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IN THE MATTER OF THE
JOINT PUBLIC HEARING-REZONE

TRANSCRIPT OF PROCEEDINGS

Date: October 1st, 2024

Location: Hortonville-Hortonia Fire Department
700 West Nye Street
Hortonville, WI 54944

Appearances: MATT PARMENTIER, Attorney from
Dempsey Law

LYN NEUENFELDT, Clerk

DENNIS CLEGG, Town Chairman

NANCY WILLENKAMP, Supervisor #1

JULES ZUEHLSDORF, Supervisor #2

BEN HAMBLIN, Planning Commission
Chair

TOM BOETTCHER, appeared via
telephone

CRAIG JORDAN, appeared

- - - - -

Jennifer M. McLeod
Court Reporter

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INDEX TO EXHIBITS

EXHIBIT

- A - Copy of legal notice
- B - Copy of application
- C - Copy of the Town zoning ordinance
- D - Comprehensive plan
- E - Copy of a state statute

- Y - Document titled Speaking Sign Up
- Z - Document titled Hortonia In Sheet - Attendance

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(Proceedings began at 6:00 p.m.)

MR. CLEGG: Dennis Clegg, the Town
Chairman. I'll call this special meeting to
order on behalf of MCC. And the Town Board
is here, Nancy Willenkamp, first supervisor,
Jules Zuehlendorf is the second supervisor.

MR. HAMBLIN: Call the planning
commission meeting to order as well. Clerk,
can you take role?

MS. NEUENFELDT: Yep. So for Town
Board, Nancy Willenkamp?

MS. WILLENKAMP: Nancy Willenkamp.

MS. NEUENFELDT: Jules Zuehlendorf?

MR. ZUEHLSDORF: Here.

MS. NEUENFELDT: Dennis Clegg?

MR. CLEGG: Here.

MS. NEUENFELDT: Planning Commission.

1 Ben Hamblin, chair?

2 MR. HAMBLIN: Here.

3 MS. NEUENFELDT: And then on the

4 phone we have Tom Boettcher?

5 MR. BOETTCHER: Present.

6 MS. NEUENFELDT: Okay. And then we

7 have alternate Craig Jordan.

8 MR. JORDAN: Here.

9 MS. NEUENFELDT: All right. Also

10 present is Building Inspector Paul Hanlon

11 and Attorney Matt Parmentier.

12 MR. HAMBLIN: Let's rise for the

13 Pledge of Allegiance.

14 (Pledge recited.)

15 MR. PARMENTIER: I think I'll take it

16 from here.

17 MR. HAMBLIN: Sure.

18 MR. PARMENTIER: Good evening,

19 everybody. My name is Matt Parmentier. I

20 am the Town attorney. As you heard, we've

21 got members of the Town Board and the Town

22 Plan Commission here for this meeting, which

23 is considered a Joint Public Hearing. We'll

24 talk momentarily about exactly what that

25 means.

1 Some of you were here for a similar
2 meeting back in, I think it was March,
3 during the spring anyway, to talk about the
4 MCC expansion or their proposal to expand.
5 Tonight's meeting is similar but different
6 from that meeting, for those of you who were
7 here.

8 And I think it's helpful to start by
9 just talking a little bit about how did we
10 get here, where are we tonight, and where do
11 we go from here, so that everybody who's
12 here understands the process, how this
13 evening's hearing will go, what your
14 opportunities are in terms of presenting
15 things to these folks up here, and so on.
16 So I'll give you guys a little bit of an
17 overview here before we get into the typical
18 hearing stuff.

19 So for those of you who were here in
20 March, we were here to talk about a proposal
21 for an agreement between the Town and MCC.
22 Not a formal zoning approval, but an
23 agreement. And what led to the discussion
24 of that agreement was a -- I guess a
25 difference of opinion on the status of the

1 current quarry, and the legal status of the
2 proposed expansion.

3 And without getting into the weeds,
4 because it's sort of irrelevant at this
5 point, but within zoning law there's a
6 concept called nonconforming use, which
7 means something is grandfathered. That's
8 the sort of colloquial term for it, but the
9 legal term is nonconforming use. And we had
10 a discussion about whether the MCC quarry
11 was a nonconforming use, and in addition,
12 whether this expansion would be considered
13 part of the nonconforming use as well, and
14 therefore, exempt from zoning.

15 Without getting into all the
16 nitty-gritty, the rules for nonconforming
17 use for quarries are a bit different than
18 everything else. It's a special rule, it's
19 called the Diminishing Asset Rule, and it
20 does expand what's grandfathered into, you
21 know, some expansion beyond the -- or
22 potential expansion beyond the existing
23 borders, because quarries, by their very
24 nature, get larger as they're used up.

25 So there was some discussion back in

1 March, at a meeting, to talk about that
2 concept and whether there's a way to sort of
3 resolve the disagreement on it. It ended
4 with no agreement. The Board made the
5 determination that MCC was going to be
6 required to submit formal zoning applications
7 rather than work towards an informal
8 agreement, and that's what MCC has done.

9 So the proceedings here tonight are
10 related to MCC's application, a formal
11 zoning application at this point. MCC's
12 application really consists of three
13 different applications, and I want to walk
14 you through all of them, so that everybody
15 up here and out there understands some of
16 the details here.

17 So as background, it's helpful to
18 know that the Town has, within its zoning
19 ordinance, something called a quarry overlay
20 district. The zoning ordinance, like all
21 zoning ordinances, divides the Town up into
22 different zoning districts, and different
23 things are allowed in different zoning
24 districts. The quarry overlay is an overlay
25 district, which means it exists on top of

1 other zoning districts, and in the Town of
2 Hortonia, it exists on top of the
3 agricultural districts, and that's the
4 district that allows for quarrying uses.

5 Within the quarrying overlay
6 district, a quarry that includes blasting
7 operations are considered a conditional use,
8 which means that they have to obtain a
9 conditional use permit in order to engage in
10 quarrying with blasting. And so one of the
11 applications that's coming before the Town
12 from MCC, which MCC will explain, I'm sure,
13 is an application for a conditional use
14 permit.

15 They have also submitted an
16 application to rezone a few parcels of
17 property. Along Givens Road, there's a
18 handful of smaller lots that are currently
19 zoned residential, and I think you'll hear
20 this from them, they're looking to use those
21 as part of the quarry expansion, maybe for
22 setbacks or buffer, but we'll let them
23 explain that.

24 In order to include those parcels,
25 they need to be put into this quarry

1 overlay; again, the only place where that
2 would be allowed. And so the second
3 application that MCC submitted is to rezone
4 those properties into one of the districts
5 that falls within this quarry overlay to
6 allow those to become part of the quarry.

7 And then the third application that
8 MCC submitted is for an amendment to the
9 Town's comprehensive plan. The
10 comprehensive plan is a big 200-page plan
11 document that the Town has enacted. Its
12 purpose is to lay out visions and goals for
13 the Town, including for the development of
14 the Town. The Town's comprehensive plan
15 looks out to the year 2036 and says, what we
16 do want land use within the Town to look
17 like between now and that time.

18 Anytime that somebody applies for a
19 rezoning, which is part of what MCC is
20 applying for, the Town has to, among other
21 things, look at that comprehensive plan to
22 determine whether the proposed rezone is
23 consistent with what the plan says or
24 inconsistent with what the plan says. Part
25 of that plan is a map, and that map is

1 called the future land use map. Future land
2 use map shows every parcel within the Town
3 of Hortonia, and what the future plan is for
4 that parcel. They all have a designation on
5 that map for their future intended purpose.

6 So the properties that MCC has
7 requested rezones for are currently shown as
8 intended for residential use in that plan.
9 Again, I don't speak for MCC, but they
10 submitted an application to amend that map
11 to show those properties as being intended
12 for a quarry-related use or an
13 agricultural-related use, something that is
14 consistent with the rezone they're
15 requesting.

16 So the comprehensive plan amendment
17 is sort of a key to unlock the rezone; the
18 rezone is needed to add those additional
19 parcels to the quarry; and the conditional
20 use permit is required for the quarry
21 expansion with blasting. That's how all
22 the pieces fit together. Okay? It's
23 complicated, but hopefully it makes a little
24 bit of sense.

25 Each one of those approvals -- the

1 conditional use permit, the rezone, and the
2 comprehensive plan amendment -- all follow
3 their own procedures that are required by
4 State statute. All three of them require
5 the Plan Commission, the -- this half of the
6 table, to make a recommendation on whether
7 to approve, deny, or conditionally approve,
8 and they all require the Town Board to make
9 the final determination. So before this
10 process is all said and done, Plan
11 Commission will make recommendations, Town
12 Board will receive those recommendations and
13 make final decisions.

14 What is a bit complicated, as far as
15 our process goes, is some of those things
16 are supposed to have hearings before the
17 Board, some of them are supposed to have
18 hearings before the Plan Commission, and so
19 rather than break this up artificially and
20 have a hearing on certain aspects before the
21 Board at one of their meetings, other
22 aspects before the Plan Commission at one of
23 their meetings, that doesn't really make
24 sense, because I think everyone wants to
25 talk about the proposal in general, not the

1 rezone specifically, or the comprehensive
2 plan specifically, or anything like that.
3 And that's why we set this up as a joint
4 public hearing of both bodies on all of the
5 applications, so that we can just talk about
6 the proposal, and leave it to us to sort out
7 how all the comments fit with each of the
8 different pieces. So that's why we're
9 handling it that way tonight.

10 Each of those have different
11 standards that these folks up here will have
12 to apply when they are evaluating the
13 application, but, you know, that's going to
14 come later on.

15 Tonight is just the hearing. Hearing
16 means hearing. They're here to hear what
17 everybody has to say. There won't be any
18 deliberating happening tonight, there won't
19 be any decision making happening tonight.
20 That comes later on down the road. I think
21 for tonight's purpose, if we get through the
22 process of hearing the application and
23 hearing everybody's comments on it, making
24 sure we understand all of that, that's a
25 success as far as, you know, getting through

1 what tonight's really about.

2 So as part of that, the way we'll do
3 this is, when I'm done talking, we'll turn
4 the floor over to MCC. They have their
5 representatives here. They'll be presenting
6 their application. It's up to them what
7 they want to present. I assume it will be
8 here's what we are applying for and here's
9 why you should approve it, but they can
10 present whatever they wish. They'll have as
11 much time as they need to make their
12 presentation. If they have documents, they
13 can submit them. We will keep a record of
14 documents up here, and I'll add some to it
15 shortly.

16 When MCC is done with its
17 presentation, we'll then open the floor to
18 anyone else who wants to comment. There is
19 a speaker sign-in sheet, which is up here
20 right now. I see four names on it. So if
21 you do want to speak, get yourself on that
22 list. And maybe when I'm done talking,
23 we'll take a pause and we can circulate it
24 again, to make sure that anyone who wants to
25 talk gets themselves signed up, because we

1 will run off of that list to call on people
2 to talk.

3 When you are called on, since this is
4 a more formal hearing, come up to the table,
5 state your name and spell it -- we have a
6 court reporter who's transcribing, so we
7 don't want your name spelled wrong -- and
8 then you can present your comments.

9 When everybody has talked, we'll
10 circulate it one more time, just to make
11 sure there's nobody else left to talk, and
12 then that will be the end of that portion.
13 We'll turn it back or over to MCC at the end
14 of the comments, they can have the last
15 word, they can respond to whatever it is
16 that they heard, any questions that are
17 raised, anything like that.

18 When that's done, if there are
19 questions from the people up here about what
20 they heard, they can ask them. If not,
21 we'll adjourn, let it sink in, and we'll set
22 up another meeting to start the next leg of
23 the process.

24 So the meeting back in March went
25 very well, it was very orderly. I appreciate

1 that from all of you who were here. I'm
2 expecting that tonight as well. Some things
3 that we'll do just to make sure things stay
4 orderly again, we'll have the sign-in sheet
5 going around. We do have a court reporter
6 who's here, who's typing everything that's
7 being said. We're doing that to keep a
8 good, thorough record of the decision-making
9 process, for lots of reasons, one of which
10 is if anyone here chooses to sue the Town,
11 it's important to have a good record of why
12 the Town does what it does.

13 So talk slowly, talk loudly, don't
14 talk over one another, because you can only
15 type what one person is saying at a time.
16 So another reason, if it's not to make me
17 feel good, another reason to keep things
18 orderly. You'll all get your turn to
19 comment. There are no time limits, so you
20 can have as much time as you wish to make
21 your comments. You know, don't worry about
22 time.

23 If your comments consist of questions,
24 we'll have a special process for that. I
25 don't want to have a back and forth question

1 and answer session during public comment,
2 because that's not what public comment is
3 for. So if you do have a question, state
4 it, I will write it down, I suspect MCC will
5 write it down as well, and then when MCC is
6 doing its final comments, they'll address
7 it, or if they don't address it, I will
8 mention it, so that you get answers to your
9 question. I just don't want, within the
10 public comment portion, to start having back
11 and forth conversations among people out
12 there. So that's how we'll handle
13 questions.

14 And if you have any materials, any
15 documents, any written statements or
16 anything else that you want the Town to be
17 able to consider, please submit them. We'll
18 hang onto them and we'll make them a copy --
19 we'll make them a part of our documentary
20 record. So that's the other thing. And
21 again, when that's done, we'll wrap it for
22 the night.

23 To start off this documentary record,
24 I have a few things that I'm going to put
25 here to start the pile, and I'll tell you

1 what they are. And these are just
2 background documents, you know, background
3 information that you guys have already
4 reviewed, but I want them to be part of our
5 pile here.

6 So the first thing that I have is a
7 copy of the legal notice that was published,
8 just to confirm that everything was done the
9 way that the statute requires as far as
10 notices go. So I have a document, it's
11 marked Exhibit A, and that is a copy of the
12 legal notice.

13 I'm putting in another document
14 that's a copy of the -- a complete copy of
15 the application that was submitted. I've
16 got that marked as Exhibit B. That consists
17 of the original application that MCC filed,
18 as well as a follow-up submittal for the
19 comprehensive plan amendment, so those two
20 things will be Exhibit B.

21 Exhibit C, I have a copy of the Town
22 zoning ordinance. That's what governs our
23 process here, so I want that in the record.

24 Next one is Exhibit D. That's the
25 comprehensive plan. That is the document

1 that governs rezone decisions. It's also
2 the document that MCC has applied to amend.
3 So that's part of the record.

