

FEBRUARY 23, 2009 WHEATLAND TOWN BOARD MEETING

- Meeting was called to order by Chairman Butler at 6:30 p.m. at the Town Hall in New Munster and opened with the *Pledge of Allegiance*.

Town Board members present – Chairman Jeffrey Butler, and Supervisors Andrew Lois and Robert Herda.

Others present: Clerk Sheila Siegler, Constable Bob Haas, Building Inspector Tim Popanda, Chad Kerkman, Mark, Linda, and Dalton Karow, Ron Dembowski, Ken Koch, Laurie Weis, R.J. Johnston, Noel Karow, Mark Willkomm, Tim Koldeway, Fred Koldeway, Dan Harris, Bill Glembocki, Mike Dufern, Gail Sebastian, Bob & Margaret Koenecke, Dennis and Rita Robers, Brian Boeckenstedt, Brian Whitaker, Gary, Sherry, and Kimberly Schultz, Carol Demski, Gary Franzen and six citizens.

Notices were posted in four public areas and *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.

Minutes of the February 9, 2009 town board meeting were moved for approval by Robert Herda and second by Andrew Lois. Motion carried.

- **Fire Dept. business** - None
- **Old business** - None
- **Alcoholic Beverage Operator (Bartender) Original License applications:**
 - A. Renewal – Elizabeth Buri, N1639 Orchid Dr., Genoa City, WI 53128 - *Independent*
 - B. Original – Jackie L. Uppling, N1583 Overlook Dr., Genoa City, WI 53128 – *Sly Fox*
 - C. Original – Megan M. Clausen, 259 Wood St., Walworth, WI 53184 – *Sly Fox*
 - D. Renewal – Robin Lee Snell, 24712 68th St., Paddock Lake – *Wheatland Conv. Center*
 - E. Renewal – Laurie L. Spadafino, 6731 235th Ave., Salem – *Wheatland Conv. Center*
 - F. Original – Brittany Leigh Trione, 6319 373rd Ave., Burlington – *Wheatland Conv. Ctr*
 - G. Original – Genevieve R. Liss, 8918 389th Ave., Burlington – *Wheatland Conv. Center*

Clerk reported all applicants had passed backgrounds check and met the required alcoholic beverage seller/server certification.

Andrew Lois moved approval of the above seven applicants and second by Robert Herda. Motion carried.

- **Public Comments** –

Sherry Schultz, 36285 52nd St., spoke regarding health problems she and her daughter are experiencing that she is attributing to an outside wood burner boiler which the property owner uses to supply heat to his home.

She accused the board of reneging on their duties as public officials and violating the state ethics code.

She said she had the support of 70 people who are requesting the town board outlaw outside wood burner boilers. The DNR, and EPA, when contacted, told her it is a local government issue. The DNR, EPA, WI Dept. of Health and the American Lung Ass'n all told her these wood burners cause health problems.

Town Building Inspector Tim Popanda read a Memo dated 2/23/2009 which lists dates, times, phone calls, site visits, etc.

His investigation did not provide anything that would require any action. The wood burner boiler in question is legal. The DNR person who investigated said it was in compliance and met the industry's standards for wood burning boilers. The Kenosha County Health Dept. investigator also confirmed the boiler is in compliance and that he could not confirm that the alleged smoke is coming from the boiler in question.

Tim Popanda said he told Mrs. Schultz these things. He also said that the distance from her house to the wood burner boiler in question is approximately 800 ft.

Carol Demski, Fox Lake, IL (mother of Sherry Schultz) spoke and related problems because of the wood burner.

Ron Dembowski, 5415 353rd Ave., lives in Meadow Creek Sub. with ½ A. lots and would hate to have wood burners on 1/2 A. lots. He stated there should be some limitations based on property size.

Bob Koenecke, 3312 368th Ave. said he doesn't see a problem. He appreciates what's been said but feels it should be settled between the two property owners and not involve the entire town.

Dan Harris, 5136 368th Ave. said he has fire service and paramedic training. He also has an outside wood burner boiler 12 ft. from his 35 year old home that runs 24/7. There is no smoke or wood particulate built up in his house and no staining of the siding or roof from soot.

He pointed out that diesel fumes from tractors, trucks, school buses, etc. release much more particulate. He also said health problems from particulate matter take years to develop, not three months.

