

# PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday June 4, 2009

7:00 PM

Vernon Town Hall Meeting Room

W249 S8910 Center Drive

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1. CALL TO ORDER. Chairman Frederick Michalek 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 Michalek, Supervisors Reilly, Bird, Craig, Clerk Kumershek, Department of Public Works Director Salentine, Supervisor Finch excused because of prior engagement.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairman Michalek asked the Clerk if the agenda was properly noticed. Clerk Kumershek 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 Michalek 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 Craig moved to open the meeting to public comments, seconded by Supervisor Reilly, motion carried.**

Michael Doble - Mr. Doble submitted his resignation from the Fire Board. He stated he was resigning from the Fire Board because of what he has seen at the Town Board meetings since the election. Mr. Doble stated the Fire Board hasn't always made proper decision, but the ten good deeds are ignored and the one bad deed is not. Mr. Doble stated that he hopes this board succeeds.

**MOTION Supervisor Reilly moved to close public comments, seconded by Supervisor Craig, motion carried.**

7. REVIEW OF RECENT CORRESPONDENCE.
  - a. SMART (Save Money and Reduce Trash) Solid Waste program known as Pay-As-You-Throw (PAYT)
  - b. WCCA District
  - c. AT&T DSL

Chairman Michalek briefly reviewed each item of correspondence with the Town Board.

8. MISCELLANEOUS MATTERS. The following matters will be discussed and possible action taken by the Town Board:
  - a. Discussion and possible action to approve the roof proposal from Department of Public Works Director Doug Salentine. Director Salentine reviewed with the Town Board the roof Contour, the roof is blistered in five or six spots. Chairman Michalek's concerns are finances and asked Director Salentine if it could wait? Director Salentine reviewed the bid procedure for repairing the Town Hall Roof.

**MOTION Supervisor Reilly moved to table the roof proposal for 30 days, seconded by Supervisor Bird, motion carried.**

- b. Discussion and possible action to issue a Class A Beer, Liquor and Cigarette License for the 2009-2010 licensing year for Kenneth Cerny d/b/a Cerny's Midway Market.

**MOTION** Supervisor Reilly moved to approve the Class A Beer, Liquor and Cigarette License for the 2009-2010 licensing year for Kenneth Cerny d/b/a Cerny's Midway Market, seconded by Supervisor Craig, motion carried.

- c. Discussion and possible action to issue a Class A Beer and Liquor License for the 2009-2010 licensing year for Jim Hunn d/b/a New Era Marketing, LLC.

**MOTION** Supervisor Reilly moved to table the Class A Beer and Liquor License for the 2009-2010 licensing year for Jim Hunn d/b/a New Era Marketing, LLC, seconded by Supervisor Bird, motion carried.

- d. Discussion and possible action to issue a Class B Beer, Liquor and Cigarette Licenses for the 2009-2010 licensing year for :
- i. Frederick L. Millies d/b/a Edgewood Golf Course, Inc.
  - ii. Kim Hallenbeck d/b/a It Ain't Heaven
  - iii. William Patch d/b/a MorningStar Golfer's Club

**MOTION** Supervisor Reilly moved to approve the Class B Beer, Liquor and Cigarette Licenses for the 2009-2010 licensing year for Frederick L Millies d/b/a Edgewood Golf Course, Inc., seconded by Supervisor Craig, motion carried.

Kim Hallenbeck d/b/a It Ain't Heaven

**MOTION** Supervisor Bird moved to approve the Class B Beer, Liquor and Cigarette Licenses for the 2009-2010 licensing year for Kim Hallenbeck d/b/a It Ain't Heaven, motion fails for lack of second.

Clerk Kumershek informed the Town Board that all the paperwork and inspections from the County and from Chief Bucholtz have been approved.

**MOTION** Supervisor Michalek moved to approve the Class B Beer, Liquor and Cigarette Licenses for the 2009-2010 licensing year for Kim Hallenbeck d/b/a It Ain't Heaven, seconded by Supervisor Craig, motion carried.

William Patch d/b/a MorningStar Golfer's Club

**MOTION** Supervisor Reilly moved to approve the Class B Beer, Liquor and Cigarette Licenses for the 2009-2010 licensing year for William Patch d/b/a MorningStar Golfer's Club, seconded by Supervisor Craig, motion carried.

