



Town of Lincoln: ToL Board of Supervisors Regular Meeting Minutes, Monday, October 5, 2020

I. The regular meeting was called to order at 7:00p.m. by Town Chairman, Cory Cochart. Pledge of Allegiance recited. Board of Supervisors (BoS) present: Jordan Nowak & Jesse Jerabek. Others present: Tim Strnad, Town Treasurer, Joe Jerabek, Town Assessor, Ron McClure and Kim McClure of RM Masonry LLC, Joe Musial, Brent Eisenman, Carol Wautlet, Chris Dantoin, Marlene Dantoin, Steve Alberts, Vicki Alberts, and Mick Sagrillo, PC Chairman.

II. October 5, 2020 Agenda: Motion made to approve agenda as submitted w/ addition of "Use of Town Hall Parking Lot" to **XI. Business** (Jerabek/ Nowak). Motion carried.

III. Motion made to approve September 14, 2020 meeting minutes as submitted w/ addition of "and plan of action moving forward" to Supervisor Nowak to provide facts and findings under **X. b. New Town Hall / Old Town Hall/ Hawk Rd** regarding new Town Hall Contract (Nowak / Cochart). Motion carried.

IV. Treasurer's Report: Strnad gave report on ToL Income, Checking, CD, Savings, & Loan accounts. Bank of Luxemburg to fix incorrect interest only payments in September Motion made to approve Treasurer's Report (Jerabek/ Nowak). Motion carried. Strnad would like to have lock box available at Town Hall for residents to drop tax payments; Supervisor Jerabek to check on availability of secure drop box.

V. Clerk's Report: Work completed over last month: returned two special assessment letters, continued issuing, receiving, & logging absentee ballots for Nov election, and submitted Recycling Grant application. Correspondence: Bay Lake Regional Planning survey for future projects, Great Lakes report, notice of meeting on Hwy 54 resurfacing, CWG notice of discontinuing vehicle liability on policy and cyber security options, DOR Levy Limits, EMS survey for insurance coverage, and WTA Oct. magazine.

VI. County Supervisor's (District 2) Report: None.

VII. Planning Commission (PC) Report: (No PC meetings.) Sagrillo filed Findings of Fact, Conclusions of Law, and Decision for EL-NA Livestock Facility Siting Conditional Use Permit (CUP) Application w/ DATCP; one piece of information needed yet. (June) Well testing to take place this week, had been postponed due to Covid. Sagrillo would like to resume virtual PC meetings by Zoom; ToL has an annual Zoom subscription.

VIII. Zoning: None.

XI. Business/ Actions:

a. RM Masonry / Snow Plowing Contract: Supervisor Nowak questioned whether contract could be re-evaluated at next Annual Meeting and if RM Masonry contract fees will cover plowing by County in case of heavy snowstorm; County snow plowing is separate expense outside of RM Masonry contract. McClure feels Annual Meeting would be too late and if there are problems with his plowing service, wants to be notified of specific issues and wants Board to give his name / phone# to residents with complaints. Copy of insurance coverage supplied and request for Hold Harmless language to be submitted in addition to contract document; Clerk to contact insurance agent and attorney for guidance. Board to provide priority list for plowing ToL roads. Motion made to approve contract from RM Masonry for 2020-2021 Snow Plowing season for 3 years, salt/sand mix to be purchased separately and stored at Rio Creek Feed Mill, salt/sand mix struck from contract, Town of Lincoln to pay for salt, and earnest money of \$30,000 to be paid by January 2021 (Cochart / Jerabek). Motion carried 3-0.

b. Discussion on New Justice Center: Supervisor Jerabek presented summary of plans for new jail construction. Motion made to not adopt resolution supporting the Safety Facility Committee Recommendation (Jerabek / Cochart). Motion carried 3-0.

c. ATV Signs: Update next month; Board reviewed numbers needed for signs and Supervisor Jerabek reminded group ATVs on roads are not legal until posted on ToL roads.

