

NOVEMBER 23, 2009 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman Glembocki at 6:15 p.m. on Monday, November 23, 2009 at the Town Hall in New Munster and opened with the *Pledge of Allegiance*.

Town Board members present – Chairman William Glembocki and Supervisors Andrew Lois and Robert Herda.

Others present: Clerk Sheila Siegler, Town Treasurer Deborah Vos, Building Inspector Tim Popanda, Town Attorney Jeff Davison, Fire Chief Alan Kaddatz, Mike Reyer, Nick Infusino, Jim Mirek, Phil Piccolo, Stephen Clubb, Bill Heeg, Jeff Butler, and Dave & Chris Borre.

Notices were posted in five public areas, the town website and the *Kenosha News* and *Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were also sent agendas as required by state law.

Approval of minutes was tabled to the December 14 meeting on motion by Andrew Lois and second by Robert Herda.

- **Fire Dept. Report** – Chief Kaddatz reported all the trucks have been gone thru for necessary maintenance and repair. Hose testing should be finished tonight.
- **Public comments** - none
- **Agreement concerning reconstruction of a structure - Michael & Angela Reyer, 6348 373rd Ave., Burlington, WI 53105 – Property location: 6348 373rd Ave., Tax Parcel #95-4-119-042-0616**

Nick Infusino, attorney speaking for Michael & Angela Reyer, stated that after consideration, his clients have decided to ask to raze the structure themselves, and pull out the concrete and asphalt. They would need 60 days to accomplish this.

Town Attorney Davison said he would leave the technical aspects to Building Inspector Tim Popanda as to what needs to be accomplished. Davison said this should be put in a written agreement but also felt RFP's for razing should be obtained in case agreement breaks down.

Tim Popanda said we would be in deep winter in 60 days and the removal of the masonry structure could cause problems if the ground is frozen. Chairman said we could meet Dec. 14 to approve the agreement. Mike Reyer said he agreed with Popanda that the concrete should be removed as soon as possible before the soil freezes. He would begin as soon as allowed.

Reyer objected to removal of the driveway culvert. Popanda said the property would need to be graded and seeded in the spring. Glembocki felt the driveway culvert could stay as long as the driveway comes out. He questioned whether the berms should be removed. Reyer objected to the berm removal because there is landscaping on the berms. Maintenance of the berm was a problem this last summer, Chairman Glembocki said.

Popanda said the water and well are regulated by the DNR. There is a temporary abandonment permit. Contact DNR. Abandonment of the private sewerage system could be subject to whatever the county would require. County rules may leave in place for a specified time.

The board agreed to meet before the Plan Commission meeting on November 30 at 6:30 p.m. Davison said he could have an agreement in place by November 25 so that all parties can review before the meeting.

Andrew Lois moved a motion to authorize the town attorney and building inspector to work together with Reyer's attorney to formulate an agreement that spells out conditions to allow Michael & Angela Brooks Reyer to remove the structure themselves with all the concrete removed in 30 days and the driveway culvert to remain in place. Well, septic and restoration of the lot will be spelled out in the agreement but for a later date. Robert Herda seconded. Motion carried.

- **Authorize seeking proposals to raze structure - Philip Piccolo, 6926 316th Ave., Salem, WI 53168 - Property location: 7009 316th Ave., Tax Parcel #95-4-119-014-0670**

Attorney Davison said he has been unable to come to any agreement with Philip Piccolo. He suggested either Phil Piccolo or his attorney, Stephen Clubb speak.

Stephen Clubb outlined his proposal to allow Piccolo to fix up the property himself so he

could sell it.

Davison said he can't see how it would possibly impact the current situation favorably. He can't justify further delay.

Clubb said a new issue is that Piccolo's son no longer wishes to live in the structure. This changes things and they now wish to fix up and sell the property with a structure on it.

Davison said that the building inspector has deemed that more than 50% of the value of the structure is beyond repair. A new owner would also need to remove the structure. The town has been willing to work with Mr. Piccolo, a long-time resident and has bent over backward to try to accommodate him. It is not in the best interest of the town or a new owner to keep the structure.

Tim Popanda said that all along any agreement that was discussed called for Piccolo to have a third party contractor do the work and have a contract in place. It would need to be guaranteed the repair of the structure would be finished in a timely manner.

