

Approved 9/28/2022
TOWN BOARD MEETING
FREEDOM TOWN HALL
W2004 COUNTY RD S
WEDNESDAY, AUGUST 24, 2022
6:00 p.m.

1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE

Meeting called to order by Chairperson Charles Kramer at 5:31 p.m.

Members present: Supervisor Kevin Schuh, Supervisor Brandon Conrad (by phone), Supervisor Jason Vandenberg and Supervisor Margo Fox.

Also present: Clerk/Treasurer Colleen Laha, Attorney Steve Frassetto, and Jeff Kussow, Justin Keen, Dean Zanon and Ken Jaworski from Cedar Corporation.

Supervisor Kevin Schuh led the Pledge of Allegiance.

2. VERIFICATION OF POSTING/ADOPT AGENDA

Posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 19th day of August, 2022 at 2:30 p.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and Shop & Save Mart/ Halesi, LLC.

Amended and re-posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 22nd day of August, 2022 at 11:30 a.m. by the Clerk's office. Also posted at: Dairyland Depot, Freedom Mini Mart and Shop & Save Mart/Halesi, LLC.

Motion made by Supervisor Brandon Conrad with a second by Supervisor Kevin Schuh to adopt the agenda as posted.

5 Yea /0 Nay Motion Carried: Yes

3. RE-CONSIDERATION OF MINUTES OF JUNE 22, 2022 (MOTION TO INSERT ADDITIONAL INFORMATION INTO THE MINUTES) as attached

Chairperson Charles Kramer asked attorney Frassetto if the town board could do this as a unanimous vote. Attorney Frassetto agreed. Chairperson Charles Kramer asked if any Town Board member opposed the insert of the additional information. No one was opposed.

4. CONSIDERATION & ACTION ON MINUTES OF 7/27/2022 & 8/10/2022

Motion made by Supervisor Brandon Conrad with a second by Supervisor Jason Vandenberg to approve the minutes of 7/27/2022 and 8/10/2022.

4 Yea /0 Nay Motion Carried: Yes

Chairperson Charles Kramer Abstained from the 7/27/2022 meeting.

Supervisor Kevin Schuh Abstained from 7/27/2022 & 8/10/2022 meetings

5. PUBLIC COMMENT SESSION (maximum 15 minutes total)

Fire Chief Mark Green submitted quotes from two local companies for maintenance of Fire/EMS grounds.

Glen Gonnering has taken over as the point person for the storm damage and is working directly with Keller.

Green report that about six months ago he was approach by TC Energy about a donation of a truck. A couple of weeks ago the fire department took delivery of a three-quarter ton Chevy Truck. They

have insurance on the truck and are in the process of getting it titled jointly with the town and how they are going to outfit it. They will be looking to the Town for that part of the expenses. The Fire Chief expressed that he would like to have a special heading to do his report under, so he is not taking up time from other people under the Public Comment Session. Supervisor Vandenberg and Supervisor Conrad agreed. Attorney Frassetto will email the requirements for the agenda to the Fire Chief.

Jon Bradle questioned the allegation of harassment complaint status. Attorney Frassetto explained that he would not comment on an ongoing investigation.

Lynn Fuss questioned why this investigation has taken two months. Attorney Frassetto explained that two months was not unusual.

6. DISCUSSION & ACTION ON THE CONTRACT BETWEEN THE TOWN AND THE SCHOOL DISTRICT FOR USE OF THE VFW PARK

Supervisor Margo Fox passed the contract as discussed at the previous meeting to the school district representative, but the representative did not take it to the school board, they are meeting to go through some of the changes before it goes to the school board. Tabled.

7. PLAN COMMISSION REFERRALS:

A. CONSIDERATION AND ACTION ON CERTIFIED SURVEY MAP APPLICATION FOR A 2-LOT CERTIFIED SURVEY MAP; ELIZABETH GARVEY; PIN 090-0227-00; N4304 VINE ROAD

Motion by Chairperson Charles Kramer with second by Supervisor Kevin Schuh to approve certified survey map application for a 2-lot Certified Survey Map; Elizabeth Garvey; PIN 090-0227-00; N4304 Vine Road with no conditions.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

