

TOWN OF WILSON  
SHEBOYGAN COUNTY, WISCONSIN  
APPROVED MINUTES OF DECEMBER 6, 2010 TOWN BOARD MEETING

**CALL TO ORDER & DECLARATION OF OPEN MEETING:**

Chair Gartman called the meeting to order at 6:00 p.m., confirmed legal posting with clerk, and declared the meeting an open meeting.

**PLEDGE OF ALLEGIANCE** was recited.

1. Approval of Draft Minutes

**PUBLIC COMMENT:**

- Marko Zagar, 5940 S. Business Dr., Sheboygan – Expressed appreciation to the chair that he turned the lights on at his recommendation.

**APPOINTMENTS/NEW BUSINESS:**

5. Serenity Farms Landscaping – 2803 Old Park Road, Sheboygan – Conditional Use Permit renewal. Chair Gartman recused himself from the table/discussion. Senkbeil did a site visit today and reported good progress along the lot line. Sommer received some complaints that some of the Village of Oostburg's trucks are not covered. Constable should issue a written warning to the Village explaining that we've received some complaints. Most piles are under 20', work was being done when Senkbeil was there and he was assured that the work would be complete by the end of this week. Motion by Sommer to grant the CUP renewal to Serenity Farms Landscaping for his composting and wood processing through May 2012; second by Senkbeil; discussion - send a reminder with permit renewal that Serenity Farms should inform compost suppliers that their loads must be covered; motion carried with no nay votes and one abstention from Gartman.
7. 2-year contract for bi-annual methane gas and ground water monitoring for Town of Wilson landfill – At 6:12 p.m. board open proposal from Miller Engineering to cover monitoring events at Town of Wilson landfill site through 2012, \$3,500 per monitoring event in 2011, \$3,675 per monitoring event for 2012. Motion by Sommer to accept proposal from Miller Engineers & Scientists for monitoring of former landfill site; second by Senkbeil; motion carried with no nay votes and no abstentions.
2. Christopher Hatfield, Bonestroo. Paul Rosenfeldt, Town's legal counsel was present. Michael Grieveldinger, legal counsel for Alliant, and Alliant representatives present. Chris Hatfield, explained their project requirements:
  - a) Is groundwater being adversely affected by the landfill?;
  - b) Is the well water surrounding ½ acre of the site safe to drink?Hatfield explained that all licensed landfills have requirements through the WI DNR. In 1983 this landfill had its first approved plan of operation for phases 1 and 2. In 2008 Alliant asked for and received approval for phases 3 & 4. In Bonestroo's review, Alliant appears to be in compliance with WI DNR. Bonestroo's review focused on groundwater because this appeared to be the prime concern of the board and the town citizens. A lot of information was received. Hatfield explained the local geology of the area. There were borehole logs done in the beginning (1983) within the landfill site. In general the geology beneath the landfill provides a good place for the landfill to be placed. Monitoring wells form the first line of defense. The groundwater monitoring appeared to be sufficient generally. There is no information that documents the flow of water from the landfill

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site, but it is generally understood that it would be towards Lake Michigan. There is no data pre 1990. Boron & sulfate are the two major monitoring requirements imposed by the WI DNR. Leach ate sampling: water that percolates through landfill, sits in landfill and drains out of the landfill. There is not a leach ate liner in the landfill, nor was a liner required in 1983. In Bonestroo's opinion the leach ate sample would represent diluted samples – there is likely less contaminants in the leach ate sample than there is in the landfill. Alliant's pond is lined with clay, it is a collection center. There is one private well drawing water on the landfill site (375' deep well), it is sampled semi-annually for boron and sulfate and it hasn't exceeded the lower preventative action figures. No samples of neighboring wells have been taken to Bonestroo's knowledge. The well was intended to be a supply well, not to be a monitoring well. Alliant will double-check and get back to the town chair to let him know if the on-site well existed prior to the landfill, or if it was installed for Alliant. A well is considered an upgrade to the landfill. The testing wells were sampled prior to the proposed landfill area. There was one area that contained already elevated levels of boron prior to any ash disposed of on-site. The landfill contains 32 wells, which Bonestroo feels provides a comprehensive enough monitoring systems with the different depths and number of wells.

