

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday, December 18, 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 Reilly, Finch, Ludwig, Deputy Clerk Mellor, Department of Public Works Director Salentine and Treasurer Kumershek. Clerk Salentine is absent.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairman Paff asked the Clerk if the agenda was properly noticed. Deputy Clerk Mellor 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.)

Chairman Paff stated please address all of your comments to the Town Board as a body. In all likelihood questions directed to a specific 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, if addressed to an individual, by that individual. No response will be made; however, until after the individual has finished his or her comments and returned to their seat. Please present all comments, questions, or concerns in a respectful, professional manner.

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

Terrell Barber, W23286750 Millbrook Cir, stated he had nothing to say but hello and happy holidays.

Shirley Goff, W250S9005 Center Dr, stated she would like to address items #8g, #8h and #8i. She stated she requests Supervisor Tylinski's wife to be asked to fill his position for the remainder of his term as that is how it had been handled in the past.

Bill Craig, W232S8545 Chateau Ln, stated he would like to address items #8g and #8i. Mr. Craig stated he agreed with Chairman Paff's view on the annexation and that it not be considered by the Village of Big Bend. He stated the annexation would cause turmoil between the Town of Vernon and the Village of Big Bend. Mr. Craig stated he does not believe a committee member, such as Al Kunert, should express their opinion that the annexation would be good for the Town of Vernon. He stated he hoped the Board would reconsider appointing Al Kunert to fill in for the remainder of Supervisor Tylinski's term.

Mr. Craig stated he had a copy of a letter from the league of municipalities, representing 25 villages and cities, to the DNR expressing their concern over the cost of the Stormwater mandate. He asked the Board if the Town of Vernon was a member of any municipal association. Mr. Craig asked the Board if the Town has expressed any concern over the same issue, and if not, maybe we should.

Fred Michalek, S69W25205 Longview Dr, stated Tom Bird has been named Committee Chairman of the Water Monitoring Committee. Mr. Michalek stated he would like to address items #8g, 8h and 8i. He stated Supervisor Tylinski's passing was not mentioned on this meeting's agenda and questioned Al Kunert's loyalty to the Town of Vernon. He stated he does not believe the Board has the best interest of the Town in mind and each member should reflect on why they were elected.

Diane Tylinski, W250S8855 Center Dr, read a prepared statement. Mrs. Tylinski stated she found out about the Board's request for Mark's resignation in the paper instead of a phone call to the family. She referenced the excused vs. unexcused absence issue and stated Mark had notified the Clerk of his absences by email. She stated the Board members could have called him at any time, Mark

never said that they could not. Mrs. Tyliniski stated Mark was open to talk about his condition; he just did not go public with it. She stated there have been other Board and Committee members that have had cancer and none of them were asked to step down. She stated Mark's actions were always in the best interest of the town and she would like to step in and fill his position for the remainder of his term.

Gerald Goff, W250S9005 Center Dr, stated he would like Chairman Paff to step down as Chairman.

Fred Michalek, S69W25205 Longview Dr, stated he was surprised that Supervisor Tyliniski's name was no longer represented at the meeting by his name plaque, and stated Supervisor Tyliniski is technically still a Supervisor.

John Caliguri, W234S6805 Millbrook Cir, Chairman Paff read resident's email into the record. **Deputy Clerk's Note: Email is attached to the minutes.**

Tom and Carol Opansky, S67W23975 Skyline Ave, Chairman Paff read resident's email into the record. **Deputy Clerk's Note: Email is attached to the minutes.**

Gene Kay, W233S6770 Millbrook Cir, Chairman Paff read resident's email into the record. **Deputy Clerk's Note: Email is attached to the minutes.**

Jeff Seefeld, W234S6765 Millbrook Cir, Chairman Paff read resident's email into the record. **Deputy Clerk's Note: Email is attached to the minutes.**

7. REVIEW OF RECENT CORRESPONDENCE.

- a. Letter from Big Bend/Vernon Fire Department regarding Inspection of Used Fire Vehicle.
- b. Letter from Mukwonago Food Pantry regarding Donations.
- c. Letter from Time Warner Cable regarding Additions and Changes to Channels.
- d. Fall Newsletter from Waukesha County Community Foundation.
- e. Letter from Residents regarding Stormwater Letter.
- f. Letter from Virchow Krause And Company regarding Auditing Standards.

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

Supervisor Reilly stated he would like additional measures added to the standard auditing procedures for greater clarity for the public on how and where the Town's money is spent. Supervisor Reilly read two emails to Chairman Paff from Gerald and Shirley Goff and Judy Porter: Supervisor Reilly requested these emails to be added to the minutes.

