

Town of Lincoln: ToL Board of Supervisors Regular Meeting Minutes, Monday, December 6, 2021

I. The regular meeting was called to order at 7:00p.m. by Town Chairman, Jesse Jerabek. Pledge of Allegiance recited. Other Board of Supervisors (BoS) present: Jordan Nowak & Brent Eisenman. Public attendance: Tim Strnad, Town Treasurer, Joe Jerabek, Town Assessor, Jodi Parins, Mick Sagrillo, Joe Vincent, and Al Blizel.

II., December 6, 2021 Agenda: Motion made to approve agenda as submitted (Nowak/ Eisenman). Motion carried 3-0.

III. November 1, 2021 Regular BoS meeting minutes: Motion made to approve the November 1, 2021 meeting minutes as submitted (Nowak/ Eisenman). Motion carried 3-0. November 17, 2021 Budget Meeting minutes: Motion made to approve the November 17, 2021 Budget Meeting minutes as submitted (Eisenman / Nowak). Motion carried 3-0. October 4, 2021 Regular BoS meeting minutes: Motion made to approve the October 4, 2021 meeting minutes as submitted (Nowak/ Eisenman). Motion carried 3-0; Supervisor Nowak said he would make clarifications re: 10.4.21 minutes during Public Comment.

IV. Treasurer's Report: Strnad gave report on ToL Income, Checking, CD, Savings, & Loan accounts and reviewed interest rates on accounts. Tax bills will be sent out this week. Tax payments may be paid at the Town Hall on 12.18.21 from 10:00am-11:00am. Motion made to approve Treasurer's Report as submitted (Eisenman / Nowak). Motion carried 3-0.

V. Clerk's Report: Clerk thanked Treasurer Strand and Chairman Jerabek for picking up Clerk tasks while out sick for three weeks; Strnad returned three special assessment letters. Correspondence received: Fire inspection report for Town Hall, new liquor license requirements, 2022 Election schedule with possibly four elections starting in Feb, General Transportation Aids, contact information request for Intergovernmental Agencies, Kew County winter on-call list, DNR request for levy information, and WTA Nov & Dec magazine. Work completed in last month: Will drop off thank you card & \$50 gas card for Kevin Kotarek this month for cutting grass at Town Hall in 2021 and will review WTA ARPA webinar when available, returned mill rate worksheet & calculations to County, scheduled two additional town rentals for December 18th and 19th, worked on documentation re: Supervisor Nowak's claim at Nov meeting that October 11th Special Meeting of Board with Todd Every was an illegal meeting-to be shared during public comment, forwarded FOIA (Freedom of Information Act) requests to Town Attorney for review, received FOIA request packet from Supervisor Eisenman & turned over to requestor. Supervisor Nowak sent a total of three emails in response to FOIA which were reviewed by Town Attorney, stated nothing needs redacting so far, but due to the scarcity of information, there is a pending question on completeness of information submitted & whether correspondence located on all devices may be reviewed by attorney's office. (For transparency will summarize responses reviewed): *I have no way of putting these on a flash drive. My wife's work computer does not allow her to take any files off of it for her work security reasons and our personal laptop does not have a USB drive. I am trying to attach them to this email but it's saying the files are too large, [one from Lara Carlson, WTA Legal Counsel, which was already reviewed at the October 4 Board meeting, one email listing PC candidates from Brent Eisenman to Jordan Nowak and one from Jordan Nowak to Chairman Jerabek (assumed since only says written by Jordan Nowak, no To: email address)].* Re: questions at Nov 1st and Nov 17th meetings: Only fire bills may be put on tax bill; working through EMS / Fire bills to be sent out for reimbursement. Also reviewed unpaid bills for 2020-2021; there is a sizable fire bill for that is unpaid for a L. Fenendael rental from 2020; will send another notice with others. Luxemburg Fire & Rescue invoice for Service agreement was not included in current 2021 expenses since it has not been paid yet; will be received by end of Dec & due by Feb. The 2021 Service agreement was paid in Dec of 2020 to meet Jan 2021 due date.

VI. County Supervisor's (District 2) Report: None. Chairman Jerabek will attempt to reach County Supervisor, Nick Guilette. Attendance of Guilette at Town of Lincoln meetings: 2020 = 4 meetings and 2021= 3 meetings.

