



## Town of Lincoln: ToL Board of Supervisors Regular Meeting Minutes, Monday, November 2, 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, Nick Guilette, Cty Supervisor, Ron McClure & Kim McClure of RM Masonry LLC, Joe Musial, Carol Wautlet, Steve Alberts, Vicki Alberts, Jenny Nowak, Jeremy Zenefski & Mick Sagrillo, PC Chairman.

II. **November 2, 2020 Agenda:** Motion made to approve agenda as submitted (Jerabek/ Nowak). Motion carried.

III. **Motion made to approve October 5, 2020 meeting minutes** as submitted w/ verbal reiteration from Supervisor Jerabek rejecting Supervisor Nowak's allegations at September & October mtgs that he directed Brad Porath to go w/ Ron McClure [stonework on new Town Hall]. Jerabek stated for the record he never in any way directed Porath to use anyone. (Cochart/Jerabek). Motion carried 3-0.

IV. **Treasurer's Report:** Strnad gave report on ToL Income, Checking, CD, Savings, & Loan accounts. Bank of Luxemburg corrected error in applying extra principal payment to Town Hall loan & revised Treasurer Reports affected by correction were submitted. Motion made to approve Treasurer's Report (Nowak / Jerabek). Motion carried 3-0.

V. **Clerk's Report:** Re: Oct mtg minutes, going forward mtg minutes will not include this level of detail; because of how contentious Oct mtg was, attempt was made to summarize while being objective & fair to all parties. Also addressed Supervisor Nowak's reference to an RM Masonry invoice depicted as a late bill for snow plowing submitted for July payment: this bill was dated 4.7.20 & included charges for tree trimming & road repair charges. Either Clerk or Chairman did not get bill submitted for payment when received, thus RM Masonry had no fault in a July payment since it wasn't until receiving a statement of outstanding charges that the Clerk realized payment was due. Invoices now sent via email. **Work completed over last month:** returned two special assessment letters, continued issuing, receiving, & logging absentee ballots for Nov. election: currently have received 136/202 ballots issued, conducted in-person voting starting 10.20.20 & ending 10.30.20 per election rules, reviewed WTA updates on rules of Routes to Recovery (R2R) Grant & finalized ordering & documenting qualifying reimbursable purchases including drop box requested @ Oct mtg which can be used for absentee ballots, scheduled extra poll workers for Nov. 3 election (wages to be reimbursed under R2R), contacted ToL attorney & insurance agent on Hold Harmless agreement for snow plowing contract, supplied Sept. & Oct mtg audio recordings & all invoices of RM Masonry from 1.1.19 – 9.30.20 per Supervisor Nowak's request, and contacted AT&T on town hall internet. Correspondence received: Email contact from Brad LeGreve re: R2R qualifying donation to First Responders, CWG insurance notifications, School Levy Certifications, 2020 Equated Manufacturing Rolls/Statement of Assessment Update, end of year tax filing info from County Treasurer (no annual Clerk/Treasurer mtg due to Covid), and WTA Nov. magazine.

VI. **County Supervisor's (District 2) Report:** Nick Guilette present to report: Cty Rd S projected to be repaired over three years & Cty Rd C over two years. Re: land proposal in Black Ash, doesn't think the current County Board would rescind passed resolution, believes there may be a die-off of trees in the Black Ash & would like to see a timber management plan vs preservation plan. Supervisor Jerabek suggested Guilette contact potential purchaser w/ his ideas; Sagrillo will contact. County recently asked for a special session of State legislature to address 13 Water Bills that had not passed. Next County Budget mtg to discuss employee raises. Wautlet asked for information on how raises are determined.