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

- a. Letter of Credit release for Sunset Glen Subdivision.

Director Salentine explained the issue to the Board.

MOTION Supervisor Ludwig moved to approve the release of a Letter of Credit for the Sunset Glen Subdivision, seconded by Supervisor Finch, motion carried.

- b. Renewal Agreement for Technical Rescue Services with the City of Waukesha.

MOTION Supervisor Finch moved to approve the Renewal Agreement for Technical Rescue Services with the City of Waukesha, seconded by Supervisor Ludwig, motion carried.

- c. 2008 Budget Amendments.

MOTION Supervisor Ludwig moved to approve the 2008 Budget

Amendments as listed:

- **June 5, 2008, General Fund account (311100) will decrease and Shared Dispatch Facility account (523030) will increase by \$5,368.00**
- **July 3, 2008, Town Hall New Roof account (518201) to be moved to the New Roof FS#3 account (523015) to be increased by \$64,928.00**
- **November 20, 2008, General Fund Account (311100) will decrease and the Fire Capital Fund account (523047) will increase by \$39,316.34**
- **December 18, 2008, General Fund Account (311100) will decrease and the Fire Capital Fund account (523047) will increase by \$41,275.60.**

Seconded by Supervisor Finch, motion carried.

ROLL CALL VOTE:

Chairman Paff: YES
Supervisor Ludwig: YES
Supervisor Finch: YES
Supervisor Reilly: YES

- d. Example of Labor Attorney RFP's.

The Board agreed to table the issue to the next meeting.

- e. Memo from Town Clerk regarding Holiday Hours.

Deputy Mellor stated the updated holiday hours for the Clerk's Office to the Board and also stated the Holiday Hours will be posted in the Town's posting areas, website, and Channel 25.

- f. Adopt Ordinance #2008-06, An Ordinance to Repeal & Recreate Section 23-4, "Expenditure of funds from budget", Chapter 23, "Finance and Taxation of the Code of the Town of Vernon.

MOTION Supervisor Finch moved to Adopt Ordinance #2008-06, An Ordinance to Repeal & Recreate Section 23-4, "Expenditure of funds from budget", Chapter 23, "Finance and Taxation of the Code of the Town of Vernon, seconded by Supervisor Ludwig, motion carried.

- g. Appointment of Al Kunert to Supervisor #2 position to fill the remainder of Supervisor Tyliniski's term ending April 15, 2009.

Chairman Paff discussed with the Board why he added these items to the agenda and Al Kunert's qualifications.

Supervisor Reilly discussed with the Board why he believed this issue to be unlawful and referenced the law, Section 1725 Vacancies in Town Offices, How Filled. Supervisor Reilly stated the other elected officials have the right to have a say in who the candidates are (used the Town of Brookfield's similar situation in 2004 as an example). Supervisor Reilly stated his objection to Al Kunert's appointment.

Chairman Paff addressed Supervisor Reilly's comments regarding Al Kunert's loyalty to the Town of Vernon. Chairman Paff stated Al Kunert has never used his position as a conflict of interest.

Supervisor Finch stated he would like the Town Attorney to provide the proper procedure

in writing in regards to filling Supervisor Tyliniski's position before making a decision. Supervisor Finch stated he likes and respects Mr. Kunert, but would like to table the issue.

Supervisor Ludwig stated the Village of Big Bend just went through a similar situation and would be interested to find out how it was handled. Supervisor Ludwig stated he would also like to table the issue.

MOTION Supervisor Finch moved to table the appointment of Al Kunert to Supervisor #2 position to fill the remainder of Supervisor Tyliniski's term ending April 15, 2009, seconded by Supervisor Ludwig, motion carried.

- h. Appointment of Al Kunert to the Public Health and Safety Committee to fill the remainder of Supervisor Tyliniski's term ending May 31, 2009.

MOTION Supervisor Reilly moved to table the appointment of Al Kunert to the Public Health and Safety Committee to fill the remainder of Supervisor Tyliniski's term ending May 31, 2009, seconded by Supervisor Ludwig, motion carried.

- i. Appointment of Al Kunert to the Ordinance Committee to fill the remainder of Supervisor Tyliniski's term ending May 31, 2009.

MOTION Supervisor Reilly moved to table the appointment of Al Kunert to the Ordinance Committee to fill the remainder of Supervisor Tyliniski's term ending May 31, 2009, seconded by Supervisor Ludwig, motion carried.

