot of things, not only pollinate for wildlife but
7 they also provide erosion, sediment control, they're
8 very deeply rooted and they help with infiltration of
9 rainwater and things.

10 On the right you'll see the typical PV
11 modules, this is right after construction. And then
12 the farm fence that we're proposing, we do like to use
13 farm fence cause they're more transparent and fit more
14 into the rural character as opposed to chain link.

15 We have a camera on site, that's just for
16 monitoring and security. We also monitor these sites
17 24/7 in their operation center.

18 That's your typical posts and racking. These
19 will be tracker panels that are lined north/south and
20 will track the sun throughout the day. They're facing
21 east in the morning, then they rotate slowly to face
22 west in the evening.

23 Just to go through some community benefits.
24 There's obviously the environmental benefits, the

1 pollinators and renewable. It's a temporary use of
2 farmland. We typically go from 30 to 40 years.
3 There's an increase in domestic energy production and
4 with that it helps stabilize the grid and helps
5 stabilize the cost of electricity. With a 4 megawatt
6 facility I suspect that the savings will be basically
7 more than 450 people can subscribe to this -- this
8 facility, and the most important thing it really adds
9 to the tax base without adding demand for any other
10 services, you know, we don't have any demand, we don't
11 have any impact on the, you know, the water, the
12 sewer, the roads, the school, the parks. And just --
13 just to model this out for you, this is year one on
14 the left and then the 40-year total on the right. You
15 have the current taxes and then solar taxes. So
16 currently year one the current taxes are a little over
17 \$1,100. If this facility was built it would generate
18 approximately \$24,000 so that's a difference of 20 --
19 20 times. And your two biggest taxing bodies for this
20 property are the Georgetown/Ridge Farm Unit 4 School
21 District and Vermilion County at 47 and 14 percent
22 respectively. So, you know, you're getting 20 times
23 more taxes for those two entities plus all the
24 other -- all the other taxing bodies that are below

1 that 14 percent. And then the 40-year total, it's
2 kind of laid out the same way, there's 7 times
3 increase over 40 years because there's the
4 depreciation on the facility itself, so that's kind of
5 why it goes down, but there's still 7 times more taxes
6 if we were to operate for 40 years.

7 Due diligence items. This is all the stuff
8 we've done to date. We've selected the site, we
9 executed the lease with the landlord. We've conducted
10 a topo and a boundary survey. We've had a
11 pre-application meet prior to submitting this
12 application, we -- we spoke with the county
13 representative. We've done utility studies, we have
14 an interconnection agreement with Ameren at this
15 point. We've done SHPO consultation, that's the State
16 Historic Preservation Office. So that was that
17 cultural resource and the historical resource to make
18 sure we have no impact. We've looked at endangered
19 species. No impact. We've done a wetland
20 delineation. No wetlands on the site or streams. For
21 all other projects we consult with the FAA, Federal
22 Aviation Administration. Obviously clear on that.
23 We've got a NRI with the county. We've executed our
24 Agriculture Impact Mitigation Act, our AIMA with the

1 State Department of Agriculture. The township
2 driveway permit, that's something we do post -- post a
3 permit approval. And then a drain tile study, the
4 same thing, we've done a predicted analysis on the
5 drain tiles but we actually do a field investigation
6 prior to any building permits.

7 Now, I'll just kind of give an overview of
8 the site. The narrow site right west of Ridge Farm
9 located on West Woodward -- or Woodyard Avenue. It's
10 in the hatch there with the star.

11 A little closer in view of it. The red
12 symbolizes the actual parcel boundary and then the
13 yellow symbolizes the fence area.

14 So the project location is on Woodyard Avenue
15 in Ridge Farm, Illinois. The parcel's 32-36-100-001.
16 The owner is Keith Mills. The parcel size is
17 approximately 25 acres with 18 acres being within the
18 proposed array fence. The project capacity as I
19 mentioned before is 4 megawatts ac, and the project
20 life is 30 to 40 years.

21 And at that point I'm -- I'm finished with my
22 initial testimony.

23 MR. KAINS: All right. Very good.

24 Thank you, Mr. Kwiatkowski.

1 Mr. Griffin, do you have any additional
2 questions for your witness?

3 MR. GRIFFIN: Just briefly.

4 **QUESTIONS BY MR. GRIFFIN:**

5 Q. Mr. Kwiatkowski, you're familiar with
6 the county's siting ordinance for commercial solar
7 energy facilities, correct?

8 A. Correct.

9 Q. And this project, did it design in
10 accordance with those requirements?

11 A. Yes.

12 MR. GRIFFIN: That's all the questions I
13 have. Thank you.

14 MR. KAINS: Very good. Thank you,
15 Mr. Griffin.

16 All right. Questions for this witness first
17 from members of the Vermilion County Wind and Solar
18 Committee, gentlemen. Any questions for the witness?

19 MR. GREENWELL: The fence posts, you
20 recommend wood, what -- what is the expected life of a
21 wood post as opposed to galvanized steel? I mean, do
22 you expect those wood posts to be there 40 years from
23 now? I wouldn't.

24 THE WITNESS: Yeah. I -- I'm not quite

1 sure on the exact lifespan of the wood posts. I do
2 know that because of the electrical code and things if
3 it would -- you know, if it did deteriorate we would
4 replace them.

5 MR. ELMORE: You mentioned you're a
6 vertically integrated company?

7 THE WITNESS: Correct.

8 MR. ELMORE: I understand, you know,
9 thought process from basically inception to
10 decommission, but, I mean, you can't guarantee that in
11 that 40-year time span you're not going to,
12 potentially, I mean --

13 THE WITNESS: Right. Yeah, and in that
14 case, you know, that's the bonding mechanism just in
15 case something were to happen.

16 MR. PUZEY: Have you actually appeared
17 on this site which is just west of Ridge Farm?

18 THE WITNESS: Yes. Have I been there?

19 MR. PUZEY: Have you been there?

20 THE WITNESS: Yes.

21 MR. PUZEY: Okay. Thank you.

22 MR. GREENWELL: I may be jumping the
23 gun, maybe it's the next witness that can answer some
24 of these questions. But are you doing vegetive

1 screening at all to block view of the fences?

2 THE WITNESS: Yes, we are. My engineer
3 will kind of talk about what we're proposing, or he
4 will talk about it.

5 MR. GREENWELL: Okay.

6 MR. KAINS: Any further questions from
7 members of the wind and solar committee?

8 MR. PUZEY: Yes. Have you made personal
9 contact with the road commissioner from Ridge Farm?

10 THE WITNESS: Yes, we -- we made
11 initial -- my engineer will talk more specifically, we
12 made initial contact to kind of establish contact, and
13 then if a permit were to go through we're able to get
14 that.

15 MR. PUZEY: Okay. And the access road,
16 maybe this Matt's going to talk about that, where it
17 is on the map.

18 THE WITNESS: Yes. He'll talk about
19 that.

20 MR. PUZEY: Thank you.

21 THE WITNESS: Thank you.

22 MR. KAINS: Mr. Fourez.

23 MR. FOUREZ: You've characterized this
24 as a community solar but you didn't mention what power

1 company, power delivery system that you're going to be
2 connected with to make it a community. I was just
3 curious as to who you're going to be working.

4 THE WITNESS: In terms of the company?

5 MR. FOUREZ: Yeah.

6 THE WITNESS: Ameren.

7 MR. FOUREZ: Okay.

8 MR. KAINS: All right. Any other
9 questions from members of the committee? All right.
10 Very good.

11 Questions from members of units of local
12 government, including the Vermilion County Board and
13 members of any local school districts?

14 Questions from interested parties represented
15 by licensed attorneys?

16 Questions from other interested parties, that
17 would be members of the public opposed to the
18 application or neutral on the application? Are there
19 any questions from the public who are either opposed
20 to this application or neutral on the application?

21 Ma'am, do you have questions for this
22 gentleman?

23 MS. BERCK: I do.

24 MR. KAINS: Okay. Ma'am, if you could

1 please state your name, spelling your last name.

2 MS. BERCK: Jennifer Berck, B-E-R-C-K.

3 MR. KAINS: Okay. Go ahead, Ms. Berck.

4 MS. BERCK: Okay. So regarding the due
5 diligence, we -- I'm the treasurer at the Village of
6 Ridge Farm and we have a waterline that runs to a
7 residential home. Is there a plan for that? Have you
8 guys -- did you guys realize that there were utilities
9 that fed residential sites there? What is the plan
10 for that?

11 THE WITNESS: Is it running the --

12 MS. BERCK: Through the site.

13 THE WITNESS: Through the site. My
14 engineer would --

15 MR. KAINS: Mr. Kwiatkowski, if you want
16 to give an answer you can give an answer, otherwise,
17 you can ask the question when it's Mr. Clementi's
18 turn.

19 THE WITNESS: Okay. Yeah. I think I
20 will leave that up to my engineer.

21 MS. BERCK: Okay. Thank you.

22 MR. KAINS: Okay. Very good. Thank
23 you, Ms. Berck.

24 Are there any other questions from the

1 general public for Mr. Kwiatkowski on his testimony?

2 Questions for Mr. Kwiatkowski from counsel
3 for Vermilion County, Mr. Keyt?

4 MR. KEYT: I just have a few.

5 **CROSS-EXAMINATION,**

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

7 Q. Mr. Kwiatkowski, the -- a couple
8 questions just in relation to a couple things just to
9 check off the list.

10 A. Yeah, sure.

11 Q. In your proposal there's no provision or
12 request for battery storage. I assume that there is
13 no request or that future plan to install battery
14 storage; is that correct?

