



CITY OF WAUKESHA

Administration

201 Delafield Street, Waukesha, WI 53188
Tel: 262.524.3701 fax: 262.524.3899
www.waukesha-wi.gov

Common Council Item Number: 22-3502	Date: 2/1/2022
Submitted By: Brian Running	City Administrator Approval: Kevin Lahner, City Administrator Click here to enter text.
Finance Department Review:	City Attorney's Office Review: Brian Running, City Attorney Click here to enter text.
Subject: Disallowance of claim for property damage by Bobalou Enterprises.	

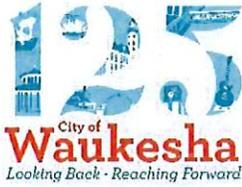
Details:
Bobalou Enterprises was a pretzel vendor at the 2021 Oktoberfest event. Its trailer was plugged into a generator the City rented from Lincoln Contractor Supply. When Bobalou powered up its equipment, the equipment began to smoke and eventually burned out. The claim seeks replacement value for the equipment. There is no evidence that the City is responsible for the damage to the equipment, it appears to be more likely that Bobalou's trailer's wiring was incorrect, or less likely, that the generator was faulty. Lincoln set up the generator and the City had nothing to do with it.
The claim should be disallowed because there is no proof that the City is responsible for the damage. Disallowance will shorten the period in which Bobalou can file a lawsuit against the City, if it so chooses.

Options & Alternatives:
There are no recommended alternatives.

Financial Remarks:
Disallowance will have no financial impact.

Staff Recommendation:
City Attorney's Office recommends motion to disallow the claim of Bobalou Enterprises and to authorize the Clerk to issue a formal disallowance letter.





OFFICE OF THE CLERK-TREASURER

Gina Kozlik, Clerk-Treasurer

201 DELAFIELD STREET
WAUKESHA, WISCONSIN 53188-3692
TELEPHONE CLERK - 262/524-3550
TELEPHONE TREASURER - 262/524-3850

January 20, 2022

**TO: Jamie Strobl, Finance Department
Bridget Souffrant, Finance Director**

RE: Insurance Claim for Damage to Equipment

**Submitted By: Louis R. Maniscalco
Babalou Enterprises, LLC
9328 N. Broadmoor Rd
Bayside, WI 53217**

Date Claim Served: January 20, 2022

The enclosed is being sent to you to provide to our insurance or as needed for your review.

Sincerely,

**Sandee Policello
City of Waukesha Deputy Clerk-Treasurer**

Cc: Clerk (original) / Finance / Attorney / Park Rec (Ron Grall) (Joanna Adamicki)



BOBALOU ENTERPRISES, LLC

9328 N. Broadmoor Road
Bayside, WI 53217



January 18, 2022

Ms. Gina Kozlik
Clerk Treasurer
City of Waukesha
Attention: Claims
201 Delafield St.
Waukesha, WI 53188

Dear Ms. Kozlik

Bobalou Enterprises LLC, was contracted by the City of Waukesha to participate in, Waukesha Oktoberfest, a two-day event, to sell gourmet pretzels, popcorn, frozen lemonade, soda, and water. The City of Waukesha agreed to supply a 50-amp/220 circuit to my concession trailer. The event was held on Friday, September 24, from 5PM to 11PM and on Saturday September 25 from Noon to 11PM. I was notified to set up my trailer on September 22 at Noon. Upon arrival, the Frame Park supervisor, instructed me where to place my trailer, and where to access power. As is customary, at the conclusion of my set up, I verified that all of my equipment was working. As my event manager and I were making our exit, we encountered Joanna Adamicki, the Special Events Coordinator of the City of Waukesha. At that time, she explained that our power was going to be switched to a generator because I was the only vendor with a long enough cord to access it. On the opening day of the event, Friday September 24, my event manager began his set up by turning on the pretzel warmers. Instantly, they began to smoke, and the power went out. At this time, I received a phone call from him explaining what happened and I referred him to Ms. Adamicki. Ms. Adamicki summoned the electrician to the trailer. Upon his arrival my event manager called me to communicate with the electrician, as to where the main power switch was located. Once explained, the electrician reset the switch and the same problem occurred, the pretzel warmers began smoking and the power in the trailer went out. In an attempt to diagnose the problem further, the pretzel warmers were turned off and the power was reset again. To verify that

the pretzel warmers were not causing the issue, the ovens were turned on, and they too began to smoke, and the power turned off again. The ovens were then unplugged, and the power was reset for the third time. At this point it was evident that the problem was stemming from the power source. The electrician and my event manager, walked to the generator to find that the amperage meter was rising from 50 amps to 65 amps. The electrician was unable to identify the cause of the power outages and suggested plugging in four extension cords to individually power each appliance. Unfortunately, this plan did not work as the equipment was already damaged and was unable to turn back on.

Ms. Adamicki offered two small pieces of equipment to finish vending for the rest of the day. The borrowed equipment was plugged into a different power source with individual extension cords. As it got dark, my event manager turned the trailer lights on, and the power blew out again, even without the appliances plugged in. Ultimately, the event closed early on Friday due to rain. I instructed my employee to remove all products from the trailer, due to the risk of power issues. I notified Ms. Adamicki that we were no longer able to vend at the event, given that all of our equipment was destroyed. I returned to the park at 11:30 PM on Saturday September 25, to remove my trailer from the event grounds. As I was doing so, I encountered Ms. Adamicki, and explained to her that I was going to have a professional inspect the equipment and inform her of their findings.

After the event, I took the equipment to Wisco Industries Inc., the manufacturer of the appliances, in Oregon, Wisconsin. Two weeks later, I was informed that the electrical issues damaged both warmers beyond repair, and the replacement value for the warmers is \$1,200.00 each. They were able to repair the ovens, at a cost of \$54.87. I consulted an electrician to assess the damage on the trailer, and it was determined that the controller that operates the lights was also totaled beyond repair. The value of this switch is \$400.00. When I received this information, I contacted Ms. Adamicki, who then informed me to contact the generator supplier. This was my first-time hearing that the generator came from an outside source.

I own three trailers, which have been in commission for five years, all with no previous issues. At this time, we are only interested in recovering the \$2,854.87, which is the amount of repairing/replacing our equipment, and not recouping any loss of revenue.

Thank you very much, and please let me know if you need any further information regarding this claim.

Sincerely,

A handwritten signature in black ink, reading "Louis R. Maniscalco". The signature is written in a cursive style with a prominent "L" and "M".

Louis R. Maniscalco
Owner
BOBALOU ENTERPRISES, LLC
(414) 315-3016
Bobalou03@gmail.com

WISCO INDUSTRIES, INC.

Replacement of 2 new warmers (\$1,200.00 each)	\$2,400.00
Invoice #M0001838 (Oven repair)	\$ 54.87
Trailer Controller Switch Replacement	<u>\$ 400.00</u>
 Total:	 \$2,854.87



QUOTE FORM

DATE: 10/19/2021

To:

BOBALOU ENTERPRISES, INC
ATTN: LOUIS MANISCALCO
9328 N. BROADMOOR RD
414-315-3016
BAYSIDE, WI 53217

-MODEL# 00561-001-USED
SERIAL #J046393
- 00695D-001
SERIAL #1612 & 1616

QUOTE:

Details:

Return Authorization #2969

-Labor charge per hour \$45.00

-Will charge for the parts use to repair the units

-Will let you know when equipment is ready for pick up.

10-21-21

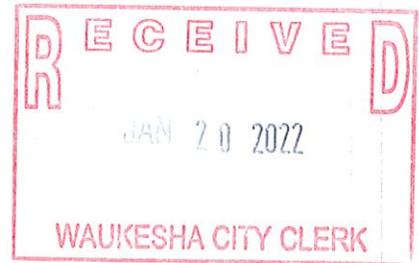
CUSTOMER DECIDED NOT GET WARMERS
FIXED DUE TO THE HIGH COST ON
PARTS AND LABOR.

-DELETED FROM RMA THE 2 WARMERS

*Due to the expensive charges on parts and labor to get the units fix.

* Recommended to get a new warmers instead. The current cost for a new unit \$1,200

OVEN WAS FIXED - CHARGE FOR
LABOR AND PARTS.



We appreciate this opportunity to provide you with a quote and look forward to working with you.

Sincerely,
Olga Alvarez



Wisco WI
 736 Janesville St.
 Oregon, WI 53575
 Tel 608-835-3106
 Fax 608-835-7399

Customer Invoice
M0001838



ORDER INFO	
Cust PO No:	RMA 2969/PARTS & LABOR
Invoice Date:	10/21/2021
Due Date:	10/21/2021
Terms:	Paid with Credit Card
Order No:	N/A
Note:	

Remit NOTE NEW REMIT TO ADDRESS:
 To:

WISCO INDUSTRIES INC
 PO BOX 10
 OREGON, WI 53575

BILL TO	BOBALOU ENTERPRISES INC
	BOBALOU ENTERPRISES, INC ATTN: LOUIS MANISCALCO 9328 N. BROADMOOR RD 414-315-3016 BAYSIDE, WI 53217

SHIP TO	BOBALOU.PICK UP
	WISCO INDUSTRIES, INC BOBALOU ENTERPRISES, INC ATTN: LOUIS MANISCALCO 414-315-3016 955 MARKET STREET OREGON, WI 53575

SHIPPING INFO	
Ship Date:	
Shipper No:	
Ship Via:	
Tracking No:	
Freight Terms:	
FOB:	

Line	Description	Order Qty	Ship Qty	Unit Price	Ext Price
1	CHARGE FOR PART 0027147 CONTROL BOARD USED TO FIX THIS OVEN MODEL 00561-001-USED	1		27.00	27.00
2	LABOR CHARGE	1		25.00	25.00

Note: RMA #2969
 -MODEL# 00561-001-USED
 SERIAL #J046393

Tax: \$2.87
 Total: \$54.87
 Payments: \$54.87
 Balance: \$0.00