

Town of Lincoln: ToL Board of Supervisors Regular Meeting Minutes, Monday, July 5, 2021

I. The regular meeting was called to order at 7:00pm by Town Chairman, Jesse Jerabek. Pledge of Allegiance recited. Other Board of Supervisors (BoS) present: Jordan Nowak & Brent Eisenman. Others in attendance: Tim Strnad, Town Treasurer, Joe Jerabek, Town Assessor, Andy Nowak, Joe Vincent, and Mick Sagrillo, PC Chairman.

II. **July 5, 2021 Agenda:** Motion made to approve agenda as submitted (Nowak/ Eisenman). Motion carried 3-0.

III. Motion made to approve **June 7, 2021 Regular BoS meeting minutes** as submitted (Nowak/ Eisenman). Motion carried 3-0.

IV. **Treasurer's Report:** Strnad gave report on ToL Income, Checking, CD, Savings, & Loan accounts. American Rescue Plan Act (ARPA) interest earning account set up. One outstanding delinquent dog license for Kew County DA to address; five letters total have been sent to owner between County and ToL. Motion made to approve Treasurer's Report as submitted (Eisenman / Nowak). Motion carried 3-0.

V. **Clerk's Report: Work completed over last month:** Emailed TRIP project invoice info & copy of check to County for reimbursement, returned five special assessment letters, re: American Rescue Plan Act (ARPA): attended two virtual webinars, filed: DOR form, federal SAMS account, DUNS number, and agreement forms for ARPA funds distribution, issued three liquor licenses and one fireworks permit.

Correspondence received: Kewaunee Cty Hwy notice of Elm Rd closing, additional ARPA reminders, and County Hwy Dept. DOT approved rates, request for Algoma ambulance replacement funds, Bay Lakes Regional Planning update on road reviews, and Kew County Sheriff's incident report.

VI. **County Supervisor's (District 2) Report:** Chairman Jerabek reviewed notes sent from Supervisor Guilette: Kewaunee County wants input on installing rumble strips on shoulder of curve on Cty C to reduce accidents; ToL residents may complete form available from Guilette, no progress on jail issue- believes facility and staffing issue will go to referendum, and Bug Tussel towers will be operational in Gregorville/Black Ash Rd area and Red River by July 31.

VII. **Zoning:** None.

VIII. Planning Commission (PC):

a. **S. Fenendael Building / Residential Permit Discussion:** A 5.27.21 site plan review for construction of a barn for Scott Fenendael on Cty Rd P was scheduled but did not take place due to delinquency in an occupancy permit. Chairman Jerabek, Zoning Administrator, Joe Jerabek, and PC Chair, Mick Sagrillo met on 6.28.21 with Fenendael to discuss plans to meet compliance to receive the Conditional Use Permit allowing his family to reside in his Extreme Custom Food Plots commercial structure on Pheasant Road, Algoma. A letter listing the conditions to be satisfied was drafted and due date was set at 9.1.21 w/ extension available if necessary. Motion made to approve letter be sent to S. Fenendael re: steps to meet compliance requirements (Nowak/ Eisenman). Motion carried 3-0.

b. **PC Chairman Report:** Sagrillo reporting funding available for well testing for 300 Kewaunee County wells. No PC meetings or hearings to be reported on and none scheduled at this time. Sagrillo reviewed highlights of document "Forming a Town Plan Commission" (attached).

Supervisor Nowak comments (non-agenda items): Stated last month there were two PC members talking in back of room the entire meeting, Sagrillo is in charge of them and is not doing his job. In his opinion, feels it is disrespectful, quite childish, and rude & they can leave the meeting if they want to talk or use Public Comment. Sagrillo stated he hadn't noticed this due to paying attention to what's going on in front of room and will address issue, but is actually Chairman's responsibility to run meeting. Sagrillo said this behavior is out of order and both Sagrillo and Jerabek agreed it was a valid point; Chairman Jerabek said he will watch for it in future.