VII. Zoning: None.

VIII. Planning Commission (PC):

a. S. Fenendael Hog Farm Site Plan Review / Development Agreement: PC Chairman Jerabek summarized Nov. 18, 2021 Site Plan review for S. Fenendael, noting Fenendael did an excellent job answering questions from many people that attended meeting. A Development Agreement was forwarded to Fenendael by Jerabek for review by Roach & Associates; no further contact re: Development Agreement. Supervisor Eisenman looked into possible smell from hogs, stated smell should not be a nuisance with the size of pigs planned on.

b. PC Chairman Report: PC Chairman Jerabek reported no zoning issues or PC meetings scheduled. Town Board will use information from their Nov. 6 review of town roads to move forward on Town Road Improvement Plan (TRIP).

IX. Public Comment: None. May also be submitted to Town Clerk in writing.

X. Board Discussion:

a. First Responders Training Facility: None of the Board has had contact with Brad LeGreve of the First Responders.

b. E3764 County Road K- Land & Water Violations: The County issued final notice for violations; fines begin if no action is taken. Chairman Jerabek drove by property, but was not able to see how many animals are there- would prefer to wait on County before taking action. Treasurer Strnad noted there are six registered dogs on property.

c. Luxemburg Fire Repair: Fire tanker needs repair, meeting minutes were supplied to Board members. Three repair options and costs were reviewed by Chairman Jerabek; Luxemburg Fire Dept. was notified that ToL would support option to replace existing valve at a cost of \$5,500 + additional cost as needed for pumping valve. The plan is to keep this tanker for another 15 years and costs will be split between all municipalities served.

XI. Business:

a. S. Fenendael Development Agreement: Motion made to approve Development Agreement for Scott Fenendael's hog farm at E4568 Pheasant Rd (Nowak / Eisenman). Motion carried 3-0.

b. Approval 2022 Budget/Levy: Chairman Jerabek reviewed total expenditures and total revenue line items from 2022 budget along with ToL tax levy of \$99,086. Motion made to approve Town of Lincoln 2022 Budget/Levy (Nowak / Eisenman). Motion carried 3-0.

c. Road Issues: LRIP: Cedar Road: Board discussed options based on estimates available, \$105,000 project looks agreeable to Board; bid requests to be published in January.

d. Special Needs Sign @ N9430 Elm Road: Request made for consideration of Special Needs signs to be installed to slow traffic down if necessary; update on cost and materials next month.

e. Town Hall: Town Hall Septic System Insulation: Septic system is insulated & Board of Supervisors replaced soil & gravel; snow will be plowed over top of system by RM Masonry.

f. Stone House Expense Update: Supervisor Nowak was asked to research his notes for expenses from 2019 mediation meeting where Stone House agreed to judgement amount. Chairman Jerabek does not intend to spend any more on legal fees for this issue, town attorney expects company to file for bankruptcy.

g. Going Garbage Update: Supervisor Eisenman to check with Going Garbage on reimbursement to Town for 2020 charges for no service at Perry Andre property. Jerabek again noted the need for residents to notify a ToL official when properties are empty and do not need garbage/recycle pickup.

h. Appointment to Plan Commission (Nick Cochart / Carol Wautlet PC term expiring 12.3.21) Chairman Jerabek nominated Mick Sagrillo to 3 year PC term previously held by Nick Cochart after Carol Wautlet was removed from PC by Board of Supervisors vote of 2-1, stating there is no one more qualified & better experienced to serve the Town at this position than Sagrillo and no one to date has come forward willing to serve with more qualifications & better experience than Sagrillo. Jerabek noted the Board has total control and final say on any zoning or PC decisions or work completed by PC, the Board assigns any & all tasks to the PC as