Clubb said that Piccolo has workers lined up. He has all the materials paid for and stored in the accessory building. The work would be done.

Popanda said there is a misunderstanding between what Piccolo believes need to be done. Plastic to cover the roof would not be allowed. The structure needs to be gutted. It has been taking on water for years; we can't pass that on to a future owner.

Lois, with the economy as it is, it could stand there for a couple of years.

Piccolo said you are locking me in. Things happen and the weather could be a problem. Even a signed contract wouldn't guarantee the work could be done. Chairman said the town has been trying to resolve this issue for two years. Piccolo objected to the time frame and listed all his problems.

Davison said that no matter what has happened or not happened in the past, since he's been the town attorney (June 2009), it's been the same story. Piccolo has asked for more time and nothing has been done. A raze notice was issued in July 2009 and it is now nearly December and nothing has been done. He realizes Mr. Piccolo has a variety of reasons but the ongoing is still vague. There is no third party contractor and it doesn't sound like progress.

Chairman asked Davison if we can go forward with the raze order and how would we get any personal effects out of the structures? Davison said the raze order has been outstanding since July. Put out "requests for proposals" to remove the structures to contractors. Once an RFP is approved, any items remaining in the structures would have to be moved to a storage facility at Mr. Piccolo's cost.

Chairman said we can use the contact list of contractors used for floodplain buyout properties. The goal would be December 14 to open the RFP and the work done as soon after as possible.

Attorney Clubb asked for an extension to January 31 to make the buildings watertight. Chairman Glembocki said we are finished with that. We will pick a contractor at the December 14 meeting.

Clubb asked what constituted 50% value and stated the building was "grandfathered." Popanda said the structure walls were bulging and would need to be gutted from the crawl space to the attic. The building has been vacant for more than a year and has lost the "grandfather" status.

Clubb asked if Piccolo could remove the structure himself before the next board meeting. Davison said, "Absolutely," it was still his property. The same items discussed with the previous party would need to be addressed. The driveway would have to be removed. The well will need to be temporarily or permanently abandoned and the septic abandoned according to DNR and county sanitary codes.

Andrew Lois moved a motion to obtain RFP's to raze the structure and have those ready to select a contractor at the December 14 meeting. Robert Herda seconded. Motion carried.

- **Revise TRIP project application** - Robert Herda moved to use the 85th St. project instead of 368th Ave. for the 2010-2011 TRIP project application. Andrew Lois seconded. Motion carried.

- **Reports**

- A. Treasurer's report for the month of October – Treasurer's Report listing October income of \$29,659.56 and expenses of \$89,560.10. Report was accepted as printed on a motion

from Andrew Lois and second by Robert Herda.

B. Building Inspector report for the month of October – Tim Popanda said we have a new single family home permit for Eric Dorobek issued in October for 366th Ave. in Koch's Meadowbrooke Farms Sub. Nine permits were issued with \$1,688 in fees and \$398,000 in value. Popanda said he also is in the process of revising the fee schedule. He is getting fee schedules from other towns to compare. He also is continuing to check for missing house numbers and notifying property owners to post the correct number. Report was accepted on a motion by Robert Herda and second by Andrew Lois.

C. Road report – roads in Lilly Lake and 85th St. in Powers Lake have been completed. Chairman said he has heard favorable comments.

D. Clerk reported state-wide county-wide assessing is being proposed by the WI Dept. of Revenue. There are no details at this point but more will be forthcoming.

E. There is also a new electronic recycling law signed by the governor. We are not required to collect electronics but do have to notify people of the need to recycle. Another part of the law has a requirement for retailers to collect items when a new sale takes place.

- **Announcements** – Chairman said the town office is closed Thursday and Friday, November 26 & 27 for Thanksgiving.

- **Correspondence** – none

- **Financial matters:**

- A. Purchase approval - none

- B. Review and approve clerk's report for disbursements - period October 1 - 31, 2009 – Robert Herda moved approval of the clerk's report listing checks #19396 thru #19577 dated October 2 thru October 30, 2009 in the amount of \$89,559.09. Andrew Lois seconded. Motion carried.

- C. Clerk noted the December 14 board meeting agenda will include RFP's for a floodplain building removal. The building is on 77th St.

- **Adjournment** – Bill Glembocki moved to adjourn at 7:15 p.m. Andrew Lois seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk