

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday October 1, 2009

7:00 PM

Vernon Town Hall Meeting Room

W249 S8910 Center Drive

1. CALL TO ORDER. Chairperson Fred 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. Chairperson Michalek, Supervisors Reilly, Bird, Barikmo, Craig, Clerk Kumershek, Department of Public Works Director Salentine.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairperson 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. TOWN CHAIRPERSON ANNOUNCED POSSIBLE CLOSED SESSION AT THE END OF THE MEETING.
7. 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.)

Chairperson 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.

There were no public comments.

8. REVIEW OF RECENT CORRESPONDENCE.
 - a. Change Budget Public Hearing & Special Town Meeting Date for Wednesday, October 21, 2009 at 7 p.m. to October 28, 2009, 7:00 p.m.
 - b. Town of Vernon's Trick or Treat will be October 31, 2009, 1p.m – 3p.m.
 - c. Hydro-geologist Jim Delwiche from the DNR will be at the October 15, 2009 TB Meeting concerning the Kaishian/Moeller site located at National Avenue and Hwy 164 (Northwest Corner).
 - d. Senior Lifestyle conference – October 26, 2009 at Country Springs Hotel.
 - e. Big Bend Vernon Lions Club Annual Community Children's Halloween Party at Big Bend Elementary School on Saturday, October 31, 2009 from 11:00 a.m. – 1:00 p.m.
 - f. Tom Maske dirt bike issue.

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

9. MISCELLANEOUS MATTERS. The following matters will be discussed and possible action taken by the Town Board:
 - a. Girl Scouts Gold Project to develop a "park like" picnic area at the Vernon Town Hall. Chairman Michalek reviewed the update of the Girl Scout Project.
 - b. Status of the sale, salvage, or related disposal of the barn.

Director Salentine reviewed the status of the Town Barn; he stated that the contractor looked into the workman's compensation certificate. Supervisor Reilly recommended placing an ad on Craig's list.

Chairperson Michalek directed Director Salentine to place on Craig's list for three weeks.

Chairperson Michalek deviated from the agenda to allow the Sheriffs to give there report.

Sheriff Wallschlager and Sheriff Nathan Bleniss from the Waukesha Sheriff's Department were available for questions and an update of activity in the Town of Vernon. The Sherriff's cautioned the residents with Halloween coming make sure candy is wrapped and the children are accompanied by an adult.

- c. Approval of Operators License for Sabrina Nau.

Chairperson Michalek reviewed the update Operator's License for Sabrina Nau.

MOTION Chairperson Michalek moved to approve the Operator's License for Sabrina Nau, contingent upon completion of responsible beverage server course verified by Town Clerk, seconded by Supervisor Bird, motion carried.

- d. Cancel October 21, 2009 7:00 pm. Budget Hearing and reschedule Budget Hearing for October 28, 2009 at 7:00 p.m.

Chairman Michalek stated because of trying to approve the Fire Department budget with the Village of Big Bend we need to change our Budget Hearing to a later date.

- e. Appoint or remove members of the Park and Recreation Committee.

Supervisor Barikmo reviewed the committee members that are presently on the Park and Recreation.

MOTION Chairperson Michalek moved to remove Jim Arnold from the Park and Recreation Committee because of being unresponsive to Supervisor Barikmo's requests, seconded by Supervisor Reilly, motion carried.

MOTION Supervisor Barikmo moved to appoint Keith Nault to the Park and Recreation Committee for the unexpired term of 2 years 2009-2010, seconded by Supervisor Reilly, motion carried.

- f. Review with Carol Shea acting President of the Big Bend Vernon Fire Board, issues and matters involving her oversight of Fire Board and Fire Department matters.

Chairperson Michalek stated that Carol Shea is not present.

- g. Oversight of the Big Bend Vernon Fire Department by Big Bend Vernon Fire Board.

Supervisor Reilly had concerns about the Big Bend Vernon Fire Board's oversight.

Supervisor Craig moved to deviate from the agenda and allow Dan Scherbarth from the Fire Board to speak, seconded by Supervisor Barikmo, motion carried.

Dan Scherbarth W266S7680 Olympic Ct. S stated he had been on the Fire Board for six months, Mr. Scherbarth's felt there are internal problems at the Fire Board level.