4 The last thing that I'm putting in
5 here is a copy of a State statute. This is
6 something -- maybe the folks up here have
7 heard about this, Act 67, which is a State
8 law on deciding conditional use permit
9 applications. And I'm putting it in here to
10 make sure, you know, everybody's clear that
11 this is what we're following.

12 And just to talk briefly about it,
13 the statute, fairly recently, was amended to
14 require a sort of heightened standard in
15 terms of deciding a conditional use permit.
16 So what it says, basically -- there's
17 details to it, but what it says basically is
18 decisions on a conditional use permit have
19 to be based on substantial evidence. That's
20 the key term.

21 And there's a definition of what that
22 term means. I'll read it for you. It says:
23 Substantial evidence means facts and
24 information, other than merely personal
25 preferences or speculation, directly

1 pertaining to the requirements and
2 conditions an applicant must meet to obtain
3 a conditional use permit, and that
4 reasonable persons would accept in support
5 of a conclusion.

6 So when MCC presents its application,
7 when people have comments, we'll take
8 everything in. When it comes to evaluating
9 the conditional use permit application, our
10 job will be to apply the standards in our
11 zoning ordinance, using whatever evidence
12 comes in that qualifies as substantial
13 evidence under this definition. We'll talk
14 more about that at the next phase of things,
15 but keep that in mind, and I'm putting that
16 in the record as Exhibit E, so that we have
17 that for reference.

18 So that's everything that I have, and
19 those are my comments. Do you folks up here
20 have questions on what I just went through?

21 MR. HAMBLIN: No.

22 MR. PARMENTIER: No? Everybody feels
23 okay? Okay. With that, we'll turn it over
24 to MCC to present your application. Feel
25 free to come on up and just state your names

1 and spell them for the court reporter.

2 MS. NEUENFELDT: Just before you
3 start, so just as a reminder, if people
4 could take a minute to silence their phones,
5 if they haven't already, just because
6 sometimes that doesn't happen, so that was
7 it.

8 MS. COURTER: I did that. I was
9 worried about it. Matt, thank you for that
10 very careful unpacking of all of those
11 elements. I find it very helpful.

12 My name is Susan Courter, and I've
13 been helping MCC design their environmental
14 protections for this application packet. So
15 we've been working on this for a while. I'm
16 a geologist by training, and I've been
17 working with the Nonmetallic Mining Advisory
18 Committee for reclamation in the State of
19 Wisconsin.

20 So I'm not here alone tonight. I
21 have a number of other specialists with the
22 team here that provided input to that packet
23 you received. Mark Krumenacher, he's a
24 licensed hydrogeologist looking at water
25 issues. Garret, our licensed blaster with

1 the company.

2 I think I saw, oh, Scott MacWilliams,
3 he's a certified appraiser, because
4 questions came up relating to property
5 values. And I noticed, I don't see him now,
6 but a specialist here from the East Central
7 Wisconsin Regional Planning Commission for
8 reclamation, also to answer questions.

9 So I think that the comment that
10 we're here to listen to concerns and
11 comments, because this is the first you've
12 had to look at this application packet, is
13 what we want to do. I brought a few maps,
14 and I will do a brief summary of the
15 operation in order to inform your comments
16 later on. Okay?

17 And I'm going to just start with a
18 little bit of history. I've known MCC now,
19 gosh, maybe more than a decade, maybe it
20 could be two decades. But this quarry, in
21 particular, has been around since the 1930s,
22 and we kind of forget about that history,
23 but it didn't really become important to the
24 this area until the 1960s, the late 1960s,
25 when the Highway Transportation Act

1 expanded, and that's when MCC took over the
2 property.

3 The packet includes all of the dates
4 of their purchases of the property, all for
5 the intention of future reclamation -- or
6 future extraction, and in 2007 it was that
7 they registered their resource on that
8 property, the ones you're looking at today,
9 to protect it for future use.

10 So all of the material coming from
11 this quarry is used locally. This is kind
12 of the area. It doesn't quite get down to
13 Fond du Lac, it doesn't quite, you know, get
14 far into Central Wisconsin, it's not going
15 to Chicago or Milwaukee. Most of it's being
16 used locally, and I think you probably, if
17 you live nearby, know that much of it was
18 going to the highway reconstruction just
19 recently, simply because that's part of the
20 strategic plan to improve the safety and
21 access of the roads.

22 So this is their area, and they've
23 been around. But what I can tell you is, as
24 a geologist who looks for and develops
25 mineral resources, is that they're not found

1 just anywhere. They're never found where
2 people want them to be. But this particular
3 project, which is here, Givens Road, Ledge
4 Hill Road, Highway 45, on the outskirts of
5 New London, has been identified as an
6 important mineral resource in this area for
7 a long time, and this supports the strategic
8 planning goals of the Town and of the
9 County.

10 So their existing quarry is right
11 here. This is the 114-acre collective
12 parcels that are looking to be rezoned to
13 facilitate this planned expansion.

14 And Matt did mention that the smaller
15 parcels along the road, along Givens Road,
16 were earmarked for a buffer, really, just to
17 have these where it would be no extraction,
18 but, you know, berms, buffers, and setbacks
19 for the road and the property owners to the
20 south.

21 Okay. What else do I want to tell
22 you about that. Just the operation plan.
23 Can I just go through just a few elements of
24 the plan then? 114 acres really, it's going
25 to be very similar to what you've experienced

1 in the past, developed incrementally. They
2 strip a row of material, they place it
3 around the perimeter, it's drilled and shot
4 to facilitate extraction.

5 And so that same process of moving
6 from the base of the quarry, which is the
7 entrance, that's elevation of 840 feet, and
8 moving from the west to the east, according
9 to our plan. So this is what is -- you
10 know, what has been occurring in the past is
11 what you can expect if the future. What
12 else about that...

13 Oh, truck access. So materials are
14 still going to continue to depart the
15 property the same way as they have before,
16 off of Highway 45. No changes there.
17 Unless somebody needs a delivery in the
18 perimeter, there'll be no changes on that.

19 What else did I want to say. I do
20 want to talk about the berm, because, you
21 know, jumped the gun, we -- they started the
22 berm on this Givens Road, and we've been
23 waiting for this meeting and decisions to
24 get that seeded and have the next steps for
25 that berm where material was stripped in the

1 existing quarry and placed there.

2 I think -- yeah, so in terms of our
3 plan, it's a bigger document. I hope
4 everyone had a chance to see that. It kind
5 of -- it touches on some of the safety and
6 environmental health and safety aspects,
7 such as buffers, signage, locking gate, it
8 has the storm water pollution prevention
9 plan features to that, fugitive dust control
10 plan.

11 You know, in general, nonmetallic
12 mining operations such as these are highly
13 regulated and looked at from MSHA, the Mine
14 Safety and Health Administration, the
15 Department of Commerce's blasting, East
16 Central Wisconsin and Outagamie County for
17 reclamation, the DNR, as well as the Town of
18 Hortonia, where it operates.

19 So kind of in conclusion, so that we
20 can get to your comments, is that it is an
21 existing operation, it's not a Greenfield
22 site. It's something that has been
23 considered and planned for some time. And
24 it's also a very quality resource. You have
25 a concrete batch plant here because they can

1 make concrete. It's that good of a
2 material. Not all materials are suitable
3 for that purpose.

4 And I want to add just a little bit
5 about MCC. You know, it's such a respected
6 business. I think they have nearly 400
7 employees. I don't know, Brian, if you want
8 to say a little something about the history,
9 which you know better.

10 MR. MURPHY: I'm Brian Murphy. I'm
11 one of the owners of Black Creek Limestone
12 and MCC. I'm third generation. My
13 grandparents started the company in 1926, so
14 in '26, we'll be celebrating our 100th year
15 in business. Very proud of that. I thank
16 the Board for their considerations. Thank
17 you.

18 MS. COURTER: And then from my own
19 experience with MCC, you know, you might get
20 in a ditch sometimes, but MCC is the kind of
21 company that you can call, just anyone
22 there, and they will come and plow you out
23 and help you out, if something is amiss, or
24 your yard is being flooded, or maybe the
25 culvert gave way for a flood.

1 So I just really want to throw that
2 out there, which it's not a technical
3 aspect, I have lots of information on the
4 technical aspects, and again we have this
5 team here of people to answer questions, but
6 just from my heart and knowing the people
7 there, that they do strive to do the right
8 thing, and they have been there, not just
9 for me but for others in their neighborhoods
10 in the past.

11 UNIDENTIFIED SPEAKER: Scott, do you
12 want to get up and --

13 MR. SWEENEY: Yeah. My name is Buck
14 Sweeney, and I'm an attorney. I work with
15 Mitch Olson with the Axley law firm. Mitch
16 was at your last meeting on it, so we've
17 been doing -- Mitch and I have been doing
18 this for a long time; I've been doing it for
19 longer than he has. But anyway, we're going
20 to have Scott MacWilliams, he had a report,
21 and I'll hand it out if that's all right,
22 Matt, can I hand it to everybody?

23 MR. PARMENTIER: Yeah. Sure. Do you
24 have a copy -- an extra copy?

25 MR. SWEENEY: And along with that

1 we've got, stapled together, we've got some
2 public comment that I'll talk about in just
3 a little bit. But Scott can get up and just
4 talk a little bit about the property value
5 issues. Scott, if you want to go ahead.

6 MR. MACWILLIAMS: Sure. Evening. My
7 is Scott MacWilliams. I'm a real estate
8 appraiser, I'm a real estate broker. I was
9 asked to comment on impacts to residential
10 landowners.

11 When I look at -- and I've been doing
12 this for -- I don't want to date myself, but
13 I've been doing this for 45 years. Okay? I
14 kind of specialize in environmental issues
15 and environmental appraisal, so I've done a
16 lot of contaminated properties, I've done
17 siting for landfills, I've done contaminated
18 industrial sites, convenience stores, and
19 it's kind of a special area of appraisal.

20 So what does an appraiser or a real
21 estate person look for in regards to a
22 negative impact on property values?
23 Normally when I go out and take a look, it's
24 a rather simplistic approach that I take.
25 I'm looking for -- I'm looking for

1 reductions in sales price, whether or not
2 there's a prolonged marketing period,
3 whether or not there's any evidence in the
4 market of financial -- getting financing or
5 difficulties getting financing, and I just
6 look at the general development in and
7 around an area.

8 This particular -- and I'm just going
9 to -- I'll just call it the MCC or the
10 New London quarry, has been in existence
11 since 1960. Most of the residential
12 development that I see that happened in this
13 immediate area has taken place since then.
14 So for instance, one of the sales that I'm
15 -- and I'm going to talk about it in a
16 second, a little bit about my report. It's
17 85 pages and it's -- it will crack your lips
18 type of reading. It's not exciting stuff.

19 But what I'm basically doing is I try
20 to find sales that are approximate to, in
21 this instance, a nonmetallic mining
22 operation, and then I just simply compare
23 the price per square foot, the days on
24 market, and the marketing indicators to
25 properties that are not located next to

1 mines. So you've got some close, some far.

2 And the whole idea of this is to say,
3 if there's going to be an impact, you've got
4 to see some identifiable market activity
5 that's happening proximate to what you're
6 looking at, and you see if that is something
7 that is a regular-occurring factor, if
8 you're going to have a negative impact on
9 residential values. So that's what I'm
10 looking for.

11 My report, this 85-page report, in
12 this -- included in that report is six
13 separate studies on nonmetallic mining
14 operations. There's two in Dane County,
15 there's one in Green County, there's one in
16 Sheboygan County. But the one that I was
17 most interested in, and the one that I think
18 everybody -- you want to get as local as you
19 can get, so I did do a study around the
20 existing New London quarry, and I found four
21 sales of properties have that occurred in a
22 real close proximity to the subject property,
23 and I'm just going to brick this up here
24 because not probably everybody can see it.

25 This is the Shady Acres subdivision

1 to the south. The Shady Acres subdivision
2 was developed in the early 1970s. Rural
3 residential lots, kind of drops down in
4 there, nice wooded. I found one sale in
5 here, and that particular sale's about 2,000
6 feet, if I measure it as the crow flies, to
7 the quarry. So that's a proximate sale for
8 me. I'm trying to get as close as I can
9 get.

10 (Brief discussion off the record.)

11 MR. MACWILLIAMS: All right. So I
12 found one sale in the Shady Acres
13 immediately to the south, about 2,000 feet
14 away. Found one up on McAroy [sic] Road,
15 and that's crossing on 45, and then another
16 one on the Saint -- I forget what it is, but
17 -- it is up above -- I'm gonna say it's
18 Saint something-or-other road. I'll think
19 of it in a second. It's way to the north.
20 I'll probably have to peek at my report. I
21 forgot the...

22 And then I found one on Deer Brook
23 Road to the south. So I got McAroy, Deer
24 Brook, Shady Acres, and Saint. Four sales.
25 And what I did with those sales is that in

1 MLS, when you take a look at those sales and
2 the WIREX up in this direction, that's the
3 state-wide MLS, what you basically have is
4 they'll take a look at the list price, the
5 sales price, and then they'll take a look at
6 the days on market, and they'll give you a
7 finished price per square foot. So if you
8 have a \$100,000.00 sale and it's got 1,000
9 square feet of finished area, then the
10 realtors like to say it sold for a hundred
11 dollars a square foot.

12 So I'm looking at the price per
13 square foot, how long it was on the market,
14 and the list price to sale price. Because
15 if you have a property that was listed for
16 \$400,000.00 and it has to get sold for
17 \$300,000.00, then that looks like the
18 negotiation was -- you know, obviously the
19 negotiating price was down.

20 And basically, in this instance, what
21 I found in those four sales is that the
22 price per square foot on most of these
23 sales -- and most of these were '70 houses.
24 My sale criteria, I look from the middle of
25 2022 to date, because I wanted to have some

1 recent sales. I was able to find four that
2 were fairly close. Furthest one away was
3 3,000 square feet. Closest ones were 1,700
4 square feet. And what I basically found was
5 the price per square foot was consistent in
6 regards to other comparable sales that were
7 not proximate to the property. It was --
8 some were a little higher, some were a
9 little lower, but I looked at the mean and
10 the average, and the -- in each one of these
11 four sales, I saw nothing to indicate some
12 sort of -- some sort of discounting that
13 would stand out and say, something's going
14 on here.

15 So the days on market was the same
16 thing. As we all know, in the -- well, if
17 you've sold a house or bought a house or
18 tried to buy an entry-level house anywhere
19 in the last couple years, you realize that
20 this has been one of the hottest markets --
21 and I've been doing this since 1972 -- this
22 has been one of the hottest markets ever.
23 So basically some houses were getting -- a
24 lot of houses were getting bid up. Because
25 the average sale price in this particular

1 area, in Outagamie County, is roughly
2 \$399,000 for an entry-level house. Okay?

