

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday January 15, 2009

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, Ludwig, Town Planner Rybarczyk, Engineer Ludwig, Clerk Salentine, Department of Public Works Director Salentine, Treasurer Kumershek and Chief Buchholtz. Supervisor Finch is absent.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairman Paff asked the Clerk if the agenda was properly noticed. Clerk Salentine 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 Reilly moved to open the meeting to public comments, seconded by Supervisor Ludwig, motion carried.

Shirley Goff W250S9005 Center Dr, stated she just signed the sign-in sheet to speak later if needed.

Kurt Barikmo, S77W22180 Eleanor St, stated with there being issues between the Village of Big Bend and the Town of Vernon, he suggested the sheriff appoint a different liaison to be represented by the sheriff's department other than Deputy Jamie Soneberg, who is also the Village President. Mr. Barikmo stated if Mr. Soneberg were not serving in both capacities, it would be in the Town's and Mr. Soneberg's best interest if some conflict came up in the future.

Fred Michalek, S69W25205 Longview Dr, thanked the DPW Department on the great job for snow removal and ice issues. He stated there had been a precedence set in the town in regards to items #8J, #8K, and #8L. Mr. Michalek stated a similar situation had occurred in the past when Mike Herried past away just after he was elected to serve on the Board. He stated Mrs. Herried served her husband's term on the Board and the same should apply to Diane Tylinski. Mr. Michalek stated he would also like to nominate Gary Wilde and Carl Fortner as candidates, both of which have the knowledge and experience to serve the Town. Mr. Michalek stated all three would be admiral candidates to fill Supervisor Tylinski's position.

Rodell Singert, W254S7890 Hi-Lo Dr, stated he was aware of the situation regarding the sheriff's department liaison. He had contacted the Sheriff and Deputy Soneberg personally and was assured there would be no conflict.

Gary Wilde, W234S6800 Millbrook Cir, stated he appreciated Mr. Michalek's endorsement but he

was not there to campaign. He stated he supported Mrs. Tylinski and or Carl Fortner to fill the position for Supervisor Tylinski's term.

Tom Bird, S67W24325 Skyline Ave, stated he wanted to address items #8m and 8n with the Board. As a member of the Ordinance Committee, Mr. Bird clarified the sexual predator residency restrictions in the ordinance to the Board. In regards to item #8n, Mr. Bird asked for clarification on the designated and undesignated funds in the budget and would like to see the specific breakdown on what the funds are allocated for.

Chairman Paff asked the Board to deviate to line item #8a and the remaining Miscellaneous Items.

7. REVIEW OF RECENT CORRESPONDENCE.

- a. Letters from Lieutenant Diehn regarding Formal Charges/Complaints.
- b. Emails and Letters from Chairman Paff to Representatives regarding Economic Stimulus Package.
- c. December Newsletter from Southeastern Wisconsin Regional Planning Commission.
- d. Letter from Concerned Citizen.

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. **Discussion and action** to consider the following: Ordinance #2009-02, A Comprehensive Plan Amendments, Waukesha County Planning and Zoning Division, 1320 Pewaukee Road, Waukesha, WI 53188 a resolution to recommend map Amendments to the Comprehensive Plan for the Town Of Vernon pursuant to Wisconsin Statutes Section 66.1001.

Planner Rybarczyk reviewed with the Town Board the Comprehensive Plan Amendments.

Engineer Ludwig, Rodell Singert and the Board discussed the SW corner of the map that would need to be corrected due to growth and change. Planner Rybarczyk stated the correction would be made in the next map update, which may be in the next year. Engineer Ludwig stated this is not a zoning map. The Town uses this map as a guide for future use.

MOTION Supervisor Ludwig moved to adopt Ordinance #2009-02, A Comprehensive Plan Amendments, Waukesha County Planning and Zoning Division, 1320 Pewaukee Road, Waukesha, WI 53188 a resolution to recommend map Amendments to the Comprehensive Plan for the Town Of Vernon pursuant to Wisconsin Statutes Section 66.1001 with future updates with the map correction, seconded by Supervisor Reilly, motion carried.

- b. **Discussion and action** to consider the following: Ordinance #2009-03, a Comprehensive Plan Amendment, for Jim Briggs (represented by Roamer Strasser Developments, LLC), S78 W26840 Hillview Drive. To recommend map Amendments to the Comprehensive Plan for the Town Of Vernon pursuant to Wisconsin Statutes Section 66.1001.

Planner Rybarczyk reviewed the Comprehensive Plan Amendment with the Board for Jim Briggs and the steps that would be taken going forward at the Plan Commission level.

