

## TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

**DATE:** 2-15-22

**TIME:** 7:00pm

**PRESENT:** John Metzler, Dawn Goodman, , Jason Miller, Dylan Mercier, Mike Gilson, Gary Jonet

**Absent:** Brad DeChamps; Mike Gilson.

**OTHERS PRESENT:** Daniel Jacobs; Town Clerk, Debbie Mercier; Supervisor, Ryan DeBroux; Town Chairman, Cary Dequaine; Kevin Tielens and Carolyn Tielens.

**1. (7:01-7:03 pm). APPROVAL OF LAST MEETING'S MINUTES.** John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 12-21-21 meeting minutes were reviewed. **MOTION MADE** by Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Dylan Mercier. **AYES: 5. MOTION CARRIED.**

**2. (7:04-7:15pm). Zoning Amendment Request #1308-J for Daniel Jacobs to Rezone #GB-6-1 (6291 Gomand Rd, New Franken) from A-2 General Agriculture to E-R Estate Residential in order to sell the home on the property.** The Planning Commission reviewed the map of the area in question and the information included in the application. No issues were found. Zoning Administrator, Gary Jonet stated he found no issues with the proposal.

**MOTION MADE BY:** Gary Jonet to recommend to the Town Board: **APPROVAL** of the **Zoning Amendment Request #1308-J for Daniel Jacobs to Rezone lot #GB-6-1 (6291 Gomand Rd, New Franken) from A-2 General Agriculture to E-R Estate Residential.** **MOTION 2NDED By** Dylan Mercier. **Ayes: 5      Nays: 0.      Motion Carried.**

**A Public Hearing was scheduled for 3/8/22 at 6:45pm.**

**3. (7:16-9:10 pm) Discussion and review information regarding a CEMETERY ORDINANCE.**

Planning Secretary, Dawn Delvaux-Goodman passed out copies of “*Wisconsin Town Law Form §157.50 Cemetery and burial site ordinance*”. Town Clerk, Debbie Mercier had selected this document to be a model for the Town to follow in the development of a Cemetery Ordinance. It is from the Town’s Association manual of Wisconsin Town Law Forms. The Planning Commission reviewed the document in its entirety, (pages 184-194), with both Planning Secretary Goodman and Town Clerk Mercier filling in the blank areas with Town of Green Bay information accordingly. Town Clerk Mercier made notes to ask the Attorney questions she and the Planning Commission had about the regulations described and its applicability to the Town.

It should be noted that Town Clerk, Debbie Mercier, Town Supervisor, Ryan DeBroux and Town Chairman, Cary Dequaine asked questions and gave input during the process.

It should further be noted that the Robinsonville Presbyterian Cemetery sexton, Kevin Tielens, also answered questions and provided information to the discussion.

Town Clerk, Debbie Mercier provided everyone with a copy of Legal Opinions (regarding Cemeteries) from the Wisconsin Town’s Association (WTA) (Atty. Carol Nawrocki, Assistant Director was the author).

- It was noted that the WTA recommended having the Town's attorney prepare the required paperwork, record the transfer of the cemetery, etc. to ensure it will be reasonable and legally defensible.
- The WTA recommends all municipalities in charge of a cemetery adopt an ordinance to determine systems of management and operation;
- And the WTA recommends utilizing **the Sample Ordinance provided in the Town Law Forms under §157.50.**
- It was further noted that a Town might create a separate cemetery committee or hire a caretaker. Other Towns might place the town board in charge of overseeing management of the cemetery.

After reviewing the sample ordinance, it was noted that a Fee Schedule would need to be developed. Planning Secretary Dawn Goodman gave out copies of the Village of Suamico's Cemetery Packet to refer to and a price list Suamico utilized from Woodlawn Cemetery (in City of Green Bay) and suggested it could be utilized as a model for the Town of Green Bay.

It was also noted that a Cemetery Plot Deed would need to be developed. Planning Secretary Dawn Goodman referred to the Village of Suamico's information, which had an attorney approved Deed (dated 2018) as a sample the Town of Green Bay could use as a model.

Planning Secretary Dawn Goodman referred the group to the Wisconsin Administrative Code [DSPS Cemetery \(wi.gov\)](#). She had sent Town Clerk Debbie Mercier the link earlier in the day and then she gave her the printed information on the chapters that were relevant to the Town's purposes (this was not given to the Planning Commission due to it being more of a matter for the Treasurer and Clerk).

She brought the group's attention to Chapter CB 4, regarding funding information the Town and Treasurer should review (especially a clause that allows for yearly \$500 appropriation of funds to improve the cemetery). She suggested the information be reviewed by the Clerk and Treasurer.

Chapter CB 1 - Authority and applications for licensure

Chapter CB 2 - Filing of annual reports by cemetery authorities and preneed sellers

Chapter CB 3 - Warehouses storing cemetery merchandise sold under a preneed sales contract

Chapter CB 4 - Change of trustee of care funds and preneed trust funds

Chapter CB 5 - Approval of alternative care investment funds

Chapter CB 6 - Mausoleums

Jason Miller referred to a Cemetery Plot Deed he had found and suggested it could be utilized as an example to follow for the town.

Times were established for cemetery activities: Sunrise to Sunset.

Questions and discussions ensued regarding:

Clarification on the State of Wisconsin time limit for taking action on a place that has not been approved for burial of human remains.

What requirements does the Town Clerk need to follow in regards to issuing and filing Cemetery Lot Deeds--in particular, is it the responsibility of the Town Clerk (or a designee) to file the deed with the Brown County Register of Deeds or is it the purchaser's responsibility?

Resale of cemetery lots or parts of lots—again, how much responsibility does the Town Clerk have to assume with the Brown County Register of Deeds and what is an appropriate fee for this service?

Penalty abatement terms/times were discussed but need to be reviewed by the Attorney to make sure they are in sync with State standards and are enforceable.

**MOTION MADE BY:** Jason Miller to recommend to the Town Board to ADD THE REVISION to the Town of Green Bay, Brown County, Wisconsin Code or Ordinances to include **Chapter 19: Cemetery and Burial Site Ordinance (see attached), with any changes or additions advised by the Town's Attorney per a review (as soon as possible) of the proposed document.**

**MOTION 2NDED By** Dylan Mercier. **Ayes:** 5 **Nays:** 0. **Motion Carried.**

*Notes:*

1. *Zoning Administrator, Gary Jonet assigned the Zoning Amendment the following #: **1310-J**.*
2. *Town Clerk, Debbie Mercier will bring the modified Ordinance the Planning Commission worked on to the Town's Attorney for his review.*
3. *A Public Hearing and Legal Notices Publication will take place as soon as Town Clerk Debbie Mercier has the final version from the Town Attorney.*

**4. Old Business/Any Other Business as authorized by law.** None at this time.

**5. Next Planning Commission Meeting was arranged for: Tuesday, March 15, 2022 at 7pm, if needed.**

**Motion to Adjourn Made by:** Dylan Mercier **2nded by:** Jason Miller. **Ayes:** 5. **Motion Carried.**  
**Adjournment: 9:20 pm.**

---

**Planning Commission Chairperson**

---

**Planning Commission Secretary**