

Town Board Meeting Minutes
Monday, June 16, 2014 at the Rockland Town Hall
Called to order by Chairman Cashman at 7:30 p.m.
Adjourned at 9:38 p.m.

The Clerk, Treasurer, and all Board members were present. Also present were Steve Gander, Kory Derenne, Kevin Derenne, Mary Zirbel, Charles Martin, Mark & Jean Mommaerts, Ken & Heather Heller, Otto & Katie Sukow, Dorothy Salm, Sara Noel, Jeff Smet, Wayne Carter, Colleen Magley, Darrin Butry, Norb Stauber, Pete Kozak & Kayla Guns (Wrightstown Spirit). Clerk Charette verified that the meeting was properly noticed; the agenda was presented after the pledge of allegiance was recited.

Minutes from June 2, 2014, Public Hearing after any corrections have been rectified

M/M by Chairman Cashman to approve the June 2, 2014, public hearing minutes as presented; seconded by Supervisor Van Vonderen. Motion carried unanimously by voice vote.

Minutes from June 2, 2014, Town Board meeting

M/M by Chairman Cashman to approve the June 2, 2014, Town Board meeting minutes as presented; seconded by Supervisor Van Vonderen. Motion carried unanimously by voice vote.

Request from Dennis & Mary Zirbel for approval to rezone Lot 1 of proposed CSM of Parcel R-425, 2985 School Road, from Agricultural Farmland Preservation (AG-FP) to Estate Residential 2 (ER-2) acre

Chairman Cashman reported that a public hearing was held at 6:30 p.m. this evening. No one from the public appeared. Chairman Cashman and Supervisor Van Vonderen explained that the Applicants, Mary and Dennis Zirbel, have requested to split off an approximate 2.8 acre parcel of R-425, which includes the home and the shed, from the rest of the land. Currently, R-425 is zoned Agricultural Farmland Preservation. The request is to rezone Lot 1 (2.8 acre parcel) of the Proposed CSM to Estate Residential 2 acre. The Applicants explained that for financial reasons, their bank is requesting them to separate the home and shed from the rest of the agricultural land. Applicant, Mary Zirbel, reported at the hearing that the approximate 2.8 acres is not being used for farming or agricultural purposes. The Planning Commission reviewed the request by the Applicants at its May 6, 2014, meeting and found no issues with the request. The May 6, 2014, minutes are incorporated herein by reference. The Board reviewed the requirements set forth in Sec. 18-01.23(F) (1) of the Rockland Code of Ordinances and found that Lot 1, which is approximately 2.8 acres in size, is better suited for a use not in the Farmland Preservation District and rezoning it to Estate Residential 2 acre is consistent with the comprehensive plan and the Brown County Farmland Preservation Plan. Furthermore, the Board found that the rezoning to ER-2 will not limit or impair the future use of the adjoining parcel which is approximately 37.825 acres and is zoned AG-FP and is being used for agricultural purposes.

M/M by Supervisor Van Vonderen to approve the rezone of Lot 1 of the proposed Certified Survey Map for Parcel R-425 from Agricultural Farmland Preservation to Estate Residential 2-Acre and that the Board finds this rezoning to be in compliance with Sec. 18-01.23(F)(1), Rockland Code of Ordinances, as required by DATCP; seconded by Supervisor Schwalbach. Motion approved by voice vote.

Petition for Drainage & Roadway Maintenance Project

Chairman Cashman stated that Kory Derenne appeared at the May 19, 2014 meeting to bring this issue to the Board regarding drainage issues in the Hickory Ridge subdivision. Derenne requested that this item appear on the agenda for tonight.

M/M by Chairman Cashman to open the record to the public; seconded by Supervisor Schwalbach.
Motion carried unanimously by voice vote.

Kory Derenne, 3943 Stone Wall Drive, submitted a packet of signed petitions to the Board from approximately 20 residents residing on Old Military Road, Stone Wall Drive and Seven Oaks Drive & Hickory Ridge Drive

requesting that the Town hire an outside consultant to investigate and evaluate the drainage and roadways in the subdivision. These petitions are herein incorporated by reference. Chairman Cashman inquired whether Mr. Derenne contacted all of the residents in the subdivision. Kory Derenne reported that he had done so.

