

OFFICIAL PROCEEDINGS OF THE TOWN OF SHERMAN & TOWN OF HOLLAND
WINDY ACRES APPLICATION COMPLETENESS REVIEW

Town of Holland Town Hall
W3005 CTH G, Cedar Grove
Wednesday, May 8, 2013
7:00 p.m.

1. CALL TO ORDER: Town of Holland Chair Donald Becker opened the meeting at 7:00 pm at the Town of Holland town hall.

ROLL CALL:

Holland Members Present: Town Chair Donald Becker; Town Supervisors Stephen Jones, Martin Elmer and David Huenink

Holland Members Absent: Stanley Lammers

Sherman Members Present: Town Chair William Goehring; Town Supervisors Robert Boehlke (arriving at 7:25 p.m.), James Fahney, Kris Klein and Pat Horne

Sherman Members Absent: none

2. CONFIRM OPEN MEETING NOTICE: Sherman Clerk/Treasurer Klatt confirmed the requirements of the Wisconsin Open Meeting Law had been met. Board members accepted her confirmation.
3. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS: Motion by Elmer (H), seconded by Jones (H), all voting in favor to adopt the agenda as official order of business, motion carried 8-0.
4. OVERVIEW OF COMPLETENESS REVIEW PROCEDURES BY TOWN WIND ATTORNEY: After a brief introduction, Attorney Matt Parmentier explained how and why the proceedings of this meeting will take place. "The meeting has nothing to do with the merits of application, but to review the application – what is, and what is not included."
5. REVIEW WRITTEN COMMENTS REGARDING COMPLETENESS SUBMITTED BY PUBLIC: Supervisor Jones (H) confirmed there were no comments received by the Town of Holland. Clerk/Treasurer Klatt confirmed there were no comments received by the Town of Sherman.
6. PUBLIC COMMENTS REGARDING COMPLETENESS OF APPLICATION ONLY: None were heard at this time.
7. COMPLETENESS REPORT BY TOWN WIND ATTORNEY, QUESTIONS FROM BOARDS: Attorney Parmentier briefly touched on key points of his report to the boards. "Section 4 of our ordinance shows what is needed in the application to be complete. Until we have the information listed below together with any additional information identified in the reports by Schomer and Associates, Inc. and Ayres Associates, Inc., our opinion is that the application is incomplete."
 - Project Size – The application states that the project will be between 9 and 12 megawatts; this is a broad range, not a specific size.
 - Turbine Type – It does not state which type will be used, and this issue impacts the overall project size.
 - Project Location – The application explains that Windy Acres is considering an alternate interconnection point along County Highway A, which is outside the Town of Holland. If the alternate location is used, it not only impacts the application analysis, but it also impacts the involvement of the Town of Holland.

- Number of Participating Owners – This information is absent from the application.
- Location of Access Roads – The application states that access roads “will be specified by WE Energies. This does not provide the towns’ sufficient information about the location of access roads.
- Decommissioning/Site Restoration Plan – Representative estimate process are insufficient.
- Existing Land Uses – The towns (and their experts) need more detailed information about the specific makeup of land uses within the 0.5 mile radius of the proposed wind system, which is required by Section 4(7) of the towns’ ordinances and Section 3.1 of the PSC Application Filing Requirements.
- Minimizing Land Use Impact – The application does not address this issue.
- Shadow Flicker – The application includes very minimal information on shadow flicker. (See Ayers Associates report below.)
- Noise – The application includes very minimal information on shadow flicker. (See Schomer and Associates report below.)
- Signal Interference Mitigation – There are residents who have been in contact with Windy Acres regarding what impact, if any, the turbines will have on their communications equipment. Copies of this correspondence and Windy Acres’ responses to it are absent from the application.
- Local Electric Company Stray Voltage Recommendations – This information is absent from the application.
- Dairy and Confined Animal Operations – This information is absent from the application.
- Options to Eliminate Noise Impacts - This information is absent from the application.
- Computer Noise Modeling, Ground Absorption Coefficients – This information is absent from the application.
- ILFN (Infrasound and Low Frequency Noise) - This information is absent from the application.
- Alternate Turbine Locations - This information is absent from the application.
- Future Turbines - This information is absent from the application.
- Correspondence With Residents – The application includes representative copies of various notices; however it does not include any other correspondence to or from Town residents.

Discussion was held regarding the Attorney’s report.

8. COMPLETENESS REPORT BY AYRES ASSOCIATES, QUESTIONS FROM BOARDS: Vice President Bruce Ommen, PE, Ayres and Associates briefly touched on key points of his report to the boards. “I agree with Matt (Attorney Parmentier) that this application is incomplete.”

- Mapping – mapping is not scalable; it is hard to tell setbacks.
- Minimizing impacts to non-participating owners “to the extent reasonable practical” – it never really discusses how to lessen these impacts.
- Drainage Impacts - This information is absent from the application.
Chair Becker mentioned that surface drainage should be considered. Supervisor Huenink mentioned field drainage tiles will be impacted by widening roads.

The following comments are identified by page number of the Application Package:

- Page 3, footnote – include statement that no more than four turbines will be used irregardless of nameplate capacity.
- Page 3, O&M building – no detail on location, nor how to handle water/sewer necessary for maintenance workers, etc.
- Substation/Interconnection facility – the 30x40 enclosure will not fit within right-of-way and cannot fit within right-of-way outside the clear zone. If this option is to be pursued,

they need to have detailed plans to determine if in compliance with applicable roadway standards.