- j. Operator License for:
i. Nancy Spitzbarth

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

- k. Discussion of the necessity to assign first consideration for review of the appropriateness of any modifications to an Ordinance be first given to the Town of Vernon's Ordinance Committee, then to the Town of Vernon's Plan Commission (if applicable), and finally to the Vernon Town Board.

The Board discussed the pros and cons of the item. Supervisor Finch offered to sit down with Supervisor Reilly at a later date to go over the issues he has concerns about, at which time they will determine whether those issues should be brought before the Ordinance Committee.

- l. Letter of Notice of Intent regarding the Mario & Diane Deluca Property and David Bahl Property.

The Board reviewed the letter.

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 Merry Christmas, Happy New Year and please drive safely.
 - Supervisor Finch stated he had heard from a resident on Millbrook Circle who was concerned about the annexation. Supervisor Finch advised the residents to

be careful out there over the Holidays.

- Supervisor Ludwig stated he was contacted by residents about the annexation and he also urged the residents to be careful driving around town.
- Chairman Paff stated Happy Holidays and please drive safely.
- Department of Public Works Director Salentine stated there is not a lot to report because the department had been concentrating on snow removal. Director Salentine stated rehab work on the interior of Fire Station #3 has begun. He stated it will be a tight budget next year with the fuel costs projected to raise again, the extra manpower needed and another long winter. Director Salentine stated the FEMA grant the department was expecting will not arrive until next year. Director Salentine wished everyone a Merry Christmas and Happy New Year.
- Deputy Clerk Mellor stated for the incumbents not seeking re-election, the deadline to file Notification of Non-Candidacy paperwork is December 26 at 5:00 p.m. at the Clerk's Office and the last day for candidates to file nomination papers, declarations of candidacy, and campaign registration statements is January 6, 2009 at 5:00 p.m. at the Clerk's office. The Clerk's Office would also like to wish everyone a very Merry Christmas and a Safe and Happy New Year.
- Treasurer Kumershek read a prepared statement. The statement is attached to the minutes.

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 the report in their packet for review.
- b. D.P.W. Committee
 - Department of Public Works Director Salentine stated there is no report. The committee meets next on January 19, 2009 at 5:00 p.m.
- c. Fire Department
 - Chief Buchholtz reviewed the Fire Department report with the Town Board. Chief Buchholtz thanked the Board and residents for their support of the department and wished everyone a Safe and Happy Holiday.
- d. Ordinance Committee
 - Supervisor Finch stated the committee will meet again on December 22, 2008 at 7:00 p.m. and will discuss the Sexual Predator Ordinance and Drug Paraphernalia.

Supervisor Finch requested Deputy Mellor to ask Clerk Salentine to contact Deputy Soneberg and request his attendance at the December 22 meeting.
- e. Park & Recreation Committee
 - Supervisor Ludwig stated the committee has not met recently and does not have a future meeting date set.
- f. Plan Commission
 - Chairman Paff reviewed the December 11, 2008 agenda with the Town Board.
- g. Public Health & Safety
 - Chairman Paff stated there is no updates.
- h. School Board

- Supervisor Reilly reviewed his school board report with the Town Board. **Deputy Clerk's Note: The report is on file in the Clerk's Office.**
- i. SE WI Fox River Commission
 - Chairman Paff stated the report in their packet for review.
- j. Treasurer's Monthly Report
 - Treasurer Kumershek reviewed her monthly report with the Town Board.
- k. Village of Big Bend Agendas & Minutes
 - Chairman Paff stated their gravel extraction work had begun, but the actual road work has been halted for the season.
- l. Village of Mukwonago Agendas & Minutes
 - Supervisor Finch stated there was nothing that pertained to the Town of Vernon.
- m. Big Bend Vernon Fire Board Agendas & Minutes
 - Chairman Paff stated there is a report in the packet for review.
- n. Big Bend Vernon Fire Commission Agendas & Minutes
 - Commission Chairman Gary Wilde stated this was his first meeting and discussed the department's concerns over turnover rates and their plans to resolve the issue by establishing an exit policy with exit interviews, etc. He stated the Committee will be discussing this issue at their next meeting on January 24, 2009. Commission Chairman Gary Wilde stated he would like to ask for the public's support of the department.
- o. County Board Supervisor(s)
 - No Report.

11. FINANCES.

- a. Motion to approve Accounts Payable.

MOTION Supervisor Finch moved to approve the Accounts Payable in the amount of \$108,969.04, seconded by Supervisor Reilly, motion carried.

- b. Motion to recognize Financial Statement.

MOTION Supervisor Finch moved to recognize the Financial Statement, seconded by Supervisor Ludwig, motion carried.

- c. Motion to recognize Manual Checks.

