

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS
Thursday October 15, 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, Deputy Clerk Mascione, Department of Public Works Director Salentine. Clerk Kumershek was delayed.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairperson Michalek asked the Deputy Clerk if the agenda was properly noticed. Deputy Clerk Mascione 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.)

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.

MOTION Chairperson Michalek moved to open public comments, seconded by Supervisor Reilly, motion carried.

Dan Scherbarth W266S7680 Olympia Ct. Mr. Scherbarth had concerns about the warning siren being adopted by the Town. Mr. Scherbarth stated you can not put a dollar value on human life and felt it would be a great asset to the Town.

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

7. REVIEW OF RECENT CORRESPONDENCE.
 - a. Budget Public Hearing & Special Town Meeting Date for Wednesday, November 4, 2009 7:00 p.m.
 - b. Town of Vernon's Trick or Treat will be October 31, 2009, 1 p.m. – 3 p.m.
 - c. 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. to 1:00 p.m.
 - d. Senior Lifestyle conference – October 26, 2009 at Country Springs Hotel.

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. William Meyer contesting professional and legal fees for his hobby kennel application. Chairperson Michalek reviewed the fees with the Town Board.

Mr. Meyer S83W23915 Artesian Avenue. - Deputy Clerks Note: Mr. Meyer's read his statement and are attached to the minutes.

Chairperson Michalek explained the process of a hobby kennel application, he also explained what the procedure was for Mr. Meyer's application. Chairperson Michalek read the letter he sent to Mr. Meyer.
Clerk's note: Chairperson Michalek letter is attached to the minutes.

Chairman Michalek reviewed with the Town Board and Mr. Meyers why professional fees were accrued. He stated Mr. Meyer's open records request was vague and broad. The Town Board discussed the reasons for the legal fees.

MOTION Supervisor Bill Craig moved to table contesting professional and legal fees for William Meyer's hobby kennel application, seconded by Supervisor Tom Bird, motion carried.

- b. Hydro-geologist Jim Delwiche from the DNR will report on the concerns of the Kaishian-Moeller Site located at National Avenue and Hwy 164 (Northwest Corner).

Jim Delwiche and Thomas Wentland from the Department of Natural Resources reviewed the Moeller site with the Town Board.

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

Carol Shea notified the clerk she would be out of town of tonight's meeting. Chairperson Michalek stated Attorney Macy would volunteer his time to explain the duties of the Fire Board, Fire Dept, and Fire Commission, which would give us all a better understanding of the functions of the Fire Department. Supervisor Reilly read a letter he would like to send from the Town Board concerning Fire Board issues.

Clerk's note: Supervisor Reilly's letter is attached to the minutes.

Chairperson Michalek stated he would not be a part of that letter.

MOTION Supervisor Reilly moved to extend the letter to President Carol Shea, seconded by Supervisor Craig, motion carried 4-1. Chairperson Michalek opposed.

The consensus of the Town Board was they should hear what Carol Shea had to say and also have a workshop with Attorney Macy to explain the duties of the Fire Board and Fire Commission.

MOTION Supervisor Barikmo moved to set up a workshop with Attorney Macy to educate the Town Board and Fire Board of the responsibility of the Fire Board, seconded by Chairperson Michalek, motion carried.

- d. Oversight of the Big Bend Vernon Fire Department by Big Bend Vernon Fire Board.
Carol Shea notified the Town Board she would be out of town for tonight's meeting.
MOTION Chairperson Michalek moved to table this issue, seconded by Supervisor Reilly, motion carried.

- e. Purchase of Siren Warning System.
Supervisor Craig reviewed the Warning System with the Town Board. Supervisor Craig reviewed the coverage and the cost of the different models of the Warning System.

MOTION Chairman Michalek moved to open public comments to the Fire Chief, seconded by Supervisor Reilly, motion carried.

Chief Buchholtz explained the 911 reverse systems; the county is very close to setting that up.

MOTION Supervisor Reilly moved to close public comments from the Chief, seconded by Supervisor Bird, motion carried.

Chairperson Michalek felt at present because of our budgetary process we have financial constraints. The

consensus of the Town Board was the Siren warning system is a good idea, but not feasible in this year's budget.

MOTION Chairperson Michalek moved to table the warning system seconded by Supervisor Barikmo, motion carried.

