

## Highland Wind Project – Town of Forest Timeline -Provided by a Forest Resident

01/04/07 Date of letter from the Office of the Attorney General, State of Wisconsin to Manitowoc County residents re: Investigation in Manitowoc County Regarding Wind Ordinance Matters Page 14—Section 5: Responsibility of Wind Energy Firms:

(paragraph 5) **“In particular, our research identified numerous firms who were actively or considering pursuing wind energy projects in Wisconsin, including Navitas and Emerging Energies. We issued letters to top officials or their representatives in these firms informing them of our interpretation and application of the conflict of interest statutes to the solicitation of local government officials and urged them to review and modify their business practices to comply with the law.”**

**Signed by: Paul L. Barnett, Assistant Attorney General**

It is believed that the wind developer, Emerging Energies, ignored the letter from the Assistant Attorney General and continued “business as usual” when it approached the Town of Forest Town Board.

01/10/08 Town Board Meeting minutes and town board members during 2008:  
Roger Swanepoel: Chairman  
Leon Helgeson: Supervisor  
Doug Karau: Supervisor

**“Bill Rakocy—Emerging Energies gave an informal presentation regarding wind turbines. He (Bill Rakocy) will be contacting Carl Cress to attend a Plan Commission meeting.”** (Emerging Energies was not on the agenda before arriving at this town board meeting. Violation of open meetings law. It was learned in 2010 that Emerging Energies of WI was also the developer of Shirley Wind, Glenmore, WI an 8-turbine wind energy project.)

02/07/08 Plan Commission Meeting minutes:  
Plan Commission Chair: Carl (Carlton) Cress

**“A motion was made and seconded to add representatives from Emerging Energies of Wisconsin to the agenda. They (Emerging Energies) made a presentation about building wind generators in Forest Township. They (Emerging Energies) fielded questions from the board and several community members in attendance.”** (Emerging Energies was not on the agenda before arriving at this Plan Commission meeting. Violation of open meetings law.)

02/14/08 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.

03/06/08 Plan Commission Meeting minutes:

**“Emerging Energies made another presentation on wind generators. They asked for a conditional use permit (which the town did not have authority to issue as a CUP—Town of Forest was not under county zoning at this time.) to put up a temporary wind monitoring station. A motion was made and seconded to approve the permit, which now has to be approved by the town board.”**

03/13/08 Town Board Meeting minutes:

**“Bill Rakocy (Emerging Energies) reviewed the Wind Development Agreement Resolution (draft?) and answered questions. A motion was made by Roger Swanepoel (Town Board Chairman, who signed up for two turbines on his property sometime between 01/10/08 and 08/12/10. It is unclear and not public record exactly when Swanepoel signed a contract to host two turbines on his property) to allow Emerging Energies to erect a tower in the Town to study wind patterns. Doug Karau seconded the motion. Motion carried.”**

(A wind development agreement was produced with only one town board meeting in between the first informal presentation and the date of this meeting. No town board meeting minutes exist that indicate an agreement was written or under consideration. Is a private company allowed to write legal documents for a township?)

(Town board meeting agenda states under item #7: New business: a – Highway Maintenance b – Emerging Energies of Wisconsin – Requesting permission to erect a temporary tower to monitor weather conditions.)

04/03/08 Plan Commission Meeting minutes (handwritten minutes):

**“Representatives from Wind Energy present—discussed “set back” in regard to wind turbines—“each situation to be regarded separately.” “1.1 x height of tower.” Recommend a 75-foot setback from town roads for turbines. Motion by Carl (Carl Cress—Plan Commission chairman) for 75-foot setback to be reviewed in each situation. Seconded by (Allan) Wienke. Carried. Also attending Roger Swanepoel (town chairman), Gary Heinbuch (signed a contract with Emerging Energies) Dale Krig, and Doug Hill” (signed a contract with Emerging Energies.)**

(Former plan commission members have expressed, and affidavits could be obtained, that they had no idea what a wind energy project consisted of, nor the size or scope of a wind energy project.)

04/08/08 Town of Forest Annual Meeting minutes:

Annual meeting is a meeting of the electorates. Minutes do not document any discussion on any subject related to wind turbines.

04/09/10 Open records:

Date of letter from James H. Krave, Attorney at Law in Glenwood City, WI. The letter is addressed to Roger Swanepoel, Forest Plan Commission, and Town of Forest, Wisconsin. In part, the letter reads:

**“Dear Mr. Swanepoel: At your request, I reviewed the proposed Wind Development Agreement Resolution drafted by the representatives of Emerging Energies of Wisconsin, LLC (emphasis by writer)...After reviewing it, I believe that it provides a good starting point for the development of wind energy in Forrest.”**

(Mr. Krave has been an attorney in the Glenwood City, WI area for a good number of years; however, his experience in and knowledge of Wind Development Agreements and the impacts of wind energy development projects on and in any township are questionable. In addition, after only 2 town board meetings, these Town supervisors were willing to sign off on an agreement that would affect each person living in the township, without any apparent research, public hearing, or communications with other townships with wind energy projects..)

04/10/08 Town Board Meeting minutes:

**“Roger Swanepoel made a motion to appoint Carlton (Carl) Cress (Plan Commission chairman) as supervisor to finish out the 2007-2009 term of office (due to the death of supervisor Leon Helgeson). The motion was seconded by Doug Karau. The motion was carried with a vote of: Yes—3/No—0. (Can appointee vote for himself?) A motion was made by (newly appointed) Carl Cress to adopt the Wind**

**Development Agreement Resolution 2008-1. Doug Karau seconded the motion. The motion carried with a vote of 3—Yes/0—No.”**

Source: Document Wind Development Agreement Resolution No. 2008-01.