VII. **Planning Commission (PC) Report:** (No PC mtgs) Sagrillo reported that he had heard back from DATCP after filing the Finding of Fact for El-Na's Livestock Siting Conditional Use Permit w/ DATCP. Tim Jackson of DATCP responded as follows: "...The condition of approval states that the (conditional use) permit shall be in effect as long as the applicants and/or their descendants retain the majority of company assets may not be an enforceable condition... This is not legal advice. I simply want to notify you of the potential conflict w/ ATCP 51." An attached memo from DATCP's legal counsel to Tim Jackson states: "Item number 16 on the process summary states that one condition has been added to the permit allowing the permit to remain in effect only so long as he applicant or their descendants retain the majority share in the business. The added condition to the livestock permit does not comply w/ the requirements of s. ATCP 51.08(1)(a) that a local approval runs w/ the land, despite a change in ownership of the facility or the land on which it is located." Sagrillo pointed out that DATCP issued their statement as information only & not as a requirement to change El-Na's Livestock Siting CUP. Changing El-Na's CUP would involve opening up the CUP process again to a public hearing & Plan Commission mtgs w/ El-Na Farms. The condition in the CUP was approved by L. Fenendael (in fact, Fenendael came up w/ the condition language that was finally incorporated in the CUP), & it is a similar condition that was used in the Kinnard Farms Livestock Siting CUP which DATCP did not flag. Sagrillo stated that he suspected that the only ones who would have an issue w/ the condition would be the Wisconsin Dairy Business Association based on past town experience. Sagrillo asked for guidance from the town board on how to proceed w/ El-Na's Livestock Siting CUP: change the language or let it stand as written? All three of the supervisors voiced their opinion to let the El-Na CUP stand as written.

VIII. **Zoning:** None.

### IX. **Business/ Actions:**

- a. **First Responder Donation:** Request was made by Brad LeGreve for wipes, gloves & training for a total of \$3614 to be donated from ToL R2R funds. Approval was made under payment of town bills.
- b. **ATV Signs:** Board reviewed sign options quoted as \$18.50 ea. X 24 signs. Would like to get posts in before ground is frozen, but may be difficult to make happen. Supervisor Jerabek gave opinion that he wants it done the proper way and adhering to the rules rather than taking a short cut.
- c. **Bridge Inspection Report:** No update; tabled for now.
- d. **Road Issues / Multimodal Local Supplement Program (MLSP):** Hawk Road repair completed. L. Kinnard agreed to have County repair Partridge Rd. L. Fenendael reported need for repair on Cedar Rd; Chairman requested County to repair w/ hot mix & to keep cost under \$1000 (to be taken from \$5000 ELNA road contribution). No news available currently re: MLSP grant.
- e. **Road Construction Projects:** Board had previously reviewed list of projects.
- f. **Garbage Pickup:** New list from Going Garbage was received & discrepancies still exist after Strnad and Jerabek reviewed list and Jerabek did two drive throughs of ToL; update next month.
- g. **Untidy Yards:** Joe Jerabek has made contact w/ owner of property on Elm Rd/Cty Rd X.
- h. **Internet at New Town Hall:** Clerk contacted AT&T on town hall internet, no quote given yet. Internet through DC Broadband through tower on Jordan Nowak property not available yet. Update next month.
- i. **New Town Hall / Old Town Hall/ Hawk Rd:** Supervisor Jerabek reviewed work he did at new Town Hall: installed plaque for donations equal to or over \$100 / time donated, purchased & installed downspout extensions to reduce water problems, & researched drop box and projector. He also received an offer to purchase the pump toilet from old town hall building. Motion made to sell toilet for \$50, purchaser to pump & remove toilet (Jerabek/ Nowak). Motion carried 3-0. Jeremy Zenefski had draft offer to purchase old town hall property, Board did not request earnest

money & property to be sold as is and will include warming shack. Nov. 17, 2020 Budget meeting will address follow-up on purchase. Information on sale of 3.2 acre Hawk Rd property will be published on website and listed on tax stuffer & will be first offered to ToL residents w/ a purchase offer due date of 3.1.21 no later than 7:00pm. Purchaser will be responsible for all legal & closing costs.

