

STANDING COMMITTEES:
Energy, Consumer Protection, and
Government Reform, Chair
State and Federal Relations, Vice-Chair
Transportation, Public Safety,
and Veterans and Military affairs



ROBERT L. COWLES
Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES
Joint Audit Committee, Co-Chair
Joint Committee on Information Policy
and Technology

TO: Members of the Senate Committee on Government Operations, Public Works and Telecommunications

FROM: Senator Robert Cowles

DATE: March 13, 2013

RE: Senate Bill 55

Chairman Farrow and Members of the Committee:

Thank you for having a public hearing on Senate Bill 55 today. Representatives Jacque, Weininger and I are introducing this bill in response to concerns that were brought to our attention by municipal leaders in our district.

Under current state law, multiple municipalities have the authority to form joint water authorities in order to provide for the production, treatment, storage and transmission of water to their combined citizens. In our area, the Central Brown County Water Authority (CBCWA) was created to serve the water needs of six communities.

The CBCWA was recently informed by the Department of Transportation (DOT) that a section of their water transmission lines would need to be relocated due to a construction project in the area. Typically, DOT reimburses water utilities for 90% of these relocation costs.

It is the opinion of DOT that joint water authorities are currently not eligible for relocation cost reimbursements. Their legal opinion is that only water utilities owned by a single municipality are eligible for this cost recovery. Because of this, the six communities of the CBCWA would be required to cover the total cost of relocation, which is over \$1 million. This bill simply modernizes state statutes to allow joint water utilities to get reimbursed for relocation costs.

Similarly, joint water authorities are not currently eligible to participate in the safe drinking water loan program. This program provides funding to municipal water utilities for pollution control projects and upgrades to their water systems to ensure that the public has access to safe drinking water. This bill would make joint water authorities eligible for the safe drinking water loan program.

Once again, thank you for your time and your consideration of Senate Bill 55.

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ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

TO: Members of the Senate Committee on Government Operations, Public Works and Telecommunications

FROM: Representative André Jacque

DATE: March 13, 2013

RE: Senate Bill 55

Chairman Farrow and Committee Members:

Thank you for your time and attention today in hearing Senate Bill 55. I am pleased to join Senator Cowles and Representative Weininger in bringing this bill forward on behalf of our shared constituents in the Central Brown County Water Authority and similarly situated joint municipal efforts across the state.

As a result of a statutory oversight, joint water authorities are surprisingly ineligible for state funding in two key areas: construction-related water main relocation reimbursement and the safe drinking water loan program. Failure to quickly rectify this situation would both perpetuate an unfunded mandate on local government and discourage common sense municipal collaborations and consolidations built along the most effective functional lines.

First, a joint water authority is a creature of Wisconsin law but apparently not- according to the Department of Transportation- when it comes to receiving compensation (90% of costs) from the state for being required by the DOT to move infrastructure out of the way of a transportation project.

Last year the CBCWA was informed by the Department of Transportation that a section of their water transmission lines would need to be relocated due to a construction project in its area. Because of this, the six communities of the CBCWA are being required to cover the total cost of relocation, which is over \$1 million. This bill creates parity under state law between joint water authorities and those owned by a single municipality regarding eligibility for cost recoveries.

Second, joint water authorities may not currently opt to use the safe drinking water loan program that provides funding to municipal water utilities for pollution control and water systems upgrades to help facilitate public health. This bill would make joint water authorities eligible for the safe drinking water loan program.

Thank you again for your time and for your consideration of Senate Bill 55.



STATE OF WISCONSIN LEGISLATURE
BEFORE THE
SENATE COMMITTEE ON GOVERNMENT OPERATIONS, PUBLIC WORKS, AND
TELECOMMUNICATIONS

TESTIMONY PRESENTED on **SENATE BILL 55**
MARCH 13, 2013

Thank you for the opportunity to testify on SB 55. My name is Robin Schmidt, and I am the Section Chief for the Environmental Loans Program at the WI Department of Natural Resources. As background, the DNR and Department of Administration implement a State Revolving Fund Loan Program to help municipalities finance water infrastructure improvements. Federal funding for these programs comes from annual EPA Clean Water Fund and Safe Drinking Water Program Capitalization Grants.

