

TOWN OF BROOKFIELD
TOWN BOARD
SEPTEMBER 4, 2007

The regular meeting of the Town Board was held on Tuesday September 4, 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 7:05 p.m. with the following people present: Supervisors: John Schatzman, Robert Flessas, Patrick Stroebel and Dan Shea, Attorney Dan Habeck, 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 Shea, voted on, and carried unanimously.

APPROVAL OF MINUTES

Chairman Henderson said that the minutes of the August 21, 2007 need a change under approval of the minutes they should reflect that he voted present.

Supervisor Shea moved to dispense with the reading of the minutes of the August 21, 2007 Town Board meeting and approve them as corrected seconded by Supervisor Schatzman voted on, passed 4 – 0 – 1 with Supervisor Flessas voting present.

PUBLIC COMMENT None.

OLD BUSINESS

a. PREDATOR ORDINANCE

Supervisor Schatzman said that he would like to make sure that the Town approaches an ordinance from a very scientific as well as legal aspect. To facilitate a reason through the process he has obtained two studies on the recidivism of sexual offenders that he would like the board members to read, review and come to their own conclusion. He feels that the board owes it to the community just as they would in the case of a pollution spill or any other environmental hazard, minimize the hazards to the citizens, in particular the young citizens the children of the community.

Inspector Lake provided some distance mapping, using 2,000 feet around churches, schools, parks or playgrounds, daycare centers and entertainment centers within the Town to show what areas around the Town would be affected. He did not include any facilities that are not located in the Town that would be adjacent enough to possibly affect Town properties. He feels that the Town needs to find a balance to provide protections but not so restrictive so as to be challenged.

Supervisor Shea asked Attorney Habeck if an ordinance was adopted if the areas that overlap from one community to another would be covered.

Attorney Habeck said that you would want to avoid giving the intent of an ordinance that someone could live in the Town across the street from a facility that was in another community. The scrutiny that an ordinance would come under for challenge is going to be fact intended, not what one municipality or the other has done. The Town is not like communities who have square borders, and provide for most services within their

community that could use a smaller number of feet, so as, to not exclude all properties. The Town will need to evaluate each category of establishments used that are outside of the borders, to balance facts of whether the area services the Town residents.

Supervisor Shea said that there are areas in the Town that are left out that would utilize the facilities that are located just outside the border.

Attorney Habeck said that the Town would have a compelling purpose to include a facility if the Town residents send their children that school.

Chairman Henderson said that there is the possibility that property values would decrease in an area that would allow for placement of a sexual predator. So, instead why not look at the number of predators in the state and have the Town take a certain percentage based on the population of the state and Town.

Attorney Habeck said that to try and have an ordinance that restricts to certain percentage and being able to say that you have taken your fair share would be a job for the legislature to determine not individual municipalities. With utilizing zoning and other tools used to identify areas of concern it would more likely be challengeable.

Chairman Henderson said that he has a concern that if the circles of areas are drawn what can be done to limit the number that can locate in an acceptable area.

Attorney Habeck said that the legislature is looking at bill AB332 at this time that addresses some of the concerns for the locating of sexual offenders.

Supervisor Flessas said that Assembly Representative Rich Zipperer should be called and invited to go over what the state is looking to do.

Chairman Henderson said that he would call him and invite him to meeting in two weeks.

No Action taken.

NEW BUSINESS

a. UPDATE ON CYCLING RACE HELD AUGUST 25, 2007

Tony Bertram reported that the race went very well and that there were 47 participation in the race held for the kids, there were 19 professionals 2 from Minnesota, 1 from Texas, 1 from Maryland and the rest from Wisconsin. He received support from the businesses with donations of coupons or services to give out to participants. He got positive feedback from the people in the subdivision some people even had parties while watching. They commented that it was nice because there was no noise involved, no littering and it was cleaned up quickly. They did notice that there were a number of deliveries in the subdivision that does not normally seem to happen but it did not pose any problem. There were no crashes by the cyclist and with the Waukesha County Sheriff's department's radar cart they could see the speed they were going and in some cases they were traveling around 40 miles per hour with the top speed at 63 miles per hour.