B. CONSIDERATION AND ACTION ON SITE PLAN APPLICATION FOR A CONTRACTOR STORAGE YARD AND STORAGE ESTABLISHMENT DEVELOPMENT; TJS PROPERTIES LLC; PIN 090-0381-00; N3732 UNI DRIVE

Motion by Supervisor Jason Vandenberg with second by Supervisor Brandon Conrad to approve site plan application for a contractor storage yard and storage establishment development; TJS Properties LLC; PIN 090-0381-00; N3732 Uni Drive with the following conditions:

1. This approval is only for the 60 ft. x 382 ft. multi-tenant building, 80 ft. x 270 ft. multi-tenant building, on-site parking, and stormwater detention pond, as identified on sheets C2.0, C3.0, and C4.0 of the plans submitted with this application. Any future additions and/or buildings shall require a new Site Plan review/approval by the Town.

2. The project shall comply with all applicable local, state, and federal codes/ordinance.

3. All required stormwater management and erosion control permits shall be obtained from Outagamie County and the Wisconsin Department of Natural Resources prior to commencing construction and prior to issuance of the Town Building Permit(s).

4. Final building plans shall be submitted to the Town of Freedom prior to commencing construction and prior to issuance of the Town Building Permit(s).

5. Final utility plans shall be submitted to the Town of Freedom and Freedom Sanitary District No. 1 and approved by their respective engineer(s) prior to commencing construction and prior to issuance of the Town Building Permit(s).

6. Any future signage shall comply with all applicable requirements of the Town Site Plan Ordinance and Outagamie County code requirements.

7. Outdoor refuse/recycling containers and any future outdoor storage shall comply with all applicable requirements of the Town Site Plan Ordinance.

8. All on-site parking and internal drive areas identified on sheets C2.0, C3.0, and C4.0 of the plans submitted with this application shall be paved with asphalt or concrete within 6 months of completion of the buildings approved with this Site Plan approval or December 1, 2024, whichever comes first.

9. All on-site landscaping (i.e., grass/lawn & trees) shall be completed/installed within 6 months of completion of the buildings approved with this Site Plan approval or December 1, 2024, whichever comes first.

10. Any substantial changes or additions to the site plan and/or building plans must be reviewed and approved by the Plan Commission and Town Board in accordance with the requirements of the Town of Freedom Site Plan Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Engineer and/or Town Planner.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

c. DISCUSSION ON FUTURE SOUTHERN EXTENSION OF PARKWAY LANE

Jeff Kussow, from Cedar Corporation explained that the Plan Commission at the August 10 the meeting reviewed and recommended approval of TJS Properties LLC Site Plan application for commercial/industrial redevelopment of the northern portion of the Field of Scenes property. Access to the proposed development is via an existing driveway to Parkway Lane on the south side of Industrial Drive. Sanitary utility hook-up is proposed via the existing sanitary facilities on the south end of Uni Drive. During the review of the site plan application, the Plan Commission discussed the need for construction of the southern extension of Parkway Lane, which would accommodate the TJS Properties LLC development and facilitate/promote industrial development on the property adjacent to the east.

Plan Commission is requesting the Town to consider the southern extension of Parkway Lane as a capital improvement project in the near future. This southern extension of Parkway Lane is identified on the Town's Official Map and the Industrial Park Expansion Concept Plan developed in 2021. The existing Parkway Lane right-of-way only extends approximately 263 feet south of Industrial Dr. Right-of-way acquisition, detailed engineering analysis/design, and funding will be needed in order for the Town to construct the southern extension of Parkway Lane.

Kussow reported that ARPA Funding was under revisions. You may be able to use ARPA funds for this. The project will total in excess of a million dollars. It will be approximately \$400,000 for the land. Kussow will report back to the board .

8. CONSIDERATION & ACTION ON SPECIAL EVENT APPLICATION FOR ST. NICHOLAS FAMILY FALL FESTIVAL ON 9/25/2022 FROM 10:30 A.M. – 5:00 P.M.