Kevin Derenne, 3957 Seven Oaks Drive, commented that the residents who moved to this subdivision had no idea that these issues existed prior to purchasing and he wants to work with the Board to do the right thing. He mentioned that there are many substandard conditions that exist in the subdivision. He took the Town map and noted that the Hickory Ridge/Old Military, Seven Oaks and Stonewall Drive are victims of substandard road conditions. Kevin Derenne believes that these issues can be resolved through proper analysis and proper design. Kevin Derenne commented that some of the issues noted in the petition have been cause for internal conflict with other neighbors. For example, while clearing his culvert he was accused of wanting to flood his neighbor's basement. Derenne mentioned his experience as a civil engineer with the Department of Transportation. He knows that from experience these issues can be dealt with overall construction redesign. He is requesting that the Town hire an unbiased consultant to come in and conduct an analysis to determine how these issues can be addressed.

Chairman Cashman informed Mr. Derenne that when the subdivision was developed there were no town road standards in place. He recommended that Mr. Derenne take this into consideration as he compares the Hickory Ridge subdivision to others located within the town. Cashman also explained that Old Military Road is a town road that is not part of the subdivision. He explained that other roads just happen to tie onto Old Military.

Supervisor Van Vonderen stated that this process will need to start with an engineer taking a look and identify the problems so that the Board can then determine what needs to be done and how much it will cost. Van Vonderen indicated that the project will happen but may take longer than desired and that it could require for funding to be borrowed.

Dorothy Salm, 3447 Old Military Road, stated that she is interested in the Board hiring someone to analyze the problem and then rectify the problem.

Ken Heller, 3829 Seven Oaks Drive, reported that he had drainage issues with septic system and his mound system started to decay. Heller contacted Bilinski Excavating to review the issues. Bilinski informed Heller that he would need about 30 yards of dirt to fill and create proper drainage on his property. Overall, Heller estimates it would cost about \$20,000.

Charles Martin, 3729 Hickory Ridge Drive, reported that water comes from Highway 57 and flows into the rear of his yard. Martin stated that there is water that stands on his property and into his ditches for more than one-half a year. He also stated that when the road was repaired there was some larger stones left behind in the ditch and he requested that this be cleaned up so that he can use his property without damaging anything...

Supervisor Schwalbach stated that during the April road tour the Board witnessed the seriousness of these issues and that action will need to be taken. He stated that the residents should not be surprised if there may be some expenditures on their part to rectify some of these issues as well. Supervisor Schwalbach mentioned whether some of the residents may have recourse from a prior owner if the flooding issue was not mentioned on their real estate condition report at the time of the sale.

Sarah Noel, 3900 Stone Wall Drive, asked whether there would have been a real estate condition report if they were the first to build on the property.

Darrin Butry, 3887 Stone Wall Drive, mentioned that on the north side of his property exists a drainage swale and wondering if this is a drainage easement.

Otto & Katie Sukow 3921 Stone Wall Drive, asked who was responsible for maintaining that swale/easement?

Chairman Cashman responded that it depends on how the developer drafted his CSM or whether there were any restrictive covenants. Supervisor Van Vonderen recommended that the residents review any restrictive covenants or the CSM they may have received at the time of purchase of their property.

Kory Derenne stated that it takes until July of each year before he can get it and cut the cattails or grass in this area because there is so much accumulated water.

Katie Sukow wondered if there was anything that the Town could do prior to hiring a consultant. For example, Sukow asked whether the Town could cut the ditches more often or clean them out. Chairman Cashman responded by saying that he would like to conduct some research on whether that is an easement and whose responsibility it is to maintain it.

Kevin Derenne asked whether residents were involved in speaking with the engineering consultant on the Willow Tree Lane project. Supervisor Van Vonderen stated they were involved and there were meetings with the residents for their input on the project. Kevin Derenne requested that the residents of the Hickory Ridge subdivision be given the same treatment.

Chairman Cashman stated that possibly by mid-July the Town could have some bids in to hire an engineer to conduct the study. Clerk Charette clarified that the publication for the bid process takes about three weeks so it could be later than that.

M/M by Chairman Cashman to close the public comment and return to the regular agenda; seconded by Supervisor Schwalbach. Motion passed unanimously by voice vote.

Northeast Asphalt Quarry Permit Application

Supervisor Van Vonderen read the minutes from the May 20, 2014, Planning Commission meeting whereby the Planning Commission visited the quarry site, made findings and made some recommendations. These minutes are hereby incorporated herein by reference.

