

TOWN OF BROOKFIELD
TOWN BOARD
SEPTEMBER 18, 2007

The regular meeting of the Town Board was held on Tuesday September 18, 2007, 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 James Hammes, Administrator Richard Czopp, and the Town Clerk Jane Carlson to record the minutes.

APPROVAL OF AGENDA

Supervisor Stroebel said that items 5(a) & (b) should be moved to after (c) when State Assembly Representative Rich Zipperer arrives.

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

APPROVAL OF MINUTES

Chairman Henderson said that the minutes of September 4, 2007 need to be corrected on page 4 with the year of the Pierce Fire Engine to 1995.

Supervisor Shea moved to dispense with the reading of the minutes of the September 4, 2007 Town Board meeting and approve them as corrected seconded by Supervisor Flessas, voted on, carried unanimously.

PUBLIC COMMENT

Nettie Nason, 2870 Flagstone Dr commented on an agenda item regarding sex offenders.

Marvin Hilke, 1345 Westbrooke Pkwy commented on an agenda item regarding the addition at 1235 Villa Terrace stating that they are against the addition to the garage not the additions proposed to the home.

Dave Chojnacki, 1365 Westbrooke Pkwy commented on an agenda item regarding the addition to the garage at 1235 Villa Terrace

Gary Boyce, 1390 Westbrookfe Pkwy commented on an agenda item regarding the garage addition at 1235 Villa Terrace.

Jim Skalitzky, 1280 Sunnycrest Dr commented on an agenda item regarding the addition to the garage at 1235 Villa Terrace.

OLD BUSINESS

c. RECONSIDERATION OF APPROVAL GRANTED FOR ADDITION AT 1235 VILLA TERRACE

Supervisor Shea said that due to the number of telephone calls, the petitions and the new information received, he would moved to suspend the Rules of Orders and reconsider the

previous action taken for the request of a 3,000 square foot garage addition at 1235 Villa Terrace, seconded by Supervisor Schatzman, voted on, carried unanimously.

Supervisor Shea said that in light of the new information that has become available since the boards last action, on the request from Sam Sottile for a 3,000 square foot garage addition at 1235 Villa Terrace, he moves to rescind the approval granted and remand the request back to the Architectural Control Committee and Plan Commission for further consideration, seconded by Supervisor Schatzman, voted on, carried unanimously.

Chairman Henderson requested the dates of the Architectural Control Committee and Plan Commission meetings.

Clerk Carlson announced that the Architectural Control Committee meets on October 9, 2007 at 6:00 p.m. and Plan Commission on October 23, 2007 at 7:00 p.m. and that the meetings are held at the Town Hall.

Supervisor Schatzman stated that due to the seriousness of the issue at hand especially the sexual predator ordinance that is being considered he would like to stay with the Old Business and listen to Assembly Representative Rich Zipperer when he arrives.

Chairman Henderson said that he would need a motion to stay with Old Business.

Supervisor Schatzman moved to stay with Old Business, seconded by Supervisor Flessas, voted on, carried unanimously.

b. PREDATOR ORDINANCE

Supervisor Schatzman said the Town appreciates hearing from the citizens regarding this issue and explained that this is the third time that this has been on the agenda and the first that anyone has come to the meeting. He said he thinks it is because someone has given very erroneous information about what is actual intended by the board. There was no discussion what so ever regarding creating a zone for sexual predators to be able to move into a neighborhood. The Town is looking at the manner in which they can protect the children from the type of behavior these people display, no matter what municipality the children live in.

Assembly Representative Zipperer arrived.

a. UPDATE FROM ASSEMBLY REPRESENTATIVE RICH ZIPPERER ON AB332

Representative Rich Zipperer explained that Assembly Bill AB332 regarding sexually violent persons at this time is just a draft proposal. What is done over the years is a Legislative Committee reviews laws to determine if they need to be revised or updated. This bill is one this year that is being reevaluated to see if and where it might need to be revised or update. One area being looked at is how to control or better manage where sex offenders are living and allowed to go. They want to also see how they can make people more aware of what is going on in their community. Some of the provisions relate to child safety zones which will be exactly defined, such as a school or park, and make these areas off limits to certain sex offenders. They want to loosen the restriction on release of

information on sexually violent persons, to allow police officers and post secondary schools be notified so more people can be made aware that this type of person is coming into a community. Another area being reviewed for updating is the law on registration requirements they are considering requiring that they register in person, and it is done more often possibly every six months. The times of the internet also need to be kept up with by requiring a registered sex offender who is operating a web site having to make the public aware that they are a registered sex offender.

