

**Town Board Meeting Minutes**  
**Thursday, August 6, 2015 at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 7:00 p.m.**  
**Adjourned at 8:38 p.m.**

The Clerk, Treasurer, and all Board members were present along with Mike Liebman (Ayres Associates), Tim Ambrosius (CQM, Inc.), and other members of the public. Clerk Charette verified that the meeting was properly noticed; the agenda was presented after the pledge of allegiance was recited.

**Minutes from August 3, 2015, Town Board meeting**

M/M by Supervisor Lasee to approve the minutes from the August 3, 2015, Town Board meeting as presented; seconded by Chairman Cashman. Motion carried.

**Cashman Drive Improvements Agreement with Express Excavating**

Clerk Charette clarified that the four bidders for the Cashman Drive project had either provided a bid bond or certified check when they submitted their bids on July 20, 2015. Therefore, each bidder complied with the requirements of the bidding process.

The Board discussed the commencement date of the project with Butch Cravillion, Express Excavating. The Board and the Contractor agreed to a commencement date of Wednesday, August 12, 2015 and a completion date of October 3, 2015.

Cravillion asked whether the Town had specific hours his crew could work on the project. Supervisor Van Vonderen stated there is only one resident who lives on Cashman Drive. The Town does not have an ordinance limiting when work can occur.

Clerk Charette requested that the invoices be split between the three paying landowners and the Town. Tim Ambrosius, CQM, Inc., stated that he would break down the invoices accordingly.

M/M by Supervisor Van Vonderen to approve the agreement with Express Excavating for the Cashman Drive Improvement project with a commencement date of August 12, 2015; seconded by Supervisor Lasee. Motion carried.

**Possible condemnation of Parcel R-458-21, 3943 Stonewall Drive, and Parcel R-458-14, 3949 Seven Oaks Drive**

Chairman Cashman stated that a cul-de-sac has been located on Parcel R-458-21, owned by Kory Derenne, for many years. In 2011, Derenne sent a letter from his attorney putting the Town on notice regarding any claim to adverse possession. At its July 22, 2015, meeting, the Town offered to purchase the property but Derenne rejected the offer. The item was tabled until tonight's meeting. Chairman Cashman asked Mr. Derenne if he had reconsidered the Town's offer.

Kory Derenne, 3943 Stonewall Drive, provided a letter and maps, dated August 6, 2015, which are incorporated herein by reference, to the Board. Derenne's letter requested that the existing cul-de-sac be relocated into the existing 70 foot right of way. Derenne obtained an estimate from Scott Construction for \$1069 to chip seal the re-constructed cul-de-sac. Derenne stated that the existing gravel base can be salvaged to re-construct the cul-de-sac. In his letter, Derenne offered to pay for half of the chip-sealing costs.

It was noted that the Town's standards require a new cul-de-sac to have a 50 feet radius. Derenne's proposal measures the gravel from end to end. The right of way would need to be 130 feet if a new cul-de-sac was constructed which would include shoulders and ditching.

Mike Liebman, Ayres Associates, noted that if the right of way is used for the cul-de-sac, then the drainage plan would need to be modified to include drainage work outside of the existing property. Liebman noted this change could be worked out with the Contractor. A drainage easement would be located approximately 20 feet onto Derenne's property. Water flowing from the south would intercept on the southern parcels, R-86 and R-87, owned by the Auricchios.

Supervisor Lasee asked if Derenne had a culvert on the property. Derenne responded yes. If the cul-de-sac is relocated into the right of way as proposed, there would be a ditch on Derenne's property. Derenne stated that he was agreeable to having the ditch located on his property.

Supervisor Van Vonderen recommended that a drainage easement be obtained from Derenne to ensure that the Town has the legal right for using the property for drainage in the future.

Liebman noted that the proposed 70 foot cul-de-sac will not meet the existing Town standards. Liebman indicated that with or without the alternate bid there would need to be a ditch located at this location.

M/M by Chairman Cashman to table this item; seconded by Supervisor Van Vonderen. Motion carried.

### **Request from Kevin Derenne- Project Design, Construction and Easement for Drainage Improvements- Hickory Ridge Area**

Deron Andre, Andre Law Offices, represents Kevin Derenne. Attorney Andre referred to Bob Mach's letter dated August 3, 2015, which denoted problems with and solutions to the proposed drainage plan as it relates to his client's property. Specifically, he mentioned the hazard the ditch will have with the proposed depth and that the Town will be taking property outside of the easement. He then introduced Bob Mach, Mach IV Engineering to address the Board.

