

TOWN OF BROOKFIELD
TOWN BOARD
JANUARY 20, 2009

The regular meeting of the Town Board was held on Tuesday, January 20, 2009 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Pro-Tem Chairperson John Schatzman called the meeting to order at 7:07 p.m. with the following people present: Supervisors:, Kevin Van Kirk and Dan Shea, Attorney James Hammes, Administrator Richard Czopp, and the Town Clerk Jane Carlson to record the minutes. Excused absence was Keith Henderson and Patrick Stroebel.

APPROVAL OF AGENDA

Supervisor Shea moved to approve the agenda as presented, seconded by Supervisor Van Kirk, voted on, carried unanimously.

APPROVAL OF MINUTES

Supervisor Van Kirk moved to dispense with the reading of the minutes of the January 6, 2009 Town Board meeting and approve them as presented seconded by Supervisor Shea, voted on and carried unanimously.

PUBLIC COMMENT None.

OLD BUSINESS

a. **APPOINTMENT TO PLAN COMMISSION**

Supervisor Van Kirk moved to table the appointments to the Plan Commission until Chairman Henderson and Supervisor Stroebel are at the meeting to give their recommendation, seconded by Supervisor Shea, voted on, carried unanimously.

NEW BUSINESS

a. **REVIEW OF DOG WAIVER FOR 4760 CATHERINE COURT**

Pro-Tem Chairperson Schatzman asked the Clerk if there was a history as to what has taken place regarding this waiver.

Clerk Carlson explained that the approval of this waiver was granted in February of 2007 with the stipulation that there be a review in 2 years. She stated that a letter was sent by the Elmbrook Humane Society confirming that they have not received any complaints concerning Marie Ferber's dogs. Correspondence was also received from Gary W and Ellen M Punzel asking that the permit not be reissued and included information on an incident that they had called the Police Department about a neighbor dispute. The officer referenced in the narrative that it was regarding a barking dog complaint and interviewed the complainant and dog owner and there is no reference that he observed any problems. Ms. Ferber provided documents that she continues to provide for the conditions that were put on the waiver: vet information, pet sitting, yard cleanup and invisible fence upkeep. There are letters from neighbors that they have no objection and the Clerk received one

telephone call from a neighbor that they have no issues with the dogs or complaint of excess barking.

Supervisor Van Kirk asked if there was a time limit on the waiver.

Attorney Hammes said that it is back for review after 2 years.

Supervisor Van Kirk asked if that is every 2 years to make sure that the conditions on the waiver are being met and what happens if the waiver is pulled.

Clerk Carlson said that the time is up to the board.

Attorney Hammes said that it was 2 years unless there was some issue that would have brought it back earlier. If the waiver is pulled the ordinance requires that there can only be 2 adults dogs.

Pro-tem President Schatzman asked what would be the result if no action was taken until the full board is present.

Attorney Hammes said that it would continue, and that his recollection is that it comes back to the board for review if it wasn't in the 2 years it expires.

Supervisor Shea said that he read over the incident and does not see that any fine was issued.

Ms. Ferber said that it is not a complaint just a narrative and the officer explained to her that they report more in detail about the person who calls.

Gary Punzel 4760 Catherine Court said that the call was not for barking dog but to report that they are concerned that the one dog charges the lot line and frightens there 6 year old child.

Ellen Punzel, 4760 Catherine Court said that the dogs scare her daughter and that is what bothers them they do not have complaints about barking. She said that the dogs have attacked other dogs that get in her yard.

Pro-tem Chairperson Schatzman asked if the incident was reported.

Ms. Punzel said no. She also said that it was not the first time and she has been told that the dogs have bitten other dogs before they lived there.

Attorney Hammes said that this is the same discussion that was presented 2 years ago and the board sorted through what was fact and agreed to allow the waiver with a review after 2 years for any new incidents. As was talked about last time even assuming the board said no and not to allow the waiver does not mean the dog that would go is the one that is being complained about.

Supervisor Van Kirk said that when you have a dog it is a member of the family. When the waiver was allowed the dogs became a part of the family so in order to pull that waiver he would have to see hard legal documented evidence not hearsay.

Attorney Hammes said that the only thing is the one incident report in 2 years.

Michelle Rockey, 21815 Weyer Road said that in nice weather she walks 2 to 3 times a day and has seen the dogs in their yard and has never seen them out of the yard. They have come up to the lot line and watched her pass. She has a dog and they have never barked at her dog and one time her dog flipped its leash and went into their yard. Her son went after the dog and had no problem.

Pro-tem Chairperson Schatzman said that he would like to offer a suggestion and feels that this is a prime candidate that the 2 parties meet with the Waukesha Mediation Center. They are in place to work with people that have individual problems with neighbors that hasn't gotten to the point where there are damages.

Attorney Hammes said that the situations that are being described are not because there are three dogs in the property and the complaints are of the behavior of 1 dog before and now 2 dogs.

Supervisor Shea said that in 2 years there has been one incident and the officer that went there choose not to fine. There are other neighbors that are here and that wrote and called that have no problem with the dogs. It would be hard for the board to revoke something based on one complaint.

Mr. Punzel asked that in the summer request that the yard be cleaned up more frequently.

Supervisor Shea said that since the ordinance allows for only 2 dogs he would like this to be reviewed in 2 years to see if there are any additional problems.

Ms. Punzel asked who she should contact ever time the dog acts vicious.

Pro-tem Chairperson Schatzman said that as Attorney Hammes said that by the reduction of one animal does not necessarily mean that the behavior is going to change. The behavior has to change between the neighbors either coming together, having someone mediate it. If the Humane Society sends a letter stating these dogs are a major problem and they recommend that action is taken then a change would be considered. At this time there is not enough concrete evidence before the board to take any action. He stated that the waiver has been reviewed and continues.

b. **PICNIC PERMIT**

Supervisor Shea moved to approve a picnic permit for Pam Sova, on Saturday, June 20, 2009 from 12:00 p.m. until 10:00 p.m., at Marx Park, seconded by Supervisor Van Kirk, voted on, carried unanimously.

- c. **SCHEDULE MEETING DATES IN 2009 DUE TO ELECTIONS, AND FOR BUDGET PUBLIC HEARING AND HALLOWEEN**
Supervisor Van Kirk moved to reschedule the Tuesday, February 17, 2009 and April 7, 2009 meetings to the immediately following Wednesday, due to the 2009 elections. Schedule the Budget Public Hearing date for Tuesday, November 17, 2009 at 7:00 p.m. and Halloween Trick or Treat for Saturday, October 31, 2009 from 6:00 p.m. until 8:00 p.m. The motion was seconded by Supervisor Shea, voted on, carried unanimously.
- d. **RESCHEDULE ANNUAL MEETING DATE IN 2009 DUE TO SPRING BREAK**
Supervisor Van Kirk moved to approve rescheduling the Annual Meeting from Tuesday April 14, 2009 to Tuesday, April 21, 2009 due to Easter/Spring break for the area schools, seconded by Supervisor Shea, voted on, carried unanimously.
- e. **BARTENDER LICENSES**
Supervisor Shea moved to approve bartender licenses for Todd W. Dreger and Troy Key for PDQ; Justin Chappelle and Amber Hansen for Louise's, seconded by Supervisor Van Kirk, voted on, carried unanimously

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

None.

VOUCHERS

Supervisor Shea moved to approve the vouchers as presented in the amount of \$99,477.01, seconded by Supervisor Van Kirk, voted on, and carried unanimously.

Included in the approved vouchers were: \$29,552.84 to Waukesha County Treasurer for Trunked Radio expenses; \$5,875.00 to Virchow Krause & Company for auditing services; \$5,852.39 to Scott Oil/Heating Co for vehicle fuel; \$5,103.31 to Machine Service Inc for DPW for truck repairs and numerous refunds for 2008 tax overpayment.

COMMUNICATIONS AND ANNOUNCEMENTS

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

There being no further business Supervisor Van Kirk moved to adjourn, seconded by Supervisor Shea, voted on and carried unanimously. The meeting adjourned at 7:42 p.m.

Respectfully submitted,
Jane F. Carlson, Town Clerk

CORRESPONDENCE
January 20, 2009

1. Focus No 27 & 28.
2. Time Warner Letter Re Cable Changes
3. Pro Health Care Newsletter January 2009
4. Crossroads – Wisconsin Dept. of Transportation
5. Proposed Springdale Rd/Capitol Drive Intersection Rehabilitation Project

January 16, 2009

MEETING NOTICES

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

TUESDAY, JANUARY 20, 2009

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. Schedule Sanitary District No 4 meeting dates for 2009 due to elections and Budget Public Hearing.
7. Approval of Vouchers and Checks.
8. Communications and Announcements.
9. Adjournment.

TUESDAY, JANUARY 20, 2009

**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. Appointments to vacant Plan Commission positions.

6. New Business:
 - a. Reviews of waiver to the dog ordinance regarding the number of dogs allowed for 4760 Catherine Court.
 - b. Approve Picnic Permit for Marx Park on Saturday, June 20, 2009 for Pam Sova from 12:00 p.m. until 8:00 p.m.
 - c. Schedule meeting and/or event dates for 2009 due to elections, for Budget Public Hearing and Halloween.
 - d. Reschedule the April 14, 2009 Annual Meeting due to the possibility that resident's could be out of Town for the School Districts Spring break
 - e. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations: None.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjournment.

THURSDAY, JANUARY 22, 2009

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.