

TOWN OF BROOKFIELD
TOWN BOARD
JULY 17, 2007

The regular meeting of the Town Board was held on Tuesday July 17, 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 7:06 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas, Patrick Stroebel and Dan Shea, Attorney James Hammes, Administrator Richard Czopp, Building Inspector Gary Lake and the Town Clerk Jane Carlson to record the minutes.

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 Shea moved to dispense with the reading of the minutes of the June 19, 2007 Town Board meeting and approve them as presented seconded by Supervisor Flessas voted on, passed 4 – 0 - 1 with Chairman Henderson voting present.

PUBLIC COMMENT None.

OLD BUSINESS

- a. **WAIVER TO DOG ORDINANCE AT 1375 S SPRINGDALE ROAD**
Supervisor Stroebel moved to table the waiver to the dog ordinance at 1375 S. Springdale Road until the petitioner submits the required information, seconded by Supervisor Shea, voted on, carried unanimously.

- b. **CYCLING RACE**
Supervisor Stroebel moved to authorize the use of the Town roads for a cycling race sponsored by Wisconsin Cycling Association that will be held in the Summit Lawn/Black Forest subdivision on August 25, 2007, seconded by Supervisor Shea, voted on, carried unanimously. It is to be noted that Tony Bertram appeared before the Board for this cause as a private citizen, not an employee of the Town, and that this is not a Town of Brookfield sponsored event.

NEW BUSINESS

- a. **EPA UPDATE ON GROUND WATER CLEAN UP FOR MASTER DISPOSAL SITE AT 19980 W. CAPITOL DRIVE**
Chairman Henderson explained that Henry Nehls-Lowe of the Wis. Division of Public Health, Tom Wentland of the WDNR, Briana Bill, Sheila Sullivan and Jerry Kujaw from the EPA were present to update and answer any questions on the ground water clean up for the Master Disposal site at 19980 W. Capitol Drive.

Ms. Sullivan explained that the last time anything was announced for the site was in 1990 when the initial clean-up work was to begin. A cap was placed over the landfill to contain the material and prevent further leaching of waste into underlying ground water. Ground water was pumped out using nearly a dozen wells, and treated in a way that would not destroy the surrounding wetlands. Three years ago the extraction wells were

shut down to see if natural degradation processed would be sufficient to clean the remaining ground water contamination under the landfill. The results were positive.

The EPA's proposed plan relies on continuing the natural processes to clean any remaining contamination from the ground water and regular testing of ground water will allow the EPA to track the effectiveness of the cleanup. Should the pollutant levels indicate an increased threat to human health or the environment, the pumping system would be activated to prevent contaminated ground water from moving off the site. The pumped ground water would be discharged to an on-site pond where bacteria would break down the pollutants. Because the pond connects to off-site wetlands that feed the Fox River, workers will also check water levels to ensure that healthy wetlands are maintained. The final thing implemented would be restriction placed to prevent the use of ground water and to protect the landfill cap and pumping system. The site will need to be kept free of trees and monitoring of water levels and vegetation.

She further explained that the EPA is holding a 30 day comment period from July 12, 2007 until August 10, 2007 for the public to submit written comments on the proposal. The proposed plan, background information and instructions for commenting is on the EPA's web page and the plan can also be found in the administrative record at the Brookfield Public Library, 1900 N. Calhoun Road.

Chairman Henderson asked if some time in the future the land could be used for anything.

Ms. Sullivan said possibly it depends on what the uses are and explained that there is a reuse group in the Super Fund that facilitates what activity would be acceptable for a site. The use could not impact the cap or expose people to contaminate.

Supervisor Schatzman asked what the depth and volume is of the contamination?

Ms. Sullivan said the ground water contaminate is in the shallow aquifer approximately 20 feet below the ground and only one well shows contaminates.

Supervisor Schatzman asked what is the closest drinking well to this property.

Ms. Sullivan said that would be the Jack Safro Toyota dealership on Capitol Drive water well, and it has been sampled and does not show anything. There are wetlands in between that separate it and act as barriers.

With no further questions Chairman Henderson said that this was an update and no action is necessary.

b. **AT&T DEVELOPMENT AGREEMENT**

Supervisor Schatzman moved to approve the Development Agreement between the Town of Brookfield and AT&T for an addition of a utility building located at 21112 Swenson Drive, seconded by Supervisor Flessas, voted on, and carried unanimously.

c. DEVELOPMENT AGREEMENT WITH JAMES SHAFER

Supervisor Flessas moved to table the Development Agreement between the Town of Brookfield and (James Shafer) for Brookfield Trails Condominiums, seconded by Supervisor Schatzman, voted on, carried unanimously.

d. EXPENDITURE OF STREET NAME SIGNAGE FOR BLUEMOUND ROAD SAFETY IMPROVEMENT PLAN

Supervisor Flessas moved to authorize Inspector Gary Lake to send a letter to the State of Wisconsin explaining that the Town Board approved an expenditure up to \$3,300.00 for street name signage as part of the Bluemound Road Safety Improvement Plan, seconded by Supervisor Schatzman, voted on, passed 4 – 1 with Supervisor Shea voting nay.

e. DOT RESPONSE TO RESOLUTION

Inspector Lake explained that of the ten items in the Resolution that the Town wanted considered the only item agreed to by the DOT is the improvement of the frontage road geometry west of Applebees.