they cannot act without discretion from the Board. Jerabek also noted the many emails, phone calls, and public comments received in favor of reinstating the Plan Commission; only one comment was received in opposition. The decision to reinstate Sagrillo should be based on who can best serve the Town & residents and confirming someone should have nothing to do w/ personal reasons. If confirmed, Sagrillo will be serving with the three members of this Board. If a member of the PC does something the majority of the Board sees unfit or proper, they may be removed for no or any reason as the previous three PC members had been removed. Jerabek asked for the Board to give a second change for Sagrillo to serve the ToL. Supervisor Nowak stated: PC meetings get carried away, there are excessive meetings, and lot of these drag out in my opinion. There's things out there that, the ordinances some of them, the drain tile ordinance that was a... we went above and beyond, we were at fault for that. The Sign Ordinance...if you want these ordinances, then you got to follow them. There are signs all over the place & no one says a word about them. My biggest thing when I put them up, I got just drilled for it. Nobody likes change, but it happens. And it was clearly in the last 2-1/2 years, it's been nonstop, just bucking heads from day one. And I just don't see it changing in my opinion. Chairman Jerabek noted what Sagrillo has done speaks for itself, he has been willing to work with people, everyone deserves a second chance & change can happen, and again noted anyone can be removed at any given time by a majority vote. If a meeting gets out of control, a motion can be made at the next meeting for a Special Meeting and someone can be removed just like when two Supervisors did that- don't have to wait three years; PC serves at the pleasure of the Board of Supervisors. Two PC spots will open in March and one person has shown interest. The Board directs the PC as to how to move forward with Chairman making final judgement call. Chairman Jerabek confirmed Sagrillo with a vote of yes, Supervisor Eisenman voted no, and Supervisor Nowak confirmed Sagrillo with a vote of yes (with reservation if anything happens again...) Mick Sagrillo has been confirmed for a three year PC term retroactive to 12.3.21. Supervisor Eisenman noted reasons for his vote was he has heard about a lot of worked up people and vulgar words over the years at PC meetings, nothing personal against PC, thinks every one of them are great people, feels people are worked up about simple things being drug out, noted additional questions needing answers at PC meetings being drug out, and doesn't want to see ToL on the news for something so petty. See a lot of worked up people and there are so many good people in the Town, but things were getting pretty hairy for a while and it was worrisome.

i. Tax Stuffer Information: Stuffer is printed and ready to be sent with tax bills.

j. 2021 American Rescue Plan: Zoom meeting for ARPA updates will be available on video possibly this week.

k. Approval of Election Workers for 2022-2023: Motion made to approve ToL election inspectors: Dale Massey, Mae Pinchart, and Jan Nicklaus. (Nowak / Jerabek). Motion carried 3-0. Motion made to approve hazard pay of \$2/hour additional for 2022 elections (Jerabek/ Nowak). Motion carried 3-0.

