REGULAR TOWN BOARD MEETING
June 13, 2011
7:30 p.m.
LAKEWOOD ADMINISTRATIVE OFFICE

This meeting was posted in the four usual places those being the Lakewood Town Hall, Lakewood Super Valu, Laona Bank and Lakewood Administrative Office.

PRESENT: Joanne Roy, Chairman, Lee Spletter, Supervisor. Tom Haberstein, Supervisor Denise Jackett, Clerk and Virginia Nelson, Treasurer.


Chairman Joanne Roy called this meeting to order at 7:30 p.m.

Lee S. moved to accept the agenda. Second by Tom H., all ayes motion carried.

Motion made by Tom H., to approve the Minutes of the May 9, 2011 Regular Town Board Meeting. Second by Lee S., all ayes motion carried.

Treasurer’s Report: Given by Virginia Nelson, and summarized in these minutes.

Checking Account Beginning Balance: $155,776.78
Receipts: $55,551.68
Total in Checking $211,328.46
Less Expenses: $81,114.21
Balance in Checking $130,214.25

Fire Department Account: $3520.61
Cemetery Account: $500.00
Tax Account: $391,429.80
Capital Improvement Fund $62,126.18
Grant Feasibility Account $3353.43

Tom H. moved to accept the Treasurer Report. Second by Lee S., all ayes motion carried.

Plan Commission:
No Report.

Opening of and Possible Granting of Seal Coat Bids:
Two Bids were received; Scott Construction bid at $71,850.00, Fahrner Asphalt Sealers bid at $70,374.00.
Tom H. moved to accept the Scott Construction bid at $71,850.00. Second by Lee S., all ayes motion carried.
Bob McMahon of Fahrner Asphalt Sealers inquired as to why the Board accepted the Scott Construction bid. The Board concurred that they are very pleased with the job they have done in the past.

Bid for striping of Town Hall, Community Center and ATV Trailhead parking lots was received from Fahrner Asphalt in the amount of $2142.00.
Lee S. moved to accept the Fahrner Asphalt bid in the amount of $2142.00. Second by Tom H., all ayes motion carried.

Black Top Bids:
One bid received; Northeast Asphalt bid at $180,860.00. Must be submitted to the State for prevailing wage. Moved to next month agenda.

Don Wiegel/Chain Lake Mobile Park Water Retention Issues:
• Culvert issue is on Archibald Lake Road behind the Mobile Park that drains to Archibald Lake. Individuals have been there for eighteen years and have had no issues with water retention until the culvert had been put in.
• Eight to ten years ago the culvert was placed and since there has been more issues with water back up each year.
• Mosquito issues are terrible and there are Swampy odors coming from the area involved.
• In years past you could walk through the area and now cannot due to water standing.
• Looking for guidance on how to correct the issues.
• Current year is much worse due to more snow during the winter.
• Asked for a resolution to the problem

Don Wiegel had spoken with Fred. It was stated that Wisconsin Public Service did not bury their line deep enough so they could not go deeper with the culvert.

Board will look at site and issue with the water retention. There is possibility that the culvert is failing.

Lakewood Pavilion Expansion Project:
Joanne reported.
• A State Approved Plan is needed and asked for the approval of the Board to move forward.
• Approval for $2500.00 to $3000.00 for drawing and permit is needed.
Lee S. made motion to approve the expenditure of $2500.00 to $3000.00 for the drawing and permit.
Seconded by Tom H. All ayes motion carried.

Oconto County Sign Program:
Signed Resolution; approved previously at the prior months meeting, to contract with Oconto County for the Measured Sign Reflectivity Program.

F350 Truck Bids:
• Josh had specifications for truck bids. Approximate $50,000.00 ball park figure for the truck.
• Bid will be put in paper and bids will be opened at the July 11th, 2011 Regular Town Board Meeting and after review the bid will be awarded at the August 8th 2011 Regular Town Board Meeting.

Update on the Town Board Meeting of Capitol Improvement Committee:
Town Board met to set up parameters. Lee S. will head up the committee. He will set up an outline of what the Board wants the committee to look at and do and get members.

Approval or Denial of Class A/Class B Beverage License Application & Picnic License:
Denise presented a list of Class A Combo Liquor/Beer and Class B Combo Liquor/Beer License for approval. The list of applications was published in the Oconto Reporter and the Beacon for two weeks. The new license would be active from July 1, 2011 thru June 30, 2012.
Two Applications were submitted late and need preapproval.
Denise asked for approval for the entire Class A and Class B license be granted.

Joanne questioned the application for Little Wings Production. Denise replied that it is actually the Former Ski Hill Bar. The Seller’s Permit is under Little Wing Productions; therefore the license has to be issued to the same. The Kerschers had stated the only reason they had it listed as Ski Hill Bar is because everyone calls it that.