Chairman Henderson said that the item to allow u-turns at the signaled intersections has been brought up to Senator Kanavas and Representative Zipperer.

Chairman Henderson said that the movement of the traffic signal and entrance a Menard's to the eastern edge of the property should be done because that would be available to do prior to spring of 2008.

Inspector Lake said that they have said that earlier but the language of late is that anything requested has to be to them by July 20, 2007.

Chairman Henderson said that they did not respond to the Janacek Road items.

Inspector Lake said that the county appears to be paying the cost for relocating the Eble Park driveway and responded by describing the anticipated traffic volume would not warrant the cost of installing the pre-empt signal.

Chairman Henderson said that no response has been made regarding the frontage road east of Eble Park and directed Inspector Lake to contact them. He also said that they have not addressed the issue of the accidents they will be creating in the parking lots. He encouraged all the board members to contact Senator Kanavas and Representative Zipperer and impress what the Town did in the Resolution and see if we can get a better response.

f. PICNIC PERMIT

Supervisor Flessas moved to approve a Picnic Permit for Marx Park on Saturday, July 20, 2007 for Skip Holschbach (Kahler Slater Architects) from 4:00 p.m. until 8:00 p.m., seconded by Supervisor Schatzman, voted on, carried unanimously.

g. PICNIC PERMIT

Supervisor Flessas moved to approve a Picnic Permit for Marx Park on Saturday, July 28, 2007 for John G Howitt from 3:00 p.m. until 10:00 p.m., seconded by Supervisor Schatzman, voted on, carried unanimously.

h. PICNIC PERMIT

Supervisor Flessas moved to approve a Picnic Permit for Marx Park Saturday, August 9, 2007 for Theresa Campbell from 12:00 noon until 10:00 p.m., seconded by Supervisor Schatzman, voted on, carried unanimously.

i. PREDATOR ORDINANCE

Supervisor Schatzman explained that he feels that the Town needs to address the issue of locating sex offenders because the state executive leaders are not dealing with the problem as it has been dealt with in surrounding states. He said that this population has a very high recidivism rate and is totally different than what is seen in the general criminal population. They are the 30, 40 and 50 year old Caucasian that is the norm not the exception for this type of crime. Through his research he has found that 23 percent of the Town of Brookfield's population is made up of minor children. He said that he understands that they are human beings but anyone who would sodomize a 3 year old should not be permitted to locate in the Town. He urged the other board members to review research that he has about registered sex offenders and consider putting limitations on where they can live.

Attorney Hammes said that an ordinance would be intended to prevent new sex offenders who are released into the area from living next to certain places. The restrictions cannot be so strict that individuals cannot relocate within the township and offenders who already have a home in the town would be exempt. He said that a map of the Town showing the restricted areas for the Town should be put together.

No action taken directed to be placed on the board agenda for August 21, 2007.

j. BARTENDER LICENSES

Supervisor Stroebel moved to approve the July 19, 2007 through June 30, 2008 bartender licenses as listed (see attached), seconded by Supervisor Shea voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. PLAN COMMISSION

1. CONCEPTUAL AND FINAL APPROVAL OF PLAN OF OPERATION FOR COUSIN'S SUBS

Supervisor Shea moved to follow the Plan Commission recommendation and grant approval of a Plan of Operation and conceptual and final approval of the site plan for Cousin's Subs at 17900 West Bluemound Road subject to Inspector Lake's approval of the fixture cuts, landscape and dumpster enclosure, seconded by Supervisor Stroebel, voted on and carried unanimously.

b. FIRE DEPARTMENT

1. HEATER REPLACEMENT

Inspector Lake explained that Escom is the Town's property maintenance company for the HVAC units on all the buildings on the campus. They have

identified that both heating units in the Fire Department garage hanging from the ceiling have cracks in the heat exchanges that have increased since last year. They had them inspected by Mared Mechanical and their recommendation is that the unit heaters not be operated. Since they are the only sources of heat for the equipment floor it has been recommended that one be replaced and the other be budgeted for next year.

Supervisor Flessas asked how old they are and if there were any other bids.