XII. Public Comment: May also be submitted to Town Clerk in writing. (Parins Requested Board look at Black Ash Road bridge: it has not been repaired, on north end there is a significant dip on east side where asphalt is caving in & may have been missed due to excess of vegetation. Also noted with ARPA funds of over \$49,000 included in revenue for 2021, would like an explanation included with budget information that those funds can only be used for approved ARPA expenses and not to offset general budget expenditures. In regards to Supervisor Eisenman's comments about things getting unruly: needs to be understood that there were a number of statements & allegations made and misinterpretations put out there by people that now sit at the front table. When people started to answer them to correct the record, the ones correcting the record were unceremoniously removed from their position. We asked for civil government 2-1/2 years ago when the first campaign literature went out w/ inaccurate statements, even to the point of people saying we had spent tens of thousands of dollars on legal costs- which was untrue. Moving forward is a wonderful thing. I think there are people at the front table who have never apologized for calling people liars, for misstating dollar amounts, and even tonight saying meetings go long, too many meetings. Meetings go long and are scheduled only when there is business in front of this Town. Don't you think people / Mick have better things to do with their lives than scheduling meetings for us to attend? "If you want to heal, the physician should heal thyself". (Salmon) Addressed the false claim by Supervisor Nowak that the October 11th Special Meeting of the ToL Board w/ Todd Every was not published or posted. It was not an illegal meeting; State statute 19.84 supplied to Board states notice of meetings may be on the website & posted at one physical location. Screenshots were provided of September 27th date stamped published notice of the 10.11.21 meeting on the Home page of ToL website and of the October Calendar of events & meetings; the 10.11.21 Special Meeting remains on the ToL website calendar to this day. An example of the Town of Lincoln website home page listing events and meetings on the right margin was also provided for educational purposes, highlighting that once an event or meeting is over based on the end time entered, it disappears from the home page's right margin to make room for future meetings, but can still be viewed on the calendar. The physical paper posting was also taped to the glass of the Town Hall door well over 24 hours in advance at approximately eye level until that meeting was over. Without checking the calendar or with Clerk for clarification, Supervisor Nowak recklessly made another false claim against the Clerk and the Chairman based on his lack of knowledge of how the website works & lack of due diligence in researching before making such a claim. It's ironic that Chairman Jerabek's and Clerk's level of obligation & duty in performing our jobs as elected officials are questioned as we give up family time, weekends, evenings- working until after midnight at times, and even returning phone calls from the hospital when such a small amount of investigative effort by Supervisor Nowak was invested in his claim. (Nowak) If it was posted on the website, it should still be on there, correct? (Salmon- no, I just got done saying it will not be on the front page of the website; after tonight, **this meeting** will not be on the front page anymore otherwise we would have a list of meetings going back to 2015 when the website opened.) (Nowak) I shouldn't have to say this, but when I questioned it last month, it was not posted. (Salmon- Look at 2nd page- on September 27th I took time out of my 15 minute break to publish when Jesse notified me that there was a meeting. Again, it says right on the document "**published on September 27**"; I can't change those things.) (Nowak) Then how did these change? (Salmon- What are you talking about?) (Nowak: holding up printouts of the Agenda/ Minutes page) This is on the website: on November 1st, I have 10-4 meeting, which is the monthly one, and 11-1 meeting, which is the monthly one- which is fine; two days later on November 3rd it was posted. (Salmon- that was so I could later post the minutes; because there was no meeting agenda it was posted as an "event". An event goes on the Calendar & on the front home page on the right hand column just like all the meetings are; it did not have an agenda so it did not say "see pdf" and it also appeared on the calendar. Salmon agreed Chairman Jerabek had confirmed w/ her by phone that 10.11.21 meeting had been published.) Chairman Jerabek also agreed he had seen the notice for 10.11.21 Special Meeting on the website. (Salmon- just because you don't see it in the under the Agenda / Minutes tab does not mean it was not published.) (Nowak) It's just weird that it popped up two days later. (Salmon- right, so the minutes could be published there. I don't think it's fair that you are so adamant without checking. You didn't check everywhere; it was right in front of your face when you walked in the door; it was posted there on paper and yet you said it wasn't **published or posted- it was both**. So you put us both in a position where we have to defend ourselves again. Just like the Signs, you want it to fit in your way of understanding, who cares what the Zoning Ordinance says- just whatever Jordan Nowak's mind says it should be, same with this. Because it's not on **this** page, it wasn't never posted- no, it was and I have given you proof of that: "**published on September 27**" as an event because of no agenda. I can show you on the calendar, it's still there-you can click on it. And I have given you proof that when you go home tonight, our meeting will be done and it won't show Monday, Dec 6th there anymore. (Nowak) But it will still be on the front one? (Salmon- **No, it won't**. It won't be on the front home page anymore. Are you understanding the difference between an event and a meeting?) (Nowak) It was a meeting. (Salmon- It was a special meeting w/ no agenda, just to talk w/ Todd, so I entered it in as an event so Jesse wouldn't have to question it and would see it on the calendar. So with all my proof are you going to tell me it wasn't posted and it wasn't published, just because it wasn't where the agendas & minutes go? I have nothing more to say about it.) Nowak replied "no" when asked by Chairman Jerabek if there was anything else he wanted to say.

XIII. Agenda Items for Next Meeting 1.3.22: Road Issues: LRIP: Cedar Rd; Special Needs Signs; ARPA; Going Garbage Update

XIV. Bills: December bills were reviewed & check register signed by Board of Supervisors. Motion made to approve December bills (Nowak/ Eisenman). Motion carried 3-0.

XV. Adjournment: 8:25pm. Motion made to adjourn (Nowak/ Eisenman). Motion carried 3-0.

Respectfully submitted by Town of Lincoln Clerk, Mary Ann Salmon