



Law Department

"BETTER BY THE BAY"

Anthony S. Wachewicz III
City Attorney

November 1, 2012

Mr. Kevin Cornelius, CEO
Oneida Seven Generations Corp.
P.O. Box 257
Oneida, WI 54155

**Re: Green Bay Common Council Action on CUP
1230 Hurlbut St.**

Dear Mr. Cornelius:

On Tuesday, October 16, 2012, the City of Green Bay Common Council voted to void the Conditional Use Permit issued to Oneida Seven Generations Corp. (hereinafter OSGC) for 1230 Hurlbut St. The bases for this decision are set forth below.

The Council's action to void the Conditional Use Permit (CUP) was based upon the following: information presented during the October 3, 2012, public hearing as well as a review of the history of the OSGC CUP application, including the materials submitted to the City of Green Bay by the Clean Water Action Council containing false statements and misrepresentations by OSGC.

As a result of the foregoing information, the Council's action to void the CUP was based upon the following conclusions, as stated at the Council meeting on October 16, 2012:

1. Kevin Cornelius, CEO of OSGC, made untruthful statements before City governmental bodies while seeking the CUP. These false statements were made in response to questions or concerns related to the public safety and health aspect of the Project and the Project's impact upon the City's environment.
2. Mr. Cornelius' statements were plain spoken, contained no equivocation, left no impression of doubt or uncertainty, and his words were intended to influence the actions of the governmental bodies he was addressing.
3. Mr. Cornelius knew his statements were false. Mr. Cornelius was not a new or uninformed member of OSGC; he was the CEO and had been involved throughout the Project's development; therefore, he was knowledgeable about the pilot work, the process and the equipment, the materials that would be used, the nature of the by-products and chemical releases. Mr. Cornelius understood his role he accepted as spokesperson for OSGC for the Project and had every

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opportunity to say "I don't know" or "I can't answer that" when questions were put to him.

4. The subject matter of the questions put to Mr. Cornelius was of very high importance. More specifically, on the subject of emissions, the documents submitted by OSGC in applying for the CUP referenced other plants using a variety of technologies, equipment and feedstock. Commissioners were rightfully interested in this Project and not what happened at other Projects. When Mr. Cornelius was asked about emissions, chemicals, and hazardous materials for this Project, Mr. Cornelius provided false information.

Accordingly, the Conditional Use Permit issued to OSGC for 1230 Hurlbut has hereby been declared void by action of the Council due to false statements and misrepresentations. Any land use pertaining to a solid waste facility at this location zoned General Industrial is no longer permitted; it is prohibited under GBMC Sections 13-901, 13-902, and Table 9-1.

Consequently, any further action at 1230 Hurlbut St. to construct the solid waste facility will be prohibited by legal action, if necessary, to obtain compliance with the above legislative directive.

Sincerely,



Anthony S. Wachewicz III
City Attorney

Enc: Green Bay City Council Minutes Excerpts, Oct. 16, 2012

cc: Mayor Jim Schmitt
Green Bay City Council
Kris Teske, City Clerk
Rob Strong, Community Development Director