Agreement states in its recitals:

“**Whereas**, the Town Plan Commission has conducted a public meeting on and has considered the proposal for wind farm development as presented by Emerging Energies of Wisconsin, LLC and has recommended favorable consideration; and

**Whereas**, the Town Board has considered the proposal of Emerging Energies of Wisconsin, LLC as well as the recommendation of the Town Plan Commission;...” (See Exhibit A).

(Neither of these two recitals, in fact, were discussed or approved by the Plan Commission of the Town of Forest according to Plan Commission minutes and Plan Commission member testimony. Both recitals are manufactured. Affidavits can be obtained from former plan commission members stating that no vote was taken to recommend a wind energy system. In addition, no public meeting on wind farm development in the township was ever held.)

(Source: Open records: Town board meeting agenda states: 7 – New Business a – Highway Maintenance b – Appoint Supervisor to complete 2008 Term of Office c – Adopt Wind Development Agreement Resolution d – Input from Plan Commission on Setback for Wind Towers e – Tim Emholtz – Superintendent Glenwood City School District Presentation on Issues Facing the School District.)

(At some point in the month of April or May 2008, the first wind study tower is erected in the township off 290<sup>th</sup> Street and 230<sup>th</sup> Avenue. The tower was not obvious, and many residents had no idea of its existence.)

On or about  
May 2008      Wind Study and Right of First Refusal Agreements signed by potential hosting landowners.

06/05/08      Plan Commission Meeting minutes:  
“**A group approached the town board requesting opening town roads to ATVs. Roger Swanepoel was in attendance to give an update to the Planning Commission on the request and a discussion followed...A motion was made and seconded to send a questionnaire to everyone on the tax roll in Forest to get their input. Kyle would prepare the questionnaire and have it available for review by other planning commission members.**” The questionnaire read as follows....

(The town board felt it was necessary to solicit feedback from landowners regarding a proposed ATV trail on township roads; yet, this prudent step was not considered for a large-scale industrial electricity producing wind turbine project. Carl Cress is now a town board supervisor and plan commission chair.)

06/12/08  
07/10/08      Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.

01/08/18      Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.

02/05/09      Plan Commission Meeting minutes:

**“There was a review and discussion of the results of the survey that was sent to land owners by the by the UW River Falls (Comprehensive Plan survey). 58% of the surveys sent were received back from landowners. There was also discussion of the vision of the planning commission. The initial vision was for Forest Township to remain a predominately rural agricultural community.”**

(A question on the Comprehensive Plan survey asked residents to rate renewable energy sources and its importance to the township. The question was basic and did not offer definition of each renewable energy source or how the source would or could be implemented in the township.)

02/12/09 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.

Bob and Brenda Salseg had questions on putting a mobile home on their property.

(The Salsegs approached the town board regarding a mobile home to find out if there were any reasons and/or zoning or permitting laws that would prohibit placing such a home on their property for Brenda Salseg’s elderly mother, Bernice Blomberg, to live in. The town board members did not express reasons or zoning/permitting issues not to allow the placement of the mobile home, indicated they would permit it if the county gave a septic variance, but did not disclose the potential wind farm project to the Salsegs.)

Had the Salsegs been informed of the size, scope, and definition of a “wind farm,” neither they, or Brenda Salseg’s mother, would have invested tens of thousands of dollars in creating a lot with septic, water, and electrical connections, along with the cost of a new 2009 mobile home residence for Bernice Blomberg to live in.)

03/12/09 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.  
**“Carl Cress made a motion to adopt the ATV Ordinance. Doug Karau seconded the motion. Motion carried.”**

(Again, this town board appears to have put more effort into examining the impacts of and notifying residents of a proposed ATV trail on township roads than they put into researching the impacts of wind turbines and informing the residents of the township the proposed wind project.)

04/09/09  
09/10/09 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.

10/01/09 Public record:  
Governor Doyle signed into law 2009 Wisconsin Act 40, which creates a policy framework to allow uniform local regulation of wind energy systems in Wisconsin. Act 40 directs the Public Service Commission of Wisconsin (Commission or PSC) to promulgate rules to specify maximum restrictions that a municipality can impose on installation and use of wind energy projects throughout the state of Wisconsin and further directs the Commission to appoint a **Wind Siting Council** to provide advice and counsel during the rulemaking process. 2009 Act 40 virtually strips local government control in the siting of industrial wind turbine projects.

10/08/09 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.

11/05/09 **Plan Commission Meeting minutes: (draft copy—minutes not approved by the Planning Commission):**  
**“Open House at 6:30—no attendees. Public Hearing at 7:00. Reviewed resolution recommending the town board adopt the town’s Comprehensive Plan. The resolution was**

**unanimously accepted and will be presented to the town board on 11-12-09.”** (Open house and public hearing centered on the Comprehensive Plan, not a wind energy system project for the township.)

- 11/12/09 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines. The board reviewed the Comprehensive Plan as recommended by the Plan Commission.
- 12/15/09 Source: RENEW Wisconsin website:  
“With this three-way arrangement in place, Emerging Energies then sold a 90% stake in Shirley Wind in late 2009 to an outside investor, Central Hudson Enterprise Corporation, a Poughkeepsie, N.Y.-based company. The other 10% of the project remains with Emerging Energies. Having consummated that investment, Shirley Wind cleared the last remaining preconstruction hurdle. Project construction commenced in April.”
- 12/08/09 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines. Doug Karau made a motion to adopt the Comprehensive Plan Ordinance 02-2009. Carl Cress seconded the motion. Motion carried.
- 01/07/10 Plan Commission Meeting (draft copy—minutes not approved by the planning commission:  
**“Carl (Cress) informed the planning commission that Emerging Energies had collected enough data from the monitoring station and had found the prevailing winds of 18 mph from the southeast to be acceptable. Questions were asked if we were provided any further information regarding the proposed wind turbines. No details were available at this time.”**
- 01/14/10 Town Board Meeting minutes:  
02/11/10 Minutes do not document any discussion on any subject related to wind turbines.
- 03/11/10 Town Board Meeting minutes:  
**“Representatives from Wind Energies gave an update on the wind tower project.”**  
(Town board meeting agenda states under item 7 – New Business a – Highway Maintenance b – Stacy Jordheim, Glenwood Forest Barn Stormer ATV Club c – Rural Mutual Insurance, review coverage d – Emerging Energies of Wisconsin, LLC update on study done for wind turbines e – Review Annual Report)
- 03/16/10 Public record:  
Bill Rakocy, founding partner of Emerging Energies, is appointed to the Wisconsin Wind Siting Council selected by the Wisconsin Public Service Commission.
- 04/08/10 Town Board Meeting minutes:  
Minutes do not document any discussion on any subject related to wind turbines.  
(Resident) **Jeff Ericson handed out information to the board on wind towers.** (Jeff’s information centered on human health risks; effects on animals, pets, livestock, and wildlife; effects on real estate values; communications interference, and visual effects.)
- 04/13/10  
05/13/10 Town Board Meeting minutes:  
06/10/10 Minutes do not document any discussion on any subject related to wind turbines.
- 06/28/10 Public record/Open records:

