

CHAIRMAN'S UPDATE #21

In my last update, I mentioned that the lawsuit WSPR filed against the Town, the County and the Town Board was languishing in Federal Court. A few days ago, the Federal Court finally handed down its decision. To recap, WSPR Enterprises wanted to rezone A-1 agricultural land and requested a conditional use permit to operate a mining operation, namely a gravel pit on Highway 120. The Town and the County voted to deny the requests and WSPR sued for \$23.9 million, claiming that is what they would have earned over 20 years of the pit's operation.

The Federal Court dismissed the suit in a lengthy decision finding WSPR could not prove its case that the Town and County acted contrary to law in denying the rezone and conditional use permit. The decision stated, in part, "This is a rational reason for the Town Board to reject the mining endeavor: the townspeople, who live in an agricultural area, simply did not want it. Presumably, another gravel pit would change the tenor of the place where these townspeople had chosen to live their lives, and, under a democratic society, the townspeople have a voice in determining what happens. The Town Board, which is representative of the townspeople, thus voted against it."

It further states that there were "ample rational bases for the Town Board's denial of the rezone petition, to wit: town consensus against rezoning additional agricultural areas for industrial use; a desire to avoid traffic, noise, and air pollution; fear of affecting neighboring land values; and concern for long-lasting and potentially unmitigable environmental concerns. Any one of these, standing alone, would have been a rational basis for a group of representatives to reject the zoning application and conditional use permit." Although WSPR could try to continue the litigation by way of appeal or in state court on some other claims, the decision bodes well for the Town because the Court felt strongly that these grounds provided a rational basis that justified our vote.

On another note, Walworth County is scheduling its Spring Clean Sweep on June 25 for household hazardous waste, electronics and appliance recycling from 8AM to Noon at the City of Delavan Public Works Garage at 490 Richmond Road (CTH-M), Delavan. For more information on cash disposal fees and permissible items, call Walworth County at 262-741-3316 or email at walcosw@co.walworth.wi.us. Additional Clean Sweep events are planned for July and October.