3 Most of these houses that I found --
4 and it's in my report, and I hope you take a
5 chance to take a look at it. This is
6 analysis number six. The sales prices range
7 between 150 and 170 dollars a square foot
8 for each one of these houses. And the sales
9 prices for the non-proximate sales, some ran
10 a little higher, some ran lower. In one
11 instance, the sales price for the proximate
12 house was the -- was above the average.
13 Now, I'm not saying that a quarry adds value
14 to a property, but I'm looking, does it have
15 a marketable -- a marked effect on the
16 negotiations, days on market, price per
17 square foot.

18 I did this also for five other
19 additional sales. Like I said, there's a
20 couple in Dane County, one in Sheboygan
21 County, and one in Green County. All
22 non-metallic mining operations, and always
23 doing the same thing, trying to find sales
24 as close as I can get and find out if
25 there's something happening with the

1 marketing due to the proximity to the mine,
2 or the quarry.

3 So in my estimation, there's nothing
4 that I see, especially in the four sales
5 that I saw -- that I found next to the
6 New London quarry, that would give me any
7 indication that, hey, there -- everything's
8 dropping down and -- or something's
9 happening here in the -- it takes longer to
10 sell and they're selling for less.

11 And I'll be around for any other
12 questions or anything like that. Appreciate
13 your time.

14 UNIDENTIFIED SPEAKER: How about a
15 question right now?

16 MR. PARMENTIER: Hold on. If you do
17 have questions, we'll save them all to the
18 end. But you -- but I'll make sure that
19 your --

20 UNIDENTIFIED SPEAKER: When do I pose
21 the question to you?

22 MS. NEUENFELDT: The end.

23 MR. PARMENTIER: Yeah. When it's
24 public comment time, let me know what it is,
25 I'll write it down and I'll make sure you

1 get an answer.

2 (Brief discussion off the record.)

3 MR. SWEENEY: My name is Buck Sweeney,
4 and I just wanted to kind of comment on
5 little bit, and I -- there's another exhibit
6 that I attached, too, along with that, and
7 it's a list of letters of support, and I'll
8 just kind of -- I'm not going to go through
9 and read all of them, I just want to
10 summarize them. But before I do that, I
11 just want to talk a little bit about this
12 particular quarry.

13 This quarry has been around for a
14 long time, as people have said, and we're --
15 it's an expansion of an existing operation.
16 You know, Matt said we're going through a
17 conditional use permit, and we are. Some of
18 us think that we don't need one, but we're
19 going to do it anyway, because we want to
20 work with the town, we want to work with
21 this board and go through the conditional
22 use permit, because we think we have enough
23 expertise and we've got a very, very good
24 operator in MCC, that we'll get it, but we
25 want to preserve our rights that we still

1 think it qualifies as nonconforming use.

2 There's also going to be some
3 additional legislation that the aggregate
4 producers of Wisconsin are pushing through,
5 that might clarify some of the ambiguity
6 that came out of the last legislation. But
7 that's two years, three years down the road,
8 and we don't want to wait. We want to get a
9 conditional use permit and move forward. We
10 think that's important.

11 We also -- this industry, as you guys
12 know, is very regulated. You got MSHA, the
13 mine health and safety administration, you
14 have to deal with OSHA, you have to deal
15 with both of them and their jurisdiction.
16 You have to deal with the DNR on the water,
17 and you have to deal with the State of
18 Wisconsin on blasting.

19 We have experts on blasting here
20 tonight, we have experts on water, to
21 address any questions that come up on that
22 from the audience out here or from the board
23 members, and we'll do the best we can to
24 answer all those questions on it.

25 The letters of support that we have

1 included, some of them have come from our
2 peers, Michels Corporation, Mashuda, Faulk
3 Brothers, all supporting it because they
4 like the materials that come out of this.
5 The materials that come out of this meet all
6 the state specifications. A lot of times
7 you have limestone quarries that are too
8 soft, and they're fine for base course, but
9 you can't use them in the concrete or in the
10 asphalt operations. They just aren't strong
11 enough and they'll break down. This has got
12 a very, very high quality rock that's used,
13 and Michels and Mashuda have used it, a lot
14 of the contractors around here have used it.

15 There's also a letter from Waupaca
16 County, and we mentioned that a little
17 earlier. They take a lot of material out of
18 this a year. 250,000 tons of material were
19 purchased over the most recent last five
20 years, which is a lot of stone coming out of
21 there on it.

22 There's some of the established
23 companies that understand the importance of
24 it. There's letters from Sommers
25 Construction, Don E. Parker Excavating,

1 Robert Immel, all support the planned
2 expansion because they want to have the
3 product that's very important for it. A
4 number above residential neighbors
5 understand the value of this quarry, and
6 there's letters in there from some of our
7 neighbors.

8 There's also dairy farming. We have
9 Doug Casey Excavating, LLC, has the bedding
10 sand from the Hortonia site, the area
11 farmers who've been used, a lot of it's come
12 out of there. Area contractors have also
13 been -- there's K&H Concrete, who operates,
14 Lee Werth Concrete Construction, that we
15 supply a lot of the New London marketplace.

16 We also have -- this is a company
17 that's been around a long time. I was
18 shocked at the number -- when we talked to
19 the MCC employees, not everybody's happy
20 when you work, but the majority of them are
21 very happy and they wanted to support this
22 and they wanted to write letters. We didn't
23 pressure them to do it, they volunteered.

24 So we've got a good company, good
25 operations. We want to work with this town,

1 we want to work with the residents, we want
2 to be a good neighbor. Anything that comes
3 up or has any concerns, we'll be happy to
4 meet with them right away. If the town
5 board wants to come in and give them an
6 update on any town board meeting, people
7 from MCC will be here and discuss it and
8 provide answers. Thank you.

9 Do we have anybody else? I think
10 we're good. We have people here that can
11 answer questions if you have any on some of
12 those other issues. Thank you.

13 MR. PARMENTIER: So let's do this:
14 We have the sign-in sheet here. It still
15 only has four names on it. We can take a
16 little pause. Are there people who want to
17 get added to the list?

18 UNIDENTIFIED SPEAKER: My question is
19 do you have to sign that.

20 MR. PARMENTIER: In order to speak?

21 UNIDENTIFIED SPEAKER: Yes.

22 MR. PARMENTIER: Yeah.

23 UNIDENTIFIED SPEAKER: By law?

24 MR. PARMENTIER: You want to speak
25 but you don't want to sign it?

1 UNIDENTIFIED SPEAKER: Well, I'm just
2 saying.

3 MR. PARMENTIER: It's just to keep
4 people --

5 UNIDENTIFIED SPEAKER: There are some
6 people that might -- don't want to sign,
7 that want to remain anonymous.

8 MR. PARMENTIER: If you guys don't
9 mind, just put down something that indicates
10 that it's you, so that we can go down the
11 line. Call yourself Person X or something.
12 Just get on the line. That way we can go in
13 order.

14 MR. SWEENEY: Matt, just a question
15 on that?

16 MR. PARMENTIER: Sure.

17 MR. SWEENEY: Is it possible, if they
18 were anonymous, we know that they're, you
19 know, not from Mars, they're at least where
20 they're from, if they could add that, by
21 chance?

22 MR. PARMENTIER: Yeah, if you're
23 willing to add that you're not from Mars,
24 that would be helpful. So if you do want to
25 get added -- or maybe we just circulate it.

1 We can take a little five-minute break.

2 MS. NEUENFELDT: That would be fine.

3 MR. PARMENTIER: Send it through, put
4 something down so that we can call on you.
5 I don't care if it's your name or not your
6 name. I just want everyone to get a chance
7 to talk if they want to talk.

8 MS. NEUENFELDT: The point is more
9 for just to help keep us in order so that
10 with can keep one, two, three, more than
11 anything else.

12 MR. PARMENTIER: Should we go off the
13 record for a minute?

14 MS. NEUENFELDT: Sure.

15 MR. PARMENTIER: All right.

16 (Brief recess taken.)

17 MR. PARMENTIER: All right,
18 everybody, we're official again, back on our
19 record. So our two chairmen have a sign-in
20 sheet, and they will work their way down the
21 list and call on folks. If you have things
22 to present and you want a table, you can
23 come up to the table. If you don't, you can
24 talk from where you are, just make sure you
25 stand up and you're loud enough so that

1 everybody can hear you.

2 MR. HAMBLIN: All right. First on
3 the sign-up sheet is -- and I apologize if I
4 murder anyone's last name -- Tim Manion from
5 Hortonia.

6 MR. MANION: Yes. I'd like to --
7 before I speak, I'd like to introduce a
8 special guest, State Representative Elijah
9 Behnke. He'd like to just address the crowd
10 and say hello and say a few words.

11 MR. BEHNKE: Hey guys. With the new
12 maps, I'll be your neighboring state rep.
13 So this used to be like the Sixth District,
14 but they shoved Outagamie County out of the
15 district and included Oconto County, which
16 is where I'm from. So just a rural guy from
17 a very small town of 1,500, so I'd like to
18 be a state rep that actually cares about the
19 little guy not being shoved around. So just
20 here to listen, observe, and it's obviously
21 a tension of two wants and needs, but I'm
22 here to hopefully, you know, learn what you
23 guys are so concerned about.

24 MR. HAMBLIN: Tim, before you begin,
25 I have a quick question for the attorney.

1 Is there any issues with time limits that we
2 have to worry about?

3 MR. PARMENTIER: Nope. They get
4 whatever time they need.

5 MR. HAMBLIN: Okay. Just checking.

6 MR. MANION: Good evening, everybody.
7 My name is Tim Manion, for those of you who
8 don't recognize me because I don't have
9 hunting clothes on today. But it's great to
10 be here to address this situation with MCC
11 and our community.

12 I am the co-chairman, along with Dan
13 Mercer, for the Citizens for the
14 Preservation of Hort, Hortonia. We were
15 involved with the situation with the
16 Hortonia prison. Took us seven months to
17 address that and reverse the decision. This
18 is not the prison problem. It's worse. In
19 our view, it's worse because it's right in
20 our face, it's right in our backyard, it
21 really impacts so many things that I'll get
22 into in just a minute.

23 But 37 years ago, we were driving
24 down Givens Road looking for a lot to build
25 a house, and we saw a little sign that said

1 quarry, and, you know, I thought, well, that
2 must be like Redgranite quarry or the sand
3 pits, you know, it's a place to swim.
4 That'll be fun, that'll be great. And an
5 attorney friend of mine said, well, quarries
6 have a lifespan. They have a beginning,
7 they have a life, and then they have
8 reclamation, they have an end.

9 But this quarry, the existing quarry,
10 has been here for 60 years, owned by MCC and
11 Black Creek Stone. Great companies, great
12 corporations, they make a lot of money, but
13 they really have provided very little
14 goodwill to the community and their
15 neighbors. We are their neighbors. If any
16 of us built a garage across the property
17 line, or had a junkyard in your yard, it
18 would be immediately addressed by the Town
19 Board, and you'd have to remove it, you'd
20 have to do something about it. In this
21 case, in February the quarry feverishly
22 started building the berm without
23 permission, without a permit, and it's 50
24 feet from the center of the road, when the
25 ordinances require them, if they're

1 permitted, to be 150 feet back.

2 So that was in our face. That was,
3 we're MCC Quarry, we're used to not being
4 accountable to anybody, and we're gonna do
5 what we want. And at this point, March 20th,
6 in the meeting, the attorneys said, we're
7 here to be good neighbors, we're here to
8 answer your questions. And, you know, it
9 just doesn't happen.

10 I sent a letter to Todd Vande Hei,
11 who I know personally, and I said, Todd, how
12 about a tour of the quarry. No response. I
13 sent a letter to Michelle Sasman inquiring
14 whether or not they had a conditional use
15 permit, and no response. And then
16 September 11th I received a letter, and so
17 did Mr. Mercer, from the Axley attorneys
18 with veiled threats: We have looked at your
19 Facebook page, we don't like what you're
20 saying, some of it's inaccurate. The last
21 sentence is: You are respectfully requested
22 to reconsider maintaining those postings on
23 this page.

24 Is that a good corporate citizen? Is
25 that a good neighbor? Not in my mind.

1 That's a mistake. I'm not intimidated, I'm
2 angry, because this corporation is
3 interested in making money on the backs of
4 this community without consideration for a
5 lot of different factors.

6 I have a question. I think it was
7 stated that the elevation at the entrance is
8 840 feet? I don't know if that's correct.
9 But my question is, how much of the quarry
10 has been quarried to 840 feet at this point?
11 The second comment is that that was a very
12 good, compelling speech about appraisals and
13 real estate, but that's before the second
14 quarry or the expansion.

15 What I'd like to know is when does
16 the reclamation start on the existing quarry
17 if they're at 840 feet elevation? That's
18 when they're required to kick in and start
19 reclaiming some of that land. I haven't
20 seen it happen. So if they're still taking
21 materials out of it, why do they need a
22 second quarry? This is covered in the MCC
23 reclamation plan of 2004, document two. I
24 don't know if you have a copy of that or
25 not, but...

1 MR. PARMENTIER: What was it? Sorry.
2 Tim, what was that one?

3 MR. MANION: It's called the MCC
4 Reclamation Plan 2004.

5 MR. PARMENTIER: Was that part of the
6 application? Sorry to interrupt.

7 MS. COURTER: This is.

8 MR. MANION: No, that's the original
9 one.

10 MR. PARMENTIER: Tim, if you want to
11 include anything when you're done --

12 MR. MANION: Sure.

13 MR. PARMENTIER: -- in the pile,
14 you're welcome to do that.

15 MR. MANION: Point four. As portions
16 of the quarry are depleted and mineral
17 resources are no longer used for stockpiling
18 or other quarry-related activities, these
19 areas shall be incrementally reclaimed as
20 wildlife habitat.

21 Now, a couple things happened during
22 my research. I found that we cannot locate
23 a conditional use permit for MCC for the
24 existing quarry. I asked Michelle Sasman.
25 No response. The Board can't find it.