15 A. Yeah, that's correct, there's no battery
16 storage for this project.

17 Q. In relation to any road use agreement
18 financial assurance, are you agreeable to an inflation
19 calculator of 2 percent or 3 percent in relation to
20 that road use?

21 A. Yes.

22 Q. In relation to the decommissioning
23 financial assurances are you agreeable to an inflation
24 calculator?

1 A. Yes.

2 Q. A reasonable inflation calculator?

3 A. Yes.

4 Q. Okay. In terms of the sound issue is
5 there any information that you could present either
6 yourself or Mr. Clementi in relation to potential
7 sound issues from the property?

8 A. I believe Matt is going to address that.

9 Q. Understood. And then if I understood
10 correctly, Mr. Clementi would be addressing the
11 potential waterline issue?

12 A. Yes.

13 Q. And the vegetative buffer issue?

14 A. Yes.

15 Q. Okay.

16 MR. KEYT: That's all I got then.

17 MR. KAINS: Mr. Keyt, are there any --
18 present in the room are there any consultants here on
19 behalf of Vermilion County?

20 MR. KEYT: There are not.

21 MR. KAINS: Okay. Very good. Thank
22 you.

23 All right. Redirect examination,
24 Mr. Griffin, do you have any further questions of your

1 witness?

2 MR. GRIFFIN: I do not. Thank you.

3 MR. KAINS: All right. Very good. And
4 final questions for the witness come from members of
5 the Wind and Solar Committee. Any questions, final
6 questions for this witness? All right. Very good.

7 Thank you, Mr. Kwiatkowski. You may step
8 down.

9 (Witness excused.)

10 MR. KAINS: Mr. Griffin, are you moving
11 to admit the PowerPoint?

12 MR. GRIFFIN: Yes. I'd like to have
13 that admitted.

14 MR. KAINS: All right. Very good.

15 Mr. Keyt, have you mark that as Applicant's
16 Exhibit 1.

17 MR. KEYT: If I may, Mr. Kains, if I
18 could suggest Group Exhibit Number 1 be the
19 application and the exhibits --

20 MR. KAINS: Okay.

21 MR. KEYT: -- to that application, if
22 that's okay, and Exhibit 2 be the folder which I
23 believe includes the PowerPoint.

24 MR. GRIFFIN: Yes. Why don't we have

1 Exhibit 2 be the PowerPoint and Exhibit 3
2 Mr. Clementi's resume, if that's acceptable.

3 MR. KEYT: Okay.

4 MR. KAINS: Mr. Keyt, do you have any
5 objection to exhibit -- Applicant's Exhibit 2, the
6 PowerPoint presentation that Mr. Kwiatkowski
7 presented?

8 MR. KEYT: No.

9 MR. KAINS: Okay. Very good. So
10 Exhibit 1, the application is in. Exhibit 2, the
11 PowerPoint presentation is in and we will wait for
12 Mr. Clementi's testimony before we take up Exhibit 3.

13 All right. Very good.

14 Mr. Griffin, you can call your next witness.

15 MR. GRIFFIN: Yes, we call Matthew
16 Clementi.

17 MR. KAINS: Mr. Clementi, would it be
18 easier if you were at the podium or do you want to
19 pass the microphone back and forth.

20 THE WITNESS: I think this is okay.

21 MR. KAINS: Okay. Very good. All
22 right. Go right ahead -- oh, I need to swear you in.

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M A T T H E W C L E M E N T I ,

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

MR. KAINS: Very good. Go right ahead, Mr. Griffin.

DIRECT EXAMINATION,

QUESTIONS BY MR. JAMES GRIFFIN:

Q. Mr. Clementi, what's your occupation?

A. I'm a senior civil engineer and private manager with Stantec.

Q. And are you a licensed engineer in the State of Illinois?

A. Yes, I am.

Q. And how long have you been a licensed engineer?

A. Around 30 years.

Q. And a copy of your resume has been handed to the Committee as Applicant's Exhibit Number 3. Are all of the statements in that resume true and correct?

A. Yes, they are.

MR. GRIFFIN: I would ask that Mr. Clementi be recognized as an expert in the field

1 of civil engineering.

2 MR. KAINS: If you could, please,
3 Mr. Griffin, just dive in just quickly to his solar
4 and alternate energy experience, please.

5 **QUESTIONS BY MR. GRIFFIN:**

6 Q. Mr. Clementi, could you please summarize
7 the experience you have with the development, design,
8 that come with these solar energy projects.

9 A. Certainly. For -- so I've been an
10 engineer for a little over 30 years. For the first 20
11 years of that I have had no renewable energy
12 experience, that was all residential, commercial, land
13 development work that I did. Starting about 10 years
14 ago and starting from a very small amount of my time
15 during the day I started helping out the environmental
16 services group at our company with engineering
17 reports, road reports, decommissioning reports, and
18 over the last 10 years it's now become probably 99
19 percent of -- of my day is spent on renewable energy
20 projects. Again, starting with decommissioning
21 projects, decommissioning calculations, and now with
22 Nexamp over the last 3 years we've worked on probably
23 25 similar sized solar projects where we do all the
24 engineering, the -- the drainage work, the landscape

1 work and coordinate the permits for the projects.

2 MR. KAINS: Very good. Thank you,
3 Mr. Clementi.

4 Mr. Keyt, do you have any objection to this
5 gentleman being qualified as an expert witness?

6 MR. KEYT: I do not.

7 MR. KAINS: All right. He's in as an
8 expert. He will have unlimited time to testify on
9 direct examination.

10 Go right ahead, Mr. Griffin.

11 MR. GRIFFIN: Thank you. Mr. Clementi
12 will then take over the rest of the PowerPoint through
13 his testimony.

14 MR. KAINS: Okay. Very good.

15 THE WITNESS: Thank you, very much. So
16 the site plan that Matt showed previously showed a
17 long narrow site, probably a half mile from north to
18 sound end, so we're showing it over the next three
19 slides in three different pieces.

20 This particular one we'll show in the
21 northwest corner. The access drive. This is a gravel
22 access drive that will run about half the length of
23 the project and provide access to the -- to the site.
24 The northern portion that you see kind of with the

1 square hatching is a temporary laydown yard that would
2 be used only during construction and then it would be
3 reclaimed to a grass field. This would keep all of
4 the contractors' vehicles and storage off of Woodyard
5 Road and on the -- on the property.

6 What we're also showing on this slide is the
7 setback required by the required -- by the county
8 ordinance and by State requirements as 50 feet on all
9 sides, that's shown at the same location as the fence
10 line around the outside of the project. And then the
11 other item to mention on this particular slide is that
12 all of the wires and cabling for the project would be
13 buried except for the final half dozen power poles,
14 these are required by code to be overhead and they're
15 shown at the edge of the driveway northeast --
16 northwest corner of the site.

17 This is the center area of the site. This
18 shows a small area, there's a small equipment pad
19 that's shown just sort of on the left edge of the
20 image just north of that little gravel T-intersection,
21 that's where the transformers for the site are located
22 and the electrical equipment. We center those in the
23 center of the site. They -- they have a little bit of
24 noise to them that we can talk about, sort of that

1 60-cycle hum that you hear from a typical transformer
2 and the -- so the transformers and the inverters are
3 on the strip behind that. This is the only area of a
4 concrete pad that would be on the site. Everything
5 else would be the grasses and the nature grasses as
6 well as the gravel access drive. One item also
7 mentioned on this slide is that the panel height at
8 full tilt is allowed to be 20 feet, we're probably
9 going to be in the 18 to 19 feet range on this
10 particular site based on the current design. Go to
11 the next slide.

12 This is the southern end of the site, it
13 shows the county required and the State required
14 buffers on the southern and a continuation on the east
15 and west side. And the other items to mention for
16 these particular slides there are no residences or
17 buildings up close to this site. Next slide.

18 This shows the landscape buffer around the
19 site. You can see the nearest residence to the
20 southwest and then just off the screen directly east,
21 probably about 700, 6- 700 feet away from the site is
22 another residence. Both of those residences have some
23 existing screening, trees and screening, but we would
24 be adding evergreen screening and shrubbery along both

1 of the east and west edges as long -- as well as the
2 north side of the site.

3 The -- Matt did mention a little bit earlier
4 and I can talk about it more if you would like
5 additional descriptions, but the native plantings,
6 native grasses as well as the pollinator friendly
7 mixes will enhance the soil quality, infiltrate
8 additional runoff, especially as compared to different
9 types of developments, but even in comparison to a
10 farm field to infiltrate additional rainwater into the
11 ground.

12 These are some sites from -- or photos from
13 the road. In the text it's listed as Sugar Creek
14 Road, it's actually Woodyard Road, sorry for that
15 misprint. But this shows the distance from the road
16 to the existing residence southeast of the site -- or
17 southwest of the site, and then the next image shows
18 that -- the image to the southwest the existing
19 residence.

20 Again, one of the items that I've done for a
21 number of years at Stantec for other clients as well
22 now for Nexamp is decommissioning plans as required by
23 the Agricultural Impact Mitigation Agreement, the AIMA
24 with the State Department of Agriculture. We're

1 required to bond dollars for the removal of the -- all
2 of the equipment and so we make these calculations to
3 remove these items, recycle where possible and then
4 that amount is bonded with the county for removal.
5 When we work out these calculations we include labor
6 rates equal to the current wage so that if the county
7 needs to take control of the project the prevailing
8 wage would be paid because that -- the county would be
9 required to pay the prevailing wage. Next slide.