**j. Statutory Duties of an Elected Official, expectations of participation & preparedness, & neglect of attendance of an elected official:**

Supervisor Jerabek partially reviewed WTA article re: expectations of and disputes & controversy between Board officials. Article also addresses punishment for abuse of power or neglect of duty. After conversation w/ WTA attorney, Jerabek was able to confirm Valley Builders sealed bid had no bearing in relation to the accepted BJP Construction sealed bid, & although he did agree Porath should have received BoS approval to change contractors, he in no way ever directed Porath to go w/ anyone. January 2020 mtg minutes verify discussion took place on who was doing the work & Jerabek had also provided pictures of tarped Town Hall entrance, stating at the time that Ron McClure was starting masonry work the next day. By Nowak muddying the waters by mixing snow plowing contract discussion w/ a late invoice allegation (after it was approved by all three Board members in July with no objections), he was not addressing the issue appropriately by not having topic added to the agenda for discussion. Jerabek remarked no one will want to do business with ToL if there is a problem w/ an approved invoice 10 months after BoS members review checks & sign their names to the register. Jerabek also stated Board of Supervisors have a responsibility to educate the public, do their job and have the facts straight & be accurate in what they say, citing example of Supervisor Nowak's inaccurate recollection of Treasurer Strnad's comments re: matching of financial reports and consequential request to have Strnad's comments retracted from previous meeting minutes. Jerabek stated he had recently heard that Supervisor Nowak supposedly had made slanderous allegations of dishonesty & bid rigging against Chairman Cochart and himself, and while he was not sure if Nowak had actually made these claims, if so, those types of charges should be put on agenda for meeting discussion w/ facts and findings prepared. Jerabek stated he wants to work with Supervisor Nowak and appreciates his difference in opinion which makes the Board better. Jerabek listed his work as a ToL Supervisor for the previous month: followed up on MLSP grant to include contacting Rep. Andre, updated Going Garbage list including driving thru ToL 2x, designed, ordered, & installed donation plaque, supplied current land use map to RM Masonry, researched projector and drop box for town hall, paid for & installed \$25 worth of eaves trough extensions, talked with resident about zoning question, attended Fire & Rescue budget mtg with Chairman Cochart, gathered legal info from attorney, requested WTA clarification on sealed bids, researched documentation & reviewed mtg tapes multiple times. Stated slander while holding a public office differs in comparison once elected & being held to a higher standard than when a person is only a resident (referring to Nowak's pre-election postcard). Concluded with remarks that attendance to meetings such as WTA is expected and the Board is not a 2 man job & there are three people elected. In response to Supervisor Jerabek's October comments on his meeting attendance, Supervisor Nowak stated he did not receive WTA meeting invitations until after 1 year of being elected and has not missed one PC meeting or one regular meeting, pointing out that that Jerabek missed February BoS mtg in 2019. Jerabek agreed he had missed Feb'19 meeting, but corrected Nowak saying he had said *Nowak missed WTA mtgs and had stated there were very few PC mtgs this year*. Sagrillo noted there are usually between 15-19 PC mtgs, but in 2020 PC mtgs = 7.

**k. Hold Harmless Agreement: Snow Plowing Contract:** Re: Hold Harmless language addition to contract, Town attorney sent opinion that ToL should not agree to be held responsible for actions of RM Masonry's snow plowing. Ron McClure was present to provide update that his insurance would like to have ToL insurance policy list him as being covered; Society Insurance can look into possible increase in ToL premium. Chairman Cochart stated ToL has no Hold Harmless language for any other contracted services. Update at 11.17.20 Special Meeting.

**l. Use of Town Hall Parking Lot:** Chairman asked Clerk to check with insurance agent if this would be allowed. U-Haul was parked in lot already, but no semi / trailer parked. Jerabek stated vehicle would have to be moved for snow plowing & opens BoS up to more requests. BoS decided against approval for parking vehicle at Town Hall parking lot 2= Yes (Cochart/Jerabek)-1 No= (Nowak); Chairman will inform of BoS denial.

