

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday, May 3, 2007

7:00 PM

Vernon Town Hall Meeting Room
W249 S8910 Center Drive

1. CALL TO ORDER. Chairman Brian Paff called the meeting to order.
2. PLEDGE TO FLAG. Town Board recited the Pledge of Allegiance.
3. MOMENT OF SILENCE. Town Board had a moment of silence.
4. ROLL CALL. Chairman Paff, Supervisors Ludwig, Finch, Tylinski, Reilly, Clerk Gresch and Department of Public Works Director Salentine.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairman Paff asked the Clerk if the agenda was properly noticed. Clerk Gresch stated yes.
6. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Wisconsin Act 123, the Town Board will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Town Board Supervisors may have limited discussion on the information received, however, no action will be taken under public comments.)

MOTION Supervisor Tylinski moved to open the meeting to public comments, seconded by Supervisor Ludwig, carried by voice vote.

Phil Mainwaring, Guthrie Road, stated he passed out a copy of a notification policy from the City of Greenfield, and they notify 400 feet, and the Village of Greendale is 100 feet.

Craig Keir, S86 W24150 Edgewood Avenue, stated he is here to talk about an ordinance that we need to look at, the Firearms ordinance. He stated he has issues with this and target shooting. He stated he has a neighbor that shoots, and he is concerned about the volume of shooting. He stated he would like the Town Board to discuss what is permissible for target shooting. He stated he feels it's odd for people to target shoot with weapons that are not safe to hunt with per the DNR. He stated he is not sure how to go about this. Supervisor Finch asked if rifles are being shot. Mr. Keir stated rifles are being used. Mr. Keir stated 300 feet from building, 25 feet from the road. He stated he is hearing assault rifles and semi-automatic weapons. He stated he too is a hunter, but shoots in areas that are safe. He doesn't feel shooting should be allowed in residential areas. Chairman Paff asked how much land the neighbor has. Mr. Keir stated the neighbor that is shooting has about 10 acres of land. He stated per the ordinance, the neighbor is in compliance, but he feels the ordinance should be revisited. Chairman Paff asked that the Ordinance Committee take this up and that the Clerk call Mr. Keir about the meeting. Supervisor Tylinski stated he hears the shooting too. Mr. Keir stated he is not trying to stop hunting. He thanked the Town Board for their time.

Shirley Goff, Center Drive, stated she is here in regards to the Rugby game last Friday and cars parked on Center Drive on both sides of the road. She stated she called Supervisor Tylinski and he was outside taking pictures of the cars. She stated there was a lot of noise and drinking going on also. She stated a car was pulling out and people walking on the road, had to jump out of the way. She stated she called the Sheriff's Department and is not sure if they came by or not. She stated she tried calling all of the board members and was able to reach a couple of them. Supervisor Finch stated he saw the beer cans in the park on Saturday. She stated she is not sure if any citations were issued. She stated this is uncalled for, and asked why there were so many cars there. Supervisor Ludwig stated it was a Rugby game against Muskego. He stated many people were from Muskego and for some reason they did not park in the parking lot. Mrs. Goff stated the park gate is supposed to be locked a half-hour after sunset, and she has the ordinance. She stated there was also supposed to be trees planted, tennis courts and only two baseball diamonds. DPW Director Salentine stated the trees are being removed for ditching work. He

stated he would like to see the paperwork that says there should be trees plants. He stated he has looked through the ordinances and is unable to find documentation that trees should be planted. Mrs. Goff stated she also has the paperwork with 135 signatures that were against the park. Supervisor Finch stated he finds the alcohol consumption disturbing too. Supervisor Tylinski stated he almost was hit by a car too walking on the road. He stated an emergency vehicle could not have gotten down the road with the cars parked. Mrs. Goff stated she also is hearing foul language.

Carolyn Dulka, S91 W24905 Riverview Lane, stated she lives below the field. She stated she concurs with everything Mrs. Goff said. She said there were beer cans in the ditch on Saturday. She stated she has gone by the park during practices and hears wild language. She stated she had to watch for traffic on Friday night when she went to take her walk. She stated she's never seen the parking like that before.

MOTION Supervisor Tylinski moved to deviate to item #8a, seconded by Supervisor Finch, carried by voice vote.

#8a Approval of Operator's Licenses for the following people:
i. Jessica Nankin.

Clerk Gresch reviewed the Operator License application procedure with the Town Board. She stated the only way they can deny a license is if they are a habitual offender related to the sale of alcohol, which is not the case.

MOTION Supervisor Tylinski moved to approve the Operator's License for Jessica Nankin, seconded by Supervisor Finch, carried by voice vote.

ii. Maria Steffan

MOTION Supervisor Finch moved to approve the Operator's License for Maria Steffan, seconded by Supervisor Ludwig, carried by voice vote.

Supervisor Reilly stated he would like to address and correct an allegation that was made to impugn his reputation as an elected official. Chairman Paff stated that would be okay. Supervisor Reilly stated at the last Town Board meeting on April 19, 2007, under the Public Comments portion of the agenda, a number of allegations were made against me in an e-mail message written by Christopher Gorenc, and read by Robin Faust. The e-mail read contained unfounded allegations that were made with reckless disregard of whether they were true or false. None of the accusations were supported by facts. Its chief aim was to defame my reputation as an elected official, and to bring me into public contempt. I was accused of being "a self-serving elected official who would stoop to new lows to accommodate his own agenda; of trying to pull Mr. Kunert and Mr. Paff into the mud that I prefer to wallow in; of writing Mr. Bird's election flyer; of teetering on the edge of conduct unbecoming my position; and of lacking the knowledge of regarding his issues we face." All of these are unfounded accusations. I am well aware of the fact that Americans highly prize their right to speak their minds, but allegations like these, unsubstantiated by fact, should be withdrawn or supported with specific facts. I am the Town of Vernon's liaison to the Mukwonago School District. I represent the Town of Vernon's taxpayers when I attend the monthly Building, Grounds and Transportation Committee meeting, the Finance Committee meeting, and the regular School Board meeting. On the basis of what I hear, I give our community a school board report every time at our Town Board meeting. Better than half of our property taxes are spent to support our schools and I want to keep our residents informed about how their tax dollars are being spent, and what's going on in our public school district. To my knowledge, no one has ever done this before on a regular basis. This is not self-serving. With two exceptions, I attended every Plan Commission meeting from March 2006 through March 2007. With just a few exceptions, I have voted with the majority of our Town Board since I was elected. In the case of the Fox River Woods development, I sought and succeeded in getting a written statement from the County that states in plain English that the Town of Vernon will not be obligated at any future date to