1 Scott Konkle from the East Central Planning
2 says, I can't find it. So if there's no
3 conditional use permit for the existing
4 quarry, they're either operating illegally
5 and blasting, or -- it's a catch-22. Either
6 they're -- they don't have a permit, and if
7 they do, according to the 2004 -- two
8 thousand, actually, ordinances in the Town,
9 no conditional use permit shall be issued
10 for a period exceeding eight years,
11 consisting of not more than six years for
12 the operational phase, and not more than two
13 years for restoration. It's either one of
14 the other. And I have no evidence that
15 there is an conditional use permit, but yet
16 here you are, applying for a second one for
17 an expansion.

18 I had some very interesting reading
19 today. I read the 209 pages of the
20 comprehensive land plan. Very interesting,
21 titillating reading. One of the things that
22 stood out for me was what do Hortonia
23 residents value? In 209 pages, I never saw
24 anything about MCC. The only thing I saw in
25 there was MCC needs accountability on

1 reclamation.

2 What do Hortonia residents value?

3 The peaceful country, rural setting,
4 wonderful natural resources, abundant
5 wildlife, low crime rate, proximity to
6 Fox Cities, lots of open green spaces,
7 reasonable tax rates, historic town hall,
8 clean country air, et cetera. Nothing about
9 desiring a mega quarry.

10 Now, one of the requirements for the
11 quarry overlay, as a part of the 2020
12 ordinances, are it needs to preserve the
13 rural character and natural beauty of the
14 town. And your [sic] question to you, does
15 MCC do that with the expansion of this
16 quarry? Has to provide for the safety of
17 town residents, encourage the most
18 appropriate use of the land, minimize the
19 impact to the public and the environment
20 resulting from nonmetallic mining
21 operations, protect and preserve surface and
22 ground water, wildlife habitat, and open
23 space. Those are the questions we have to
24 answer, does it do that.

25 One of the things -- one of the

1 reports that I have here is the comparison
2 of farm use versus mining use. If you look
3 at 40 acres of that new parcel, you need
4 five pieces of equipment to do farming, to
5 farm for soybeans and corn. And doing
6 mining, use 25 pieces of equipment. And in
7 one year's time, a tractor and doing farming
8 is -- let's gather this here. Farming is
9 32 hours a year, and mining is 3,250 hours a
10 year. So imagine the noise difference in
11 the equation of different pieces of
12 equipment; dozers, scrapers, excavators,
13 drill rigs, crushing units, screening units.
14 If they're making dolomite, they're going to
15 be crushing and making noise all the time.
16 And we're going to have a mega quarry.
17 Instead of 257 acres, we're going to have
18 another 114 acres that will be a mega
19 quarry. It's not what the town needs.

20 Now let's talk about value, property
21 value. This is after the expansion. I have
22 a letter here from an appraiser who says
23 that he was contacted by me individually and
24 WP Farms, Outagamie County, which I own, to
25 provide a market analysis and -- on the six

1 parcels on Givens Road and my home.

2 And I'll give a copy to you, but what
3 it says is: This perception and information
4 may cause the home to sell for discounted
5 amount of 10 to 20 percent or not sell at
6 all. If a second quarry were to be
7 constructed with the active existing quarry,
8 the home would have difficulty in its
9 selling, as now Hortonia would be known as
10 an industrial quarry town. Shady Acre Drive
11 and the Manion home, if sold, may incur a
12 20 to 30 percent loss.

13 I have -- I own the 75 acres across
14 from MCC, it's zoned residential, and I
15 bought it to keep it in green space. But
16 eventually that'll be sold to somebody as a
17 developer, and the developers I've talked
18 to, they've said, you know what, the
19 perception is greater than reality. If
20 people perceive that that's a quarry town,
21 and it's always loud, and things are going
22 on, they're not even going to look at the
23 community. So I stand to lose millions of
24 dollars on the potential of development for
25 75 acres and 120 on TT, 200 acres of land

1 that is really the growth area for part of
2 the town.

3 Now, I have been a -- working with
4 Green Lake Association, Green Lake
5 Conservancy, and the sanitary district, and
6 they've gone through a similar situation.
7 They had a mining company, Kinross, K-I-N-A-S,
8 come in, and they proposed to open a mine,
9 and it went through the process, went
10 through the town board. The town board
11 actually gave them a permit, and everybody
12 was so enraged that they hired a law firm
13 out of Madison, your competitors, and they
14 had several different studies and
15 evaluations. And their study as well --
16 let's see, it's a 27-page study -- indicates
17 that the properties in proximity, or close
18 to the quarry, would include incur a 25
19 percent reduction in value. And those are
20 the ones, like us on Shady Acre Drive, on
21 Givens Road, Deer Brook.

22 And the final opinion of the lawyers
23 came back, and they really looked at this
24 from the standpoint if MCC satisfied all of
25 the questions on whether or not this would

1 damage property, if it would impact the
2 water quality, would it impact the quality
3 of life, and their summation was the
4 proposal lacks substantial evidence that
5 will have a negative impact and effect on
6 the health, safety, and general welfare of
7 occupants of surrounding lands.

8 They also said the proposal lacks
9 substantial evidence that it'll not be
10 hazardous or disturbing to existing or
11 future neighborhood. The proposal lacks
12 substantial evidence that it will not be
13 detrimental to property in the immediate
14 vicinity or the community as a whole. The
15 mine will have immediate and significant
16 detrimental effects on the surrounding
17 properties, diminishing their market values
18 and severely reducing the landowners' use
19 and enjoyment of their property. Well-known
20 impacts of mining operations to nearby
21 properties includes noise pollution, dust
22 from blasting, crushing, hauling, heavy
23 traffic, decreased wildlife, disrupted
24 service, and ground flow. Studies show that
25 residents within one-half mile of a mine

1 experience drop in market values of 25
2 percent.

3 Now, you know, we have talked to and
4 about -- MCC about the importance of
5 reclamation, and in the last August 20th
6 meeting, the attorney said, well, we don't
7 -- they don't really have to do reclamation.
8 Well, of course they do. But you know why
9 they don't? The actual cost to restore an
10 acre is \$72,425. Now, what they're insured
11 for and what the industry is insured for is
12 more like three or four thousand an acre.
13 Well, you can't take an acre of land that's
14 all rock and sediment, put fill soil on it
15 and put topsoil on it and seed it for
16 \$4,000.00.

17 I think I said a little while ago
18 that I own WP Farms. I actually own
19 multiple farms in four counties, and so I
20 look at land every day, I look at the value,
21 we're acquiring more land, and it's very
22 expensive to regenerate soil.

23 Now, one of the things that we
24 haven't talked about is this location right
25 here of this proposed expansion. This is an

1 important rural district in farmland, and
2 it's also a wildlife corridor, that all the
3 wildlife from the river bottoms come through
4 this area into these other properties and
5 enhance the quality of life for the entire
6 neighborhood.

7 MCC has not provided proof that the
8 mine will not lower the property values and
9 physical structure of real estate of
10 Hortonia, will not damage and affect ground
11 water of wells. MCC will destroy important
12 farmland in an environmental corridor by
13 expanding the quarry. The expansion will
14 negatively impact the neighbors' quality of
15 life. The entire community.

16 This is the time for us to look, as a
17 community, how we want the future of
18 Hortonia to look like. Do we want to look
19 -- do we want to live in a community enjoyed
20 for future generations to where it's going
21 to be an industrial town or with a mega
22 quarry? Or are we interested in maintaining
23 the idyllic countryside town with an open
24 field, woods, wildlife, and clean air?

25 My suggestion is that MCC look for an

1 alternative site for quarry expansion,
2 because the residents here do not want it.
3 I would request, on behalf of the Citizens
4 for the Preservation of Hortonia, that MCC
5 be denied a conditional use permit, zoning
6 change, and amendment to the town
7 comprehensive plan. Thank you very much.

8 MR. PARMENTIER: So while you're
9 packing things up, Tim, if you want any of
10 that to be part of the record, --

11 MR. MANION: Sure. Yeah.

12 MR. PARMENTIER: -- we'll take it and
13 I can mark it.

14 MR. MANION: We've got to make some
15 copies, I think. It's all numbered right
16 now. You want to just figure out what --

17 MS. NEUENFELDT: Yeah, that's good.
18 I think if you want to leave it with us,
19 then we can copy -- we can make a copy and
20 give it back to you.

21 MR. MANION: Okay. Why don't I do
22 that. I'll take my notes off here.

23 MS. NEUENFELDT: As long as it gets
24 entered.

25 MR. MANION: Yeah, that would be good.

1 There you go. Have fun.

2 MS. NEUENFELDT: Thank you.

3 MR. HAMBLIN: Next up to speak is
4 Ryan Clark.

5 MR. CLARK: Yes. So I'm Ryan Clark.
6 I live on Givens Road, pretty much directly
7 across from the new expansion, so just a
8 little west of Shady Acres, and I'm probably
9 going to be one of the most impacted by this
10 expansion, so I have some concerns. I've
11 lived here for four-and-a-half years, and
12 when I bought this home, was real excited
13 about it, and still am, but in a way,
14 there's some concerns that I have with the
15 quarry.

16 When I bought the house, it was -- I
17 understand, you know, the goods of quarry,
18 and I'm not anti-business or anything, but
19 -- and the people with MCC have worked with
20 me and have been nice. But that's not the
21 point that I'm trying to make with my home
22 and the effects that the blasting has on it
23 and -- you know, you could -- I'd welcome
24 any one of you guys to sit in my house when
25 the blasting happens. And the reality is,

1 is it impacts our qualify of life. I have
2 two daughters at the home, a wife, I -- you
3 know, I've had things rattle right off my
4 table when the blasting happens. MCC has
5 been taking care of the measurements, the
6 seismographs get reported to me, I
7 understand what I'm reading and I understand
8 what I'm looking at, but the reality is, is
9 the impact is great for us.

10 The noise levels are high. We hear
11 conveyer systems running, you know, at dark
12 hours of the day. We hear, you know, backup
13 alarms from the equipment. We hear, you
14 know, a lot of this kind of noise that we
15 didn't really buy into when we bought this
16 house. Nobody told me that. That wasn't --
17 if it was such a great thing, it wasn't
18 definitely marketed that way to us. As a
19 matter of fact, we didn't really -- I knew
20 there was a quarry, but I didn't know how
21 active it was and what it felt like to be in
22 that home, because the realtor didn't want
23 to tell me that. Nobody wanted to tell me
24 that. So we found out later.

25 And so my concern -- I appreciate the

1 appraisal, you know, I appreciate the
2 perspective in appraiser and
3 environmentalist, but my concern is going
4 forward. I'm already used to what's going
5 on now, but this whole new expansion is just
6 going to change things greatly for us and I
7 think everybody in Shady Acres. So thank
8 you.

9 MR. HAMBLIN: Thank you.

10 MR. MANION: May I? Could I say one
11 more thing?

12 MR. PARMENTIER: Yeah. Just a point
13 of order? Yeah, go ahead. Oh, you want to
14 talk again?

15 MR. MANION: I want to just finish a
16 thought that I had.

17 MR. HAMBLIN: Sure. Go ahead. Yeah,
18 absolutely.

19 MR. MANION: What I didn't -- what I
20 didn't share with you, as a final part of
21 that report, is that the board of adjustment
22 with the law firm overruled and reversed the
23 decision for the conditional use permit for
24 the Green Lake area.

25 MR. HAMBLIN: All right.

1 MR. MANION: Thank you.

2 MR. HAMBLIN: Thank you, Tim. Next
3 to speak is David Viaene.

4 MR. VIAENE: Viaene.

5 MR. HAMBLIN: Sorry about that.

6 MR. VIAENE: This is my property
7 right here. Geologist? Right? We're
8 coming this way. Well, I can tell you right
9 now, without this expansion, this shit has
10 been devastating to my house. We've had
11 shit fall off the wall, and everybody here
12 in this board knows there's issues. There's
13 issues with the people that live around this
14 quarry. Lyn, my wife and I called you more
15 than once because the blasting was
16 devastating, especially when this road was
17 going on out here. Okay?

18 And Mister Appraiser? I bought 750
19 properties in 35 years. I bought them and I
20 sold them. You know how many realtors I've
21 dealt with? And Ryan, it is? Do you think
22 there's a realtor that's going to go tell
23 somebody, when there's a place for sale
24 around this quarry, you better watch out,
25 they blast it, beat hell, your shit will

1 fall off the walls? No. The answer's no.
2 That's why the values stay up. But they get
3 in their house like Ryan, and they want to
4 leave. Okay? That's something you don't
5 know and you bluff these people. Okay?

6 This is going to do absolutely no
7 good for this town. And Matt, I don't
8 know -- I'm sure they've got -- you know,
9 they got the right to go apply and do all
10 these applications and all this stuff, I
11 mean that's a legal right for everybody to
12 do. And I don't know how to stop it, but I
13 just know that everybody here knows it, and
14 we all know this, and there's a lot of
15 people in here that know, that this is going
16 to make it worse for our town.

17 Now, our geologist stood up here,
18 told everybody how great MCC -- if you got a
19 problem, you know, they come out, they'll
20 plow the snow, I heard her say they'll talk
21 to you, they'll do this, they'll do that.
22 When we talked to Lyn, and I told her this,
23 my wife and I were on the speakerphone with
24 her, I -- because my wife was so upset about
25 it. She said, we've called MCC, and my wife

1 had called several times, to get hung up on.
2 So I'm not sure if you know who you're
3 dealing with, because they might not be
4 telling you the truth, or you.

5 But if we go approve this, I'm very
6 close to being on the list. I've had several
7 discussions with my attorney already, and
8 they're coming my way. I don't want this
9 town and have this be considered negligence,
10 because everybody knows it right here, that
11 we got issues. Right now. Not later.
12 Everybody knows it. Why would we -- my
13 question is why would we go and take
14 residential lots and go give this to the
15 quarry, when they're -- and they're already
16 -- it's already devastation for people that
17 live around it. He doesn't live around it,
18 you don't live around the quarry, and you've
19 never experienced it. But we have, I have,
20 Ryan has, Tim has. We know.

21 And I'm just worried, because I think
22 there's going to be some -- you know what,
23 and I don't want the town to fall into it
24 and all of a sudden have liability issues
25 right along with the quarry. The time to

1 say no is before it's -- we're too deep.
2 This won't be -- this won't be doing anybody
3 any good in our town, the majority of
4 people.

5 It's great for the quarry, of course,
6 you got a whole list of businesses. Shit,
7 they're making money off it. Absolutely.
8 What about the folks in the town? What
9 about us? I just want -- I hope that we go
10 and we get some reality and we think about
11 this. I mean, you know, I know we gotta go
12 follow all the laws and all this stuff. If
13 we could live by the law in the jungle, the
14 answer's no today.