10 And that's the end of my presentation. Thank
11 you, very much.

12 MR. KAINS: Very good. Thank you,
13 Mr. Clementi.

14 Additional questions from you, Mr. Griffin?

15 **QUESTIONS BY MR. GRIFFIN:**

16 Q. Mr. Clementi, you're compelled to comply
17 with the Vermilion County solar commercial energy
18 facility siting ordinance, correct?

19 A. Yes, I am.

20 Q. And has this project been designed in
21 accordance with those requirements?

22 A. Yes, it has.

23 Q. Can you address the noise standard in
24 the siting ordinance, please.

1 A. Certainly. So we as have provided or
2 completed a noise study. The only noisy items on the
3 site for this project will be the transformers and
4 inverters. We have made the calculations and have
5 determined that the noise levels at the property lines
6 meet the State requirements for the noise emitted by
7 the equipment.

8 Q. Thank you.

9 MR. GRIFFIN: That's all the questions I
10 have.

11 MR. KAINS: All right. Very good.
12 Thank you.

13 Questions for the engineering expert
14 Mr. Clementi first from members of the Vermilion
15 County Wind and Solar Committee?

16 MR. CRAWFORD: How will you be dealing
17 with the concerns of -- that were brought up in public
18 of the possible waterline?

19 THE WITNESS: That waterline is a
20 surprise to me. We have had a survey done on the
21 site. Surveyors obviously don't necessarily see
22 what's under the ground but they would have picked up
23 and should have picked up hydrants or valves or other
24 things in the area, especially if it was along the

1 roadway. We've also done a title search and the --
2 there were no easements as far as I remember anywhere
3 on the site that would have tipped us off to that. So
4 we'll be -- we will be in touch with the village to
5 make sure, you know, that we can avoid it if there is
6 an easement or we'll stay outside of it. But we
7 certainly will have to address that issue.

8 MR. KAINS: Mr. Puzey.

9 MR. PUZEY: Clarification on the
10 waterline. You don't know where the waterline is
11 right now?

12 THE WITNESS: That's correct.

13 MR. PUZEY: But it could be on what
14 would be the north edge where you won't even have the
15 solar panels installed, or it could be right down the
16 middle? Do we know where -- if we -- if we knew that
17 I guess we can know more information when we get to
18 it.

19 THE WITNESS: You're technically right.
20 If it's up in the road right of way or within 100 feet
21 it wouldn't have any effect on what we're doing other
22 than the power pole placement we would make sure we
23 would avoid that -- the waterlines. If it's somewhere
24 else on the site we would need to do a redesign to

1 make sure we accommodate what's already there.

2 MR. PUZEY: Okay. So regardless,
3 they'll take care of it?

4 THE WITNESS: Yes.

5 MR. GREENWELL: Did you do a glare
6 study?

7 THE WITNESS: I believe we have done a
8 glare study. If we have not we would -- we'll
9 complete one in time for the build permit phase.

10 MR. GREENWELL: On one of your pages you
11 talk about a township driveway permit, but none of
12 that road is township. So I believe where your site
13 is is on county jurisdiction. So you'll need the
14 permits from the county.

15 THE WITNESS: Right. It -- it is right
16 at the edge and -- and we will get the permit from the
17 agency that is required. If it is the county, and I
18 think they might cut off just a little bit west of us,
19 but we will work out the final details of that
20 driveway permit.

21 MR. GREENWELL: Okay.

22 MR. KAINS: Any other questions from
23 members of the Committee for Mr. Clementi?

24 MR. PUZEY: Yes. Have you done any work

1 on drain tile, were there any in the entire site?

2 THE WITNESS: We have not completed a
3 drain tile study yet, but as a requirement of the
4 Agricultural Impact Mitigation Agreement we will do a
5 field study of the drain tiles. If there are drain
6 tile that are in conflict with our -- our equipment we
7 would either relocate some of the tile or reroute
8 drainage around it. That would be provided not by my
9 company but by a separate drain tile specialty
10 contractor and designer. But, yes, that will be taken
11 care of during the next phase of our design project.

12 MR. PUZEY: That tiling company could be
13 local to Vermilion County?

14 THE WITNESS: That would be up to
15 Nexamp. Nexamp hires the drain tile company, and if
16 there is a local consultant we may be able to work
17 with them.

18 MR. PUZEY: Thank you.

19 MR. GREENWELL: Do you have a -- do you
20 have a depiction of what the -- the screening will
21 look like, the trees?

22 THE WITNESS: Not -- not for this
23 project. We -- we're proposing evergreens and
24 shrubbery as a -- as a kind of a married mixture.

1 Since there wasn't a residence that was right up close
2 we didn't design a -- you know, complete screen.
3 There's a mixture of the evergreens and shrubs to make
4 it look a little bit more natural and appealing, but I
5 do not have a rendering at this time.

6 MR. KAINS: Any other questions from
7 members of the Committee? Very good.

8 Questions for Mr. Clementi from members of
9 units of local government, including the Vermilion
10 County Board and members of local school districts?

11 Questions for Mr. Clementi from interested
12 parties represented by licensed attorneys?

13 Questions from other interested parties, the
14 general public?

15 Good morning, sir.

16 MR. BYNO: Morning.

17 MR. KAINS: Could you please state your
18 name and spell your last name for the record, please.

19 MR. BYNO: Yes. Sorry, I'm a little
20 horse today. My name is Joe Byno. It's, J-O-E. My
21 last name is, B-U-Y-N-O.

22 MR. KAINS: Okay. Go ahead, Mr. Byno,
23 with questions for Mr. Clementi.

24 MR. BYNO: I'm a neighbor to the

1 southwest corner there as you see in that photo and we
2 bought that property I think in 2009. I got a good
3 view of the cemetery, it's right there across from me.
4 Our waterline comes into the house there on the
5 southeast corner and the meter, it may be 200 feet or
6 something from Richard Haga's to the west along that
7 Woodyard Avenue and then it cuts directly across the
8 field, I remember that in some paperwork when we
9 bought the house, so I can dig that up. You know, I'm
10 sure guys have it here somewhere too, but...

11 That was my main concern is if something
12 happens, you know, with that waterline how are we
13 going -- who's going to be responsible for taking care
14 of it and supplying water to us. So other than I know
15 the visual, the photo that you guys took on Woodyard
16 Avenue showing our property doesn't look like it far
17 away -- ways away but in all reality all that
18 screening would show the rear part of that property,
19 the 25 proposed acres, that's going to be directly
20 across from my view looking to the -- you know, to the
21 east. I would be concerned about the glare and then
22 also just, you know, the vision of it.

23 So I wish there was a different spot for it
24 personally. I wish you wasn't so close to Ridge Farm,

1 but...

2 There's one to me to the west of me about a
3 half mile there's another solar panel company that's
4 out there. There's nothing around and it's great, it
5 doesn't bother anybody so...

6 That's my only concern really.

7 MR. KAINS: Mr. Byno, do you have any
8 questions for the witness?

9 MR. BYNO: No, not at this time.

10 MR. KAINS: Okay.

11 MR. BYNO: Other than what everybody
12 asked.

13 MR. KAINS: Okay. Very good. All
14 right. Thank you, sir.

15 MR. PUZEY: I have a question.

16 MR. BYNO: For me?

17 MR. PUZEY: Yes. Could you clarify
18 which house you're in. Can you put the -- put the one
19 up that looks like the yellow rectangle. Right there.

20 Okay. Which house are you?

21 MR. BYNO: If you go back one more
22 forward it will zoom it in a little bit better.

23 MR. PUZEY: The one to the left,
24 correct?

1 MR. BYNO: Yeah, southwest corner with
2 the circle drive there.

3 MR. PUZEY: Yep.

4 MR. BYNO: See, I've got the whole view
5 of all of it. And it's kind of hard to see on this,
6 where the house is at, where the red -- the waterline
7 will come out there and it's going to go almost
8 through the middle directly over to about where it's
9 out of shot where that meter's at so...

10 MR. PUZEY: So the waterline goes north?

11 MR. CRAWFORD: Diagonal's going
12 northeast.

13 MR. PUZEY: Okay.

14 MR. BYNO: Right. Almost -- probably
15 south that company pad in the middle where they're
16 proposed. I'm just guessing. I'm no expert.

17 MR. PUZEY: Okay. Long distance?

18 MR. BYNO: Yeah.

19 MR. PUZEY: Thank you.

20 MR. BYNO: You're welcome.

21 MR. KAINS: All right. Do you have any
22 questions for Mr. Clementi?

23 MR. BYNO: No, I do not.

24 MR. KAINS: Okay. Very good. Thank

1 you, Mr. Byno.

2 MR. BYNO: Thank you.

3 MR. KAINS: Are there any other
4 questions for Mr. Clementi from the public?

5 Questions from counsel for Vermilion County,
6 Mr. Keyt.

7 **CROSS-EXAMINATION,**

8 **QUESTIONS BY MR. ANDREW KEYT:**

9 Q. Mr. Clementi, have you had to deal with
10 a waterline in a project before?

11 A. Not on a solar project. It would be
12 typical to see something like that on other types of
13 development but I have not had it come up on a -- on
14 solar project. We would typically have this -- we
15 would notice it either if there was information from
16 our landowner, if it would show up on a title search
17 or if the -- when the surveyors or if some of the
18 preliminary -- some parts of the staff that were on
19 site early would see any valves or hydrants or
20 anything else along the site. This is something we
21 will have to work out.