Inspector Lake said that they are from 1990 and no other bids were obtained because they are similar to the ones that were replaced by the Sanitary District last spring and the quote is comparable.

Administrator Czopp said that the Chief feels one should be sufficient and if not they can always get the second one.

Supervisor Stroebel said that it should be checked to see if we could get any discount for buying two therefore worth while to doing both of them.

Supervisor Flessas said that bids should be gotten and also find out what the brand is of the ones being replaced since they lasted so long.

Administrator Czopp said he would get more information and have a recommendation for the Board.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$164,831.94, seconded by Supervisor Shea, voted on, and carried unanimously.

Included in the approved vouchers were: \$25,682.01 to Veolia ES Solid Waste for refuse/recycling and yard waste services; \$23,647.25 to Wausau Insurance for general liability, worker comp and vehicle insurance; \$5,817.19 to Scott Oil/Heating Co for vehicle fuel; \$4,682.27 to Cramer, Multhauf & Hammes for legal fees; and \$3,250.00 to Grota Appraisals, LLC for annual assessment work.

COMMUNICATIONS AND ANNOUNCEMENTS

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

3 & 5 Chairman Henderson noted.

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 8:45 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

July 17, 2007

1. Focus, June 6 & 18, 2007.
2. June 2007 update from Brookfield Chamber Rep, Gloria Albrecht.
3. "Town Hall Meetings" July 2007 schedule.
4. WCTC 2008 Budget.
5. Waukesha County Dept of Admin Trunk Radio reconciliation.
6. News article regarding Pleasant Hill school.
7. Police & Fire Commission minutes June 13, 2007.
8. Letter to State Treasurer regarding new account.
9. Letter from Time Warner regarding new channels.
10. Waukesha County Cooperation Council agenda July 30, 2007.
11. Ruckert-Mielke online features.
12. Wisconsin Towns Association letter regarding transportation aids/per mile payments.
13. Wisconsin Towns Association July seminar schedule.
14. GAS "Projects today", Vol. 7.
15. Letter from Veolia regarding proposed waste tax hikes.
16. Ehlers "Advisor", June 2007.
17. Municipal News, June 2007.
18. EPA notice for cleanup Master Disposal site.
19. ProHealth "Close to Home", July 2007.
20. Waukesha County Recycling study.
21. Michael Best upcoming breakfast briefing series.
22. Crossroads, Summer 2007.
23. Letter to Gene Gowey, Teamsters Local 695, regarding wage negotiations.
24. E-mail from Dale Shaver regarding Ebel Park parking.

July 13, 2007

MEETING NOTICES

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

TUESDAY, JULY 17, 2007

**IMMEDIATELY
FOLLOWING THE
TOWN BOARD
MEETING**

**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 the Development Agreement between the Sanitary District No 4 and AT&T.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, JULY 17, 2007

7:00 P.M.

TOWN BOARD

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Approval of Minutes.
4. Citizen comments: Three-minute limit.
5. Old Business: None.
 - a. Discussion and necessary action regarding the request for a waiver to the dog ordinance regarding the number of dogs allowed at 1375 S. Springdale Road (Tabled on June 19, 2007).
 - b. Discussion and necessary action regarding a cycling race in the Summit Lawn/Black Forest subdivision for August 25, 2007 (Tabled on 2/21/2007).

6. New Business:
 - a. Update from the EPA on the proposed ground water cleanup plan for the Master Disposal Service Landfill site, at 19980 W. Capitol Drive.
 - b. Discussion and necessary action regarding the Development Agreement between the Town of Brookfield and AT&T.
 - c. Discussion and necessary action on the Development Agreement between the Town of Brookfield and (James Shafer) for Brookfield Trails Condominiums.
 - d. Discussion and necessary action regarding approval of expenditure of street name signage as part of the Bluemound Road Safety Improvement Plan.
 - e. Discussion and necessary action on the Wis. DOT response to Resolution No 07-05-02 regarding Department of Transportation Safety Improvement Plan.
 - f. Approval of Picnic Permit for Marx Park on Saturday, July 20, 2007 for Skip Holschbach (Kahler Slater Architects) from 4:00 p.m. until 8:00 p.m.
 - g. Approval of Picnic Permit for Marx Park on Saturday, July 28, 2007 for John G Howitt from 3:00 p.m. until 10:00 p.m.
 - h. Approval of Picnic Permit for Marx Park on Saturday, August 9, 2007 for Theresa Campbell from 12:00 noon until 10:00 p.m.
 - i. Discussion and necessary action regarding enacting a sexual predator ordinance.
 - j. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Plan Commission Recommendations:
 1. For conceptual and final approval of a Plan of Operation for Cousin's Subs at 17820 West Bluemound Road.
 - b. Fire Department.
 1. Discussion and necessary action regarding replacement of unit heater.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjournment.

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.