Supervisor Nowak accused Sagrillo multiple times of not getting Nutrient Management Plan (NMP) information for Groundwater & Surface Water Protection Report & Recommendations (GSWRR) from Davina Bonness of Kew Cty Land & Water. Nowak stated Sagrillo had said he went to Bonness for NMPs for everyone in the ToL (**see attached for referred to table documenting animal numbers per farm in ToL, titled: Farms in Lincoln Township 2020 Total Dairy & Beef Cattle and Calves (1-1-2021)**), "words right out of your mouth- it's from the first of the year and I call B.S. - you're a liar". Chairman Jerabek intervened, stating Sagrillo deserves time to gather facts, suggesting Nowak ask Sagrillo what he is looking for since not legal to take action w/out it being an agenda item. Nowak said he needed no action on topic and again alleged Sagrillo said he got everyone's NMP information from Bonness and he put it in the GSWRR. Sagrillo denied accusation re: NMP multiple times, stating he does not **want** anyone's NMPs and **no one** (public) was able to get NMP information until this month after released from DNR in approximately June 2021, noting available press release for verification. Nowak questioned source of information for GSWRR, stating "you have it in the plan, of everybody in this ToL that has a NMP, you have their name in there, and you told me straight out you went to Davina to get it from the first of the year and you're a liar. You know why I know that?" Sagrillo stated he wasn't even sure of what Nowak was talking about. Nowak responded, "You drew up the plan, you had every farmer in ToL that has cattle ...the head units, everything -the animal unit numbers." Sagrillo clarified, "you're talking about the **animal units**?" "Yes", Nowak answered, "You said you went to Davina to get these numbers and you did not; because I know one thing, he (Andy Nowak) does not have cattle in the ToL, he doesn't own any, he does not have a NMP. So where you're getting your facts from, I don't know." Sagrillo stated those numbers have nothing to do with Nutrient Management Plans w/ Nowak interjecting, "That's the headline of the chart: *Nutrient Management Plans and Animal Units in the Town of Lincoln* and you said you got them from Davina January 1st." (note: *not actual title of GWSRR Table*) Sagrillo again stated only now DNR was able to release NMPs and chart came from Davina. Nowak denied this, asking "Where did you get the animal unit numbers from?" Chairman Jerabek said to put on agenda and Sagrillo can answer question when documentation on GWSRR is provided.

Supervisor Nowak: As far as legal expenses, two years ago I sent out a postcard and one of your PC members sent back w/ note: "If you only knew how much Kinnard Farms has cost the ToL in legal fees, you'd be surprised." Addressing Sagrillo, "Coming from you, you don't spend that much, so somebody here is lying, **again**." Sagrillo confirmed with Clerk on numbers she supplied for his report and Salmon volunteered to submit her past legal expense report as an agenda item; Nowak declined. Clerk stated you can't accuse and blindsides people during a meeting, pointing out Nowak had been asked in the past to request agenda items from the Chairman and provide backup documentation. Feels the whole purpose this is done is to get everyone riled up, stating he did the same thing to Treasurer and Clerk for almost a year, and now is doing it to PC Chairman. Clerk backed Sagrillo on quality of work / amount of time he puts in on behalf of the ToL Plan Commission. Jerabek ended discussion, stating it is correct that items should be on agenda as part of State statutes to legally be able to discuss and Nowak is allowed to request agenda items ahead of time from the Chairman. Valid questions are able to be asked, but everyone should be allowed to defend themselves. Jerabek stated is he okay on adding both GSWRR Nutrition Management Plan question and legal expenses to August agenda with documents to be provided to have a discussion & organized meeting so Sagrillo can defend himself. Attendees can also bring items up in Public Comment. Reminded all need to keep cool and answer each other's questions in a respectable way, not attacking each other and doesn't appreciate anyone being called a liar. Supervisor Nowak stated legal expenses are two different things, referring back to Sagrillo's legal expense report and PC member/resident note, saying "something does not make sense". Salmon replied that a PC member and a resident are two separate things, and as a resident, while no request was made for back up documentation to written comment, they do have a right to give an opinion. Salmon also noted in the past, Sagrillo and Clerk provided documented information backing up legal expenses in the name of transparency, but when attacked w/ no warning, there is no way to respond when topics are not on meeting agenda. Pointed out at past meetings, Nowak had said we have to work together and Supervisor Eisenman had said there is no unity here; what's going on here is not developing unity and calling two PC members childish & rude is exactly what swearing, attacking & having an aggressive nature looks like.

Supervisor Nowak stated he "said two months ago we're making a change and going in a different direction and I am making a motion that he (Sagrillo) be removed from the Plan Commission Chairman. And State statutes majority vote decides your (Sagrillo's) fate". Also stated appointed officials can be removed by majority vote by State statutes 17.13. Jerabek said he would need to look into it and Salmon stated Nowak should provide documentation for everyone to review and stated that this should have been brought up as an agenda item, Nowak denied it did. Jerabek agreed he can't call that vote and can't take action unless on agenda. Andy Nowak stated he did not have an agenda item or hearing when he got kicked off the PC thanks to the PC Chairman; stated he was not the only one- Danny Moreau and others were same, just quit getting called because didn't agree with PC Chairman/Members; no phone call to be notified. Chairman Jerabek understands frustration, cannot speak for previous Chairmen, but stated it is Town Chairman's responsibility to renew PC members when terms expire. Sagrillo noted this was pre-Chairman Cochart. Chairman Jerabek said Supervisor Nowak's call for the vote may be allowable by State statute, will look into topic, and welcomes agenda requests if by minimum 24 hour deadline along with backup documents.

