



STATE OF WISCONSIN : WAUKESHA COUNTY : TOWN OF BROOKFIELD

IN THE MATTER OF THE APPLICATION
OF THOMAS F. FINGER FOR A PERMIT
TO DUMP REFUSE IN THE TOWN OF
BROOKFIELD

RESOLUTION GRANTING
PERMIT

WHEREAS, Thomas F. Finger has made application to the Town Board for a permit to dump refuse in the Town of Brookfield in accordance with the Ordinance Regulating Dumping of Refuse in the Town of Brookfield passed and adopted by the Town Board of the Town of Brookfield on August 30, 1957, and in accordance with the Zoning Ordinance of the Town of Brookfield, and

WHEREAS, said application was referred to the Town of Brookfield Planning Commission and to the Waukesha county Park and Planning Commission for recommendation and approval as required by the ordinance of the Town of Brookfield, and

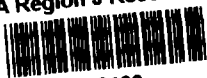
WHEREAS, the Town Planning Commission of the Town of Brookfield and the Waukesha County Park and Planning Commission has determined and recommended that such permit be granted to Thomas F. Finger, subject to the terms and conditions of this resolution and in accordance with the resolution adopted by the Town Board of the Town of Brookfield as hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED That a permit be granted to Thomas F. Finger to dump refuse in the Town of Brookfield upon the following described real estate, to-wit:

The South Forty (40) acres of the West One-half (1/2) of the Southwest one-quarter (SW 1/4) of Section Five (5), Town of Brookfield, Waukesha County, Wisconsin, except that portion located within Five Hundred feet (500) of the Fox River

subject to the terms and conditions relative to the use thereof as are hereto attached and made a part of this resolution, and designated as "Specifications for Sanitary Landfill for Purposes of Disposing of Waste Materials"; such specifications shall be a part of this resolution granting said permit and said per-

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mit shall be subject to all the terms, stipulations, and additions set forth in such specification hereto attached and made a part of this resolution;

BE IT FURTHER RESOLVED: This permit shall be issued for a period ending on June 30, 1963, and may thereafter be renewed in the manner provided by Section Eleven of the ordinance of the Town of Brookfield Regulating the Dumping and Depositing of Refuse in the Town of Brookfield passed and adopted by the Town Board of the Town of Brookfield on August 20, 1957,

PASSED AND ADOPTED, by the Town Board of the Town of Brookfield, Waukesha County, Wisconsin, this 6th day of November, 1962.

TOWN BOARD, TOWN OF BROOKFIELD
WAUKESHA COUNTY, WISCONSIN

BY: Gerald Wray, Chairman

George R. Hunt, Supervisor

Linn M. Swenson, Supervisor

ATTEST:

Frank G. Koch, Town Clerk.

SPECIFICATIONS FOR SANITARY LANDFILL
FOR PURPOSES OF DISPOSING OF WASTE MATERIALS

DEFINITION

The sanitary landfill is a planned and organized method of disposing of all types of nonsalvagable waste materials. This method of disposal is a means of controlling the rat, mice, fly, mosquito, odor, and smoke problems common to uncontrolled disposal of refuse in the open dump, and such disposal of waste materials is conducted by the trench method and ramp method of disposal.

= TRENCH METHOD:

1. The trench method shall consist of excavating a trench from 3 to 6 feet in depth and from 10 to 20 feet in width, the dimensions depending upon the volume of refuse to be disposed of. The length may vary with the length of the disposal area. However, the dimensions must be adequate depending on the size of the t factor

to be used for proper compaction.

2. A ramp is provided at either end for incoming trucks to dump from. The refuse is then brought together and compacted by means of adequate equipment to be provided for this purpose.

Successive layers of refuse are to be placed and compacted for one day of operation.

At the end of each day of operation the compacted refuse is to be covered by placing and packing cover material over all exposed refuse to a minimum depth of 4". The object being to make a closed cell of each day's deposits.