15 MR. HAMBLIN: Next to speak is Dan
16 Mercer.

17 MR. MERCER: Thank you. I'm Dan
18 Mercer. As Tim had said, I'm also one of
19 the co-chairmen for Citizens for the
20 Preservation of Hortonia. The morning after
21 we met with the Department of Corrections, I
22 was at Tim's front door and said, Tim, we
23 need to do something. The best thing that
24 we can do as a small community like this is
25 to start a grassroots effort. And that's

1 exactly what we did. We went out and we've
2 got, I think it was close to 3,000 people
3 out of a town of 1,100 [sic] to sign a
4 petition that they didn't want the prison.

5 And I know we're not here to talk
6 about the prison, but I want to talk about
7 grassroots and I want to talk about this
8 community. We put the signs out, we got
9 coverage, we got everybody on our side, and
10 we won, because the big guy doesn't have to
11 come in just because they have the money and
12 they can afford all the attorneys and they
13 can stall until they get what they want,
14 because we are the citizens of this
15 community, it is our home, and we are the
16 ones that can speak out and say, no, we
17 don't want it. This board, or these boards,
18 are representatives of us. They are elected
19 or appointed to speak for us. They're not
20 making decisions on their own. They're
21 making decisions based on what we ask them
22 to do.

23 Now, I was also a board member. I
24 have had the pleasure of reading that
25 comprehensive plan, and I was really taken,

1 for one thing, the amount of effort and the
2 amount of time that went into creating that
3 plan. And I really do encourage you, as a
4 citizen of Hortonia, to maybe not read it
5 word for word, but go look at it and see
6 what the vision -- because that's exactly
7 what that is. That's our vision. That's --
8 they surveyed the citizens of the town and
9 they said, what do you want Hortonia to be
10 going up to 2035, is it? '36?

11 MS. NEUENFELDT: Mm-hmm.

12 MR. MERCER: And we overwhelmingly
13 said we want this to be a rural community,
14 agriculturally and residentially based.
15 There's nothing in there that says we want
16 industry. The industry's around us. We can
17 drive to the industry. It didn't say that
18 we wanted to turn every farm field into row
19 housing, like we have in Greenville now,
20 with houses that look identical for miles on
21 end. We wanted Hortonia to have its own
22 character. That's what we have.

23 Now, I would like some clarification
24 on this map. We've talked about the
25 existing parcel and the -- this should say

1 proposed parcels. Where is the overlay from
2 the comprehensive plan? What is -- what
3 area is covered by the overlay that we heard
4 about? Can anybody answer that?

5 MR. PARMENTIER: I'll put it on my
6 list and then we can do it at the end.

7 MR. MERCER: Okay. That'd be
8 wonderful. Because it'd be very interesting
9 to see what the vision for our community,
10 our comprehensive plan had, knowing we --
11 yeah, we had a quarry here. We already had
12 a quarry. It's been here. And what was our
13 vision for the growth? Because, yeah, it's
14 -- we expected growth. What's the vision
15 for that growth? I can guarantee you that
16 it doesn't cover all this land. This is
17 agriculture. Why are we getting rid of
18 agricultural land? You can't make it back.
19 This is residential. Why on earth would we
20 take residential and turn it into a buffer
21 to hide this?

22 So Hortonia, the ball's in our court.
23 We are the ones that have the responsibility
24 to make this group know that we do not want
25 this in our town. Thank you.

1 MR. HAMBLIN: Next to speak is Nate
2 Waldvogel.

3 MR. WALDVOGEL: Hello, everyone. So
4 looking at this map here, you stated that
5 you're a sales -- a real estate person.

6 MS. COURTER: Geologist.

7 MR. WALDVOGEL: Now -- no, not you.
8 So you pointed at my property. I live right
9 down here on Shady Acre. Yeah, I bought my
10 house for two sixty-three five, and Zillow
11 says it's worth 450,000 today. You are out
12 of your goddamn mind if you think my
13 property is worth that. There is no reason
14 that house is worth that. It's way less.

15 When I bought this house, I bought it
16 because I liked the peaceful area of it. I
17 liked the neighbors. It was gorgeous.
18 Beautiful property. But I own my own
19 business. My wife stays at home and does
20 all the paperwork. There are times where my
21 two kids and my two dogs get freaked out by
22 this blasting. Now, as this expands, where
23 does it get? It gets closer.

24 You especially. You're over here.
25 You think you're getting it bad now? You're

1 only gonna get it worse. So any damages are
2 only going to get more.

3 Now, as a geologist you say this rock
4 is so great. I've bought that limestone.
5 It's junk. It falls apart. It's terrible.
6 I mean, I'd rather buy the lime -- or the
7 gravel from the Mackville area. That's much
8 stronger, much better.

9 But there's a house over there. I
10 don't know if anybody of you have seen it.
11 If you're heading north from Appleton on
12 County Road A by the Country Bar, just
13 southeast side of where the Country Bar is
14 located, there's a couple residential
15 houses. I just looked on Zillow right now.
16 They're saying those houses are worth
17 \$455,000.00 on Zillow. I remember years ago
18 driving my truck past there every day, and I
19 always said I would never buy a house there.
20 You'd be out of your goddamn mind. Because
21 distance is under 700 feet from their back
22 door of their house to the quarry. 455,000
23 for a house that overlooks a big quarry?
24 No. Not happening.

25 And MCC has said they would always

1 try to do stuff in good faith. Well,
2 honestly, there's no state law that stops
3 them from operating 24/7, so they might say
4 good faith, but, you know, it's kind of
5 annoying when I'm sitting out on my back
6 porch trying to have a barbecue at 6:30,
7 seven o'clock at night when I got done with
8 work, and I hear crap going on all the time.
9 Come home from lunch once in a while, you
10 know, might be 10:00, 11 o'clock, and all of
11 a sudden the whole fucking house rattles.
12 It sucks. It's not fun. And there's no way
13 the property value of my house right here is
14 worth what Zillow's saying.

15 You need to retire or you need to
16 start talking to people that live directly
17 here and get their direct opinion. You're
18 using data, but you're not using the people
19 that live super close. You said somebody
20 right up in here in this neck of the woods
21 bought a house? Must be nice. Because you
22 know what? All the blasting is calming down
23 as time goes, because the quarry's going
24 this way, it's going away from them. What
25 do they care? They don't feel it more?

1 We're the ones feeling it more and more.

2 Now, if MCC wants to really do
3 something, then be more honest, be more
4 upfront, create more hours of operations.
5 Maybe calm things down. But we haven't
6 heard nothing -- none of that. Nothing.
7 All we've been hearing is just sweet
8 whispers of nothing in our ear. And that's
9 all I got to say about that.

10 I'm not against MCC. I get it, it's
11 business, you need the gravel, but MCC
12 should really do more for the community, of
13 all these -- of all these people that live
14 in that close proximity, and as they move
15 forward, what their plan is to make a living
16 -- you know, everybody's lifestyle better.
17 But it doesn't seem like that's going to
18 happen, and that's what I'm worried about.
19 And that's all I have to say.

20 MR. HAMBLIN: Next to speak on the
21 list is Polly McHugh.

22 MS. McHUGH: Hi. It's actually
23 Dolly.

24 MR. HAMBLIN: Oh, I'm sorry. Hi,
25 Dolly.

1 MS. McHUGH: Anyway, this is really.

2 (Brief discussion off the record.)

3 MS. McHUGH: I live on Everts Lane,
4 and it's a little bit further south from the
5 quarry. We built the house I think like 42
6 years ago. We had to dynamite our basement
7 in because we had rock ledge in the area
8 where we were originally going to build, so
9 then we moved to another spot and ended up
10 dynamiting it. So we had the walls poured,
11 and foundation, everything was poured, and
12 lo and behold, there was some blasting, and
13 it wasn't long and we had cracks in our
14 walls, cracks on the cement floor, and it
15 just continues to get worse. And I can feel
16 the house kind of moving; not huge, but you
17 can tell it's like a little tremor when the
18 blasting. It scares my animals, and I'm not
19 even across the street or next door.

20 So it's real. It's there. And I
21 can't help but think, you know, the cracks
22 that I've tried to have repaired that just
23 keep re-opening on the foundation of the
24 house are going to drop the value if I
25 decide to sell. That's all I have to say.

1 MR. HAMBLIN: Next to -- oh, boy --
2 speak is Brian? Brian.

3 "BRIAN": And Valerie.

4 MR. HAMBLIN: And Valerie? Thank
5 you.

6 "VALERIE": I don't know that we have
7 a ton to add. We're a little bit from the
8 quarry too, but I think that it's important
9 that the more neighbors that you hear from
10 to kind of send the same message, the
11 better. Again, I don't need to reiterate,
12 but I agree with everything that our
13 neighbors have said.

14 "BRIAN": My concern might be a
15 little bit different than my wife's, but...
16 So we have this blasting, and we are
17 considerably a distance from it. Our
18 property resides right here, and I know a
19 lot of the activity's going on here. We
20 feel the blasts all the way down to our
21 property. My concerns -- I'm not against
22 it, but my concerns are, when the blast
23 happens, what happens if my cattle get out?
24 Who's paying for that \$5,000 cow? Who's
25 paying for the \$10,000 car that hit it?

1 Who's going to put the fence back up? If
2 you blast and blast, you hit a vein, what
3 happens to my well?

4 There's just a few concerns I have,
5 and there's no -- there's no plan for it.
6 You know, blasting, the house shakes, my
7 foundation goes, there's cracks, we have
8 water coming in the basement. Who's fixing
9 that? We live on the north end of the
10 ledge. Water runs down. Every year, snow
11 melts, we got a river in our yard. My
12 foundation takes a crap, I got a flooded
13 basement. Just things that I want everybody
14 to be aware of and... I'm not against it,
15 but I think we need to slow it down or do
16 something to come up with a better plan.

17 MR. HAMBLIN: Next to speak is Al
18 Neuenfeldt.

19 MR. NEUENFELDT: Hi. I just have a
20 brief comment. I dealt with Murphy probably
21 for 50 years that we were in business, but
22 the mentality at -- the people themselves
23 that work at Murphy's are good people, but I
24 think the mentality of the ownership of the
25 -- of quarry Murphy, MCC, if you compare

1 their operation to Michels or Northeast
2 Asphalt, and they have a pit on -- Murphy
3 has a pit on Highway 96 east of Medina, and
4 if you go right across the road, Trico
5 Excavating has a -- they have a pit in
6 there, sand pit, and they filled it in. But
7 if you look at Bill Rathsack's maintenance
8 of his berm, if you go across the road and
9 you look at the maintenance of Murphy's
10 berms, they're all trees, just like they are
11 on Givens Road.

12 So if you want to be a good operator,
13 I think it starts with stuff like that,
14 keeping up your berms and respecting the
15 people that live around it, not -- Murphy's
16 -- or Michels, Northeast Asphalt, they don't
17 operate 24 hours a day. They have a set
18 time that they can operate and blast, and
19 they do that to be a good neighbor, and I
20 think that that's what Michels -- Murphy's
21 has got to take into consideration when they
22 operate, if they want to be a good neighbor.

23 MR. HAMBLIN: Last to speak is Keith
24 Dobberstein.

25 MR. DOBBERSTEIN: Well, I'm down at

1 the intersection of Givens and Winchester,
2 so I'm not nearly as affected by the concerns
3 that the other speakers have had. I -- just
4 from a personal standpoint, I have almost --
5 I am concerned about the possibility that
6 sometime in the future we may have another
7 meeting about whether Givens is going to be
8 used for access. I mean, that would affect
9 everyone along Givens down to 15. Thanks.

10 MR. PARMENTIER: Did you say that
11 that's the last one?

12 MR. HAMBLIN: That's the last one,
13 yep.

14 MR. PARMENTIER: We won't talk by
15 show of hands, but do we need to circulate
16 the list anymore, or has everybody who
17 wanted to talk had a chance to talk? I
18 don't see any hands. I see a hand. Okay.
19 If there's more than just you, we'll do a
20 list. If it's just you, then -- you want to
21 call him again?

22 MR. HAMBLIN: Who was that again?
23 I'm sorry.

24 MR. WALDVOGEL: Nathan.

25 MR. HAMBLIN: Okay.

1 MR. WALDVOGEL: Am I allowed to ask
2 questions of everybody?

3 MR. PARMENTIER: If you have
4 questions, we'll write them down and then
5 they'll answer them. Questions for those
6 guys?

7 MR. WALDVOGEL: No. The residents.

8 MR. PARMENTIER: Ask them, but they
9 won't be able to answer them.

10 MR. WALDVOGEL: No, that's fine. All
11 right. Residents of Hortonia, who thinks
12 that their property value is going to drop
13 because of this expansion? And if you think
14 that our home values won't drop, it's
15 insane. That's going to greatly affect me.
16 I'm not -- I'm not retired yet. I'd like to
17 sell my house at some point to make a
18 profit, break even. I don't -- I don't know
19 if I can.

20 You know, the last meeting that we
21 had early this spring, you know, we talked
22 about, you know, the berm, make it look
23 better, and nothing happened there. It just
24 sat there and died. The reclamation, like
25 Tim said, I mean, there's so much of that

1 area that nothing's ever been touched with.
2 When is reclamation ever going to start, if
3 it ever does? That's my biggest concern.

4 You know, there's a lot of other
5 concerns. I think more people need to stand
6 up and just say it. You know, don't be
7 afraid of, you know, retaliation from MCC or
8 the Board. That's one thing I gotta say to
9 everybody. Might be small, but it could
10 become very important down the road.

11 MR. PARMENTIER: I see another hand.
12 Are there going to be more? Because we'll
13 do a sign-in sheet. Otherwise, I see Tim.

14 MR. HAMBLIN: Tim Manion.

15 MR. MANION: Nate had touched on the
16 element of reclamation, and I've asked
17 questions about it in the past. According
18 to the Town ordinances, you know, which they
19 had to abide by when they got their
20 reclamation plan approved -- by the way,
21 that reclamation plan was approved along
22 with the conditional use permit. And if the
23 conditional use permit was not issued, then,
24 again, it's a catch-22.

25 My question is this: You had

1 referenced that the elevation is 840 feet at
2 the entrance on Highway 45, and I'm
3 wondering how much more of the excavated-out
4 quarry, the existing quarry, is at 840 feet.
5 If it's there, the question really is, are
6 you going to reclaim that area or just keep
7 moving materials around to say that you're
8 using it? Because that's really what's
9 happening. The only complaint I ever had
10 with MCC was, because I own the land across
11 the road on Givens Road, is the sand pile
12 was above the tree line, and one winter, the
13 entire road was brown, the sand was blowing
14 into my pines, and I talked to them, and
15 they said, well, usually we water that and
16 ice it down, but the hoses broke. So, you
17 know, back to the goodwill.