- f. Review active membership of Emergency government Committee.
Chairperson Michalek and Supervisor Craig reviewed the committee with the Town Board. Supervisor Craig reported the Public Health and Safety Committee recommended there should be, DPW personnel from both communities, Village of Big Bend Police Chief, Big Bend Vernon Fire Chief, two clerks from both communities, Building Inspector, one town rep, one village rep, and one health and safety member. Director Salentine reported the Fire Chief was the manager of the team for the flooding issue. Chief Buchholtz stated he would like to take a look at the Waukesha County Plan.

Chairperson Michalek directed the Chief to look into the Waukesha County Plan.

- g. Status of the sale, salvage, or related disposal of the barn.
Director Salentine reviewed the status of the disposing of the barn. Director Salentine placed it on Craig's list and had a couple of appointments from the applicants. Chairperson Michalek directed Director Salentine to secure it for the winter.

- h. Vernon Town Storage Building.

Chairperson Michalek stated there was no update of the Storage Building.

- i. Purchase of video camera and related accessories.
Chairperson Michalek reviewed the purchase of the camera, with tripod, battery pack and carrying case.

MOTION Chairperson Michalek moved to purchase a video camera, tripod, battery pack, carrying case, not to exceed \$379.00, seconded by Supervisor Barikmo, motion carried.

- j. Fox River Woods Litigation.
Chairperson Michalek updated the Town Board concerning the Fox River Woods Letter of Credit. Investor's Bank delivered a check in the amount of \$440,000.00 to the Clerk's office and has been deposited at Citizens Bank.

MOTION Chairperson Michalek moved to allow the chief to speak, seconded by Supervisor Bird, motion carried.

Chief Buchholtz had concerns about access to the Fox River Development property.

- k. Town Board Resolution for Forestry Grant.
Director Salentine reviewed the forestry grant and the need for a resolution.

MOTION Chairperson Michalek moved to accept Resolution 2009-02 Forestry Grant, seconded Supervisor Barikmo, motion carried.

- l. Enterprise Drive Business Park Rezone.
Chairperson Michalek reviewed this issue with the Town Board.

MOTION Chairperson Michalek moved to deny the conditional rezone amendment to the condition B-3 zoning on Enterprise Drive, seconded by Supervisor Bird, motion carried.

- m. Setting deputy clerks wages.
Clerk Kumershek is recommending .49 per hour raise for Meghan Mellor and .74 per hour raise for Liz Mascione. Chairperson Michalek reviewed the process and supported the raises.

MOTION Chairperson Michalek moved to accept the deputy clerk's wages as recommended by the Town Clerk to be effected on January 1, 2010, seconded by Supervisor Bird, motion carried.

- n. 2010 Town of Vernon Budget.
Chairperson Michalek reviewed the budget and the Recreation Administrative Assistants Salary. Supervisor Reilly reviewed the Recreation Administrative Assistant Salary and feels that this line item salary should be moved out. Chairperson Michalek discussed the difference between taking the amount out and moving this item to Recreation Department.
- o. Consideration directing the Town Clerk to use the Waukesha Freeman for required publication. Clerk Kumershek stated the price quotes between the Waukesha Freeman and the Mukwonago Chief. Supervisor Barikmo stated he would like to review this at a future meeting.

MOTION Supervisor Barikmo moved to table this item for the next meeting, seconded by Supervisor Bird, motion carried.

- p. Schedule Joint meeting of the Ordinance Committee with the Plan Commission to review and act on Chapter 144, and the condition re-zone amendment to the conditional B-3 zoning before sending the Town Board recommendation on same to the County.

No action taken.

- q. Retain Bob Nauta formally of RSV Engineering as consultant on Cheri landfill, subject to Village Board doing the same.

MOTION Chairperson Michalek moved to hear from previous Town Chairman Brian Paff, seconded Supervisor Bird, motion carried.

Mr. Paff clarified it is the Edgewood landfill. Mr. Paff asked why we are retaining Engineer Bob Nauta? Brian Paff felt Bob Nauta was not carrying though on his work. He also recommended finding another engineer.

MOTION Chairperson Michalek moved to close comments from the prior Chair, seconded by Supervisor Bird, motion carried.

MOTION Chairperson Michalek moved to table the retaining of Bob Nauta as a consultant for the Edgewood landfill, seconded by Supervisor Barikmo, motion carried.

- r. Set Budget Public Hearing & Special Town Meeting date for Wednesday, November 4, 2009 at 7 p.m.