By statute, a joint local water authority may contract with one or more local governmental units in this state or federally recognized Indian tribes or bands located in the state to establish a separate governmental entity, to jointly produce, treat, store, transmit, distribute, purchase, sell or exchange water, in whole or in part for the benefit of the contracting parties.

However, the enabling legislation for the State Revolving Loan Program does not include a "joint local water authority" in its current definition of "municipality". As written now, a municipality for the purpose of the State Revolving Fund Loan Program is limited to a city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district or federally recognized American Indian tribe or band in this state."

By expanding the definition to allow joint local water authorities the ability to secure funding for their water infrastructure projects, the DNR is able to award one Financial Assistance Agreement (i.e. a loan) to the authority, rather than having to award separate Financial Assistance Agreements for each municipality's portion of the project for which the Authority is seeking funding. This streamlines projects, reduces administrative review times and minimizes costs for both the Department and the municipalities within a joint local water authority.

Thank you for your time and I am happy to answer any questions you have regarding SB 55 as it relates to the DNR Environmental Loans Program.



VILLAGE OF ALLOUEZ

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www.villageofallouez.com

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

March 13, 2013

Dear Senator Farrow and Committee Members:

The Village of Allouez very much appreciates the Committee's consideration of Senate Bill 55 and thanks Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored Senate Bill 55.

In 2004, the Village of Allouez joined with the neighboring communities of Bellevue, De Pere, Howard, Lawrence and Ledgeview to form the Central Brown County Water Authority (CBCWA). The CBCWA was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint Local Water Authorities. The Village of Allouez was under a consent decree to address radium levels in the local well water supply that served as the sole source of drinking water for its citizens. The CBCWA was created as a collaborative effort by the six communities to secure a safe, reliable and plentiful drinking water source for our residences, businesses and industries. As an authority, we were able to join together with the other member communities to collectively accomplish what would have been prohibitively expensive if we had to undertake the project independently.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation (WisDOT) would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated construction cost of approximately \$1,100,000. The CBCWA was notified on July 31, 2012 by WisDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that a joint local water authority was also ineligible for WDNR Safe Drinking Water Loan funds. Both sources of funding are available individually to our individual CBCWA member communities, but not to the authority as a whole. Senate Bill 55 would make these funding sources available for the collaborative projects that are undertaken by CBCWA for the benefit of all of our members. Without these funding options, the cost of these projects will have to be passed on to our water customers through local water rate increases.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Thank you for your consideration.

Sincerely,

Steve VandenAvond, PhD
Village President

cc: D. Vaclavik, CBCWA



2595 French Road * De Pere, WI 54115 * Phone: (920) 336-9131 * Fax: (920) 336-9193

March 11, 2013

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

Dear Senator Farrow and Committee Members:

We very much appreciate the Committee's consideration of Senate Bill 55 and thank Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored this bill.

In 2004, Town of Lawrence joined with the neighboring communities of Allouez, Bellevue, De Pere, Howard, and Ledgeview to form the Central Brown County Water Authority (CBCWA). CBCWA was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint local water authorities. The Town of Lawrence was under a consent decree to address radium levels in the local well water supply that served as the sole source of drinking water for its citizens. CBCWA was created as a collaborative effort by the six communities to secure a safe, reliable and plentiful drinking water source for our residences, businesses and industries. As an authority, we were able to join together with the other member communities to collectively accomplish what would have been prohibitively expensive if we had to undertake the project independently.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated cost of approximately \$1,100,000. CBCWA was notified on July 31, 2012 by WDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that joint local water authorities were also ineligible for safe drinking water loan funds. Both sources of funding are available individually to our community as well as the other individual CBCWA members. Senate Bill 55 would make these funding sources available for the collaborative projects that are undertaken by CBCWA for the benefit of all of our members. Without funding, the cost of these projects will have to be passed on to our water customers through local water rates.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Thank you for your consideration.

Sincerely,



Robert Bartelt
Town of Lawrence
Administrator



2828 Allouez Avenue
Bellevue, Wisconsin 54311

Phone (920) 468-5225
Fax (920) 468-4196

March 13, 2013

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

Dear Senator Farrow and Committee Members:

We very much appreciate the Committee's consideration of Senate Bill 55 and thank Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored this bill.