maintain any shared septic systems in that development which otherwise might have necessitated our establishing a sewer or utility district if there were a change in County policy. This is not self-serving. In the case of the John Drive matter, I sought and got a public hearing for the residents of the area, so that they could explain their concerns to the Town Board. I promised when I ran for office that I would be an advocate for the homeowner, and I've kept my word. This is not self-serving. I sought and played a part in restoring the right of a Supervisor to place a matter on the agenda as was our right under an existing Town of Vernon Ordinance. This is not self-serving. I have sought and played a part in getting the Town Board meetings and Plan Commission meetings aired regularly on Public Access Channel 25, so that the residents could be better informed about what is going on. Making what we do in local government more open and transparent is a good thing. It is not self-serving. At the last Town Board meeting on April 19, 2007 the Town Board discussed a number of items that I had placed on the agenda: 1 – expanding existing distance notification in regards to applications for variances or Conditional Use permits from 300 feet to 600 feet or two households in all directions. 2 – Making getting bids a standard procedure for all services. 3 – Having the Chairman appoint Supervisor liaisons to the Village of Big Bend and Village of Mukwonago. 4 – Creating a form that will allow a resident to state a concern for possible inclusion on a future Town Board agenda. 5 – Discussion of the merits of allowing an all year round fireworks store to be built in the Town of Vernon. 6 – Discussion of the possible adverse consequences to our community if the Village of Big Bend builds a municipal well in the area of the interchange and the need to develop a strategy for dealing with this likelihood. None of these items are self-serving. I was elected to serve the community as a whole. It is my responsibility. My job is to ask questions and to make decisions in the best interests of the entire town. The recent campaign for the Town Chairman did not involve negative campaigning on either side. Read every item that was published in the Mukwonago Chief, the Waukesha Freeman, and the Milwaukee Journal Sentinel. None of them contain anything that could be construed as a personal attack on an individual's integrity. I did not write Mr. Thomas Bird's election flyers, but neither one of the flyers contained anything that is personally derogatory. But let me say this, the author of the e-mail letter was one hundred percent right on one point in his e-mail message. He said "Lastly, and I am speaking for the masses when I say that when and if you decide to run for re-election next year, the candidate who opposes you will have unfounded support." According to most dictionaries, the word "unfounded" means having no basis in fact, groundless and unwarranted. In fact, everything said about me in that e-mail was nothing more than an attempt to discredit and smear me. In conclusion, when I obtained a copy of Mr. Gorenc's e-mail letter from our Town Clerk, I found that a copy of the e-mail had been forwarded to Chairman Paff and Supervisor Finch at 10:30 a.m. on April 19, 2007, some eight hours before that evening's meeting. I can only ask why they didn't at least have the good conscience to insist that the allegations against me be supported by facts. By not doing so, they deprived the Town of the opportunity to hear me give a timely response to Mr. Gorenc's allegations before those comments could be played, again and again on Public Access Channel 25. Supervisor Reilly thanked the Town Board for letting him speak.

MOTION Supervisor Ludwig moved to deviate to item #8m, seconded by Supervisor Tylinski, carried by voice vote.

#8m. Discussion of parking at Town Hall Park

Chairman Paff asked DPW Director Salentine if there are parking regulations. Director Salentine stated there are no parking restrictions on Center Drive by the park. He stated there are no "no parking" restrictions for the parking lot. Supervisor Tylinski stated you are not allowed to park on the grass. Director Salentine stated that is allowed at Heather Ridge. Mrs. Goff stated the pictures were taken around 6:30 p.m. Chairman Paff asked if this is an ongoing issue or was an isolated incident. Mr. Goff stated it is not an ongoing problem, but one occurrence is one too many. Supervisor Tylinski stated he cleans up Center Drive and the park and picks up beer cans regularly. He stated countless times he has seen adult games or practices and they are drinking after games. He stated he can take pictures with his cell phone and the Sheriff's Department will issue tickets. He stated the laws should be abided by the

citizens. Chairman Paff stated it is the Sheriff's Department job to enforce our ordinances. Supervisor Tylinski stated it is the person that organizes the park activities should do a better job of watching what is going on and to call the Sheriff. He also stated the Sheriff's Department could get a schedule of park events and they could drive by. Chairman Paff stated from what he is hearing, this is the first time in 30 years this has happened. Vince Budiak, Park & Recreation Committee Chairman stated he apologized for the parking, but that was an isolated incident. He stated many coaches bring soda in coolers and doesn't believe that coaches are drinking after games. He stated if there is a problem, anyone can call him and he could have gone down to the park to announce to remove the cars from the street. He stated these issues can be addressed by the Sheriff's Department or signage. He stated he wants to make it safe in the park. Supervisor Tylinski stated he is not against the park, but people should abide by the laws. He stated people that live by the park shouldn't have to constantly call someone about the parking. Committee Chairman Budiak stated we've never had a complaint about excessive parking at Town Hall Park. He stated we had this problem at Heather Ridge, and signs were installed on Center Drive for no parking. Chairman Paff asked if we need to put no parking signs on Center Drive. Supervisor Tylinski stated he and Mrs. Dulka were almost hit. He stated we need to do something and a combination of things can work. He stated the Sheriff's Department can be called to do crowd control. Committee Chairman Budiak stated Muskego has the top rated Rugby program in the state, and we beat them, so we have a rivalry with them, which is what created the crowd. He stated we can put some no parking signs on Center Drive. He stated the Sheriff's Department is very cooperative. Supervisor Finch asked if we can put orange cones along side of the road. Director Salentine stated if someone would have called Committee Chairman Budiak or Recreation Director Zimmermann or himself, they would have taken care of the parking situation. He stated if we put up no parking signs, an ordinance will have to be drafted to state that road has no parking, or the signs can't be enforced by the Sheriff's Department. Mr. Goff stated in one of the ordinances, it states the DPW Director can issue tickets. Director Salentine stated the Town Board members can issue tickets too. Chairman Paff stated we don't want to get into that, and the Sheriff's Department needs to be called. Supervisor Reilly stated what Mr. Goff stated is true, the Clerk should have tickets in her possession. Clerk Gresch stated we have tickets for the Sheriff's Department to issue tickets for Town Code violations. Supervisor Finch stated he wants to see proof that Town Board members can write tickets. Committee Chairman Budiak stated we shouldn't have to go that far. Supervisor Finch stated we will find a way to not allow people to park on Center Drive. He stated he would rather not have alcohol when there are kids around. He stated with drinking in the park, the Sheriff's Department needs to be called. Supervisor Finch stated Waukesha County allows alcohol in the park by permit only. Committee Chairman Budiak stated we have the softball cancer benefit and we have never had a problem with that. Mr. Goff stated it is miserable to live across the street from the park. Supervisor Tylinski stated everyone that comes to the park drives here, which means they are drinking and driving. Chairman Paff stated we are not condoning drinking and driving.