22 Q. If there -- I guess it may depend on
23 where that waterline might be, but it could cause a
24 significant redesign of the project if it's in the

1 middle if I -- or you tell me, would it cause a
2 significant redesign of the project?

3 A. If there was an existing easement which
4 we should know about already we would need to abide by
5 that easement. In order to probably most efficiently
6 deal with the issue it may involve a minor redesign to
7 some of the spacing between the trackers and then
8 maybe a realignment of the existing waterline which
9 obviously would be paid for by us. So -- so we
10 probably -- and just -- just guessing, which I
11 probably shouldn't do, make a minor adjustment to the
12 layout and then possibly realign part of that
13 waterline.

14 Q. Okay. In terms of the vegetation buffer
15 what is the proposal as to the type of trees or shrubs
16 used and the spacing in the rows?

17 A. The -- along the east and west sides we
18 would be doing I believe it's 20 to 25 foot spacing of
19 evergreen trees and then a mix of shrubbery between
20 those.

21 Q. Would it be possible, because of the
22 location of the house or residences on both sides is
23 it possible to do a double vegetative screen on those
24 east and west sides?

1 A. Certainly anything is -- is possible.
2 I'm not sure that it's -- that it's necessary. We
3 also would need to take a look at the shading
4 characteristics, we don't -- we don't want to shade
5 the panels.

6 Q. Yeah. I think the only concern is that,
7 I mean, Mr. Byno's view would be directly to the
8 panels, and so, I mean, I get where you're coming
9 from, but in order to effectuate the county's
10 requirement, if you agree with me, it would be better
11 shielded with a double screen of evergreen and shrubs?

12 A. It would be a better screen.

13 Q. Is there -- I noticed on the vegetative
14 screening proposal there wasn't anything proposed on
15 the south, is that just because there's no residences
16 that were identified?

17 A. Yes, that's correct.

18 Q. Okay. I understand you indicated that
19 there may have been -- may have been a glare study in
20 relation to the project, do you know one way or the
21 other if there has been?

22 A. I don't have those records in front of
23 me. We always will provide one, sometimes it happens
24 before a special use permit hearing, sometimes it

1 happens after, but one way or the other it will
2 happen.

3 Q. I presume the project would be okay with
4 addressing with whatever glare issues might impact
5 either a neighbor or adjacent roadways as part of a
6 condition to a building permit?

7 A. Absolutely, yes.

8 Q. Okay.

9 MR. KEYT: I think that's all the
10 questions I have. Thank you.

11 A. Thank you.

12 MR. KAINS: Redirect examination.
13 Mr. Griffin, do you have any questions for
14 Mr. Clementi?

15 MR. GRIFFIN: I do not.

16 MR. KAINS: Okay. Very good. Thank
17 you.

18 Final questions for this witness come from
19 members of the Wind and Solar Committee. Very good.

20 Mr. Clementi, thank you. You may step down.

21 (Witness excused.)

22 MR. KAINS: Mr. Griffin, are you moving
23 to admit Mr. Clementi's resume as Applicant's Exhibit
24 3?

1 MR. GRIFFIN: Yes, I am.

2 MR. KAINS: Mr. Keyt?

3 MR. KEYT: No objection.

4 MR. KAINS: All right. Resume will be
5 in as Applicant's Exhibit 3.

6 Mr. Griffin, call your next witness.

7 MR. GRIFFIN: That's all the witnesses
8 we have. I would like to briefly recall Matt if I
9 could to ask him a question about whether a glare
10 study was performed.

11 MR. KAINS: Okay. Mr. Kwiatkowski, just
12 a reminder you remain under oath, okay.

13 THE WITNESS: Yes.

14 MR. KAINS: Okay. All right. Go ahead,
15 Mr. Griffin.

16 **FURTHER EXAMINATION,**

17 **QUESTIONS BY MR. JAMES GRIFFIN:**

18 Q. Matt, was a glare study performed for
19 this project?

20 A. Yes.

21 Q. And was that -- what were the results of
22 that study?

23 A. No glare.

24 Q. Thank you.

1 MR. GRIFFIN: That's all the questions I
2 have.

3 MR. KAINS: Based upon Mr. Griffin's
4 questions, two questions of Mr. Kwiatkowski are there
5 any questions for Mr. Kwiatkowski regarding the glare
6 study from members of the committee?

7 MR. ELMORE: I have a general question.
8 I don't know if this is maybe not the proper time or
9 place, but the glare study, drainage study, those type
10 of things, are those required to be in this or was
11 that the building portion -- building application
12 or --

13 MR. KEYT: I can tell you. So
14 typically -- I think you mentioned the glare study, we
15 can make that a condition of approval. So when they
16 come back to get an application for a building permit
17 they would have to provide what those glare studies
18 would be.

19 I can't remember the other topic that your
20 question was.

21 MR. ELMORE: Drainage.

22 MR. KEYT: Yeah, there is a requirement
23 for a drain tile survey. Same thing, we can require
24 compliance through a condition if we wanted to do it

1 that way.

2 MR. ELMORE: All right.

3 MR. KAINS: All right. Mr. Kwiatkowski
4 has just testified that there had been a glare study
5 performed and that there was no glare. Based upon
6 that testimony are there any other questions from
7 anybody in the room for Mr. Kwiatkowski about the
8 glare study?

9 MR. KEYT: I do have one, it's mildly
10 off the scope of that question but for --

11 MR. KAINS: How far off the scope,
12 Mr. Keyt?

13 MR. KEYT: It's quite a bit.

14 **FURTHER EXAMINATION,**

15 **QUESTIONS BY MR. ANDREW KEYT:**

16 Q. In looking at the application I see that
17 there was a request for an NRI report from the Soil
18 and Water Conservation District. I just don't think
19 we the county ever received a copy and maybe we did
20 and I glossed over it.

21 A. I've got a copy.

22 Q. If you have a copy.

23 A. Yeah.

24 Q. I think it would be appropriate to have

1 a copy marked into evidence for the record.

2 MR. GRIFFIN: We do have a copy, just
3 one unfortunately, but you can take this copy and we'd
4 as -- this is the NRI report that was prepared by the
5 Vermilion County Soil and Water Conservation District
6 and we'd ask this be admitted as Applicant's Exhibit
7 Number 4.

8 MR. KAINS: Mr. Keyt.

9 MR. KEYT: No objection.

10 MR. KAINS: All right. The NRI report
11 will be in as Applicant's Exhibit 4.

12 Based upon Mr. Keyt's question of
13 Mr. Kwiatkowski about the NRI report, any questions
14 for Matt Kwiatkowski on that particular issue from
15 anybody? All right. Very good.

16 All right. Mr. Kwiatkowski, you may step
17 down.

18 (Witness excused.)

19 MR. KAINS: And, Mr. Griffin.

20 MR. GRIFFIN: And we have no further
21 witnesses. Thank you, Mr. Kains.

22 MR. KAINS: All right. And you rest?

23 MR. GRIFFIN: We do.

24 MR. KAINS: Okay. Very good. The

1 applicant has rested its case meaning they have no
2 more witnesses, no more documents, no additional
3 evidence at this time. They do have the opportunity
4 for rebuttal evidence if necessary after other people
5 testify.

6 Now it's time for the general public to
7 testify. Persons in favor of the application. Is
8 there anybody here in favor of the application from
9 the general public who wishes to come forward and
10 testify?

11 Anyone opposed in the general public to this
12 application who wishes to come forward and testify?

13 MS. MILLER: Yes.

14 MR. KAINS: Come on up. Good morning.

15 MS. MILLER: Good morning.

16 MR. KAINS: Could you please state your
17 name and spell your last name for the record.

18 MS. MILLER: Rebecca with --
19 R-E-B-E-C-C-A, Miller, M-I-L-L-E-R.

20 MR. KAINS: All right. Go ahead,
21 Ms. Miller, say what you want to say.

22 MS. MILLER: I really didn't know that
23 much about this Woodyard plan but while I was sitting
24 back there I did a little Google search on your

1 company, and I -- it's -- I know you can't believe
2 everything you see on the online, so there is a pretty
3 awful review on Google regarding you all. Probably --
4 I'm not sure where this is, it was written by Devlin
5 Marie and she talks about dirty electricity for seven
6 months and you all having to shut down your program,
7 your project. The screening, lack of screening, that
8 the fact that the project by her was put on a hill and
9 they had a lot of wetlands destroyed because of it.
10 And then she also talked about noise. So obviously I
11 don't know her, I mean, you know, it's concerning to
12 me when I quickly and easily find these negatives
13 things about a company cause now that's coming into
14 us, and I wasn't -- I was raised we take care of the
15 earth. And I will tell you I'm -- I am an outspoken
16 and against wind and solar energy. I think there's
17 ways without destroying the earth.

18 I thought -- I saw this the other day and I
19 just want to quote this, and let me bring it up here
20 so I don't mess it up. There's a man named Bob
21 Lonsberry and I want to quote him. He said wind
22 turbines and solar farms are the strip mining of our
23 day, raping our land and stealing our future, taking
24 hundreds of thousands Upstate New York acres forever

1 out of agriculture, eliminating wildlife habitat and
2 destroying Native American sites and archeology. And
3 I am fearful for the way we're going to leave our
4 earth for future generations.

