

MARCH 17, 2014 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman William Glembocki at 6:00 p.m. on Monday, March 17, 2014 at the Town Hall in New Munster and opened with the *Pledge of Allegiance*. Town Board members present – Chairman Glembocki and Supervisors Andrew Lois and Kelly Wilson. Others present: Clerk Sheila Siegler, Treasurer Deborah Vos, Constable Robert Santelli, Building Inspector Tim Popanda, Fire Chief Lou Denko, Jack Bobula, Randy Rieboldt, Frank Lumm, Ken Michel, Deanna Delimat, Tim Delimat, Vince Siegel, Heather Siegel, Mark Robers, Jeff Butler, Brett Butler, Brian Kerkman, and Rachelyn Hadad.

Notices were posted in six public areas and on the town website. The *Kenosha News* and *Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were also sent agendas as required by state law.

Kelly Wilson moved to accept the Minutes of the March 10, 2014 Town Board Meeting. Andrew Lois seconded. Motion carried.

- **Fire Dept. Report** – Chief Lou Denko said the Corned Beef Fund-raiser was successful. They served 340 dinners. They used St. Alphonsus School's kitchen and dining area and it worked very well.

Responding to Supervisors Lois and Wilson, Denko said the fire department is waiting for one manufacturer to send the report on the specs and quotes for the proposed pumper tanker. It may be ready by the April 14 meeting.

Supervisor Wilson asked about the February report of fire and first responder calls. Chief Denko said he would have them, hopefully, by the next meeting and the 2013 totals for the annual meeting.

They currently have a pump operator class going on at the firehouse.

- **Public Safety Report** – Constable Santelli said he has a good start for March. He is running more traffic radar. Some of the streets in Oakwood Shores have Fox River flood water beginning to creep into the roadway.

- **Public Comment –**

Frank Lumm, 4707 376th Ave. asked if the town board intended to take a position on the ATC lines. Chairman Glembocki said the town board has no take on it. He's spoken to ATC spokesmen and they do not meet with town boards. That is the purpose of the public open houses they have been holding in the proposed construction areas. He said the board would like to make everybody happy but that is not possible. He believes Hwy 50 is the better route, straighter without all the jogs but there will still need to be a connection to the substation in Twin Lakes, likely down Hwy "O" but the metal poles will be shorter than the main line poles. The State of Wisconsin Public Service Commission makes the decision on which route will be constructed.

Supervisor Lois said the line will be built one way or another. Jack Bobula said it would not be good to have it close to Wheatland Center School. Chairman felt the line will be west of the school.

Supervisor Wilson said she is listening to people and relaying concerns to ATC. She was told by ATC that if it the line was by Wheatland Center, the poles would be far apart (metal poles can be spaced further apart and lessens the number) and maybe only two near the school. She said further that ATC is not out to get anyone. They are trying to be responsive and very transparent. She urged everyone to express their concerns to ATC.

Vince Siegel read a prepared statement relating to fireworks ordinance concerns. Siegel suggested the ordinance be tabled until the next meeting so the board could consider his concerns.

- **Ordinance No. 2014-002** – Ordinance to Create Chapter 48 of the Code of Ordinances of the Town of Wheatland Relating to Fireworks
 - A. First Reading of No. 2014-002
 - B. Waive Second Reading of No. 2014-002
 - C. Approve Ordinance No. 2014-002

Responding to Chairman Glembocki, Building Inspector Tim Popanda said counsel has recommended the ordinance be adopted with Chapter 65 NFPA and Chapter 1124 2013 version. Siegel suggested they want 2006 NFPA version. Counsel said that if after the ordinance is adopted and it has to be changed when Siegel furnishes proof of what he wants considered, then the ordinance can be amended.

Chairman said he heard NFPA wants to get out of the fireworks business. Ken Michel, Phantom Fireworks said that is correct. NFPA is considering that.

Building Inspector Popanda said that if the board does decide to table for more information, make sure they require Siegel furnish any documents for the review. Popanda said it sounds as if NFPA is considering not enforcing fireworks under NFPA 1124. NFPA is a code counsel. Even if it goes away, you could use the provisions of 1124 as a standard for the fireworks ordinance.

Chief Denko said he doesn't understand why you would not use the most current version but he is not opposed to either tabling or passing tonight.

Building Inspector said he thought it should be adopted as presented tonight.

Supervisor Wilson said she preferred the ordinance be tabled to the next meeting.

Supervisor Lois said they will have to follow what the board adopts. It is our call whether we table or adopt tonight.

Clerk suggested the ordinance could be read tonight as the first reading, do a second reading at the next meeting instead of waiving the second reading tonight. Ordinance could be changed, if necessary, between meetings and then adopted at the next meeting.

Chairman directed the ordinance to be read.