MOTION Chairperson Michalek moved to schedule the Town of Vernon budget hearing as require by section 65.90, Wis Stats. for Wednesday, November 4, 2009 at 7:00 p.m., at the Vernon Town Hall meeting room W249S8910 Center Dr. and the town board hereby calls a special town meeting pursuant to section 60.12 (1) (c), Wis Stats to immediately follow the aforementioned budget hearing for the purposes of setting the tax levy per section 60.10 (1)(a), Wis Stats, fix the compensation of elective town offices per section 60.32 (1), and to set the total sum for the construction, maintenance and repair of highways and bridges as required by section 82.03, Wis Stats and the Town Clerk is hereby authorized to give notice of the aforementioned hearing and special town meeting as required by law. including attachment A, from the Fire Department Budget, seconded by Supervisor Reilly, motion carried.

- s. Next scheduled Town Board Meeting is November 5, 2009.

MOTION Chairperson Michalek moved to set the time for the Town Board meeting on November 5, 2009, at 8:00 p.m., seconded by Supervisor Craig, motion carried.

- 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 Rules and Regulations meeting will be October 21, 2009.
 - Supervisor Bird stated nothing at this time.
 - Supervisor Barikmo stated he has no announcements.
 - Supervisor Craig stated he agreed with Chairperson Michalek's letter. Supervisor Craig stated the Ordinance Committee should be involved with the Hobby Kennel.
 - Chairperson Michalek stated the Village of Big Bend and the Town of Vernon could not agree to the Fire Department Budget. Chairperson Michalek read his letter he sent to the Village of Big Bend's Board.

Clerks note: Chairperson Michalek's letter is attached to the minutes.

- Department of Public Works Director Salentine stated wood chipping has started. Director Salentine reviewed the grant process and the coverage of the grant.
- Clerk Kumershek was at Wisconsin Rapids for a parliamentary procedures seminar and reported on the class.
- Treasurer Porter none at this time.

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 Michalek stated nothing at this time.
- b. D.P.W. Committee
 - Supervisor Craig stated nothing at this time.
- c. Fire Department
 - Chief Buchholtz **Clerks note: Chief Buchholtz's report is attached to the minutes.**
- d. Ordinance Committee
 - Supervisor Reilly stated the next ordinance meeting is October 29, 2009 at 7 p.m. Supervisor Reilly stated they are working on the weed ordinance, Chapter 144, and sexual predator ordinances.
- e. Park & Recreation Committee
 - Supervisor Barikmo apologized for the October 12, 2009 7 p.m. cancellation. Supervisor Barikmo scheduled another Park and Recreation meeting on October 26, 2009 at 7 p.m.
- f. Plan Commission
 - Chairperson Michalek stated next Planning Commission meeting November 12, 2009
- g. Public Health & Safety Committee
 - Supervisor Craig stated nothing at this time.
- h. Water Monitoring Committee
 - Supervisor Bird stated nothing at this time.
- i. School Board
 - Supervisor Reilly reviewed the status of the 2010 School Board Budget.
- j. SE WI Fox River Commission
 - Chairperson Michalek stated nothing at this time.

- k. Treasurer's Monthly Report
 - Treasurer Porter - no report at this time.
- l. Village of Big Bend Agendas & Minutes.
- m. Village of Mukwonago Agendas & Minutes
- n. Big Bend Vernon Fire Board Agendas & Minutes
- o. Big Bend Vernon Fire Commission Agendas & Minutes
- p. County Board Supervisor(s)

11. FINANCES.

- i. Motion to approve Accounts Payable.

MOTION Chairperson Michalek moved to approve Accounts Payable in the amount of \$46,466.38, seconded by Supervisor Bird, motion carried.

- ii. Motion to recognize Manual Checks.

MOTION Chairperson Michalek moved to approve the manual checks in the amount of \$1,114.20, seconded by Supervisor Reilly, motion carried.

12. MINUTES. There were no minutes to approve.

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

Brian Paff – W237S6810 Fernwood Dr. - Mr. Paff stated the hobby kennel license fees that Mr. Meyer incurred he did sign a paper to be responsible for his fees. Mr. Paff stated he also had concerns about the legal fee chargeback. He also stated he felt that trying to push the DNR into installing well on the Moeller property isn't going to work, because that property is in the Village of Big Bend.

Rodell Singert S7890 Hilo Dr. – Mr. Singert stated the emergency government committee should work with the Waukesha County.

MOTION Chairperson Michalek moved to closed public comments, seconded by Supervisor Barikmo, motion carried.

14. MOTION FOR ADJOURNMENT

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

Meeting adjourned at 11:10 p.m.

Marie V. Kumershek
Town of Vernon Clerk

Frederick J. Michalek
Town of Vernon Chairperson

Date: _____

APPROVED: As printed ()
With amendments ()