Motion by Supervisor Jason Vandenberg with second by Chairman Charles Kramer to approve Special Event Application for St. Nicholas Family Fall Festival on 9/25/2022 from 10:30 a.m. - 5:30 p.m.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

9. CONSIDERATION & ACTION ON TEMPORARY LIQUOR LICENSE FOR ST. NICHOLAS FAMILY FALL FESTIVAL ON 9/25/2022 FROM 10:30 A.M. – 5:00 P.M. with Terri Romitti as agent

Motion by Supervisor Jason Vandenberg with second by Chairman Charles Kramer to approve the Temporary Liquor License for St. Nicholas Family Fall Festival on 9/25/2022 from 10:30 a.m. - 5:30 p.m. with Terri Romitti as agent.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

10. OPERATOR LICENSES- Terri Romitti

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve the operator license for Terri Romitti.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

11. CONSIDERATION OF APPOINTMENT OF SUCCESSOR AGENT JASON HAACK FOR FOX VALLEY GOLF COURSE

Motion by Supervisor Jason Vandenberg with second by Chairman Charles Kramer to approve the appointment of successor agent Jason Haack for Fox Valley Golf Course.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

12. CONSIDERATION OF VETERAN CEMETARY CARE APPLICATIONS AS LISTED

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to approve the Veteran Cemetery Care Applications as listed.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

13. DISCUSSION & ACTION OVERSEEING OF BLACK TOPPING ROADS

Supervisor Brandon Conrad and Supervisor Jason Vandenberg were in favor of Chairman Charles Kramer overseeing the black topping of roads as he has done in the past.

14. ENGINEER'S REPORT

- a. DRAINAGE MEETING UPDATE WITH TOWN, OUTAGAMIE COUNTY AND DRAINAGE BOARD

The Drainage Meeting with the Town, Outagamie County and Outagamie County Drainage Board regarding drainage issues around the Bill Kohrt property was held on August 16, 2022.

They discussed drainage issues and potential solutions that are available – field grass buffers, storm water management ponds, perform maintenance to improve storm water conveyance. Potential Projects require a means to finance them with a storm water utility or drainage board.

- b. UPDATE ON COUNTRY FIELDS SUBDIVISION CONSTRUCTION

Construction began this week on Monday, August 22, 2022.

Sanitary lateral and water service construction on Schmidt Road where existing pipe is in place.

The board was good with not having tracer wire boxes at the lot line. There will still be tracer wire up to the manhole cover.

c. UPDATE ON VFW PARK BALLFIELD LIGHTING PROJECT

The contractor has been onsite and completed the asphalt patch replacement at the pull boxes. In July the stormwater line between field two and three was discovered to be damaged by Van Ert. Cedar has worked with the Town and Van Ert to repair the stormwater line and restore the area at Van Ert's cost. We are waiting for the grass to get established. Also in July, during an event, the lighting system failed due to an overheated breaker. This was the result of the contractor's installation and load balancing within the panel. We have worked with Van Ert to get that invoice paid and Van Ert has provided record drawings of the correction for our staff to review.

Cedar is currently in the process of reviewing the record drawings and O&M materials. If the documents are correct, we anticipate a final payment submittal from Van Ert for the Town's September meeting.

15. PARKS REPORT

1. DISCUSSION AND POSSIBLE ACTION ON PROPOSAL FOR TOWN TO OBTAIN 3 AED MACHINES TO BE IN EACH OF THE CONCESSION STANDS AT VFW PARK.

Motion by Supervisor Jason Vandenberg with second by Supervisor Margo Fox for the Town to obtain three AED Machines to be in each of the concession stands at the VFW Park at a cost of \$2024.00 each using part of the bond money from the Capital Improvement budget of \$350,000.00.

Vote: 4 Yea / 1 Nay Motion Carried: Yes Chairman Charles Kramer opposed.

2. DISCUSSION AND POSSIBLE ACTION ON REQUIRING PUBLIC WORKS TOWN EMPLOYEES TO PARTICIPATE IN FREE TRAINING THROUGH BEACON ATHLETICS ONLINE

Motion by Supervisor Jason Vandenberg with second by Margo Fox to require Public Works Town Employees to participate in the free training through Beacon Athletics online.

Vote: 4 Yea / 1 Nay Motion Carried: Yes Chairman Charles Kramer opposed.

3. PARK COMMITTEE MEETING REPORT – UPDATE ON CURRENT PROJECTS

Supervisor Margo Fox informed the Town Board that the LP tank has not been reconnected yet. Supervisor Margo Fox reported that the school has the agreement for the use of the VFW Park and is in the process of going through the agreement.

The park committee is requesting a key for the cameras.

The park committee is getting a bid for Cradlepoint to provide connect wireless at the VFW Park.

