



June 4, 2020

VIA EMAIL:

bc_county_board@co.brown.wi.us

Board of Supervisors
Brown County
PO Box 23600
Green Bay, WI 54305-3600

VIA EMAIL:

bc_county_executive@browncountywi.gov

Troy Streckenbach
Brown County Executive
PO Box 23600
Green Bay, WI 54305-3600

Re: VV Interchange Project – Broadband Extension

Dear County Board of Supervisors and Mr. Streckenbach:

As you should all be aware, as part of the VV Interchange Project (the “Project”), the extension of broadband services was a required part of the federal BUILD Grant awarded to Brown County (the “County”). The most efficient route, in terms of maximizing opportunities for public safety and other rural broadband initiatives, was determined by the State of Wisconsin along with input from the County. Additionally, Matt Ternes, of the Wisconsin Department of Transportation (“DOT”) confirmed that he received a voice mail on July 9, 2019, from the Oneida Tribal Historic Preservation Officer (“THPO”) stating that this broadband route, along with an alternative route, were both acceptable to the Oneida Nation. Only a few days before field work was to commence, the Oneida Nation apparently changed its mind and would not sign off on the most beneficial route but indicated the tribe would only agree to the secondary route.

Concerned about this change, Kevin Raye, the Brown County Technology Services Enterprise Network and Infrastructure Manager, stated in an August 2, 2019 email:

I am not sure if we need to meet but I will need a written explanation from the Oneida THPO on why the sudden change so I can pass along the response. The primary route was designed for future 911 radio public safety opportunities plus Wireless and Wireline Rural Broadband Initiatives for both Brown County and Outagamie Counties. The radio tower located at N8085 County Road U, Town of Oneida is critical for these opportunities.

Mr. Raye went on to state the following about the secondary route:

It has far less value and opportunities for public safety and rural broadband initiatives including no way to do anything with wireless without incurring a large expense for tower infrastructure.

Pursuant to a public records request for documents in the possession of the County relating to this issue, the only thing produced was a response from the Public Works Director/Highway Commissioner Paul Fontecchio in which he simply stated “the reason we have to move to the secondary route is as noted below—we cannot get environmental clearance for the primary route.” He proceeded to completely disregard Mr. Raye’s concerns and stated to him and others “no need for further documentation, please proceed with the secondary route as you have noted.” Given how less valuable and how much more expensive the alternative route was, Mr. Raye responded as follows:

I just want to get on the record that this route change will significantly reduce the opportunities for Public Safety and the Rural Broadband initiatives. To get fiber to this tower in the future will still require the same approvals and will cost Brown County **\$432,216** versus **\$0** if the primary route is used.

If you and August could please explain to Troy and Chad that would be great because these are **significant** opportunities lost with the route change.

(Emphasis in original.)

The emails referenced above are attached to this correspondence. The records request to the County confirms there are no other documents in the possession of the County indicating why the County could not get “environmental clearance.” No documents were produced even confirming the nature of the purported environmental concern. There was also nothing produced to suggest why the Nation objected to the primary route despite the fact it previously confirmed that route was perfectly acceptable.

It is alarming that for something that was so critical, one departmental manager felt compelled to “get on the record” just how negative the route change would be, that the County took no action whatsoever to even look into why the previously agreed to route was jettisoned only days before field work was to begin. The record is also silent relative to any attempts to see if the unidentified “environmental concerns” could be addressed in a way that preserved the original route. It is also important to note that no environmental concerns were raised by the federal government, the State of Wisconsin, the County, or the Village.

Mr. Raye’s concerns about costs were also well founded. The original budget for this project, as it related to the rural broadband initiative, was \$898,500. The revised budget received from the County in November 2019 has an estimate of \$1.3 million for “fiber.” The original and updated budgets are attached.

This all raises several questions. How much less desirable is the new route in terms of public safety and the rural broadband initiatives? What are the “environmental concerns” referenced by the Highway Commissioner? Could those concerns have been addressed in a way that preserved the original route? Why was the Oneida Nation’s approval needed in the first place? If it was

required, why was the route they originally agreed to suddenly problematic? Why would the County agree to incur for itself, as well as the other paying partners for the Project at least \$432,216 in additional costs for an inferior system?

The Village hereby requests that the County Board initiate an investigation to obtain answers to the questions identified above. As things currently stand, it appears the taxpayers within the County, the Village of Hobart, and the Village of Howard should not be paying more for this significantly less desirable route. Unless the investigation uncovers facts not reflected in the County's records, the original route should be reestablished.

