

**PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS**  
**Thursday December 3, 2009**  
**7:00 PM**  
Vernon Town Hall Meeting Room  
W249 S8910 Center Drive

---

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 Works Director Doug Salentine, Treasurer Porter, Attorney Macy, 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.

**MOTION Supervisor Reilly moved to deviate to Miscellaneous Matter 8a, seconded by Supervisor Bird, motion carried.**

- a. Resolution regarding Tax Collection by Citizens Bank.  
Treasurer Porter reviewed and read the resolution to the Town Board.

**MOTION Supervisor Reilly moved to adopt Resolution 2009-03 for tax collecting at Citizens Bank Vernon Branch, seconded by Supervisor Bird, motion carried.**

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

**Dan Scherbarth W266S7680 Olympia Ct. S.** - Mr. Scherbarth expressed his concerns of President Soneberg's and Chairperson Michalek's letters. He stated both letters make two points, the breakup of the Fire Department is not desirable and hopes that a compromise can be worked out. He stated the residents of these municipalities expect their elected officials to set up a joint meeting and work out a compromise on the Fire Budget.

**Rodell Singert S7890 Hilo Dr.** - Mr. Singert stated he attended the last three Town Board meetings and shows evidence that the board is not supporting a line item for legal fees; this is foolish and does not support good public policy. He referenced both letters from President Soneberg and Chairperson Michalek and felt the Presidents letter written on November 17, is a letter of leadership in representing his board, and the boards should get together and correct this disagreement in a hurry because it would be wise to do so.

**Shirley Goff W250 S9000 Center Dr.** - Mrs. Goff stated this would be a very big mistake if the two municipalities would break up, and would be bad for both communities. She has concerns about serving on the Fire Commission, and the Rules and Regulations having spent hours and hours on these Committees, she stated where will we go with

the Rules and Regulations after all those hours updating and changing that document. Mrs. Goff stated she hopes and prays the Big Bend Vernon Fire Department stays together.

**Kathy Bronk S83 W24375 Artesian Ave.**  
**Clerks note: Mrs. Bronk's letter attached to the minutes.**

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

**MOTION Supervisor Barikmo moved to respond to citizens comments, seconded by Supervisor Reilly, motion carried.**

**Supervisor Barikmo** stated residents feel this is only about legal fees. Supervisor Barikmo stated this is not what it is all about, it is about insurance costs and lack of appropriate estimates to proceed with the budget. Supervisor Barikmo stated he will not vote for anything without accurate figures in the budget. Supervisor Barikmo addressed Mr. Singert's comments and stated the Fire Board and Fire Commission have access to Attorney Macy and Attorney Schober and that continues to be in place today. Supervisor Barikmo commented on Shirley Goff's statement no matter what happens with the Fire Department there will always be rules and regulation we need them to move forward. Don't let anyone lead you to believe your efforts were a waste.

**Supervisor Craig** stated regarding Kathy Bronk's comments: frankly the town board met with the village not that long ago, the village picked up their marbles, adjourned itself and left this building, the Town did not.

**Supervisor Reilly** asked if we put a line item in the Fire Board, Fire Department agreement have we violated the Intermunicipal agreement (that is a contract). Supervisor Reilly stated the attorney agreed that we did. Our jobs as Supervisors are to protect the residents of the Town.

**MOTION Supervisor Barikmo moved to close Town Board's comments, seconded by Supervisor Reilly, motion carried.**

7. REVIEW OF RECENT CORRESPONDENCE.  
a. Adopt a family for Christmas

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:

- b. Discussion with Leah Fickau pertaining 2008/2009 legal fees for the Big Bend Vernon Fire Department, the Big Bend Vernon Fire Board, and the Big Bend Vernon Fire Commission.

**MOTION Supervisor Reilly moved to table 8b to the next Town Board meeting on December 17, 2009, seconded by Supervisor Barikmo, motion carried. Chairman Michalek opposed.**

Supervisor Barikmo and Supervisor Bird stated their concerns about having the Closed Session at the end of the meeting instead of the beginning of the meeting.

- 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, and her November 11, 2009 letter to the Town of Vernon.  
Carol Shea President of the Big Bend Vernon Fire Board President, and Paul Fickau Vice-President of the Fire Board.

Carol Shea stated I was at a disadvantage as to what you are asking with this list of questions.

**Clerks note: Supervisor Barikmo's question is attached to the minutes.**

Carol Shea stated she was unsure of the clarity of the question. Carol Shea stated she had contact with

the Attorney Schober in relationship to an open records request, and stated she used her legal access appropriately.

**Clerks note: Supervisor Reilly's and Supervisor Birds questions are attached to the minutes.**

The Town Board asked President Carol Shea of the Big Bend Vernon Fire Board various questions concerning and relating to the Fire Department, Fire Board, Fire Commission, Rules and Regulations Document and Intermunicipal Agreement.

