

TOWN OF BROOKFIELD
TOWN BOARD
MARCH 20, 2007

The regular meeting of the Town Board was held on Tuesday March 20, 2007 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:12 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas, and Patrick Stroebel, Attorney James Hammes, Administrator Richard Czopp, Building Inspector Gary Lake, Fire Chief Andy Smerz and the Town Clerk Jane Carlson to record the minutes and with an excused absence Supervisor Dan Shea.

APPROVAL OF AGENDA

Supervisor Flessas moved to approve the agenda as presented, seconded by Supervisor Schatzman, voted on, and carried unanimously.

APPROVAL OF MINUTES

Supervisor Schatzman moved to dispense with the reading of the minutes of the March 6, 2007 Town Board meeting and approve them as presented seconded by Supervisor Flessas, voted on, carried unanimously.

PUBLIC COMMENT None.

OLD BUSINESS

a. CONSERVATION EASEMENT

Attorney Hammes explained that after the Town Board meeting when the easement agreement was approved, the Attorney for Safro Toyota (the property on Capitol Drive) contacted him. The attorney said that they are afraid of tying this property up for twenty years with language that could affect the ability of conveyance, because of the age of the property owner. He has asked if the Town would be willing to allow only this property to be limited to a three year period of time. Attorney Hammes told him he would bring it to the board and see what they would like to do. He said that there are some other alternatives that could be considered for this property only, such as, if after three years it annexed there could be liquidate damages of \$1,000.00 per year for the balance of the twenty year period. An example would be if it annexed after 5 years, there would be 15 years left so, the damage would be \$15,000.00. This would be in addition to the 5 years of taxes required by Statutes. Another thing that could be included is a more formal commitment on waiving any right to develop the property south of Bluemound Road for any type of automotive use.

Chairman Henderson said that the Town has agreed on the easement for their interest so that they can develop the property and provide for the snake mitigation.

Supervisor Schatzman said that this is a trade off of mutual interest for each party involved them needing land to take care of the DNR issue of the Butler Garter snake and the Town desire to maintain land for budgetary stability in future years. He also said that he would like to leave it as agreed upon and have the parties come to the Town and revisit this when the property owner passes away.

Supervisor Stroebel said that he agrees that it was intended to be of benefit to both parties and that this option does not benefit the Town. He said that he feels that the Town has been willing to work with them with this property as well as allowing the expansion of the leasing company on their property at Gumina and Capitol.

There was no action taken Attorney Hammes was directed to contact their Attorney and tell him that they have an agreement and unless they have some other options everything stays as previously approved.

b. SOLICIATION IN THE TOWN

Supervisor Schatzman moved to approve Repealing and Recreating Section 12.05 of the Town Code, Town of Brookfield, Waukesha County, Wisconsin, (the Solicitation Ordinance), seconded by Supervisor Flessas, voted on, carried unanimously.

c. CSM FOR 18110 BLUEMOUND ROAD/WISCONSIN AVENUE

Supervisor Flessas moved to approve the Certified Survey Map for the lands at 18110 West Bluemound Road/Wisconsin Avenue subject to the revision to the easements for vehicular cross access on Lot 1 to read; Cross Access Easements are granted to the Town of Brookfield and may be enforced for the public benefit as provided by § 236.293 Wis Stats., and revising the location of the cross access easements to be in alignment with existing traffic aisles on the parcel. The motion was seconded by Supervisor Schatzman, voted on, carried unanimously.

NEW BUSINESS

a. PICNIC PERMIT

Supervisor Schatzman moved to approve a picnic permit for John Wendelberger (Wendelberger Family Reunion), at Marx Park, on July 21, 2007 from 11:00 a.m. until 10:00 p.m., seconded by Supervisor Stroebel, voted on, carried unanimously

b. BARTENDER LICENSES

Supervisor Stroebel moved to approve a bartender license for Diana Gonzalez for Qdoba Restaurant, seconded by Supervisor Schatzman, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. BUILDING INSPECTION REPORT

1. UPDATE ON EBLE PARK DRIVE LOCATION

Inspector Lake reported that the Town staff has met with representative of the DOT the DNR and Waukesha County Parks regarding the proposed relocation of the Eble Park driveway. He said that the alignment to Janacek Road that the Town approves, which would align with the future drive of the condominium development west of the Town Hall would impact wetlands. When there is impact of wetlands the DNR is required to review the proposed alignment and determine if alternatives exist and if such alternatives exist approval for the proposed alignment would be denied. They have determined that alternatives do exist that would not impact the wetland and not align with the access drive along the Town Hall's south property line. Appeals can be made if the proposed location aligns with a public street, or shown to have safety advantages based on

engineering analysis. He also said that any frontage road extension to the east will impact wetlands and require mitigation, most likely being a bridge. The DOT said such a structure is beyond the budget of the Safety Improvement Plan but could be included in the 2012 Bluemound reconstruction plan. Also these reviews would include impacts to snake habitat.

a. FIRE DEPARTMENT REPORT

1. FIRE CHIEF'S PRESENTATION ON 2007 GOALS AND OBJECTIVES

Chief Smerz reported from the Town of Brookfield Fire Department, State of the Department, January 2007 report that he prepared per the request of the Police & Fire Commission. He said at the staffing levels the department maintains a roster of forty members, twenty-two of the members are certified at the EMT-Paramedic level with four members in class and will test in June 2007. This is a higher level than most departments have and makes the Town unique in what it can provide.

He explained that they have made some changes with the apparatus maintenance and implemented a program that includes daily checks and weekly checks. All routine maintenance and repairs are being done by the Town's Department of Public Works. They have also done a through inventory of all equipment which includes emergency equipment as well as equipment assigned to individual members. They have put in place a replacement schedule of turn-out gear for department members by replacing thirteen sets this year and will be able to replace five sets each year so that gear will be replaced every seven years.

He said that the response data for 2006 is down just slightly (-5%) from 2005 this decrease could be the difference from one snowstorm or something similar. Emergency medical responses account for the vast majority of the calls about 82% of the total responses. He said as reported earlier to the Board they initiated a new EMS response protocol as of January 2007 and will be evaluating it in six months. Another major accomplishment that they have had is the development and modification of the Mutual Aid Box Alarm System. Basically it is the system of Mutual Aid; it divides that Town into different geographic sectors and specifies what resources are available depending on the type of incident.

Training of the members is organized under the departments Bureau of Instruction and Training that is overseen by the Assistant Chief. This regime includes monthly in-house training and off-site training that focuses on hands on. The Tbfd has begun a relationship with WCTC where students from their EMT-Intermediate and EMT-Paramedic classes are riding along with our units because we have members that have been identified as educators. Another agreement we entered into was with Milwaukee County EMS to provide members with required paramedic refresher training.

Another priority was the Standard Operating Guidelines. The department in the past had done work on it and he has reviewed it implemented what needed to be done immediately and have eight in place and are ready to release five additional ones and will continue to build on it and it will be a work in progress. They have also initiated a review of the Advanced Life Support (ALS) paramedic protocols

manual that has been in place since the inception of the department's paramedic program. All ALS protocols have been reviewed and revised and currently await the approval of the Medical Director.

a. ADMINISTRATOR'S REPORT

1. UPDATE ON MARCH 14, 2007 WTA CAPITOL DAY

Administrator Czopp reported that he and Supervisor Flessas went to Madison for the WTA Capitol Day and met with several Assemblymen and talked with Rick Stadelman the Wisconsin Town Association director. He said that he gets the sense that the Charter Town's bill will not be passed but that it is encouraging regarding a bill that allows Town's to get out of county zoning. Another thing that he said that Town should think about is joining with the Urban Town's but also participating.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$136,592.46, seconded by Supervisor Schatzman, voted on, and carried unanimously.

Included in the approved vouchers were: \$44,355.00 to Eward-Hartford for Police Squad and Expedition; \$23,146.75 to Wausau Insurance for Town and Utility District No 1 general liability, vehicle and workers comp insurance premiums; \$7,390.03 to Michael Best & Friedrich for fire department legal fees; \$6,356.00 to Tough Solutions Inc for Police Department grant reimbursable expenses; \$6,186.90 Scott Oil/Heating Co for vehicle fuel; \$5,901.00 to Peterson Auto Body Inc for police vehicle repair (reimbursement from insurance except \$500.00 deductible) and \$5,632.16 to Butterfield Trucking Inc for salt and sand mixture.