The park committee is discussing what they can use the \$350,000.00 from the capital improvement budget for since they did not receive the grant for the purchase of additional VFW Park land.

16. ATTORNEY REPORT

- a. COUNTRY FIELDS SUBDIVISION UPDATE

Attorney Steven Frassetto updated the Town Board on Country Fields Subdivision. Frassetto reported that they were ready to go.

Motion by Supervisor Brandon Conrad with second by Supervisor Margo Fox to approve the final version of the developer's agreement.

Vote: 3 Yea / 1 Nay Motion Carried: Yes

Supervisor Jason Vandenberg Abstained. Chairman Charles Kramer opposed.

17. DISCUSSION & POSSIBLE ACTION ON GONNERING COURT DITCH CLEANING AND PRIVATE DRIVEWAY CULVERTS

The Town Board discussed the need for Gonnering Court ditch to be cleaned and some of the culverts to be lowered. It will be the financial responsibility of the homeowners to have the required culverts to be lowered so the water will flow properly. The residents acknowledge that there is a drainage problem, and they would like it fixed. Earth Works has shot grades to determine which culverts need to be lowered and will have them to Town by the end of the week. Once the Town has a cost for the project, we will have a meeting with the residents that are affected, and a decision will be made on how to proceed.

Motion by Supervisor Jason Vandenberg with second by Supervisor Margo Fox that the Town gets all the information, costs, reviews ordinances and sets up a meeting with the Gonnering Court homeowners that are impacted by this drainage issue.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

18. MOVE TO CLOSED SESSION PER WI STATS 19.85 (1) (g)(e) deliberating or negotiating the purchasing of public properties, the investment of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and; confer with legal counsel regarding litigation that is pending or threatened. PER WI STATS 19.85 (1) (c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. DISCUSSION AND CONSIDERATION OF ENGINEER & EMPLOYEE ISSUES

Motion by Supervisor Jason Vandenberg with second by Chairman Charles Kramer to move to closed session per WI Stats 19.85(1) (g)(e) deliberating or negotiating the purchasing of public properties, the investment of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and; confer with legal counsel regarding litigation that is pending or threatened. PER WI STATS 19.85 (1) (c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility to discuss and consideration of engineer and employee issue at 7:44 p.m.

Chairman Charles Kramer - Yes Supervisor Brandon Conrad - Yes Supervisor Kevin Schuh - Yes
Supervisor Jason Vandenberg - Yes Supervisor Margo Fox – Yes

Vote: 5 Yea / 0 Nay Motion Carried: Yes

19. RETURN TO OPEN SESSION

Motion by Supervisor Brandon Conrad with second by Supervisor Kevin Schuh to return to open session at 8:45 p.m.

Vote: 5 Yea / 0 Nay Motion Carried: Yes

20. ANY ACTION RESULTING FROM CLOSED SESSION

Motion by Supervisor Jason Vandenberg with second by Supervisor Brandon Conrad for the Town to reimburse 50% of the CDL class after one year from issuance of CDL with continued employment with the Town of Freedom and the remaining balance to be reimbursed after two years of employment and issuance of CDL and continued employment with the Town of Freedom.

Vote: 4 Yea / 1 Nay Motion Carried: Yes Chairman Charles Kramer opposed.

21. DISCUSSION & ACTION ON CEDAR CORPORATION CONTRACT.

Motion by Chairman Charles Kramer with second by Supervisor Kevin Schuh that the Town will not renew of contract with Cedar Corporation for 2023.

Vote: 4 Yea / 0 Nay Motion Carried: Yes

Supervisor Jason Vandenberg Abstained.

22. CONSIDERATION OF VOUCHERS/DIRECT DEPOSITS

Motion by Supervisor Kevin Schuh with second by Supervisor Charles Kramer to approve vouchers 32721-32770, E-pay 10674-10690 and TID #1 check 153.

Vote: 4 Yea / 0 Nay Motion Carried: Yes

Supervisor Brandon Conrad abstained.

Supervisor Jason Vandenberg abstained to TID #1 Check 153.

23. ADJOURN

Motion made by Supervisor Kevin Schuh and a second by Supervisor Jason Vandenberg to adjourn at 8:53 P.M.

5 Yea / 0 Nay Motion Carried: Yes

Respectfully submitted,
Colleen M. Laha
Clerk/Treasurer