**Attorney Macy quoted from the Intermunicipal Agreement:**

27-5 Fire Board. Q. Legal advice/legal fees. The Town Attorney and Village Attorney shall serve as legal representative for the Fire board, and charges incurred from the same shall be paid by the Village and Town respectively unless otherwise specifically budgeted or specific approval is received by the Village and Town for the fire Board to retain special counsel for make payment other than as set forth herein and/or the budget.

Attorney Macy stated legal fees are allowed in the budget if it is a specific line. If there was confusion at a staff meeting he wanted to clarify the issue.

**Clerks note: The tape of President Shea's answers is on file in the clerk's office.**

Supervisor Reilly questioned President Shea on the Fire Chief's retirement and who has the authority to negotiate a retirement.

President Shea stated the Fire Chief has turned in his Intent to retire on May 1, 2010 and she could not divulge any further information because of the confidentiality issue. Paul Fickau stated they were within their authority on how they handled the Fire Chief's retirement.

Supervisor Craig stated he had concerns of three separate retirement letters, a notice of intent letter, and full page retirement letter and a full page retirement letter on letterhead. Supervisor Craig asked President Shea which was the official letter of retirement.

President Carol Shea stated the letter of intent is the official letter of retirement.

Supervisor Craig had follow up questions and stated that the Fire Department had not been in compliance with Comm 30 and also had no rules and regulations completed.

President Shea stated we were in compliance.

- d. Discussion of Big Bend Vernon Fire Board Closed Session Meeting scheduled for December 10,2009 at 6:30 p.m. at Big Bend Village Hall.

**MOTION Supervisor Reilly moved to amend the agenda to go into closed session, seconded by Supervisor Bird, motion carried.**

- 9. **MOTION TO GO INTO CLOSED SESSION. Chairperson Michalek read the following;** Consideration and possible action on a motion to convene into executive session under Wis. Stats. 19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically consideration of a letter from the Village of Big Bend Village President dealing with the Fire budget and other issues regarding the Intermunicipal Agreement for creation of a Joint Fire Agreement. Participating in the Closed Session will be the Town Board members, Town Attorney, and the Town Clerk. Motion needs a roll call vote.

**MOTION Supervisor Reilly moved to go into closed session as stated by Chairperson Michalek, seconded by Supervisor Barikmo.**

**ROLL CALL VOTE:**

<b>Chairperson Michalek</b>	<b>Yes</b>
<b>Supervisor Reilly</b>	<b>Yes</b>
<b>Supervisor Bird</b>	<b>Yes</b>
<b>Supervisor Barikmo</b>	<b>Yes</b>
<b>Supervisor Craig</b>	<b>Yes</b>

**Motion carried.**

10. **MOTION TO RECONVENE IN OPEN SESSION. Chairperson Michalek read the following;**  
Reconvene in open session to consider taking action on those matters discussed in Closed Session including but not limited to consideration of a letter from the Village of Big Bend Village President dealing with the Fire Budget and other issues regarding the Intermunicipal Agreement for creation of a Joint Fire Agreement.

**MOTION Supervisor Reilly moved to reconvene into open session as stated by Chairperson Michalek seconded by Supervisor Barikmo.**

**ROLL CALL VOTE:**

<b>Chairperson Michalek</b>	<b>Yes</b>
<b>Supervisor Reilly</b>	<b>Yes</b>
<b>Supervisor Bird</b>	<b>Yes</b>
<b>Supervisor Barikmo</b>	<b>Yes</b>
<b>Supervisor Craig</b>	<b>Yes</b>

**Motion carried.**

**MOTION Supervisor Barikmo moved not to accept the offer as proposed by the Big Bend Village President's letter of November 17, 2009 and the Town Board stands by its previous motion regarding the Fire Board and Fire Department, seconded by Supervisor Craig, motion carried.**

- e. Appointment of Election Inspectors for a two year term from January 1, 2010 to December 31, 2011. Clerk Kumershek reviewed the process of appointing election inspectors for the Town of Vernon elections.

Attorney Macy asked if there were any more questions for him, if not he asked to be excused. Chairperson Michalek excused the Town Attorney.

**MOTION Supervisor Reilly moved to approve the appointment of Election Inspectors for a two Year term from January 1, 2010 to December 31, 2011, as submitted by the Town Clerk, seconded by Supervisor Craig, motion carried.**

Chairperson Michalek reassured the Town Board as a poll worker he would not be involved in any election where there are town board residents on the ballot.

- f. 2010 Building Inspector Contract.  
Chairperson Michalek reviewed the Building Inspectors Contract with the Town Board.

