



SPECIAL TOWN BOARD MEETING MINUTES

DATE: Monday, July 9, 2018

TIME: 5:00 p.m.

LOCATION: Greenville Town Hall, W6860 Parkview Drive, Greenville, WI 54942

Agenda

1. CALL TO ORDER

The meeting was called to order at 5:01 p.m.

2. ROLL CALL, VERIFY PUBLIC NOTICE & APPROVAL OF AGENDA

PRESENT: Jack Anderson, Dean Culbertson, Andy Peters, Mark Strobel, Mike Woods
Motion by Mark Strobel, second by Andy Peters to approve the agenda. Motion carried 5-0.

3. NEW BUSINESS

- a. Hearing upon the Intent to Deny the Operator's License Application submitted by Jacob Henning, 822 East John Street, Appleton, on May 7, 2018.
Motion by Jack Anderson, second by Mark Strobel to table the item until the closed session. Motion carried 5-0.
- b. Hearing upon the Intent to Deny the Operator's License Application submitted by Neo Suardini, 203 South Mill Street, Hortonville, on May 17, 2018.
Motion by Mark Strobel, second by Mike Woods to table the item until closed session. Motion carried 5-0.
- c. Hearing upon the Intent to Deny the Operator's License Application submitted by Bryan Jens, 601 B Walnut Street, Appleton, on June 12, 2018.
Motion by Mark Strobel, second by Andy Peters to close the Public Hearing.
Motion carried 5-0.
- d. Deliberation by the Town Board of Supervisors upon the conclusion of the public hearings.

PLEASE TAKE NOTICE THAT, pursuant to Wis. Stats. sec. 19.85(1)(a), the Town Board may convene in closed session after the hearings have concluded to deliberate concerning the matters as a judicial or quasi-judicial trial or hearing before the body.

Motion by Jack Anderson, second by Mark Strobel to go into closed session at 5:16 p.m. Roll call vote. Motion carried unanimously.

Please take further notice that the Town Board may then re-convene in open session to take action on matters discussed in closed session or for such other matters as are allowed by law.

Motion by Dean Culbertson, second by Mark Strobel to reconvene in open session. Roll call vote. Motion carried unanimously.

e. **Decision(s), if any.**

- i. Operator's License Application submitted by Bryan Jens, 601 B Walnut Street, Appleton, on June 12, 2018.

Motion by Jack Anderson, second by Dean Culbertson to approve the Operator's License Application with the condition that the license only be used at a Class A Premise. Roll call vote: Mike Woods; aye – seems remorseful and is working towards a better life, Mark Strobel; aye – seems that he hasn't had an incident in nearly seven years, Andy Peters; aye – it has been almost seven years and seeking counseling Dean Culbertson; aye – thinks that seven years of sobriety is a big deal and is a believer in second chances, Jack Anderson; aye – it has been seven years since last related offense and there is an opportunity to see the application come back next year.

- ii. Operator's License Application submitted by Jacob Henning, 822 East John Street, Appleton, on May 7, 2018.

Motion by Jack Anderson, second by Mark Strobel to deny the Operator's License Application submitted by Jacob Henning for the following reasons:

Findings of Fact, Conclusions of Law and Determination of the Town Board for the Town of Greenville, Outagamie County, Wisconsin:

This matter coming before the Town Board of Supervisors on July 9, 2018.

Findings of Fact/ Conclusions of Law:

1. That the Applicant, Jacob Henning, submitted an Application for License to Serve Fermented Malt Beverages and Intoxicating Liquor (the "Application") on May 7, 2018.
2. That Jacob Henning did not appear in person before the Town Board on July 9, 2018.
3. That Jacob Henning does not possess the qualifications required under Chapter 125 Wis. Stats. to hold the license, as follows:
 - a. That pursuant to § 125.04(5)(b) Wis. Stats., "No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under Ch. 125 Wis. Stats. to any person who has

habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

- b. That Jacob Henning has been a habitual law offender and has been convicted of the following misdemeanors within the last five (5) years which substantially relate to the alcohol beverage licensing activity:
 - i. Operating While Intoxicated, Third (3rd) offense (§346.63(1)(a) Wis. Stats.) (Misd. U) (2014) – (Exhibit A)
 - ii. Possession of THC (§ 961.41(3g)(e) Wis. Stats.) (Misd. U) (2014) – (Exhibit A)
4. That pursuant to Ch. 125 Wis. Stats., opportunity shall and has been given by the Town Board of Supervisors for the Town of Greenville to the Applicant, Jacob Henning, to appear and be heard for or against the granting of the alcohol-related license.
5. The Town Board of Supervisors for the Town of Greenville finds that the Applicant does not possess the statutory qualifications requisite to receive an operator's license.
6. Based upon these findings of fact and conclusions of law the Application for License to Serve Fermented Malt Beverages and Intoxicating Liquor submitted by Jacob Henning to the Town of Greenville, Outagamie County, Wisconsin, on May 7, 2018 is DENIED.

The Clerk is directed to give notice of the denial and nonrenewal to the Licensee.

Roll call vote. Motion carried unanimously.

- iii. Operator's License Application submitted by Neo Suardini, 203 South Mill Street, Hortonville, on May 17, 2018.
Motion by Jack Anderson, second by Andy Peters to deny the Operator's License Application for the following reasons:

Findings of Fact, Conclusions of Law and Determination of the Town Board for the Town of Greenville, Outagamie County, Wisconsin:

This matter coming before the Town Board of Supervisors on July 9, 2018.

Findings of Fact/ Conclusions of Law:

1. That the Applicant, Neo Suardini, submitted an Application for License to Serve Fermented Malt Beverages and Intoxicating Liquor (the “Application”) on May 17, 2018.
2. That Neo Suardini did not appear in person before the Town Board on July 9, 2018.
3. That Neo Suardini does not possess the qualifications required under Chapter 125 Wis. Stats. to hold the license, as follows:
 - a. That pursuant to § 125.04(5)(b) Wis. Stats., “No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under Ch. 125 Wis. Stats. to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.
 - b. That Neo Suardini has been convicted of the following felonies which substantially relate to the alcohol beverage licensing activity:
 - i. Manufacture/Deliver Designer Drugs (§ 961.41(1)(hm)1 Wis. Stats.) (Felony F) (2006). (Exhibit A)
 - ii. Possess w/ Intent-Cocaine (>5-15g) (§ 961.41(1m)(cm)2 Wis. Stats.) (Felony E) (2006). (Exhibit A)
 - iv. Manufacture THC (§ 961.41(1)(h)1 Wis. Stats.) (Felony I) (2012). (Exhibit A)
4. That pursuant to Ch. 125 Wis. Stats., opportunity shall and has been given by the Town Board of Supervisors for the Town of Greenville to the Applicant, Neo Suardini, to appear and be heard for or against the granting of the alcohol-related license.
5. The Town Board of Supervisors for the Town of Greenville finds that the Applicant does not possess the statutory qualifications requisite to receive an operator’s license.
6. Based upon these findings of fact and conclusions of law, the Application for License to Serve Fermented Malt Beverages and Intoxicating Liquor submitted by Neo Suardini to the Town of Greenville, Outagamie County, Wisconsin, on May 17, 2018 is DENIED.

The Clerk is directed to give notice of the denial and nonrenewal to the Licensee.

Roll call vote. Motion carries unanimously.

4. ADJOURNMENT

Motion by Mark Strobel, second by Dean Culbertson to adjourn. Motion carried 5-0.
Meeting adjourned at 5:52 p.m.

Wendy Helgeson, Town Clerk

Approved: