

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 22, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, November 22, 2010 at 7:00 P.M. by President Phillip Kuiper. President Kuiper asked that after the Pledge of Allegiance was recited that everyone remember Dick Schmal and his family during an extended moment of silence. Dick Schmal was not only the Town Historian but an author and he was a lot bigger than the Town of Lowell, the whole area would call him for information. Town Administrator Susan Peterson called the roll. Members present were Donald Huseman, Shane Tucker, John Alessia, David Gard, and Phillip Kuiper. Clerk-Treasurer Judith Walters was absent. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, three members of the media, and thirty four interested citizens.

**TREASURERS REPORT**

Councilman Huseman made a motion to approve the Treasurer's Report for October, 2010 as presented, seconded by Councilman Alessia and carried by voice vote.

**APPROVAL OF MINUTES**

Councilman Tucker made a motion to approve the minutes from the November 8<sup>th</sup> regular meeting. The motion was seconded by Councilman Gard and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Kuiper stated that he had reviewed White Vouchers #2514-2582, Water Vouchers #2693-2725 and Waste Water Vouchers #3629-3652 and recommended them for approval. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Gard and carried by voice vote.

**ORDINANCES & RESOLUTIONS**

Resolution #2010-16 - Temporary loan to General & Park Fund - President Kuiper read Resolution #2010-16 and asked the Council to approve a temporary loan in the amount of \$225,000.00 from the Sewer Improvement Fund and put \$200,000.00 in the General Fund and \$25,000.00 in the Park Fund. The temporary loan will be repaid on or before December 31, 2010 or until the 2010 tax settlement draw is received. Councilman Gard made a motion to approve the temporary loan, seconded by Councilman Tucker. The motion carried by voice vote.

**UNFINISHED BUSINESS**

Public Works Update - Director of Public Works Greg Shook stated that he received a call from the Fire Chief, they have a water leak in the roof that is running into the dispatchers room. This problem occurred before and Master Builder came in and made some repairs where they thought the problem was but that was not it. Mr. Shook put another call into Master Builders and is waiting for a call back.

Update on Old Grade School Building - Town Attorney Greg Sobkowski stated that the hearing was held on November 10, 2010, both sides presented their arguments and the judge ruled from the bench. The judge ordered that the decision to demolish the building be stayed under certain conditions, those conditions are:

- 1.) The petitioner deposit a cash escrow in the amount of \$200,000.00 with a title insurance company or the clerk of the court within 30 days of the date of the order, which was November 10, 2010 and those funds are to be used to repair the building.
- 2.) The petitioner is to complete roof repairs on the building within 30 days of the date of the order.
- 3.) The petitioner is to complete the other repairs necessary to stabilize the building and that would include repair or replacement of the collapsed roof truss, the gutters and down spouts, broken windows, cracked window lenth, tuck pointing and repair of the exterior masonry and brick work on or before May 31, 2011.

The court directed that all repairs be done by licensed contractors with permits issued by the Town and that the court would approve payment of those contractors upon receipt of a certification from the Town that the repairs were properly completed in accordance with local and state building codes. If the cash escrow is not deposited ,then the Town can file a motion to lift the stay and then proceed with demolition. If the funds are deposited on time but either the roof or the balance of the repairs are not done on time the Town file a motion to lift the stay and proceed with demolition and any money that was deposited and not used for repairs can be used by the town for demolition. Councilman Alessia asked if the \$200,000.00 is to be used for the roof repairs and Attorney Sobkowski said that money is for all the repairs, but if it is deposited and none or part of the repairs are done the Town can use what is left of that money for demolition.

**ANNOUNCEMENTS**

President Kuiper wished everyone a Happy Thanksgiving and announced that the Parade of Lights will be on November 26<sup>th</sup> at 6:00P.M.

President Kuiper announced the next regular meeting will be on Monday, December 13<sup>th</sup> at 7:00 P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

A member of the media asked who sponsors the Parade of Lights and was told that it was the Parks Department.

A member of the media asked if any of the money has been deposited yet for the old school and Town Attorney Greg Sobkowski said not that he was aware of and the petitioner must notify the court and the Town within five days of the deposit.

Councilman Huseman asked about Solid Waste agreements and where Lowell stands. President Kuiper stated that we extended the agreement with the waste hauler.