Supervisor Flessas asked if the state is better able to provide uniformity to laws that affect the sexually violent person versus the municipality.

Representative Zipperer said that the state is in better position to provide uniformity especially when it comes to schools and parks that overlap from community to community. However, at the same time he does not think that local authorities should not go above and beyond and provide added protection other than what the state has imposed.

Supervisor Flessas asked if the state should consider sexual violent persons permanently deprived of liberty, and isolated to particular areas, for example reformatories.

Representative Zipperer said that the sex offenders that are being released are people that were convicted years ago under old laws and statutes. State sex offense laws have significantly tightened and the people that are out living now, if they would commit the offense now would not be out. The question is what to do with the people that have already been released because they have done their time.

Chairman Henderson said that what he has found in the bill is that it addressed child safety zones but does not address the size of a safety zone and asked if that would be considered.

Representative Zipperer said there will be consideration on size and the safety zones have not been made clear at all, and may be left up to regulation and the agencies to decide exactly what those safety zones entail. There will be committee hearings when those and other concerns can be raised.

Chairman Henderson asked that he let the Town know when the hearing will be so they can be posted on the web site.

Supervisor Schatzman asked if the governor has expressed any kind of interest in the bill.

Representative Zipperer said that he has not heard either way what the governors take is on the bill. Legislative council recommendations have in the past been able to get the bi-partisan support.

Chairman Henderson explained that when the Town initially mapped out the areas it was to see what would happen if 2,000 feet from areas that children would use was the number versus 1,500 or 1,000. Facilities outside of the Town were not included at that time. The next step is to take those areas into consideration and see what the Town has left.

Representative Zipperer said that the bill would outline some of the zones but it will not address where a sex offender could live, that sort of restriction would be handled at the local level. What type of offenders would fit into those areas could certainly be acquired from the state level.

Chairman Henderson said that Greenfield has passed an ordinance at 2,000 feet and Elm Grove at 1,500 feet and Germantown passed one that is unless the offender lived in the village before they can not move into the village.

Supervisor Stroebel said that the entire community can not be excluded so the Town needs to work on what gives the most protection and would hold up legally if challenged.

b. PREDATOR ORDINANCE (CONTINUED)

Supervisor Schatzman moved to direct the Town Attorney to draft an ordinance similar in fashion to the Franklin ordinance, excluding registered sexual offenders from specific zones of interest, and absolutely including those zones of interest that go beyond the Town borders if allowed by law. This would include the schools, those parks and day care centers that are outside the borders, in order to have contiguous areas for the specific protection of the children of the Town and neighboring communities, seconded by Supervisor Flessas, voted on, carried unanimously.

NEW BUSINESS

a. APPOINTMENT OF ELECTION INSPECTOR

Supervisor Stroebel moved to appoint Inge Heidman, Charles & Maria Heder and Nashaat Abudooh as an Election Inspector, seconded by Supervisor Schatzman, voted on, carried unanimously.

b. BARTENDER LICENSES

Supervisor Shea moved to approve a bartender license for Megan C Johnson at Heinemann's, seconded by Supervisor Schatzman, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. CHAIRMAN'S REPORT

1. UPDATE ON MERGING PLEASANT HILL & HILLCREST SCHOOL

Chairman Henderson said that he attended the Waukesha School District meeting last week and they have decided to make Hillcrest school a grade K – 3 school and Pleasant Hill will be grades 4 – 6. This will take affect for the next school year and possibly a school wide redistricting in five years.

b. ADMINISTRATOR'S REPORT

1. UPDATE ON 2008 BUDGET SET DATES FOR WORKSHOPS AND PUBLIC HEARING

Administrator Czopp said that he has met with departments and that he feels the departments have done a very good job with equipment request. What is being considered are two police vehicles, the fire vehicle is being discussed and the town hall administration is looking for purchasing a copy machine. Also need to have workshops in the first or second week of October, or tie in with the next board meeting.

