

Minutes | May 8th, 2023 | 7:15 PM
Board of Trustees (BOT) Meeting



Note: The 2023 Board of Review (BOR) First Meeting preceded the May 8th, 2023 BOT meeting. Minutes for said BOR meeting are recorded separately.

Roll Call: President Mark Schall, Trustee Rich Schmitt, Trustee Rick Cermak, Treasurer Robert O'Brien, Clerk Dori Panthofer

Excused: Constable Kristin Wright

Public: Derrick Harden (3612 Hennepin Pl), Bruce Peppich & Lisa Englander (3621 N Bay Dr), Connie Mellem (116 S Vincennes Cir)

Call to Order | President Schall called the meeting to order at 7:15PM

Public Comment | President Schall orally reviewed public comment guidelines.

- Mr. Harden | Mr. Harden thanked the Trustees for responding to the Racine Water Utility water main issue. Two issues were fixed: 1) Irrigation system; 2) Drain tiles in the basement. A concern remains about potential damage to the roots of the ash tree. Mr. Harden asked the Board to consider adding the resident's lateral bill to the property tax bill to allow more time to pay for it. Mr. Harden noted that President Schall previously stated there was rationale why the Village would not consider this. Mr. Harden stated a response to this request would be helpful.
- Burce Peppich | Mr. Peppich stated he's following up on this and asked if there have been any changes to the current status of the project, and if there is anything else we need to know. "We've got a pretty good understanding of where we are in regards to not knowing who's going to cover what with the exterior; the remediation of our back yard from the damage that the (Racine) Water Department created when they came to shut the water off in January. There just seems to be a lot of questions about when are we going to know when the project is done and should be paid for; that the work is satisfactory; not necessarily Reesman's or Northern Mechanical's issue but all this is tied in together. It seems like every time we turn around, there seems to be something unexpected occurring. We're finding it a bit of a challenge."
- Connie Mellem | I'd like to make a suggestion for the next Newsletter. "I've noticed that there have been people leaving long branches in the street and maybe they need to be reminded to place them on the lawn or driveway because it causes a health or traffic hazard. It's not like dropping your leaves off."

President Schall referenced an email he sent about 3 weeks ago. "The Village really isn't running the show, we're dependent upon the combination of the (Racine) Water Department, Reesman and Northern Mechanical. I thought it would be a good idea to have everybody there instead of doing one off emails so then we could do real-time questions. I still think this is the best solution for this. Derrick (Harden), I asked you for some days and times so if you can respond with three or four days and times and we can get Jeff and Tyler in here and say ok, for one thing, if there are any outstanding questions, and do a post-mortem because we do have subsequent phases. We could get legitimate real time answers from the people that have them."

Mr. Pepich | “Would your suggestion be that we wait until after we’re done this week and set a time to get together and sort of unpack, and what else needs to be done, sort of like a punch list discussion?”

President Schall | “Yes, to do it all at one time and not piece-meal it. Is the work done? Is it working? Is it satisfactory? All of that, we can get into any issues.”

Mr. Pepich | “We’ll get our heads together and get back to you.”

Approval of Board of Trustees Meeting Minutes | The draft of the April 10th, 2023 BOT meeting minutes prepared by Constable Wright reads that President Schall stated the Village had received a building permit application from Tom & Maria LaFave (3517 North Bay Dr) for a greenhouse. The Village received an email in March 2022 of a proposed greenhouse but did not receive a building permit application until April 18th, 2023. Clerk Panthofer asked to amend the minutes to clarify the events accordingly. The minutes also did not include discussion notes about the spa enclosure at 3721 Lighthouse Drive.

Motion to amend and approve April 10th, 2023 BOT minutes which clarify that, as of April 10th, 2023, the Village received an email in March 2022 of a proposed greenhouse but had not received a building permit application from Tom & Maria LaFave (3517 North Bay Dr) for a greenhouse (Accessory Buildings agenda item), and to approve the balance of the minutes, made by Trustee Schmitt and seconded by Trustee Cermak. Roll call vote: Trustee Cermak AYE; Trustee Schmitt AYE; President Schall AYE. Motion carried at 7:27 PM.

Trustee’s Report (1) – Rich Schmitt

- Three bridge inspection bids were received:
 1. Westbrook Bid - \$1,790 for Vincennes bridge only
 2. Ayres Bid #1 - \$1,900 for Vincennes bridge only
 3. Ayres Bid #2 - \$3,400 for four (4) structures; one (1) bridge and three (3) culvert inspections. (Vincennes Bridge and the culverts on Hennepin, North Bay & Nicolet)

Of the four structures, only the Vincennes Bridge (P-51-0700) is classified as a bridge. The other three (3) structures are culverts. A culvert is a tunnel structure that allows running water to pass under the roadway.

There are no recent records of culvert inspections. Trustee Schmitt recommends approving Ayres Bid #2 to inspect the Vincennes bridge and 3 culverts so the Village has a current baseline condition of all 4 structures. Sources of funding differ for bridges and culverts. Ayres is willing to assist the Village to navigate funding procurement options for both types of structures.