Town of Mishicot, WI sends a letter to the Public Service Commission of Wisconsin in complaint and regarding Docket Number 1-AC-231. In part the letter reads:

**"At the annual meeting of the Town of Mishicot, on April 13, 2010 it was brought to the attention of the people in attendance that the appointment of Bill Rakocy of Emerging Energies to the State Wind Siting Council should be terminated due to conflict of interest...Emerging Energies has land under contract for seven wind turbines in the Town of Mishicot that has been denied by the Manitowoc County Wind Ordinance...Bill Rakocy's own admission he has stated that he would benefit from a lesser setback on the standards...The standards of the PSC should be created to address the health and safety, with the backing of engineering standards and not personal profit of wind developers."**

07/08/10 Town Board Meeting minutes:

Minutes do not document any town board discussion on any subject related to wind turbines.

(Resident) **Jeff Ericson presented the Board with information on wind towers.** (Jeff submitted the same information as in April 2010.)

08/09/10

Public record of Final Wind Siting Council's Report to the Public Service Commission:

The council submits their report to the PSC; however, four members of the council submit a Minority report that opposes the Wind Siting Council's recommendations.

08/12/10

Town Board Meeting minutes:

**"Roger Swanepoel turned the meeting over to Carl Cress and abstained from the discussion and action regarding Wind Turbine Proposal, due to a conflict of interest. Bill Rakocy gave an update on the Wind Turbine Project and answered questions from the floor. Doug Karau made a motion to accept the Wind Development Agreement. Carl Cress seconded the motion. The motion carried with a vote of: 2 for—0 opposed—1 abstained. There was discussion on setting up a tour to a wind turbine site...Fran Heinbuch said she would check into setting up a tour and send out mailings to all landowners in the Town of Forest. Doug Karau made a motion to work with Fran on this and to pay for postage and supplies, with a maximum of \$200.00. Carl Cress seconded the motion. The motion carried with a vote of: 2 for, 0 opposed and 1 abstained."**

(Again, recitals to the Wind Development Agreement dated 08/10/2010 (See Exhibit B) state:

**"WHEREAS** the Town Plan Commission has conducted a public meeting on and has considered the Project and has recommended favorable consideration;

**"WHEREAS** the Town Board has considered the Project as well as the recommendation of the Town Plan Commission;

**WHEREAS** the Town Plan Commission has conducted a public meeting on and has considered the Project and has recommended favorable consideration."

No public hearings were held and the wind project was not approved by the Plan Commission. These recitals are false.

Town board meeting agenda

Under No. 7 – New Business: a – Highway Maintenance b – Discussion and Possible Action Regarding Wind Turbine Agreement c – Discussion and Planning for a Tour of Wind Turbine Sites for Town Residents d – draft Citation Ordinance e – (meeting minute hand written) Discussion on Clean Up of Feed Mills)

Only Carl Cress signed the Wind Energy Agreement—Roger Swanepoel would have been conflicted. Doug Karau??? See conflicting agreements and dates between Karau and Emerging Energies.

08/29/10 Personal testimony and receipt of postcard:

On or about the week of 08/29/10, property owners in the Town of Forest receive a postcard mailing that reads:

**Would you like to tour the “Shirley Project”**

The same Wind Turbines that are coming to Forest WI  
Shirley is near Green Bay WI and will be a full day tour.

A tour is being put together for the end of September early October.

The cost will depend on response of those who want to go on.

If you are interested please leave a message for Terri Swanepole 715.265.4188

or

Fran Heinbuch 715.684.9986

At this point we only need to know who would like to go.

Cut off date for response is September 9<sup>th</sup>, 2010.

PLEASE act now.

(Terri Swanepole (misspelled, corrected Swanepoel) was the town clerk. Fran Heinbuch is a hosting landowner. This postcard was the first indication for many residents that a “wind project” was a “done deal.” Many threw the postcard in the trash, thinking it was junk mail. Others did not understand the implications. Although some agendas were listed in the Glenwood City Tribune Press Reporter, the more than ½ of residents have Clear Lake or Deer Park, WI addresses and do not subscribe to the Glenwood City Tribune Press Reporter, the township newspaper of record. As a whole, most residents were shocked and confused that no public hearing on the wind turbines was ever held.

Around the first part of September, some residents begin researching the meaning of a “wind farm.” After finding online research, much of it centering on Fond du Lac County, Dodge, and Brown County, WI, including the Blue Sky/Green Field, Forward Wind project, and Shirley Wind, residents become alarmed about the size and scope of the proposed Highland Wind project.)

08/31/10 Public record:

Public Service Commission (PSC) releases administrative rules governing the siting of wind turbines in the state as a result of 2009 WI Act 40 directing the PSC to promulgate rules that specify restrictions that local governments may impose on the installation or use of wind energy systems. These rules are known as PSC 128.

(The wind siting rules were drafted by the Wind Siting Council, of which Bill Rakocy of Emerging Energies is a member. Of the 15-member Wind Siting Council, nine members are developers, lobbyists, and/or advocates for large wind energy systems, including Rakocy, who has much to gain financially by less restrictive wind turbine setbacks.)

09/05/10 Personal testimony:

About 25 residents of the Town of Forest gather at a local church to discuss the “Shirley Project” postcard each received pertaining to the proposed wind turbines coming to the township. Little information is available; however, one resident has a site plan he requested after the August 12, 2010 town board meeting and the group comes to realize thirty-nine (39) turbines, each 500-foot tall, are planned for the community. Concerned individuals continue to research the impacts of utility-scale wind projects on rural communities and continue to find a large amount personal testimony, documenting videos, medical and scientific evidence, and real estate studies that

conclude health and safety issues, as well as property devaluation that result from so-called “wind farms.”

09/07/10 Personal testimony:

Concerned citizens host an informational meeting at the Glenwood City Community Center. The purpose of the meeting is to get the word out to as many residents and property owners as possible in the Town of Forest who are unaware of the turbine project. About 50 people attend. YOU-Tube video and still photos are shown of wind turbine projects in the state of Wisconsin.

09/09/10 Notes taken and supported by video recording of Town Board meeting:

Residents attend the town board meeting to overflow capacity. The town attorney, Terry Dunst, of Bakke Norman Law Firm is in attendance. Some residents notice a deputy sheriff car cruising the area of the town hall. Many questions regarding the wind project are asked of the town board, but most are only answered by the town attorney. Examples: Terry Dunst replies that the resolution was signed at the last town board meeting, through a two-year process. Jaime Junker comments that the proposed wind farm should have been communicated to residents and should have been consistent with “smart growth” standards. Residents request a 60-day moratorium in order to sort out events and obtain open records pertaining to the wind project. Request denied but would be taken up again at October 2010 meeting. Residents request that Plan Commission take up the possible creation of a Wind Turbine Ordinance.

09/10/10 Personal testimony:

On or about this date, resident of Town of Forest, Brenda Salseg, contacts and speaks with St. Croix County District Attorney Eric G. Johnson by telephone regarding the apparent conflicts of interest and likely walking quorums and possible violation of open meeting laws centering around the 08/12/10 Wind Agreement. Ms. Salseg was informed by the District Attorney Johnson that “unless law enforcement is called” he would decline to investigate any allegations of illegal or criminal actions of a town board.

09/19/10 Personal testimony:

A letter by a group of residents is sent to each property owner in the township inviting attendance to an information meeting at the Clear Lake Community Center regarding the wind turbine project. About 80 people attend. The purpose of the meeting was to inform residents of the wind project and the hazards of wind turbines on public health, safety, and property values.

The Forest Voice, a local citizens group opposed to irresponsible wind turbine siting, formed and began the process of requesting open records pertaining to the wind turbine project from the town board and town attorney, Terry Dunst of Bakke, Norman Law Firm.

Hosting landowner, Claudia Goodrich, attended the 9/19/10 meeting. She said they signed up because Emerging Energies told them all the neighbors were on board with the project, and they felt their land would be worth “shit” anyway. Claudia Goodrich stated that they (she and her husband and daughter) would try to get out of their contracts. The Goodrich family did not follow through with the final statement. Within days, it was witnessed by a neighbor (Brenda Salseg) of the Goodrich family, that a black European sports car on the gravel road leaving the Goodrich property. The vehicle was driven by Jeffrey Vercauteren, attorney for Emerging Energies.



10/03/10 Open records:

Based on open records received by members of The Forest Voice (collectively opposing landowners, not yet a registered entity), evidence is gathered through email exchanges between the Town attorney, Terry Dunst, and Emerging Energies attorney, Jeffrey Vercauteren, as well as other supporting documents and communications that show evidence of irregularities of resolutions and agreements, likely open meeting violations, and collusion between the town board members and/or the town attorney and Emerging Energies attorney to create Resolution No. 2008-1 Wind Development Agreement and the Wind Development Agreement dated 08-12-10 signed only by Supervisor Carl Cress to replace the Wind Development Agreement Resolution 2008-1 dated 04-10-18.

10/05/10 Forest Voice documents and personal testimony:

The Forest Voice and its supporters challenge the legality of the wind project resolutions and agreements and are opposed irresponsibility sited wind turbines in the township. The citizens group hires legal counsel.

10/07/10 Plan Commission Meeting minutes:

The minutes for this Plan Commission meeting are lengthy. Besides 4 members of the Plan Commission and the town attorney in attendance, so were Bill Rakocy and Jay Munding of Emerging Energies with Attorney Jeffrey Vercauteren. There were also many community members present, with standing room only available at the town hall. Residents requested appointment of a wind siting ordinance subcommittee.

Bill Rakocy from Emerging Energies made a presentation (Emerging Energies was not on the Plan Commission Agenda.) He mentioned he is a member of the wind siting council.

10/12/10 The Forest Voice documents:

Residents of the Town of Forest, under The Forest Voice, and its attorney, Glenn Stoddard, file a Notice of Claim against the Town of Forest, Town Chairman, Roger Swanepoel, Town Supervisor, Carlton Cress, and Town Supervisor, Doug Karau. The basis of the Notice of Claim is that the wind agreements in 2008 and 2010 are illegal.

10/13/10 Personal testimony – also documented on Wisconsin Eye video:

Residents of Forest travel to Madison to attend Senate Committee on Commerce, Utilities, Energy, and Rail. Jean Tenor of the Town of Glenmore, Shirley, WI area submits written testimony regarding wind turbines. Jean states how the Glenmore town board kept the Shirley Wind turbine project quiet in their area and that she personally was never notified of the project. Jean received a letter from Emerging Energies (Shirley Wind) offering her \$1,000.00 if she signed a waiver saying the turbine(s) could exceed the noise level.