Recreation Director Zimmermann stated this was an isolated incident and we do not encourage drinking in the park. He stated the upper parking lot has been filled and that was just for soccer. He stated he visits each park everyday. He stated he cannot be everywhere 24/7 and is not a cop. He stated we do not allow alcohol in the park. He stated if the Town Board wants to write tickets, they should show up at the park. He stated he is really getting frustrated to answer to the same people every week. He stated we had a huge rugby game with over 300 spectators and they all weren't swearing. He stated it was a good clean game because he was down there coaching. He stated he will not continue to be put on the spot that he is a failure. He stated he hears the Goff's complaints every week. He stated he didn't tell anyone to park on Center Drive. He asked how many other people complain about the park. He stated Monday thru Saturday there are soccer games and practices. He stated he has 600 people in soccer and an increase in baseball seven days a week. He stated with a park and recreation program, the

crime rate is down. He stated the cops should have been called about the parking on Center Drive. He stated it was an isolated incident in 12 years. He stated the drinking in the park is not allowed and the Sheriff's Department should be called about drinking in the park. Recreation Director Zimmermann stated Monday night the park gate was locked when he had 90 people coming to the Town Hall for soccer. He stated having the gate locked is another safety issue if a car stops suddenly. Supervisor Tylinski stated he does not know who locked the gate. Supervisor Tylinski stated his kids were riding their bikes in the parking lot, so he closed the gate so a car would not fly in and hit his kids as a safety issue, and he hooked the chain over the gate. He stated when he left, he forgot to open the gate. Recreation Director Zimmermann asked why even lock it if you can leave the park by the playground. Supervisor Tylinski stated at the last meeting they discussed putting a locked gate behind the compactor. Recreation Director Zimmermann stated he deals with 600 families for soccer alone, and 800 kids for baseball, and only has two complaints. He stated he is really tired of having to deal with the same people complaining. He stated he is doing the best he can do. If there is a complaint, he wants to hear about it. He stated he doesn't appreciate reading emails that he and Director Salentine are not doing their jobs. He stated the gate should not have been closed by anyone. Supervisor Tylinski stated he has found the gate was locked during the day. Recreation Director Zimmermann wants to know who is locking the gate. Chairman Paff thanked Recreation Director Zimmermann and Committee Chairman Budiak for coming and asked the Park & Recreation Committee to address these issues. He asked Recreation Director Zimmermann to send an email out to his email list about the parking and to put something in his next program. Chairman Paff stated it sounds like it was not Town of Vernon residents that were causing the problem. Supervisor Reilly stated in no way has anyone suggested that Supervisors should assume the duty of writing tickets. Town Board members stated they have no intention of writing tickets.

7. REVIEW OF RECENT CORRESPONDENCE.

- a. 03-19-07 Big Bend Vernon Fire Board Minutes.

Chairman Paff stated this is for the Town Board's reading pleasure.

- b. 04-30-07 Big Bend Vernon Fire Commission Agenda.

Chairman Paff stated this is for the Town Board's reading pleasure. He stated he has not heard how that meeting went.

- c. AT&T New U-verse TV Service.

Chairman Paff stated this is for the Town Board's reading pleasure. Supervisor Finch stated they are offering the Town of Vernon a 5% rebate, and they own Cingular and we are having problems with their lease. He stated he doesn't feel we should receive this kickback. He stated if we don't take the kickback, the residents should have their bills lowered. Chairman Paff stated we sent this to Attorney Macy for his review. He stated Attorney Macy wrote a letter that AT&T and the City of Milwaukee are in negotiations about this, and to wait and try and get the same deal that the City of Milwaukee receives. He stated Attorney Macy is watching this and we shouldn't do anymore with this.

- d. Big Bend Vernon Fire Board Financial Statement.

Chairman Paff stated this is for the Town Board's reading pleasure.

- e. E-mail from resident regarding Environmental Corridors.

Supervisor Finch stated the resident is concerned with ATV riding in the Environmental Corridor. Clerk Gresch stated the resident stated she is concerned about people disturbing the environmental corridor.

- f. JS Online Article – Kohl's to go Solar in California.

Supervisor Tylinski stated there are many huge companies that are going green.

- g. Letter from Attorney Alexy to Cingular Wireless regarding Lease.

Chairman Paff read the letters into the record and will check with the Attorney at our staff meeting on how long we are supposed to wait.

- h. Letter from resident regarding dog waste removal.

Chairman Paff asked if we have any ordinances on this. Clerk Gresch stated no. Chairman Paff stated the Ordinance Committee may want to talk about this and see if it is warranted.

- i. Letter from resident regarding property on Edgewood Avenue and Oakdale Drive.

Chairman Paff stated this letter was also forwarded to Waukesha County for a zoning violation.

- j. Municipal Annexation Laws.

