

# T H E T O W N O F

S6911 State Highway 113 - P.O. Box 115  
Merrimac, WI 53561  
**MINUTES OF THE ANNUAL TOWN MEETING**  
**Tuesday, April 13, 2013**

Chairman Steve Peetz called the **ANNUAL TOWN MEETING** to order. Residents present were: Chairman Peetz, Tim McCumber, Town Administrator & Clerk-Treasurer, Terry Frosch, Tim Healy, Richard Grant, Mary Carol Solum, Laura Olah, Frank Olah and Mike Sitton. The minutes of the 2012 meeting were read by the clerk. Draft financials for 2011 were provided as submitted to the town's CPA. A motion to accept the financial states was made by Grant, second by Solum. Motion passed. A motion to exceed \$10,000 in highway and bridge expenditures in a year was made by Solum, second by Healy. Motion passed. Richard Grant noted the town board has not had an increase in 10 years and moved to make a motion to increase salaries effective April 2015 as allowed per statute to raise the town chair's salary to \$4,800 and town supervisor \$3,700. Second by Healy. Motion passed. Grant then discussed the Town Administrator has not had a raise in 7 years and moved that the town board be advised to compensate the town administrator receive \$48,800 effective in 2014. Second by Healy. Motion passed. Peetz asked to have it placed on the May board agenda. Motion to adjourn the annual meeting by Peetz, second by Gaedke. Motion passed.

## **MINUTES OF THE TOWN BOARD MEETING** **Tuesday, April 13, 2013**

Present were Steve Peetz, Chair, Supervisor Terry Frosch, Interim-Supervisor Tim Healy, and Tim McCumber, Town Administrator & Clerk – Treasurer.

Chairman Peetz called the **TOWN BOARD MEETING** to order. McCumber confirmed the meeting had been properly noticed. Chairman moved the discussion and possible action regarding the appointment of Tim Healy to serve as interim Town Supervisor #2 while John Gaedke is serving in Iraq in accordance with Wis. Stat. 60.30 (5) to this point in the agenda. McCumber noted that Mr. Gaedke won a new term effective which starts today, the board would have to reappoint Mr. Healy for the new term. Motion by Peetz, second by Frosch. Motion passed and Healy was seated. The board then considered approval of minutes of the town board meeting of March 6, 2013. Laura Olah asked for a correction to the minutes amending "Olah also said the Dept. of Health does not agree with the DNR standards" to include "for all land uses". Motion by Peetz to approve as amended, second by Frosch. Motion passed. The board reviewed the financial reports and approval of bills. Motion by Peetz to approve, second by Frosch. Motion passed. Under **PUBLIC COMMENT**, Richard Grant spoke regarding the November 7, 2013 town board meeting and apologized for being absent. The reported noted that Bill Wenzel said Grant did not address his concerns with the interim-Badger Oversight Management Commission and its status. He noted he asked twice in May of that year to have the item on the agenda and it was not put on the agenda for the following meeting and he did bring it up, but got no response. At the July meeting, he again asked for county legal counsel to address the interim status of the commission, but the matter did not appear and Mr. Wenzel excused legal counsel from the meeting. He addressed it again in September and again it did not appear on the agenda. Grant stated that the special meeting Wenzel referred to was scheduled, he feels intentionally, for the day after he left for Arizona. Grant wanted to make certain the board is aware that he has the dates for their review and wants to make it very clear that Mr. Wenzel lied to the town board. He closed in noting that Mr. Healy was a wonderful appointment and his knowledge of the community. Peetz asked Grant to provide the meeting dates to McCumber. Laura Olah, Citizens for Safe Water Around Badger (CSWAB), asked if the town was aware of the Town of Prairie du Sac's letter requesting a referendum and stated that the town board could ask for an advisory referendum. She has a letter from the DNR stating that they are investigating the water movement and was surprised learn about that. She has a technical memo from a hydrologist they have hired that says the contaminants will move across the river. She called the Town of Roxbury and the Town of West Point and shared with them that there is no human risk based on what they are being told. They have been mapping high-capacity wells in the area, such as irrigation wells, and obtaining baseline data. The settling ponds ALT-FS is still pending. Under **CORRESPONDENCE**, the town received an unsigned letter from the Town of Prairie