Chairman Glembocki moved to table the second reading to the April 14 town board meeting. Kelly Wilson seconded. Motion carried.

- **Temporary Use Request** – Tucker Bay Energies LLC (owner), Timothy & Deanna Delimat, Black Bull Fireworks (agent) to temporarily use the existing parking lot for the placement of a 30' x 40' sales tent, an 8' x 40' steel storage container and four banners to operate a fireworks stand in the B-4 Planned Business District from June 12, 2014 – July 6, 2014, 10 am – 8 pm. Location: Wheatland Convenience Center, 33703 59th St., Tax Parcel #95-4-219-353-0230 (NW corner of Hwy 83 & 50 intersection)

Tucker Bay Energies LLC has provided the documents required by the town attorney in regard to the personal bankruptcy of one of the LLC parties. Chairman said the board can act tonight with the condition the proposed fireworks ordinance will be in force for 2014 or we can wait to act on the temporary use until the ordinance is adopted.

Deanna Delimat said she prefers it be acted on even though the fireworks ordinance was not passed tonight. She will follow whatever the ordinance requires.

Supervisor Wilson asked if the fireworks sales operation will be the same as in the past. Delimat confirmed that was the case.

Chairman Glembocki moved a favorable recommendation to the Kenosha County Board of Adjustments for the Temporary Use request for the sale of fireworks from Tucker Bay Energies LLC (owner) and Timothy & Deanna Delimat, Black Bull Fireworks (agent) at 33703 59th St., Tax Parcel #95-4-219-353-0230 per application submitted and with the stipulation that Black Bull must comply with the proposed fireworks ordinance. Kelly Wilson seconded. Motion carried.

- **Alcoholic Beverage Operator (Bartender) License:**

Corey J. Meinen, Elkhorn, WI – *Dave's Saloon* – Corey Meinen has satisfactorily furnished all the necessary information regarding background check and completed the alcohol beverage server course. Andrew Lois moved approval of the alcoholic beverage operator license for Corey J. Meinen. William Glembocki seconded. Motion carried.

- **Temporary Alcoholic Beverage Operator (Bartender) Licenses for above:**

A. St. Alphonsus Fish Boil – March 21 – Scott L. Miles; April 4 – Paul Nachowicz
William Glembocki moved approval of a temporary alcoholic beverage license for Scott L. Miles for March 21 and Paul Nachowicz for April 4. Kelly Wilson seconded. Motion carried.

- **Reports –**

A. Road report – Chairman said roads are still a mess. 368th Ave. has numerous small potholes but this will be paved first thing in the spring. It is on Kenosha County Highway Dept.'s list to pave first. He's spoken to Kenosha County Highway Dept. Director Gary Sipsma and scheduled this.

Signs should be reported if someone notices they are down. The New Munster sign at the

southwest corner of the Hwy 50/Geneva Rd. intersection is completely missing. There were no remnants left when the snow melted. We will need to install a new one.

B. Building Inspector Report & update on Fisher property - 5535 366th Ave. Tim Popanda said a search warrant order was served on the owner in order for the building inspector and town constable to discover and list the debris, vehicles, etc. on the property. Popanda issued an order to remove panels and other junk/debris. He noted Fisher has been working on a few things.

Constable Santelli said he has been dealing with the car issue. A fair number have been removed or stored in a garage. The camper is there but is licensed. The tractor cab is still there along with the air tanks but he is working on it.

Chairman said there is no flexibility. This has gone on too long. Santelli said he is meeting with Ron Valente and Pam Fisher. Popanda recommended we go forward and remove and bill Fisher for the removal and storage. This will continue to be discussed at the April 14 meeting.

C. Treasurer Report – Treasurer Deborah Vos reported \$1,107,646.84 as the February 28th Net Worth. Supervisor Wilson asked about the cable franchise fee and questioned the State of WI payment “chargeback” of \$6,168.13. The cable fee is 3% paid by users of cable service. Treasurer Vos will check on the “chargeback.” Andrew Lois seconded. Motion carried.

D. Other reports – we still need someone for water patrol. Chairman is working on this.

- **Correspondence** – none

- **Announcements** –

- **April 1 – Spring Election** – Polls are open at the Town Hall 7 am – 8 pm
- **April 21 – Annual Meeting** – 7 pm
- **May 3 – 10 a.m.** – Lilly Lake Protection & Rehabilitation District Spring Meeting
- **May 3 – 8 a.m. – Noon** – Kenosha County **HOUSEHOLD HAZARDOUS WASTE COLLECTION** at Kenosha County Center - Hwy 45 & 50

- **Financial matters:**

A. Purchase approval –

B. Other financial matters – office copier replacement – Chairman said we will discuss at the next meeting.

- **Adjournment** –

Meeting was moved for adjournment at 7:25 p.m. by Andrew Lois and seconded by Kelly Wilson. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Clerk