- Page 12, Section 1.12.5 – there is no mention of mitigation measures to be offered to the owners of homes that lie within the current models 20-30 hours per year impact zone.
- Page 18, Section 1.16.2 – you never know what salvage prices are going to be; a lot of philosophies are not practical. They need adequate resources for decommissioning.
- Page 27, Section 2.7.2.1 – No turning radii improvements are shown at public road intersections on Exhibit A. Widening's go outside of the right-of-ways, so easements will need to be obtained.
- Page 29, Section 2.7.3 – Road impacts. The county commissioner is interested in knowing the anticipated construction schedule and whether hauling will occur in March or April, as these months is harder on the roads than the dryer months.
- Page 33, Section 2.10.3 – future turbine locations shall be documented throughout the applications.
- Page 43, Section 3.4.2 – Will the applicant commit to only working during daylight hours and if not, what work elements will be completed during nighttime hours and has construction noise been evaluated for impacts to area residences.
- Page 44, Section 3.6.1 – Shadow flicker. Map shows different zones during the year. There are no assumptions on how they came up with this model.
- Page 45, Section 3.7.1 Comsearch has identified licensed microwave beam paths, but also need to include unlicensed paths. Also, analysis needs to be provided to show whether the operation of a ham radio (which is located approximately ¼ mile from the project site) is impacted by the project, and if so, the associated mitigation options that will be provided to the owner.
- Page 48, Section 3.8.1 – Identify all dairy and confined animal operations within 0.5 miles of the project and provide documentation on pre-construction testing results for stray voltage.
- Page 49, Section 3.9.1 – The emergency management official is not listed. *Chair Becker asked about the emergency radio upgrades throughout Sheboygan County, and if there would be any impacts. "It is not just what we have today, but what the county is planning on," he said.*
- Page 50, Section 3.10 – Provide a time frame for responding to citizen complaints.

Discussion was held regarding the Ayres report.

9. COMPLETENESS REPORT BY SCHOMER AND ASSOCIATES, QUESTIONS FROM BOARDS: Via telephone, Dr. Paul Schomer gave a brief overview of his report. His report stated "The noise analysis is very incomplete. The only 'details' provided are the A-weighted levels provided by the manufacturers in their sales literature available to anyone on the internet. A single contour of the '45 dBA line' is provided without any foundation or explanation, other than a vague statement that they used ISO 9613-2 with no indication of how they used it. And the way the contours are presented is the antithesis of clarity; it is virtually impossible to see where on a map the turbines are sited, or how to register the contour with a general community map." Certain items listed below are key points of information Dr. Schomer feels is absent:
- A list of each make a model of wind turbine proposed, and every operating and layout scenario planned for use with each make and model of wind turbine, separately.
 - A list of postal address and coordinates of each residence within one mile of the closet wind turbine to it.
 - Information on how often, if at all, the turbines will exceed noise limits, i.e. 95% of the time, 99% of the time, 99.9% of the time, etc. More specific information is needed.

- Measurements in Shirley, Wisconsin, have recently revealed that large turbines such as the ones proposed for this project emit very low infrasonic signals at the blade passage frequency and the first several harmonics. Applicant shall provide proof that these same problems will not occur in Holland and Sherman, or shall state the problems they will cause.

Discussion was held regarding the Schomer and Associates, Inc. report.

10. PUBLIC COMMENTS REGARDING COMPLETENESS OF APPLICATION ONLY:

Laurie Werner: *How long does EEW have after tonight's decision (to come back with a response)?*

Attorney Parmentier: *No deadline for their response. It is however quickly they can get the information together.*

Laurie Werner: *So the towns are left in limbo until EEW's response?*

Attorney Parmentier: *Once (EEW) deems it complete, they send the towns a notice to which we have 45 days to review again. EEW can appeal our decision to the PSC, who would then have the mechanism to decide it. There is no limit on completeness reviews, like we are doing tonight.*

Laurie Werner: *How can we be assured the noise modeling is correct?*

Supervisor Jones (H): *We have the expertise of Dr. Schomer, who wrote the formula for these models. We have the best expert working on it.*

11. BOARD DISCUSSION AND DETERMINATION REGARDING APPLICATION COMPLETENESS: **Motion by Klein (S), seconded by Jones (H), all voting by roll call to approve the resolution entitled "Windy Acres Application Incompleteness Determination", motion carried. Roll call vote below; A=aye, N=nay:**

<i>Holland Town Chair Donald Becker - A</i>	<i>Sherman Town Chair William Goehring - A</i>
<i>Holland Town Supervisor Stephen Jones - A</i>	<i>Sherman Town Supervisor Robert Boehlke - A</i>
<i>Holland Town Supervisor David Huenink- A</i>	<i>Sherman Town Supervisor Pat Horne - A</i>
<i>Holland Town Supervisor Martin Elmer- A</i>	<i>Sherman Town Supervisor Kris Klein - A</i>
<i>Holland Town Supervisor Stan Lammers ---</i>	<i>Sherman Town Supervisor James Fahney - A</i>

****Resolution to be attached at end of minutes.***

12. ADJOURN: **Motion by Jones (H), seconded by Horne (S), all voting in favor to adjourn, motion carried. Time: 8:32 p.m.**

Rhonda J. Klatt, Clerk/Treasurer for the Town of Sherman