18 But really, there's a life span.
19 When does the reclamation start, and what is
20 the timetable, what's the game plan? This
21 is something that this Town Board and this
22 community needs to know. My question is how
23 much more of it is at 840? Thank you.

24 MR. PARMENTIER: All right. Do we
25 need a break?

1 (Brief discussion off the record.)

2 MR. PARMENTIER: Thanks everyone.

3 Then as we talked about earlier, we'll give
4 MCC the last word. I have a list of the
5 questions that I heard. You guys hopefully
6 wrote some of those down as well. If you
7 don't touch on the things that I wrote down,
8 I'll ask, but the floor is yours first. So
9 go ahead, and then we'll adjourn for the
10 night.

11 MS. SWEENEY: So, Mark, do you want
12 to talk about the reclamation, or Sue, do
13 you want --

14 MS. COURTER: I have a couple things.
15 Are we taking a break or are we just --

16 MR. SWEENEY: No, we're going right
17 now.

18 MS. COURTER: Okay, we're going.
19 Okay. Okay. Thank you. And I don't know
20 that I can answer all of the questions. I
21 don't have access to -- right now, to the
22 map overlay district, but I just want to
23 thank everyone for coming and their
24 comments, first and foremost. I can tell
25 that people care a great deal about their

1 community, and I like to see that -- people
2 working out, and even bringing up challenges
3 like, hey, this wasn't resolved, I'm worried
4 about what's happening with the berm.

5 And I share that concern. That needs
6 to be planted, right? There's -- like what
7 is the process for getting that outside of
8 this application, what's going to happen
9 with that? It's planting season, we don't
10 have a lot more time to do that. So a lot
11 of good comments raised.

12 One thing I want to talk about or
13 just mention was the -- you know, the
14 complaint mechanism that I need to go back
15 to MCC, like the process of, you know,
16 getting these comments and processing them,
17 the quarries that I've worked with, if
18 there's a blasting concern, we -- it is
19 researched, or a water concern, or air
20 quality concern. So I think because this
21 could be a grandfathered quarry, that maybe
22 -- you know, this is not really captured
23 well, but I feel like -- like there's some
24 unresolved concerns and there should be a
25 grievance mechanism, like what is the

1 process and how is the Town involved with
2 that.

3 And then to your comments. So this
4 is like my experience, and I want to let you
5 know that when there is a concern about
6 reclamation or waters or blasting, you know,
7 there's licensed people that investigate
8 that in cooperation, whether it's the DNR or
9 the Department of Commerce or whatever these
10 agencies are, that you should not be alone
11 and the Town shouldn't be alone, because
12 they're not always experts in all of these
13 areas. So I just want to make sure that --
14 I think that -- I don't -- I just want to
15 capture that as my biggest takeaway on this,
16 because, you know, blasting is predictable.

17 And I actually took a look at this.
18 I'm not a blaster. Maybe the blaster guy is
19 going to answer some questions. I don't
20 have them. But I looked at the blasting
21 vibration compared to state limits. And I'm
22 not saying that you're not feeling it. I
23 feel it when I'm in a house, especially on a
24 cloudy day. I can feel it, it sounded like
25 rocks stomping together, what was that. So

1 I know that you can feel it. Okay?

2 But there's a process of knowing if
3 there's damage or if there's some, you know,
4 consequence of blasting. But at the limits
5 that they are -- and this is, you know,
6 hardwired, they have equipment and they
7 can't tamper with it, of measuring the
8 blasting vibration. But this is like their
9 average blasting vibration at the New London
10 quarry, and this was from 2019 to May of
11 2024. So it's not every single, you know,
12 year, but this is the comparison to the
13 blasting vibration limit, which doesn't
14 equate to how you feel it, because I can
15 feel my cell phone vibrating in the next
16 room. But, you know, you do have vibration,
17 and there's a guy, the blaster here is
18 licensed.

19 So I just want to, you know, make
20 sure that there's systems in place, no
21 matter what, if there's a permit or not a
22 permit, that we have this process for
23 managing it, you know, and understanding
24 what that is.

25 So the other questions that came up,

1 I -- the 840. Okay. Elevation and
2 reclamation, that might be better -- from
3 the reclamation, like when is reclamation
4 gonna happen? Okay. Well, it's usually
5 based on demand. If we're still using the
6 quarry, it's still being operated, okay, and
7 there's more than one business that's
8 functioning in there, based on my
9 understanding.

10 But here's the entrance drive, it's
11 an elevation of 840 right here, and the
12 reclamation -- did I print that one here?
13 Did I print that one? The reclamation --
14 the baseline excavation for this area is 840
15 as well. So they drive in here and it will
16 be the bottom of the quarry here. So they
17 are still extracting around the perimeter of
18 what's, you know, allowed, and to those
19 elevations. And if you want more specific
20 information, you know, I guess that's going
21 to be, you know, more specific questions on
22 how that goes. Am I answering that --
23 anything else you guys want to add?

24 MR. KRUMENACHER: Well, I can add.
25 Mark Krume nacher, K-R-U-M-E-N-A-C-H-E-R.

1 I'm also a geologist, hydrogeologist, about
2 40 years experience. And what I'll add to
3 the comment on elevation is you can go to
4 the county website, the county GIS, they
5 have one-foot elevation contours, so you can
6 see all the elevations you want on that
7 property. I mean, that's the way to go.

8 The entrance, actually the actual
9 entrance off of 45 when you turn into the
10 driveway is elevation 825. The lowest part
11 of the quarry is about 838, 840. So that
12 entrance is not mined, and it's lower than
13 the deepest part of the quarry, because
14 they're obviously mining a big hill, so...
15 And I can respond to more comments when
16 you're done.

17 MS. COURTER: Oh, go ahead.

18 MR. KRUMENACHER: Are you done?

19 MS. COURTER: Yeah, I'm done.

20 MR. KRUMENACHER: So as I said, I
21 have 40 years experience as a geologist. My
22 career the last 20, 25 years has been really
23 with non-metallic mining all over the
24 country, other parts of the world. I've
25 addressed every single issue imaginable at a

1 quarry. I help the mining companies address
2 the issues that folks like you bring up. So
3 much so, I've done so much of it, I've given
4 50 technical presentations in the last 10,
5 12 years, mostly to stakeholder groups, on
6 how to do things right. I've written
7 multiple papers, I've even written a book on
8 it, and --

9 So some of the things I've heard
10 tonight repeatedly, one is the concept of
11 the expansion that they're proposing here
12 and the concept of a second quarry. It's
13 not a second quarry. The quarry has been
14 expanding since prior to 1938. It started
15 in the northwest corner, and it's expanded
16 east and it's expanded south. On the county
17 GIS website, there are historical area
18 photographs, and the oldest one is 1938.
19 The quarry is here. I'm pretty sure every
20 single person in this room bought their
21 house, moved in here, after that quarry was
22 in there.

23 So hearing all the concerns about the
24 effects of quarrying on your life and as you
25 feel them and see them and hear them, they

1 were all here before you moved here. So
2 you've got to recognize that. I mean, they
3 need to recognize that, like MCC needs to
4 recognize it.

5 So the quarry has been expanding east
6 and it's been expanding south. The expansion
7 is just adding the real estate to that
8 property ownership so they can continue to
9 expand east and expand south to within
10 whatever that setback is from Givens Road.
11 So it's not a big jump, now it's a
12 hundred-acre new quarry; it's 20, 30 feet at
13 a time, like it has been since the '60s when
14 they took over. So the quarry started in
15 the '30s, but MCC has been mining it since
16 the '60s, slowly expanding it to the east
17 and the south. That's just going to
18 continue.

19 And everybody here needs that rock.
20 There's comments on the comprehensive land
21 use plan, what the citizens want. I've read
22 dozens -- dozens -- of comprehensive land
23 use plans. They all read exactly the same.
24 But they all also, most of them, will
25 recognize the importance of recognizing the

1 value of the natural resources. Not just
2 the bugs and bunny natural resources, the
3 wetlands, the streams, the forests, the
4 farmland, but the construction aggregate
5 that's available to make it possible for
6 everybody to, as somebody said, drive to the
7 industries that are in another area. It's
8 okay to build the industry somewhere else,
9 just not in my backyard, but we want to be
10 able to drive there. Well, you gotta drive
11 there on roads, you gotta drive there on
12 safe roads, and you want to drive there on
13 roads that don't have potholes. You want
14 good concrete. This stone is good concrete.

15 The reason that ridge is there, as
16 you all see it coming up 45, the reason they
17 call that rock ledge road, is because that
18 road is so hard, even the glaciers that were
19 a mile thick came plowing through here,
20 couldn't knock it down. And when the
21 glaciers melted, that rock stood behind.
22 And so now this ridge is there, a very hard,
23 good rock that's available. It's a very
24 valuable resource that is important to this
25 community. Absolutely important to this

1 community. That why they're mining it
2 there.

3 You can't -- it's easy for somebody
4 that lives across the street to say go
5 somewhere else. There is nowhere else.
6 This rock is harder and harder and harder to
7 find, good-quality rock. It's here. It's
8 sticking up out of the ground. It's a
9 blessing. You gotta use it, and -- you
10 know, it's just the way it is. Somebody
11 opened up the door, at least for me, when
12 they said you need to face reality. Right?

13 Even in the book that I wrote, I
14 commented that we need to change the
15 curriculum at our grade schools from the
16 three Rs to the four Rs, because only half
17 the people in here know what the three Rs
18 are. Right? Reading, writing, arithmetic.
19 And we need that realty as the fourth R, so
20 people can realize, kids can realize, where
21 things come from. Where does concrete come
22 from, where does asphalt come from, where
23 does the garbage really go when we put it in
24 the garbage can and take it down to the end
25 of the driveway and the next day it's gone?

1 Where does it go? Kids don't know that, and
2 we need to be teaching this kind of reality.

3 Why do they mine the rock there?

4 Because it's there. And ideally, and in
5 this case is the classic example, the quarry
6 was opened in the middle of nowhere. That's
7 where they opened it in 1930s. Out of the
8 city. They didn't open it right on the edge
9 of town, they opened it out of town, because
10 nobody wants a mine in their backyard.

11 So what happened over the years?

12 People moved to the mine. And you can see
13 that repeatedly everywhere. It got so bad
14 in Chicago that the open-pit mines couldn't
15 mine any further because they're surrounded
16 by McMansions, so they had to go underground
17 and mine the rock that's even deeper. And
18 now, kind of thanks to the recent pandemic
19 and people realizing they can work from
20 anywhere, they can work from home, they
21 don't have to drive to an office, they can
22 stay at home and not have to drive into the
23 big city, then they hear the noises that are
24 in the neighborhood, they hear the quarry,
25 they hear that highway's loud all day, isn't

1 it? I didn't know that airplane had so many
2 -- or airport had so many planes during the
3 day.

4 But they also realize -- people are
5 also realizing they can buy houses further
6 away, in the middle of nowhere, on that --
7 on that back road and in that little bit of
8 forest that they didn't realize is actually
9 a hill of rock, and it's harder and harder
10 for us to find land to mine rock or sand and
11 gravel that is away from all the people,
12 because the people are now moving further
13 and further out to the middle of nowhere.

14 And Elon Musk, with this Starlink
15 thing, has permits to put 29,000 satellites
16 around the planet to give every person on
17 the entire planet broadband capability, so
18 we can call and text and surf the web and do
19 TikToks anyplace on this planet, which makes
20 the -- eliminates the middle of nowhere,
21 which means it's going to be impossible to
22 open a mine.

23 So as hard as it is for this group
24 to get a permit to expand the almost
25 100-year-old mine, as hard as it is, and to

1 open a new mine in the middle of nowhere,
2 it's never going to be easier, and it's
3 never going to be easier than where the rock
4 is, where the rock has been mined for a
5 hundred years. It only makes sense to do it
6 here.

7 I think that should answer almost all
8 the -- one question on reclamation. When is
9 it gonna happen? Reclamation's going to
10 happen when it's appropriate. As the quarry
11 does expand east and expands south, it does
12 give the quarry operator breathing room.
13 When the quarry first opens up, they have to
14 make the stockpiles relatively small, they
15 have to make it tight, they have to work in
16 a tight spot. As the quarry gets bigger,
17 they have room to relax. It's safer to have
18 the piles a little further apart, it's safer
19 for sorting, it just makes it more usable as
20 a quarry.

21 They have to pay a fee, a reclamation
22 financial assurance fee for every acre they
23 have open. They have to assure the county
24 that they have the funds to do the
25 reclamation. It's in their best interest to

1 keep that open acreage as small as possible,
2 and they know that, but they keep it in --
3 they have to do what they have to do. So
4 that's when reclamation happens. But
5 ultimately, in the end, it's going to be
6 done.

7 And I think we've addressed all the
8 comments.

9 MS. SWEENEY: Just two comments we
10 didn't address. There was a question about
11 this residential area. So everybody says,
12 you know, there's problems here with
13 everything else. The residential area on
14 this side of the road doesn't make a whole
15 lot of sense. And the reason that we want
16 to change that is we want to put a buffer
17 there, so that we have a buffer along Givens
18 Road there, so -- and we want to continue
19 that to make a nice buffer to make an area
20 of it. So having that residential doesn't
21 make a lot of sense. From our point of
22 view, we want to have that buffer on it.
23 And that's where we're coming from regarding
24 that request.

25 I thought -- I thought Matt did a

1 good job of explaining the nonconforming use
2 earlier, but that's not -- this whole pit is
3 a nonconforming use pit. It was -- it
4 started in the '30s, before there was any
5 zoning regulations whatsoever. The new
6 laws, I'm not sure we need a permit at this
7 stage. That's something that we probably --
8 we're trying to work with the Town.

9 But if we don't get anything, we'll
10 try to -- we're going to take the position
11 that this is -- that this area here is a
12 nonconforming use site as well, and we will
13 go that direction. So, I mean, from -- but
14 that's not what we want to do. We want to
15 work with people. We want to have the
16 nonconforming -- we want to get a
17 conditional use permit.

18 People talked about hours of
19 operation, they talked about things that can
20 make everybody's life easier. We're open to
21 that -- those discussions to make sure that
22 everybody -- we minimize the impact on the
23 residents. That's our goal. Our goal is
24 not to make everybody's life miserable here.
25 We think we can operate this in a manner

1 that everybody can get along. But that's
2 where we're coming from.