5 So thank you.

6 MR. KAINS: Thank you, Ms. Miller. Are
7 there questions from the Wind and Solar Committee for
8 Ms. Miller?

9 MR. PUZEY: What's the name of that
10 author?

11 MR. MILLS: On the quote?

12 MR. PUZEY: Yes.

13 MR. KAINS: It was Bob --

14 MS. MILLER: Bob -- it was Bob.

15 MR. KAINS: How do you spell his last
16 name?

17 MS. MILLER: And I tried to find more
18 information on him. Bob Lonsberry, L-O-N-S-B-E-R-R-Y.

19 MR. KAINS: And Mr. Lonsberry was
20 relating his experience in Upstate New York; is that
21 correct?

22 MS. MILLER: Apparently this is his
23 opinion in what this green energy movement is doing to
24 our earth.

1 MR. KAINS: And, Ms. Miller, where did
2 you find that particular quote?

3 MS. MILLER: This quote -- well, you
4 know, when you're on Facebook which I'm not really one
5 for putting on my business, this is a growing
6 movement, there's more and more and more and more
7 people trying to stand up to this green agenda that's
8 being shoved down our throats and there are more and
9 more groups and those people are exchanging
10 information and passing on what they know and it was
11 on one of those -- probably there's anti-solar,
12 there's anti-wind, there's anti-both, so it was on one
13 of those.

14 MR. KAINS: So it was on Facebook?

15 MS. MILLER: It was on Facebook, yes.

16 MR. KAINS: Okay. Very good. Are there
17 any other questions from the Wind and Solar Committee
18 for Ms. Miller?

19 MR. PUZEY: Thank you.

20 MR. KAINS: Any questions from anyone in
21 the room, general public for Ms. Miller?

22 Mr. Griffin, do you have any questions?

23 MR. GRIFFIN: No, Mr. Kains.

24 MR. KAINS: Mr. Keyt, do you have any

1 questions?

2 MR. KEYT: No questions.

3 MR. KAINS: And any other questions from
4 the Committee?

5 Thank you, Ms. Miller. Appreciate your
6 testimony.

7 Anybody else who is opposed to the
8 application?

9 Any witnesses wishing to come forward who are
10 neutral?

11 Ms. Berck, please come forward.

12 J E N N I F E R B E R C K,
13 was called to testify and, having been first duly
14 sworn, testified as follows:

15 MR. KAINS: Go right ahead.

16 MS. BERCK: So as a representative, you
17 know, of the village I get to talk to the people, we
18 put this out when we heard their statement. The
19 concerns that they have -- one of the concerns was
20 actually from the Woodyard family just on a
21 consideration that their name was attached to this.
22 You know, I understand it's a street, but there's
23 actually a family that still live in Ridge Farm that
24 are very proud of the things that their names are

1 attached to. You know, we have statements from them.

2 The big concern obviously is a lot for the
3 people at the cemetery. They hold that cemetery as a
4 treasure because of that view. We have a great
5 Memorial Day service with flyovers, and these are more
6 just comments from our residents and the things that
7 make them unhappy about this.

8 The big concern too was maintenance, just
9 general who's going to be out taking care of the grass
10 patch that's mowed. As you all know pollinators are
11 great, I'm pollinator friendly, but that quickly
12 becomes -- becomes weeds. So we did wonder if there's
13 an actual maintenance plan because our farmers do take
14 good care of the land, they take care of their
15 ditches, they get them get mowed so whatever drainage
16 is coming back, including weeds doesn't affect the
17 town. So not so much a question other than comments
18 from our residents.

19 The Woodyard name was -- you know, was a
20 large one, just on, you know, what -- how was that
21 chosen, was it common for you guys to just always
22 choose a street or did anyone, you know, consider
23 the -- where that -- the history of the Woodyard name.

24 And that's really it from the -- everything

1 else I think you guys covered in the PowerPoint which
2 I would like to get a copy of that as well to have at
3 the village to present to the board.

4 MR. KAINS: Mr. Keyt, would you be able
5 to, or, Mr. Griffin, would you be able to provide
6 Ms. Berck with a copy of the --

7 MS. BERCK: That would be wonderful,
8 thank you.

9 MR. KAINS: Very good. Are there any
10 other questions -- are there any questions for
11 Ms. Berck from members of the Committee?

12 MR. PUZEY: Yes, I have one.

13 MR. KAINS: Yes, Mr. Puzey.

14 MR. PUZEY: The waterline that you're
15 referring to is the same one that Mr. Byno?

16 MS. BERCK: Yes, absolutely.

17 MR. PUZEY: So he is actually hooked
18 onto I'll call it Ridge Farm water?

19 MS. BERCK: He is.

20 MR. PUZEY: All right.

21 MS. BERCK: So our meter well for him --
22 so he has a historical home in Ridge Farm but outside
23 the city limit, so our meter well for him is located
24 on the side of the tracks which the old tracks is

1 right at the corner of your property which is where
2 our town line goes. So our meter well is actually in
3 town. So many, many moons ago the family that built
4 this house when they wanted to attach to the water
5 system -- so it actually goes over, under, through the
6 fields and to his house. So it -- it directly goes
7 through there, I can't tell you exactly where, but I
8 do believe there are some records from when he
9 purchased his house because it is a private waterline,
10 this is not a village waterline, we own to the meter
11 and then that is actually his line that runs through
12 the property.

13 MR. KAINS: Any other questions for
14 Ms. Berck? Yes, Mr. Crawford.

15 MR. CRAWFORD: I never -- I'm not quite
16 clear of this, what -- is somebody of the Woodyard
17 family offended by the use of their name?

18 MS. BERCK: Their question was why did
19 they think it was okay for them to use the Woodyard
20 name. And I explained to Carla which is the -- she
21 actually runs our Historical Society in Ridge Farm,
22 Carla Woodyard, I did not get to --

23 MR. CRAWFORD: Cause I know the Woodyard
24 name is used a lot down there.

1 MS. BERCK: It -- it is. I mean, it's a
2 family name. And then the -- there's Babe Woodyard,
3 like his family and descendants are all still very
4 much alive. Carla runs the Historical Society and
5 then came in and said, well, you know, what are they
6 thinking. I said, I'm assuming they don't understand
7 what an important, you know, name. She just was
8 offended that, you know, nobody spoke to them about
9 utilizing their name. I think it was more, you know,
10 with the owner of the property that that -- this is
11 something that he should have considered because, you
12 know, they -- he doesn't know the area and knows that
13 it is an important name to them. That is not -- that
14 is just one of the comments that we got from
15 residents. But Carla is actually the Historical
16 Society. So I wouldn't say that -- you know, I told
17 her she could come here, so if it was a major issue,
18 you know, I did -- I did say that I would make
19 statements on, you know, why was this chosen, you
20 know, but I don't think it was something that they
21 thought that they needed to come. Her mother is
22 elderly so she would not have been able to make it
23 here anyway.

24 MR. KAINS: All right. Are there any

1 other questions from the Committee for Ms. Berck?

2 All right. Very good.

3 Questions for Ms. Berck from County Board,
4 school districts?

5 Mr. Griffin, do you have questions for
6 Ms. Berck?

7 MR. GRIFFIN: I do not.

8 MR. KAINS: Mr. Keyt.

9 MR. KEYT: No questions.

10 MR. KAINS: Final questions from members
11 of the Board?

12 All right. Very good.

13 Mr. Griffin, I am going to ask, if you have a
14 witness who might know how the name Woodyard Solar was
15 arrived at?

16 MR. GRIFFIN: I do, yes.

17 MR. KAINS: Okay. Do you know or,
18 Mr. Kwiatkowski?

19 MR. GRIFFIN: Mr. Kwiatkowski knows.

20 MR. KAINS: Okay. Mr Kwiatkowski, just
21 a reminder you're still under oath.

22 **QUESTIONS BY MR. GRIFFIN:**

23 Q. If you please tell the Committee how the
24 name Woodyard Solar was selected.

1 A. Typically we -- we name the LLC after
2 the road that it's on, so that's how.

3 MR. KAINS: All right. Any questions
4 for Mr. Kwiatkowski based upon that bit of testimony?

5 Oh, I have a question, Mr. Kwiatkowski, if I
6 could. If there is a serious objection from the
7 Woodyard family would Nexamp consider changing the
8 name? I know it's an LLC and --

9 THE WITNESS: Yes.

10 MR. KAINS: -- you have to go through
11 the process.

12 THE WITNESS: It would be an
13 administrative task where you'd have to reassign, I
14 would think.

15 MR. KAINS: Ms. Berck, if you could talk
16 with Ms. Woodyard and if she really has an objection
17 have her get in touch with Mr. Kwiatkowski.

18 Mr. Kwiatkowski, during a break if you could
19 give Ms. Berck a business card. I that think might
20 facilitate if -- if there is a serious objection from
21 the family.

22 All right. Very good. Any other members of
23 the public wishing to come forward and testify?

24 Mr. Keyt, any reports from -- on behalf of

1 Vermilion County?

2 MR. KEYT: Just the soil and water
3 report which is already in evidence.

4 MR. KAINS: I'm sorry?

5 MR. KEYT: Just the soil and water
6 report which is already in evidence.

7 MR. KAINS: Okay. Very good.

8 All right. Rebuttal evidence, Mr. Griffin.

9 **FURTHER EXAMINATION,**

10 **QUESTIONS BY MR. JAMES GRIFFIN:**

11 Q. Mr. Kwiatkowski, there was some
12 testimony about the concerns about the maintenance of
13 the landscaping and the groundcover. Does Nexamp have
14 a landscaping and a groundcover maintenance plan for
15 this project?