10/14/10 Notes taken and supported by video recording of Town Board meeting:

Town board members and town residents in attendance are supplied with 83 pages of open records documents received and collated by the Forest Voice members per agenda item. Emerging Energies is also on the agenda with a presentation on wind energy and wind farm project. A moratorium is requested again.

10/21/10 Town of Forest Notice of Special Town Board Meeting – Closed Session:

Agenda: 3. “Consider convening in closed session pursuant to Wisconsin Statutes 19.85(1)(g) Conferring with legal counsel for the Town who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved regarding a Notice of Claim and certain emails sent to the Town concerning a wind turbine agreement with Emerging Energies.”

11/04/10 Plan Commission minutes:  
Plan commission members present. Also present was Bill Rakocy and Tim Osterberg of Emerging Energies and several community members. Matt Radintz gave an update on the subcommittee’s progress—no recommendations at this point.

11/11/10 Town of Forest Town Board Meeting Agenda (Minutes and video recording Available: (This town board meeting followed a special meeting, which followed a public hearing on the proposed 2011 budget.):

Agenda item 7: Consider waiver of Bakke Norman potential conflict of interest.

(The only information received regarding item 7h was that Bakke Norman Law Firm had provided legal advice to a potential hosting landowner regarding leasing land for wind turbine(s).)

11/25/10 Public record:  
On or about this date, the eight “Shirley Project” turbines became operational in the Town of Glenmore, WI. The Shirley Project was developed by Emerging Energies and sold to Central Hudson Enterprise Corporation, a Poughkeepsie, NY-based company. Emerging Energies retains a 10% interest in the project.

12/02/10 Plan Commission meeting minutes (draft—not yet approved):  
Plan commission members present. Also present was Bill Rakocy and Tim Osterberg of Emerging Energies and several community members. Among many issues and discussions the following two items are of importance. They pertain to Bill Rakocy’s comments on turbine setback:

**“Jamie Junker indicated measuring the set back to the house versus the property line is an issue. Jamie also indicated the town’s attorney in August of 2010 called Carl Cress (Carl Cress--Plan Commission Chair.) He asked Carl what the conversation pertained to – Carl declined to answer. Jamie also asked how the planning commission’s recommendation was communicated to the town board (as it related to the recitals on the resolutions and agreements). Carl indicated he verbally told the board.”**

12/02/10 Public record:  
After receiving advice and assistance, the Forest Voice decides to launch a recall campaign against the current town board members, Roger Swanepoel, Doug Karau, and Carl Cress. Forest Voice delivers to Town of Forest Town Clerk, Terri Swanepoel, GAB-1 Campaign Registration Statement and the Statement of Intent to Circulate Recall Petition for Roger Swanepoel-Chairman, Carl Cress-Supervisor, and Doug Karau-Supervisor.

12/05/10 Public record:  
Ninety-three (93) Town of Forest residents sign the GAB-170 Recall Petition and the petition is served on the town clerk.

01/10/11 Public record:

Verified Complaint Against the Town of Forest and Town of Forest Board of Supervisors, St. Croix County, Wisconsin, Pursuant to Wis. Statutes 19.59 (1), 19.96, and 19.97 is filed with the District Attorney's Office, St. Croix County, Hudson, WI. Document is undersigned by Jaime Junker, resident of the Town of Forest.

01/04/11 Public record:  
Notice of Recall Election posted by Town of Forest Town Clerk.

Forest Voice registers as an LLC for the purposes of raising funds for legal representation.

01/17/11 Invitation from Emerging Energies to residents of the Town of Forest:  
Emerging Energies hosts "a presentation of Wind Facts for Forest" on wind energy and the proposed wind energy project for the Town of Forest. Property owners are invited to attend at The Orchard, in Baldwin, WI, a community approximately 20 miles southeast. Some attendees of the "informal" session noticed squad cars in the parking lot of The Orchard, as well as policy officers (presumed off-duty) inside the meeting area.

The Forest Voice hosts an informational potluck meeting the same evening at the Forest Town Hall and invites anyone interested in learning more about the negative aspects of wind energy systems.

02/03/11 Open records:  
Town Attorney Terry Dunst responds the St. Croix District Attorney and to the Verified Complaint Against the Town of Forest. In that letter, Attorney Dunst denies all claims.

02/03/11 Open records:  
Wisconsin Uniform Building Permits: issued by Carl Cress  
Project: Wind Monitor Tower – Highland Wind Farm  
Issued by: Carl Cress

02/09/11 Source: Public record and personal testimony:  
A group of residents from the Town of Forest travel to Madison to attend and testify before the Joint Committee for the Review of Administrative Rules. Over 300 persons attend from various parts of Wisconsin. Their testimony at the hearing centered on shared stories of the health, safety, and property devaluation issues and problems of living with industrial wind turbines.

02/09/11 Public record Civil Action No.: 11-CV-100:  
The Forest Voice, a citizen's rights protection group of Town of Forest residents and supporters, files a federal lawsuit through their legal counsel, Glenn Stoddard. The federal lawsuit is based on the United States Constitution Amendment 5 and Amendment 14.

02/11/11 Public record, letter:  
District Attorney Eric G. Johnson replies to Jaime Junker regarding the Verified Complaint Against the Town of Forest. In part, District Attorney Johnson's response includes..."I am also unlikely to get involved when the individuals accused have been advised by an attorney. Wisconsin Statute allows you to pursue you own remedy when the District Attorney declines to prosecute..."

02/14/11 Open Records:  
Wisconsin Uniform Building Permits. Issued by Carl Cress  
Project: Wind Energy – Highland Wind Farm

Town board supervisor, Carl Cress, signs building permits for 41 turbine locations on behalf on Emerging Energies, aka, Highland Wind Farm, LLC, on the eve before recall election vote.