MOTION Supervisor Finch moved to recognize the Manual Checks in the amount of \$4,788.50, seconded by Supervisor Ludwig, motion carried.

12. MINUTES.

- a. Motion to approve previous minutes.
 - i. November 6, 2008 Town Board

Deputy Clerk Mellor reviewed the corrections with the Board.

MOTION Supervisor Finch moved to approve the November 6, 2008 Town Board minutes with corrections, seconded by Supervisor Ludwig, motion carried.

- ii. November 20, 2008 Town Board

MOTION Supervisor Ludwig moved to approve the November 20, 2008 Town Board minutes as printed, seconded by Supervisor Finch, motion carried.

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

Gary Wilde, W234S6800 Millbrook Cir, extended his sympathy to the Tylinski Family. He thanked the Board for keeping the Town's taxes low. He thanked the Board for the support and donation to the Lion's Club Halloween party. Mr. Wilde also thanked the DPW Department for their efforts in keeping the roads safe and clean. He stated he knows the Town's policy against fighting annexation petitions, but he would like the Board to look into what can be done to curtail the annexation from happening. He stated the Bahl property is the last property for commercial development the Town has left and it would be a shame to lose it. Mr. Wilde wished everyone a Merry Christmas and a Happy New Year.

Tom Bird, S67W24325 Skyline Ave, asked the Board to add item P to the agenda for the Water Monitoring Committee reports and news. Mr. Bird stated it was the holiday season, so please extend your kindness toward the Tylinski Family.

Phil Mainwaring, W225S6535 Guthrie Dr, extended his sympathy to the Tylinski Family.

Jim Slawny, W250S8895 Center Dr, stated he was appalled at the article in the chief and spoke with the Editor of the paper. He stated the timing of the article was bad and the article itself was incorrect. Mr. Slawny stated Supervisor Tylinski always had the Town's interest at heart. He stated change is coming in April.

Terrell Barber, W23286750 Millbrook Cir, stated he has no problem with Diane Tylinski serving as Supervisor for the rest of her husband's term and Merry Christmas to everyone.

14. MOTION FOR ADJOURNMENT.

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

Meeting adjourned at 8:47 p.m.

Meghan Mellor
Town of Vernon Deputy Clerk
Waukesha County

APPROVED:
As printed ()
With amendments ()

Brian Paff, Chairman

Date: _____

From: Judy Porter
Sent: Wednesday, December 03, 2008 6:20 PM
To: bpaff@earthlink.net
Subject: Dec.4 meeting

Mr. Paff,

I'm sorry I can't attend the board meeting tomorrow night since I have other commitments.

I feel the town board needs to hang their head in shame that NO one has gone to see why Mark Tylinski has not been attending meetings.

The remarks of unexcused absence, getting paid and doesn't attend meetings, etc. was VERY uncalled for.

I feel it was the town chairman's duty to WALK across the street to see why Mark wasn't attending.

I'm afraid it is too late now. I know they had notified you that he wasn't feeling well. Just last week he told me he hoped to be back attending a meeting before year end.

PLEASE have a moment of silence for Mark. He has been a GOOD town board member. We need more like him.

Please read this letter at the Dec. 4 meeting and I think you owe the Tylinski family a letter of apology.

Thank you. Judith Porter

From: GERALD GOFF
Sent: Thursday, December 04, 2008 3:24 PM
To: bpaff@earthlink.net
Subject: Original Town Board Agenda for 11/4/2008-Mark Tylinski

Brain Paff,

I find it hard to believe that in the agenda you are requesting Mark Tylinski to resign from the Town Board. Did you contact him about this? He lives within a block of the Town Hall. How cruel and Inhuman can you be. You should hang your head in shame at the Town Board Meeting and make a public apologize to the Tylinski Family and also send them a written apologize. The removal of the items from the agenda only made things worst. I really think you should also consider resigning from your position as town chair. Would you please read this at tonights meeting.

Thank You
Gerald H. Goff & Shirley Goff

I would like to extend my sympathy to the Diane, Alina, and Amy Tylinski. They have been through a lot these last 4 months and the road ahead will be hard
In 2005 when Mark Tylinski was voted in as Supervisor is when I met Mark. For the past 3 years we have communicated issues and such... I have always thought that Mark is doing his job for no personal gain. He ran for Supervisor because he felt he could contribute to our Town. As I really got to know Mark the last year. I realized what a man of integrity he was. He stuck to his guns on issues, and felt what he was acting in the best interest of the town. It has been my privilege and honor to get to know him. The town is a better place because of him... He will be missed!!!!

Marie Kumershek
Treasurer
Town of Vernon