Supervisor Stroebel asked if the increase of debt payment has been handled in the draft.

Administrator Czopp said that what he is working on presently is the operational budgeting, with the debt increase covered with the revenues received from the property tax collected.

Chairman Henderson said that the date and time for the Budget Public Hearing, has been set for November 13, 2007 at 7:00 p.m.

Administrator Czopp said that for the next board meeting he will try to keep the agenda light and have the workshop at the end.

c. PARK & RECREATION

1. UPDATE ON TRUCK DAYS

Park & Recreation Director Chad Brown said that Truck Days was fantastic, that there were 27 pieces of equipment there, they had 500 child size plastic hard hats and all were given out. The highway department vehicles, sanitary district super sucker truck, Veolia the Town's garbage contractor had a truck there, park equipment, squad cars, fire trucks, a semi truck, and the civil air patrol. He thanked Inspector Lake for setting up sound equipment, Highway Superintendent Golner and his crew, Chief Perket and Chief Smerz and their departments for coming and all their help. Mothers and More made over \$100.00 selling water and cookies. They are on board for next year and want to sell more such as hot dogs, burgers and other items.

VOUCHERS

Supervisor Schatzman moved to approve the vouchers as presented in the amount of \$66,124.46, seconded by Supervisor Stroebel, voted on, and carried unanimously.

Included in the approved vouchers were: \$23,647.25 to Wausau Insurance for auto, property and general liability insurance; \$6,779.06 to Scott Oil/Heating Co for vehicle fuel and \$4,397.25 to WPR Ticket Program for discount tickets sold.

COMMUNICATIONS AND ANNOUNCEMENTS

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

4. Chairman Henderson noted.
6. Chairman Henderson said that the Board should let him know if they would like it as an agenda item.

CLOSED SESSION (8:10 P.M.)

Supervisor Flessas moved to adjourn into Closed Session, according to Section 19.85(1)(g) Wisconsin Statutes to confer with legal counsel to discuss the Alex Felde litigation, seconded by Supervisor Stroebel, voted on, carried unanimously.

OPEN SESSION (8:58 P.M.)

Supervisor Schatzman 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 Shea, voted on, carried unanimously.

There being no further business Supervisor Shea moved to adjourn, seconded by Supervisor Stroebel, voted on and carried unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE
September 18, 2007

1. Focus, June 29 & Aug 23, 2007.
2. Waukesha County Executive luncheon, Oct 2, 2007.
3. Agenda for Waukesha County Cooperative Council, Oct. 29, 2007.
4. "Progress report" Fall 2007, Waukesha Education Foundation.
5. The WEAL Newsletter, September 2007.
6. Email from Margaret Teasdale regarding 2 dog limit.
7. Email regarding Towns Assn Meeting change for Oct 24, 2007.
8. Letter from Ruekert-Mielke regarding storm water compliance.
9. "The Wisconsin Taxpayer", August 2007.
10. Executive Summary Waukesha School Board.
11. Elmbrook Humane Society's Intake report.

September 14, 2007

MEETING NOTICES

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

TUESDAY, SEPTEMBER 18, 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 18, 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 with Assembly Representative Rich Zipperer Assembly Bill AB332 regarding sexually violent persons.
 - b. Discussion and necessary action regarding enacting a sexual predator ordinance.
 - c. Reconsideration of approval granted to Sam Sottile, 1235 Villa Terrace.
6. New Business:

- a. Approve appointment of Inge Heidman, Charles & Maria Heder and Nashaat Abudooh as an Election Inspector.
 - b. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
- a. Chairman's Report:
 1. Update on the merger of Pleasant Hill and Hillcrest School.
 - b. Administrator's Report
 1. Update on 2008 budget and set dates for workshops and the Public Hearing.
 - c. Park & Recreation
 1. Update on Truck Days that was held at Marx Park on September 15, 2007.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjournment.
11. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(g) Wisconsin Statutes to confer with legal counsel to discuss the Alex Felde litigation.
12. Adjourn into **OPEN SESSION**, according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session, to continue the meeting and to adjourn the meeting.

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.