- e. Discussion and possible action to issue a Class B Beer & Liquor License for the 2009-2010 licensing year:
- i. Julie Beronja d/b/a Jimmy Wade's Heaven City Restaurant

**MOTION** Chairman Michalek moved to table the Class B Beer & License for the 2009-2010 licensing year for Julie Beronja d/b/a Jimmy Wades's Heaven City Restaurant, subject to payment of her Class B Beer & Liquor Licenses and the updated paperwork turned in, motion fails for lack of second.  
***No further action will be taken on this agenda item***

- f. General Use Permit to allow alcohol in Town Hall Park & Heather Ridge Park for the Danny Lepak Memorial Association Baseball Tournament from June 26 to June 28, 2009.

Chairman Michalek reviewed the history of Danny Lepak and his personal fight with cancer.

**MOTION** Supervisor Reilly moved to approve the General Use Permit to allow alcohol in Town Hall Park & Heather Ridge Park for the Danny Lepak Memorial Association Baseball Tournament from June 26, 2009 through June 28, 2009, seconded by Supervisor Craig, motion carried.

Supervisor Bird stated he suffered the same cancer at a younger age, and felt Dr. Einhorn of Indiana University is one of the best.

- g. Discussion and approval of Temporary Class B Retailers License for Danny Lepak Memorial Tournament. Ty Moseler.

**MOTION** Supervisor Reilly moved to approve Ty Moseler for a temporary Class B Retailers License for the Danny Lepak Memorial Tournament, seconded by Supervisor Bird, motion carried.

- h. Discussion and approval of Operators Licenses;
- i. Joseph Arnot
  - ii. Shawn Cerny
  - iii. Erik Falk
  - iv. John Freeman
  - v. Kim Hallenbeck
  - vi. James Hunn
  - vii. Michelle Knurr
  - viii. Gail Neu
  - ix. Lindsey Neu
  - x. Cynthia Senn
  - xi. Frank Schmitt Jr.

**MOTION** Supervisor Craig moved to approve the Operators Licenses for Joseph Arnot, Shawn Cerny, Erik Falk, John Freeman, Kim Hallenbeck, James Hunn, Michelle Knurr, Gail Neu, Lindsey Neu, Cynthia Senn, Frank Schmitt Jr., seconded by Supervisor Bird, motion carried.

- i. Discussion on State Shared Revenues to Towns in Exchange for Permanent Boundaries.

Chairman Michalek reviewed the information of the towns in exchange for permanent boundaries. He stated he would like to participate in a resolution.

**MOTION** Supervisor Bird moved to support the Wisconsin Towns Association Waukesha County Unit to sign a resolution and send it to the State, seconded by Supervisor Reilly, motion carried.

- j. Acceptance of letter on Gary Finch's resignation and discussion on procedure/ process to appoint Supervisor #3.

Chairman Michalek reviewed the process of applicants that would be interviewed to fill Supervisor Finch's position, and reviewed different options of advertisement for the position. Supervisor Reilly recommended advertisement on the internet, Channel 25, and the Mukwonago Chief. The Town Board discussed a deadline for all applicants to have their resumes or documentation to be handed in to the Town Clerk by the due date of June 15, 2009

**MOTION** Chairman Michalek moved to interview candidates for replacement of Supervisor Finch at the next Town Board meeting on June 18, 2009 and will advertise on Channel 25, the internet, and the Mukwonago Chief, seconded by Supervisor Reilly, motion carried.

- k. Acceptance of letter on Mike Doble's resignation from the Fire Board, and discussion of

procedure and replacement.

Chairman Michalek read Mr. Michael Doble's resignation. **Clerk notes: Mr. Doble's resignation is attached to the minutes.**

Chairman Michalek commented that Mike Doble and Marilyn Gauger have not made any mistakes of what he is aware of mistakes of omission. The only criticism he has with this letter is he does not believe that the whole Town Board should be lumped in with the slanderous statement. Chairman Michalek thanked Mike Doble and Marilyn Gauger for all their work on the Fire Board, and felt that they were headed in the right direction.

