

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday, August 7, 2008

6:30 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 Nelson, Department of Public Works Director Salentine, and Fire Chief Buchholtz. Treasurer Kumershek was in attendance in the audience.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairman Paff asked the Clerk if the agenda was properly noticed. Clerk Nelson stated the Town of Vernon is in compliance pursuant to the open meetings law requirement.
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.)

Please address all your comments to the Board as a body, any questions to an individual supervisor or staff person will be deemed out of order by the town chair. As to whether a question will be answered will be determined by the town chair if addressed to the body or individual by that individual. No response will be made until that individual has finished his or her comments and returned to their seat. Please present all comments, questions and concerns in a respectful manner.

MOTION Supervisor Tylinski moved to open the meeting to public comments, seconded by Supervisor Finch, motion carried.

Joe Zimmermann, W237S6815 Fernwood Dr, read into the minutes a statement regarding item #8c. Clerk's Note: Statement from Joe Zimmermann is attached to the minutes.

Chairman Paff asked the Board to deviate to line item #8g. The Town Board agreed.

- g. Lease Agreement with Tess Corners Fire Department for use of Spare Fire Engine.

Cathy Bronk stated she works for the Big Bend/Vernon Fire Department and is here on behalf of Chief Buchholtz for the leasing to the Tess Corners Fire Department the Fire Departments spare Fire Engine #1161. She stated the Fire Department has been asked by the City of Muskego to lease the engine to them. Cathy Bronk asked the board if the Town would be willing to have the Fire Department lease this engine. She stated they may not need to lease this vehicle. Cathy Bronk clarified the liability would be through their insurance. The Town Board and Cathy Bronk discussed the Fire Engine and whether to lease or not.

MOTION Supervisor Finch moved to approve the Lease Agreement with Tess Corners Fire Department for use of Spare Fire Engine subject to final lease amounts or purchase amounts, seconded by Supervisor Ludwig, motion carried.

Cathy Bronk stated that she wanted to make the Town Board aware of a \$228,950 grant that was awarded to the Big Bend/Vernon Fire Department for SCBAs and that the Town would be responsible for matching 5%. Chairman Paff asked Cathy Bronk to look into whether or not the SCBAs could be taken out of the long-term Big Bend/Vernon Fire Department budget. She stated that she would look into the matter.

The Board continued the meeting discussing Miscellaneous Matters before returning to Correspondence.

7. REVIEW OF RECENT CORRESPONDENCE.

- a. Letter from Waukesha County regarding Recycling System and Capacity Study.
- b. Agenda from Wisconsin Towns Association Urban Towns Committee regarding 2008 Cracker Barrel Meeting Format.
- c. Email from Wisconsin Department of Natural Resources regarding applications for irrigation wells.
- d. Letter from Attorney Macy regarding Public Comment Section.
- e. Registration Form from University of Missouri-Columbia, Law Enforcement Training Institute regarding Wisconsin Humane Officer Training Course.
- f. Municipal Newsletter from Baxter and Woodman.
- g. Invitation from Wisconsin Towns Association regarding 2008 Seminars.

Chairman Paff stated the items on the agenda listed as correspondence are for the Town Board's reading pleasure. He briefly reviewed each item with the Town Board.

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

- a. Roberts Rules of Order and the Open Meetings Law.

Chairman Paff stated that Supervisor Reilly brought up concerns at the last meeting about procedures. Chairman Paff stated he did some research on Roberts Rules of Order in particular the Point of Privilege and Point of Order. Chairman Paff and Supervisor Reilly discussed the differences between Point of Privilege and Point of Order and when they can be used. The board discussed how the Roberts Rules of Order will be handled in the future. The Board discussed the difference of Point of Privilege and Point of Order. Chairman Paff stated he will read a statement at every meeting.

- b. Education of residents on Elected vs. Appointed Clerk and Treasurer.

Chairman Paff stated on April 3rd there was discussion regarding doing a referendum on Appointed vs. Elected. On April 17th there was a motion to have a referendum to be placed on the November election. Chairman Paff asked Supervisor Reilly what is the update regarding getting the residents educated. Supervisor Reilly read into the minutes an email from 10/22/2004 by legal counsel from the Wisconsin Towns Association.