COMMUNICATIONS AND ANNOUNCEMENTS

The attached list of correspondence was reviewed by members of the Board with comment on the following:

Chairman Henderson announced that next Tuesday is the Town's Chamber Representative Gloria Albrecht birthday and that her daughter-in-law dropped off a cake for her to share with everyone.

CLOSED SESSION 8:35 P.M.

Supervisor Stroebel moved to adjourn into Closed Session according to Section 19.85(1)(e) Wisconsin Statutes for the purpose of fire department union negotiation and Section 19.85(1)(g) Wisconsin Statutes for conferring with legal counsel with respect to possible litigation in which it is or is likely to become involved in, and discussion and possible action relative to the provision of protective services between the City of Brookfield and the Town and related boundary issues, seconded by Supervisor Schatzman, voted on, and carried unanimously.

OPEN SESSION 9:10 P.M.

Supervisor Stroebel moved to adjourn into Open Session according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session and to adjourn the meeting, seconded by Supervisor Schatzman, voted on, carried unanimously.

Supervisor Schatzman directed the Town Chairman to send a response letter to Mayor Speaker and the Common Council of the City of Brookfield that the proposal to supply Fire/EMS services to the Town of Brookfield is incomplete and has not been approved by the Common Council, seconded by Supervisor Stroebel, voted on, carried unanimously.

There being no further business Supervisor Stroebel moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

March 20, 2007

1. Focus, No 4 2007.
2. Police & Fire Commission February 14, 2007 meeting minutes.
3. Letter from The National Children's Study.
4. E-mail from Rick Czopp to Gary Metzer.
5. Letters from Time Warner Cable regarding services and programs.
6. The February 2007 Municipal News.
7. An invitation from Ottawa University to welcome the new President.
8. An invitation from The Addiction Resource Council's Community Awards Presentation.

March 16, 2007

MEETING NOTICES

All meetings will be held at the TOWN HALL, 645 N Janacek Road, Brookfield, WI:

TUESDAY, MARCH 20, 2007

7:00 P.M.

**SANITARY DISTRICT
NO 4**

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Approval of Minutes.
4. Citizen comments: Three-minute limit.
5. Old Business. None.
6. New Business.
 - a. Discussion and necessary action regarding an Emergency Water Service Agreement with City of Pewaukee.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, MARCH 20, 2007

**IMMEDIATELY
FOLLOWING THE
SANITARY DISTRICT NO 4
MEETING**

TOWN BOARD

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Approval of Minutes.
4. Citizen comments: Three-minute limit.

5. Old Business:
 - b. Discussion and necessary action regarding the agreement with JRS Holding Inc, S&T North Shore LLC and Jack Safro Toyota Inc.
 - c. Discussion and necessary action regarding repealing and recreating Section 12.05 Solicitors and Transient Merchant Ordinance.
 - d. CSM for 18110 W Wisconsin Avenue.
6. New Business:
 - a. Approval of Picnic Permit for Marx Park on July 21, 2007 for John Wendelberger (Wendelberger Family Reunion) from 11:00 a.m. until 10:00 p.m.
 - b. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Building Inspection Report
 1. Update on Eble Park Drive location on Janacek Road.
 - b. Fire Department Report
 1. Presentation from Fire Chief Andy Smerz on 2007 goals and objectives and update on Department's activities.
 - c. Administrator's Report
 1. Update on the March 14, 2007 WTA Capitol Day.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjourn into **CLOSED SESSION**, according to:
 - a. Section 19.85(1)(e) Wisconsin Statutes for the purpose of fire department union negotiation.
 - b. Section 19.85(1)(g) Wisconsin Statutes for conferring with legal counsel with respect to possible litigation in which it is or is likely to become involved in, and discussion and possible action relative to the provision of protective services between the City of Brookfield and the Town and related boundary issues
11. Adjourn into **OPEN SESSION**, according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session and to adjourn the meeting.
12. Adjournment.

THURSDAY, MARCH 22, 2007 5:30 P.M.

MUNICIPAL COURT

Jane F. Carlson
Town Clerk

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meetings to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services contact the clerk's office at the above location.