d. Bridge Inspection Report: Chairman Cochart had report available for review by Board.

e. Road Issues / Multimodal Local Supplement Program (MLSP): ToL MLSP project was originally declined due to <\$100,000; grant application has been resubmitted by Supervisor Jerabek and Rep. Andre Jacque to check on status with State. Partridge Road damage pictures reviewed; estimate received from Kewaunee Cty Highway Dept. Supervisor Nowak stated farm responsible for damage is planning on taking care of repair through private company.

f. Road Construction Projects: Board had previously reviewed list of projects.

g. Garbage Pickup: New list from Going Garbage was received and Treasurer Strnad still finding discrepancies; update next month.

h. Untidy Yards: Joe Jerabek has made contact with owner of property on Elm Rd/Cty Rd X re: cleanup of yard.

i. Internet at New Town Hall: Update next month.

j. New Town Hall / Old Town Hall/ Hawk Rd: Two adjacent land owners to old Town Hall showed no interest when contacted under right of first refusal for the purchase price of \$5000 plus closing/ legal costs; Jeremy Zenefski is interested and now has right of first refusal but Board has not received a contract for sale yet. Previously, Board settled on \$5000 asking price plus closing/ legal fees and Zenefski was willing to pay up to \$150 attorney fee to review contract. Chris Dantoin stated he has interest in purchasing old town hall property; Sagrillo went over full disclosure of nonconforming parcel and property permit limitations.

k. Town Hall Construction Contract: : Supervisor Nowak stated he felt contract was followed by BJP Construction for new Town Hall, but questions why Brad Porath was told to go with someone else without the Town Board knowing. States somewhere down the line Porath switched subcontractors [for masonry work from Travis Price Masonry & Plastering to RM Masonry] without contacting the owner and feels a choice was made not to involve him. Supervisor Jerabek stated multiple times he did not direct Porath to use RM Masonry or any other subcontractor and Porath only asked if he minded if a local subcontractor was used. Jerabek told Porath he did not mind if local contractors were used. Nowak interpreted this as granting permission, to which Jerabek asked "then there is absolutely nothing wrong with the contract in your opinion?" Alpine Insulation was also substituted [without written authority] with Joe Jerabek Insulation for spray foam for same quoted price after Jerabek contacted BJP and Alpine agreed to substitution. RM Masonry \$6398 invoice for masonry work was \$100 less than \$6498 bid from Travis Price Masonry & Plastering. Travis Price did provide plastering of the new Town Hall. Nowak stated that RM Masonry invoice was \$2000 more than their bid of \$4759 through Valley Builders, but said did not have a problem with the amount charged by RM Masonry, just wanting to know how the substitution happened. Jerabek explained Valley Builders sealed bid was not accepted by ToL and has nothing to do with the accepted BJP Construction sealed bid or contract [therefore RM Masonry \$4759 bid through Valley Builders is irrelevant]. RM Masonry is not obligated to do work for BJP Construction at same price as what was quoted to Valley Builders as long as quality of work is same and price is the same or less, and in the end, saved the ToL \$100. Supervisor Jerabek agreed that Porath should have come to a BoS meeting or asked for permission from any member of the Board to substitute particular subcontractors based on contract language which states no substitutions unless specifically authorized in writing by the owner [Town of Lincoln residents] and ToL could legally pursue breach of contract with BJP Construction. Jerabek commented that Ron McClure's bill was actually \$1600 more than his bid through Valley Builders, asking if Nowak's issue was that RM Masonry bill was more than their bid through Valley Builders and what ruling should be made on breach of contract, etc. After Nowak stated a choice was made not to involve him, Jerabek said the project was completed six months ago, Nowak approved bill paying of Ron McClure to do the masonry six months ago, building has been occupied for six months, and now that Ron is bidding snow plowing questions surface. Jerabek again stated permission should have been requested, and he could hold it against Brad Porath but could not hold it against Ron McClure. Nowak stated he did not hold Ron against anything and that Jerabek had said previously he gave permission / directed to go with Ron. Jerabek denied he gave written permission or directed Porath to go with Ron for any work. Nowak asked, "If you are questioning these bills, do you realize you paid a snow plowing bill in July for Ron McClure?.....there's a lot of questions....." [No specific questions were listed when Jerabek asked if questions were about Town Hall or Ron McClure, only response was "Well, you're talking about billing."] Jerabek advised billing was not an agenda item and had nothing to do with Town Hall, but said 'if you want to talk about different things....' requesting meeting minutes include his statements: Nowak missed his first Open Book Meeting (not aware of any other Board member ever missing), elected & paid a salary to do a job and has done nothing for the Town, has not attended a single WTA meeting, has no idea what is going on with Jail, it's time to start representing this Town which he was elected to do, has done zero for the ToL when it relates to the Town Hall or bettering the Town, did not help move any items to the new Town Hall, has been to a couple PC meetings, stirs the pot & that's it, hasn't done anything regarding signs' donation for ATV ordinance, should think about giving some money back since hasn't done what was elected to do. Jerabek suggested Board members account for what they do in their position, stated blaming Ron for a snow bill in June is unacceptable, and again asked if there was something prepared for Board to vote on. Supervisor Jerabek commented it's embarrassing if Supervisor Nowak had a problem with bill for six months and did nothing about it, should know what he is voting on. Nowak said there was no resolution to vote on, had wanted answers on who directed Porath, and stated clearly Jerabek not admitting it was him. Jerabek asked if Nowak was upset that Ron McClure saved the Town money and why Joe Jerabek was not an issue? Nowak replied someone directed two people to be switched and when asked if it was a dead deal or was he going to bring it up next meeting, responded, "No, I will just talk to Brad." [Topic of Town Hall Contract not to be added to November meeting agenda.]