**MOTION Supervisor Bird moved to accept Mike Doble's resignation from the Fire Board, seconded by Supervisor Reilly, motion carried, Chairman Michalek opposed.**

Chairman Michalek stated that he would like the Town Board to make recommendations to the Town Clerk to be considered at the June 18, 2009. The Town board discussed the procedure of filling the Fire Board position. Chairman Michalek suggested a resume or a form of letter of why someone would like to serve on the Fire Board.

**MOTION Supervisor Bird moved to have the same timeline as Supervisor Finch to appoint a Fire Board member, seconded by Supervisor Craig, motion carried.**

1. Discussion and possible action to take over the utility payment of two streets lights Currently being paid by Hidden Lakes Homeowners Association along county Hwy ES until it is determined if they are in the town's right-of-way."

Supervisor Craig reviewed with the Town Board the Hidden Lakes Association's concerns of the street lights at the Hidden Lakes Subdivision. Supervisor Craig's concerns were if the lights are in the town's right of way, and the precedent it would set by the town taking over the streetlight payments. He also stated the lights are an asset to the community. Chairman Michalek had concerns about the added cost to the Town of Vernon residents. Department of Public Works Director Salentine stated they were in the town of Vernon's right of way. Supervisor Craig stated the recommendations would be to accept the cost to maintain the lighting as is, under two conditions one to verify it was in the road's right of way which Director Salentine confirmed, and the other was to make it clear in the motion any future considerations would be depending on the same situation. Chairman Michalek asked for more Information about the history of the lights, he also had concerns about the precedent that *this will set*.

**MOTION Supervisor Bird moved to relax the agenda to allow public comments Concerning only the lighting of the Hidden Lakes issue, seconded by Chairman Michalek, motion carried.**

**Don Anderson President of the Hidden Lakes Association S86W27655 Lakeview Ln  
Cindy Albiniaik Treasurer of the Hidden Lakes Association W278S8905 Lakeside Dr**

Mr. Anderson stated the lights were installed in 1998 by the Town of Vernon at the request of the Hidden Lakes Association, and had given the history of the two streetlights in Hidden Lakes Subdivision. Mr. Anderson reviewed his frustration of the process he had experienced within the last year of trying to have the street lights of the Hidden Lakes Homeowners Association taken over by the Town of Vernon. He then stated he decided he would try to resolve this situation one more time. Mrs. Albiniaik stated her concerns are mostly safety. Mrs. Albiniaik also stated there should be a study on this issue, and Hidden Lakes Association has already signed a contract to remove these poles, right now everything is on hold awaiting the decision of the Town Board.

**Ron Reinke S95W23475 Forest Home Ave. – Mr. Reinke stated we shouldn't have to**

worry about setting precedent issues like this should be studied on a case by case basis. Mr. Reinke also stated his concern was a safety issue.

**MOTION Chairman Michalek moved to close public comments, seconded by Supervisor Reilly, motion carried.**

The Town Board continued discussing costs, safety and research of the Hidden Lakes street lights.

**MOTION Chairman Michalek moved to table the Hidden Lakes light issue for more research and the precedent that was being set, for the next Town Board Meeting June 18, 2009 meeting, seconded by Supervisor Bird, motion carried.**

- m. Discussion and possible action to raze the Town Barn building.

Director Salentine stated there was preliminary cost of \$27,000 to stabilize the structure. Supervisor Bird reviewed the stability of the structure of the barn, and stated to save the building the foundation needs a lot of work. Supervisor Bird stated in the interim maybe we could get some cost analysis for the restoration.

- n. Discussion and possible action on the Recommendation from the Plan Commission to approve final Certified Survey Map for George and Carol Maciosek for the property located at W216S9905 Crowbar Dr., subject to all Planner, Engineer, and Attorney's conditions.

Chairman Michalek reviewed the Certified Survey Map of George and Carol Maciosek at W216S9905 Crowbar Dr.

**MOTION Chairman Michalek moved to accept the recommendation from the Plan commission to approve the final Certified Survey Map of George and Carol Maciosek for the property located at W216S9905 Crowbar Dr., subject to all Planner, Engineer and Attorneys conditions, seconded by Supervisor Reilly, Motion carried.**

- o. Discussion and possible action of memorials for elected, appointed, volunteers, commissions and committee members.

Chairman Michalek reviewed memorials for elected officials and volunteers. Chairman Michalek did research with the Towns Association and consensus was other municipalities do not spend money on flowers or donations. Chairman Michalek stated most communities feel cards are very appropriate. He also asked the Board to review the issue and it will be brought up at a later date.

