

Town Board Meeting November 18, 2009

James Parent called a special Town Board meeting to order at 6:00PM in the meeting room at the Town Hall. Present were James Parent, Robert Schultz, Dale Williams, Barbara Anschutz, Peter Jacobs, Douglas Smith and Mark Kunstman.

Clerk verified posting. Motion made/second Dale/Barb to accept the minutes. Carried.

Discuss/decide sharing a portion of the cost for the Catholic Church stone wall repair – Mark Kunstman from Stella Maris Parish was present to discuss the situation. The Board had met with Paul Gray last summer and said they'd be willing to share some of the cost provided everything was done correctly. After that meeting, the Board left with the understanding that we were going to proceed as discussed, so Jim called Baudhuin to have to start working on a plan. About a day or two later, the Hockers company showed up and started doing work on the wall. Dale called Paul Gray and was told that they decided to do it themselves. Jim then called Baudhuin to have them stop with the design. That's where it was left. Dale explained the reason that the Town wanted to be involved was to make sure it was done properly. As far as he can see, most of it was done correctly, but he's not sure if drain tile was put in and hooked into the drain line. The Board's concern was that if they were going to use taxpayer dollars, they wanted to make sure it was done correctly. Since there was a bit of a lack of communication, Jim just wanted to have the Board talked directly to Mark before we make any commitments.

Mark addressed the drainage issues and they are considering curbing it to guide the water so it doesn't go the same path it used to. An asphalt curb would be the least expensive way until the whole parking lot is redone. At that point, a regular curb box should be installed to gather the water and direct it. The Town already did extend the existing storm sewer to catch the runoff by the church, which was about \$22,000. The total cost for project was \$13,586.67, which was very reasonable. Hockers and Franke donated quite a bit. Bob stated he has no problem giving them some money, but he just doesn't like the way the situation was handled. In the future, when repairs to the wall need to be done, he asked they please keep an open dialogue with the Town. The Clerk spoke with the Town Attorney and he stated that since the wall abuts a public sidewalk, there is a safety concern and therefore the use of public funds is acceptable. Motion made/second Dale/Barb to pay \$6,700 towards repair of the wall that abuts the Town of Baileys Harbor public sidewalk. Carried. Going forward, as sections are repaired, there should be meetings between the Church and the Town to come up with detailed plans and accurate cost estimates. Mark thanked the Board. Bob said to check on the snow plowing this winter too. The pavers are coming up to the north County shop on Friday and they could make a small curb that would help this winter/spring. Mark will contact the County and Bob will talk to Rich Weisgerber and try to figure out a cost for something like that. Mark can then present it at a finance meeting.

Consider a motion to take bill from Ed Gersek, Inc./Rock Removal Resources, LLC off of the table – Motion made/second Peter/Dale to take the Ed Gersek, Inc./Rock Removal Resources, LLC bill off of the table. Carried.

Discuss/decide on payment of bill from Ed Gersek, Inc./Rock Removal Resources, LLC – Both Doug and Jim spoke with the person from Rock Removal Resources. The \$1,800 is Gersek's portion of the bill. On the Gersek bill, there needs to be some clarification on the "parts" he has listed, because Davies billed the Town directly. As for Rock Removal Resources, he gave us a breakdown as to how he justified the \$700/hour. There are two hours on there for the state shutting them down, which isn't our problem. He's got per diems and hotel costs listed as well. There should only be four hours instead of six hours on the breakdown. The per diems, the hotel, the daily machine cost and the 15% markup shouldn't be included. Hitting the sewer line was partly our fault, because it was marked. We will pay Rock Removal directly. Motion made/second Peter/Barb to pay Rock Removal Resources, LLC \$2,260 with an explanation of how we came to that amount, with a copy of the letter to Gersek. As for the Gersek bill, we'll have to check on the details of that. Motion made/second Jim/Dale to table the Gersek bill. After discussion, Jim removed his motion from the table and Dale removed his second. Motion made/second Jim/Dale to approve payment of no more than \$1,800 to Ed Gersek, Inc. subject to Town Chair's approval of the bill after speaking with a Gersek representative. Carried.

Motion made/second Jim/Barb to enter into Closed Session per state statute 19.85 (1) (e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. In this case, to deliberate the purchase of public properties. Roll call vote: Dale Williams, aye. Peter Jacobs, aye. Barbara Anschutz, aye. James Parent, aye. Robert Schultz, aye. Motion carries. Also present for the Closed Session was Town Clerk Douglas Smith.

Motion made/second Dale/Barb to enter back into Open Session and continue with agenda. Roll call vote: Dale Williams, aye. Peter Jacobs, aye. Barbara Anschutz, aye. James Parent, aye. Robert Schultz, aye. Motion carries.

Discuss/decide any recommendations from Closed Session – Motion made/second Dale/Peter to write a letter to the property owners in question asking them to explain how they came up with a cost of \$670,000 when the fair market value is only \$284,300. Carried.

Motion made/second Bob/Barb to adjourn at 7:30PM. Carried.

These minutes are subject to correction at the next regular monthly Town Board meeting.

Douglas Smith
Town Clerk