The board discussed how to best proceed getting the facts on the Appointed vs. Elected Clerk and Treasurer Positions. The Board discussed adding the information on the Pros and Cons of Appointed vs. Elected officials to the next Newsletter. The Board discussed meeting a half hour early to go over the researched information.

- c. Establish a procedure for dealing with the letter from the Citizens for a Better Government as proposed to go through the document line by line.

The Board discussed whether or not to discuss the letter from the Citizens of Better Government.

MOTION Supervisor Reilly moved to establish a procedure for dealing with the letter form the Citizens for a Better Government as proposed to go through the document line by line. Seconded by Supervisor Tylinski, motion fails. Three nays from Supervisor Finch, Supervisor Ludwig and Chairman Paff.

- d. Discussion regarding legal services statements.

Supervisor Reilly questioned how much has been spent on legal services so far this year. The Board discussed reasons how and why the fees were accrued. Supervisor Reilly stated that the town received poor advice from Labor Attorney Dan Vliet. He questioned why the Town should continue Labor Attorney Dan Vliet's counsel. Supervisor Reilly

requested on the next agenda a line item seeking a new labor counsel.

- e. Discussion regarding procedure to authorize individuals to meet with Professional Staff.

Supervisor Reilly discussed procedures on the Town Supervisors speaking with the Town Attorney and the financial responsibility of any individuals that speak with the Town Attorney regarding Town matters.

MOTION Supervisor Reilly moved to have the Town Attorney send a brief review letter of all meetings with a Town of Vernon applicant regarding the meeting and the applicant is then charged back, seconded by Supervisor Tyliniski, motion carried.

The Board moved to the Sheriff's Report. Deputy Breismeister stated the ATV violations are being worked on. Supervisor Tyliniski stated he would like a report on the fireworks calls. Deputy Breismeister stated fireworks were more under control this year.

- f. Discipline of Recreation Director for email use.

Supervisor Reilly would like to table to the next meeting.

MOTION Supervisor Reilly moved to table to the next meeting, seconded by Supervisor Tyliniski, motion carried. Two nays by Supervisor Ludwig and Chairman Paff.

- g. Lease Agreement with Tess Corners Fire Department for use of Spare Fire Engine.

Please see comments above.

- h. Rock Freeway (IH-43) STH 164 Interchange, Waukesha County installation costs for the Town of Vernon.

DPW Director Salentine reviewed the letter from the Rock Freeway (IH-43) STH 164 Interchange, Waukesha County installation costs for the Town of Vernon with the Town Board. He stated this is really just for their information. He stated he could get a representative to come to a Town Board meeting. The Board stated they would like a representative to attend a Town Board meeting.

- i. Waive Plan Commission Fees for Kay Fletcher for Memorial Entrance to Cemetery on Hi Lo and National.

MOTION Supervisor Finch moved to approve to Waive Plan Commission Fees for Kay Fletcher for Memorial Entrance to Cemetery on Hi Lo and National, seconded by Supervisor Ludwig, motion carried.

- j. Resignation of Supervisor Tyliniski from the Department of Public Works Committee.

Supervisor Tyliniski stated that he has had a difficult time getting through to the Department of Public Works Committee and someone else would be better.

MOTION Supervisor Ludwig moved to approve the Resignation of Supervisor Tyliniski from the Department of Public Works Committee, seconded by Supervisor Finch, motion carried. One abstention from Supervisor Tyliniski.

DPW Director Salentine stated there has been one board member on the committee in the past but it does not require one.

- k. Removal of Gina Gresch from the Emergency Management Committee.

MOTION Supervisor Ludwig moved to approve the Removal of Gina Gresch from the Emergency Management Committee, seconded by Supervisor Tylinski, motion carried.

- l. Appointment of Clerk Nelson to the Emergency Management Committee.

MOTION Supervisor Finch moved to approve the Appointment of Clerk Nelson to the Emergency Management Committee, seconded by Supervisor Ludwig, motion carried.

- m. Operator's License for Charles Kempf.

MOTION Supervisor Ludwig moved to approve the Operator's License for Charles Kempf, seconded by Supervisor Finch, motion carried.