Mike Liebman noted that on page C-2 of the bidding document, there are some areas where the side-slope will be steepened to contain a ditch within the drainage easement. This may be the case where there are buildings or trees in the easement.

Chairman Cashman clarified that it is a landowner's option, not a requirement, to maintain the drainage easement.

Bob Mach stated that the Town is creating an unnecessary liability. It could raise the culvert 1.5 to 2 feet on Derenne's property and still be comparable in depth to other sections of the project. Mach stated that by doing so it would save the Town money and be more aesthetic. He urged the Town to consider this change. Otherwise the ditch will be 6.5 feet in depth where it crosses Seven Oaks Drive.

Mike Liebman reported that when the Town began this project it was attempting to develop a design that would resolve issues for all of the properties in the subdivision. Liebman reiterated that the proposed plan is based upon many suggestions provided by Kevin Derenne himself. The plan proposes to relieve issues to all properties not just Mr. Derenne's. The plan also proposes to limit the potential frost heave on roadway culverts. In Liebman's opinion, he would prefer to have it remain 10 feet deep to prevent this. But he understands there is always a balancing in every project. Liebman indicated that he would be willing to raise the proposed depth 1.5 feet at Seven Oaks and then feathering back to station 1700. He has been trying to prevent further engineering costs to the Town by not making all of these requests for changes.

Mach believes a proposed 1.4' reduction in depth will keep the ditch in the easement. Liebman agreed to this change which would increase the ditch slope to .9% along approximately one-half of the ditch denoted on pages C-101 and C-102 of the bidding manual.

Kevin Derenne stated the very back edge of his property is proposed to have a 6.8 foot ditch depth and then recede to 5.5 feet. In his opinion, in order to maintain a 3:1 slope, the maximum ditch depth would need to be 5 feet. Derenne stated that he was in agreement with a 1.5 feet change at Seven Oaks.

Liebman stated that there could be about a 1.4 foot change in depth near Derenne's building.

Darrin Butry, 3887 Stonewall Drive, offered his property to be re-contoured if it would help the project work.

Supervisor Lasee suggested that the project be rebid if it was going to save the Town money.

Mark Mommaerts, 3791 Seven Oaks Drive, wondered why the ditches needed to be so deep on this project when the ditches on Willow Tree Lane are not that deep.

Chairman Cashman stated that the lay of the land is different in this project and there is much more water running through it.

Kevin Derenne asked that the Board make a motion to accept Liebman's recommendations.

M/M by Chairman Cashman to Table item 7; seconded by Supervisor Van Vonderen. Motion carried.

**Bids for (Old Military Plat and Old Military 1st Addition Plat) Drainage Improvements- Hickory Ridge Area & Possible Award of Project.**

The following bids were opened and received on Monday, August 3, 2015.

	RC Excavating 2633 Quail Lane Suamico, WI 54173	RelyCo, Inc 1195 Scheuring Road De Pere, WI 54115	Highway Landscapers, Inc. 1900 Bohm Drive Little Chute, WI 54140	Advance Construction, Inc. 2141 Woodale Avenue, Green Bay, WI 54313
Hickory Ridge Drainage Improvements Items 1-23	\$229,881.00	\$310,176.00	\$ 334,318.00	\$337,637.30
Alternate Bid	\$19,125.00	\$14,000.00	\$ 35,000.00	\$41,000.00

A bid tab and letter of recommendation on the project was provided by Mike Liebman. Liebman informed the Board that the Department of Natural Resources approved the Construction Site Storm Water Runoff permit to fill in the natural drainage way on Parcel R-86, owned by the Auricchios.

Liebman further explained that the alternate bid to fill in the drainage way will divert a lot of water away from the subdivision and also will positively affect Kory Derenne's property. He believed that having a drainage easement in that area would make sense for future development and overall improvement to the existing project. He clarified that if the Town chose not to award alternative bid #1, the drainage project would still work.

Chairman Cashman opened the floor to the landowners attending the meeting and asked whether they wanted the project to move forward. The majority of the landowners did want the project to proceed.

Darrin Butry, 3887 Stonewall Drive, is in support of the project moving forward and stated that he views the proposal as recontouring and that it will be sloped accordingly to get it to drain and to look nice. He does not believe the Town is taking his property from him.