Chairman Paff stated this is about bills in the legislature that pertain to annexation laws. He stated he has not heard what happened to it in committee.

- k. E-mail from resident about noise from dirt bikes.

Chairman Paff read the complaint into the record and that Clerk Gresch sent an email to Deputy Soneberg to check into the complaint. Clerk Gresch stated she has heard that the Sheriff's Department has no knowledge of the whereabouts of the decibel meter. The Roy's that complained about the noise were present. Tim and Ellen Roy S75 W22380 Knoll Drive stated they have lived there for 11 years and live next to a family that rides ATVs and dirt bikes 60 feet from their house. He stated this has been going on for years. He stated he has spoke to the neighbor repeatedly and has called the Sheriff's Department numerous times. He stated he also went to the county about the zoning violation for grading. He stated Waukesha County sent them a letter about a grading violation and since then, they have been retaliated against by revving engines and playing loud music. He stated his patience has been pushed. He stated he calls the Town and they say call the Sheriff and vice versa. He stated today he came home from work at 4:30 and the neighbor kid jumped on the bike for 20 minutes and the Sheriff can't get there that fast. He stated he wants the neighbor to know that he calls the Sheriff. He stated it is getting really bad. He stated he doesn't know what he can do to help the Town and the Sheriff's Department. He stated the County inspected and told the neighbor that he has to re-grade and put the dirt back to the way it was. He stated he has a problem that they own a bobcat and use it to adjust the turns. He stated the neighbor is riding racing bikes and brings his friends over to race. He stated in the violation letter, it was estimated to exceed 3,000 square feet. Mr. Roy stated there is probably an illegal road that should not be there. He stated these people have a habit of not following the Town ordinances. He stated the issues are the quality of life and his house values. Peter Cumisky was present and stated when the neighbor kids get going, he doesn't want to listen to that all summer. He stated he spoke to the mother last fall and nothing has been done. He stated he came home today at 6 p.m. and he was out on the bike. He stated he also called the Sheriff's Department and they did witness it, but he

had to leave to take care of something else. Mr. Roy stated he cannot talk to the neighbors anymore. Chairman Paff stated we need to track down the decibel meter. Building Inspector Budiak stated he is aware of the property. Mr. Roy stated he is looking at Chapter 230-4, Public Nuisances Affecting Public Safety. He stated there is a fear of retaliation. Supervisor Tylinski stated noise ordinances are extremely hard to enforce all over the state. He stated next time he calls the Sheriff's Department, it will be for harassment. Mr. Cumisky stated the jumps are getting bigger and is surprised that no one has gotten hurt yet. Mrs. Roy stated this isn't going to stop. Chairman Paff asked if the Ordinance Committee can look at this to try to stop dirt bike racing. Supervisor Tylinski stated residential properties should not have dirt bike or ATV tracks. Supervisor Finch stated the equipment can be made quieter. Mr. Roy stated it has slowly escalated over the last 11 years. Supervisor Finch stated the Sheriff's Department could saturate the area. Mr. & Mrs. Roy stated they have taken every approach to address this and nothing has worked. He stated their quality of life and property values are no good. Mr. Cumisky stated there is no grass where they ride and there are very large hills. He stated he too tried to talk to the neighbor and talking to them is useless. Mr. Roy stated he will help the Town in whatever way he can to make this situation better. Supervisor Finch stated maybe the Town Board could talk to the neighbor and maybe that would help. Supervisor Tylinski stated he will go talk to the Olson's about the activity and will bring it back to the board.

MOTION Supervisor Tylinski moved to deviate to item #8f, seconded by Supervisor Reilly, carried by voice vote.

- 8f. Re-approval of the following Final Certified Survey Maps:
- i. Fox River Woods previously approved on 10-19-06, subject to all Planner, Engineer and Attorney conditions.

Clerk Gresch stated the Certified Survey Map is on the agenda for re-approval to start the timeline for recording over. Fox River Woods Attorney Gordon Barrington was present and stated everything at Waukesha County has been addressed. He stated they will be at the next Plan Commission meeting for document approvals.

MOTION Supervisor Finch moved to re-approve the Final Certified Survey Map for Fox River Woods previously approved on 10-19-06, subject to all Planner, Engineer and Attorney conditions, seconded by Supervisor Ludwig, carried by voice vote.

- ii. Dave Link previously approved on 2-15-07, subject to all Planner, Engineer and Attorney conditions.

MOTION Supervisor Finch moved to re-approve the Final Certified Survey Map for Dave Link previously approved on 2-15-07, subject to all Planner, Engineer and Attorney conditions, seconded by Supervisor Tylinski, carried by voice vote.

- iii. Mary Sipek previously approved on 2-15-07, subject to all Planner, Engineer and Attorney conditions.

MOTION Supervisor Finch moved to re-approve the Final Certified Survey Map for Mary Sipek previously approved on 2-15-07, subject to all Planner, Engineer and Attorney conditions, seconded by Supervisor Tylinski, carried by voice vote.

8. MISCELLANEOUS MATTERS. The following matters will be discussed and possible action taken by the

Town Board:

- a. Approval of Operator's Licenses for the following people:
 - i. Jessica Nankin.

Please see above discussion and action.

- ii. Maria Steffan

Please see above discussion and action.

- b. Award 2007 Road Program Bid.

DPW Director Doug Salentine stated this is a recommendation from himself and Engineer Ludwig to approve the award to Payne & Dolan for \$158,720. He stated our allocated amount was \$250,000 and we are under budget to save money for Edgewood Avenue, which won't happen this year. He stated those funds will be encumbered into 2008. Supervisor Ludwig asked if it's normal to only get two bids. Director Salentine stated we sometimes received three or four, but the last few years, it's only been two bidders. Chairman Paff stated Payne & Dolan does a good job for us. Director Salentine stated sometimes the bid does go higher, and if it does, he will come back to the Town Board.

MOTION Supervisor Finch moved to award the 2007 Road Program Bid to Payne & Dolan, not to exceed \$158,720, seconded by Supervisor Tylinski, carried by voice vote.