Chairman Cashman inquired as to whether the culvert at the farm (formerly Dawn Drive) had been replaced yet. Pete Kozak stated that he has not hired anyone to complete that project yet. Chairman Cashman recommended that he replace it with at least an 18" culvert no later than July 31, 2014.

Clerk Charette informed the Board that Bob Gerbers recommended that the dead pine trees in the berm be replaced prior to planting additional trees elsewhere and that he be provided a 48 hour notice prior to blasting in the permits. Discussion was had regarding whether that could be lessened. After some discussion, the Board agreed to "48 hour notice unless otherwise agreed to by the parties."

M/M by Chairman Cashman to approve Northeast Asphalt Quarry application per their letter dated May 12, 2014, their quarry application, and per the recommendations made by the Planning Commission specified in their May 20, 2014 meeting minutes and recommendations made by Zoning Administrator Gerbers noted above which are hereby incorporated herein by reference; seconded by Supervisor Van Vonderen. Motion carried unanimously by voice vote.

Asphalt Quarry Blasting Application

M/M by Chairman Cashman to approve Northeast Asphalt Blasting application per their letter dated May 12, 2014, their blasting application, and per the recommendations made by the Planning Commission specified in their May 20, 2014 meeting minutes and the recommendations made by Zoning Administrator Gerbers which are hereby incorporated herein by reference; seconded by Supervisor Van Vonderen. Motion carried unanimously by voice vote.

Businessowners, auto, and worker's compensation insurance quote- Continental Western

M/M by Chairman Cashman to deny the Continental Western quote dated May 22, 2014; seconded by Supervisor Van Vonderen. Motion carried by voice vote.

Businessowners, auto, and worker's compensation insurance quote-Rural Mutual

M/M by Chairman Cashman to accept the Rural Mutual Insurance quote #QBOPG43665 effective July 5, 2014, with the \$1,000 deductible; seconded by Supervisor Van Vonderen. Motion carried unanimously by voice vote.

Clerk, Treasurer and Deputy Clerk bond coverage for 2014-15

Clerk Charette checked on premiums for the \$25,000 bond coverage for the Clerk, Treasurer and Deputy Clerk positions for 2014-15. Each insurance agent obtains coverage through CNA Surety. The rate is \$62.50 for Clerk, \$62.50 for Deputy Clerk and \$100.00 for Treasurer for a total of \$225.00

M/M by Supervisor Van Vonderen to accept the CNA quote from Rural Mutual Insurance; seconded by Supervisor Schwalbach. Motion approved unanimously by voice vote.

Set hourly wage for Deputy Clerk

Clerk Charette expressed that per state statute she is allowed to appoint a deputy clerk to cover for her in her absence. Charette is taking a vacation in July. Charette explained to the Board that this appointment is highly recommended so that Town business does not stop if something unexpected happened to her. Clerk Charette asked Clerk Colleen Magley from the Town of Morrison if she would serve as the Town of Rockland's Deputy Clerk in the event of Clerk Charette's of an emergency. Clerk Magley has agreed to do so but prior to appointing Clerk Charette wanted the Board to set the hourly rate for the Deputy Clerk position.

M/M by Supervisor Van Vonderen to set the hourly wage at \$15.60/hour for the Deputy Clerk position; seconded by Supervisor Schwalbach. Motion passed unanimously by voice vote.

Deputy Clerk Appointment & Oath of Office

Clerk Charette provided a copy of the official appointment to the Board. Chairman Cashman asked whether the Board should have some say in what duties the Deputy Clerk should be assigned to do and when they should be completed. Clerk Charette expressed that Deputy Clerk Magley would be fulfilling the duties set forth in the Clerk's job description but did amend the appointment to include "to perform the duties of the Town Clerk as assigned by Town Clerk or Town Board during my absence, sickness or other disability... The official appointment also was amended to include the hourly wage of \$15.60/hour.

Clerk Charette officially appointed Colleen Magley to serve as Deputy Clerk and issued the Official Oath of Office to Deputy Clerk Magley.

