

**TOWN OF GREEN BAY
BROWN COUNTY, WI
MINUTES OF
REGULAR TOWN BOARD MEETING
MONDAY, SEPTEMBER 11, 2018**

Time: 7:00 pm – 9:15 pm

Location: Town Hall

Next Regular Meeting: October 09, 2018

Attendance: Chairman DeChamps, (Excused at 7:10 pm), Supervisor Cary Dequaine, Supervisor Ryan DeBroux, Clerk Debbie Mercier, Treasurer Lori Geniesse, Constable Matt Bosman
Excused Absence: Zoning Administrator Gary Jonet

22 Present

AGENDA

1. Call to Order

Chairman Dechamps called the meeting to order at 7:00 pm. Pledge of Allegiance was recited.

2. Review and Take Action on August meeting minutes

Motion made by Sup DeBroux to approve the August 20, 2018 minutes as presented. Second by Sup Dequaine. Voice vote 3-0 Motion Carried.

3. Review Planning Commission minutes

Motion made by Sup DeBroux to approve the Planning Commission minutes dated August 21, 2018 as presented. Second by Sup Dequaine. Voice vote 3-0 Motion Carried.

4. Review Board of Appeals minutes – there was no meeting held

5. Review Zoning Administrator Report and Building Inspector Report

Motion made by Sup Dequaine to accept the Building Inspector Report dated August, 2018 and the Zoning Administrator Report dated 8/20/18 through 9/11/18. Second by Sup DeBroux. Voice vote 3-0 Motion Carried.

6. CSM/Depeau

The CSM is for owner, Sharon Depeau and is part of GB-142-1, which is located at the 3200 Block of Stump Rd. The request is to break off a portion of the parcel for her daughter to build a home in the future. The survey indicates Lot 1 which is 6.97 acres/303,641 Sq Ft. of the southwest corner of the 21 acre parcel. Her daughter and her husband were present for the meeting.

7:10 pm. Chairman DeChamps announced he would be unable to continue the meeting and was excused at this time. Sup. DeBroux made a motion to have Sup Dequaine chair the remainder of the meeting. Voice vote 2-0 Motion Carried.

Motion made by Sup Dequaine to approve the CSM for Depeau. Second by Sup. DeBroux. Voice vote 2-0 Motion Carried. See Exhibit A

7. Rockwood Point Dr / impact of landscaping

Tom Marshall, potential buyer of 5281 Rockwood Point Dr was present. He explained how the landscaping became about from John and Karen Tammela. He is looking to buy the property and he would like to have a permanent solution for the manipulated area. He spoke in regard to the following: 1) if it negatively impacted the neighbors 2) long term utility or buried utilities for the town to do something with the area if the area would be developable between Hwy 57 and the Lake (Bay) He said he spoke with the Zoning Administrator and in the opinion of the Zoning Administrator he didn't feel as if that property would be a problem in the future. He also said Dr. Tammela spoke with the neighbors and they had no issues (Dan Goben, Randy and Jody Bania, Edith Everson) Tom showed several photos to the Town Board – See Exhibit B Sup DeBroux stated he wouldn't know if it would be in the town's best interest to abandon that portion and then have a gliche down the road, the landscaping has been there for 11 years. Sup DeBroux and Sup Dequaine don't see the likelihood of any issues coming up in regard to the landscaping. Sup DeBroux stated between the 2007 minutes and

today's minutes, he should have no issues with the landscaping where it is. The problem was addressed and was discussed and the Board decided to leave it the way it is without involving any attorneys or other expense to the town.