3 But the -- I just wanted to address
4 the nonconforming use, Matt, I thought you
5 handled that, but just to highlight that.

6 MR. PARMENTIER: All right. Anything
7 more from the -- yeah? Michelle's got one.

8 (Inaudible discussion.)

9 MS. SWEENEY: Yeah. She pointed --
10 Michelle pointed out the reason we don't
11 have, you know, a conditional use permit now
12 is it's a grandfathered site. It's that
13 simple. It's that simple.

14 MR. PARMENTIER: I'm going to read
15 through my list of questions.

16 MS. SWEENEY: We have one more
17 comment.

18 UNIDENTIFIED SPEAKER: They didn't
19 answer my question.

20 MR. PARMENTIER: Yeah, I'm going to
21 read through the list of questions, because
22 I do want to make sure that all the questions
23 that got asked get answered. I don't want
24 to open it up to new ones.

25 MR. VANDE HEI: My name is Todd

1 Vande Hei. I am the current president of
2 Black Creek Limestone. One of the questions
3 Mr. Manion brought forth was he had
4 contacted me, myself, Todd Vande Hei, and
5 personally knows me. I'd like, for the
6 record, to state I have never met Mr. Manion.
7 Today's the first day I've ever saw [sic]
8 his face.

9 MR. MANION: I was going to go in
10 business with you on a sand mine and I
11 decided --

12 MR. VANDE HEI: You're talking about
13 Todd Brockman, not Todd Vande Hei.

14 MR. MANION: No. You were there with
15 Todd Brockman. I met you in person.

16 MR. VANDE HEI: But I'd like to, for
17 the record, state that. He did send an
18 email to me about doing a tour of the pit.

19 And if I could invoke Mike Funk, who
20 is our safety director, the reasons why we
21 don't do all of those is because there are
22 things with MSHA and OSHA, the requirements
23 that we have to do in pits, that I just
24 can't take someone around and do, you know,
25 things and that. We are glad to -- we have

1 board members, if they want to make an
2 appointment or something, we're glad to do
3 that stuff, but I can't -- because of some
4 of the regulations, I have to be certified
5 myself just to go into the quarries and get
6 out of my vehicle. So some of that is
7 addressed with that.

8 I'd like to make another -- answer to
9 Mr. Viaene, because he had made a comment
10 about his concerns. In one of these -- we
11 brought in Mr. Viaene, I think in 2022, in
12 one of the parcels that we're trying to get
13 rezoned. So, I mean, there was known, I
14 believe, I think you do, I may be wrong,
15 that we were looking to do expansion at that
16 point with some of that property. So I
17 mean --

18 UNIDENTIFIED SPEAKER: I can comment
19 on that when he's done.

20 MR. VANDE HEI: And I'm not saying
21 you did or nothing. I'm -- all I'm saying
22 is that was -- you know, that's what the
23 property was intended for at that point. So
24 I guess that's just my comment I'd like to
25 make on that.

1 There was one other question. There
2 was a comment about the wildlife in the
3 area. I used to hunt. I don't hunt
4 anymore. There is wildlife in these places
5 that continue. You see deer sitting on the
6 berms all day long, you see -- you know,
7 the ponds that we have in the quarries are
8 loaded with geese and ducks, so it's not a
9 dead land, like some people think. I mean,
10 it's a different -- we have people that ask
11 to lease to the properties for hunting
12 purposes. So there are wildlife advantages
13 there, that -- if people are getting the
14 understanding that this is abandoned land,
15 it's not exactly that case. So thank you.

16 MR. PARMENTIER: Anything more from
17 MCC folks?

18 MS. SWEENEY: No. We're good.

19 MR. PARMENTIER: Okay. Here's what I
20 am going to do. I'm going to read through
21 my list of questions to make sure that
22 they've all been answered. If there are --
23 if you think that -- if anyone thinks that I
24 missed their question that you already
25 asked, I want to make sure it's answered.

1 But I don't want to open it up to new
2 questions or comments, because that part's
3 done. So let me run through these, and bear
4 with me while I do this.

5 So the first question I have marked
6 down, I think you responded to it, but how
7 much of the quarry has been quarried to the
8 800 feet or the 840 feet. Backing up, I
9 think you talked about that.

10 Next one I marked down, when does
11 reclamation start on the existing quarry,
12 and a related question which was something
13 to the effect that if MCC is still taking
14 materials out of the existing quarry, why is
15 it necessary to do any expansion now. I
16 don't know if you talked specifically about
17 that, but that was one that I had.

18 There was a question about the quarry
19 overlay and how it compares to the expansion
20 parcels. It's on some of the zoning maps
21 and the comprehensive plan maps, which we
22 can show you. I couldn't tell you
23 specifically right now, but we can get you
24 that. In fact, if you stick around, I think
25 they're on the iPad here.

1 The timeline for reclamation was the
2 other thing I had jotted down. I think you
3 guys talked about that, but if you have more
4 to say.

5 And that's the last one that I had
6 marked down. If anyone thinks that they had
7 a question that they previously asked that
8 hasn't been answered, we can talk about it,
9 because I want to make sure those get
10 answered. I don't want to open it back up
11 to more comments, because things can kind of
12 spiral from there. But anything that didn't
13 get answered?

14 MR. MANION: Can I respond, since my
15 name was mentioned?

16 MR. PARMENTIER: I don't want to go --

17 MR. MANION: No, no, but I think it
18 lends to the credibility of MCC and their
19 goodwill towards the community.

20 You know, that was a good public
21 relations speech about geology, but I have
22 emails from Todd Vande Hei when I was going
23 to buy a property, the Dennison property,
24 which was a sand mine, and I decided not to
25 be in that business. Todd -- I offered it

1 to MCC to buy it. Todd sent me an email and
2 said we're going to pass on purchasing it,
3 but we would love to be the operator and
4 process the material.

5 So credibility goes to those who are
6 truthful. And in this case, this -- maybe
7 his memory fails him, but all of this is
8 just public-relation speeches about why this
9 is so good for the community. I think we've
10 spoken as a community. And like, you know,
11 Dave and others have said, the board
12 represents the people. And my question, my
13 very simple question of when are you going
14 to start reclamation if you're at 840 was
15 talked all around, but it wasn't addressed
16 and it was not answered.

17 MR. PARMENTIER: You guys, I don't
18 want to get into --

19 MR. MANION: No, that's all I have to
20 say.

21 MR. VANDE HEI: Can I at least just
22 respond to --

23 MR. PARMENTIER: You guys can talk --

24 MR. VANDE HEI: I'm not going to
25 create any -- I would just like to say to

1 Mr. Manion, if that is the case, I'll be
2 the first one to stand up and tell you -- I
3 -- my memory is not good. But if that is
4 the case, I'll be the first one to admit it
5 and tell you. My knowledge and my
6 recollection --

7 MR. MANION: Doesn't matter.

8 MR. PARMENTIER: Yeah, I don't want
9 to keep it -- that's not --

10 MR. SWEENEY: Reclamation's going to
11 happen when it's appropriate based upon the
12 operation plan of the mine, and it has to be
13 when you have enough room for your stockpiles
14 to operate. You take materials into a mine
15 so you have -- sometimes they sell these
16 holes in the ground for more money at the
17 end, because you need materials in order to
18 dispose of them. So it will happen when
19 it's ready from an operational point of view.

20 MR. PARMENTIER: All right. With
21 that -- anything more from MCC? Okay.

22 MS. NEUENFELDT: I just had -- I had
23 one question.

24 MR. PARMENTIER: Okay.

25 MS. NEUENFELDT: Were you -- at one

1 point -- because I know you were talking
2 about the materials staying within the
3 community. Right? That's correct?

4 MS. COURTER: They're within that
5 circle there. They're not like being
6 shipped to Milwaukee or Chicago.

7 MS. NEUENFELDT: Because weren't you
8 shipping sand out for fracking, earlier, to
9 the Dakotas? Or am I --

10 MR. CARPENTER: We were actually
11 shipping it to Readfield. John Carpenter.

12 UNIDENTIFIED SPEAKER: Then where'd
13 it go from Readfield?

14 MS. NEUENFELDT: But I mean, they
15 weren't fracking in Readfield.

16 MR. CARPENTER: We sold it to
17 somebody. We stockpiled in Readfield and
18 they put it on a train and hauled it out.
19 So, yeah, they didn't --

20 MS. NEUENFELDT: Okay. That's all.

21 MS. COURTER: Yeah, and I'm not sure
22 that they're doing that. So that's not --

23 MS. NEUENFELDT: No, I just -- no, I
24 mean that -- I just had -- I just was kind
25 of surprised --

1 MS. SWEENEY: I can address that.
2 The money from the operation, your
3 transportation costs and your trucking
4 costs, are substantial. So the further you
5 haul this material outside of it, the more
6 money you have to pay for trucking on it.
7 So when you have a quarry close to this
8 area, it provides a relatively inexpensive
9 cost instead of having to pay large trucking
10 costs.

11 MS. NEUENFELDT: Sure.

12 MS. SWEENEY: There's some areas of
13 the country where you might be trucking 50
14 miles from some of your aggregate.

15 MS. NEUENFELDT: Sure.

16 MR. SWEENEY: We don't have to here.
17 We have a good source of material that's
18 close to the residents here.

19 MS. NEUENFELDT: Sure.

20 MS. COURTER: So I'd just add that,
21 if I may, that, you know, I think Highway 15
22 is a road that everybody is, you know,
23 using, and welcoming with the better access,
24 but most of that material came out of the
25 New London quarry because it was closest to

1 the project. So if there's a big project in
2 Green Bay, this material is not going up to
3 Green Bay, because it won't be the closest
4 quarry for that project. I guess that --
5 because transportation's the biggest cost.

6 And I think, you know, especially
7 because it's cyclical, when you have a lot
8 of projects close to home, you're going to
9 see more activity at the quarry than some
10 other years, you don't know that it's, you
11 know, a quarry at all, because we don't have
12 that volume happening. And so it's, again,
13 market conditions, the ups and downs, and it
14 does relate to reclamation as well.

15 MR. PARMENTIER: Shifting up to up
16 here now. Board members, we're not at a
17 point to decide anything. It's not even on
18 the agenda. But if you have, at this point,
19 specific questions about things that you
20 heard that you need clarification on, you
21 can ask. If you feel like you need to
22 digest it first or you don't have any
23 questions, then don't ask any questions.
24 You'll have an opportunity at the next
25 meeting to do that.

1 So anything more from anybody up here
2 in terms of what you heard that you need
3 clarification on, or do you feel like you've
4 heard what you need?

5 (Brief discussion off the record.)

6 MR. PARMENTIER: Other questions up
7 here on anything? Otherwise, I can talk
8 about what we do now.

9 MR. HAMBLIN: I do have a question.

10 MR. PARMENTIER: Yes, sir.

11 MR. HAMBLIN: This is for MCC. And
12 this is in regards to the percussions of
13 blasting that the residents are feeling.
14 You had shown a slide up there, one of your
15 things, showing the peak particle velocity,
16 I believe it was called, that you're well
17 below state standards. I think standard is
18 2 and you guys were .19? I could see it
19 very well because of my glasses.

20 MS. COURTER: Yeah it's also in our
21 application. I just thought the graph would
22 be easier to see, but we do have our --

23 MS. SWEENEY: We have our blaster
24 here that might be able to address it.

25 MR. HAMBLIN: Yeah, I'm looking for

1 someone who can talk a little bit more about
2 what peak particle velocity is and why that
3 matters, and more importantly, if it's so
4 low, why are they still feeling such a
5 blast? So there's got to be some science
6 behind that you can share with everybody.

7 MR. KONKLE: Yep, I'll try my best.
8 Garrett with MCC. Yeah, blasting. So,
9 sorry for making some people upset. But to
10 answer your question about peak particle --
11 peak particle velocity is basically the
12 displacement of the vibration going through
13 the earth, essentially.

14 And as far -- I don't really want to
15 get -- it can get kind of confusing, because
16 you talked about frequencies and
17 non-frequencies. I guess one good thing --
18 or not just one good thing, but one good
19 thing to point out is why people are feeling
20 it from far away? It is because those
21 frequencies are less, hence earthquakes,
22 they have very, very low frequencies.
23 That's why you just feel them more.

24 I guess one thing I should note is
25 any time there is a concern from a neighbor,

1 I like to be proactive and I address it. I
2 contact a gentleman called Dave Friesen, he
3 is from the Department of Safety and
4 Professional Service. He's basically a
5 state inspector. He's basically in charge
6 of all us blasters in this state.

7 I contacted him about some concerns
8 of some of the neighbors. I gave him all
9 the information he needed, seismographic
10 reports, GPS coordinates from where we're
11 blasting, where the houses are. He told me
12 that I am doing everything properly to --

13 But that being said, I have reduced
14 the amount of holes that we do in a blast, I
15 put less explosives in them, we've switched
16 to different caps. That costs MCC more
17 money, but the neighbors can feel it less.
18 So I'm kind of rambling. Is there any
19 other --

20 MR. HAMBLIN: No, no, you're not
21 rambling at all. This is good information.
22 I'm happy to hear that kind of stuff.

23 UNIDENTIFIED SPEAKER: It seems more
24 intense. I don't know --

25 MR. KONKLE: It could be the --

1 there's a lot of other variables to it --
2 location, where we're --

3 (Inaudible discussions.)

4 MR. KONKLE: In some instances we are
5 getting a little closer, so I also try to
6 change the direction of the blast, because
7 that can dictate who feels it or what part
8 of the quarry we're in.

9 MR. FUNK: I'm going to jump in to
10 help. My name's Mike Funk. I'm the
11 director of compliance and safety. So it's
12 my job to work with the public if you call
13 in and complain. We've tried to work with
14 the public to set up -- Garret puts his
15 people, with your permission, to set up in
16 your yard, there's a certain way to set up
17 the seismograph so we that can read it.
18 It's the direction.

19 There are different factors -- this
20 is where I'm going to lean on him to help --
21 but there are different factors; the air
22 blast, cloud cover, wind direction, all
23 these different things feed into how you
24 feel it where you live, and it's different
25 from blast to blast.

1 But Garret mentioned about changing
2 the amounts, depths of the holes, less
3 holes, are things that we've tried to do to
4 lessen the impact on the neighbors.

5 MR. KONKLE: Yep.

6 MR. FUNK: So I've worked with a
7 couple of you, we've provided reports. If
8 you want to see them, I think Garrett brought
9 a couple along.