- c. Review of Southeastern Wisconsin Regional Planning Commission (SEWRPC) Report #49 with Town Planner.

Clerk Gresch stated Attorney Macy does not suggest endorsing this because there is a tax increase. He also stated Town of Mukwonago Planner Kathy Moore also does not recommend endorsing it for that reason. Chairman Paff stated Planner Turk has already included these issues in our smart growth. Chairman Paff asked the Clerk if she can get Town of Mukwonago Planner Kathy Moore's opinion also. He stated we can table this matter to the next agenda.

MOTION Supervisor Finch moved to table the Review of Southeastern Wisconsin Regional Planning Commission (SEWRPC) Report #49 with Town Planner, seconded by Supervisor Reilly, carried by voice vote.

- d. Resolution 2007-04, A Resolution to Endorse Southeastern Wisconsin Regional Planning Commission (SEWRPC) Report #49.

MOTION Supervisor Reilly moved to table Resolution 2007-04, A Resolution to Endorse Southeastern Wisconsin Regional Planning Commission (SEWRPC) Report #49, seconded by Supervisor Ludwig, carried by voice vote.

- e. Village of Big Bend Annexation Ordinance for the Brickman Property at the intersection of National Avenue & STH 164.

Clerk Gresch stated per the Town Board's annexation policy, once we receive the annexation ordinance, it is to be placed on the Town Board agenda for discussion. Chairman Paff asked if the annexation spreadsheet is being updated with the new annexations. Clerk Gresch stated yes it is.

- f. Re-approval of the following Final Certified Survey Maps:

- i. Fox River Woods previously approved on 10-19-06, subject to all Planner, Engineer and Attorney conditions.

Please see above discussion and action.

- ii. Dave Link previously approved on 2-15-07, subject to all Planner, Engineer and Attorney conditions.

Please see above discussion and action.

- iii. Mary Sipek previously approved on 2-15-07, subject to all Planner, Engineer and Attorney conditions.

Please see above discussion and action.

- g. Appointments of the following people to their Board/Commission/Committee:
 - i. Cathy Bronk to the Big Bend Vernon Fire Board for a three year term to expire May 31, 2010.

Chairman Paff stated these are recommendations from him to the Town Board. He stated he spoke with both Cathy Bronk and Shirley Goff and they want to be reappointed. Clerk Gresch stated the Weed Commissioner is a yearly appointment.

MOTION Supervisor Finch moved to appoint Cathy Bronk to the Big Bend Vernon Fire Board for a three year term to expire May 31, 2010, seconded by Supervisor Reilly, carried by voice vote.

- ii. Shirley Goff to the Big Bend Vernon Fire Commission for a five year term to expire May 31, 2012.

MOTION Supervisor Reilly moved to appoint Shirley Goff to the Big Bend Vernon Fire Commission for a five year term to expire May 31, 2012, seconded by Supervisor Tyliniski, carried by voice vote.

- iii. Walt Pladies as the Weed Commissioner for a one year term.

Supervisor Tyliniski asked if there is money in the budget for this. Clerk Gresch stated yes, \$400 plus mileage.

MOTION Supervisor Ludwig moved to appoint Walt Pladies as the Weed Commissioner for a one year term, seconded by Supervisor Tyliniski, carried by voice vote.

- h. Usage of Town Chairman's cell phone minutes and \$25 monthly reimbursement of the same.

Chairman Paff stated DPW Director Salentine also receives \$25 a month for Town related phone calls on his personal cell phone.

MOTION Supervisor Finch moved to approve a \$25 monthly reimbursement to the Town Chair for Town related phone calls on his personal cell phone, seconded by Supervisor Tyliniski, carried by voice vote.

- i. Town of Vernon Complaint Procedure & Form.

Clerk Gresch stated she received Attorney Macy's review of the procedure and form and it is included in tonight's packet. She stated she has made the changes. Supervisor Reilly asked if this is the Requested Action statement. Clerk Gresch stated that is a different form. Supervisor Reilly asked if we could establish a list. Chairman Paff stated that is addressed in the procedure. He stated the board will see this first and the board can delegate it to a committee. Clerk Gresch stated the list will be kept up and reported to the Town Board just like the zoning violations are kept and reported to the Plan Commission.

MOTION Supervisor Finch moved to approve the Town of Vernon Citizen Complaint Procedure and Form for Town Code Violations, as written, seconded by Supervisor Ludwig, carried by voice vote.

- j. Discussion of creating a policy for Requests for Proposals (RFP) for services.

Clerk Gresch stated she did a survey of all Waukesha County municipalities and most of them don't do an RFP for services unless the Town Board feels the professional staff's charges are too high. Supervisor Finch stated he has not seen any problems with the professional services. He stated he doesn't see the need to send RFPs out. Director Salentine stated if we are looking at bids for a certain amount of money, we have to have a legal notice for it. Clerk Gresch stated at the Clerks association meeting yesterday, clerks were saying that to send bids out every year, people will not go thru the work to prepare the bid if we are happy with them and will keep them anyway. Chairman Paff stated he is more concerned about the Town's insurance, but not so much the services. He stated he could see every four or five years just to see if prices are in line. He stated we did that with the auditors. Supervisor Ludwig stated the people work for multiple communities and if there is a problem, the clerks talk and word gets out. Supervisor Reilly stated it is standard business procedure to seek bids. He stated we don't necessarily have to take the low bid. Director Salentine stated we just bought a lawnmower for the cemetery and he went to seven different places. Chairman Paff asked Clerk Gresch to start on a bidding policy.

MOTION Supervisor Finch moved to table until the Clerk has a draft RFP policy to present to the Town Board, seconded by Supervisor Tylinski, carried by voice vote.

- k. Discussion of Requested Action Statement (RAS) Form.

Clerk Gresch stated she borrowed the form from the City of New Berlin and tweaked it. She stated Supervisor Reilly also made some good changes to the form and Clerk Gresch reviewed how to fill out the form. She also thanked Supervisor Reilly for helping her with it.

MOTION Supervisor Reilly moved to approve the Requested Action Statement (RAS) Form, seconded by Supervisor Tylinski, carried by voice vote.

