

**Board of Trustees Meeting Minutes**  
**July 6th, 2021 | 7:00 PM**



**Roll Call |** President Mark J. Schall, Trustee Paul Schroeder, Trustee Rick Cermak, Constable Kristin Wright, Treasurer Robert E. O'Brien, Clerk Dori A. Panthofer

Public Attendees

Name	Address	PC Topic, if presenting
Rich Schmitt	3740 Lighthouse Dr	N/A
Stephen & Judy Myers	3620 N Bay Dr	Trustee #1 Agenda Item

President Schall called the meeting to order at 7:07 PM.

**Public Comment |** Public Comment was opened and closed by President Schall. Zero Public Comments were presented.

**Approval of 2021 Board of Review Minutes and June 14th, 2021 BOT Meeting Minutes |** Motion to approve both sets of minutes made by Constable Wright and seconded by Trustee Cermak. All in favor, none opposed. Motion to approve both sets of minutes passed at 7:08 PM.

**Trustee's Report (1) – Paul Schroeder**

- Awaiting estimate for the removal of a public tree near 3615 Nicolet that was damaged by a recent storm.
- Awaiting public road asphalt repair bids.
- The County may be marking North Main Street (state Highway G) Hwy G - County may be marking North Main Street...
- **Existing encroachment since May 2013 at 3620 N Bay Drive, Owners Steve Myers.** Note 1: Regarding existing encroachments, the Village does not assume maintenance of planting beds or other landscaping on public lands previously maintained by a resident who was granted an encroachment following said resident's move. Note 2: The Myers' and the Village both have surveys of the area related to this presentation.

Trustee Schroeder stated that in the summer of 2020, Mr. Myers accidentally applied a broad-spectrum vegetation killer instead of a weed only product on the hill adjacent to the driveway near the creek. The grade is steep (approximately 7%) and erosion began as a result.

Mr. Myers attempted to restore the bank but the attempts failed. At Mr. Myers' request, Aspen Property Care LLC prepared two plans to restore the area, both of which were forwarded to the Board on June 27th, 2021. Mr. Myers asked if the Board is interested in contributing towards improving and restoring the area to prevent further erosion and simultaneously improve the appearance and reduce maintenance.

Trustee Schroeder stated stabilizing the hill is critical. The DNR promotes a more natural growth of native species with deeper root systems (instead of a manicured grass) which helps mitigate erosion, stabilize the hill and reduce current & future maintenance along the



steep terrain. Grass alone is insufficient to stabilize a steep bank and should not be considered.

Per Trustee Schroeder, if left alone, the area would slowly fill in with native species. Mr. & Mrs. Myers would like the area to be both functional and aesthetically pleasing.

The Village spot treats some (not all) public land for knotweed and thistle as necessary. Concerned residents volunteer annually to limit the spread of Garlic Mustard, an invasive weed present in the ravine that, if left unchecked, chokes out native species.

President Schall and the Board agree that action is required to stabilize the hill and protect the ravine from further erosion, the question is what. To preserve the driveway, the hill must be stabilized. Mr. Myers will proceed with preserving the driveway and will reconnect with Aspen Property Care, LLC regarding Village objectives (stabilize the hill and erosion control) and resident objectives (stabilize the hill to preserve driveway that is aesthetically pleasing).

Per President Schall, considering an option that is mutually agreeable to both is new territory. Action by the Village must be fair and is not intended to set a precedent for other encroachments.

Constable Wright supports having Aspen prepare another proposal, assuming there is no cost to the Village, to provide a cost basis to avoid losing more land into the creek.

Mr. Myers asked to clarify the process to act. President Schall explained the process:  
1) Identify the problem; 2) Identify the goals and solutions; 3) Obtain estimates;  
4) Discuss/evaluate estimates and 5) Board Vote.

Summary: Mr. Myers will proceed with preserving the driveway and landscaping on his land and contact Aspen Property Care LLC regarding Village preferences and/or alternate solutions to stabilize the hill and ravine for Board consideration.

### **Trustee's Report (2) – Rick Cermak**

- New dehumidifier installed.
- ARPA Stimulus Project | Baxter & Woodman Engineer Mark Kolczaski reviewed some of the spot-televising video taken immediately after the September 2020 jetting and forwarded his findings via email to Trustee Cermak and Clerk Panthofer on July 6th, 2021.
  - The three areas that make up approximately 16% of the sewer system that were televised in September 2020 and Mr. Kolczaski's findings are noted below:
    - Spot checked areas west of Main Street. This area consists of iron pipe which acts differently with sewer gasses than concrete. The area was normal.
    - Main Street lines (gravity fed sewer lines) | Fractures were found in the pipe but everything is still intact and there are no imminent failures so it is currently not necessary to line it, however, it should be monitored.



