

**PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS**  
**Thursday November 19, 2009**  
**7:00 PM**  
Vernon Town Hall Meeting Room  
W249 S8910 Center Drive

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1. CALL TO ORDER. Chairperson 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, AV Assistant Theresa Kelly, Department of Public Works Director Doug Salentine, and Clerk Kumershek.
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. 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 Supervisor Reilly moved to open public comments, seconded by Supervisor Barikmo, motion carried**

**Dan Scherbarth W266S7680 Olympia Ct. S.** - Mr. Scherbarth stated he was disappointed with the last Town Board meeting concerning the division of the Fire Board and Fire Department, including the removing the Fire Board all together and having the Fire Chief reporting directly to the Town Board. Mr. Scherbarth's concerns are cost and the deadline of trying to resolve this issue.

**Judith Porter S103W26370 Maple Ave.**

**Clerk's note: Mrs. Porter's letter is attached to the minutes.**

**Shirley Goff W250S8900 Center** - Mrs. Goff is very upset with the thought of the fire department breaking up. Mrs. Goff stated the amount of money that was just spent on vehicles, uniforms, and patches runs in the thousands of dollars.

**Ron Gasser 6390 Guthrie Road** - Mr. Gasser stated he is disappointed with the plan commission addressing the request of our citizens. If the town administration needs to do anything they need to loosen the restraints currently enforced and tighten the purse string of the professionals charging our citizens on our requests. Do we need regulations, yes but within reason.

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

7. REVIEW OF RECENT CORRESPONDENCE.
  - a. Adopt a family for Christmas
  - b. WisLine Teleconference Series 2009-2010
  - c. I-43 Public Information meeting Waukesha County at New Berlin City Hall.

Chairperson Frederick Michalek briefly reviewed each item of correspondence with the Town Board.  
No action was taken.

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

**MOTION Supervisor Reilly moved to deviate from the agenda and go to item 8m, seconded by Supervisor Bird, motion carried.**

- m. Award of Vernon/Big Bend (Edgewood) Landfill Environmental Engineering.  
Town Engineer Tom Ludwig reviewed the history of the (Edgewood Landfill). The Town Engineer recommended Brian Heinrichs as our project manager for the Edgewood Landfill.  
Town Chairperson Michalek's concerns were monitoring the wells and the costs of the monitoring.  
Town Engineer Ludwig reminded the board the costs were split 50/50 with the Village of Big Bend.

**MOTION Supervisor Reilly moved to accept the proposal from Foth to hire Brian Heinrichs as project manager of the Cheri landfill site, seconded by Supervisor Craig, motion carried.**

- a. Resignation of Fire Chief Philip B. Buchholtz as Fire Chief of the Big Bend Vernon Fire Department.  
Chairperson Michalek read the Fire Chief's retirement letter.  
**Clerks note: Resignation letter attached to the minutes.**

Chief Buchholtz read his retirement letter.

**Clerks note: Resignation letter attached to the minutes.**

Chairperson Michalek questioned Chief Buchholtz about his intent to retire. Chief Buchholtz stated he would retire April 30, 2010. There were several questions by Supervisor Bird and Supervisor Craig concerning the retirement letters of the Fire Chief and if there was any arrangement to his retirement. Chief Buchholtz stated he is not negotiating with anyone. Chairperson Michalek stated the letter of November 16<sup>th</sup> clarifies his intent.

- b. William Meyer contesting professional and legal fees for his hobby kennel application.  
Chairperson Michalek acknowledged Mr. Meyer's presence and asked to step forward and be part of the discussion. Mr. Meyer declined and stated he was there to listen to the town board.  
Chairperson Michalek reviewed the professional charges that are being contested. Chairperson Michalek stated there are some Attorney's charges that can be used in the future because of the freedom of information request we could reduce the Attorney Macy's charges and Foth's charges, with the reduction of charges, Mr. Meyer's bill will be \$1,867.50. Chairperson Michalek felt these charges were fair and reasonable to the applicant.