- l. Change Town Board meeting start time from 7:00 p.m. to 6:00 p.m.

Chairman Paff stated this is just an idea. Supervisors Tylinski and Finch stated they would have a hard time getting here by 6 p.m. Supervisor Ludwig stated it doesn't matter to him. Chairman Paff stated it doesn't matter to him because he's home by 4:30 p.m. Supervisor Reilly stated he will do whatever is best for the board. Town Board members stated 6:30 p.m. would be okay.

MOTION Supervisor Tylinski moved to change the Town Board meeting start time to 6:30 p.m., seconded by Supervisor Finch, carried by voice vote.

- m. Discussion of parking at Town Hall Park.

Please see above discussion.

- n. Set date, time and location of 2007 Volunteer Appreciation Dinner.

Clerk Gresch stated she called MorningStar to reserve the room for their Clerk's Association meeting and in that conversation Jim Frutchey of MorningStar Golfer's Club asked if the Town wanted to reserve a date for the Volunteer Appreciation Dinner. Town Board members stated the party worked out very well last year at MorningStar.

MOTION Supervisor Finch moved to set the 2007 Volunteer Appreciation Dinner date as Sunday, December 2, 2007 at 3:00 p.m., at MorningStar Golfer's Club, seconded by Supervisor Tylincki, carried by voice vote.

9. ANNOUNCEMENTS. The following individuals will be given the opportunity to make announcements at the meeting in regards to activities undertaken since the previous meeting on behalf of the Town, future activities and citizen contacts. It is not contemplated that these matters will be discussed or acted on but referrals to the appropriate committees and/or individuals will be made.

- a. Town Board, Department of Public Works Director, Town Clerk, Town Treasurer and Building Inspector.

- Supervisor Reilly stated there is a possibility that in the near future the Vernon Town Board will be asked to approve an all year round fireworks store within the borders of our Town. I did, indeed, read Wisconsin Act 298 that Chairman Paff mentioned at the last Town Board meeting, and it does say, free a town of any liability if they follow the current Wisconsin law. In the case of minors, the liability rests with the parents. Therefore, the liability is apparently no longer an issue. However, and I ask this of every resident of the Town of Vernon, do you want to further enable the likelihood that those who purchase fireworks, will discharge them without a permit; discharge them in neighboring communities, and perhaps in our Town, all for the sake of our Town making revenue from the sale of each permit, such as I believe the Town of Raymond does? Consider the problems that the City of Milwaukee is currently having with the discharge of illegal fireworks. On February 22, 2007, a Fireworks Task Force met at Milwaukee's City Hall. In the course of that meeting, a member of the Milwaukee Police Force, Captain Smith, reported that in 2006 the police department received 2,512 calls for service for fireworks related issues. Of those calls, 1,267 were received between July 1 and July 7. The other 1,245 calls were received sporadically throughout the year. In addition, in 2006 there were 164 citations issued as a result of an officer observing a violation or a citizen who witnessed the incident and who was willing to come forward as a complainant. There were also 143 instances of a police officer inventorying illegal fireworks. In Kenosha County, a ticket for illegally discharging fireworks is now \$704. In Racine County, a \$116 ticket for possessing or setting of fireworks in a public park, and for violations outside parks, the county follows state statutes, which allows for fines up to \$500. Do we want to exacerbate an already troubling problem for the City of Milwaukee? For neighboring towns, village and cities, and conceivably for our residents? This is a question that every resident of the Town of Vernon should think about. Please let your Town Board members know of your thoughts on this matter. Supervisor Reilly also stated he would like a matter placed on the first June Town Board agenda; elected representation on the Plan Commission. He stated our ordinance reads that Plan Commissioners can be discharged with board approval. He stated there isn't a set number for elected officials on the Plan Commission. He stated he is concerned about the number of elected officials on the Plan Commission. He stated historically we have had two elected officials on the Plan Commission and that more than any other

committee, that body shapes the way the town is going to look. He stated we should keep having two elected officials on the Plan Commission. He stated the rest of the commissioners are fine and they all have a tremendous amount of knowledge. He stated he would like to put that on the first June Town Board agenda. Chairman Paff stated we can't add another commissioner; we would have to replace one. He stated by statute, we've already increased the Plan Commission membership from five to seven.

- Supervisor Tyliniski stated he went to the Board of Review Certification Process on April 30, 2007 and was certified. He stated his wife went to a presentation on rain gardens and would like this information put out to the public. He stated he was contacted earlier in the week by Kevin Walters from Focus on Energy and did an application over the phone for a solar collector on the Town Hall. He reviewed the amounts for costs and rebates with the Town Board. He stated the site assessment is about \$400, with Focus on Energy paying 25%. He stated we have a tentative schedule for May 23 at 10 a.m. and it will take about two hours. He reviewed the items he needs from the Clerks Office before the site assessment. He stated the total cost is \$410 and we need to have the payment the day he does the assessment. Chairman Paff stated we need to put this on the next Town Board agenda for approval. He stated we will have the results in about two weeks after the assessment. He stated once the assessment is approved, we will have a spot in the solar panel program, and we have one year to install the solar panels. Chairman Paff asked if someone will come in to review the assessment with the Town Board. Supervisor Tyliniski also encouraged everyone to donate blood.
- Supervisor Finch stated that he was not a part of the letter that was mentioned earlier by Supervisor Reilly.
- Supervisor Ludwig stated he also went to the Board of Review Training on April 30 and was certified. He stated he was at the Rugby match last Friday, and there were four soccer practices going on. He stated it is great to see the park full and being used. That means we are doing something right.
- Chairman Paff reviewed briefly about the meetings he has gone to over the last two weeks. **Clerk's Note: The report is attached to the minutes.** Chairman Paff stated the Town Board, Plan Commission and Director Salentine received a thank you card for the card and gift certificate they gave the Clerk's office for Municipal Clerk's week and they appreciate their work.
- Department of Public Works Director Salentine stated they are doing brush pickup and have come across piles that are bigger than the 20 minute guideline. It is not necessarily how much you have, it is how it is piled up. If it is spread out, they can get more chipped faster. Director Salentine stated leave the brush long and line it up along the road. Ditch work will start in a couple of weeks.
- Clerk Gresch thanked the Town Board, Plan Commission and DPW Director Salentine for their Municipal Clerk's Week card and gift. She stated it was very thoughtful and very much appreciated and we went out to lunch today.