In 2004, Bellevue joined with the neighboring communities of Allouez, De Pere, Howard, Lawrence and Ledgeview to form the Central Brown County Water Authority (CBCWA). CBCWA was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint local water authorities. The Village of Bellevue was under a consent decree to address radium levels in the local well water supply that served as the sole source of drinking water for its citizens. CBCWA was created as a collaborative effort by the six communities to secure a safe, reliable and plentiful drinking water source for our residences, businesses and industries. As an authority, we were able to join together with the other member communities to collectively accomplish what would have been prohibitively expensive if we had to undertake the project independently.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated cost of approximately \$1,100,000. CBCWA was notified on July 31, 2012 by WDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that joint local water authorities were also ineligible for safe drinking water loan funds. Both sources of funding are available individually to our community as well as the other individual CBCWA members. Senate Bill 55 would make these funding sources available for the collaborative projects that are undertaken by CBCWA for the benefit of all of our members. Without funding, the cost of these projects will have to be passed on to our water customers through local water rates.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Beyl".

Craig Beyl, Village President

cc: Dave Vaclavik, Manager Central Brown County Water Authority



March 11, 2013

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

Dear Senator Farrow and Committee Members:

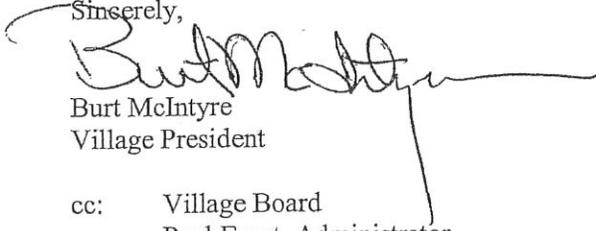
We very much appreciate the Committee's consideration of Senate Bill 55 and thank Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored this bill.

In 2004, the Village of Howard joined with the neighboring communities of Allouez, Bellevue, De Pere, Lawrence and Ledgeview to form the Central Brown County Water Authority (CBCWA). CBCWA was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint local water authorities. The Village of Howard was under a consent decree to address radium levels in the local well water supply that served as the sole source of drinking water for its citizens. CBCWA was created as a collaborative effort by the six communities to secure a safe, reliable and plentiful drinking water source for our residences, businesses and industries. As an authority, we were able to join together with the other member communities to collectively accomplish what would have been prohibitively expensive if we had to undertake the project independently.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated cost of approximately \$1,100,000. CBCWA was notified on July 31, 2012 by WDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that joint local water authorities were also ineligible for safe drinking water loan funds. Both sources of funding are available individually to our community as well as the other individual CBCWA members. Senate Bill 55 would make these funding sources available for the collaborative projects that are undertaken by CBCWA for the benefit of all of our members. Without funding, the cost of these projects will have to be passed on to our water customers through local water rates.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Thank you for your consideration.

Sincerely,



Burt McIntyre
Village President

cc: Village Board
Paul Evert, Administrator
Geoffrey Farr, Director of Public Works



March 11, 2013

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

Dear Senator Farrow and Committee Members:

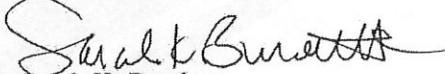
We very much appreciate the Committee's consideration of Senate Bill 55 and thank Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored this bill.

In 2004, Ledgeview joined with the neighboring communities of Allouez, Bellevue, De Pere, Howard and Lawrence to form the Central Brown County Water Authority (CBCWA). CBCWA was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint local water authorities. Ledgeview Sanitary District #2 was under a consent decree to address radium levels in the local well water supply that served as the sole source of drinking water for its citizens. CBCWA was created as a collaborative effort by the six communities to secure a safe, reliable and plentiful drinking water source for our residences, businesses and industries. As an authority, we were able to join together with the other member communities to collectively accomplish what would have been prohibitively expensive if we had to undertake the project independently.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated cost of approximately \$1,100,000. CBCWA was notified on July 31, 2012 by WDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that joint local water authorities were also ineligible for safe drinking water loan funds. Both sources of funding are available individually to our community as well as the other individual CBCWA members. Senate Bill 55 would make these funding sources available for the collaborative projects that are undertaken by CBCWA for the benefit of all of our members. Without funding, the cost of these projects will have to be passed on to our water customers through local water rates.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Thank you for your consideration.