**MOTION Supervisor Craig moved to accept the reduction of Mr. Meyer's hobby kennel license to \$1,867.50, seconded by Supervisor Bird, motion carried. Supervisor Barikmo opposed.**

Supervisor Barikmo reviewed the Attorney Macy charges and felt this does not demonstrate a reasonable process to him. Supervisor Barikmo felt this process is disappointing. Chairperson Michalek stated it is not the intent to run up costs on anything. This process is extremely encompassing and because of the open records requests the fees were so high. Supervisor Barikmo stated he would speak against the motion. Supervisor Barikmo also state he wanted the portion of the staff meeting recorded and was disappointed the meeting was not recorded.

- 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.  
President Shea requested the board to be more specific on what questions she would need to prepare for. Chairperson Michalek asked if the Town Board would send their questions to the Town Clerk so President Shea can prepare for the November 30, 2009 meeting. Supervisor Reilly expressed his concerns with the legal fees and the Intermunicipal Agreement.
- d. Oversight of the Big Bend Vernon Fire Department by Big Bend Vernon Fire Board.

Chairperson Michalek asked that this item be taken off the agenda as item c relates to the same issues.

- e. Citizen complaint procedure form with modification.  
Supervisor Reilly reviewed the citizens' complaint form with the Town Board.

**MOTION Supervisor Reilly moved to accept the citizen complaint procedure form with modification, seconded by, Supervisor Bird, motion carried.**

Supervisor Craig stated there should be a signature on the form. The Town Board agreed to facilitate the process. They felt the email address should be left off the form.

- f. Status of the sale, salvage, or related disposal of the barn.  
Director Salentine stated he had some contact with past people from the Craig list. He also stated he has had some contact with a couple of people that have shown some interest.
- g. Vernon Town Storage Building.  
Department of Works Director Doug Salentine stated there has been some preparation on the pad set for the building. There was discussion between Director Salentine and Supervisor Craig with concerns of costs of a surveyor. Department of Works Director Doug Salentine stated he would call different surveyors for cost comparisons.
- h. Guidelines for Hobby Kennel.  
Supervisor Craig felt that this matter should be transferred to the Ordinance Committee.
- i. Forestry Grant.  
Department of Works Director Doug Salentine stated there were no updates at this time.
- j. Borrowing of funds for a Department of Public Works Truck.  
Supervisor Craig showed his spread sheet and reviewed his spreadsheet with the Town Board. Supervisor Craig's recommendation was to go with Citizens Bank. Chairperson Michalek stated citizen's bank is truly a community bank. Supervisor Craig stated they are local and competitive. Supervisor Barikmo asked what were the draw backs of the State of Wisconsin? Supervisor Craig stated because of their set up time for a long term loan it would be a higher interest rate.

**MOTION Supervisor Barikmo moved to proceed with citizen bank for the loan, seconded by Supervisor Reilly, motion carried.**

- k. Edgewood Avenue/Big Bend road property.
- l.

**MOTION Supervisor Craig moved to table item 8k to the next Town Board meeting, seconded by Supervisor Reilly, motion carried.**

- m. Wissner-Craig Property/County Acquisition.  
Chairperson Michalek stated the Town Board would communicate with the County Supervisor with the concerns of the Wissner-Craig Property/County Acquisition.

- 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 he would like to wish everyone a Happy Thanksgiving. Supervisor Reilly requested to place the sexual predator on the next Town Board agenda.
  - Supervisor Bird stated a Happy Thanksgiving to all. Deer hunters know your target and beyond and hope everyone is successful. Supervisor Bird stated one more night of the citizens academy

And it was well worth the time. Supervisor Bird Explained the academy and all the functions they execute.

