



Livestock Facility Siting Review Board

August 10, 2018 Minutes

Livestock Facility Siting Review Board Meeting
Department of Agriculture, Trade and Consumer Protection (DATCP)
2811 Agriculture Drive, Room 231
Madison, WI

CALL TO ORDER— Bob Topel, LFSRB Chair

The meeting was called to order by Chairman Bob Topel at 12:02 pm. Topel, Raymond Diederich, Lee Engelbrecht, Dr. Jerome Gaska, Scott Sand, and Bob Selk appeared by telephone. Attorney Cheryl Daniels, Richard Castelnovo, and Chris Clayton of DATCP were present. Others present included Attorney Venessa Wishart and John Holevoet.

Daniels confirmed that the meeting was publicly noticed as required. Daniels called roll, confirming that a quorum was present.

Gaska moved to approve the agenda as presented, seconded by Sand, and the motion carried.

The June 29, 2018 meeting minutes were presented for approval. Gaska made a motion to approve the minutes with a minor grammatical correction, seconded by Diederich, and the motion passed.

LEDGEVIEW FARMS V. TOWN OF LEDGEVIEW, NO. 18-LFRSB-02— Cheryl Daniels, Board Attorney

Daniels reported on a request for leave to file an amicus brief from the Wisconsin Towns Association (WTA) and the League of Wisconsin Municipalities (LWM). The board discussed its bylaws regarding amicus briefs, whether the submission meet its requirements in its bylaws, and the acceptance of amicus briefs in past cases.

Gaska made a motion to grant the request by the WTA and LWM for leave to file an amicus brief, seconded by Selk, and the motion passed, with an abstention from Engelbrecht.

Daniels reported on Ledgeview Farms submission of a position statement including attachments in excess of ten pages. DATCP staff confirmed that the documents attached to the position statement are already in the record of decision making submitted by the Town of Ledgeview.

Selk made a motion to remove the attachments from the applicant's position statement because they exceed the ten page limit and are included in the Town's record, seconded by Gaska, and the motion passed.

Clayton indicated that the Town's certified record exceeds 3,000 pages and includes four audio files. Also, he stated that DATCP has received 64 position statements from aggrieved persons in addition to those submitted by the Town and the applicant's attorney. Daniels also touch upon the complexity of the issues presented in this case.

The board discussed managing the case and agreed that scheduling multiple meetings is warranted. Daniels stated that the Board should consider an extension of time for the decision in this matter for good cause, specified in writing by the Board as required in Wis. Stat. s. 93.90(5)(c). Daniels confirmed that the Town of Ledgeview completed its submission of the record of decision making on August 9, 2018, and that as it stands the law requires a decision within 60 days of the receipt of the town's record.

The board agreed to schedule two meetings to arrive at a proposed decision – September 7th and October 12th. Also, the board agreed to hold open October 10th in case the board at its September meeting determines that an additional meeting is needed. Daniels indicated that staff will need time to write the proposed decision. The board scheduled a meeting on November 7th to finalize its decision.

Diederich made a motion to extend until November 30, 2018 the board’s time to make its decision for the good cause noted above, seconded by Gaska, and the motion passed. It is the Board’s understanding that the minutes of this meeting serve to meet the requirement that the board specify the extension in writing.

ADJOURN

Engelbrecht moved to adjourn the meeting, seconded by Selk, and the motion passed. The meeting ended at 12:41p.m.

Respectfully submitted,

Bob Selk, Secretary

Date

Recorder: CC

DRAFT