**MOTION Supervisor Reilly moved to continue with memorials for elected, appointed, volunteers, commissions and committees, seconded by Supervisor Bird, motion carried.**

- p. Discussion on June 1, 2009 Board of Review

Supervisor Reilly stated that at Board of Review went very well. Edgewood Golf course was the only objector and it was hard to state your case. We upheld the assessor's evaluation of the property.

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 Bird stated none at this time.
    - Supervisor Craig reported none at this time.
    - Supervisor Bird reported none at this time.
    - Chairman Michalek stated summer is coming.
    - Clerk Kumershek stated none at this time
    - Department of Public Works Director Doug Salentine – stated the paving and pulverizing program will start next week Tuesday. Director Salentine stated Brush pick up has been completed. Department of Public Works Director Salentine thought that preliminary reports look like there will be an increase of 30% salt prices over last year.
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)
  - b. D.P.W. Committee – Department of Public Works Director Salentine stated nothing at this time, the next meeting is scheduled for June 15, 2009 at 5:00 pm. Director Salentine consulted with Foth Engineering and reported on the Tiger grant and it doesn't fit the town's needs at this time.
  - c. Fire Department – Chief Buchholtz had no report at this time.
  - d. Ordinance Committee – Supervisor Reilly stated the Ordinance Committee will invite the weed commission to review some items. He also stated the committee will be discussing the sales demonstration zone, and the need to modify our code. He stated there would be further discussion of Chapter 144, temporary storage and outside parking.
  - e. Park & Recreation Committee. – Supervisor Craig had no report.
  - f. Plan Commission – Chairman Michalek stated the Plan Commission will meet June 25, 2009.
  - g. Public Health & Safety Committee – Supervisor Craig reviewed a traffic concern on Prairieside Dr. and Prairieside Cr. A Town resident has requested a three way stop sign there for speed control. Supervisor Craig stated that stop signs should not be used for speed control. Supervisor Craig had concerns about a house on Riverside Drive were the roof is bowing very badly; he was going to contact the Building Inspector for his input.
  - h. School Board – Supervisor Reilly stated the projected school levy will be higher than it originally stated. Supervisor Reilly reviewed reasons for the higher levy.
  - i. SE WI Fox River Commission – no report at this time.
  - j. Water Monitoring Committee – Supervisor Bird stated the next meeting will be June 10, 2009 at 7:00 p.m. Supervisor Bird and Mark Schlottke are traveling with Dr. Cherkoer for training on water monitoring procedures.
  - k. Finance Committee – Chairman Michalek had no report.
  - l. Treasurer's Monthly Report – There was no report at this time.

- m. Village of Big Bend Agendas & Minutes.
- n. Village of Mukwonago Agendas & Minutes.
- o. Big Bend Vernon Fire Board Agendas & Minutes reviewed the Fire Board minutes.
- p. Big Bend Vernon Fire Commission Agendas & Minutes
- q. County Board Supervisor(s)

11. FINANCES.

- a. Motion to approve Accounts Payable.

**MOTION** Chairman Michalek moved to approve the Accounts Payable in the amount of \$59,641.16 seconded by Supervisor Reilly, motion carried.

**MOTION** Chairman Michalek moved to approve the manual check in the amount of \$638.00, seconded by Supervisor Reilly, motion carried.

12. MINUTES.

- a. Motion to approve previous minutes.
  - i. April 2, 2009 Town Board

**MOTION** Chairman Michalek moved to place the April 2, 2009 Town Board Minutes on file, seconded by Supervisor Reilly, motion carried.

- ii. April 16, 2009 Town Board - tabled
- iii. April 30, 2009 Town Board - tabled
- iv. May 21, 2009 Town Board - tabled

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** Chairman Michalek moved to open the meeting to public comments, seconded by Supervisor Reilly, motion carried.

**There were no public comments.**

14. MOTION FOR ADJOURNMENT.

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

**Meeting adjourned at 9:24 p.m.**

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Marie V. Kumershek  
Town of Vernon Clerk  
Waukesha County

APPROVED:

As printed ( )  
With amendments ( )

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Frederick Michalek, Chairman

Date: \_\_\_\_\_