- h. Purchase of Video Camera for Fire Board Meetings.

Chairperson Michalek stated the Fire Board and Fire Commission meetings should be recorded and played for the public to view. Chairperson Michalek quoted a price of \$379.00 for a video camera with tripod, case, battery, cord, all attachments. Supervisor Reilly and Theresa Kelly volunteered to work on a camera policy.

MOTION Chairperson Michalek moved to table the video camera and put it on next agenda, seconded by Supervisor Reilly, motion carried.

MOTION Supervisor Reilly moved to deviate from the agenda to go to closed session, seconded by

Supervisor Bird, motion carried.

MOTION Supervisor Reilly moved for consideration and possible action on a motion to convene into executive session under Wis. Stats. 19.85 (1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to the Fox River Woods Development. In attendance in the closed session will be the Town board, Town Clerk and Town Attorney, seconded by Supervisor Bird. Motion needs a roll call vote.

Chairperson Michalek	Yes
Supervisor Reilly	Yes
Supervisor Bird	Yes
Supervisor Craig	Yes
Supervisor Barikmo	Yes

Motion Chairman Michalek moved to reconvene in open session at 9:30, seconded by Supervisor Bird. Roll call vote.

Chairperson Michalek	yes
Supervisor Reilly	yes
Supervisor Bird	yes
Supervisor Craig	yes
Supervisor Barikmo	yes

- i. Stormwater Utility Budget
Chairperson Michalek stated this would be addressed at the next Budget Workshop.
- j. Vernon Town Storage building.

Chairman Michalek reviewed the update of the Vernon Town Storage Building with the Town Board.

Chairperson Michalek moved to use the items on the balance sheet (designated for Edgewood project) to build the storage building, seconded by Supervisor Barikmo, motion fails. 3-2 vote. Chairperson Michalek and Supervisor Barikmo voted yes.

Supervisor Reilly, Bird, and Craig had concerns about our budget and decided to wait until our budget process was finished and we would have a clearer view of our financial status. Supervisor Barikmo stated there is some merit to going ahead with the building. Chairperson Michalek discussed loans and the usage of the barn last year with the Town Board. Director Salentine reviewed the equipment which was stored in the barn.

- k. Fire Board Budget

Chairman Michalek reviewed the Fire Board Budget.

Chairperson Michalek reviewed the Fire Board Budget including the \$2,000 legal fees on the Fire Board Budget.

The Town Board of Supervisors discussed the advantages and disadvantages of allowing \$4,000 legal fees in the Fire Board and Fire Department budgets (2,000 in each). Supervisor Craig suggested a maximum of \$500.00 legal fees.

MOTION Chairperson Michalek moved to approve the Fire Board as presented with the exception that legal fee be limited to \$500.00 to be included in the budget. Motion failed for lack of second.

MOTION Supervisor Bird moved to approve the Fire Board Budget without the \$2,000 legal fees, Seconded by Supervisor Reilly, motion carried. Chairperson Michalek voted nay.

I. Fire Department Budget

Chairperson Michalek reviewed the Fire Department budget with the Town Board. The Town Board of Supervisors had concerns about the straight 10% increase in insurance costs. The Town Board also had concerns about Full time Personnel #2 and Part time Personnel. Chairperson Michalek had concerns about the timing issue with the Village and the Town.

Chairperson Michalek moved to approve the Fire Board Budget based on the removal of item IIB, Full time Personnel #2, IIC, Part Time Personnel, Vu Legal Fees, and to include any 10% increases (insurance) in the Fire Board Budget dated August 24, 2009, seconded by Supervisor Reilly, motion carried.

Clerk's note: Attached document of Supervisor Bird and Reilly.

Chairperson Michalek discussed a timeline for setting up a joint hearing with the Village of Big Bend.

m. Letter of Credit for Fox River Woods.

Chairman Michalek stated the Town Clerk recalled the letter of credit for the Fox River Woods Development.

n. Policy for cash payout for accumulated vacation requests for all Town of Vernon employees.

Chairperson Michalek reviewed the vacation request payout issue.