President Schall asked if the Village was seeking multiple bids for the three culverts.

Per Trustee Schmitt, only Ayres submitted a bid to inspect the culverts. Culvert inspections were not discussed with Westbrook. Westbrook seems to have more box pricing. Ayres has the knowledge base and familiarity with the Vincennes Bridge, they know the county players, and are willing to partner with the Village with current and future needs. Ayres seems to have the best pathway forward. The more we commit to Ayres, the more they will commit to the Village without additional contract and consulting fees.

President Schall stated he spoke with Ayres in 2022. He (the Ayres engineer) definitely invested the time and I definitely got a good vibe from their willingness to partner with the Village and support working with Ayres,

Trustee Cermak motioned to accept the Ayres bid dated April 27th, 2023 in the amount of \$3,400 to inspect the 4 structures (Vincennes Bridge and the culverts on Hennepin, North Bay & Nicolet) and President Schall seconded the motion. Roll call vote: Trustee Cermak AYE; Trustee Schmitt AYE; President Schall AYE. Motion carried at 7:36 PM.

- Trustee Schmitt followed up with Wind Point Department of Public Works Supervisor Brian Beiley to discuss cosmetic repairs on the Vincennes Bridge. WP-DPW Supervisor Beiley will complete a site visit this week to determine if the repairs are within or beyond the WP-DPW's capacity and Trustee Schmitt will report back next month.
- Tree/shrub/overgrowth near the Lighthouse Drive drainage area needs trimming. Tree/shrub/overgrowth along the parkway and stairs to the beach will need trimming. Per Trustee Cermak a branch adjacent to, or, in the ravine near Main Street also needs clearing. The minimum trip fee is \$500 from Droprite Mulchrite (a service provider for Wind Point). It's cheaper for the Village to work directly with Droprite Mulchrite. Trustee Schmitt will trim the areas and schedule a pick up. Trustee Schmitt commented that he wasn't sure if a \$500 expense to clear the area required Board approval.
- Per President Schall, a large Village owned tree adjacent to 3621 North Bay Drive should be inspected by a tree service to evaluate its stability.

Trustee's Report (2) – Rick Cermak

Trustee Cermak was concerned that the water main installation project could hit a force main. A force main is a pipeline that conveys wastewater under pressure from the discharge side of a pump or pneumatic ejector to a discharge point. Pumps or compressors located in a lift station provide the energy for wastewater conveyance in force mains. In the street, the water main went over the force main and in the yard at 3612 Hennepin Pl (Harden), the water main went under the force main.

Constable's Report – Kristin Wright | WPPD Police Chief Rick Von Drasek was scheduled to present the April 2023 Policy Activity report but was unable to attend so the report was deferred. The fire and animal welfare reports were also deferred.

Treasurer's Report – Bob O'Brien

Treasurer O'Brien distributed the monthly financial report. Interest income is climbing steadily due to the rising interest rates. There were no unusual expenses. The Village was significantly under budget for snow removal due to minimal snowfall.

The Village received two (2) checks valued at just over \$24,000 from a class action lawsuit settlement related to PCBs. It was originally initiated by the City of Long Beach vs. Monsanto. Treasurer O'Brien does not know why the Village received the checks or if there are any strings attached, and he will contact the League of Municipalities to find out more. All municipalities seem to have received funds. Treasurer O'Brien would like to know if the Village agrees to the checks, whether or not the Village is required to monitor/report PCBs.

President's Report – Mark J. Schall | No report.

Clerk's Report – Dori Panthofer

- Permits | A few applications were submitted and processed by Treasurer O'Brien during Clerk Panthofer's leave of absence. A roofing permit was received late today.

Since early 2020, when processing an incoming permit application was transferred from Constable Wright to Clerk Panthofer, approximately 18 applications have been submitted after work began. Either a Board member or resident noticed that work but didn't see a placard and contacted Clerk Panthofer to inquire if a permit had been issued. If an application is not on file,

Clerk Panthofer contacts the owner/agent or contractor. Once notified, the owner/agent or contractor usually submitted the application for the current, as well as future projects. There are two exceptions. First, the owner of 3617 N Main Street began work for two different projects without a permit. Second, the owner/agent of 3733/3721 Lighthouse Drive has had multiple incidents of starting work without a permit (plumbing 3 times, driveways 2 times) in addition to other issues related to ongoing projects.

In July 2022 while Clerk Panthofer was on vacation, a building permit application was dropped off at Village Hall for a spa. The application omitted plans. President Schall emailed the owner/agent to submit plans. In August, the agent called to rescind the spa permit application and the agent picked up the application and uncashed check and a permit was not issued.

In February 2023, Clerk Panthofer notified Inspector Greivell of a roof structure (thought to be a shed), who then referred it to Zoning Administrator/President Schall. Zoning Administrator/President Schall visited the site and responded that it was an erroneous report of a shed. It may not be a shed, but a roofed structure is visible from the road.