Cover materials is to consist of sand gravel, and excavated materials or any other material which will not cause a nuisance such as dust, odors, or fires.

RAMP METHOD:

1. The ramp method which provides the use of a slope of a bank shall consist of trucks dumping refuse at the bottom of the slope. The refuse is then compacted by bulldozing it against the sloped section of the ramp in layers or by running the tractor over each layer starting from the bottom of the ramp and working to the top of the fill.

2. The placing and compacting operations shall continue throughout a day of operation.

At the end of each day's operation cover material which has been excavated from adjacent rises or trenching is to be promptly placed over all exposed refuse to a minimum depth of 4" and of suitable materials as described in the Trench Method.

When the successive layers of fill reach the approximate grade of the adjoining land, the final cover is made by compacting to a minimum depth of 2 feet of suitable material leaving a firm, clean top surface on the fill.

The face of the working fill shall be kept as narrow as is consistent with proper operation of trucks and equipment in order that the waste material exposed during operation day is minimal.

Spraying of exposed waste material and adjacent surfaces shall be required by the owners when ordered by the Town Board, the Town Engineer, Town Health Officer, or any other duly authorized representative of the Town of Brookfield to allay dust and obnoxious odors therefrom.

A layer of refuse shall not exceed a depth of 6 feet after compacting.

Control over blowing papers shall be adequately maintained by the owners, and as ordered by the Town Board, the Town Engineer, Town Health Officer, or any other duly authorized representative, of the Town of Brookfield

All collection of surface water resulting from this land-fill operation shall be drained, filled, or treated with effective chemicals so as to prevent mosquito production or to allay disagreeable odors.

The floating of waste material on open water shall be prohibited.

Control of rodents shall be maintained until the fill has stabilized.

After the active period of the filling operation is completed, a maintenance program shall be continued until the fill has become stabilized so as to insure prompt repair of cracks, depressions and erosion of surface and side slopes.

In the event of daily operations being discontinued at any time, the owners shall continually maintain a minimum of 24" cover of suitable material over all refuse.

3. When any collect wood, metal, cartons, boxes, barrels, discarded tires, and paper to be removed from the premises: such waste material shall be neatly stock piled and kept under cover, and shall be removed from said premises weekly or at more frequent intervals if the Town Board, or any member thereof, the Town Engineer, or the Town Attorney of the Town of Brookfield may order. In the event that owner desires to collect paper for removal from the premises, all such paper shall be bundled and kept in such condition so as to prevent blowing about the premises.

All materials removed from the premises shall be removed by vehicles which shall be covered so as to prevent blowing of materials from such vehicles, as the same is being removed from the premises.

4. The operations shall be in orderly fashion beginning at one location and continuing at that location until the final grade has been reached.

5. The owners will be required to bring the elevation of the fill to an elevation which will be level to the adjoining streets, or to such elevation as the Town Board may require for proper drainage. Where the owners' land adjoins other property, the grade of owners land must be brought to adjoining street levels, or as the Town Board may order.

6. In winter months when frost makes excavation difficult, the owners shall provide means by which to have adequate cover for each day's operation.

EQUIPMENT

1. Equipment shall be of such type and size as to adequately provide for the proper compaction and handling of any amount of refuse disposed.

2. Sufficient standby equipment shall be provided or made available to prevent delay in covering because of break-down of peak loads.

MISCELLANEOUS SPECIFICATIONS

1. Dumping of garbage, dead animals, animal offal, affluent from septic tanks, detergents, chemicals, organic matter, auto salvage and auto parts shall be prohibited.

2. No burning of combustible materials shall be conducted within said dumping area, except with prior written permission of the Town of Brookfield Fire Department. All combustible materials shall be kept separate from other materials deposited in said dump and burned as herein provided. In the event that it is necessary for the Brookfield Fire Department to respond to any call for assistance to control any fire in said dump, the

cost and expense of such call, or calls, shall be paid by the owner upon a presentation of a bill therefor by the Brookfield Fire Department or the Town Board.