10. REPORTS. Information on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

- a. Building Inspection-Monthly Building Inspection Report (if applicable)
 - Chairman Paff stated it will be at the next meeting.
- b. D.P.W. Committee

- Department of Public Works Director Salentine stated they meet on May 21 and we lost one member and we need to fill that position. Chairman Paff stated he asked the clerk to put an ad on the website and TV about filling those positions.
- c. Fire Department
 - No report.
- d. Ordinance Committee
 - Clerk Gresch stated the committee will meet to discuss the items that were brought up at Town Board tonight.
- e. Park & Recreation Committee
 - Committee Chair Budiac stated we have some items to discuss at the next meeting. He stated Supervisor Ludwig is on the Park and Recreation Committee and wants to make sure he can stay on the committee. Chairman Paff stated he can stay on the committee because there is one board member on each committee, except for the Plan Commission.
- f. Plan Commission
 - Chairman Paff reviewed the April 26, 2007 Plan Commission agenda. Supervisor Tyliniski asked if we can have an update on opting out of county zoning. Chairman Paff stated he has been trying to get a background on zoning and will get an update.
- g. Public Health & Safety
 - Supervisor Tyliniski stated he has no report.
- h. School Board
 - Supervisor Reilly stated he attended the regular School Board meeting on April 23, 2007. The most significant information that I took note of was the school district continues to seek to improve and upgrade school safety throughout the district. The Finance Committee continues to work on an estimate of what the next school tax levy might be. There are many factors that are needed to be ascertained before one can be projected. Such as the future status of the QEO (Qualified Economic Offer), state aid, the amount of new construction, etc.... Big Bend Elementary will in the near future see playground improvements, thanks to the efforts of the PTO and the parents of the children attending the school. Some \$28,000 was raised by the PTO and by the parents to accomplish this. From what I heard, volunteers will further reduce costs by playing a part in the dismantling of the existing equipment. A contractor will however, install the new play structures or equipment. All who played or will play a part in this effort should be applauded. Lastly, I believe everyone who attended the last regular School Board meeting had a real treat. I listened to a 6th grader named Tim Furey give an amazingly wonderful speech on Benjamin Franklin. This young man won the Mukwonago School District's speech contest, and now goes on to compete at the state level. I know the entire community wishes him every success. He attends the Eagleville Charter School. He is a truly phenomenal public speaker.
- i. SE WI Fox River Commission
 - Chairman Paff stated there is no report.
- j. Treasurer's Monthly Report
 - Clerk Gresch stated that will be at the next meeting.
- k. Village of Big Bend Agendas & Minutes

- Chairman Paff stated there were two annexations, one for the Brickman property and the other is the Moeller Disposal property. He stated the Moeller Disposal Property was annexed on April 26, 2007. Clerk Gresch stated she received a phone call from Mr. Kashian's partner that the Town of Vernon lost \$12 Million in property values because the Town of Vernon is under Waukesha County Zoning.

I. Village of Mukwonago Agendas & Minutes

- Supervisor Finch stated the only items were Vernon Valley Golf course which we already discussed.

11. FINANCES.

a. Motion to approve Accounts Payable.

Supervisor Finch asked how the new computer services are working out. Clerk Gresch stated the new person is working out much better. She stated they are on track with the improvements and his invoice was submitted within a week of finishing his work. Supervisor Paff questioned the digital scale purchase. DPW Director Salentine stated we needed a scale to weigh the salt for calibrations. Supervisor Paff asked about mileage reimbursement in the Petty Cash. Clerk Gresch stated if our mileage reimbursement is small enough, in-between accounts payables and Treasurer Kumershek has enough petty cash, she lets us take our reimbursement in cash.

MOTION Supervisor Finch moved to approve the Accounts Payable in the amount of \$47,332.41, seconded by Supervisor Tylinski, carried by voice vote.

b. Motion to recognize March Financial Statement.

MOTION Supervisor Tylinski moved to recognize the Financial Statement, seconded by Supervisor Finch, carried by voice vote.

c. Motion to recognize April Manual Checks.

Supervisor Tylinski asked about the manual check for postage, Clerk Gresch stated it was for the spring newsletter.

MOTION Supervisor Finch moved to recognize the Manual Checks in the amount of \$649.67, seconded by Supervisor Ludwig, carried by voice vote.

12. MINUTES.

- a. Motion to approve previous minutes.
- i. None

13. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Wisconsin Act 123, the Town Board will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Town Board Supervisors may have limited discussion on the information received, however, no action will be taken under public comments.)

MOTION Supervisor Tylinski moved to open the meeting to public comments, seconded by Supervisor Ludwig, carried by voice vote.

Phil Mainwarning, Guthrie Road, stated he used to be involved in soccer clubs and tournament parking is a big problem. He asked the Town Board to give it some time, it will work itself out. He stated the referees and coaches had special parking because they have all the equipment. He stated he used to put out the yellow caution tape to eliminate parking on the road. He stated he lived next to the park for 19 years. He

stated parks are there to be used and people have to respect the law. He stated he also has people throwing their cans in his ditch.

14. MOTION FOR ADJOURNMENT.

MOTION **Supervisor Tyliniski moved to adjourn, seconded by Supervisor Ludwig, carried by voice vote.**

Meeting adjourned at 9:50 p.m.

Gina C. Gresch, CMC / WCMC
Town of Vernon Clerk
Waukesha County

APPROVED:
As printed ()
With amendments ()

Brian Paff, Chairman

Date: _____

**TOWN CHAIRMAN BRIAN PAFF'S ANNOUNCEMENTS
FOR MAY 3, 2007 TOWN BOARD MEETING.**

04-30-07

I met with Dale Shaver at the County office at 4:30 and he explained how the town ended up with the business district in the I-43 / 164 interchange area. He also gave me some insight as to why those owners decided to annex to Big Bend and it wasn't just because of Kathy Moore. He also explained how planning is done and how development plans are done. He was supposed to leave to coach soccer practice by 5:15 but he stayed until 5:45 to answer as many questions as he could. I felt bad that he was missing his practice but was glad that he spent the extra time with me.