Sincerely,



Aaron Kramer, Hobart Village Administrator

On behalf of the Village
Board and Village Taxpayers

c:	Ms. Megan Borchardt	Ms. Joan Brusky
	Mr. Patrick Buckley	Ms. Amanda Chu
	Mr. Devon Coenen	Mr. Norbert Dantine, Jr.
	Mr. Keith Deneys	Mr. Thomas DeWane
	Ms. Lindsey Dorff	Ms. Cassandra Erickson
	Mr. Patrick Evans	Mr. Tom Friberg
	Mr. Patrick Hopkins	Ms. Emily Jacobson
	Mr. Dave Kaster	Mr. Dave Landwehr
	Ms. Kathy Lefebvre	Mr. Thomas Lund
	Mr. James Murphy	Mr. Tom Peters
	Mr. Richard Schadewald	Mr. Randy Schultz
	Mr. Tom Sieber	Mr. Ray Suennen
	Mr. John Vander Leest	Mr. John Van Dyck
	Mr. Stan Kaczmarek	

Attachments:

July 9, 2019 Email from Ternes to Robillard-Route is clear
August 2, 2019 Email from Ternes to Robillard-Change of mind
August 5, 2019 Email from Fontecchio to Raye-Cannot get environmental clearance
August 5, 2019 Email from Raye to Ternes-Requesting written explanation
August 5, 2019 Email from Raye to Fontecchio-Wants to get it on record the problem with route change
July 2018 Original Budget
November 2019 Revised Budget

From: Ternes, Matthew - DOT
Sent: Tuesday, July 09, 2019 7:09 AM
To: Robillard, Troy <robillardt@AyresAssociates.com>; Verville, Phil (vervillep@AyresAssociates.com)
<vervillep@AyresAssociates.com>
Cc: Helmrick, Michael - DOT <Michael.Helmrick@dot.wi.gov>; Segerstrom, Daniel - DOT
<daniel.segerstrom@dot.wi.gov>; Fontecchio, Paul A. <Paul.Fontecchio@browncountywv.gov>;
kevin.raye@co.brown.wi.us
Subject: FW: 9200-10-00, STH 29/County VV - THPO Broadband Route Reviews

Troy/Phil,

We received a voicemail from the Oneida THPO last week stating that both broadband routes are clear. We'll still need to obtain written confirmation, and we're working on that, but in the meantime, lets get started on design for the broadband utilizing the primary route from Brown County. Once we get written confirmation from THPO, we'll work with CO to get the 9200-10-72 ID on the screening list...the non-tribal portions of that work have already been cleared, so it should be a relatively quick process once we get written THPO approval. Can also start preparing the environmental document for this ID as well.

Thanks,
Matt

From: Ternes, Matthew - DOT <Matthew.Ternes@dot.wi.gov>
Sent: Friday, August 2, 2019 1:34 PM
To: Robillard, Troy; Verville, Phil; Raye, Kevin P.
cc: Segerstrom, Daniel - DOT; Helmrick, Michael - DOT; Fontecchio, Paul A.
Subject: FW: 9200-10-00, STH 29/County VV - THPO Broadband Route Reviews

Hi All,

As noted in the below email, we've been trying to obtain written clearance from Oneida THPO on the primary route for the broadband since receiving verbal clearance. Since obtaining verbal clearance, a new THPO has been hired at Oneida, and the new THPO will not sign off on the primary route, however, will provide written clearance on the secondary route. That written clearance should be coming today yet.

That said, this is going to be a change in direction from what we've been working towards on the primary route. I think MCE was going to start field locates of utilities on Monday along the primary route, with design to start shortly after that. Also, Brown County, this will mean not only having to pivot to the secondary route, but also means the additional spur down County U to the radio tower is no longer possible.

We'll be following up here in the office next week, but at this point, we shouldn't proceed any further with the primary route as we will not be cleared environmentally.

Thanks,
Matt

From: Fontecchio, Paul A. <Paul.Fontecchio@browncountywi.gov>
Sent: Monday, August 05, 2019 8:02 AM
To: Raye, Kevin P. <Kevin.Raye@browncountywi.gov>; Ternes, Matthew - DOT <Matthew.Ternes@dot.wi.gov>; Robillard, Troy <robillardt@AyresAssociates.com>; Verville, Phil <verville@AyresAssociates.com>; Segerstrom, Daniel - DOT <daniel.segerstrom@dot.wi.gov>; Helmrick, Michael - DOT <Michael.Helmrick@dot.wi.gov>; Neverman, August W. <August.Neverman@browncountywi.gov>; Dan Becker (dbecker@mcewi.com) <dbecker@mcewi.com>
Subject: RE: 9200-10-00, STH 29/County VV - THPO Broadband Route Reviews

Kevin –

The reason we have to move to the secondary route is as noted below – we cannot get environmental clearance for the primary route. We need to keep moving forward with the design with the secondary route to keep the project on track and then deal with getting fiber down to the tower at a later date as part of another project.

If you need me to explain to Troy, Chad, or anyone else in Brown County please let me know and I will.