He said that they would like to move next years up to some time in June so that they could attract more racers. They only had 200 and normally they have around 500.

One property owner who is a former racer offered them to use his property for electricity, water and the port-o-lets. He was out of Town for it but would like to have bleachers placed on his property.

Supervisor Shea said that he was contacted by one resident who said that they were not contacted.

Mr. Bertram said that he contacted everyone on the route two times once with a flier and the last time in person the night before, and it was in the tidings and two newspapers. The only person that he knew of that did not know he talked with the night before and they thought that they had to park their vehicle down at the Town Hall to go anywhere. This person did watch the entire event with the neighbors. There was only one problem and that was a young girl was driving and saw the bikes coming at her and drove off the road but everything was okay.

Supervisor Stroebel said that he only had a brief opportunity to be present and said there were a lot of people in their yards watching it and some people that were not around left water out at the end of their driveways for participants. He was very impressed with the set up. He said that he was contacted by a resident that was not on the circuit that did not know about it. If it is done next year he thinks that there are a few things that should be added from a communications stand, notifying residents not on the route, having a more visible sign especially on Black Forest entrance, and putting signs up a couple days before to remind the residents.

Mr. Bertram said that he would be making the banners bigger next year.

b. BARTENDER LICENSES

Supervisor Schatzman moved to approve the bartender licenses for Allen Abrahamson at Chuck E Cheese and Veronica Guerrero at PDQ, seconded by Supervisor Shea, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. PLAN COMMISSION

1. BUILDING PERMIT FOR 1235 VILLA TERRACE

Supervisor Flessas moved to approve an Application for Building Permit from Sam Sottile for a 3,000 square foot garage addition at 1235 Villa Terrace, subject to the condition of a restriction of use for the garage being for non business purpose and not be used for either stock and trade or for other business reasons, seconded by Supervisor Schatzman, voted on and carried unanimously.

b. FIRE DEPARTMENT

1. PURCHASE OF ENGINE TRUCK

Chief Andy Smerz presented a brief summary of what the departments' current fleet is and its condition and the cost associated with maintaining the current equipment as well as purchasing a new engine. They currently have two engines on is a 1989 E-One which is 18 years old, has 32,000 miles, 1,600 engine hours, used as reserve and had 138 responses in 2006. The status is that it need extensive and costly repairs the engine has a significant oil leak and the radiator

leaks requiring replacement. Every year the engines go through a annual pump test to be inspected and certified for another year and last year there were several repairs that were necessary to comply with the inspection. Most were done and taken care however several were not and with the other problems he does not feel that they will pass the 2007 pump test.

The front line engine is a 1995 Pierce, 12 years old, 57,500 miles, 7,400 engine hours and 760 responses in 2006. The status is that it suitable for spare status for 3-4 years, maintenance costs for last year \$12,000, most of that is related to parts because DPW provides for the labor which he estimates to be about 300 hours and he feels it should pass the 2007 pump test.

The apparatus life span is considered to be 12-15 years. This is affected by the type of use front-line versus back-up, environment and operating conditions and preventative maintenance efforts. As the apparatus ages it increases the maintenance and repair cost, replacement parts become more costly and difficult to obtain, there is higher probability of break down on emergency response. Increase maintenance and repair costs are shifted from capital budget to operating budget. Delaying the purchase of apparatus could greatly increase the price of replacement and the current apparatus becomes unusable as back-up.

The benefits of a new engine are safety, availability, functionality and reliability as well as reduced maintenance costs. Quotes received in the fall of 2006 were Pierce Manufacture \$343,045.00 and HME Ahrens Fox \$346,886.00. He has looked around for used pieces of equipment and has not found anything and has looked at what has been used this year as demos and found that they are usually all decked out and have everything imaginable on them.

The direction given to the Chief was that he should go out and get current year information.

c. PARK & RECREATION

1. WRAY PARK PAVILION

Park & Recreation Director Chad Brown explained that the Marx Park Shelter is 10 years old and has held up very well and is heavily used. What they would like to do is put up basically the same shelter only making it smaller and tweaking the plumbing, electrical and doors. Currently Wray Park does not have a bathroom, running water or a shelter; it is serviced with a port-o-let. They would like to bring something better to what they consider the northern part of the Town.