From there, I went to the DOT office at the State Office Building and picked up the information on planned road maintenance for highways in Waukesha County. They are still planning the resurfacing on 164 from Henneberry to I-43. Another item that was mentioned was a possible round about at the intersection of 164 and Forest Home Ave. They are also planning 3 roundabouts at the I-43 and Moreland Road interchange that should be interesting. I then went back to the County Building for a meeting with Corporation Counsel where we elected a new Chairman, Jeff Speaker who is the Mayor of Brookfield to replace Gerald Schmitz from the town of Lisbon who is retiring from political life. We were given a presentation on Going Green that was very interesting. I have asked the person from Johnson Controls who was part of this to let me know if the Town would be eligible for this. They will do the first audit for free to let you know if you are eligible and if so they will give you a price on a full audit. They tell you how to save money, what to use and help with the grant and loan process. They also guarantee the amount they say you will save each year and if you don't meet their projection, they write you out a check for the difference. I received a call back from him on 05-02-07 and after asking me some questions like how many people have water meters in their homes and how many have sewer connection to which I answered none it was determined that they probably couldn't help us. Karen Fiedler from the waste and recycling division at county gave a talk on coordinating joint contracting services for waste and recycling. They believe that by having all the communities they have a better bargaining tool then if we each go separately. Our contract isn't up for a few years but I believe we should look at this option when it does come up. There was discussion on the possibility of a county wide paramedic service but after a presentation by Jeff Speaker and John Dahm it was decided to leave things the way they are and let each community decide what level of service they want. Next meeting is July 30th.

04-28-07

I attended a UTA meeting in Wisconsin Rapids that went from 9:00 to 3:00 and was very educational. There was a presentation on the Emerald Ash Borer and what is being done to try and slow the devastation it is causing. The biggest problem is firewood being transferred out of areas that are infested. These areas are quarantined and the businesses that are caught doing this are being fined. The borer only progresses about ½ mile per year so if we can keep it contained it may give us enough time to come up with a way to stop it. The DNR is being cautious this time since the last time they jumped the gun on something like this, we ended up with the Japanese Beetle that solved one problem but created another. There was also much discussion about extraterritorial jurisdiction and how it affects towns. There is extraterritorial zoning and extraterritorial plat review. We are only subject to extraterritorial plat review. There was talk about how the Charter Towns Bill could eliminate this for us. There was also discussion about how this bill would also allow us to withdraw from county zoning. There is also another bill being drafted that would allow any town to withdraw from county zoning if they meet certain criteria and give 6 months notice. So it looks like there will be something coming to allow us to withdraw from county if our current efforts are denied by the county. They said the charter town's bill will have a hearing on May 22 and if anyone can make it to Madison to testify on behalf of the towns that would be great. Rick also went through the bills that are coming up and explained the associations position on each one and why. I will be keeping track of the ones that are of interest to our town and report on them as they move through the legislator.

04-26-07

Plan Commission meeting where there was a public hearing on the Conditional Use for Edgewood Golf Club, a possible road for Mark Cartwright and we discussed the Smart Growth Plan and agreed to send it to the attorney for review and then we will schedule a public hearing. We also went over the code violations and where the county is at with each one.

04-25-07

I attended the Wisconsin Towns Association Waukesha County Unit meeting at the Brookfield Town Hall. There was a presentation on NIMS and we were told that besides the Fire and Police Departments having to have certain levels of training, the Town Officials, elected and appointed are also recommended to have a certain level of training. I will be checking the FEMA website to determine exactly what is required of me. They also went through the list of legislation that they are backing, opposed to and neutral on. There was discussion on the cable franchise bill. Our attorney John Macy recommends we contact our representatives and let them know that we want to retain our rights as far as our right of ways goes. The new bill would allow companies to put up large junction boxes in our right of ways without having to adhere to any of our ordinances. There was also discussion about the charter town's bill and how the builders association and realtors association are fighting it. There was also discussion about the impact fee laws and how the current bill was railroaded through by the builders association in the middle of the night and because they rushed it they missed some details. Now they are trying to back pedal and fix it but it has to go through the legislative process again. They also passed resolutions and awarded plaques honoring 4 Town Chairmen who have stepped down this year, including our own Al Kunert who helped accomplish many good things. The meeting started at 7:00 and ended at 9:00 at which time they brought out the food. I will be working on getting that order switched around.

04-24-07

I attended my first Town staff meeting with Clerk Gresch, Deputy Clerk Stefanich, Attorney Macy, Planner Gagliano and Engineer Ludwig. It took 2 hours but we got caught up on almost everything and hopefully the next meeting will go quicker.

04-23-07

I attended the gathering for County Executive Dan Vrakas and met Peter Shuler who is director of HEALTH AND HUMAN SERVICES, he introduced me to Mr. Vrakas. All he said was hello, I guess he was pretty busy. I did get a chance to talk to Dale Shaver about Vernon zoning and although he said that we will have to agree to disagree, I thought it was very interesting. I explained what I needed from him and he said he would put something together for me. We agreed to meet again on 04-30-07 before the Corporate Council meeting.

04-20-07

I received a message on 4-19-07 to call Tim Roy (cell #414-217-7877) about an on going noise problem in his neighborhood. I called him back on 4-20-07 at 9:00 am and he explained how the neighbor (Olsen) was riding a full size dirt bike around the yard and that it was very annoying. He said he had talked to the Sheriff and they told him it was a Town of Vernon ordinance and they couldn't do anything about it. He wants to know what the town will do since we have a noise ordinance and a nuisance ordinance. I told him I would see what I could do. I called Gina and asked her to contact the Sheriff and find out what was going on there and to put it on the next staff meeting and next board agenda to discuss our nuisance ordinance. I received another call from Mrs. Roy stating that since the county issued the letter about the earth altering on the property, the noise has gotten worse.