**m. Preliminary Budget Work / Candidate Papers:** Clerk will have candidate papers available in person and on website by Budget meeting due to 12.1.20 start date for attaining signatures. 2018-2020 budget & expenditures to be included on spreadsheet provided at Budget Hearing to work on 2021 Budget.

**X. Public Comment:** (Sagrillo) Appreciated warm temperature in Town Hall and suggested job description be drafted for BoS candidates. (Vicki Alberts) Asked how public will know Hawk Rd property is up for sale. (*Will be included in tax stuffer & listed on website.*) (Strnad) Owner of condemned property at Cty K / Hwy 54 has again made late tax payment to stave off foreclosure. (Cochart) Mentioned failed past attempt to have County foreclose on Cty K / Hwy 54 property. (Jenny Nowak) States she heard Jesse and Cory were "both talking shit about Jordan as well and I completely agree, I don't think anything you guys have been doing is professional at all, but I want it on record that it's not just him (Jordan)- you guys are doing it too." Also stated it was not right for Jerabek to "blow a gasket" with Brad LeGreve at a past meeting, and Jerabek needs to reflect on himself & shouldn't treat people that way. Jerabek stated that issues like this need to be brought to meetings, and he agrees he has been harsh at times and while not perfect, has reflected on his behavior, takes his Supervisor position seriously and goes out of his way to do the best he can & wants the town to be a better place. Agrees the first year after being elected is a tough year, but w/ 18 months in, that excuse shouldn't be used and meetings need to be prepared for. (Salmon) Feels the rest of the Board/ Treasurer/Clerk have been very tolerant of what has been going on for last 18 months (not re: what goes on in bars or jobsites) & feels the 2x Supervisor Jerabek has been openly aggravated at meetings in last 18 months stems from false presentation of the facts. Also feels Supervisor Nowak's claims against other town officials during meetings w/ no warning creates hostility and is not the way a Board should work. (Wautlet) Agrees accusations should be brought to table for discussion, expressed disappointment in getting 18 obnoxious return phone calls at approximately 10:30pm from a male from Jenny Nowak's phone number after leaving a reminder phone message as a volunteer to get out to vote for a past election. Also expressed displeasure in having the Nowaks drive across her lawn during church picnic. Both incidents have her questioning if this behavior reflects that of an elected official. (Musial) States at one time Kewaunee Cty was #2 in nation for Accounts Receivable per Historical Society, questions the protections of wells & town roads / regulation of chemical storage in town and sited a past fire involving alleged PCBs from the Hardwoods. Also mentioned voter fraud if owner is living on property permitted for business only and votes from that address. "If you don't look into anything, you don't discover anything."

**XI. Agenda Items for Next Meeting 12.7.20:** New Town Hall/ Old Town Hall/ Hawk Rd; Road Issues / MLS Program; Road Construction Projects, Garbage Pickup; Town Hall Internet; Untidy Yards; Stone House Technologies Update

**XII. Bills:** October bills had been reviewed & check register signed by Board of Supervisors, but no motion made to approve at October mtg. Motion made to approve payment of October bills ( Nowak / Jerabek ). Motion carried 3-0. November bills were reviewed & check register signed by Board of Supervisors. Motion made approve November bills ( Nowak / Jerabek ). Motion carried 3-0. Routes to Recovery line item expenses were reviewed by Board of Supervisors & Clerk. Motion made to approve R2R expense for donation to First Responders ( Cochart / Nowak ). Motion carried 3-0. Motion made to approve R2R reviewed line item expenses & cost of projector which Town Hall is wired for ( Cochart / Nowak ). Motion carried 3-0.

**XIII. Adjournment:** Motion made to adjourn (Jerabek/ Nowak ). Motion carried. 9:40pm.

Respectfully submitted by Town of Lincoln Clerk, Mary Ann Salmon