Chad Kerkman, 40255 105th St. was present to introduce himself. He said he is running for Kenosha County Circuit Court Branch 8. He advanced thru the Primary on February 17 and will be on the April 7 Spring Election Ballot. He gave a summary of his 11 years of legal experience working in the D.A. office on traffic and homicide in the beginning years and currently in private practice where he has handled other types of legal problems. He will try to be fair and has experienced both sides of the courtroom.

Gary Schultz, 36285 52nd St. said they have lived in that location for seven years with no problems. Now they have problems and a wood burner boiler in the neighborhood. Coincidence? If they have to move, they will have to list this problem on the condition report.

Laurie Weis, 36525 57th St. lives in the subdivision. She walks her dog and sees no problem with the wood burner.

Constable Bob Haas said he spoke to the DNR person who investigated the complaint. The property owner is burning Oak and Cherry. He is not burning garbage or any type of material that would cause a problem. Haas suggested the Schultz family consider an air filter system for their house.

Tim Koldeway, 6901 400th Ave. said he has a wood burner that is about 80 ft. from his house. He grew up in a drafty farmhouse with a wood burner in the house. There have been no problems with either.

Gary Franzen said this is a human being issue. He asked the neighbor to turn off the boiler for a while and see if it makes a difference.

Gail Sebastian, 4101 376th Ave. asked if the two parties had tried to talk this out neighbor to neighbor. Schultz indicated she had and it did not resolve the issue.

Dennis Robers, 6901 368th Ave. said the town would be opening the door. It would lead to people not being able to light a fireplace or use oil burner furnaces.

Mark Karow, 35323 54th St. lives a short distance from the wood burner boiler in question and doesn't see a problem. He believes the town board should make a proactive statement that "boilers are allowed in Wheatland."

Mike Dufern, 4101 376th Ave. said he owns 10 A. and has dealt with many town board issues in his business. He said this should be a civil case between neighbors.

Fred Koldeway, 4315 368th Ave. said he's had asthma attacks (from his work) but he's had no problems with the wood burner at his parents. He thinks there are other issues here and other alternatives.

Mark Willkomm, 35501 Geneva Rd. said he has a wood burner boiler on a one acre lot with close neighbors. No problems. The Schultz house with windows and doors closed should not have smoke entering the house unless it is being sucked in from an intake.

Brian Whitaker, 4501 Hwy 83, said this is a civil matter. The town has no money for EPA checks. He doesn't want to pay for it from his taxes. There is no reason to put this on the agenda.

Chairman Jeff Butler said there was no documentation given to the town before the agenda deadline. That is why it was not on the agenda. It must be here by noon on the Wednesday before the meeting. He told Sherry Schultz to bring in more documentation if she wants it placed on the agenda.

Tim Popanda said he agrees it is a civil matter. Even if more documentation is brought in, the town does not have the staff expertise to interpret it. Test results can be argued by both sides. It should be argued in court.

Supervisor Andrew Lois said he had visited the property owner who has the wood burner in question and checked his house for smoke or soot. There was none. He doesn't see a

problem.

- **Reports**

A. Road report – Chairman Butler said he had spoken to the property owner on 51st St. to request permission to clean out the silt which is blocking the street cross culvert. The property owner gave permission. Kerkman Bros. will clear out the soil deposit which is on private property.

Chairman also spoke to property owner on 85th St. who is asking why the road construction has not begun. She was told the utility poles have not all been removed by the utility company and that construction will depend on available funds left in the road budget.

B. Other reports – Supervisor Lois asked if progress has been made in setting up a meeting for the Sarti Hills drainage problem. Chairman said we are waiting for the town attorney's and the town engineer's reports.

- **Announcements –**

MARCH 2, 2009, 7:30 p.m., Wheatland Town Hall – Plan Commission Public Hearing to consider approval of a proposed land use plan map

- **Correspondence** - None

- **Financial matters:**

A. Purchase approval / bill approval

1. Consideration of a key code lock for lower town hall – The board consensus was not to spend the money for a key code lock. The existing lock will be re-keyed.

B. Other financial matters – none

- **Adjournment**

Andrew Lois moved to adjourn the meeting at 7:50 p.m. Robert Herda seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Clerk