

**TOWN OF MAY
WASHINGTON COUNTY
OFFICIAL TOWN BOARD MINUTES
May 7, 2009**

The Board of Supervisors of the Town of May met at their regular monthly meeting on Thursday, May 7, 2009, at the May Town Hall. Those present included Bill Voedisch, Board Chairman; John Pazlar, Supervisor; John Adams, Supervisor; Peter Kluegel, Building Inspector; Dave Snyder, Town Attorney; Diane Hankee, Town Engineer; Linda Klein, Town Clerk; Cheryl Bennett, Town Treasurer, and residents of the Town of May. Chairman Voedisch called the board meeting to order at 7:00 pm.

Voedisch moved, seconded by Adams, to approve the minutes of the April 2, 2009, Town Board meeting as presented. All approved.

Pazlar stated he had no concerns regarding this month's check register. Adams moved, seconded by Pazlar, to approve checks #15547 through 15586. All approved.

Voedisch moved, seconded by Adams, to approve the Treasurer's report as presented. The report is attached to these minutes and serves as the official record. All approved.

Planning Commission

Roth Small Business CUP

Planning Commission Chairman Arnason reported on the discussion at the last two Planning Commission meetings related to this application for a small business for auto salvage business and general contracting. The planner provided reports at both meetings, noting that the auto salvage business was not consistent with the rural residential zoning of the Town. The planner did note that this application could potentially be considered if there was no outdoor storage, limited number of vehicles serviced, and all activity took place inside. At the April meeting, more testimony was taken from the public and was consistent with opposition to this application, as expressed at previous meetings. Mr Roth was also asking for an after-the-fact variance for square footage of buildings on site due to the fact that the maximum square footage allowed has been exceeded.

At this meeting, little support was evident for the auto salvage business, but several Planning Commission members were not opposed to the general contracting business, given that it would not be inconsistent with the rural residential zoning. Arnason concluded with the Planning Commission recommendation to deny approval for either of the businesses applied for, given that the applicant might submit another application at a later date, once compliance was attained regarding various ordinance violations.

After Arnason's presentation, Voedisch called for comments from the Board. John Pazlar stated that he was also at the meeting, and that the recommendation of the Commission was clear. He stated, however, that he is uncertain if the decision should be

immediate denial. He believes the general contracting/cabinetry is no different from other small businesses in the Town. He understands the Commission's approach, but he is more inclined to set forth some clear parameters under which the applicant can continue to operate this business with some clearly-defined restraints, but perhaps it would not be advantageous to deny the applicant an opportunity to earn a living. Pazlar asked the applicant how he intends to mitigate the noise and visual impacts.

Roth stated that the noise complaints are unfounded, in his opinion. Bringing all his equipment inside would not be a major issue for him. His opinion is that the noise complaints relate to the dirt bike riding on his property, not the business. Pazlar also noted that any past violations on the property should not be related to the approval or denial of this application.

Adams agreed that a livelihood is at stake and denying both does not set well with him. He agreed that each issue should be taken individually, and that he would support the general contracting business, but not auto refurbishment.

Voedisch stated that it is hard to characterize the auto business – refurbishment, salvage, etc., and he doubts that it is possible for the applicant to conduct such a business if it is required that all activity is totally inside. Roth brought up both Thomas and Thommes and the landscaping businesses, noting that they have significant business equipment on site.

Voedisch brought forward two resolutions; one to deny both businesses and one to approve the general contracting business, but deny the auto salvage. The Board did not put forward a motion on the first resolution. Pazlar stated he is in favor of offering Roth an opportunity to continue his employment, and he hopes he will come into compliance.

After considerable review, Voedisch moved, seconded by Pazlar, via Resolution No. 2009-04A, with supporting Findings of Fact, to deny a CUP to operate a vehicle refurbishing and salvage business and approve a general contracting business on property located at 14185 Square Lake Trail North, Town of May. On a roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes. Motion passes.

WECS Ordinance Amendment

At the Planning Commission meeting, Board Chairman Voedisch introduced the proposed ordinance change regarding setbacks and height of Wind Energy Conversion Systems (WECS). The amendment increases the allowable height from 100' to 110', based upon a current request for a tower of that height, and relaxes the setback to match that of cell towers. Voedisch moved, seconded by Pazlar, to approve Ordinance 2009-01, amending the WECS ordinance. On a roll call vote: Adams, no; Pazlar, yes; Voedisch, yes. Motion approved.

Planning Commission Appointments

Pazlar moved, seconded by Adams, to re-appoint Steve Magner, Kate Donner, and Don Rolf as Planning Commission members for an additional 3-year term. All approved.

Roads and Engineering

Diane Hankee, WSB, the new Town Engineer brought forward an example of an engineering report and discussed seal coating for this year and getting bids for that project. Bids will be back sometime at the end of May, and she will have numbers in June. Voedisch reported that the dollar figure approved for this year is \$35,000. She stated that she believes that will be possible. The board agreed to not do a portion of Parade Ave. to save money and meet budget. She also reported on estimates for work on Lynch Road. On the Keller Culvert, she is waiting to get on Rick Fuhr's schedule to complete this work.

Old Business

Approve 201 Sewer Budget

Treasurer Bennett brought forward the proposed 201 sewer budget. Pazlar moved, seconded by Voedisch, to approve the 201 budget with a \$10,000 replacement fund cost. All approved.

Outdoor Boiler Ordinance

Pazlar brought forward an example of a boiler ordinance that might be provided to the Planning Commission for their review at a public hearing. He clarified that this ordinance will not prohibit use, but would control and define use. Primary issues he wanted to cover were grandfathering of existing units, permitted fuels, appropriate setbacks, stack height, months of operation, minimum lot size (10 acres), and enforcement. The Board instructed the clerk to publish notice of a public hearing to review this ordinance at the Planning Commission meeting at the end of May.

Website Update

Adams reported on the progress of getting the website up, and that he will work with the Clerk to post minutes and agendas soon.

County Truck

Voedisch discussed the truck proposal offered in return for the land provided for the Marine Park. At this time, the County is offering a truck with approximately 82,000 miles available in June, compared to a truck with 65,000 expected miles. They will provide inspection and cleaning up of the truck prior to taking delivery and will offer the Town \$2,500 for the added miles. Voedisch moved, seconded by Adams, to reject the County's proposal and go back into negotiation with the attorney and County. All approved.

RFP for Auditors

Treasurer Bennett reported that an audit is required if you have \$834,000 in receipts. She talked to the State auditor’s office and they will not know the threshold until February. Pazlar advised putting out an RFP to several firms.

Equine Taxation Issue

Voedisch brought forward a resolution to keep equine operations classified as agricultural in Washington County. Pazlar moved, seconded by Adams, to adopt resolution 2009-03 in support of keeping equine operations in Washington County classified as agricultural and against the County’s reclassification of equine boarding and training facilities to commercial. Roll call vote: Adams, yes; Pazlar, yes; Voedisch, yes.

Outhouse Repair

The outhouse needs a skylight, venting, and pavilion needs painting. Voedisch will be responsible for working on this project.

Hearing no further business, Voedisch moved, seconded by Pazlar to adjourn the meeting. All approved.

ATTEST: _____
Linda Klein
Town Clerk

Respectfully submitted,
William K. Voedisch, Town Board Chairman