**MOTION Supervisor Reilly moved to accept the 2010 Building Inspector's Contract, seconded by Supervisor Barikmo, motion carried.**

- g. 2010 Assessor Contract.  
Chairperson Michalek reviewed the Assessors Contract with the Town Board.

**MOTION Supervisor Reilly moved to accept the 2010 Assessor's Contract, seconded by Supervisor Bird, motion carried.**

- h. 2010 Historical Society Vernon Activity Center Lease.  
Chairperson Michalek reviewed the Historical Society Vernon Activity Center Lease with the Town Board.

**MOTION Supervisor Bird moved to accept the 2010 Historical Society Vernon Activity Center Lease, discussion be held with the intent to make accommodations with at least a table and chairs for other recreation department activities, seconded by Supervisor Reilly, motion carried.**

Supervisor Barikmo had concerns about utilizing the historical society building for other recreation department activities.

- i. Status of the sale, salvage, or related disposal of the barn.  
Chairperson Michalek stated there is no change in the status of the barn.
- j. Vernon Town Storage Building  
Chairperson Michalek stated there was no update on the Vernon Town Storage Building.
- k. Borrowing of funds for a Department of Public Works Truck.  
Supervisor Craig reviewed the contract with Citizens Bank and recommended the 3 year semi-annual 10 yr. amortization with payments of 7,911.55.

**MOTION Supervisor Reilly moved to accept the three year note with semiannual payments in the amount of \$7,911.55 with 10 years amortization, seconded by Supervisor Barikmo, motion carried.**

- l. Edgewood Avenue/Big Bend road property.

**MOTION Supervisor Reilly moved to table the Edgewood Avenue Big Bend road property to the next meeting, seconded by Supervisor Bird, motion carried.**

- m. Koth Storm water Utility adjustment request.  
Clerk Kumershek explained the appeals process for the Storm water Utility fee.

No action taken.

- n. Consideration directing the Town clerk to use the Waukesha Freeman for required publication.  
Clerk Kumershek explained the state statutes as to the procedure of publications.

**MOTION Supervisor Reilly moved to continue using the Mukwonago Chief as our official paper, seconded by Supervisor Bird, motion carried.**

- o. Approval of Sexual Predator Ordinance.

**MOTION Chairperson Michalek tabled the approval of the Sexual Predator Ordinance to the next town board meeting, seconded by Supervisor Reilly, motion carried.**

11. 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 wished everyone a Merry Christmas and Happy New Year. Take time to lock your cars and your houses.
  - Supervisor Bird stated nothing at this time.
  - Supervisor Barikmo wished everyone a Merry Christmas and remind the residents to lock your cars and lock your homes because of the time of year.
  - Supervisor Craig stated the state statute 79.07 was passed on the emergency costs and we need to maintain the same budget as 2009.
  - Chairperson Michalek thanked the residents that came forward to voice their opinions. He also encouraged the residents to drive safe in the winter weather.

- Department of Public Works Director Salentine had no report in that he was excused from the meeting.
- Clerk Kumershek stated there are absentee applications in the Clerk's office; she also stated there are packets in the clerk's office for Supervisor #1 and Supervisor #3 positions. Also you can download the packets off of the town's website at [townofvernon.org](http://townofvernon.org).
- Treasurer Porter not present.

12. 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 nothing at this time.
- c. D.P.W. Committee
  - Supervisor Bill Craig no report.
- d. Fire Department
  - Chief Buchholtz no report.
- e. Ordinance Committee
  - Supervisor Joe Reilly no report.
- f. Park & Recreation Committee
  - Supervisor Barikmo no report.
- g. Plan Commission
  - Chairperson Frederick no report.
- h. Public Health & Safety Committee
  - Supervisor Craig no report
- i. Water Monitoring Committee
  - Supervisor Bird no report
- j. School Board
  - Supervisor Reilly no report.
- k. SE WI Fox River Commission
  - Chairperson Frederick Michalek no report.
- l. Treasurer's Monthly Report
  - Treasurer Sandy Porter no report
- 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.
- q. County Board Supervisor(s). No Report.

13. FINANCES.  
i. Motion to approve Accounts Payable.

**MOTION** Supervisor Reilly moved to approve Accounts Payable in the amount of \$32,476.70, with changes of item number #1 from Minnesota Life to Arenz, Molter and Macy, seconded by Supervisor Barikmo, motion carried.

14. MINUTES.

15. 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.)

**No Public Comments.**

16. NEXT TOWN BOARD MEETING IS SCHEDULED FOR DECEMBER 17, 2009

17. MOTION FOR ADJOURNMENT.

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

**Meeting adjourned at 11:40 p.m.**

---

Marie V. Kumershek  
Town of Vernon Clerk  
Waukesha County

APPROVED:

As printed ( )  
With amendments ( )

---

Frederick J. Michalek, Chairperson

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