16 A. Yes.

17 Q. And can you briefly summarize what that
18 plan is.

19 A. Yes. Typically with pollinators it's
20 not just -- you can't just seed them and walk away,
21 that has a lot of weeds associated, and as the farm
22 ground converts to the pollinators, as they get
23 established you're fighting the difficult agriculture
24 weeds, there are annuals and you can get the perineals

1 like thistle. So what we do is the first three years,
2 generally it takes three years to really get
3 established, so all the seeds are like established and
4 we choke out any pressure from the ag weeds, but the
5 first three years is much more intensive, there's
6 several mowings, you know, and get those ags mowed
7 back down, and then there's "fox brain" that has
8 several -- three -- three to four visits a year for
9 the first three years and then usually after you get
10 three -- year three managed as well it's just an
11 annual mowing at the end of the season. It's "fox
12 brain" just to make sure you don't have that potential
13 or anything that can get out of control so...

14 MR. KAINS: Very good. Thank you.

15 MR. GRIFFIN: Thank you. No further
16 questions.

17 MR. KAINS: All right. Based on
18 Mr. Kwiatkowski's testimony regarding the landscaping,
19 are there questions for him on that issue from the
20 Committee?

21 MR. GREENWELL: So who does that
22 maintenance?

23 THE WITNESS: A company called NRS,
24 Natural Resource Services. They specialize in -- in

1 native plants, it's like their bread and butter, I
2 guess you could say.

3 MR. FOUREZ: I have one.

4 MR. KAINS: Mr Fourez.

5 MR. FOUREZ: Based on looking at your
6 permit application there was a reference to using
7 livestock and sheep to kind of -- how compatible --
8 cause I'm not -- how compatible is that with the
9 pollinator, is one going to cancel the other one out
10 or is it compatible or does that work?

11 THE WITNESS: So when we initially
12 submitted the application we did, we thought there was
13 going to be a qualifier, but it doesn't so we're
14 proposing pollinators inside. If there were sheep
15 like other sites we have it would be a different
16 mixture of clovers inside the fence and grasses that
17 sheep like to eat since obviously, you know, flowers
18 aren't necessarily good for them so...

19 MR. FOUREZ: When I looked at the, okay,
20 sheep are four-legged lawn mowers, pollinators don't
21 grow well.

22 THE WITNESS: Yeah. Thanks for
23 clarifying that.

24 MR. KAINS: Any other questions for

1 Mr. Kwiatkowski from the Committee?

2 Questions for Mr. Kwiatkowski regarding this
3 particular issue, the landscaping and the mowing and
4 the sheep from the public, any questions?

5 Yes, Ms. Miller?

6 MS. MILLER: Are you putting up trees or
7 evergreens or -- and how tall and how -- are you going
8 to put up little ones, big ones?

9 THE WITNESS: Yes. On the west, east
10 and north side there's going to be evergreens along
11 with shrubs. The shrubs get up to 10 feet in height
12 on maturity and the trees would be 20 feet in height
13 on maturity.

14 MS. MILLER: And so we see this
15 happening in our area, especially the evergreens,
16 they'll just die, so what is the plan for when you
17 have this one die and that one die?

18 THE WITNESS: Yeah, yeah. There's --
19 there's -- as I said, there's regular inspections made
20 and if something dies we'll replace. Now, if it's the
21 middle of the summer obviously we're not going to
22 replace the tree, you know, you in the spring,
23 preferably the fall and, you know, we would have to
24 keep up with that, you know, if there is mortality we

1 will replace the trees.

2 MS. MILLER: And how big are these trees
3 to start with? Are they saplings or are they --

4 THE WITNESS: No. They're 4 to 6 feet.
5 So in 5 years they'll be 10 to 12 feet, and then
6 obviously after that they're fast growing evergreen
7 trees.

8 MR. PUZEY: So what variety are you
9 proposing Aurelius fruits or do you have a particular
10 name?

11 THE WITNESS: I'm not quite sure what
12 we're proposing right now. That's -- yeah, we haven't
13 gotten to that.

14 MR. PUZEY: It won't be an Arbor Vitae,
15 though?

16 THE WITNESS: What's that?

17 MR. PUZEY: It will not be an Arbor
18 Vitae?

19 THE WITNESS: No, it will be like a
20 native.

21 MR. PUZEY: Okay.

22 MR. KAINS: Any other questions for
23 Mr. Kwiatkowski on this issue from the public?

24 Mr. Keyt, do you have any questions for

1 Mr. Kwiatkowski on landscaping?

2 MR. KEYT: No questions.

3 MR. KAINS: Any redirect from you,
4 Mr. Griffin?

5 MR. GRIFFIN: No, sir.

6 MR. KAINS: All right. Very good.
7 Final questions on this issue from the Board? All
8 right. Very good.

9 (Witness excused.)

10 MR. KAINS: All right. Mr. Griffin, do
11 you have any other -- any further rebuttal evidence?

12 MR. GRIFFIN: We do not.

13 MR. KAINS: Okay. Very good. Thank
14 you.

15 All right. Time for public comment on this
16 project. Anybody else want to come up and say
17 anything by way of public comment?

18 Mr. Keyt, have you received on behalf of the
19 Wind and Solar Committee of Vermilion County any
20 written comments?

21 MR. KEYT: I have not.

22 MR. KAINS: Mr. Chairman, have you
23 received any written comments?

24 MR. FOUREZ: No.

1 MR. KAINS: Very good. Thank you.

2 All right. We're to the point where we are
3 ready for a closing statement by the applicant. It is
4 10:25 I think we probably need to give Jamie's fingers
5 a rest and let us all stretch our old bones, and let's
6 take a 15 minute recess. It's 10:25. The Committee
7 will be in recess until 10:40 a.m. Thank you.

8 (A recess was taken at 10:27 a.m.)

9 (Resume at 10:43 a.m.)

10 MR. FOUREZ: According to my time piece
11 we're 10:41, so let's call the meeting back into
12 session.

13 MR. KAINS: All right. Thank you,
14 Mr. Chairman.

15 All right. Mr. Griffin, you may address the
16 Vermilion County Wind and Solar Committee with a
17 closing statement.

18 MR. GRIFFIN: Thank you, Mr. Kains.

19 Thank you to the Committee and for all the
20 county representatives coming here today and for
21 assisting with the processing of this application and
22 for listening to us this morning. Also appreciate the
23 public comment that was made today and the statements,
24 simply informative, especially concerning that

1 waterline.

2 So I think this is an example of a hearing
3 process that really assists us in better designing a
4 project. So that's great to see.

5 Nexamp is an experienced, well- --
6 well-regarded operator of solar energy projects
7 throughout the State of Illinois and throughout the
8 country. They know how to design and operate a
9 project and to ensure that it is operated in a way
10 that is compatible and beneficial to the local
11 community and they've committed to doing that here
12 today.

13 This project has been designed to meet all
14 the standards that have been created by the county
15 under its siting ordinance and will continue to be
16 operated in compliance with all those requirements.

17 We are agreeable to a condition that this
18 waterline that has been discussed would have to be
19 identified by us and protected to ensure that -- its
20 continued safe operation. We certainly want to do
21 that and we can do that. We can operate and develop
22 this facility as well as protect that waterline and
23 this is our commitment to do that. So we'd be
24 agreeable to a condition that states that.

1 Otherwise, we meet the standards, this
2 project will meet the ten standards that are under the
3 consideration by the Committee for solar energy
4 projects and we respectfully request that you make a
5 positive recommendation for this project.

6 Thank you.

7 MR. KAINS: Very good. Thank you,
8 Mr. Griffin.

9 Mr. Keyt, is there any additional evidence
10 that needs to be received by the Committee?

11 MR. KEYT: There is not to my knowledge.

12 MR. KAINS: Mr. Griffin, do you have any
13 additional evidence before we close?

14 MR. GRIFFIN: I do not.

15 MR. KAINS: Okay. Very good. Thank
16 you.

17 All right. The Vermilion County Wind and
18 Solar Committee will close the evidence now. All
19 evidence is in and it's time now for the Committee to
20 deliberate and vote on the application.

21 Mr. Keyt, you may guide your client through
22 the deliberation process on findings of facts and
23 conditions, if any. Go right ahead.

24 MR. KEYT: Okay. Thank you, Mr. Kains.

1 So in terms of procedure for all those who
2 may not be familiar from the general public, the
3 Committee has two roles, they make findings of fact
4 and then they make a recommendation to the County
5 Board on whether to approve or not approve the
6 project. That ultimate say lies with the County
7 Board. The Committee is a recommending body and also
8 sets findings of fact.

9 As part of this process the Committee's
10 options are one of three things in terms of a
11 recommendation, that recommendation can be a
12 recommendation of approval, it could be a
13 recommendation of denial, or it could be a
14 recommendation of approval subject to conditions.

15 On a project of this size if the Committee
16 were to approve it or ultimately the County Board were
17 to approve it I would advise to approve it subject to
18 conditions. Again, I don't make any suggestion on
19 which way you would want to make that recommendation,
20 whether approve, deny, or approve subject to
21 conditions, that's within the Committee's purview, but
22 I only make that comment that on a project of this
23 size I would attach conditions if there would be an
24 approval.

