



VILLAGE OF WILLIAMS BAY

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OFFICIAL MINUTES STREETS & HIGHWAYS COMMITTEE MEETING 2/6/2023 MEETING MONDAY, FEBRUARY 6, 2023 AT 5:45 PM

I. Call to Order

Matthew Stanek called the meeting to order at 05:45pm.

II. Roll Call

Present: George Vlach, Matthew Stanek, Jim D'Alessandro

Also Present: Director of Public Works Edwards, Village Engineer Snyder, Interim Administrator Bretl, Clerk Kolls

Matthew Stanek asked for a motion to move item III., Adjourn to after Item V., 119 Conference Point

The motion to move item III. was initiated by George Vlach and seconded by Jim D'Alessandro. Unanimously carried.

III. Request to close Walworth Ave to vehicular traffic from Geneva to Cherry Streets on May 6, 2023 for Cinco de Mayo Event

Jim D'Alessandro explained that the Business Association is looking to hold a cultural event that would be business run. D'Alessandro explained that the road closure would be before Cherry on the south side and would not block the apartment building traffic. D'Alessandro explained that alcohol would be a very minor portion and would need to be decided by the Protective Services Committee. D'Alessandro explained the event organizers would like to get the street closure locked down before hiring any talent.

Matthew Stanek read aloud a letter from Chief Timm confirming that Chief Timm is in favor of the road closure contingent on the Hwy 67 detour plans.

Doug Snyder explained that the detour is expected to be down Hwy 50 to F.

D'Alessandro explained that it would be preferred to hold the event near the businesses. However, he had inquired about the Field House availability as backup.

George Vlach questioned whether they would need to temporarily update the liquor licenses of the businesses to include the sidewalk? Dave Bretl explained that they would need to and that they would have to consider the amount of time that would be required to get it published and approved by the Village Board.

D'Alessandro explained that the event would be from around 10:00 AM to 4:00 PM on Saturday May 6, 2023.

Vlach questioned if extra officers would be needed and who would be sponsoring the event.

D'Alessandro explained that he felt there would be no need for extra officers and that the event would be sponsored by the WBBA.

Matthew Stanek and Wayne Edwards discussed the possible use of Jersey Barriers to block the road so that no traffic can get through.

Stanek suggested that the WBBA could donate the Jersey Barriers to the Village and D'Alessandro stated that it may be a possibility.

The motion to table the Request to close Walworth Ave to vehicular traffic from Geneva to Cherry Streets on May 6, 2023 for Cinco de Mayo Event until Committee Meeting on 2-15-2023 was initiated by Jim D'Alessandro and seconded by George Vlach. Unanimously carried.

IV. 119 Conference Point Road issues

Jack Sherrier (119 Conference Pt) explained that the north side is complete. Sherrier explained that the tree is down and the stakes are out, they are just waiting for the weather to clear up so they can do the work. Sherrier explained they are ready to stake out the south side but can not with the foot of snow we currently have. Sherrier explained that Patty Clare had talked to his Engineer that morning to clear up a couple of finer points. Sherrier explained that they are committed to getting this behind them.

Patty Clare (131 Conference Pt) stated they had good news. Clare explained that they feel like they are making progress and are headed in the right direction. Clare explained that they had several conversations with the Sherrier's engineer and they felt they were moving in the right direction. Clare explained there were some finer points that needed to be cleared up. Clare stated that they had spoken to the Sherrier's engineer that morning about some changes. Clare stated that the Engineer stated he felt they were acceptable and would be drawing them up and going over them with the Sherriers. Clare stated that was step one. Clare stated step two would be that once they were all in agreement they would formalize it all, which Clare felt would take about a week. Clare stated the third stage would be the execution. Clare stated that they requested April 15, 2023 for a completion date which they feel to be fair, weather permitting.

Matthew Stanek explained that it sounds as if the south side would be completed at the same time as the north side with the same excavator. Stanek clarified the Sherriers are looking at April for both sides.

Sherrier agreed.

Stanek asked Doug Snyder if he had anything to add.

Snyder explained that it is his understanding that they are going to come up with a plan for the space between the Clare's and the Sherrier's. Snyder explained he would like to record that plan with the approved site plan as a modification so that it can be a piece of history.

Stanek agreed.

Sherrier asked if that would be done after the survey, as they hadn't gotten that done yet.