- 2 Manholes near North Bay Drive near 3517 N Bay Dr (LaFave) and

121 S Vincennes (Barry). Green Bay Pipe was unable to televise the 75 foot area of 6 inch pipe. A sag exists between the 2 manholes. Responsibility (Village versus private) of this section is not clear. The line is on the Village sewer map even though it is only a 6 inch pipe. In the past, Econo Sewer & Drain attempted to televise the area with a small push camera but everything is under water and it's difficult to see anything. Mr. Kolczaski recommends that the Village procure a contractor to investigate further, which will require digging up the area. The only two homes that go through this sewer line are 3516 N Bay Dr and 3512 N Bay Dr. Per Treasurer O'Brien, AFPA funds can be used for this.

#### **Constable's Report – Kristin Wright**

- Wind Point Police | 152 Citations by statute (Main St.) and 102 incidents
- Animal Welfare – No report (too early).
- CRChD - Margaret Gesner announced her retirement. She will stay on through the merger and may stay on as a consultant. Jeff Langley is expected to move up.

#### **Treasurer's Report – Bob O'Brien**

- June Financials | The July report is unavailable as today is the first working day of July.
- ARPA Fund Receipt \$12,246.24 (first of two identical installments). Spending rules are still not set. The Village has 24 months to spend the funds.

#### **President's Report – Mark J. Schall**

- Meeting efficiency | President Schall distributed a Trustee Report information template that includes details (addresses, spelling of names, vendor info, if applicable, etc.) prepared in advance to submit to the Clerk prior to the Board meeting. Purpose: To streamline and shorten meetings. Trustee Schroeder requested hard copies.

#### **Clerk's Report – Dori A. Panthofer**

- Monthly Permits | 7 closed, 4 expiring in July/August, 5 new, 7 open 2 incomplete applications.
  - Incomplete Permit Application Protocol: Per Inspector Kosterman, if the Village receives an incomplete permit application and the applicant does not respond within 10 business days, it's best to copy the application and return the originals and check with a request to resubmit a fully completed application.
    - 400 Cross Creek | Following receipt of two (2) incomplete applications dated June 12th, 2021 by the Homeowner (not a Contractor) remain incomplete. On June 15th, 2021, the Village requested additional documents which are still outstanding. Both applications and checks will be returned by mail with a request to resubmit. Three permits for this location are also expiring (F2020-03 | Issued 7/13/20; P2020-07 | Issued 8/6/20 - Rough pass; E2020-03 | Issued 8/26/20: 400 Cross Creek (Von-Schilling Worth) Rough pass.
- Ordinance related resident communication was referred to the Constable.
- July Newsletter | Board consensus is a July newsletter is not needed. Door hangers will be distributed by AT&T announcing the fiber optic cable placement.

- The Clerk will be on vacation July 10th - 24th with limited access to email.



### **Accounts Payable**

- There were no amendments to AP June 2021.
- Motion to approve the July 2021 Accounts Payable in the amount of \$10,077.94 with authorization to pay routine bills to avoid going into arrears made by Constable Wright and seconded by Trustee Cermak. All in favor, none opposed. Motion passed at 8:23 PM

### **Old Business**

- Motion to Vote to accept the 5th amended joint Chapter 11 plan of reorganization of Purdue Pharma L.P. and its affiliated debtors as recommended by Opioid Litigation Consortium Council made by Constable Wright seconded by Trustee Cermak. All in favor (under duress) none opposed. Motion passed at 8:33 PM.

July legal fees for the Purdue Pharma class action suit total \$244.50. Accepting this does not guarantee we recover any money. Per Treasurer O'Brien, the document indicates the proof of claim estimate is \$37,000 for VNB. Treasurer O'Brien commented that the likely outcome is that the County may assess the Village based upon the projected estimates.

- Revised Building | Motion to approve the revised Building, Electrical, Plumbing permit applications made by Trustee Schroeder & seconded by Constable Wright. All in favor, none opposed. Motion passed at 8:38 PM.
- Replace the current Variance Application | Motion to approve replacing the current Village of North Bay Variance Application with a newly designed Board of Appeals Review Application to include final edits as directed by Chris Geary made by Trustee Schroeder and seconded by Constable Wright. All in favor, none opposed. Motion passed at 8:48PM.
- Planning Commission | Deferred.

### **New Business**

- **Tafel Albert House website** | 3733 Lighthouse Drive. Following a letter to the owner from the Village Counsel, the owner agreed to take down the website no later than July 19th, 2021.

### **Adjourn**

Motion to adjourn made by Constable Wright and seconded by Trustee Schroeder. All in favor, none opposed. Meeting adjourned at 9:07 PM.