3. The owners shall provide such fencing in the area as shall be ordered by the Town Board. The size, type, and location of such fencing shall be determined by the Town Board.

4. The owners shall clean up the area surrounding site of the sanitary landfill operations at the end of each work day, and shall keep all papers or other refuse accumulating thereon from such sanitary landfill operations covered in the manner hereinabove provided. The owners shall clean up all waste materials which might accumulate on adjoining properties at the end of each work day.

5. All vehicles carrying refuse for dumping within the area shall enter owners' property upon roadways provided as hereinafter set forth.

6. Owners shall provide adequate roadways and means of ingress and egress to public highway adjacent to said premises for vehicles engaged in such operations, which roadways shall be ice proof at all times, and in the event of any snow or ice accumulating thereon, owners agree to promptly open said roads for vehicular traffic and to provide such protection to the users thereof as is necessary to insure the safe use at all times.

7. The owners shall provide adequate gates at all entrances to the property, which gates shall be securely locked during such periods as an attendant is not present at owners' property to supervise the sanitary landfill operations.

8. Sanitary landfill operations shall be confined from 8:00 o'clock A. M. to 6:00 o'clock P. M. daily except Sunday. No dumping of any kind or description shall be permitted on Sunday.

9. Owners shall have an attendant, or attendants, upon their property at all times during the hours provided for such sanitary landfill operations who shall supervise such operations.

10. Owners shall furnish the Town of Brookfield with a performance bond in the amount of Ten Thousand and no/100 (\$10,000.00) Dollars, executed by a reputable bonding company licensed to do business in the State of Wisconsin to guarantee performance by the owners of all the terms and conditions herein provided as a condition of granting a permit by the Town Board to the owners for such sanitary landfill operations, and the owners shall carry adequate ^{Liability} insurance to protect invitees, licensees or any other persons lawfully coming upon or using said premises, for all injuries or claims for damages which may result therefrom, and shall furnish the Town Board of the Town of Brookfield with the name of the insurance company, or companies, carrying such insurance, together with the amount thereof.

11. In the event owners fail to comply with any of the terms and conditions of the specifications herein set forth as the condition for granting said permit, the Town Board may notify the owner of the violation, or violations, thereof and shall hold a public hearing thereon upon ten (10) days' written notice to the owners. If upon such hearing, the Town Board is satisfied that the owners have failed to comply with any of the provisions of such specifications as herein set forth as a condition for granting said permit, the Town Board may revoke said permit.

In the event a complaint is filed with the Town Board of the Town of Brookfield by any resident of the Town of Brookfield that the owners have failed to comply with any of the terms and conditions of the specifications herein set forth as the condition of granting such permit, the Town Board shall hold a public hearing thereon upon ten (10) days' written notice to the owners stating the provision, or provisions, being violated by the property owners. If upon such hearing the Town Board is satisfied that the owners have failed to comply with any of the provisions herein set forth as a condition for granting said permit, the Town Board may revoke said permit.

In the event that any resident or property owner without the limits of the Town of Brookfield is of the opinion that any of the specifications herein provided as a condition for granting said permit are being violated, such complaint shall be made to the Town Board, and in the event the Town Board determines, after investigation of such complaint, that a violation, or violations, of the specifications have occurred, or exist, the Town Board shall notify the owners thereof stating the specifications, or specification being violated, and shall hold a public hearing thereon upon ten (10) day's written notice to the owners. If upon such hearing, the Town Board is satisfied that the owners have failed to comply with any of the provisions herein set forth as a condition for granting said permit, the Town Board may revoke said permit. Any revocation of the permit in the manner hereinabove set forth shall become effective immediately upon service of a copy of the order of the Town Board upon the owners or their agent.