President Kuiper read the following statement, "There were a few topics that were brought up at the last meeting that I felt compelled to address because of a few phone calls that I received and also because I took one personal. They were all brought up by Councilman Huseman. First and foremost Councilman Huseman made reference to my father, that was a tough one for me to swallow. Councilman Huseman's quote was, not only I but your father, fought for our freedom. I would like to put a name to my father, and that name is Sergeant Robert S. Kuiper of the US Army, 3<sup>rd</sup> infantry 3<sup>rd</sup> CID Company. The battle was the front lines of the Korean conflict, there is no man living except myself that can speak about his feelings in that battle. When the man died I was his best friend, and not only did we have those discussions but I also asked questions. Questions that some people said that I shouldn't have asked, but I thought if I don't then I will never know. So I asked those questions and never even shared them with my brothers and sisters, that was personal. Councilman Huseman made it personal at the last meeting, you gave me the perception that my father was on your team." Councilman Huseman responded that no he didn't. President Kuiper said that he can't argue with his perception because that is the perception that he took and he took it personally. President Kuiper went on to say, "Let me tell you the team he was on because we had long talks about it. Yes he was fighting for freedom and liberty, but he also talked about fighting for all faith or no faith, he also said he was fighting for people that he didn't even agree with, he was fighting for everybody. He felt the time he served allowed his three sons to make the choice of serving or not serving and he was a very proud man because he felt personally that he had accomplished that. None of his three sons served. I guess when we are throwing the smoking ordinance out there and we are talking about the military we need to be very careful. There is no doubt when it comes to those situations we all feel we are on the right side but those are different definitions then when he was fighting for freedom. I have gotten a few phone calls from military, ex military, officers and they were curious why that was a topic on the smoking subject because all US military bases have no smoking policies. All buildings and vehicles are smoke free and you have to be 50 feet away of all military bases. I wonder why this became a military or veteran issue and this is really hard for me to speak to because I'm not a vet, so I'll speak on behalf of my Dad because he is not here. I think ironically that the true support is maybe all the vets. I got a call from a young man who is stationed in Afghanistan, he is an E-4 with Bravo Company 327<sup>th</sup> infantry, and he said that cigarettes are not even allowed over there, they are not allowed on their person anywhere. I did

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not know a lot about the military but have learned a lot in the last couple of weeks. I also got some phone calls from the American Legion, the first one was from a person who belongs to the Legion, then a call from the Commander of the American Legion and a call from the Ex Commander of the Legion because of what they read in the paper and they wanted to know what it was all about. I told them that Councilman Huseman gave the impression to me, this is my personal feeling, I do not know how the rest of the Council took it, that because of the smoking ordinance they may not let the Town use the grounds. Maybe I took that wrong, it is ironic because the Town does not use the grounds, it is the Chamber that uses it. Mark Burke was quite upset and said that he would never send anyone in his place on behalf of the American Legion. Mr. Burke came to my house the night before and gave me a letter to read that states if there is a subject the Legion stands for and there is something to be said they will not send someone on their behalf. The letter also stated they stand by the Town's decision on the topic of the smoke free environment. I haven't just been sitting in my house for the last seven or eight months not talking to anybody. The Commander of the Legion has been at my house several times, they have been talking about this for months, and anyone that has approached him, they have talked about it. As I have said before, this is no personal vendetta of mine, there were five of us that agreed to a survey and four of us that liked the results or four that backed the results. Bottom line if the survey came back 50/50 or even 60/40 we would not be sitting here talking about this now but it was 80%, valid." President Kuiper said to Councilman Huseman maybe he talked to the Legion, maybe he didn't, but Mr. Burke said that he didn't know you and he has never had a discussion with you. Councilman Huseman stated that he had a discussion with him, Mr. Philpot was there and about 30 people that were at the bar. They were all mad about the smoking ban and that is how he took it. President Kuiper said he was not arguing just telling what he and his board decided, they support the ordinance with reservations. Councilman Huseman also talked about the Moose Lodge and the Council did get a letter. President Kuiper said that he went home and read that letter a couple of times, and no where in that letter does it say that if you pass the smoking ordinance we will no longer donate to the Police Department. The letter said that if it affects the economics they may no longer be able to donate. President Kuiper said being a member of the Moose Lodge he got his newsletter on Saturday and there was a letter in there that was a little different then the one that was sent to the Council. Mike Bafia also called President Kuiper and he called him back and he never got a call back from him, he would have been glad to sit down with him or anyone else but that never happened. President Kuiper read the letter that was in the newsletter that said the Lowell Lodge is facing extreme financial difficulty with the loss of membership coupled with a sharp decrease in revenue and it has become increasingly difficult to meet their obligations to vendors, utilities and insurance requirements. They state since the institution of the lodge they have been able to donate thousands of dollars to the community but may no longer have the funds to make donations or sponsorships to the Lowell Community. At the end of the letter it says they are unsure of the impact the smoking ordinance will have on lodge operations. President Kuiper said he found the first paragraph very interesting because he got the perception two weeks ago that if this happens they are not going to donate to the Police Department or anyone else and they are already to that point and it has nothing to do with smoking. President Kuiper said he felt he had to bring those things up because it seems to be a regular thing at the end of the meetings that

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Councilman Huseman throws a few perceptions out there, and he thinks it is only fair that we be fair about the people we are talking to. Councilman Huseman said that he has to go back to the people who told him these things. President Kuiper said that he went to the man that runs the place and he thinks that would be considered the boss and he took it up with his executive board and that is the decision they made. Councilman Huseman said, “ Then I guess I can’t help them, can I ?” President Kuiper said that he could help anyone he choose to.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Alessia at 7:21 P.M.

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Phillip Kuiper, President

Attest:

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Susan Peterson  
Town Administrator