

TOWN OF EAGLE  
REGULAR TOWN BOARD MEETING  
NOVEMBER 19, 2008  
APPROVED MINUTES

Chairman Kwiatkowski called the meeting to order at 8:50 p.m. and led the Pledge of Allegiance.

Present: Chairman Kwiatkowski; Supervisors Malek, West, Davis and Rasmussen. Also present: Treasurer Pasterski, Clerk Pepper, and Fire Chief Heim.

Minutes- Motion by Supervisor Malek, seconded by Supervisor Davis to approve the minutes of October 15, 2008. with the following corrections: 2<sup>nd</sup> page, 2<sup>nd</sup> paragraph, last line, add the word "Town" before the word "Board"; Under Fire Commission, add the words "Automated External Defibrillator" before A.E.D. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to approve the minutes of October 27, 2008 with the following correction: the words "Town Budget Workshop" should be added prior to the second to last sentence beginning with "The budget was completed..." Upon voice vote, motion carried.

Clerk's Report- Clerk Pepper presented the Accounts Receivable Summary Report. Chairman Kwiatkowski added that two of these items have been added to the property tax bills for payment. Clerk Pepper explained that she and her deputy, Sandy Heath are requesting permission to attend a Microsoft Office workshop to be held on Tuesday, January 27, 2009 in Milwaukee, WI. A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to send the Clerk and Deputy Clerk to the Microsoft Office Workshop on January 27, 2009 in Milwaukee, WI. Upon voice vote, motion carried.

Treasurer's Report- Treasurer Pasterski presented the October, 2008 report. Savings balance as of 9-30-08 was \$262,464.99. Total cash was \$428,193.85. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to approve the treasurer's report. Upon voice vote, motion carried.

Claims- Claims totaling \$112,161.45 were reviewed. Discussion took place regarding the payment to Lange Enterprises for the fire signs, the payment to Clean Mats, and the payment to National Spring. Motion by Supervisor Malek, seconded by Supervisor Rasmussen to approve payment of the claims. Upon voice vote, motion carried.

Ordinance 08-06, An Ordinance to Amend the Firearms Ordinance – Chairman Kwiatkowski explained that this item came before the Board to provide clarity after numerous phone calls were received. The original ordinance was not clear regarding black powder. Chairman Kwiatkowski explained that he looked at the definition and the ballistics of black powder. Black powder has the same ballistics as a shotgun, covering the same distance and range. The proposed amended ordinance would allow for the muzzle-loading firearm which fires a single projectile. Handguns and shotguns are still permitted.

Mr. Pat O'Brien, W363 S10917 Burr Oak Trail questioned why firearms are banned in subdivisions, even though he has more acreage than other lots outside of subdivisions. Mr. O'Brien explained that he resides in the Strawberry Glen subdivision and described the areas surrounding his property. Chairman Kwiatkowski explained that the difficulty is defining or differentiating one subdivision from another. Discussion followed regarding the old ordinance set twenty or thirty years ago which also did not allow hunting within subdivisions for safety reasons. Mr. O'Brien asked what the rationale was. Chairman Kwiatkowski explained that, in regards to rifles, the Board is trying to prevent rifles from being used in the community. Discussion followed regarding the proposed changes. Chairman Kwiatkowski explained that the language allowing muzzle-loading firearms was taken from NR-10. In response to Mr. George Meyer, 201 Randolph Drive, Madison, WI, Chairman Kwiatkowski reported that once this document is passed and signed, it becomes legally binding. A motion was made by Supervisor Malek, seconded by Supervisor Rasmussen to adopt Ordinance 08-06, An Ordinance to Amend Chapter 13 of the Ordinances of the Town of Eagle Establishing Regulations Concerning the Discharge of Firearms and Other Weapons within the Town of Eagle. Upon voice vote, motion carried.

Construction Estimate from Boyden Construction for the Eagle Historical Society Building repairs – Chairman Kwiatkowski explained that the Town shares this building evenly with the Village. Boyden Construction was the second lowest bid received. Village President Rich Spurrell added that the lowest bid was received from Don Wambold; however, due to a serious condition, he is unable to perform the work. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve payment to Boyden Construction for fifty percent of the total cost of \$1,845. Upon voice vote, motion carried.

Proposed Waukesha Countywide Mutual Aid Agreement – Chairman Kwiatkowski explained that four municipalities, including the Town of Eagle, have expressed concern over this proposal and have agreed to have the attorney review the proposal, with the cost to be shared evenly between the municipalities. Chairman Kwiatkowski explained that, at this time, he is reluctant to ask for consideration from the Board until the questions that were raised by the attorney have been answered by Waukesha County. Fire Chief Justin Heim explained that the fire department has operated with a mutual aid agreement for the last fifty years. This proposed agreement allows the aid to extend into the Department of Public Works as well as the Clerk's office. Chairman Kwiatkowski explained that the Town will need to check our insurance to be sure that we have a five million dollar blanket as well as a Statement of Insurance. Chief Heim added that the Fire Department has their own six million dollar blanket. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to table this item to the next Board meeting. Upon voice vote, motion carried.