- Supervisor Barikmo stated he wished everyone a happy and healthy Thanksgiving.
- Supervisor Craig stated Happy Thanksgiving and don't forget your gun if your going hunting.
- Chairperson Michalek stated he received a letter from President Soneberg and would like to bring this back up at the next town board meeting. Chairperson Michalek asked the board if they have their questions for Mr. Wentland concerning the Kaishian property. Chairperson Michalek explained his reasons for a closed session meeting to deal with the Fire Department issue, including the Town Board, Town Attorney, and the Town Clerk to be held at 6:15 p.m. Chairperson Michalek wished the hunters a successful hunt. He also wished everyone an enjoyable Thanksgiving.
- Department of Public Works Director Salentine stated road side mowing will be finished up within the next couple of days. The Department of Public Works employees are using up their vacations this month. He stated the town did receive a grant \$18,600 which needs to be used for the repaving of Townline Road. Director Salentine submitted a grant for \$101,000 for upgrades on the Town Hall.
- Clerk Kumershek stated approximately 15 poll workers went for training at Waukesha County with Kathy Nicholas the County Clerk. Town Clerk Marie Kumershek stated anyone interested in running for Supervisor #1 and Supervisor #3 positions can pick up a packet from the Town hall or can download them off of the town's website. December 1, 2009 is the first date you can start circulating your name and January 5, 2010 at 5:00 p.m. is the deadline to be turned in.
- Treasurer Porter had no announcements.

10. REPORTS. Information on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

- a. Treasurer's Monthly Report
  - No report at this time.
- b. Building Inspection-Monthly Building Inspection Report
  - Chairperson Frederick Michalek stated he had nothing at this time.
- c. D.P.W. Committee
  - Supervisor Bill Craig stated nothing at this time.
- d. Fire Department
  - Chief Buchholtz report stated accidents are down. Chief Buchholtz wished everyone a very Happy Thanksgiving.
- e. Ordinance Committee
  - Supervisor Joe Reilly stated we will meet sometime in December.
- f. Park & Recreation Committee
  - Supervisor Barikmo stated park and recreation met last month and there are fee structure changes. He reviewed different communities and there charges for recreation fees. He stated we have difficulty finding space for some of our activities and if anyone has suggestions please contact Supervisor Barikmo or the Town Clerk.
- g. Plan Commission
  - Chairperson Frederick stated he had nothing at this time.

- h. Public Health & Safety Committee
  - Supervisor Craig stated he did not have a chance to talk to the Building Inspector on the Riverside Dr. issue. Supervisor Craig has a concern about a hidden driveway and wanted to know what criteria to follow.
- i. Water Monitoring Committee
  - Supervisor Bird stated monthly monitoring will start in December.
- j. School Board
  - Supervisor Reilly reiterated the Mukwonago School rate will be 8.58% per thousand which is up 71 cents. A little over 9% over last year, again hard hit by the loss of state aid.
- k. SE WI Fox River Commission
  - Chairperson Frederick Michalek had no report at this time.
- l. Treasurer's Monthly Report
  - Treasurer Sandy Porter.
- m. Village of Big Bend Agendas & Minutes are distributed as part of the packet.
- n. Village of Mukwonago Agendas & Minutes are distributed as part of the packet.
- o. Big Bend Vernon Fire Board Agendas & Minutes are distributed as part of the packet.
- p. Big Bend Vernon Fire Commission Agendas & Minutes are distributed as part of the packet.

11. FINANCES.

- i. Motion to approve Accounts Payable.

**MOTION Supervisor Barikmo moved to approve Accounts Payable in the amount of \$8,956.62, seconded by Supervisor Reilly, motion carried.**

- ii. Motion to recognize Manual Checks.

**MOTION Supervisor Reilly moved to approve the manual checks in the amount of \$4,915.25, seconded by Supervisor Craig, motion carried.**

12. MINUTES.

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 Bird moved to open public comments, seconded by Supervisor Reilly, motion carried.**

**Judy Porter S103 W263370 Maple Ave.** Mrs. Porter stated that the Town of Eagle sends out flyers that are very well done. She felt the town of Vernon's fees are high.

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

14. NEXT TOWN BOARD MEETING IS SCHEDULED FOR DECEMBER 3, 2009

15. MOTION FOR ADJOURNMENT.

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

**Meeting adjourned at 9:45 p.m.**

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Marie V. Kumershek, Town of Vernon Clerk

APPROVED:

As printed ( )

With amendments ( )

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Frederick J. Michalek, Chairperson

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