

BRUNSDWICK TOWN BOARD SPECIAL MEETING MINUTES
October 17, 2016

The special meeting of the Brunswick Town Board of Supervisors was held at the Town Hall on Monday October 17, 2016 at 7 p.m. The following were in attendance. Rick Kawalek, Jeff Akkerman, Craig Peterson and Ron Peterson. Steve Johnson and Shari Hartog were not present. The meeting was called to order by Chairman Rick Kawalek and the flag pledge was said.

The special meeting was called to consider the following:

- Conditional Use Permit issued by Brunswick Township June 2nd, 2005 to Leland Scheller currently owned by Terry Nielson for extraction of sand, gravel and rock and for crushing operations.
- Hot mix asphalt operation currently cited and operating at the location covered by this Conditional Use permit.

Supervisor Jeff Akkerman led the discussion by relating the following determinations resulting from his investigations:

- The Brunswick Town Board, at its regular board meeting of February 8th, 2016, had given an affirmative answer to Mr. Kevin Gannon's asking if a Hot Mix Asphalt operation is allowed under the terms of the CUP.
- Mr. Terry Nielson, current owner of the CUP, was informed at the September 12, 2016 regular meeting of the Brunswick Town Board that an amendment to the CUP is necessary to operate a Hot Mix Plant and Wash Plant.
- Supervisor Jeff Akkerman had personally served an immediate cease and desist order at the work site in section 19 and after discussion with Hardrives, Inc personnel decided not to insist upon immediate cease and desist.
- Supervisor Jeff Akkerman provided copies of a 2 page letter from Attorney Kevin A. Hofstad dated Oct. 14, 2016 that in essence states that "Based on the terms of the CUP a hot-mix plant is not permitted---." But then qualifies this position stating "However, you have provided me with supplemental information that makes the analysis of the violation somewhat less clear insofar as the violation occurring and the reason for the Nielson's and Hardrives operating the hot-mix plant on the property."

A general discussion followed with about 20 people in the audience. There were objections to the traffic, noise, emissions, decrease in property values and not following the CUP. Hardrives, Inc. had not entered a long term lease with Terry Nielson until after the February 8th, 2016 board meeting and currently has about 3 more weeks to fulfill its current contracts. No one wanted to proceed to court with this matter. The eight minutes recorded of discussion with Terry Nielson at the September 12, 2016 town board meeting were played.

At 7:54 pm Chairman Kawalek closed the floor comments and discussion.

M/S/C by Kawalek to allow Hardrives, Inc. to continue operating the Hot Mix Asphalt operation until it finishes its current projects or until freeze up.

M/S/C by C. Peterson to adjourn at 8:17 pm.

Ronald Peterson, Clerk

Approved


