

Town of Brooklyn, Green County, Wisconsin

Resolution in Opposition to Senate Bill 349

(pertaining to regulation of nonmetallic mining)

WHEREAS, electors in many towns including the Town of Brooklyn, Green County, have voted to adopt village powers to empower their boards to regulate activities related to public health, welfare and convenience of the public;

WHEREAS, in 2012 the Wisconsin Supreme Court upheld the right of towns to adopt regulatory requirements regulating nonmetallic mining and some towns have done so to protect public health and safety with regard to industrial frac sand extraction, processing and shipping;

WHEREAS, SB 349, introduced in the WI Legislature, prohibits towns from exercising "police powers" – type regulation other than zoning through ordinances adopted under village powers;

WHEREAS, the Town of Brooklyn, Green County is under county zoning;

WHEREAS, passage of the bill as drafted would render a town under county zoning virtually powerless to protect the public health and safety relative to industrial frac sand extraction and also to support the goals of its Comprehensive Plan;

WHEREAS, the language as drafted would also vest exclusive jurisdiction over air quality and water quantity and quality issues with the State relating to all types of activities, not just industrial frac sand extraction;

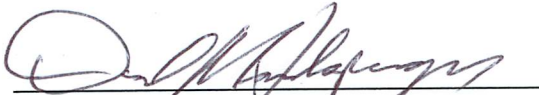
WHEREAS, SB 349 as drafted would also require any negotiated agreements for reimbursement to the town for heavy vehicle damage to the roads be based on an engineering study irrespective of the type of vehicle causing the damage without exception;

NOW THEREFORE IT BE RESOLVED by the Town of Brooklyn, Green County, Board of Supervisors that the Board opposes SB 349 which clearly and significantly diminishes local control and the time-tested tools to promote and protect public health and safety.

Adopted this 11th day of November, 2013.



James B. Scrivner, Town Chairman



Dan Meixelsperger, Town Clerk

Posted 11/16/2014