Sections of Chapter 2, 8 and 10 define responsibilities of elected officials. When someone inquires about a project without a placard, as Clerk, I am required to contact the owner. Most of the time, it was a simple oversight. With the properties at 3721/3733 Lighthouse Drive, in early 2021, the Board made a decision that President Schall and Constable Wright would be the primary points of contact with the owner/agent for both properties. I've reported this and raised concerns. Chief Von Drasek has said, if you see something, say something. President Schall, you emailed me that you've talked with other municipalities, do we really want to pursue this, we should really focus on other things. We all took an oath, if we see something, we are to follow the ordinances, especially with Building and Zoning. I am asking that the Inspector look at the property. A contractor did pull an electrical permit for an outdoor spa, but they withdrew the building permit. Plans were not submitted. I saw the materials being delivered and mentioned it to Constable Wright.

President Schall, you said "Can the inspector take a look. Why hasn't he?" Clerk Panthofer replied, "you (President Schall, said we should focus on other things." President Schall stated, "that was the trailer, let's not mix up the issue."

Clerk Panthofer stated, "I have the email that reads you were going to take your time. You referred to an erroneous report of a shed and that you weren't going to rush to investigate. I am asking you to do your job and investigate." The Village did not receive a plat of survey for the structure.

President Schall asked, "Why don't you refer this to Inspector Greivell." Clerk Panthofer spoke with Inspector Greivell who stated it should be referred to the Zoning Administrator. President Schall's recollection is that the question was for a shed, not a spa. President Schall's review of the Ordinance is that it does not refer to hot tubs. Clerk Panthofer commented that there is a roofline. President Schall commented what about the cover on a pool? Clerk Panthofer referenced rooflines and fixed structures. President Schall stated the hot tub is 6x6 and square permits are only needed if it's more than 36 square feet. "When I sent the note to the owner and agent, they said feel free to come over and look." Clerk Panthofer asked President Schall if he recalled asking for the documentation/plans and they never submitted them? A building permit was not issued.

President Schall asked, "I thought there was a permit?" Per Clerk Panthofer, "An electrical permit was issued, but not a building permit, they rescinded it. You cited state ordinances regarding this. I would just like this resolved." President Schall agreed to talk with Inspector Greivell.

- The Annual Recycling Report will be filed by Friday, May 12th, 2023. Due to technical issues that closed filing from March 30th through late April, the filing deadline was extended from May 1st to May 23rd.
- Elections:
 - 2 public record requests were received, each for a list of all Spring Primary and Spring Election Officials. Clerk Panthofer consulted with WEC Specialist Alison Coakely to verify what information can be released.
 - The WEC redesigned both the inner and outer envelopes for absentee ballots. Current stock will be destroyed. New stock for 2024 is on order.
- Newsletter | Clerk Panthofer will seek articles from Board members for the next newsletter.

Accounts Payable (AP)

The following accounts payable reports were presented to the Board:

- 2023 March AP amended 3/23/2-23; final total: \$\$145,032.41
- 2023 April AP amended 4/13/2023; final total: \$25,967.82
- 2023 May AP preliminary as of 5/8/2023 \$22,459.61

Motion to accept all three AP reports referenced above made by Trustee Schmitt and seconded by Trustee Cermak. Roll call vote: Trustee Cermak AYE; Trustee Schmitt AYE; President Schall AYE. Motion carried at 8 PM.

Old Business

- Bridge(s) - See Trustee #1 report
- Supervised Burn - deferred.
- Water Main Project | Final phase of private laterals going in. The Racine Water Dept expressed a desire to have a better plan for the future phases.
- Elections, Permits, Annual Recycling Report, Accessory Building(s) - See Clerk report

New Business

- Racine County Intergovernmental Cooperation Council (RCICC) next meeting: 5/31/2023
- Driveway Observation | Treasurer O'Brien referenced Chapter 7.02 language that approval is required to construct or maintain any driveway that intersects any public or private roadway. The word "maintain" is definitive and they want to patch a pothole, or reseal it, that's maintaining it. There is a difference between repairing, maintenance and replacement. Back when the Village started enhancing the Ordinances in an attempt to make them black or white, the Village made them overly complex.

President Schall stated we should assess the size of the issue and if we want to invest in the overhead of updating the ordinance. "From experience, in an attempt to make them black and white, we've made them more gray. When that happens, FYI, if there is ambiguity, the tide goes to the free use of the property. If it's a should I or shouldn't I, if there appears to be room for both interpretations, then the Homeowner gets the benefit of the doubt."

Trustee Schmitt commented that a lot of Ordinances could be cleaned up.

Adjourn | Motion to adjourn made by Trustee Schmitt and seconded by Trustee Cermak. Roll call vote: Trustee Cermak AYE; Trustee Schmitt AYE; President Schall AYE. Meeting adjourned at 8:06 PM.