

**Town Board Meeting Minutes
April 8, 2013**

Supervisor Robert Keller called the regular monthly Town Board meeting to order. The meeting opened with the Pledge of Allegiance, lead by Supervisor Keller.

Members Present: Supervisor Robert Keller, Supervisor Mike Pollack and Chairman Frank Frassetto, via phone. Others Present: Clerk Ellen Chmielewski and nine townspeople.

Motion by Supervisor Pollack to approve the Town Board Minutes of March 11, 2013; seconded by Chairman Frassetto. CARRIED.

TREASURER'S REPORT:

Clerk Chmielewski gave the Treasurer's Report as of March 31, 2013. The fund accounts and cash flow reports were reviewed; total cash: \$794,674.21 in three accounts. Most of the outstanding checks are to our Election Inspectors from last week's election. **Motion by Supervisor Pollack to approve the Treasurer's Report; seconded by Chairman Frassetto. CARRIED.**

CLERK'S REPORT:

Election Update: For the spring general election we had 416 voters, or approximately 23% of our registered voters. A tally sheet was done the night of the election and the vote for the Constable position ended up in a tie between Leo Lefeber and Chris Martell. A Board of Canvas was held on Friday, April 5th. In checking with both the County Clerk and the Government Accountability Board, we were told that in the event of a recount, the write-in votes are counted, even if the oval next to the space for a write-in is not filled in. The voting machines do not count a write-in if the oval is not filled in, which means our totals differ from the machine tapes. After the write-in ballots were tallied, including those ballots where the oval was not filled in, there were 5 additional votes for Leo Lefeber and 5 additional votes for Chris Martell, again ending in a tie. A summary sheet was prepared showing the number of votes from both machines plus all write-ins. Tonight a drawing will be held which will determine the Constable position, an elected position, a 2-year term. A notice was posted and both individuals were notified of the results and the drawing tonight. After tonight if a person wishes to contest the drawing, he has 3 days to appeal. When asked, Leo Lefeber wanted the drawing held now. Supervisor Keller verified that both names were put in a cup. Tom Verstegen volunteered to draw the name: Leo Lefeber was selected. Congratulations to Frank Frassetto, Chairman, Mike Pollack, Supervisor I and Robert Keller, Supervisor II on winning their respective positions for another 2 year term. Thankfully there were no ties with these races!

Newsletter Updates: The Spring newsletter is being completed; but it is not too late to get articles in. The Sanitary District will be contacted. Let the office know if you intend on putting in an article.

Annual Meeting: This will be held on Tuesday, April 16th at 7:00 p.m. I have a draft agenda prepared, but would need any actionable items you wish to have included on the agenda.

PUBLIC PARTICIPATION

Joseph Gelhar, 2452 Greystone, talked about flooding problems by the railroad at Greystone Ct. He asked if the town has permission from CN to go out and fix it at the town's expense. If not, he would go out with a shovel; he knows where the problem is. When will this be fixed?

Leon Luker asked about the stormwater runoff problem; people have written letters. Supervisor Pollack was told Terry Sweeney had contact with someone from CN, but is not aware of the town having permission to go on its property. He will get together with T.Sweeney. Paul O'Connor is a conductor out of Oshkosh. Chair Frassetto talked about a CN Community Relations person in Stevens Point and someone in N. Fond du Lac. The next step would be to set up a MOU; we would look at this annually to assess and identify areas. Then we can go ahead and get it done; we have to formalize something going forward. He didn't feel too many contacts is a good idea. We need one point of contact, build a relationship and then need CN to pay up front. The town doesn't have the money to chase after CN and take care of its problems; CN should be held responsible to clean out at the tracks. Supervisor Pollack reiterated what was explained as L.Luker could not hear what Chair Frassetto said.

Jeremy Halla, 2454 Greystone, said he has lived there 7 years; it is the same every year. Supervisor Pollack talked about the railroad's change in ownership; we had to start at ground zero.