- n. General Use Permit to allow alcohol in Town Hall Park for Rock Hounds Baseball team on August 10, 2008.

MOTION Supervisor Ludwig moved to approve the General Use Permit to allow alcohol in Town Hall Park for Rock Hounds Baseball team on August 10, 2008, seconded by Supervisor Finch, motion carried.

- o. Review Draft 2008 Fall Newsletter .

The board reviewed the newsletter.

- p. Recommendation to the Plan Commission regarding Additional Information on Mario & Diane Deluca's Conditional Use.

Supervisor Reilly reviewed with the board the findings of the past history of the Deluca business. He read into the minutes a news article from July 14, 1993. **Clerk's Note: Article is attached to the minutes.** Supervisor Reilly reviewed a signage sheet, it had about 175 signatures to the Vernon Town Planning Commission stating, that they are opposed to the Salt building. **Clerk's Note: Sheet is attached to the minutes.** He stated that the Plan Commission put a business in the residential area and it was a problem 15 years ago. He stated that in the Plan Commission packet, the original Conditional Use was not included. On August 5, 2008 Supervisor Reilly asked the Town Clerk if there were any further communications and she stated yes there was a meeting on July 31, 2008. Supervisor Reilly would like the information from this meeting on the next agenda.

Chairman Paff reviewed to the board the meeting that occurred with the Deluca's on July 31, 2008.

MOTION Supervisor Reilly moved to have the tape of the meeting put on the internet seconded by Supervisor Tylinski, motion was withdrawn by Supervisor Reilly and seconded by Supervisor Tylinski.

- q. General Use Permit for St. Joseph's Church, to allow alcohol in Heather Ridge Park for the Fun Fest Softball Tournament, Friday, August 8, Saturday, August 9 and Sunday, August 10, from 9 a.m. to 8 p.m.

MOTION Supervisor Ludwig moved to approve the General Use Permit for St. Joseph's Church, to allow alcohol in Heather Ridge Park for the Fun Fest Softball Tournament, Friday, August 8, Saturday, August 9 and Sunday, August 10, from 9 a.m. to 8 p.m., seconded by Supervisor Finch, motion carried.

9. ANNOUNCEMENTS. The following individuals will be given the opportunity to make announcements at the meeting in regards to activities they have undertaken since the last 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 read the Minutes of the Water Committee meeting on July 30, 2008 with the Board. He read a statement into the minutes from the Water Advisory Committee. He clarified with the Clerk for the next agenda, the line items he requested would be a Conditional Use for Deluca and a Letter of Review.
- Supervisor Tylinski stated the Emerald Ash Borer is in Waukesha County. He stated for the residents to contact the Department of Natural Resources. He also stated, he has received phone calls on how much the conflict of interest of DPW Director and Clerk has cost the Town. He stated that through July 2008, there have been \$13,051.34 in Labor Attorney fees, and the Town Attorney fees of \$6,552.55. That is 39% of the entire town legal fee budget. Supervisor Reilly stated the residents should not worry about cutting their trees; there may be some treatment that an arborist can use on the Ash Trees. Supervisor Reilly stated to call your local arborist.
- Supervisor Finch agreed with Supervisor Reilly regarding contacting your local arborist. Supervisor Finch stated to the board for everyone to keep an eye on the bills coming forward for the rest of the year.
- Supervisor Ludwig stated the St. Joe's Fun Fest has started and to come and enjoy the softball tournament this weekend.
- Chairman Paff stated he has no report.
- Department of Public Works Director Salentine stated ditch work is still being worked on and the paving program is not complete. DPW Director Salentine stated the roofing contract is in and signed waiting for start date. He stated Heather Ridge Park is still under water and will be doing tile work at the end of the year. Supervisor Tylinski asked if this works with the storm water utility. DPW Director Salentine stated he has never checked in the past. He stated he would check with Engineer Ludwig.
- Clerk Nelson stated absentee voting will be available at the Clerk's Office starting Monday, August 11th. She stated you may download the absentee application from the Town of Vernon's website. If you are not a registered voter when coming to register, please have your driver's license available along with proof of residency, if the information is not on your driver's license. The voter registration application is also available on the website. The Partisan Primary election will be held on September 9th; polls open at 7:00 a.m. and close at 8:00 p.m. If anyone has questions regarding voting please contact the Clerk's office during office hours.