Sincerely,

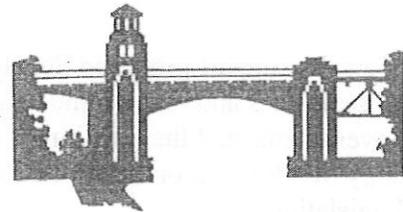


Sarah K. Burdette
Clerk/Administrator

cc: Michael Walsh; Mayor, City of De Pere
Steve Vanden Avond; President, Village of Allouez
Craig Beyl; President, Village of Bellevue
Burt McIntyre; President, Village of Howard
John Klasen; Chairman, Town of Lawrence
Marc Hess; Chairman, Town of Ledgeview
Steve J. Jauquet; President, Ledgeview Sanitary District #2

CITY OF DE PERE

335 South Broadway
De Pere, WI 54115
Fax No.: 920/339-4049
Web: <http://www.de-pere.org>



March 12, 2013

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

Dear Senator Farrow and Committee Members:

We very much appreciate the Committee's consideration of Senate Bill 55 and thank Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored this bill.

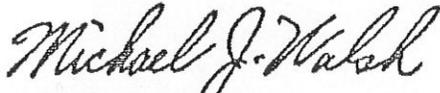
In 2004, the City of De Pere (De Pere) joined with the neighboring communities of Allouez, Bellevue, Howard, Lawrence and Ledgeview to form the Central Brown County Water Authority (CBCWA). CBCWA was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint local water authorities. De Pere was under a consent decree to address radium levels in the local well water supply that served as the sole source of drinking water for its citizens. CBCWA was created as a collaborative effort by the six communities to secure a safe, reliable and plentiful drinking water source for our residences, businesses and industries. As an authority, we were able to join together with the other member communities to collectively accomplish what would have been prohibitively expensive if we had to undertake the project independently.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated cost of approximately \$1,100,000. CBCWA was notified on July 31, 2012 by WDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that joint local water authorities were also ineligible for safe drinking water loan funds. Both sources of funding are available individually to our community as well as the other individual CBCWA members. Senate Bill 55 would make these funding sources available for the collaborative projects that are undertaken by CBCWA for the benefit of all of our members. Without funding, the cost of these projects will have to be passed on to our water customers through local water rates.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Enclosed you will find a copy of a Resolution of the De Pere Common Council dated November 7, 2012 in support of this Legislation.

Thank you for your consideration and support.

Sincerely,



Michael J. Walsh
Mayor

Enclosure

RESOLUTION #12-127

REQUESTING LEGISLATION TO AMEND WIS. STAT. §84.295 TO EXTEND THE PROVISION OF UTILITY RELOCATION REIMBURSEMENT PAYMENTS TO FACILITIES OWNED BY THE CENTRAL BROWN COUNTY WATER AUTHORITY

WHEREAS, the communities of Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview have formed a regional entity, known as the Central Brown County Water Authority (CBCWA), to provide water supply to their communities; and

WHEREAS, through the CBCWA, the communities have been able to obtain a lake water source of water to replace the groundwater sources of water that they were previously using but which had deteriorated due to elevated radium levels and dropping water levels; and

WHEREAS, CBCWA delivers water to member communities through a CBCWA owned pipeline, that was built between the years 2005 to 2007, at a cost of over \$100 million; and

WHEREAS, a portion of this pipeline is located in Wisconsin Department of Transportation rights-of-way, in accordance with permissions received from the DOT; and

WHEREAS, at the time permission from the DOT was requested, CBCWA provided location drawings to the DOT, and was not informed of any future DOT plans that would be expected to require future relocation of CBCWA's pipeline; and

WHEREAS, in July, 2012, DOT informed CBCWA that it planned to reconstruct the intersection of State Trunk Highway 29 and County Trunk Highway FF, and it directed CBCWA to provide a plan for relocating CBCWA's recently installed pipeline; and

WHEREAS, the cost to relocate this portion of the pipeline is anticipated to be over \$1,100,000; and

WHEREAS, water ratepayers in Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview will bear the cost of relocating this pipeline, along with the cost of constructing the original recently installed pipeline, through their water rates; and

WHEREAS, if the pipeline was owned by any of the member communities individually (as opposed to being owned jointly by the CBCWA), Wis. Stat. § 84.295 would authorize the State to pay 90% of the eligible relocation and replacement costs because the state freeway construction was requiring the relocation and replacement of the pipeline; and