*Bonestroo's recommendations: With the data collected, it would appear that here have been very little contaminants released from the landfill. However, there is a lack of data (specifically, a lack of certain monitoring parameters) that if collected would help fill in the gaps. Sampling the private wells may be the only way to definitely prove that private wells adjacent to the landfill are not being contaminated by the landfill.*

Chair Gartman called on Michael Grieveldinger, Attorney for Alliant and Steve Jackson from Alliant's Environmental Affairs Department. Natural occurring clay made the site a good place for the landfill. The clay on-site provides very low permeability. 150' of very low permeability clay. 5' layer of clay liner exceeds the WI DNR requirements. All of the ponds at the landfill are clay lined. All of the covers at the landfill are clay lined. The water that comes in contact with the ash is collected in the clay-lined ponds. Alliant feels these are important engineering factors. Any stormwater that comes into contact with the ash is collected in the ponds. Leach ate analysis for 2009 is collected. (WI DNR requirement for monitoring leach ate is part of WI NR538.) Eric Sandvig, Alliant's Plant Manager, asked if additional monitoring is proposed, how do we know that levels were not elevated prior to the landfill site if there are no previous tests available? While Alliant's water-supply well is 375' deep and well into the aqua fire, immediately at bedrock surface is where many of the surrounding wells are. Grieveldinger share that if a private drinking well is tested, other information would need to be garnered and gathered. There's a correlation that shouldn't be presumed. There are shallow wells below the dolomite. Gartman asked how the plan is created, regarding wells, etc. Jackson: WI DNR is an important player; they submit the rules. In 1985 a citing study was done. New landfill requirements may come into place. WI DNR reviews submissions from Alliant completed by engineers; WI DNR reviews and approves or denies. Gartman asked if Alliant has ever been cited on that location for discrepancies. Jackson: No, not that I'm aware of. Attorney Rosenfeldt: Sampling contaminants of concern ... what are they? Hatfield: boron and sulfate for certain. EPA's concern of how ash should or could be classified ... should it be classified as hazardous waste? WI DNR has the most available data available and have provided the most. Hatfield believes that the WI DNR needs to be here for discussion to clarify their position on these and also regarding Western Ash vs. Eastern Ash. These issues are continually evolving. See chart on page 7, with most important chart, the concentration of

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molybdenum was of greatest concern. Rosenfeldt: Bonestroo's opinion to Alliant's comment that there is no reliable baseline because there are no samples of these properties prior to landfill site and the background concentrations muddy the water? Hatfield isn't prepared to answer this at this time. There is a scientific process to analyze the data.

Rosenfeldt spoke with Kathy Clayton from the EPA today regarding their report. Additional sampling of residential wells could be helpful. This is the town board's CUP, it's the board's decision to grant it and determine what to impose on Alliant. The board has the right to defer to Bonestroo's report. Sommer: Question to Eric, "second-last paragraph on page 8, might the WI DNR require Scrubbers were included for the purpose of planning purpose. Question to Grieveldinger: why was the on-site well dug so deep? RMT does all of the sampling. Senkbeil: What happens to the water that ends up in the pond? Jackson: 1.) dust control on active part of landfill; 2.) mixing with ash so that it isn't as dusty; 3.) some is taken to the City of Sheboygan Wastewater Treatment Plan. Senkbeil: Do some of the wells penetrate the clay liner? Jackson: No, to my knowledge, no – is just goes through the clay that is naturally occurring. Hatfield feels that a simple summary of each phase of the landfill site would be very useful. Jaskson: Original is in RMT report. Some key points per Gartman: 1.) Assemble some thoughts; 2.) Site to be used for fly ash & slag, why can asbestos be delivered to the site? Are there any elements Alliant needs to meet the WI DNR requirements and the Town of Wilson's CUP; Where is the on-site clay coming from and what are the consequences of removing the original clay from the site? (Jackson: - Although the current design allows for clay, this doesn't mean that the future plans will as the plans are WI DNR driven.) Selenium can be necessary, but not in large amount. Discussion regarding construction, clouds of dust, spikes, exceptionally high rainfall years. Member of Southside Alliance Church were also present and have question about page 8 of Bonestroo's report, who are the first tier property owners? The church puts out 5 gallon buckets of Kool-Aid for the kids and she's concerned. Hatfield: Within 1,200 feet is would be considered the first tier. Motion by Gartman to close the discussion to the public; second by Senkbeil; motion carried with no nay votes and no abstentions. Clerk to send EPA and WI DNR the town board meeting schedule for January and February. Motion by Sommer to extend renewal of Alliant Conditional Use Permit for 90 days from December 12, 2010; second by Senkbeil; motion carried with no nay votes and no abstentions.