Emerging Energies/Highland Wind Farm did not give written notice to the Town Clerk regarding the specific locations of a wind testing tower permit issued on 02/02/11 nor the building permit locations issued on 02/14/11 as was required under Section 16 of the purported Wind Development Agreement.

02/15/11 Source: Public records Town of Forest Recall Election and election results:  
Electors vote in new town board. Town Chairman: Jaime Junker, Supervisor: Rick Steinberger, and Supervisor, Patrick Scephurek.

Roger Swanepoel 123  
Jaime Junker 194

Carlton (Carl) Cress 123  
Rick Steinberger 207

Doug Karau 113  
Patrick Scephurek 185

02/18/11 New town board members are sworn into office.

02/23/11 Open records:  
Cullen, Weston, Pines, & Bach, as legal representation for Emerging Energies, aka, Highland Wind, LLC, writes a letter to new town board members. In part, the letter states:

**“Our client is concerned that you, as the new members of the town board, might consider attempting to summarily abrogate this agreement. We would like to take this opportunity to remind you that any such action would in our opinion result in legal liability for the Town.”**

02/23/11 Public knowledge:  
Emerging Energies erects a second wind study tower off County Road P and 200<sup>th</sup> Avenue in the Town of Forest.

02/28/11 Notes taken and supported by video and audio recording of Town Board meeting:  
First regular meeting of the new Town of Forest town board. Discussions center on the 2008 and 2010 wind agreements. Emerging Energies attorney, Jeffrey Vercauteren admits to drafting the wind agreement with Town attorney Terry Dunst.

Discussion on creation of a new plan commission with a balance of current and new members, as well as those in favor of wind turbine and those opposed.

03/07/11 Town Board Meeting Minutes and Videotape:

Town board discovers issuance of building and driveway permits for wind turbines. Town board member vote to return checks to Emerging Energies.

03/16/11 Open records:

Date of letter from Cullen, Weston, Pines, & Bach to Town of Forest Board

“This letter serves to follow up on our correspondence dated February 22, 2011...”

03/17/11 Video recording and open records documentation Town Board Meeting:

The new town board, under guidance of new town attorney, Catherine Munkittrick, signs the following resolutions:

Resolution of Town of Forest Board of Supervisors Rescinding Town Board Resolution Dated August, 12, 2010,

Resolution of Town of Forest Board of Supervisors Resolution Rescinding Resolution No. 2008-1 Titled Wind Development Agreement Resolution

Resolution of Town on Forest Board of Supervisors Rescinding/Invalidating Building Permits Issued on February 2, 2011 and February 14, 2011 for Wind Turbines;

Resolution of Town of Forest Board of Supervisors Rescinding Driveway Permits;  
and

Ordinance No. 2011-1 Town of Forest An Ordinance to Impose a Temporary Stay on the Location, Installation, and Construction of Wind Energy Systems in the Town of Forest (for a period of five months.)

03/29/11 Receipt of DVD from Emerging Energies:

On or about this date, Emerging Energies sends a DVD to Town of Forest residents titled “Wind Power: A New Crop for Forest?” The DVD is received in the mail just days before the April 5, 2011 town board elections. Many believe the DVD was timed in order to influence the April 5, 2011 General Election.

03/29/11 Public record:

Legislative Joint Committee for Review of Administrative Rules votes to send the Wind Siting Rules back to the PSC and blocks the current rules from taking effect. No legislative action was taken, however, and the Wind Siting Rules became effective on March 16, 2012.

03/30/11 Open record:

Cullen, Weston, Pines, & Bach send a letter to the new town board regarding checks and returned to them from the Town of Forest for driveway and building permit fees that were issued on 02/02/11 and 02/14/11 and resends checks back to the town.

04/05/11 Public record:

Town of Forest General Election Results: New town board elected:

Jaime Junker 209

Roger Swanepoel 146

Rick Steinberger 225

Carlton (Carl) Cress 133

Patrick Scepurek 204  
Doug Karau 126

05/01/11 Public record:

Forest Voice authorizes its attorney, Glenn Stoddard to file a Motion to Voluntarily Dismissal for the federal case, which was granted by the court on 05/10/11. The case was dismissed based on the decision to fully support the new town board and its actions. It was felt that election of a new town board willing to work for the interests of an electorate majority had accomplished the goals of the federal lawsuit.

05/03/11 Open record:

Letter from the Town of Forest to Jeffrey Vercauteren, Cullen, Weston, Pines & Bach, LLP returning fees once again for the driveway and building permits for the same reasons as stated in an April 5, 2011 letter from the town attorney, Catherine Munkittrick.

05/09/11 Open record:

Letter from Bill Rakocy, (Emerging Energies) Highland Wind Farm, LLC

Letter enclosed "a proposed Town of Forest Concern Resolution Process for Highland Wind Farm pursuant to Section 10 of the Wind Development Agreement between the Town of Forest and Highland Wind Farm, LLC dated August 12, 2010, for consideration by the Town Board at its next meeting."

05/11/11 Open record:

Letter from Catherine Munkittrick, Town of Forest Town attorney, in response to Bill Rakocy's letter dated 05/09/11.

"The Town Board will not consider the Concern Resolution Process you enclosed with your letter because there is no wind energy system agreement in effect and there is no wind energy system application or proposal pending before the Town Board at this time."

05/18/11 Public record and open record:

Cullen, Weston, Pines & Bach on behalf of their client Emerging Energies aka Highland Wind Farm, serves the members of the Forest Town Board with a **Notice of Claim and Claim. The Notice of Claim and Claim centers on breach of contract and claim for damages of \$25 million dollars.**

06/30/11 PSC Public record:

Emerging Energies, aka Highland Wind Farm, increases the wind project by two (2) wind turbines to create a 102.5 MW project, which brings Highland Wind under WI PSC control, and request PSC SAGE document number.

07/13/11 PSC Public record ERF Docket No. 2535-CE-100:

Emerging Energies aka, Highland Wind Farm, files Engineering Plan and Engineering Plan Figures with the PSC.