Rick Noel, 3900 Stonewall Drive, is in support of the project moving forward and questioned why there was such a drastic difference in the bids. He asked whether the lowest bidder was reputable and a company that Ayres Associates would be comfortable in working with on this project. Liebman stated that it is not an issue.

Rick Noel also asked about the alternative bid.

Chairman Cashman stated that the Alternate Bid #1 is to fill the drainage way on Parcel R-86, owned by the Auricchios and then create a new ditch along the woods came in at approximately \$19,000. Liebman recommended that the Board include this bid when awarding the project.

Supervisor Lasee stated that he would like to know the exact cost of the project.

Liebman stated that the Town could negotiate a change order to the project to cover the slight modification in design.

Supervisor Lasee suggested that written agreement with Auricchio be reached before the project begins.

M/M by Chairman Cashman to table number 8; seconded by Supervisor Van Vonderen. Motion carried.

### **Possible condemnation of Parcel R-458-21, 3943 Stonewall Drive, and Parcel R-458-14, 3949 Seven Oaks Drive**

The Board returned to this item at 8:15 after tabling #8.

Mike Liebman believed that there would not be a cost savings to the Town if this change was approved. In fact, there might be a slight increase. Supervisor Van Vonderen reiterated her request to require a drainage easement for the change in ditch location.

M/M by Supervisor Lasee to relocate the cul-de-sac into the existing right of way as proposed by Kory Derenne in his letter and maps dated August 6, 2015 with Derenne paying half of the chip seal costs; seconded by Chairman Cashman. Motion carried.

### **Request from Kevin Derenne- Project Design, Construction and Easement for Drainage Improvements- Hickory Ridge Area**

M/M by Supervisor Lasee to raise the Seven Oaks ditch and culvert 1.5 feet and then feather it back to station 1700; seconded by Supervisor Van Vonderen. Motion carried.

### **Bids for (Old Military Plat and Old Military 1st Addition Plat) Drainage Improvements- Hickory Ridge Area & Possible Award of Project**

M/M by Supervisor Van Vonderen to accept the bid from RC Excavating with Alternate Bid #1. Minor changes to ditch elevation and addition of cul-de-sac work to be done by change order; seconded by Chairman Cashman. Motion carried.

### **Brown County Municipal Recycling Agreement**

Amendment VI of the Brown County Municipal Recycling Agreement was provided to the Board.

Treasurer Van Dyck reported that this agreement is signed each year so the Town can receive part of the recycling money for publications and receive a lower charge for recycling pick up.

M/M by Chairman Cashman to approve the BC Municipal Recycling Amendment; seconded by Supervisor Van Vonderen. Motion carried.

### **Cash Flow Analysis- August**

Clerk Charette provided the Board with a copy of the Cash Flow Analysis for the month of August. She projected that the Town would have approximately \$150,000.00 in the general fund at the end of the year before any additional Cashman Drive expenses were incurred.

### **Resolution #2015-5 Authorizing Borrowing of Monies From Greenleaf Wayside Bank for improvements to Cashman Drive**

Both the Clerk and Treasurer project that there will be sufficient funds in the general fund and capital improvement fund to pay for the Town's share of the Cashman Drive improvements without having to borrow money to do so.

M/M by Chairman Cashman to deny borrowing money for the Cashman Drive Improvements project; seconded by Supervisor Van Vonderen. Motion carried.

### **Public comment-**

Kevin Derenne and Kory Derenne both thanked the Board, CQM, Inc. and Ayres Associates for working with them to find a solution to their concerns regarding the proposals to their properties in the Drainage Improvements-Hickory Ridge Area plan.

### **Voucher in Payment of Bills**

Clerk Charette provided the Voucher in Payment of bills to the Board.

M/M by Chairman Cashman to authorize the Treasurer to transfer \$2,000 from the Cashman Drive Escrow account to pay the legal fees to Herrling Clerk; seconded by Supervisor Lasee. Motion carried.

M/M by Chairman Cashman to approve the voucher for \$15,478.82 for checks #9107-9112 with one voided check #9106 and one online payment; seconded by Supervisor Lasee. Motion carried.

### **Adjournment**

M/M by Chairman Cashman to adjourn the meeting at 8:38 p.m.; seconded by Supervisor Van Vonderen. Motion carried by voice vote.

All minutes have been taken truthfully and honestly and to the best of my knowledge and ability.

Jann B. Charette, Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on Monday, August 17, 2015.

Dennis J. Cashman, Chairman