Motion by Tom H., to approve the Liquor License for the applicants, second by Lee S.. All ayes motion carried.


Motion by Lee S., to approve the Picnic License for the applicants, second by Tom H.. All ayes motion carried.

Board, Clerk, Treasurer, Assessor Comments and Correspondence:
Joanne:
Letter of complaint was received by her to be opened and read at the meeting. The letter was opened ahead of the meeting; the letter had no signature of the submitter. Does not feel that it should be read
because it is not a signed and is not valid.

Denise:
- Presented a copy of letter from Mike Flynn referencing work to be done at the ball field and damage that has been getting done to the field during some events.
- Recall Election will be July 19, 2011
- Oconto County Land information, notice of Tax Delinquent properties to be sold
- Oconto County Planning and Zoning Notice of Public Hearing Board of Adjustments Duane Bourassa Property
- Wisconsin Department of Revenue, Manufacturing Real Estate and Personal Property Assessment Roll

Virginia:
Breakers at Town hall keep breaking because of too many Nesco cookers plugged in.

Pay Vouchers:
Motion was made by Lee S., to approve the vouchers, seconded by Tom H.. All ayes motion carried.

Public Comments:
Raoul Schottky:
- Inquired if anything could be done about a dip in the road on Schottky Road. Joanne stated a sign should be placed about the dip in the road and be looked at to see what can be done to fix it.
- Asked if anyone from the Lion’s Club asked if they could use the town hall for their monthly meeting. Denise stated that someone was in and picked up a rental agreement.

Nick Lemmens:
Needs a Fire Number Sign. Chain Lake Park, 1st trailer possibly number 15725.

Don Jackson:
Inquired if Identification Cards will have to be shown for the next election? Denise replied yes, that even for absentee ballots they will have to show their Identification Cards. If applied for by mail, according to the Government Accountability board they will have to send a copy of their Identification Card. How is anyone to know if the person applying for the ballot is in fact that person unless you personally know them? Some of this has come down to people voting in multiple municipalities. Don stated he tried to research the voter fraud at the Obama Presidential Election stand point. According to a local representative there was no voter fraud in our area. There were 7000 ballots over the voter registration in Milwaukee County. Denise stated this was one of the reasons that this is all coming to a head. There are some individuals that get mad at the election workers because when they come to vote and their voter registration in the poll book does not match their address when asked, the bill or proof of residency doesn’t match their driver’s license or the poll book. Legally it is their responsibility to change your address within ten days of moving.