du Sac regarding the Army's petition for a proposed sanitary district; a notice from the town's insurer regarding a change in coverage; a copy of the Army's updated and tentative schedule of events as it relates to the proposed water district; and a letter from the Village of Prairie du Sac regarding the proposed sanitary district. Under **REPORTS AND ANNOUNCEMENTS OF OFFICERS AND COMMITTEES**, Grant reported the interim BOMC is meeting on Thursday, however they have not met the requirements of their by-laws by putting out an agenda in adequate time. McCumber addressed the Town of Prairie du Sac and Laura Olah's for a referendum regarding the creation of the sanitary district, noting he had already attended a Town of Sumpter town board meeting as a result of this subject. McCumber stated that there are no statutory provisions that would allow for the creation of a sanitary district by referendum and if one were approved, those folks for or against the project would likely be successful in court because the procedure is not legal in this process. The only entities that can actually form a sanitary district are the town board and the Wisconsin Dept. of Natural Resources. The procedure for making a petition to request the formation of a sanitary district can only be made by the town board, 51% of the landowners by area, or 51% of the landowners by equalized value. The petition only asks the town board to consider creating the district and does not guarantee a water system will ever be constructed, noting the town board created a district in 1997 to consider connecting to the Bluffview Sanitary district, but never did. McCumber also provided a report to the board showing that if the board even considered an advisory referendum, the town makes up 74% of the property owners in the district and only 36% of those properties are represented by legal electors in the community. Only people who are 18 years of age and declare residency in the district could vote assuming they are registered to vote under Wisconsin Statute. This would mean that one property could have the property owner, spouse, and of age children who could vote while the house next door has an owner who lives in Sauk City or out-of-state. A referendum also could not prohibit renters who live in the district from voting, but do not have a vested interest in the long-term outcomes of the vote. McCumber added that he believes the legislature recognized these factors and set up a process that is no different than any other process where the Town Board ultimately approves zoning regulations, SmartGrowth Development Plans, and even Extra-territorial (ET) agreements. These processes involve public hearings and are not put a referendum. McCumber added that in the Town of Prairie du Sac, they approved an ET agreement that their town board approved essentially guarantees local residents' water at some time in the future as the Village of Prairie du Sac exercises their rights. Ultimately, these residents would be subject to higher water rates and connection costs and assessments that they would not have if they are connected to the proposed system the Army is discussing. McCumber reported the town had above average turnout for the April election and experienced a power outage for nearly 2 ½ hours while the Government Accountability Board (GAB) was conducting a handicap accessibility assessment. We were able to keep the polls open and the backup systems worked very well. The town has not received the results of the assessment yet. Frosch reported that Spring Clean-Up will be on May 18<sup>th</sup> from 8am – 1pm. There was no **OLD BUSINESS**. Under **NEW BUSINESS**, the board considered a request from the Sauk County Extension to contribute \$300 toward the cost of promoting a private well drinking water testing program. Jen Erickson from the Sauk County UW-Extension office requesting support of a private well testing program her office has been conducting in communities around Sauk County. They are planning to conduct tests around the 4<sup>th</sup> of July weekend to get the largest possible participation as possible because out of state residents will likely be in town and the tests are time sensitive. The test will provide residents with information about the contaminants that may be in their private wells due to ag runoff and other issues. After some discussion, a motion to approve was made by Peetz, second by Frosch. Motion passed. The board then heard a presentation by Woody Myers of the DNR regarding the Badger Army Ammunition Plant (BAAP). Myers reported they received 40 comments regarding the ALT-FS for the settling ponds and are answering them as they go. The final determination is not approval to of closure for the area, but an approval of the remediation strategy for cleanup. The DNR is studying the surface and ground waters and that there is currently no public health threat on either side of the river, but they want to make sure they know and understand where the water is going. Myers made it very clear the Army is not done with the cleanup until the DNR says they are done regardless of the ALT-FS approval. The DNR's methods for investigation are very systematic and their procedures are the same as any other regulatory agency. Grant asked about the cleanup comments from the Dept. of Health Services (DHS) that Olah referred to last month. Myers read a letter that essentially states that DHS concurs with the DNR's cleanup standards and the town can request a copy. In clarifying her statement, Olah stated she is not a technical person and has to rely on the experts. Sauk County Emergency Management