Stanek explained it would be done once the plan has been agreed on between the two parties. Stanek explained that is proposed to the village is what the Village will sign off on.

Jim D'Alessandro asked if, after the work is completed in April, this will all be done?

Sherrier stated it should be done in April.

Clare explained- that after the work is done they will have a survey done and the issue will be done.

Stanek stated after the survey is done, our engineer will go out and make sure everything is good.

Snyder explained that once he looks at it and everything is signed off, it will be good.

D'Alessandro clarified that once it gets recorded, then it is no longer a Village issue.

Snyder agreed that D'Alessandro is correct.

D'Alessandro clarified that if any more issues were to come up with neighbors it would be a civil matter.

George Vlach asked if there was a document to be signed by the Village stating that everything was right?

Snyder explained that Bonnie would close the zoning permit.

Vlach reiterated that once everything is done they will each get a signed copy and then it is done.

Stanek explained that they need to discuss the fees that the Village has encountered for everything the Village Engineer has had to do in regards to this situation. Stanek requested that they discuss these fees.

Stanek explained that these are the expenses from before the last meeting regarding this issue and it is his understanding that everything recent has been billed to the Sherriers.

Snyder stated that there have been no charges for the past six to eight months.

Vlach asked if the Sherriers has seen a copy of the bill?

Stanek gave the Sherriers his copy.

D'Alessandro asked Stanek if he was looking for a decision today?

Stanek explained that he thinks they should discuss what is going to happen in the future with these fees. Stanek explained he would like to discuss the possibility of taking a portion of the fees now, with the remaining to be decided upon once everything is complete. Stanek explained he feels the Village taxpayers should not have to pay for these fees that have been incurred our Village Engineer.

Vlach questioned if the expenses listed were all extra?

Snyder agreed that they were. Snyder explained the engineering fees were one component and that separate fines were another.

Vlach asked if any fines had been levied at that point?

Stanek stated that nothing had been levied.

Vlach explained at this time the fines were not charged and could go away.

Stanek explained that our ordinance allows us to impose fines for this type of situation. Stanek explained the village could fine for all the time that this situation has been non-compliant.

D'Alessandro asked what part of the bill represented fines?

Stanek explained that the current bill is strictly Snyder's fees, and no fines are reflected.

D'Alessandro asked if Snyder recalled what the biggest expense in the amount of \$3150.00 dated 4-27-2021 consisted of.

Snyder explained there were two meetings at the location. Snyder went on to explain the first meeting was the initial call asking him to do something with the filled water way along with a complaint from the neighbor. Snyder explained that the second was memos stating that they needed to rectify the problem. The memo also contained ways that they could rectify the problem, such as hiring an engineer and getting an approved plan. Snyder explained that this was the biggest portion of this expense. Snyder explained that the other portion of the expense was the review of the engineers' plan.

D'Alessandro stated that Snyder's time is billed to the Village for all of the previously listed expenses.

Vlach stated that on the bill in front of them they only see a date, and that the Village has actual invoices for the work.

Snyder stated the Village has the detailed billing along with the reports that go with it.

D'Alessandro asked if the Sherriers were notified that they would be billed?

Snyder stated that he told them on two occasions. Snyder explained that they were informed with two different administrators, Becky Tobin as well as Jim Weiss.

Stanek stated it was also brought up in prior meetings.

D'Alessandro clarified that the Sherriers were told on site that they would be billed.

Snyder stated, yes, he had told them they would get a bill for his time.

Stanek asked Snyder if the fees could have been avoided if the original plan had been followed?

Snyder explained that it could have been avoided had the Sherriers brought in a site plan. Snyder went on to explain that half the fees would still have been incurred as he still would have had to review the plan.

D'Alessandro asks if we normally charge people for review of plans?

Snyder explained that Bonnie Schaeffer requires them to sign a reimbursement agreement which provides applicants between two and six hours of his time. Snyder went on to explain that this would usually cost somewhere south of \$1000.00.

D'Alessandro clarified that had everything been done to plan, the Sherriers would have only been charged about \$1000.00.

Snyder stated that the Sherriers had not been charged for any of his time since September 30, 2021.

Vlach asked if the village were to take the dollar amount and cut it in half, would that be fair?

D'Alessandro stated he felt it would be fair. However, he felt that perhaps they should wait until everything was said and done.

Stanek stated that he would propose we impose half of this amount now with the other half being dependent on the job getting accomplished.