l. 2021 Budget Meeting Date: November 17, 2020 set for annual Budget Meeting; Clerk to publish as Class II notice.

m. Tax Stuffer Information: Sale of Hawk Road property via sealed bids to be added to Tax Stuffer; Jerabek stated preferred to avoid attorney fees if wording of bid request can be agreed upon by Board. Snow plowing contact info and garbage container policy will also be included tax stuffer.

n. Use of Town Hall Parking Lot: Request made to park vehicle in Town Hall parking lot. May not be allowed if interferes with snow removal or if Town Hall is rented.

X. Public Comment: None received in writing. (Wautlet) Noted hopes if parking is allowed at ToL Hall parking lot, ToL is not held responsible for vandalism. Also stated negotiations should not be made in cases of road damage. Felt Supervisor Nowak should reassess goals for being on BoS, stirs up issues months after the fact. Feels County Jail should be voted on by people, glad BoS did not adopt resolution in support of approving the Safety Facility Committee Recommendation. Many jails are overcrowded but healthcare coverage not ended for those incarcerated. (Sagrillo) Re: County Jail resolution, when is County Board planning to act on? [No date currently.] Feels more information on jail would be beneficial, recall was caused by this issue in past. (Musial) Reviewed info on large dairy dumping into trout stream, clean Water Act not observed by big Ag, and stated elected County Board member censored resident from talking about his bad well.

XI. Agenda Items for Next Meeting 11.2.20: New Town Hall/ Old Town Hall/ Hawk Rd; Road Issues / MLS Program; Road Construction Projects, Garbage Pickup; Town Hall Internet; Untidy Yards; Bridge Inspection Report; Use of Town Hall Parking Lot; Preliminary Budget Work; Hold Harmless Agreement

XII. Bills were reviewed & check register signed by Board of Supervisors. Motion needs to be made at Nov. 2 meeting to approve payment of bills.

XIII. Adjournment: Motion made to adjourn (Cochart / Nowak). Motion carried. 9:20pm.

Respectfully submitted by Town of Lincoln Clerk, Mary Ann Salmon