6. TWFR – regarding 2010/2011 Cargo Trailer Kim Gartman, Tom Sonntag, Steve & Ginger Aschebach, Dave Hartmann. TWFR decided that this year's storage w/b outside at the Town's Maintenance Site. Motion was passed from the First Responder board in favor of the purchase of the trailer proposed by Bruggink, with the tower providing proof of liability insurance with a minimum of \$500,000. Motion by Sommer to approve \$14,604.00 with changes listed with monies to come from designated Funds-TWFR; second by Gartman; motion carried with no nay votes and no abstentions. Motion by Gartman to amend 2010 budget to increase Capital Outlay, Public Safety-TWFR \$15,000 with the money coming from Designated Funds-TWFR; second by Sommer; motion carried with no nay votes and no abstentions.
8. Bryan Grunewald – provided presentation to board regarding accounting services they provide, current client list, levels of services. Normally they provide a year-end quote along with services

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throughout the year. Gartman is looking to have the new board make a decision for a two-year period.

9. Black River Fire Department:
  - a. Proposed purchase of ice rescue boat – Motion by Sommer to purchase from Atlas Outfitter a rescue boat for \$4,038, including freight; second by Gartman; motion carried with no nay votes and no abstentions.
  - b. Fire Station Improvements – No action taken.
10. Reports:
  - a. Treasurer – Laurie Pankratz provided November Cash Summary Report, November Income Receipts Report, November transfer report and balance sheet effective 11/30/10.
  - b. Clerk – Verbal report provided by clerk
  - c. Constable – Written report submitted with payroll
  - d. Plan Commission – No report
  - e. P & F Commission – No report
  - f. Wage, Salary & Benefits – No report
  - g. Long Range Planning – No report
  - h. Black River Fire Department – No report
  - i. First Responders – No report
  - j. Maintenance (Snowplowing/Roads/Maint. Site/Blgs.) – Maintenance and road report provided by Rick Meyer.
11. Roads/buildings Maintenance:
  - a. 2011 Project with City of Sheboygan/Nahn & Assoc. for Maple Lane/S. 16<sup>th</sup> Street/Pheasant Lane
  - b. Wood Chipper for Maintenance Site, open proposals/discussion:
    - i. Miller Implement Co., Inc Bobcat of St. Nazianz – 2010 Bear Cat Model CH123OH (demo) \$26,500
    - ii. LF George Inc., Waukesha – 2011 Bandit \$42,400 with \$13,500 trade value
    - iii. Bobcat Plus, Butler, WI – 2010 Morbark MISR (or 2011, dependent on award date) \$41,018
    - iv. Motion by Senkbeil to approve Christmas party for Maintenance Department not to exceed \$200.00; second by Sommer; motion unanimously carried. Put enforcement of restricting unauthorized personnel from taking objects from maintenance site on future agenda.
  - c. Town Hall – Proposed architectural and structural changes
12. Application for Operator's License:
  - a. Jarred Hoitink for Marshall's Western Shores – Motion by Senkbeil to approve issuing Operator's License for Jarred Hoitink pending favorable background check; second by Gartman; motion carried with no nay votes and no abstentions.
  - b. Cassie Prochnow for Handlebar & Grill – Motion by Gartman to approve issuing Operator's License for Carrie Prochnow pending favorable background check; second by Senkbeil; motion carried with no nay votes and no abstentions.
13. Disbursements:
  - a. Checks on hold – none

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- b. Black River Fire Department – Motion by Gartman to approve \$11,299.49 disbursements for Black River Fire Department pending the treasurer's review; second by Sommer; motion carried with no nay votes and one abstention by Senkbeil.
- c. Town of Wilson First Responders – Motion by Senkbeil to approve \$10,278.82 disbursements for TWFR pending the treasurer's review; second by Gartman; motion carried with no nay votes and no abstentions.
- d. Town of Wilson – Motion by Senkbeil to approve \$40,751.13 disbursements for the Town of Wilson pending the treasurer's review and with putting check payable to Lochen, for tiller, on hold until the tiller is delivered and approved by Rick Meyer; second by Gartman; motion carried with no nay votes and Sommer abstaining.

**OLD BUSINESS:**

None

**CORRESPONDENCE:**

- o 12/13/2010, 6:30 p.m. Sanitary District No. 1 & No. 2 2011 Budget Hearings at Town Hall
- o 12/13/2010, 7:00 p.m. – Plan Commission Meeting at Town Office
- o 12/15/2010, 6:30 p.m. – Park & Forestry Commission Meeting at Town Office
- o 12/16/2010, 5:30 p.m. – Town of Wilson First Responder Meeting at Town Office
- o 12/20/2010, 5:30 p.m./6:00 p.m. – Sanitary District No. 2 Meeting/Town Board Meeting at Town Office

**ADJOURN:**

Motion by Sommer to adjourn; second by Senkbeil; motion carried and meeting adjourned at 10:07 p.m.

Minutes submitted by: Cheryl Rostollan, Town Clerk