(EM) had contacted the DNR as there was a report to the EM office that there had been new releases of chemicals that went unreported. The DNR reported back that the Army did have an incident and the Army was compliant in their reporting and they have not been negligent. Olah clarified that she looked at the Joliet Arsenal and a risk assessment for recreational activities they did. She asked DHS if the Army at Badger had done a separate assessment for the same activities, such as gardening. He said that it would have to be revisited and that is what she thought she was reporting. She did not intend it to be a criticism of the DNR and she will send us a copy of that email. Myers informed the board that through administrative code, they have 3 different contamination cleanup categories. Residential use is the highest cleanup standard. It assumes someone will have 365 days of exposure. Industrial use is established at 255 days of exposure based on a standard work schedule and the recreational standard is the casual user such as hiking, biking, etc., but not gardening. This standard is set at 55 days of exposure based on national standards for recreational areas. He added the standards are established so that you would have a higher risk of winning the lottery than of getting cancer from areas that are contaminated. In their agreement with the National Park Service, the uses for the area cannot include residential or industrial use – only recreational use. They do not have any authority to require a residential standard cleanup because of the recreational designation, so a higher standard cannot be enforced. Mike Sitton of the Army said they can only cleanup and obtain funding based on the reuse plan and they cannot seek funding for a standard that does not apply to the site. Peetz asked McCumber to follow up and obtain the DHS letter and Laura Olah's email from DHS. Next, the board considered an application for a Fireworks Permit for the Merrimac Fire Department (MFD) for the 4<sup>th</sup> of July fireworks on July 5, 2013 on the Wagner property located at S7116 Bluff Road and an application for a Fireworks Permit for Merry Mac's Campground for the 4<sup>th</sup> of July fireworks on July 5, 2013. It was noted the agenda had the property addresses reversed. A motion to approve the campground application was made by Peetz, second by Frosch. Motion passed. A motion was made to approve the MFD application when the signed application is submitted correctly by Peetz, second by Healy. Motion passed. The board finally considered 2013 pier applications as submitted year-to-date. McCumber reported this is the first year he could recall that all of the applications were in by the May meeting and complete. Motion by Peetz to approve all of the applications as submitted, second by Frosch. Motion passed.

Motion by Frosch to adjourn. Second by Gaedke. Motion passed.

**TOWN OF MERRIMAC  
SPRING CLEANUP**  
Town of Merrimac Residents

**Saturday, May 18<sup>th</sup>, 2013  
8:00 a.m. - 1:00 p.m.**

At the Merrimac Town Hall, Corner of Hwy 113 and Halweg Road  
**\*\*\* NO DUMPING PRIOR TO SATURDAY\*\*\***

**ITEMS ACCEPTED:**

1. Leaves (bags must be emptied under supervision).
2. Brush
3. Metal - microwaves, water heaters, water softeners, stoves, washers, dryers, dishwashers, freezers, refrigerators, air conditioners, steel barrels fencing & other metal objects.

**\*\*Old Cars, Trucks & Farm Machinery could possibly be picked up at your residence if you inquire to Steve Peetz (608 225 3110) or Terry Frosch (608 235 0480)\*\***

--- continued ---

**FEES (please bring correct cash):**

\$2.00: car and truck tires \$6.00: large furniture, bed springs, mattresses, carpets, rugs, televisions, radios, computers, toilets, sinks, easy chairs

\$10.00: large tractor tires

**ITEMS NOT ACCEPTED:**

Paint, chemicals, solvents, antifreeze, insecticides or pesticides. **Motor oil and batteries will be collected with the regular Monday morning recycle pickup. Oil must be in a closed container; both oil and batteries should be placed by the recycling bin.**

**Waste generated by contractors, house demolition or remodeling waste, stone or rubble will not be collected.**

ITEMS NOT LISTED WILL BE TAKEN AT THE DISCRETION OF THE ATTENDANTS. THEIR DECISIONS ARE FINAL.

\*\*\*\* Two or members of the Town Board may be present during this time period, which would constitute a quorum of the town board. The Town Board is not meeting on this date and is only there for the purpose of conducting the business noted above. \*\*\*

**Town Officers:** Steve Peetz, Chair, (608) 225-3110; Terry Frosch, Supervisor, 493-2891; Tim Healy, 356-2301; Interim Supervisor, 493-2687; Tim McCumber, Town Administrator and Clerk-Treasurer, 493-2588 (please, no calls at residence except for emergencies). Assessor: Steve Mahlik, Equity Appraisal, LLC, 608/826-0009. Email address: [townmerr@merr.com](mailto:townmerr@merr.com). Building permits are required in the Town of Merrimac. Contact Tim McCumber for permits and zoning regulations ([tnadmin@merr.com](mailto:tnadmin@merr.com)). Town website: <http://www.tn.Merrimac.wi.gov>. Special Garbage Collection requests to Peterson Sanitation: 608/524-6603.