WHEREAS, Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview ratepayers should not be placed at a disadvantage, and be required to pay higher water rates, because the pipeline that supplies them with water is owned by a joint governmental entity, as opposed to being owned by an individual town, village, city, or town sanitary district; and

WHEREAS, state law should not provide a disincentive for communities to work cooperatively to provide utility services to residents; and

WHEREAS, the disincentive that currently exists in state law can be eliminated by amending Wis. Stat. §84.295 to authorize the State to provide utility relocation reimbursement payments for facilities owned by a joint local water authority established under Wis. Stat. §66.0823;

NOW THEREFORE, BE IT RESOLVED THAT:

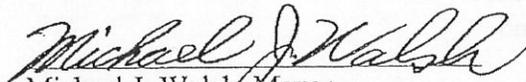
The Common Council of the City of De Pere requests that legislation be introduced, passed and signed, to amend Wis. Stat. §84.295 to authorize the State to provide utility relocation reimbursement payments for facilities owned by a joint local water authority established under Wis. Stat. §66.0823, so that the relocation of CBCWA's pipeline required because of the reconstruction of the intersection of State Trunk Highway 29 and County Trunk Highway FF will be eligible for reimbursement.

BE IT FURTHER RESOLVED THAT:

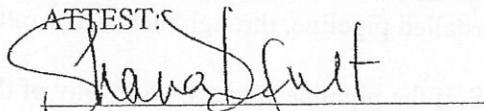
All City officials, officers, employees, and agents are further authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 7th day of November, 2012.

APPROVED:

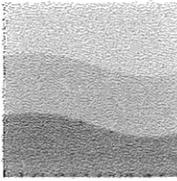

Michael J. Walsh, Mayor

ATTEST:


Shana L. Defnet, Clerk-Treasurer

Ayes: 8

Nays: 0



CENTRAL
BROWN COUNTY
WATER AUTHORITY

March 11, 2013

Committee on Government Operations,
Public Works, and Telecommunications
Senator Paul Farrow, Chair

Re: Senate Bill 55

Dear Senator Farrow and Committee Members:

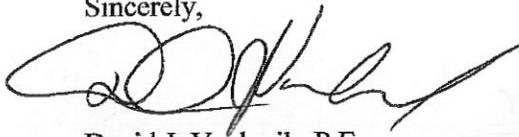
We very much appreciate the Committee's consideration of Senate Bill 55 and thank Senator Cowles, Representative Jacque and the other Senators and Representatives that have co-sponsored this bill.

The Central Brown County Water Authority (CBCWA) was formed as a joint local water authority in 2004 under Wisconsin State Statute 66.0823: Joint local water authorities. CBCWA was created as a collaborative effort by the communities of Allouez, Bellevue, De Pere, Howard, Lawrence and Ledgeview to secure a safe, reliable and plentiful drinking water source for the approximately 28,000 residences, businesses and industries provided with water service in these communities. As an authority, these communities were able to collectively accomplish what would have been prohibitively expensive individually.

In 2012, CBCWA was notified that the Wisconsin Department of Transportation would be reconstructing the interchange at STH 29 and CTH FF and that the CBCWA water line providing service to the Village of Howard was in conflict with the planned construction. Relocation of this water main has an estimated cost of approximately \$1,100,000. CBCWA was notified on July 31, 2012 by WDOT that joint local water authorities were not eligible for relocation compensation. It was subsequently discovered that joint local water authorities were also ineligible for safe drinking water loan funds. Both sources of funding are available individually to CBCWA members, but unavailable for the collaborative projects that provide service to these communities. Without relocation funding, these costs will have to be passed on to the water customers of the six CBCWA member communities.

We fully support proposed Senate Bill 55 as it will provide equity to CBCWA's member communities and remove the unanticipated negative consequences of collaboration between governments and the creation of future joint local water authorities. Thank you for your consideration.

Sincerely,



David J. Vaclavik, P.E.
Manager, Central Brown County Water Authority

cc: Michael Walsh; Mayor, City of De Pere
Steve Vanden Avond; President, Village of Allouez
Craig Beyl; President, Village of Bellevue
Burt McIntyre; President, Village of Howard
John Klasen; Chairman, Town of Lawrence
Marc Hess; Chairman, Town of Ledgeview

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