MOTION Chairperson Michalek moved to all employees in the Town of Vernon are required to utilize their accrued vacation in the year of accumulation. Vacation is to be scheduled with their Supervisor to be sure that the Town of Vernon normal activities may continue. Carry-over vacation days may be approved by their Supervisor in extenuating circumstances, seconded by Supervisor Bird, motion failed. vote 4-1. Chairperson Michalek voted yes.

Supervisor Barikmo had concerns about openly talking about this issue in public with a contract. There was clarification of the scheduling of the vacation and the purpose of the motion was to assure the town that the employees would use their vacation the same year it is issued.

10. 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 complimented all the fire fighters on the house fire on Ridge Rd. and Skyline Ave. Supervisor Reilly gave Attorney Macy the final changes on the sexual predator ordinance.
 - Supervisor Bird stated had nothing at this time.
 - Supervisor Barikmo stated Waukesha County Environmental action League Brookfield Public Library October 13, 7 p.m.-9 p.m., October 22, Oconomowoc Library 7 p.m.-9 p.m.
 - Supervisor Craig stated the EMS/EMT demonstration should be scheduled for the first meeting in November.
 - Chairperson Michalek stated nothing at this time.
 - Department of Public Works Director Salentine stated brush pick up will begin October 5, 2009 east of Center Drive, West of Center Drive will start October 19, 2009.
 - Clerk Kumershek stated nothing at this time.
 - Treasurer Porter none at this time.

11. 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 Michalek stated none at this time.
 - b. D.P.W. Committee
 - Supervisor Craig stated there was no meeting this month.
 - c. Fire Department
 - Chairperson Michalek reviewed the fire department report.
 - d. Ordinance Committee
 - Supervisor Reilly stated we will be meeting in October, 2009 and continue to deal with weed ordinance, chapter 144, and sexual predator ordinance.
 - e. Finance committee
 - Chairperson Michalek nothing at this time.
 - f. Park & Recreation Committee
 - Supervisor Barikmo stated he asked the clerk's office to notify the committee to have a meeting on October 12, 2009.
 - g. Plan Commission
 - Chairperson Michalek stated no meeting.
 - h. Public Health & Safety Committee
 - Supervisor Craig reviewed the Warning Siren models and costs of the systems to be placed on next Town Board Meeting, and would like to look into the reviving the emergency government committee to be placed on the agenda.
 - i. Water Monitoring Committee
 - Supervisor Bird stated beginning part of October the Water Committee will start taking water samples.
 - j. School Board
 - Supervisor Reilly reviewed the school board meeting. The final levy will be finalized at the next School board meeting.
 - k. SE WI Fox River Commission
 - Chairperson Michalek stated nothing at this time.
 - l. Treasurer's Monthly Report
 - Treasurer Porter no report at this time.
 - m. Village of Big Bend Agendas & Minutes for your review.
 - n. Village of Mukwonago Agendas & Minutes for your review.
 - o. Big Bend Vernon Fire Board Agendas & Minutes for your review.
 - p. Big Bend Vernon Fire Commission Agendas & Minutes for your review.
 - q. County Board Supervisor(s)
12. FINANCES.
- i. Motion to approve Accounts Payable.

MOTION Chairperson Michalek moved to approve Accounts Payable in the amount of \$39,268.54, seconded by Supervisor Reilly, motion carried.

13. MINUTES.

There were no minutes to approve.

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

Dan Scherbarth W266S7680 Olympic Ct. S – Mr. Scherbarth stated the joint meeting between the Town of Vernon and the Village of Big Bend should include the Fire Board.

Rodell Singert S7890 Hilo Dr. – Mr. Singert stated agenda item 9 n and any new policies should be discussed in executive session. Mr. Singert also stated there is duplication of emergency management, because Waukesha County does have a committee that is satisfactory. Mr. Singert stated the newsletter is a taxpayer funded newsletter and had great concerns about an article in the newsletter.

15. MOTION FOR ADJOURNMENT

MOTION Supervisor Barikmo moved to adjourn, seconded by Supervisor Craig, motion carried.

Meeting adjourned at 11:28 p.m.

Marie V. Kumershek
Town of Vernon Clerk
Waukesha County

APPROVED:

As printed ()
With amendments ()

Frederick J. Michalek, Chairperson

Date: _____