IX. Business/ Actions:

a. Road Issues:

- **MLS Program (Cedar Rd):** No MLS Program update; any project over \$60,000 will need to be certified by an engineer. TRIP (Tamarack Project) completed and \$29,192.08 reimbursement funds have been received by Treasurer; \$113,000 budgeted and total cost was \$110,163.55. Chairman Jerabek contacted ELNA Farms re: \$5000 road repair contribution for 2021.
- **IOH:** No IOH applications received by Supervisor Nowak. Complaints received for hauling on Maple Rd, Oak Rd and Cty Rd C without permission.
- **TIF District:** No questions/no further discussion.
- **Black Ash Road Damage:** Chairman Jerabek received notice of damage and video of damage reviewed; \$4,452.79 chip seal repair quoted from Scott Construction, other estimates can be requested. Chairman now reports operator retracted statement that they were responsible for causing accidental damage. Motion made for Chairman Jerabek to contact operator to set up a meeting to discuss options for recoupment of repair costs (Nowak/ Eisenman). Motion carried 3-0. PC asked to draft a letter and ordinance / citation re: ToL protection from road damage expenses
- **Tamarack Rd: Kew County Trucking:** Chairman Jerabek stated he assumed from conversations with County the fill from Tamarack Rd project was going to be dumped at old landfill property on Hawk Rd, but never specifically directed the County to dump there.
- **Date of BoS Road Review:** Board of Supervisors will review road conditions on Saturday, Nov. 6, 2021 @ 11:00am.

b. Sale of Locks: Two passage locks are purchased, one was installed on storage shed, and remainder of locks will be listed on Facebook Marketplace, eBay, and Craigslist.

c. Untidy Yards: Progress has been noticed at one of the untidy properties.

d. Garbage Pickup / Commercial Dumpsters @ Residences: July 5th week garbage / recycle collection to be same day; already posted on ToL website.

e. 2021 American Rescue Plan Act (ARPA): \$49,874.57 (50% of total ARPA funds) received by Treasurer; separate account will be opened for these funds. Other remaining 50% of ARPA funds will be issued in 12 months. Rules for use of ARPA funds are still being developed by Federal government. Notice received GIS expenses are approved.

f. Use of Town Hall Rental Revenue: Chairman Jerabek proposed putting money aside for improvements, Supervisor Nowak proposed putting revenue towards loan principal; rental revenue will be put on loan since it would not cover paving costs for approximately 5 years. Jerabek cutting lawn once a week currently for free, requested help from Supervisors with lawn cutting. Weeds in parking lot need to be sprayed.

g. Good Neighbor Policy: No update. Supervisor Eisenman reported Pagel's /Dairy Dreams responded to request not to spread before a party.

h. Algoma Ambulance Replacement: Kelly Koss gave one year advance warning of \$5000- \$10,000 portion of cost for ToL for Algoma ambulance replacement. For budgeting, Jerabek would like to earmark \$10,000; already have one CD account for L-C Fire/Rescue equipment replacement. Will update next month on fuel tank repair.

X. Public Comment: (Strnad) Noted ditches have larger trees growing. *(Jerabek) 2nd cutting this year should take care of problem.* (Sagrillo) Site Plan Review application has been revised to be more user friendly. (Jerabek) Stated he has learned a lot in the last month as Chairman, it is eye opening to see what Chairman is responsible for & has new appreciation for what Chairman Cochart took care of in past, noting 15-20 days of month have required 1-2 hours a day on ToL tasks. Also noted he appreciates Supervisor Nowak's future work on IOH and past PC membership and stated PC Chairman Sagrillo does do a lot of work and is fair and has seen progress in his willingness to listen, pointing out Sagrillo's attempts to help with S. Fenendael permit compliance within the ordinances. Also hopes Board members feel free to bring up items and put on agenda. (Eisenman) Stated Jerabek should feel free to divvy up workload. (Salmon) Would like to have Conflict Management on August agenda, feels targeted comments made by Supervisor Nowak starting after his election have been made to make people quit, stating months of accommodating in past did not work and will not be bulldozed anymore. Questioned who can take PC Chairmanship providing same caliber of work performed by Sagrillo. (Andy Nowak) Brought up a PC member's nasty comment toward Supervisor Nowak about "big boy pants" and no one said a word. Feels it's time to move on in a new direction re: PC Chairmanship and there is nothing wrong with that. (Sagrillo) Apologized for losing his temper and stated he needs to learn to shut-up and respond to comments at next meeting.

XI. Agenda Items for Next Meeting 8.2.21: Conflict Management; Legal Expenses; Nutrient Management Plan Question re: GSWRR; Road Issues: MLSP/ IOH/Black Ash Road Damage; Sale of Locks; 2021 ARPA; Good Neighbor Policy. **September Monthly Meeting will be held on Sept 13, 2021.**

XII. Bills: July bills were reviewed & check register signed by Board of Supervisors. Motion made to approve July bills (Nowak/ Eisenman). Motion carried 3-0. Phone reimbursement will be discontinued for ToL Chairman per Jerabek's request.

XIII. Adjournment: 9:07pm. Motion made to adjourn (Nowak/ Eisenman). Motion carried 3-0.

Respectfully submitted by Town of Lincoln Clerk, Mary Ann Salmon