Payment of the Town share for the Municipal Building defibrillator and cabinet – Chairman Kwiatkowski reported that the Town, as well as the Library, Park & Recreation, and the Village have received a request from Fire Chief Heim requesting the four entities to split the remaining cost of the defibrillator and cabinet, after the partial grant. In response to Supervisor Malek, Chief Heim explained that the grant only covered a portion of the cost, or \$600. The defibrillator cost approximately \$1,500; the cabinet was an additional \$200, plus the cost for the adult and child pads. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to approve the 25% cost or \$337.11 for the defibrillator and cabinet.

Ordinance 08-07, An Ordinance to repeal and re-create the Ordinance which created the Fire Department and Fire Commission – Chairman Kwiatkowski explained that in order to follow state statutes regarding the procedure to hire, promote, or discipline within the Fire Department, the current ordinance needs to be amended. The proposed ordinance is a codified version of the original documents of 1994 and the amendment in 2004, along with the changes which follow state statute. Chairman Kwiatkowski stated that the make-up of the Fire Commission will not change, only the Chief's duties and the management of the Department. Chairman Kwiatkowski explained that he is looking for a motion to authorize him to send this to the Town's attorney for review. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to direct Town Chairman Bob Kwiatkowski to meet with the Town Attorney to review Ordinance 08-07. Upon voice vote, motion carried. Supervisor Davis added that the Village Board has approved this document with their attorney's comments.

Sheriff's Report- No report.

Library- No report.

Fire Department/Fire Commission- Chief Heim reported that the department will likely be under budget at the end of the year. Chief Heim explained that the membership approved \$8,500 in expenditures for items such as extrication equipment however; these were funded through fundraised monies and, to clarify the fire department is not raising the tax rate.

Lake Management District/Lake Patrol- Mr. Tom Day explained that the Lake District requests that a fire sign be placed on their property. Also, the Lake Board intends to review the speed limit at their December meeting. Lastly, the Lake District has been having an ongoing disagreement with the Department of Natural Resources regarding the lake water level which they want lowered by 6 1/2 inches. The district did meet with the DNR and SEWRPC today to review the draft copy of the environmental assessment of the water levels. A meeting will be held on January 22, 2009 to review the final draft. A public hearing will be scheduled where comments will be taken. Discussion followed. Chairman Kwiatkowski reported that the ad for the patrol boat bid will be placed in the Mukwonago Chief on Wednesday, December 3, 2008 however; he has already placed the ad on Craigslist. The bid opening will be at the December Town Board Meeting. In response to Chairman Kwiatkowski, Supervisor Malek stated that he will try to locate the paperwork for the boat.

Village Board Meeting- Supervisor Davis reported that, at the last Village Board meeting, President Spurrell announced that the citizen comment portion of the meeting is where citizens can raise any concerns they may have. The Village has decided to begin licensing cats as well as dogs, with a maximum of three dogs and/or three cats. The Personnel/Finance Committee will be bringing their draft of a schedule policy for salaried employees forward at the Village's December meeting. This policy will affect the Town because of the joint ventures with the library, park & recreation, and the fire department.

Park & Recreation- Supervisor Malek distributed a Park & Rec program update from January through November of 2008 as well as a list of the holiday activities that are planned. Supervisor Malek explained that the Park & Rec Committee did not meet for their regular monthly meeting due to three budget workshops, which included regular Park & Recreation Committee business, were held.

Garbage & Recycling – No report.

Business Park – Supervisor West reported that he read in the Milwaukee Journal-Sentinel that the Godfrey Property will be auctioned off on Saturday. Carl Seitz will be conducting the auction.

Road Matters – Supervisor West reported that the Highway Department has been busy tree trimming. Supervisor West distributed a list of the permits issued for the year.

Chairman's Report- No report.

Attorney's Report – No report.

Public Comment – Mr. Pat O'Brien, W363 S10917 Burr Oak Trail questioned why hunting is not permitted in subdivisions, even though he has a five-acre lot. In response to Chairman Kwiatkowski, Mr. O'Brien suggested that the ordinance state no hunting on properties less than five-acres. Supervisor Rasmussen explained that the main reason for passing the ordinance at the meeting in September was because people with six, seven, even eight acres lots expressed concern over their children possibly being injured with rifles. In response to Mr. O'Brien, Chairman Kwiatkowski explained that hunters would need to know where lot lines are located within subdivisions, which would be impossible. Chairman Kwiatkowski added that the citizen's comments portion of the meeting is for receiving comments, that no action can be taken and thanked Mr. O'Brien for his feedback.

There being no further business on the agenda, a motion was made by Supervisor Davis, seconded by Supervisor West to adjourn at 9:58 p.m. Motion carried.

Respectfully Submitted,

Lynn M. Pepper  
Eagle Town Clerk