Also, she stated she will be at the Clerk's Conference in Stevens Point on August 21 and 22, and Deputy Clerk Mellor will be taking the minutes for the August 21st Town Board meeting. If there are any questions from the elected officials or Town Employees pertaining to the Clerk's office she asked that you contact her and she will then either forward this to the corresponding Deputy Clerk or she will respond. Clerk Nelson stated she will have her cell phone on, but on silence and will return the call as soon as possible.

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 this will be at the next meeting.
- b. D.P.W. Committee
 - Department of Public Works Director Salentine stated the committee met last month. They reviewed the vehicle maintenance reports and how to make them better. They discussed looking at purchasing a chipper. He stated the committee will not be meeting in August.
- c. Fire Department
 - No report.
- d. Ordinance Committee
 - Supervisor Finch stated he is waiting for Deputy Sonenberg to come back and then will set a meeting date.
- e. Park & Recreation Committee
 - Supervisor Ludwig stated the committee has not met and does not have a future date set. He reviewed the baseball season with the board and stated all of the tournaments went well.
- f. Plan Commission
 - Chairman Paff reviewed the July 24, 2008 Plan Commission agenda with the board.
- g. Public Health & Safety
 - Supervisor Tylinski stated the committee discussed the contracting of the Sheriff's Department with the Town of Vernon, and the Sheriffs Department provided the Sheriff's Report from Waukesha County and the money they receive back. He stated you may pay for the Sheriff but most of the tickets and fines come back to the municipality.
- h. School Board
 - Supervisor Reilly reviewed his school board report with the Town Board. **Clerk's Note: The report is on file in the Clerk's Office.** He thanked Mrs. Jean Cruikshank for her 15 years of service on the school board.
- i. SE WI Fox River Commission
 - Chairman Paff stated the information is in the packet for their reading pleasure.
- j. Treasurer's Monthly Report
 - Treasurer Kumershek stated the report will be at the next meeting.
- k. Village of Big Bend Agendas & Minutes
 - Chairman Paff stated there is no report.
- l. Village of Mukwonago Agendas & Minutes
 - Supervisor Finch stated the intercept fees are looking to be removed and Plan Commission is just looking at violations.
- m. Big Bend Vernon Fire Board Agendas & Minutes
 - Chairman Paff stated the information is in the packet for their reading pleasure.
- n. Big Bend Vernon Fire Commission Agendas & Minutes
 - Chairman Paff stated the information is in the packet for their reading pleasure.
- o. County Board Supervisor(s)

- No report.

11. FINANCES.

- a. Motion to approve Accounts Payable.

The board discussed the attorney bills and the miscellaneous section on the bill to be placed in the Town Board packet when applicable.

MOTION Supervisor Ludwig moved to approve the Accounts Payable in the amount of \$276,506.04, seconded by Supervisor Finch, motion carried.

- b. Motion to recognize Manual Check.

MOTION Supervisor Ludwig moved to recognize the Manual Check in the amount of \$170.00, seconded by Supervisor Finch, motion carried.

12. MINUTES.

- a. Motion to approve previous minutes.
i. July 17, 2008 Town Board

MOTION Supervisor Finch moved to table the July 17, 2008 Town Board, seconded by Supervisor Reilly, motion carried.

13. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Sections 19.83(2) and 19.84(2) of the Wisconsin Statutes, 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 Finch moved to open the meeting to public comments, seconded by Supervisor Finch, motion carried.

Marie Kumershek W255 S7695 HiLo Dr suggested for the board to consider an unbiased committee for the Elected vs. Appointed to gather information along with a salary committee. The board discussed the option of having a committee for the Elected vs. Appointed.

14. MOTION FOR ADJOURNMENT.

MOTION Supervisor Finch moved to adjourn, seconded by Supervisor Ludwig, motion carried.

Meeting adjourned at 9:30 p.m.

Jamie Nelson
Town of Vernon Clerk
Waukesha County

APPROVED:

As printed ()
With amendments ()

Brian Paff, Chairman

Date: _____