08/11/11 Open record:

Town of Forest files Resolution No. 5 Disallowance of Claim of Emerging Energies of Wisconsin LLC and Highland Wind Farm LLC, the \$25 million claim against the Town of Forest

09/20/11 Open and public record:

Emerging Energies/Highland Wind Farm appears before St. Croix County Highway Department meeting to obtain permits for county roads contained within the boundaries of the Town of Forest. The county highway commissioner states, unless there is a bona fide reason to issue permits for a wind project, none will be issued. The county considers issuing conditional use permits if the Highland Wind Farm project is permitted by the Public Service Commission or the Town of Forest.

12/16/11 PSC docket: 2535-CE-100:

Emerging Energies/Highland Wind files all application materials to obtain a Certificate of Public Convenience and Necessity (CPCN) with the Wisconsin PSC.

01/01/12 Forest Voice, LLC files with Wisconsin Department of Financial Institutions to convert to a Wisconsin nonstock corporation and becomes Forest Voice, Inc.

01/10/12 Brown County Board of Health adopted resolution requesting emergency state aid for families suffering around industrial wind turbines (Shirley Wind). Three families vacated their homes due to unbearable effects of the Shirley wind turbines on their health. Others suffer, too, but did have the resources to abandon their homes.

01/12/12 Forest Voice requests PSC Intervenor party status through its attorneys.

01/24/12 RENEW Wisconsin requests PSC Intervenor party status.

03/08/12 Town of Forest requests PSC Intervenor and full party status.

03/21/12 Forest Voice members meet with St. Croix County Health and Human Services board and conduct a presentation on the negative effects of industrial wind turbines. The group asked the county health board to support a four-part request:

1. A letter of Official support of the Brown County Board of Health Resolution.
2. A Letter of Declaration of Health Concerns for the Town of Forest residents.
3. Petition the State of Wisconsin to authorize and execute third-party health studies of negatively impacted residents in existing wind projects.
4. Assist Town of Forest residents with voluntary base-line population health assessment before and after should Highland Wind be permitted by the PSC.

04/19/12 Clean Wisconsin requests PSC Intervenor and full party status.

04/19/12 PSC Docket 2535-CE-100:

St. Croix County Department of Health and Human Services sends letter in support of the health and safety concerns on behalf of the residents of the Town of Forest.

07/09/12 St. Croix County Department of Health and Human Services Board meeting. Letter from Kitty Rhodes, State of Wisconsin public health, states that no additional studies will be done at this time.

- 10/09/12 PSC Hearing held with expert testimonies, both for and against Highland Wind. Highland Wind/Emerging Energies represented by John Wilson, Michael Best & Friedrich, LLP.
- 10/10/12 Testimonies included residents from the Shirley Wind project negatively impacted by the turbines. As part of the proceedings, testing at Shirley Wind was approved as a means of determining possible sources of negative health impacts of Shirley residents. Testing focus is infrasound.
- 10/11/12 PSC public hearing held at the Town of Forest (town hall) allowing participating and non-participating residents and other interested parties to submit testimony for or against the Highland Wind Project.
- 12/03/12 PSC Hearing, Technical, including siting, foundations, and decommissioning.
- 12/04/12 Four-day testing by four acoustical firms at the Shirley Wind Farm.  
Channel Island Acoustics – Dr. Bruce Walker  
Hessler Associates – George and David Hessler  
Rand Acoustics – Robert Ran  
Schomer Associates – Dr. Paul Schomer
- 12/24/12 Report results on **A Cooperative Measurement Survey and Analysis of Low Frequency and Infrasound at the Shirley Wind Farm in Brown County, Wisconsin**. Statement made by the four acoustical firms:  
**“The four investigating firms are of the opinion that enough evidence and hypotheses have been given herein to classify LFN and infrasound as a serious issue, possibly affecting the future of the industry. It should be addressed beyond the present practice of showing that wind turbine levels are magnitudes below the threshold of hearing at low frequencies.”**
- 12/28/12 As filed by Forest Voice on Dec. 28, 2012, Clean Wisconsin edited “A Cooperative Measurement Survey and Analysis of Low Frequency and Infrasound at the Shirley Wind Farm in Brown County, Wisconsin” prior to filing; the original included a section with one and one-half pages of recommendations for the Highland Wind Farm (HWF), the original Section 5.2. Clean Wisconsin corrected the document and resubmitted to the PSC Docket on 01/18/13.

Walker and Rand do not have detail knowledge of the Highland project and refrain from specific recommendations. They agree in principle to the conclusions offered herein in Section 4.0.

Hessler Associates has summarized their experience with wind turbines to date in a peer-reviewed Journal and have concluded that adverse impact is minimized if a design goal of 40 dBA (long term average) is maintained at all residences, at least at all non-participating residences. To the best of their knowledge, essentially no annoyance complaints and certainly no severe health effect complaints, as reported at Shirley, have been made known to them for all projects designed to this goal.

Schomer and Associates, using an entirely different approach have concluded that a design goal of 39 dBA is adequate to minimize impact, at least for an audible noise impact. In fact, a co-authored paper<sup>2</sup> is planned for an upcoming technical conference in Montreal, Canada.