10 MR. KONKLE: I did, yep.

11 MR. FUNK: We can provide them to the
12 Town. More or less what it is is proof for
13 us to show you that we are doing our best to
14 stay under the limits, like the graph that
15 Sue showed you in general, but these are
16 specific to each blast, there's a minimum
17 of two seismographs set up, different
18 distances, different angles. But those are
19 the things that we try and do; one, to
20 protect us, and, one, to let you know as
21 residents, you know, that we're doing what
22 we say. We're trying.

23 And in our -- in our history, we've
24 never broken the rules. That's what
25 Mr. Friesen, Dave Friesen, you know, he's

1 from the state, watches us very closely to
2 make sure we're following those rules. You
3 know, that's where we get a pat on the back.
4 I should say Garret gets it, but that as a
5 company we pride ourselves in beating those
6 rules and staying under those levels.

7 So I don't know if that helps. We
8 are open to offering that service to people
9 that are in the area. Obviously, the closer
10 you are, I think the more you're going to
11 see the readings, compared to the distance
12 farther out. But we'll offer that. We
13 can't do everybody at once. I think we
14 have --

15 MR. KONKLE: We have two. So
16 legally, by the state rules, I have to set
17 one up to the closest inhabited building.
18 But we do have two, so that's where if
19 somebody requests one that is not the
20 closest, we set up there. And it's noted
21 that the seismographs that we have, they are
22 a legal document. I cannot -- once that
23 reading goes off, I can't change nothing on
24 that paperwork on that handout. That's --

25 MR. FUNK: We can't doctor them. The

1 machines are calibrated be a third party
2 every year to protect us. Again, it's a
3 legal way to make sure that we are covered
4 as a company to stay within the rules. And
5 we pride ourselves on that. We always have.

6 MR. PARMENTIER: Do you have more
7 questions? I don't want to open it. I'm
8 sure that MCC folks would stick around if
9 you have questions for them outside of
10 the --

11 MS. McHUGH: It might be something
12 that everyone wants to hear, though.

13 MR. HAMBLIN: I just have one more
14 question, if that's okay?

15 MR. PARMENTIER: Yeah.

16 MR. HAMBLIN: You mentioned service,
17 and I think that's valuable, and having the
18 seismograph offered to residents who request
19 it. Do you also offer service where you
20 guys give advanced warning prior to it
21 happening?

22 MR. FUNK: Yes, we do.

23 MR. DOYLE: Hello. My name's Keith
24 Doyle. I'm the property manager. I do
25 have a couple people that I do send out

1 notifications to. If anybody else would
2 like to be notified, just let me know, I can
3 give you a heads up. I usually do it the
4 day before, so -- and it's usually a text
5 message. Or if you'd like an email, that's
6 fine too, but, yeah, I work with --

7 MR. FUNK: So we do it for various
8 reasons. Some people ask us to do
9 notifications 30 minutes before because they
10 have animals that they want to move in or
11 out, depending on the situation. We've
12 worked with all the municipalities in
13 offering this service. If you want to be on
14 it, and there it's just simply asking you
15 what you -- how you want to be notified so
16 that you get a timely notification.

17 MR. PARMENTIER: Do you have a report
18 that you referred to that you want in our
19 pile here? You guys can decide this, but
20 since you referred to something.

21 MR. FUNK: Yes. Yes, we do. We'll
22 bring them up.

23 MR. PARMENTIER: Okay.

24 MR. CLARK: I forgot to ask. Can I
25 just --

1 MR. PARMENTIER: You guys --

2 MR. HAMBLIN: This is the last one.
3 Go ahead. State your name again.

4 MR. CLARK: Ryan Clark. I -- so Mike
5 has been working with me on some of these
6 seismographs in two -- twenty thousand
7 twenty-four -- 2024. One of the questions I
8 would like to ask, I guess, and not to use
9 your data against you or anything, but --

10 MR. FUNK: No.

11 MR. CLARK: -- you know, if guys have
12 some seismic data, because I know that the
13 average that Ms. Susie showed on the average
14 was 2019 to I think 2024, right? So that's
15 a big span. But I don't have any
16 seismographs that go back that far. Do you
17 guys have that data that --

18 MR. FUNK: Yes.

19 MR. CLARK: -- you could provide us
20 the graphs for those?

21 MR. FUNK: Between Keith and Garret,
22 everything is kept indefinitely pretty much.

23 MR. KONKLE: So, yeah, legally I'm
24 supposed to keep them -- state standard's
25 for five years, but we keep them longer.

1 MR. CLARK: Right. Because some of
2 the data I received was a lot of zeros that
3 knock that percentage down, and I have some
4 questions on that. But I think the graphs
5 would help.

6 MR. KONKLE: It could be just
7 location of the cord to the correlation --

8 MR. CLARK: Zeroes brings down
9 everything, so I'm just pointing that out.
10 But I think if we look at 2024, I would like
11 to see more of the average of that and in
12 comparison to what's relevant more or less
13 to this expansion, if I could.

14 MR. FUNK: And I think we can work
15 with Sue to get that information.

16 MR. HAMBLIN: All right.

17 MR. PARMENTIER: Back up here.

18 MR. HAMBLIN: Yep.

19 MR. PARMENTIER: Other clarifying
20 questions from you guys or should we talk
21 next steps?

22 MR. HAMBLIN: I think next steps.

23 MR. CLEGG: Next steps.

24 MR. PARMENTIER: So we have the
25 record here. I'm curious. This is a

1 question for you, Lyn. If we scan that all
2 in, is it -- are we able to get that on the
3 website so that everybody--

4 MS. NEUENFELDT: Yeah.

5 MR. PARMENTIER: -- has the ability
6 to see that?

7 MS. NEUENFELDT: Yeah.

8 MR. PARMENTIER: Okay. So --

9 MS. NEUENFELDT: And as a note about
10 the comprehensive plan, I scanned that and
11 it's now currently up in PDF form on -- I'm
12 working on getting it compressed so it's
13 easier with our internet access to download
14 it, but it is available on the website now.

15 MR. PARMENTIER: So this and the
16 transcript are our official record now, that
17 we're going to use -- be using to make the
18 decision. We've done --

19 UNIDENTIFIED SPEAKER: Can we add
20 anything to that then? Like if MCC is making
21 comments after we make public comments, can
22 we respond to any of their comments, like
23 can we email the board or the --

24 MR. HAMBLIN: So your question is if
25 you want to add additional comments after

1 this meeting, do you want that part of the
2 official transcript?

3 UNIDENTIFIED SPEAKER: Or can we --
4 we've asked to make some comments, and
5 you've said, okay, like that time is done,
6 but they've been -- MCC's been able to make
7 comments. So like do we have the --

8 MR. HAMBLIN: The meeting's -- this
9 is just the open meeting. There's going to
10 be additional meetings that -- where the plan
11 commission and the board will deliberate.

12 UNIDENTIFIED SPEAKER: I know, but
13 you're making your decision based on the
14 open record, right?

15 MR. PARMENTIER: So this is what he's
16 getting at, and here's an answer: It's up
17 to them, not me, but if we wish, we can keep
18 the record open for a period of time.
19 Right? So if you have something else that
20 you want to submit that you didn't tonight,
21 a comment or something, rather than a bunch
22 of back-and-forth now, you guys could set a
23 period of time, five days, 10 days, a week,
24 whatever it is -- you guys pick -- where if
25 you wish to submit something else to the

1 record, you can do that, we'll make it part
2 of our record. When we meet again, we'll
3 tell you -- everybody what it is, and then
4 we'll put it up on the website if that ever
5 happens. So if you guys want to make that
6 available to people, you could do that.

7 MR. CLEGG: Yeah, we can. Is five
8 days enough?

9 MS. NEUENFELDT: I think -- can I
10 ask -- and this is a personal -- just
11 because I know it's really hard with
12 internet and email, I also would be willing
13 to set a day that if you have something that
14 you personally want to bring me, I can
15 either be here or be -- set a period of time
16 that people are able to bring materials to
17 me or do that. Is -- I don't know if that
18 would be helpful or not, but sometimes
19 emails get lost, or if there's more material
20 to be able to download, or just from a
21 technology point of view. I just want to be
22 available so that you can get the materials
23 that you want entered into the record into
24 the record.

25 MR. RUFENACHT: For me personally,

1 it's just comments. Hans Rufenacht.

2 MR. PARMENTIER: So what do we think
3 for a time period?

4 MR. HAMBLIN: I would think through
5 next Monday would be --

6 MS. NEUENFELDT: Or a week.

7 MR. HAMBLIN: -- fair enough. Yeah.

8 MS. NEUENFELDT: Yeah.

9 MR. HAMBLIN: Yeah. I'd rather
10 encourage more than discourage communication.

11 MR. PARMENTIER: Okay. So we will
12 keep the record open until the end of the
13 day on Monday. If you want to submit
14 anything -- Lyn, what's the best way for
15 them to -- is there an email?

16 MS. NEUENFELDT: So the email, which
17 is at clerk@town. My cell phone number is
18 920-216-0932. If you need to physically
19 drop something to me, you can call me on
20 that number and I will make myself available
21 to collect it from you.

22 MR. PARMENTIER: All right. So is
23 there a question just about the mechanics?

24 MS. PAPESH: No, it's a question that
25 just popped into my head that nobody else

1 raised.

2 MR. PARMENTIER: About the quarry?

3 MS. PAPESH: Yes.

4 MR. PARMENTIER: Send it in a -- send
5 it this way. Email it to Lyn or whatever it
6 might be. So --

7 MS. NEUENFELDT: It'll be added to
8 the next meeting.

9 MS. PAPESH: It's something that they
10 might be interested in hearing, actually.
11 I'm just wondering -- it's only going to
12 take me a minute. I'm not going to take the
13 floor for 15 minutes. But I've lived on our
14 property for 50 years, and it seems like the
15 last 10 years things have increased
16 dramatically. I'm interested in knowing
17 what the history is, like how much of the
18 current mine has been used over a period of
19 time; in other words, you know, did 50
20 percent of the mine get used in the last 15
21 years, or how many blasts occurred
22 initially, compared to the last five years?
23 Just as an example. I think that could be
24 some real interesting information.

25 MR. HAMBLIN: Good. Thank you. What

1 was your name?

2 MS. PAPESH: Judy Papesh.

3 MR. PARMENTIER: All right. I'll
4 mark that down.

5 MR. HAMBLIN: Thank you.

6 MR. PARMENTIER: So again, just so
7 everybody's on the same page. Record is
8 here. End of Monday if you want to submit
9 anything -- a comment, a document, a report,
10 whatever it is that you wish -- submit it by
11 the end of Monday. After that, the record
12 is closed. Anything that comes in is too
13 late at that point, so make sure you get it
14 in. Then we'll put everything online, if
15 that's doable, so that everybody sees this
16 is the final set of everything. Okay? And
17 then that's the official record.

18 The board and plan commission will
19 then need to schedule a meeting to start the
20 process of sifting through all of this and
21 making a decision. It's going to take some
22 time. We're going to wait to get the
23 transcript -- we're going to wait for the
24 transcript, we're going to wait for the
25 record to close, you're going to need time

1 to look through all of this stuff, review
2 the transcript, make sure you have a good
3 feel for it, and only then should we meet
4 once you guys have had a chance to do all
5 that stuff.

6 We could either pick a date right
7 now, since we're all here, a target date to
8 shoot for for that next meeting, or wait and
9 see what comes in then decide based on what
10 we end up with. Do you guys have a
11 preference?

12 MR. CLEGG: No Tuesdays.

13 MS. NEUENFELDT: I think we need to
14 wait --

15 MR. PARMENTIER: Wait and see.

16 MS. NEUENFELDT: -- to get through
17 the -- yeah.

18 MR. PARMENTIER: Okay. Lyn's
19 suggestion is we wait and see what we end up
20 with for a record, so we know what we're
21 dealing with. Does that sound okay with
22 everybody up here?

23 MR. CLEGG: Because they can get
24 their information offline, you know, when
25 the meeting is.

1 MR. PARMENTIER: Ben, did you have
2 a - -

3 MR. HAMBLIN: Yeah, regarding a
4 scheduling, we have kind of a small election
5 coming up. I'm sure the clerk will be kind
6 of busy, so I would think that if we want to
7 schedule any meeting, it would be after
8 November 5th.

9 MR. PARMENTIER: Yeah, I mean, in my
10 mind, it's going to take just a month just
11 to wrestle with everything that's here, you
12 know, at a minimum, so that seems realistic
13 to me too. So maybe we digest everything,
14 let the record come in, and then we figure
15 it out.

16 MR. HAMBLIN: Okay.

17 MR. PARMENTIER: This is the public
18 hearing on all three things that require a
19 public hearing, so there will not be another
20 public hearing. That means there's no legal
21 notice that's required to go in the paper or
22 anything else. Officially all that we have
23 to do is post another meeting. Whether
24 there's more to do beyond that is up to you
25 guys to decide, but there's no more legal

1 notices, there's no more public hearings.
2 That's what tonight was.

3 So, you know, we can think about how
4 we get the word out on what the date is. So
5 if there's more housekeeping to talk about,
6 we can. Otherwise I think we've done what
7 we've set out to do tonight, which is take
8 everything in, and if you're comfortable,
9 then both bodies would separately make a
10 motion to adjourn.

11 MR. HAMBLIN: Okay. I'm looking for
12 a motion to adjourn from the plan commission
13 members.

14 MR. JORDAN: I move that we adjourn.

15 MR. HAMBLIN: I'll second that. All
16 in favor?

17 (All said aye.)

18 MR. CLEGG: I'll make a motion to
19 adjourn the meeting.

20 MS. WILLENKAMP: I'll second it.
21 Nancy Willenkamp.

22 MR. CLEGG: Motion was made and
23 seconded to adjourn. All in favor, say aye.

24 (All said aye.)

25 MR. CLEGG: Opposed? Carried.

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MR. PARMENTIER: All right. We're
adjourned.
(Proceedings adjourned at 8:33 p.m.)

- - - - -

CERTIFICATE

STATE OF WISCONSIN)
) ss.
COUNTY OF OUTAGAMIE)

I, Jennifer M. McLeod, hereby certify
that I reported the foregoing proceedings
on October 1st, 2024, and that the
transcript thereof was prepared by me, via
computer-aided transcription.

Dated this 17th day of October, 2024.

Jennifer M. McLeod
Court Reporter
Henes & Associates Reporting
Service, Inc.

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