1 Our first task is really to just set the
2 findings of fact. There has been some testimony,
3 there also has been some documentary evidence that has
4 been put into place. I would suggest that the
5 application has met the substance of the ordinance of
6 the county with some exceptions, such as, the
7 requirements for a drain tile survey, noise study that
8 the county requires, however, at the same time some of
9 those deficiencies can be addressed and enforced via a
10 condition before the applicant comes back for a
11 building permit. So it's an intent that there may be
12 some deficiencies on the project application or
13 information provided from the applicant, those issues
14 could be addressed by condition from the Committee.

15 With that I would open it up for a discussion
16 by the Committee on the findings. I would draft up
17 the findings and provide those to Mr. Fourez after the
18 hearing today for his review, but if there's any
19 suggestion as to findings, otherwise, the findings
20 will essentially reflect the testimony that has been
21 provided and will be documented in the stenographic
22 transcript and then also the testimony of the
23 witnesses today, including the references to the
24 waterline that is there and the information also

1 provided by Ms. Miller.

2 Any other discussion in relation to the
3 findings of fact?

4 (No audible response given.)

5 MR. KEYT: Okay. Hearing none. I think
6 it would be appropriate at this point for someone on
7 the Committee to make a motion to approve a draft set
8 of findings of fact as discussed and I will draft
9 those up for Mr. Fourez.

10 MR. PUZEY: So moved.

11 MR. CRAWFORD: Approved with conditions.

12 MR. KEYT: And we're just doing -- at
13 this point we're just doing the findings themselves.
14 So it's just a motion -- we will -- the next issue
15 will be a motion to -- on a recommendation to the
16 County Board. So we'll get to that one. But I think
17 there's a motion by Mr. Puzey. Is there a second?

18 MR. ELMORE: Second.

19 MR. KEYT: Okay. All those in favor
20 signify by saying I.

21 MR. CRAWFORD: I.

22 MR. ELMORE: I.

23 MR. PUZEY: I.

24 MR. GREENWELL: I.

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MR. RUDD: I.

MR. FOUREZ: I.

MR. KEYT: Opposed same sign. Okay.

Next up would be a motion on a recommendation to the County Board. So, again, the options of this Committee are to recommend to the County Board either to approve the project, deny the project, or approve it subject to conditions. The ultimate decision obviously relies with the County Board. County Board also has authority over any conditions that the Committee might recommend. If you do approve or recommend an approval subject to conditions we'll then walk through the set of conditions or draft set of conditions that I've provided, but to that extent is there any motion on a recommendation to the County Board?

MR. CRAWFORD: Move to approve with conditions.

MR. KEYT: Motion to approve with conditions by Mr. Crawford. Is there a second?

MR. PUZEY: Second.

MR. KEYT: A second by Mr. Puzey. Is there any discussion on the issue?

(No audible response given.)

1 MR. KEYT: Okay. Hearing none.
2 Mr. Chairman, do you want a role call vote or do you
3 want a voice vote?
4 MR. FOUREZ: What's the Committee's
5 pleasure on whether we do this in role call? I think
6 we maybe probably should.
7 MR. ELMORE: Probably.
8 MR. KEYT: Nope, that's fine.
9 MR. FOUREZ: If nobody objects.
10 MR. KEYT: So role call vote on the
11 motion to recommend approval subject to conditions,
12 Mr. Rudd.
13 MR. RUDD: Yes.
14 MR. KEYT: Mr. Puzey.
15 MR. PUZEY: Yes.
16 MR. KEYT: Mr. Elmore.
17 MR. ELMORE: Yes.
18 MR. KEYT: Mr. Greenwell.
19 MR. GREENWELL: Yes.
20 MR. KEYT: Mr. Crawford.
21 MR. CRAWFORD: Yes.
22 MR. KEYT: And, Mr. Fourez.
23 MR. FOUREZ: Yes.
24 MR. KEYT: Okay. Motion carries. Six

1 yes votes to zero no votes.

2 We'll then address the conditions. There's a
3 draft set conditions that the Committee has in front
4 of them. I'm going to quickly go through the
5 conditions.

6 It's starting with the commencement of use
7 the project construction -- or commencement of the
8 construction of the project would begin on December
9 31st or by December 31st of 2025 and then they would
10 have 24 months to substantially complete that
11 construction.

12 The term of the use would be for 40 years.

13 Paragraph 3 deals with compliance. The
14 compliance of the -- is a pretty standard requirement
15 just in terms of complying with State, Federal and
16 local law.

17 Paragraph 4 deals with construction and
18 maintenance hours. Construction would be limited to
19 Monday through Friday, 7 a.m., to 7 p.m., during the
20 calendar period of September 1st to May 31st, and 7
21 a.m., to 8 p.m., from June 1st to August 31st, and
22 then no construction on Saturday and Sunday unless
23 there is some emergency that needs to be addressed.

24 Prior to receiving a building permit they

1 would have to provide a landscape management plan.
2 They're proposing a pollinator friendly site, but they
3 would have to have that information and what that
4 design would be to the -- to the county and then the
5 County Board would approve that landscape management
6 plan prior to the issuance of any building permit.

7 One provision that is included here to bring
8 your attention is we've added a provision that the
9 company shall utilize contractors local to Vermilion
10 County to comply with this provision, that's the weed
11 management, unless there's no contractors located
12 within the county. If there is no contractor within
13 the county then the company shall provide proof
14 thereof that there is -- it's part of the annual
15 report. So you remember our ordinance requires an
16 annual report from the company, and if they cannot
17 locate a contractor to satisfy that ordinance
18 requirement they'd have to give us proof that they
19 could not find one within Vermilion and then they can
20 go outside the county to find somebody.

21 Any additions or changes as to paragraphs 1
22 through 5 on the conditions?

23 (No audible response given.)

24 MR. KEYT: Okay. Moving on. Paragraph

1 number 6 I'll take individually deals with vegetative
2 screening. The vegetative screening shall shield the
3 view of all residences required by the Vermilion
4 County siting ordinance. The vegetative screening
5 shall provide year round screening from the project
6 for residences on all sides of the project. The
7 vegetative screening shall be entirely double row
8 evergreens surrounding the site on the northeast, west
9 sides of the. The southern edge of the project may be
10 screened but it's not required to be screened. As you
11 recall there's no residences where it's visible from
12 the south side.

13 Is there any comments, suggestion, changes to
14 that paragraph number 6 from the Committee? You could
15 also consider requiring certain types of species in
16 trees or shrubs within the evergreen family, but it's
17 up to the Committee if you want to get that detailed
18 with it?

19 (No audible response given.)

20 MR. KEYT: Okay. Hearing none.

21 I'm going to take the next three, 7, 8 and 9.
22 Paragraph 7 deals with stockpiling topsoil. The Ag
23 Impact Mitigation Agreement also requires that they
24 not remove topsoil from the site and that they reuse

1 it at the time of decommissioning.

2 Drain tile survey is paragraph number 8 and
3 require the building permit applicant shall perform
4 the drainage tile survey -- shall perform a drain tile
5 survey for the presence of any drainage tile or
6 subsurface structures prior to getting a building
7 permit, and then the company shall comply with all
8 provisions of State law regarding the maintenance or
9 damage to drain tile on the property. I just -- there
10 would be a -- I cut the sentence off there accidentally,
11 but any changes then to paragraphs 7 or? 8.

12 (No audible response given.)

13 MR. KEYT: Okay. Hearing none.
14 Paragraph 9 is well and well monitoring to the extent
15 there's any wells on the property we want them to
16 either cap those wells in accordance with State law or
17 provide monitoring of the wells during the annual --
18 during the annual inspection to provide well
19 monitoring to ensure there's no dangerous chemicals
20 leaching into the well.

21 Any changes to paragraph number 9?

22 MR. PUZEY: I have a question.

23 MR. KEYT: Sir.

24 MR. PUZEY: We didn't actually cover

1 that point that I know of. Was there an inspection or
2 review made to determine if there are even any wells
3 on the property?

4 MR. GRIFFIN: The owner's not aware of
5 any wells and the surveys that were performed did not
6 identify any wells on the site.

7 MR. PUZEY: Okay.

8 MR. KEYT: We could remove that
9 provision if there are none. Either way. If there
10 are none, they don't -- there's nothing for them to do
11 anyway.

12 MR. PUZEY: I know from fact years ago a
13 lot of farms had a well out in the middle of the field
14 so they can do stock and so forth, and there's no
15 indication that there is one here, but that could have
16 been.

17 MR. KEYT: Well, we'll leave -- it's up
18 to the Committee if you want to leave it in or not.

19 MR. PUZEY: Let's leave in it.

20 MR. KEYT: You can always just leave it
21 in and if they --

22 MR. GREENWELL: If they discover one
23 then they'll follow it.

24 MR. KEYT: Yeah. Okay. Road use

1 agreements. This is a pretty standard provision that
2 is also within our provisions of our ordinance. Prior
3 to getting any building permits they have come to the
4 local road authorities, in this case there is some
5 stretch of county road, and obtain any road use
6 agreements with the county before they get any
7 building permit and then start construction. Part of
8 that building permit -- part of that road use
9 agreement requirement is they would have to post a
10 financial assurance. The company was agreeable to
11 having an inflation index attached to that financial
12 assurance. The road use financial assurance, it
13 doesn't necessarily need to stay in place forever on
14 the project. So you have a 40 year project, it
15 doesn't -- it only really needs to be in place during
16 the construction period and then some period
17 thereafter perhaps. I just put in that the road use
18 assurance can be released after two years after the
19 commercial operation date which is meaning when the
20 project energizes onto the grid.