MOTION Supervisor Ludwig moved to adopt Ordinance #2009-03, a Comprehensive Plan Amendment, for Jim Briggs (represented by Roamer Strasser

Developments, LLC), S78 W26840 Hillview Drive. To recommend map Amendments to the Comprehensive Plan for the Town Of Vernon pursuant to Wisconsin Statutes Section 66.1001 with all recommendations from Plan Amendment Summary from the Planner, seconded by Supervisor Reilly, motion carried.

Supervisor Reilly asked if the Board could move to line item #8j. The Board agreed.

- c. Presentation of the Cluster Wastewater System.

Lead Environmental Scientist Brian Hinrichs presented the Cluster Wastewater System to the Board. **Clerk's Note: Presentation is attached to the minutes.** Chairman Paff clarified this presentation is just as an option for residents, subdivisions, etc... as another solution for properties instead of annexing to receive municipal sewer system.

- d. **Discussion and action**, to consider the draft of Chapter 144, Commercial and Industrial Development, the Code of the Town of Vernon.

Chairman Paff reviewed with the Board the order of Chapter 144. Supervisor Reilly read a statement he read into the minutes at the January 8, 2009 Plan Commission meeting. **Clerk's Note: Statement attached to the minutes.**

- e. **Discussion and action** to consider the following: Extend the Approval of the Conditional Rezone and Preliminary Plat for Maple Vista Development.

Engineer Ludwig reviewed with the Board the request for an extension and reasoning for the request.

MOTION Supervisor Ludwig moved to approve the Extension of the Conditional Rezone and Preliminary Plat for Maple Vista Development to October 22, 2009, seconded by Supervisor Reilly, motion carried.

- f. **Discussion and possible action** on variance in Chapter 174-4 Outdoor Wood-Fired Furnaces.

Rick Putlitz, W265S8655 Rustic View, reviewed with the Board his meeting with the Planner regarding his request for an EPA approved smokeless furnace. The Board discussed sending the item to the Ordinance Committee to add a Variance Clause.

MOTION Supervisor Reilly moved to recommend the Ordinance Committee discuss adding a variance in Chapter 174-4 Outdoor Wood-Fired Furnaces based on new findings by the EPA, 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. (Tabled from last meeting however applicant has withdrawn his name, so no action will be taken on this item.)

Chairman Paff stated for items #8g, 8h and 8i the information was placed on the agenda since the item was tabled from the December 18th Town Board Meeting however the applicant has withdrawn his name, so no action will be taken on these item.

- 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. (Tabled from last meeting however applicant has withdrawn his name, so no action will be taken on this item.)

Please see item #8g for comments.

- i. Appointment of Al Kunert to the Ordinance Committee to fill the remainder of Supervisor Tylinski's term ending May 31, 2009. (Tabled from last meeting however applicant has withdrawn his name so, no action will be taken on this item.)

Please see item #8g for comments.

- j. Possible nomination and appointment of someone to Supervisor #2 position to fill the remainder of Supervisor Tylinski's term ending April 15, 2009.

Supervisor Reilly read into the minutes a letter from resident Carl Fortner. **Clerk's Note: Letter is attached to minutes.**

Chairman Paff read into the minutes a letter from resident Robin Faust. **Clerk's Note: Email is attached to minutes.**

Chairman Paff reviewed with the Board the process that it could use to choose the right candidate. Supervisor Reilly stated he would like to interview the candidates.

The Board agreed to open the discussion to public comments.

Rodell Singert, W254S7890 Hi-Lo Dr, stated the Board needs to decide if there is an urgency to fill the spot. Interested candidates should be interviewed and need to be notified. He stated he has no objection but to weigh the time remaining.

Fred Michalek, S69W25205 Longview Dr, stated Carl Fortner will be there around 7:00-7:15 tonight and would be there for the interview.

MOTION Chairman Paff moved to not appoint a resident to fill Supervisor #2 position, seconded by Clerk Salentine, motion failed due to lack of majority.

MOTION Supervisor Reilly moved to appoint Diane Tylinski to fill Supervisor #2 position to fill the remainder of Supervisor Tylinski's until April 15, 2009, motion failed due to lack of a second.

MOTION Supervisor Ludwig moved to table line items #8j, 8k and 8l to the February 5, 2009 Town Board Meeting, seconded by Chairman Paff, motion carried. One nay from Supervisor Reilly.

Supervisor Reilly stated it would be a great gesture to have Mrs. Tylinski fill in her husband's seat. He stated Supervisor Tylinski served the Town for almost four years and it would be the right thing to do to honor him.

Supervisor Ludwig stated he would like to go over the paperwork that was given to the Board for review by Attorney Macy and he would also like to have Supervisor Finch's input in the decision.