Dennis Buxrude:
Noticed the notes of last month’s meeting the question came up regarding a Noise Ordinance for the
Town of Lakewood. Inquired as to what was happening with it.
Joanne stated the town does not have a per say “Noise Ordinance” in the Town of Lakewood.
Dennis stated that he realized that.
Joanne stated they have been trying to work with the County to do a noise ordinance and the County is kind of washing their hands of it.
Dennis inquired if the County said they were washing their hands of it?
Joanne stated that, Sheriff Jansen if who she had spoken to, he had said that it is very difficult to write a noise ordinance because there are certain activities that people do on their own property that would be above certain noise levels, sometimes it may be for an hour or two, the next time it may be for five hours. It could be as simple as cutting done some trees on your own lot and the next person may be doing something more aggravating such as in the Ski Hill Area at times.
Dennis inquired that he makes record and some comments that should be put into the monthly notes.
Joanne replied okay.
Dennis continued to say: Quote: “The Lakewood Town Board was provided a request to consider a noise ordinance in September of 2010 with no action taken. A draft of similar ordinances was provided for your consideration. No action was taken. An aerial photograph and survey maps clearly indicate a residential subdivision where I own property and six other people who have signed a request for consideration of a noise ordinance in that area. It also reflects that there is no commercial property directly adjacent to a residential subdivision. This is by public record. A survey dated 1997 on record in Oconto County clearly reflects a residential subdivision. A Zoning Adjustment, A Zoning Board of Adjustment Meeting of 1986 approved a specific area of use on the Kerscher property for motocross racing with specific guidelines. All a matter of public record. The guidelines indicate compliance of state and federal laws, dates and times of activities, complete exhaust systems and liability insurance to the township and adjacent properties. The Oconto County Land and Information System and general assessment clearly indicate the three areas of Kerscher property known as the Paul Bunyan Ski Hill or restaurant or bar or concert hall or race track are zoned residential, undeveloped and production forest, it is not commercial. Many complaints have been made to the Oconto County Sheriff’s Department, as recent as just two weeks ago. Sheriff Jansen was in a meeting with residents from the subdivision. He clearly stated to continue the complaints and get them registered as a basis of litigation. Many Wisconsin townships in recent years have created noise ordinances to control the effects of noise which do not go beyond the range of local jurisdiction. The same noise is a growing environmental and health problem which have been implicated in a variety of health disorders. This is public knowledge and the E.P.A. has many, many litigations regarding this issue. Wisconsin ATV law in the current 011 manual and E.P.A. law clearly indicates a limit to noise from recreational vehicles, reference; Wisconsin Department of Natural Resources ATV Rules and E.P.A. Noise Control App. of 1972, clearly indicate the decimal rates and are attested and I will and do have a certified meter for your use. The Ski Hill building was vacated in the early 1990’s, which should, I believe, as being verified, should have voided their Conditional Use Permit with the abandonment of that property. The Senior Anthony Kerscher petitioned Oconto County in 1986 is deceased. His wife Jeanne owns the property as listed on the tax records. Per the Oconto County website as of April 2011, it reflects the taxes have been unpaid for two years. You have adjacent property in a subdivision in a combined value in excess of a billion dollars and the taxes are paid on time yearly. There is a continued lack of concern for safe being, in
protection of neighboring residents due to a lack of insurance, fire protection and use of racing exhaust systems or no exhaust systems. This area zoned production forests is adjacent to a national forest and a heavily wooded residential area. During periods of dry weather, where Fire Departments are restricting burns, these events are still taking place with no consideration to life safety. As previously stated, factory exhausts have sound limitations and spark arresters which are required by law, they are required by the national forest, they are required by the E.P.A, and they are required by the State of Wisconsin. Without the required insurance, as required by the condition of approval, the Kerscher requirement to sign release of liability leaves no protection for the national forest or the adjacent properties from brush fires. Because this area is served by volunteer fire department, reaction time which is caused by sparks or accidents with high probability of gas leaks acting as accelerants greatly increases the danger of property damage and places the public at risk of physical injury or death. The County of Oconto, the Township of Lakewood, and the E.P.A. of National Forest Administrators have got to be made aware of this great danger created by this land use and they are. The neighboring residents are losing value of their property due to this continued disturbance of safe and peaceful harmony of life and physical damage to hearing and mental distress. I need it noted, you need to understand, that this has got to stop. For myself personally, I can’t deal with the fact that nothing is happening, so I have turned this matter over to legal counsel. The township, you three, will be notified by an attorney to get to the bottom of this. Personally I own snowmobiles, ATV’s and all kinds of vehicles, I enjoy the area. I’ve owned property here for over ten years; my brother has owned property around Lake Archibald for twenty years and another brother with acreage in Mountain. We’re in this area, but to make this kind of investment, to plan on retirement, to plan on continued growth of your residents and your property, with not knowing, what’s going on next door , this is not right. The township has got to take some action to get a control of this matter. Thank You.”

Denise asked for Dennis’s Name and a copy of the report he gave. Dennis replied his name to be Dennis Buxrude and gave correct spelling of last name. He would send a copy of the report and responded that it was recorded. He asked for copy of the recording after it was typed up. Denise will send.

Joanne commented that in general the Town did consider a Noise Ordinance, there is no issue with passing an ordinance the problem comes with enforcing it. We have no local enforcement agency, and the County has refused to enforce the town ordinances and don’t have a municipal court system. Joanne stated she had spoken with Sheriff Jansen three, four times and at a Six Town’s meeting.... Dennis interrupted and went on to say he has spoken with sheriff also. That is why he has hired an attorney; and his attorney, Sheriff Jansen and the Town’s attorney can come to terms with this. I don’t want hearsay; I want the facts and want it in paper. I am not through with this by a long shot. I have any problem expended the dollars for an attorney because I will not make this investment in Lakewood and the people in my subdivision, you have a million, over a million dollars in tax paying revenue and you are doing nothing about it.

Joanne stated that she does not like comment that she has not done nothing about it, when she has made several, several phone calls to Mike Jansen, the sheriff on your behalf about the issues out there and have also talked to Pat Virtues at Land Use and Zoning about revoking the Conditional Use Permit and have gotten nowhere. It’s not that I have not tried and I do take offense to the comment that she has done nothing. Do what you have to do, I have tried.
Dennis stated he did not realize that anything had been done. Thanked Joanne and said it is beyond his control and he will just hire an attorney.
Joanne added it to be out of her hands beyond her control also.
Tom H. commented that maybe this is what has to be done. He had spoken with the Kerschers to try and resolve the issue and several calls had been made to the police and get nowhere. It is totally ridiculous to accuse us of doing nothing.
Joanne agrees with Dennis that they have gotten nowhere with the issue, not for lack of trying.
Dennis requested an itemized list of who she spoke to and when.
Joanne did not keep a record and can say she did speak to people on their behalf.

Next Meeting:
Regular Town Board Meeting will be held on Monday August 8, 2011 at 7:30 p.m..

Motion to adjourn by Tom H., Seconded by Lee S. All ayes motion carried adjourned at 8:35 p.m.

Respectfully Submitted,
Denise A. Jackett
Denise A. Jackett, Clerk