Statement made in the report by Hessler and Schomer:

**“In this specific case, it seems justified to the two firms to be conservative (one more than the other) to avoid a duplicate project to Shirley at Highland because there is no technical reason to believe the community response would be different.”**

- 01/17/13 PSC Technical Hearing and included clarification of Shirley Report findings
- 01/22/13 PSC Docket 2535-CE-100:  
Wisconsin Towns Association Resolution requesting “that the Wisconsin Public Service Commission and that State of Wisconsin enact a moratorium to stop the permitting and installation of industrial wind turbines until further studies can be done, solutions are found, and the Stat’s wind siting rule (PSC 128) is modified to implement standards that address ultra low frequency sound and infrasound from wind turbines that will protect the health and safety of residents.” The WTA’s membership consists of 1,257 towns and 20 villages.
- 02/14/13 PSC Open Meeting. Commissioners deny the CPCN for Highland Wind
- 02/22/13 Highland Wind/Emerging Energies filed Emergency Request to Reconsider and Leave to Present Additional Evidence.
- 03/14/13 PSC Final Decision CPCN denied based on inability of project to operate within PSC 128 noise standards. Highland Wind’s Emergency Request also denied.
- 04/14/13 Highland Wind/Emerging Energies files Petition to Reopening, or in the Alternative, a Rehearing. Requests that the project can be modeled and will operate within PSC 128 noise standards based on curtailment operation as a design factor.
- 05/02/13 PSC Open Meeting. Commission moves to reopen.
- 05/14/13 PSC Order to Reopen. Nowak Dissents
- 08/14/13  
08/15/13 PSC Public Hearing – All public hearings and technical hearings were attended by Forest residents and other concerned and/or wind project residents impacted negatively by wind projects. Emerging Energies’ Osterberg claims the wind project was designed from the start to incorporate curtailment to achieve PSC 128 noise standards.
- 09/26/13 PSC Open Meeting. Commissioners approve Highland Wind CPCN.
- 10/25/13 PSC Final Decision on Reopening—approval and issue of CPCN with conditions included use of a Siemens SWT 2.3 or similar. Project approved mainly based on use of 95% of the time noise compliance and use of curtailment as a design feature of the project rather than a mitigation tool when out of compliance, a direct conflict with PSC 128.14 (4) Compliance (c). Nowak dissents.

- 11/14/13 Town of Forest's Motion for Reconsideration and Rehearing.
- 12/20/13 PSC Order Denying Motions for Reconsideration and Rehearing.
- 01/10/14 Town of Forest filed Petition for Judicial Review in St. Croix County Circuit Court. Town of Forest vs. PSC. Highland Wind enters as Intervenor. Forest Voice denied Intervenor status. The Town argued due process was denied on various issues in PSC Final Decision on does not have jurisdiction to approve a CPCN as using curtailment would result in power output of the project to fall below 100 MW. In addition, the Town argued the 95% compliance standard is contrary to the PSC prior interpretations and orders.
- 10/24/14 Amended Final Decision on Reopening. PSC allows Highland Wind up to one year after all litigation is exhausted to commence construction of the project.
- 10/21/14 St. Croix County Circuit Court Hearing—oral arguments. Town's position focuses mainly on due process and the how the PSC can allow a 95% compliance standard to meet PSC 128 noise rules and questions why only six of seventeen sensitive residences were chosen for lower nighttime noise limits.
- 08/27/15 St. Croix County Circuit Court Judge Vlack's Decision and Order. The matter is remanded to the PSC for action consistent with Decision herein. Mainly, Judge Vlack orders rehearing for PSC to explain and allow testimony why only six residences out of seventeen were included in lower noise limits. The establishment of a 95% compliance rule is called into question as unauthorized rule-making by the PSC.
- 03/15/16 PSC Order to Reopen, Notice and Request of Comments:  
Based on Circuit Court Judge Vlack, the PSC was ordered to rehear points including 95% rule and six sensitive residences. The PSC believes no public hearing is necessary, and drops the 95% compliance rule from the CPCN, as well as accommodation of lower noise limits for six sensitive residences. Instead of a public hearing, the docket is opened for 30 days for public comments and acceptance of literature supporting or dismissing health issues associated with wind turbines.
- 08/11/16 PSC Final Decision on Remand:  
The 95% compliance standard is dropped by the Commission, as are the special nighttime lower noise limits for the six sensitive residences. Highland Wind will be required to comply with PSC 128 noise limits. The Commission finds it reasonable that no causal link has been established to support health issues resulting from audible or inaudible noise resulting from wind turbines.
- 09/09/16 Town of Forest filed Motion for Non-Summary Remedial Contempt of Court and Judicial Review based on the PSCs Final Decision on Remand.
- 11/21/16 St. Croix County Circuit Court Contempt hearing. Town argues the PSC is in contempt for reopening the docket for public comments and not conducting a public Reopening on Remand.
- 11/26/17 St. Croix County Circuit Court combines Judicial Review and Contempt cases.

- 02/07/17 Emerging Energies sells Highland Wind to Leeward Renewables, Dallas, TX, owned by Arclight Capital Partners, a private equity firm.
- 01/11/18 St. Croix County Circuit Court by order of Judge Vlack denies Contempt motion.
- 03/12/18 St. Croix County Circuit Court Judge Vlack dismisses second Judicial Review of PSCs Final Decision on Remand based on support of the intent of the PSC Order to Reopen and refusal to rehear issues on curtailment because the PSC removed the 95% compliance rule from the CPCN.
- 03/22/18 Municipal Employees System (OMERS) purchases Leeward Renewables from Arclight through its subsidiary, OMERS Infrastructure Management.
- 05/18/18 Notice of Appeal to Appeals Court filed by the Town of Forest for both the Contempt Motion and Judicial Review.
- 07/18/18 Wisconsin State Court of Appeals
- 01/02/19 Three-judge Court of Appeals deny the Town's appeal and states it concludes the Circuit Court properly exercised its discretion by denying the contempt motion and dismissal of the Petition for Judicial Review. Denial for Appeal based on claim preclusion.
- 02/11/19 Order of the Court of appeals, motion for reconsideration and for publication are denied.
- 03/11/19 Acknowledgment from the Supreme Court of Petition for Review.
- 05/14/19 Proposal from Creative Company review—town board voted to accept proposal to hire.
- 06/13/19 Order of the Supreme Court—It is ordered that the petition for review is denied.
- Next steps: Await notification from the Town Board through advice from its legal counsel for next steps.

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Italicized comments are authored by the same.