Approval for Deputy Clerk to become authorized signer on Greenleaf Wayside Bank checking account

Clerk Charette provided a Resolution Designating Public Depository and Authorizing Withdrawal of County, City, Village, Town or School District Moneys which was prepared by Greenleaf Wayside Bank. Clerk Charette reviewed the number of signers required for each account. Clerk Charette recommended that the Board authorize Deputy Clerk Magley to become the fourth signer on the Town's checking account. Clerk Charette explained that currently the Town's checking account requires three signatures for approval. Authorizing Deputy Clerk Magley to become a signer would enable the Town to continue to conduct its business in the unlikely event the Clerk, Treasurer or Chairman was unable to do so.

M/M to adopt the Resolution Designating Public Depository and Authorizing Withdrawal of County, City, Village, Town of School District Moneys authorizing the Deputy Town Clerk to act as a signer on denoted accounts; seconded by Supervisor Schwalbach; Motion passed unanimously by voice vote.

Resolution #2014-3 Relating to the Composition of the Brown County Planning Commission Board of Directors

Clerk Charette provided a memorandum from Aaron Schuette, Brown County Planning, explaining that the Brown County Planning Commission Board of Directors recommended a fourth option for the reorganization of the Board of the Directors along with a revised map which is attached hereto and incorporated herein by reference. Charette explained that Resolution #2014-3 adopts this new option and map.

M/M by Dennis Cashman to approve Resolution #2014-3 and the map as Option 4 attached thereto; seconded by Supervisor Van Vonderen. Motion passed unanimously by voice vote.

Chairman's Report

Chairman Cashman reported that John Preston, 5859 CTH PP, is making a lot of progress in cleaning up the property. Cashman reported that he has two weeks to complete that clean up. Cashman informed everyone that the Implements of Husbandry bill is explained in the June WTA issue. Cashman recommended that everyone read it since the Board will need to conduct work in this area in the near future. Cashman further reported that the Van Deurzen street sign along with others will be installed by the end of the month. He also reported that Scott Construction has completed the road work it was hired to do. Ryan Rollins, 2451 CTH ZZ provided a signed contract with Carter Trucking to complete the demolition of his home destroyed by fire. Carter is waiting for the down payment on the job before work can begin.

Jeff Smet, 5161 Highway PP, stated that he completed everything that was required per the May 8, 2014 letter sent by Gerbers and inquired when he will be issued an occupancy permit. Chairman Cashman stated that he will need to contact Bob Gerbers to get the occupancy permit. Questioned whether he needed a burn permit to burn brush. Chairman Cashman informed him no permit was required but that it should be attended to.

Planning Commission & Comprehensive Plan Update

Supervisor Van Vonderen provided an update to the Town Board earlier in the meeting on the Zirbel rezone and Northeast Asphalt matters. Besides meeting on these items in May, the Planning Commission also met to review the revised chapters of the Comprehensive Plan. Next meeting is scheduled for July 15, 2014 to review the Matt Giese rezoning application.

Wind Siting Update

Supervisor Schwalbach reported that today was the deadline to get comments on the Wind Citing Council draft.

Announcements and Correspondence

Clerk Charette handed out a letter from Reid Ribble inviting the Board to the Transportation Policy Conference on July 1 in Green Bay. Supervisor Schwalbach stated that Highway ZZ will be repaired next week and that the County's highway plans can be viewed on the Brown County website. Schwalbach reported that Brown County has \$600,000 set for the redesign of ZZ in 2015. The County then plans to acquire the land in 2017 and begin construction in 2019.

Items for future meetings- The Board decided to cancel the Monday, July 7, 2014 meeting.

Public comment

Wayne Carter requested that Chairman Cashman or Clerk Charette contact the Town of Wrightstown for an unpaid bill on work conducted on Wrightstown Road. Each municipality was responsible for such work.

Steve Gander explained the process of the how the Brown County Planning Commission Board of Directors reached Option 4 for reorganization.

Cash Flow Analysis

Clerk Charette provided a copy of the cash flow analysis for June.

Approval of Voucher in Payment of Bills

Clerk Charette provided the Voucher to the Board and requested that the check for Rural Mutual Insurance in the amount of \$4302.00 be added to the total voucher.

M/M by Chairman Cashman to approve the Voucher totaling \$38,156.85 for two online payments, no voided checks and checks 8582 through 8596 which includes the check to Rural Mutual Insurance for \$4302.00; seconded by Supervisor Van Vonderen. Motion carried by voice vote.

Adjournment

M/M by Chairman Cashman to adjourn the meeting at 9:38 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,
Town Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on Monday, July 21, 2014.

Dennis J. Cashman
Town Chairman`