

Chad Pelishek

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Sent: Friday, May 29, 2026 2:40 PM
To: Chad Pelishek; Lynn Moen
Cc: Andrew Micheletti
Subject: Chapter 20

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Happy Friday, Chad.

I had the Chapter 20 research done since 5/14; I just forgot to send it to you.

To summarize, you already updated Chapter 20 to essentially address garbage collection.

A question came up at the Board meeting as to whether the other portions of the Chapter were still useful or necessary. One Board member specifically questioned whether the balance of the Chapter was even relevant now that the only landfill in the Village has been completed for many years.

In short, we think that the balance of language is still useful – if nothing else – to provide a process for review of any new landfill proposals. Do we anticipate any new proposals? Probably not. But we need to be prepared in the same way that we need to be prepared for new wind farm proposals.

The siting of new landfills is governed by a combination of state statutes and local ordinances.

The statutes refer to ordinances such as those found in Chapter 20 as “local approvals”, which is a catch-all term for any local requirements that would impact waste facilities.

The statutes effectively set out a three-stage process that a potential waste facility operator needs to follow:

Step 1 is mandated by Wis. Stat. § 289.22, which requires that, prior to submitting a feasibility report to the State, the applicant must “undertake all reasonable procedural steps necessary to obtain each local approval required”, including administrative appeals, but for appeals to the court. **Unless the Village has an Ordinance like Chapter 20 on the books, arguably there are no local approvals required. And if there are no local approvals required, the Village would lose its seat at the table in Step 2 and Step 3 as well.**

Step 2 is the negotiation process dictated by Wis. Stat. § 289.33. While this is technically optional, a municipality that does not participate cannot enforce any local approvals. There are multiple portions of this process, but the parties are given wide allowance to negotiate almost any portion of the process. This includes the applicability, or nonapplicability, of local approvals; in other

words, if the Village has ordinances in place with restrictions, it can choose to waive those restrictions as part of this process.

If that fails, step 3 is binding arbitration, also under Wis. Stat. § 289.33. Under this, importantly, the arbiter can only make decisions regarding the applicability or nonapplicability of local approvals that were in place at least 15 months before the submission of a feasibility or site report. This means that, if arbitration were to occur, any local approvals newer than 15 months would not apply; for older ordinances, the arbiter could decide whether or not they apply.

Your ordinance on these sites is long and comprehensive; while some portions overlap with the statutory guidelines, much of it does not, as the statutes instead lay out a framework for negotiations, and govern the state approvals more heavily.

To summarize, in the event that a new proposal came through to site a landfill in the Village, having Chapter 20 in place gives the Village a seat at the table for every determination that is made thereafter. This presumably came in hand when the original Appleton Papers landfill was permitted in the Village (formerly the Town). It gave the former Town some leverage to force Appleton Papers into a binding agreement (at least until Appleton papers filed bankruptcy and the agreement was arguably wiped out). Chapter 20 may again come in handy if any new proposals come through.

Please let me know if this answers your questions or if I missed the mark in any way.

Have a nice weekend.

Andy

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