Leon Luker asked about putting this on CN's taxes if they don't pay. Supervisor Keller would be surprised if the County would take on the railroad. T.Verstegen talked about their working under that same state statute, that you can go out and fix it and then charge back; it is a damage thing. Supervisor Keller said with damage, there are laws to allow us to go in and fix it. We would need documentation to prove damage, to show that a loss occurred.

An officer from the Winnebago County Sheriff's Dept. said he was here to address any citizen concerns. He talked about the department now being on Facebook and Twitter; these are updated regularly; Mystate is a program run through the State; newsworthy information is on it. Supervisor Keller talked about damage to railroad channeling devices; people knock them over and a number of them had to be replaced. These devices are expensive; this incident was reported to the Sheriff's Dept.

As no one else wished to speak, the public participation portion of the meeting was closed.

COUNTY SUPERVISOR'S REPORT: County Supervisor Pat Brennand was not present.

CHAIRMAN'S REPORT:

A resident wrote about the fire lane on E. Ripple and was interested in buying the land if the town wanted to sell the property. The only visible point out there is a sign which says "Fire Lane". This should be given back to P&Z for review, looking at the 10 access points in town. They were there for the purpose of providing water to fire trucks. Now the trucks get their water from wells or ponds strategically located in town; the fire lanes are not being used and are no longer necessary.

A letter was received from Unisom, an independent cell tower company that buys leases on cell towers. They said they would give us an unbiased and objective evaluation. We will watch this.

Chair Frassetto said he spoke with Rick Stadelman on different options we have regarding the transition from elected Clerk to appointed and Office Assistant to Office Manager. Supervisor Keller was asked to go over the document he prepared. He explained interviews have been done in closed session and in open session it was agreed that reference checks and CCAP results would be done on potential candidates. The Board did checks and they came back good. The Board would need to determine specifics of offers to new clerk, Ellen and office manager. Our intention is that Ellen stays on a temporary basis as acting Clerk until the new clerk is up to speed. The start date for the clerk in training would be April 17th. **Motion by Supervisor Keller that the salary for the clerk in training be \$25,000 annually; once that person becomes clerk the salary remains the same at \$25,000; seconded by Chair Frassetto.** Supervisor Pollack clarified that the clerk in training will be at

\$25,000 also. **CARRIED**. Supervisor Keller continued: with the new clerk's potential term of appointment to Clerk, we need to establish the term of appointment. Chair Frassetto said a new clerk can be appointed up to 3 years. He proposed an appointment of 1 year, a probationary appointment; this can always be revisited. **Motion by Chair Frassetto to set the first term of appointment for the new clerk at 1 year; seconded by Supervisor Pollack.** Supervisor Keller agreed with the logic. Supervisor Pollack discussed changing this term at any time. Chair Frassetto said you cannot appoint for any longer than 3 years, but you can continue to appoint for 3 years, or 2 or 1 year. **CARRIED**. The acting clerk's term of appoint was discussed. Training sessions, including the Clerk's Institute and the Towns Association will be looked into. We can always look into hiring someone as a consultant if needed. **Motion by Supervisor Keller to set the term for the acting clerk not to exceed 2 months; seconded by Supervisor Pollack.** Chair Frassetto said this would begin on April 17th. **CARRIED**. **Motion by Chairman Frassetto to keep the salary for the acting clerk the same as it is now; seconded by Supervisor Pollack.** The clerk would have the same responsibilities. **CARRIED**. Chair Frassetto will make the offer to Ellen and to the new clerk in training. Chair Frassetto opposed the suggestion that if an offer is rejected, we would make the same offer to the next candidate. Next was Office Manager salary which was listed at \$10.50/hr. **Motion by Supervisor Keller to set the Office Manager salary at \$10.50/hr. with a start date of April 17, 2013; seconded by Supervisor Pollack.** **CARRIED**. Supervisor Keller will make the offer to the Office Manager. Chair Frassetto will make the offer to the clerk and clerk in training this week. Mona is an employee and agreed to leave after training. Supervisor Keller felt 1 week is sufficient. The clerk suggested that training go through the next payroll period, one month. An offer will be made to Mona to stay on until the May meeting unless it is decided it is not necessary. No motion is needed as she is an employee.

SUPERVISOR I REPORT:

Supervisor Pollack said the Planning & Zoning meeting was held March 26th because of the election. A CSM for Rabe, combining 2 parcels on Cty. Rd. Z was recommended for approval; it is straight forward. **Motion by Supervisor Pollack to approve the CSM for Shane & Gail Rabe, Parcels 004-051101 & 004-051102 on County Road Z; seconded by Chairman Frassetto.** **CARRIED**.

P&Z discussed the town's Dog Ordinance: now in all residential areas 3 dogs are allowed, which parallels the City of Oshkosh and some other towns; Ag zoning has no limit. The proposal by P&Z is that we have a town-wide ordinance that allows for 3 dogs per property in the town. Supervisor Pollack did not see an issue with this. This way we would have consistency in the town. Chairman Frassetto felt when we passed the ordinance it was town-wide, irrespective of how the land was zoned. T. Verstegen said the ordinance was always listed under the residential section; that is the only place it is shown. This would confirm that it is town-wide; Section 2 in the ordinances talks about things that are town-wide. This should be taken out of Section 3 and put in Section 2. This does not have to go back to P&Z. We are clarifying that this is town-wide, not just residential. This needs to be posted and would go into effect 30 days after that. **Motion by Supervisor Pollack that the town's dog ordinance be changed from Section 3 to Section 2 allowing for 3 dogs per property town-wide; seconded by Chair Frassetto.** **CARRIED**.

SUPERVISOR II REPORT:

Remaining TRIP Funds: Supervisor Keller said we have a remaining amount of about \$3,000 that is the balance of money we were given as a result of a TRIP fund for paving on Greystone and Fisk. That money was used to purchase asphalt through the County's bidding procedure. The Highway Commissioner said we could submit another road project under the same program. If we bought \$6,000 worth of asphalt we would get reimbursed half of it. We will see what project we will be doing and get that money back.

Next is RR Intersection Channelization Paddles. This is the case where they are getting damaged; we had to replace about 6 of them. The railroad indicated to us that because there were a number of them out that we would be in non-compliance if they were not repaired. These were repaired the next morning. These are expensive, about \$50 each, and this was reported to the Sheriff's Department.

Spring Flooding Issues: A number of people have spoken on this. We are fortunate because we had a lot of snow but a slow melt. If we had warm days there would be more serious problems. Many people had water in their yard. The Stormwater Utility District was created to try and fix those problems; it is more than just cleaning out the ditch. We will probably continue to have problems because of the spring melts.

Town Hall Grounds Maintenance: This involves lawn mowing and trimming of the bushes. A gentleman came forward who does this for the Sanitary District; Scott Mateyka will not be doing this for us and we are looking for a replacement. Another packet of information came from a person who is starting his own landscaping business. Supervisor Keller felt an employee is better because you have more control and only have to pay for what he does. Supervisor Pollack talked about using their own equipment. Supervisor Keller said they are compensated for using their own equipment. Chair Frassetto did not feel it should be a rate higher than the snowplowing rate; we could go out for bids. We will ask for proposals from these people. Leo Lefeber said he also does lawn maintenance.

SANITARY DISTRICT REPORT: Jenny Oleson had nothing to report.

CONSTABLE'S REPORT: Chair Martell was not present.

BUILDING INSPECTOR'S REPORT: Dave Frank said he wrote a few permits which is typical for this time of year. There were no questions about his report.

APPROVAL OF BILLS: Supervisor Pollack moved to approve the payment of bills for April, 2013, second by Chairman Frassetto. **CARRIED.**

Supervisor Pollack moved to adjourn until May 13, 2013, at 7:00 p.m. seconded by Chairman Frassetto. **CARRIED.**

Respectfully submitted,

Ellen Chmielewski, Clerk