Jay Walt, Park & Recreation Committee Chairman, explained that in the mid 90's the parks had anything there were port-o-lets at both parks. They had to make a strong compelling case that the community needed a resource to service things like the 4th of July, the parks, baseball, soccer and other things that go on. There were funds sitting in a park fund doing nothing so they put together a good committee to work on getting the parks to a high stander by fixing the ball diamonds and getting rid of the weeds. The shelter put in at Marx park does not only serve as bathrooms, it serves for storage and provides for drinking water.

Wray Park serves as an ice arena in the winter but it is very difficult because there is no water to the area. It has been updated to include two tennis courts, a playground and a baseball diamond. Since the Town will not be having any more parks this park should be improved by using the same design as Marx Park only shorten up the overhang. This is intended to become a community park with it being located adjacent to a residential area but on a smaller assemblage and parties it would be perfect. Positioned properly and screened it will become an asset to the community; the neighbors will no longer have to look at a port-o-let.

Administrator Czopp said that he would like to set aside about \$20,000.00 because it is a difficult site needing soil borings and use the existing plans and have Strand the Town Engineer review it plus they have done other pavilions.

Supervisor Flessas moved to approve an expenditure of up to \$20,000.00 for the infrastructure studies for the Wary Park Pavilion, seconded by Supervisor Schatzman, voted on and carried unanimously.

2. TRUCK DAYS

Park & Recreation Director Chad Brown presented and update on Truck Days which will be held on Saturday, September 15, 2007 from 10 A.M. until 1 P.M. there are 20 to 25 different implements which will include the DPW, Fire and Police departments, Sanitary District and outside companies. Mothers & More will be giving things away, selling concessions to support their group and baby changing and breast feeding areas. Elmbrook Church will be allowing the use of their parking lot for people to park at.

VOUCHERS

Supervisor Schatzman moved to approve the vouchers as presented in the amount of \$102,741.74, seconded by Supervisor Stroebel, 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; \$7,367.07 to Strand Associates Inc for engineering services and \$4,358.75 to Cramer, Multhauf & Hammes for legal fees.

COMMUNICATIONS AND ANNOUNCEMENTS

The attached list of correspondence was reviewed by members of the Board with no comment.

There being no further business Supervisor Flessas moved to adjourn, seconded by Supervisor Shea, voted on and carried unanimously. The meeting adjourned at 8:50 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE

September 4, 2007

1. Invitation to Greater Brookfield Chamber Luncheon, Sept 11.
2. R A Smith, "On Track", Summer 2007.
3. Minutes from Waukesha County Cooperation Council, July 30, 2007.
4. Announcement of new white and yellow page directory.
5. Memo from Town of Genesee, Sharon Leair, regarding federated library costs.
6. Brookfield Regency, "What's Happening", August-October 2007.
7. Letter from Time Warner regarding VOD and Starz/Encore.
8. Letter from Time Warner regarding Music Choice channels.
9. Letter from Time Warner regarding NFL Network.
10. Focus, Aug 10, 2007.
11. Letter from Time Warner regarding 2nd qtr franchise fee payment.
12. Update from Brookfield Chamber Rep, Gloria Albrecht.
13. The Wisconsin Taxpayer, July 2007.

August 31, 2007

MEETING NOTICES

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

TUESDAY, SEPTEMBER 4, 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: None.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, SEPTEMBER 4, 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:
 - a. Discussion and necessary action regarding enacting a sexual predator ordinance (tabled July 17, 2007).
6. New Business:
 - a. Update on cycling race sponsored by Wisconsin Cycling Association that was held in the Town on August 25, 2007.
 - b. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Plan Commission recommendations:

1. For approval on an Application for Building Permit from Sam Sottile for a 3,000 square foot garage addition at 1235 Villa Terrace.
- b. Fire Department
 1. Discussion and necessary action regarding the purchase of an Engine truck.
- c. Park & Recreation
 1. Discussion and necessary action regarding Wray Park Pavilion.
 2. Update on status of Truck Days.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjournment.

THURSDAY, SEPTEMBER 6, 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.