Mrs. Tylinski thanked Supervisor Reilly for his tribute to her husband. Mrs. Tylinski stated she has the experience and education as well as her husband's same views on how to serve the Town. She stated she does not understand the Board's opposition.

- k. Possible nomination and appointment of someone to the Public Health and Safety Committee to fill the remainder of Supervisor Tylinski's term ending May 31, 2009.

Please see item #8j for comments and motion.

- I. Possible nomination and appointment of someone to the Ordinance Committee to fill the remainder of Supervisor Tyliniski's term ending May 31, 2009.

Please see item #8j for comments and motion.

- m. Adopt Ordinance #2009-01 Sexual Predator. Adopt Ordinance #2009-01, An Ordinance to Create Section 270, of the Town of Vernon Code of Ordinances Establishing Sexual Offender Residency and Loitering Restrictions within the Town of Vernon, of the Code of The Town of Vernon.

MOTION Supervisor Reilly moved to Adopt Ordinance #2009-01 Sexual Predator. Adopt Ordinance #2009-01, An Ordinance to Create Section 270, of the Town of Vernon Code of Ordinances Establishing Sexual Offender Residency and Loitering Restrictions within the Town of Vernon, of the Code of The Town of Vernon, seconded by Supervisor Ludwig, motion carried.

- n. Auditing Standards to have Additional Procedures to be undertaken to have Greater Clarity for the Public.

Supervisor Reilly stated he would like to have the designated, undesignated items broken out for the public to see and possibly have a list of what it could be for. Clerk Salentine stated she will check with the auditor how to break them down on the financial statement.

- o. 2009 Historical Society Vernon Activity Center Lease.

MOTION Supervisor Reilly moved to approve the 2009 Historical Society Vernon Activity Center Lease as presented, seconded by Supervisor Ludwig, motion carried.

- p. 2009 Building Inspector Contract.

MOTION Supervisor Ludwig moved to approve the 2009 Building Inspector Contract with the addition from Attorney Macy's recommendation and approval, seconded by Supervisor Reilly, motion carried.

- q. 2009 Assessor Contract.

MOTION Supervisor Reilly moved to approve the 2009 Assessor Contract as presented, seconded by Supervisor Ludwig, motion carried.

- r. Appointment of Election Inspectors for a two year term from January 15, 2009 to December 31, 2011.

MOTION Supervisor Reilly moved to approve the Appointment of Election Inspectors for a two year term from January 15, 2009 to December 31, 2010 as submitted by the Town Clerk, seconded by Supervisor Reilly, 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 Ludwig stated he had no announcements.
- Supervisor Reilly explained to the public and the Board his concerns regarding Chapter 144. He stated he is looking out for the residents. Supervisor Reilly stated it needs specificity, limits and review. He also stated he would like the public to pay close attention to this process, especially with the word “unlimited”.
- Chairman Paff stated he had no announcements.
- Department of Public Works Director Salentine thanked the public for their compliments and he will pass them on to the Highway Department. Rehab work began on Fire Station #3 as shown in Accounts Payable for paint and supplies.
- Clerk Salentine stated the Declarations of Candidacy paperwork and corresponding paperwork have been received. There will be a Primary for the Treasurer & Clerk position. The Primary Election will be held on February 17, 2009. Absentee Voting will start on January 27, 2009.
- Treasurer Kumershek stated tax collection has taken in over \$4,000,000.00 in the office. She stated the residents gave their condolences to the Tylinski family and compliments to the highway department on the snow plowing.

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 information will be available at the next meeting.
- b. D.P.W. Committee
 - Department of Public Works Director Salentine stated he had nothing to report. The next possible meeting would be on February 16, 2009.
- c. Fire Department
 - Chief Buchholtz reviewed the Fire Department report with the Town Board. **Clerk’s Note: Report is attached to the minutes.** Next blood drive will be on February 24, 2009 at Hammerhead Rehab.
- d. Ordinance Committee
 - Clerk Salentine stated the Committee met on December 22, 2009 and brought the Sexual Predator Ordinance to the Board and the Committee discussed the Drug Paraphernalia as an Ordinance and this Ordinance will be coming to a future Board agenda. No future meeting date has been set.
- e. Park & Recreation Committee
 - Supervisor Ludwig stated there was no meeting to report on.
- f. Plan Commission
 - Chairman Paff stated there was a meeting the previous week where everyone received an electronic copy of Chapter 144. A hard copy was then sent out for markup and will be discussed at the next joint meeting on February 5, 2009. He stated AM Towing applied for and was granted a Conditional Use Permit.
- g. Public Health & Safety
 - No Report.
- h. Water Monitoring Committee
 - Committee Chairman Tom Bird reviewed with the Board their meeting on

December 7, 2009. He stated the Committee came up with a final draft on the application. The Committee will be distributing a handout to the public. Extra copies of the handout will be available at the Town Hall and posted on the website. The Committee is in the process of setting up a date with Dr. Cherkauer for a public presentation. The next meeting will be on January 21, 2009 at 7:00 p.m. Chairman Paff asked how the public can look up the study findings. Mr. Bird explained that the data would be made available, but the residents' names and addresses would be kept confidential by setting up a coding system. Fred Michalek reviewed with the Board the reasoning as to why the residents' addresses would be withheld.