WisDOT & Ayres staff – no need for further documentation, please proceed with the secondary route as you have noted,

Thanks,

Paul Fontecchio, P.E.
Public Works Director / Highway Commissioner

From: Raye, Kevin P. <Kevin.Raye@browncountywi.gov>
Sent: Friday, August 2, 2019 7:56 PM
To: Ternes, Matthew - DOT <Matthew.Ternes@dot.wi.gov>; Robillard, Troy <robillardt@AyresAssociates.com>; Verville, Phil <vervillep@AyresAssociates.com>; Segerstrom, Daniel - DOT <daniel.segerstrom@dot.wi.gov>; Helmrick, Michael - DOT <Michael.Helmrick@dot.wi.gov>; Fontecchio, Paul A. <Paul.Fontecchio@browncountywi.gov>; Neverman, August W. <August.Neverman@browncountywi.gov>; Dan Becker (dbecker@mcewi.com) <dbecker@mcewi.com>
Subject: Fw: 9200-10-00, STH 29/County VV - THPO Broadband Route Reviews

Hello All,

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Although a secondary route was also proposed, it has far less value and opportunities for Public Safety and Rural Broadband Initiatives including no way to do anything with wireless without incurring a large expense for tower infrastructure. That is why the Radio Tower at N8085 County Road U was critical in this design.

Like I stated earlier, I need documentation on why this primary route has been rejected so I can pass along to the Brown County County Executive, Director of Administration, Director of Public Safety, and the Chief Information Officer, plus I have a record for the federal grant audit review if required on how the Rural Broadband Initiatives have been implemented.

Thank You

Kevin Raye
Brown County Technology Services
Enterprise Network & Infrastructure Manager
(920) 448-4030
Kevin.Raye@co.brown.wi.us

From: Raye, Kevin P. <Kevin.Raye@browncountywi.gov>
Sent: Monday, August 5, 2019 9:03 AM
To: Fontecchio, Paul A.; Ternes, Matthew - DOT; Robillard, Troy; Verville, Phil; Segerstrom, Daniel - DOT; Helmrick, Michael - DOT; Neverman, August W.; Dan Becker (dbecker@mcewi.com)
Subject: RE: 9200-10-00, STH 29/County VV - THPO Broadband Route Reviews

Paul,

I just want to get on the record that this route change will significantly reduce the opportunities for Public Safety and the Rural Broadband Initiatives. To get fiber to this tower in the future will still require the same approvals and will cost Brown County **\$432,216** versus **\$0** if the primary route is used.

If you and August could please explain to Troy and Chad that would be great because these are **significant** opportunities lost with the route change.

Thanks

Kevin Raye
Brown County Technology Services
Enterprise Network & Infrastructure Manager
(920) 448-4030
Kevin.Raye@co.brown.wi.us

Cost Estimates (Matches Budget Information on Standard Form 424C) - DRAFT: July 3, 2018

Project Component	Federal (BUILD Grant)	State (WisDOT)	Brown County	Village of Hobart	Village of Howard	Total	
Engineering/Design	\$350,000	\$75,000	\$25,000	\$25,000	\$25,000	\$500,000	\$500,000
Right-of-Way Acquisition	\$0	\$0	\$0	\$1,642,100	\$1,642,100	\$3,284,200	\$3,284,200
Fiber/Broadband Extension	\$629,265	\$0	\$89,895	\$89,895	\$89,895	\$898,950	\$898,950
Utilities/Construction	\$18,827,600	\$0	\$855,800	\$855,800	\$855,800	\$21,395,000	\$21,395,000
Contingencies	\$0	\$0	\$583,333	\$583,333	\$583,333	\$1,750,000	\$1,750,000
Total	\$19,806,865	\$75,000	\$1,554,028	\$3,196,128	\$3,196,128	\$27,828,150	\$27,828,150
Percent Contribution	71.18%	0.27%	5.58%	11.49%	11.49%	100.00%	100.00%

Total Cost Estimate for Fiber/Broadband: Brown County Department of Technology Services.

Total Estimates for All Other Project Costs: WisDOT and Ayres Associates.

EROSION CONTROL (Other than Emat)	LS			\$100,000.00
TRAFFIC CONTROL	LS			\$360,000.00
LIGHTING	LS			\$250,000.00
SIGNING/MARKINGS	LS			\$150,000.00
ITS	LS			\$50,000.00
ROADWAY INCIDENTALS	LS	5% of Roadway Items		\$709,795.57
		TOTAL ROADWAY COSTS		\$15,815,706.90
STRUCTURES				
B-0S-0416	SF	14,313	\$130.00	\$1,860,690.00
		TOTAL STRUCTURE COSTS		\$1,860,690.00
MOBILIZATION	LS	10% of all Items		\$1,767,659.69
		TOTAL CONSTRUCTION COSTS		\$19,444,036.59
CONSTRUCTION MANAGEMENT	LS			\$1,700,000.00
CONTINGENCES	LS	3% of Construction Cost		\$583,321.10
UTILITIES	LS			\$500,000.00
FIBER	LS			\$1,300,000.00
ROW ACQUISITION (LAND)	LS			\$4,700,000.00
		TOTAL REAL ESTATE COSTS		\$4,700,000.00
DESIGN ENGINEERING, INCLUDING WISDOT	LS			\$650,000.00
		TOTAL PROJECT COST		\$28,877,357.69