21 Any changes as to paragraph number 10?

22 (No audible response given.)

23 MR. KEYT: Okay. Hearing none. Number
24 11 just deals with informing the public as to traffic

1 during the construction period. It would require them
2 to either post a website or some sort of social media
3 website in exchange rather than a website, so they
4 could do either one. They would need to post whatever
5 the road traffic patterns would be during the
6 construction period. Once the construction period is
7 over the website or the Facebook page could be taken
8 down.

9 Number 12 deals with decommissioning and
10 security. Similar to the road use there is an
11 inflation calculator as part of that decommissioning
12 and security. Decommissioning runs -- the financial
13 assurance for that runs during the operation period of
14 the project. They post that as in the county holds
15 the decommissioning funds or the financial assurance
16 in order to collect in the event there is a
17 decommissioning that has to take place and the company
18 is unable or unwilling to do so.

19 Number 13 deals with liability insurance. It
20 simply requires they maintain liability insurance,
21 increase it if the ordinance requirements increase for
22 liability insurance.

23 Number 14 deals with assignment. That is in
24 the event that the applicant Woodyard Solar or

1 whatever name it ultimately ends up being divests
2 itself of the project and another company comes in and
3 buys it we want to make sure that company is able to
4 own and operate that project.

5 Number 15 deals with fire protection
6 districts and emergency response. So to the extent
7 that there is any fire projection district in the
8 area, I'm sure there is, we want them to talk to those
9 fire protection districts, go through training for
10 that fire protection district and provide them any
11 equipment that might be necessary, but we essentially
12 stay out of that relationship, we just let them
13 negotiate out with the fire district.

14 Number 16 is a standard provision dealing
15 with reimbursement of county expenses. So to the
16 extent that the county has to retain any experts or
17 engineers in relation to the project the developer has
18 to reimburse the county.

19 17 deals with validity of the conditions.
20 Once they apply for building permits they've
21 acquiesced to the conditions that are there.

22 18 is defensive claims to the extent that
23 there is a claim made on the county in relation to the
24 project itself then the company has to reimburse the

1 county for any legal fees or expenses.

2 Number 19 is the financial ability to
3 complete the project. So prior to getting a building
4 permit we want the company to come indicate what
5 financial ability they have to complete the project.
6 We don't want them to start -- of course, we don't
7 want a company come in and start a project then run
8 out of money to be able do it. So we just require a
9 financial affidavit on that aspect.

10 Number 20 deals with compliance with IDNR
11 conditions and recommendations. This is part of the
12 EcoCAT review that they do. I don't believe there
13 were any recommendations or requirements from IDNR.

14 Number 21 deals with noise study. There was
15 not a noise study provided in the application but we
16 can require that as part of a condition and I would
17 recommend doing that prior to getting a building
18 permit that they provide some noise study indicating
19 that they're compliant with the ipcp standards.

20 Number 22, the glare study. Before they get
21 a building permit they need to come provide a glare
22 study, and to the extent that there's any negative
23 impact on roads or nearby residences that they address
24 that prior to a building permit.

1 Number 23 prohibits battery storage on the
2 property.

3 Number 24 deals with grading on the site. To
4 the extent there's any grading on the site they have
5 to provide some dust mitigation. Could be a water
6 truck, could be anything to ensure there's no dust
7 that spreads either to an adjacent property or to the
8 roadway.

9 Any changes on those before I get to
10 number -- the remainder including the waterline
11 investigation?

12 MR. FOUREZ: Pardon?

13 MR. KEYT: Any changes to the ones we've
14 covered so far or revision?

15 MR. FOUREZ: I guess I have a question,
16 and this may be beyond where we're at here, but each
17 time we've done one of these hearings it seems like
18 the lifespan is expanded and this one's on the 40
19 years now, and we all know technology changes, so I
20 guess I have a concern that if at some time there's a
21 breakdown through the road use agreement and says, you
22 know, after two years that can be however, if they're
23 going to come in and because of technology changes
24 want to do a massive updating, should we at least have

1 somewhere that if we're going to subject the roads to
2 that kind of traffic that there needs to be an
3 additional road use agreement to go with that. If we
4 push the permitting thing out to 40 years there's got
5 to be some place in there where we make sure we're
6 maintaining the integrity of the --

7 MR. KEYT: Yeah, I think the main issue
8 that you raise there is what happens if at the end of
9 their 40 year period or somewhere in between.

10 MR. FOUREZ: Somewhere in between that's
11 what I'm thinking.

12 MR. KEYT: If somewhere in between they
13 decide, hey, we want to increase the nameplate
14 capacity and put in brand new solar panels for the
15 whole thing or they want to come in and redesign how
16 the project looks or there is some material upgrade in
17 equipment, the way our ordinance is written is they
18 have to come back and get a new siting permit from us
19 and go through this process again in which case that
20 would necessitate a new road use agreement.

21 MR. FOUREZ: Okay. And I kind of
22 thought that but I wanted to make sure. I wanted to
23 get that clarified.

24 MR. KEYT: No, understood. And we can

1 also -- we can also address some of those issues
2 within the road use agreement itself. So there isn't
3 a road use agreement yet but when it -- when they come
4 before they get that building permit some of those
5 issues that you raised can be addressed within that
6 road use agreement.

7 MR. FOUREZ: I wanted to get it on top
8 of mine as an issue we need to look at.

9 MR. KEYT: Yeah. Understood.

10 Okay. So moving on. Number 25 deals with
11 waterline investigation. There's been some testimony
12 about a potential waterline that runs through the
13 property. So before they come for a building permit
14 we want to have that issue resolved. I've crafted it
15 this way, I did it a little bit on the fly, but the
16 company shall investigate and determine whether any
17 waterline or easements exist within the project area.
18 If any waterlines or easements exist within the
19 project area company shall redesign the project area
20 to allow maintenance and access for those waterlines
21 or easement areas. I would also suggest that they
22 resolve the waterline issue to the satisfaction of
23 those adjacent parcels and Mr. Byno's parcel which
24 isn't immediately adjacent but is nearby prior to

1 getting a building permit and then provide proof
2 thereof, and I'll redesign that -- I'll add that
3 sentence onto the end.

4 Any other comment, suggestion or discussion
5 as to paragraph 25?

6 (No audible response given.)

7 MR. KEYT: Okay. Moving on. Number 26
8 is a standard provision regarding cure period. So if
9 there is some sort of default or violation of either
10 the ordinance or one of these conditions the county
11 would give the applicant notice, you're in violation
12 of a condition or ordinance, and they get 60 days to
13 cure that issue or diligently pursue curing the issue.
14 If not then the county can take some action outside
15 the scope of what would be in the conditions.

16 Number 27 is proof of compliance. The
17 company shall provide any requested proof of
18 compliance with the conditions with Vermilion County
19 zoning ordinance or any other rules, laws or
20 regulations of the county upon request.

21 That is the end of the conditions. Any
22 conditions you want to add, amend, revise is up to the
23 Committee. If you're good with the conditions as
24 written subject to the revisions that we talked about

1 it would be appropriate for someone to make a motion
2 to recommend the conditions to the County Board.

3 MR. PUZEY: So moved.

4 MR. KEYT: Okay, Mr. Puzey. Is there a
5 second?

6 MR. ELMORE: I'll second.

7 MR. KEYT: Mr. Elmore.

8 Any discussion?

9 (No audible response given.)

10 MR. KEYT: Okay. Hearing none. We'll
11 do a role call vote. Mr. Rudd.

12 MR. RUDD: Yes.

13 MR. KEYT: Mr. Puzey.

14 MR. PUZEY: Yes.

15 MR. KEYT: Mr. Elmore.

16 MR. ELMORE: Yes.

17 MR. KEYT: Mr. Greenwell.

18 MR. GREENWELL: Yes.

19 MR. KEYT: Mr. Crawford.

20 MR. CRAWFORD: Yes.

21 MR. KEYT: Mr. Fourez.

22 MR. FOUREZ: Yes.

23 MR. KEYT: All right. Motion carries
24 six to zero. That concludes the hearing on the

1 Nexyard -- Woodyard -- sorry, Nexamp Woodyard Solar,
2 LLC, application. That does not conclude our meeting.
3 We do have another solar applicant which we will take
4 up.

5 MR. KAINS: Let's -- let's go off the
6 record. This hearing -- the hearing on the Woodyard
7 Solar, LLC Project, this hearing is concluded.

8 (Cause adjourned.)

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

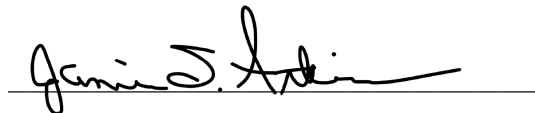
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C E R T I F I C A T E

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

Dated this 5th day of March, 2024.



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

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I N V O I C E

DATE TAKEN: February 23, 2024

DATE PRINTED: March 5, 2024

REPORTER: Jamie S. Atkinson
11752 Lake Elly
Oakwood, IL 61858

CASE NAME: Woodyard Solar, LLC

TRANSCRIPT INFORMATION

ORIGINAL TRANSCRIPT BILLED TO: Mr. James Griffin

RATES: 98 pgs X \$4.00 = \$553.70

APPEARANCE FEE: = \$146.25

TRANSCRIPT INFORMATION

COPY OF TRANSCRIPT BILLED TO: Mr. James Griffin

RATES: 98 pgs X \$1.00 = \$ 98.00

TOTAL: \$797.95