8. 6390 Sturgeon Bay Rd / neighbor concern of noise level

The Constable stated due to phone calls he had received from Norbert Rabas about noise levels coming from the Frosty Tip he asked him to bring neighbors to the meeting so they could describe what they feel is going on. Norb Rabas was present with several of the neighbors on behalf of his Attorney, Bruce Deadman, he has a letter which he presented to the Board. See Exhibit C and he has a petition with signatures, See Exhibit D. The attorney also sent a copy of the ordinance. Matt Bosman explained Brown County's Board of Health's Regulation of Noise nighttime hours are between hours 10 pm and 7 am. Chris Deprey was present and stated his hours are from 11 am to 10 pm. Matt Bosman stated he went there 8/23 and 8/31 at two different times. He doesn't have a rated certified decibel reader. He stated the traffic or talking were louder, he didn't feel it was above the 63 decibel level. The customers didn't think it was an issue. Sup DeBroux questioned if in his opinion was it loud, he said when there is nobody there it would seem they could turn the music down. Matt read the town ordinance, the only thing it would fall under is it substantially annoys the neighbors and because we don't have any levels, we would need to follow the County's regulations. Matt read from the County's noise control regulations. He stated the maximum permissible sound levels are identified by residential, commercial, and industrial. Sup Dequaine questioned Chris what his plans are for next season since he is closed now. Chris explained he has a decibel meter and he is below the range. Jerry Murphy stated he doesn't think anybody begrudges him for having the music, he is just simply asking them to turn it down. They understand it is enhancement to his business, he feels if they would be a good neighbor and turn it down. Norb Rabas stated he had Packer Games playing loudly. Discussion held. Constable Bosman said the Brown County Officer's do not want to deal with the complaints. Chris stated they talk about levels of sound, the object of playing the music is to make it festive. The neighbors stated they are fine with the music, it is just the volume. They think its nice atmosphere, just the level is the issue. Sup Dequaine stated the County has washed their hands of it. Sup DeBroux stated it is hard to enforce, he wouldn't categorize it as offensively loud. He stated it would be his wish that it could be handled as a neighborly agreement. It takes a lot of effort to enforce this type of an issue. He would like to see it handled amongst themselves. Sup Dequaine questioned how long it was going on. Norb Rabas stated since July of 2017. Discussion held regarding the speakers. Possibly the direction of the speakers would help to solve the issue. Mr. Murphy believes that there are things that could be done to be more accommodating. Sup DeBroux stated the town has the ability to purchase a decibel meter and send the Constable out there at random times, he stated he would hope that with all parties having been able to say their peace and if suggested if Chris could work with them on the volume and position of speakers. The residents had an opportunity to hear Chris's side of creating a festive atmosphere. Chris stated he could possibly reposition the speakers. Norb Rabas stated they are not willing to agree to anything without their Attorney present. Sup Dequaine stated he believes over an 8 hr day it could be irritating. The Board stated he has time to experiment with the speakers before next season. No further action taken. Exhibits taken for the record.

9. Constable Report – Constable Bosman had nothing more to report

10. Old Business

A. CTH P/DeGardin Rd Property Owner Concerns

Sup Dequaine explained they had a meeting with the owners and they came to an agreement of how to get the issue resolved. They are going to have the property surveyed and the stakes put back in. Brian Peot will do the survey and will try to get there as fast as possible. Tim Jorgensen questioned what legal basis the Zoning Administrator was indicating as to why Mr. Abts would not have to comply with the current ordinances. Clerk stated with the addition, her interpretation is he would have to comply with the current ordinance. Sup DeBroux stated in his opinion if they don't know where the line is, they can't get past that step. Discussion held regarding the ordinances and the grand-father rules. Matt Bosman stated Greg brings up the stone pile, but that is no longer the property line. Tim stated it's a constant encroachment onto his property.

Tim read section 14 I-1 General Industrial District (E4) from the Town Zoning Ordinance

4. Where a side or rear lot line in an I-1 District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

Tim asked if there is nothing stating he is grandfathered in or no legal basis, he is wondering why something isn't being done. This will be put on the next month's agenda to come to a conclusion with this issue.

B. Replacement/repair of front ramp/deck of town hall

Sup DeBroux explained this issue had previously been voted to be tabled until this next meeting. The proposal had been put in Chairman Dechamp's truck and had been first received after the last meeting. Mr. Loritz had replaced and repaired the front ramp at the direction of the Board; minor changes were approved to the proposal which totaled \$2,600. Mr. Loritz was present at the meeting; the Board stated they are happy with the job.

11. Correspondence Received

Clerk stated we had gotten a Thank you from Scott Construction. Discussion held regarding if Scott Construction had plans to come back to sweep the roads. Sup DeBroux will contact them. *Message was sent.*

12. Any Other Business Authorized by Law

A. Open Floor for Public Comment

Sup DeBroux made a motion to open the floor. Second by Sup Dequaine. 2-0 Motion Carried. No public comment. Motion to close the floor Sup DeBroux/Sup Dequaine. Voice vote 2-0 Motion Carried.

13. Clerk and Treasurer Reports

Treasurer read the report. Monies on hand as of end of month July, 2018 totaled \$490,800.26. Expenses for the month of July, 2018 equaled \$16,134.51 and the Income for the month of July, 2018 totaled \$40,641.47. Clerk presented report which reconciles July, 2018. Balances agree with the Treasurer. Motion made by Sup DeBroux to accept the Clerk and Treasurer reports. Second by Sup Dequaine. Voice vote 2-0 Motion Carried.

At this time, Sup DeBroux received a message from Gregg from Scott Construction and he said they will be coming back to do the sweeping within the next 2 weeks.

14. Review Vouchers and Pay Bills

Motion made by Sup DeBroux to review the vouchers and pay the bills. Second by Sup Dequaine. Voice vote 2-0 Motion Carried. (Check numbers paid 14810-14832)

15. Next Meeting Date/Adjourn

Sup DeBroux made a motion to adjourn second by Sup Dequaine. Voice vote 2-0 Motion Carried. Meeting adjourned at approximately 9:15 pm.

Next meeting will be held Tuesday, October 09, 2018

Submitted by: Debbie Mercier, Clerk