In the event of such revocation, the owners shall cover with a suitable material all refuse deposited within said area to a depth of at least 24", and in the same manner as though the ultimate grade of the fill were reached as provided in the specifications. In the event owners fail to comply with such conditions, the Town Board may cause such fill to be completed and shall have recourse to owners performance bond for the cost and expense connected therewith.

12. Owners shall control said sanitary landfill operations at all times so as to prevent any fires therein. In the event that a fire does occur, owners shall be responsible for all costs and expenses incident to the putting out of such fire and shall promptly call the Town of Brookfield Fire Department to put out such fire in the event owners are unable to do so.

13. In the event that any refuse is deposited which contains combustible material, or material of such a nature which will cause, by fire or chemical reaction, or otherwise, any emission of smoke, fumes or odors which may require special treatment for control thereof, the owners shall, at their own discretion, or on order of the Town Board, the Town Engineer, the Town Health Officer, or any

other duly authorized representative of the Town of Brookfield, immediately take the necessary action to prevent fire or chemical react reaction or any other condition which may cause a nuisance or damage to adjoining properties.

14. Owners agree to permit the inspection of the premises being used for such sanitary landfill operations by the Town Board, Town Engineer, the Town Health Officer, or any other duly authorized representative of the Town of Brookfield at all reasonable times and agree to comply with all orders and regulations issued by the person, or persons, hereinabove designated so as to insure the operation of such sanitary landfill operations in such a manner so as to prevent any nuisance to exist upon said premises as the result of the sanitary landfill operations being conducted thereon.

15. In the event that owners fail to comply with any of the orders or directions given them by the proper representatives of the Town of Brookfield as hereinabove described relative to the use, management and operation of owners' property for said sanitary landfill operations, and such failure to comply continues for a period of ten (10) days, then and in that event, the Town Board may revoke the permit granted to the owners and have recourse to owners bond for any damages caused by such owners' failure to comply with said orders or regulations issued by the proper authorities of the Town of Brookfield as herein provided.

Mr. Thomas Finger presented an agreement to the Town Board to permit the Town residents to use the dump for which a permit was granted by the Board. Whereupon the following resolution was presented to the Board by Supervisor Hunt "Be it resolved that all town residents be limited to dump in the Finger Dump on Saturday of each week, between 7 A. M. and 6 P. M. and such other times as may be agreed by the owner and Town Board. Also an annual fee of \$50.00 be paid to Mr. Finger by the Town of Brookfield for such dumping privileges. The following is an agreement between Mr. Thomas F. Finger and the Town of Brookfield.

AGREEMENT

WHEREAS, the Town Board of the Town of Brookfield has granted a refuse dump permit to the undersigned in accordance with the terms and provisions of a resolution adopted by the Town Board on November 5, 1962, relating thereto, and,

WHEREAS, the undersigned has agreed that as a further condition of granting said permit that all residents in the Town of Brookfield shall be permitted to dump refuse within said dump,

NOW, THEREFORE, It is agreed by Thomas F. Finger, the owner of the following described premises, to-wit:

The South Forty (40) acres of the West One-half ($W\frac{1}{2}$) of the Southwest one-quarter ($SW\frac{1}{4}$) of Section Five (5), Town of Brookfield, Waukesha County, Wisconsin, except that portion located within Five Hundred feet (500') of the Fox River

for which a refuse permit has been granted by the Town of Brookfield as follows:

1. That all residents of the Town of Brookfield shall be permitted to dump their refuse in the refuse dump to be operated by the owner at no cost or expense to the residents of the Town of Brookfield or to the Town of Brookfield. The Town Board of the Town of Brookfield shall issue proper identifications cards to such residents entitling them to the use of the facilities as hereinabove provided, and shall furnish the owner with a form of such card for identification. The use of said dump by the residents of the Town of Brookfield shall be subject to the same rules and regulations as relates to the operation of said dump by the owner.

IN WITNESS WHEREOF, the said Thomas F. Finger has hereunto affixed his hand and seal this 5th day of November, 1962.

Thomas F. Finger (SEAL)