Sherrier explained he was never presented with a reimbursement agreement. Sherrier stated he did not know one existed. Sherrier went on to state the Village had ample and numerous occasions for which this could have been presented.

Vlach stated this was brought up in meetings in the past. Vlach went on to explain he specifically remembers having the

discussion regarding the fees. Vlach explained they had discussed at previous meetings that the Village attorney stated that we could pursue all of the fees incurred by the Village. Vlach explained that even if he was not presented anything formally, the law still states we can pursue it.

Sherrier explained that they are on their sixth topographical survey. Sherrier explained that they also had to pay \$1000.00 for the tree removal as well as two and half years of engineering fees.

Vlach asked if all of the costs Sherrier described came after the original plan was put together?

Snyder replied it was after his notices were put out.

Vlach explained that all those issues and all the extra meetings for the Village, came as a result of the plan not being followed. Vlach stated that he agreed the Sherriers had extra expenses, but the Village did not impose those on the Sherriers. Vlach continued to state the Sherriers had a plan to follow and it wasn't followed and that is why the committee was meeting today.

Sherrier stated that he saw cut, jackhammered and removed the driveway.

Vlach agreed that they had but, stated that it was a driveway which was put in incorrectly.

D'Alessandro clarified it was self-inflicted. D'Alessandro stated he feels that Stanek's proposal is fair to the Sherriers.

Stanek stated that the tax payers should not be footing the bill for this situation.

Vlach stated he feels that imposing half of the cost now could also be an incentive to end the situation.

Stanek agreed. Stanek stated that he would entertain a motion to incur a fee of \$3150.00 to the Sherriers with a possibility of the additional remaining be dependent upon the work being completed.

D'Alessandro stated that he feels a different motion would be better, in that we charge half of the final charge because the Village doesn't know if they are going to incur more charge. D'Alessandro also stated that the Village doesn't know if this will go on past April 2023.

D'Alessandro explained he feels the Village needs to be more specific in the motion and make sure this does not include fines, which may be a possibility. D'Alessandro stated we should specify that these are just engineering fees and these do not include fines. D'Alessandro explained the Village is not saying that they are going to fine the Sherriers, but that could be a possibility.

Stanek would entertain a motion at this point in time to impose payment for half the engineering fees in the amount of \$3150.00 with the option of the Village to impose the remainder of any engineering fees if the work is not completed.

Vlach clarified the motion to state that the Village is going to ask for half of the current engineering fees now and reserve the right to request all of the fees including any other engineering fees imposed from this day forward if an agreement is not reached and work not completed upon satisfaction.

D'Alessandro stated he would like to discuss this issue more.

The council room door was closed by Clare due to noise in the hall. Vlach and D'Alessandro explained that the door needed to be open as this is an open meeting and the public had to be able to enter.

D'Alessandro asked if the motion was half of the current bill now and additional fees could be charged if it is not resolved? D'Alessandro stated at some point in time we would need a written agreement.

Stanek stated if fees are imposed on the Sherriers, the Village has a right to issue a lien.

D'Alessandro stated he was concerned that this would turn into a legal matter.

Vlach stated he feels the Village is being fair by asking for half the fees and that this could be used as an incentive to get the work done.

Vlach asked the Sherriers if they were presented with an agreement to pay half of the current fees with an agreement to have the rest waived. Would that be something they would agree to?

Sherrier stated he doesn't feel he should be billed anything.

Vlach suggested that they withdraw the motion and have the Village Attorney draw something up.

Dave Bretl explained several things, the first being the Village could impose this tonight if they wanted to without an agreement, or the second would be where the Village could get some kind of waiver eliminating any chance of litigation against the Village. Bretl explained that by going with the second option, the Village would have to get something signed. Bretl went on to explain that he doesn't feel the Sherriers have indicated that they would sign anything.

Vlach withdraws his motion. Vlach explained he is tired of dealing with this issue. Vlach explained that he feels we have been more than fair. Vlach continued to explain that he feels we need to get this done and go after the full amount.

Stanek explained that this would be forwarded to the Village Attorney.

D'Alessandro explained that once we impose the full amount there still could be negotiations between attorneys.

V. Adjourn

The motion to adjourn was initiated by Jim D'Alessandro and seconded by George Vlach at 06:20pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

These are not official Minutes until approved by the Governing Body.