- i. School Board
 - Supervisor Reilly stated he was unable to attend the last building and grounds meeting.
- j. SE WI Fox River Commission
 - No Report.
- k. Treasurer's Monthly Report
 - Treasurer Kumershek reviewed her monthly report with the Town Board.
- l. Village of Big Bend Agendas & Minutes
 - Chairman Paff reviewed the minutes from the Village of Big Bend. He stated the Randy Sadi property is still waiting for the results of the flooding of this property. He stated the Village of Big Bend is looking at a new Fireworks contract. The Payne & Dolan project is near completion but is on hold due to the discussion on adding sewers.
- m. Village of Mukwonago Agendas & Minutes
 - No Report.
- n. Big Bend Vernon Fire Board Agendas & Minutes
 - Chairman Paff stated the next meeting will be on January 19th regarding the hearings.
- o. Big Bend Vernon Fire Commission Agendas & Minutes
 - Committee President Gary Wilde stated the Fire Commission's primary responsibilities are hiring, firing and discipline. He stated he is in contact with the Attorney to see if the next meeting will still be held. He stated the meeting is scheduled for Monday, January 19th at 6:00 p.m. Mr. Wilde stated it is a preliminary discipline hearing with a review of the facts. No action will be taken at that time.
- p. County Board Supervisor(s)
 - No Report.

11. FINANCES.

- a. Motion to approve Accounts Payable.

MOTION Supervisor Ludwig moved to approve the Accounts Payable in the amount of \$116,571.48, seconded by Supervisor Reilly, motion carried.

- b. Motion to recognize Manual Checks.

MOTION Supervisor Ludwig moved to recognize the Manual Check in the amount of \$4696.50, seconded by Supervisor Reilly, motion carried.

12. MINUTES.

- a. Motion to approve previous minutes.
i. December 4, 2008 Town Board

MOTION Chairman Paff moved to approve the December 4, 2008 Town Board minutes as printed, seconded by Supervisor Reilly, motion carried. Supervisor Ludwig abstained.

- ii. December 18, 2008 Town Board

MOTION Supervisor Ludwig moved to approve the December 18, 2008 Town Board minutes with corrections, seconded by Supervisor Reilly, motion carried.

- iii. January 8, 2009 Special Town Board

MOTION Supervisor Ludwig moved to approve the January 8, 2009 Special Town Board minutes as printed, 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 Reilly moved to open the meeting to public comments, seconded by Supervisor Ludwig, motion carried.

Fred Michalek, S69W25205 Longview Dr, asked the Board what the procedure would be for the next meeting in regards to interviewing the candidates to fill Supervisor Tyliniski's seat for the remainder of his term. Chairman Paff stated a notice would be posted prior to the meeting.

Rodell Singert, W254S7890 Hi-Lo Dr, asked the Board about the stimulus letter that was sent to the county board members. He asked Chairman Paff if the other Board members were included in the decision to send the letter. Chairman Paff stated he did not due to time constrictions. Mr. Singert stated he does not agree that a general stimulus package is the right way to stimulate our economy. The 1.3 trillion dollars is all borrowed money. He stated it would have been worthy of the Board to discuss the economic and political issues prior to sending the letter. Chairman Paff explained why he sent the letter without informing the Board. Mr. Singert stated the Chapter 144 section 142-2 should be amended to include "the Plan Commission is designated and directed to review the items and make a recommendation to the Town Board and then sent to Waukesha County."

Jim Slawny, W250S8895 Center Dr, stated he is appalled that another month has gone by without appointing a Supervisor #2 after all the whining that went on about Supervisor Tyliniski's absences. He thanked Supervisor Reilly regarding his comments on Supervisor Tyliniski's service. He stated he cannot see how the Town can go into a cluster water system when the Board cannot run a normal Town Board without the bickering and getting nothing done.

14. MOTION FOR ADJOURNMENT.

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

Meeting adjourned at 9:45 p.m.

Jamie Salentine
Town of Vernon Clerk
Waukesha County

APPROVED:

As printed ()
With amendments ()

Brian Paff, Chairman

Date: _____