



TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119

TOWN OF EAGLE
REGULAR TOWN BOARD MEETING
October 20, 2010
APPROVED MINUTES

Chairman Kwiatkowski called the meeting to order at 7:02 p.m.

Present: Chairman Kwiatkowski; Supervisors Davis, Malek, Rasmussen, and West. Also present: Treasurer Pasterski, Deputy Clerk Heath, Fire Chief Heim, and Library Director Chase.

Approval of Agenda – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to move item #15 prior to item #4 and to approve the agenda as amended. Upon voice vote, motion carried.

Library Report – Library Director Alli Chase requested the Town provide the Library with the quarterly payments at the beginning of the month of the new quarter as opposed to after the monthly Board meeting. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to provide the Library with the quarterly payment on the 3rd business day of the new quarter. Discussion by Supervisor Davis as to whether this was a request for this year only or for all future payments. Chairman Kwiatkowski responded that this would be for all future payments. Upon voice vote, motion carried.

Minutes- Motion by Supervisor Davis, seconded by Supervisor Rasmussen to approve the minutes of the Regular Town Board Meeting dated September 15, 2010, as corrected. Upon voice vote, motion carried 4-0 with Supervisor Malek abstaining. A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the Joint Town/Village Board minutes of September 22, 2010, as corrected. Upon voice vote, motion carried 4-0 with Supervisor West abstaining.

Clerk's Report- Deputy Clerk Heath presented the Accounts Receivable Summary Report.

Treasurer's Report- Treasurer Pasterski presented the September, 2010 report. Savings balance as of 8-31-10 was \$298,121.28. Total cash was \$634,009.70. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Treasurer's Report, as presented. Upon voice vote, motion carried. Treasurer Pasterski reported that approximately 71% of the budget has been used as of September 30, 2010.

Claims- Claims totaling \$363,180.23 were reviewed. A motion was made by Supervisor Malek, seconded by Chairman Kwiatkowski to approve the payment of claims. Upon voice vote, motion carried.

Lake Management District – Supervisor Malek reviewed the Year End Lake Patrol report prepared by Sergeant Dennis Nork and made corrections to the report stating that the lake was patrolled for 195 hours this year, but that was not less than any other year. There were 187 hours on the lake in 2009. Supervisor Malek also reviewed the proposed 2011 lake patrol season will start on May 20, 2011 and finish on September 20, 2011.

He also noted Superintendent Betts will be winterizing the Lake Patrol Boat for storage.

Lake Management District Chairman, Tom Day, reported he will be meeting with Waukesha County Department of Parks and Land Use on October 21, 2010 regarding the approval of the Site Plan and Plan of Operation for the Kroll dam. One condition Waukesha County has is written verification that the Town of Eagle Plan Commission does not require a permit for the dam. Discussion ensued regarding deferring to Waukesha County zoning at the previous Plan Commission meeting. Mr. Day explained he believed that was for the Conditional Use and not for the Site Plan/Plan of Operation. Upon further discussion, this matter will be taken care of at a future Plan Commission meeting.

Margarita Paradise, LLC Approval of Class B Intoxicating Liquor and Fermented Malt Beverage License – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the Class B License for Margarita Paradise predicated on a favorable background check. Upon voice vote, motion carried.

Election Inspector Nomination – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to appoint Barbara Ribecky as an election inspector, with the proper training, term to expire December 31, 2011. Upon voice vote, motion carried.

Operator's License Requests – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to approve the Operator's License requests from Rebecca Wankowski. Upon voice vote, motion carried.

Continuation of contracted services with Waukesha County and the Town of Eagle for the Statewide Voter Registration System – A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the continuation of contracted services with Waukesha County for SVRS. Discussion ensued regarding the confirmation of the contract and that rates were the same as the last contract. Upon confirmation of this, motion carried 5-0.

Proposal by Tom Hein to draft a "Regulation of Fireworks" Ordinance – Mr. Tom Hein explained that he has been selling fireworks in the Town of Eagle for the past four to five years. Last year he was issued a citation for an illegal sale of consumer fireworks. Mr. Hein explained that there are two types of fireworks, one that needs a permit and one that does not. Mr. Hein explained that he requires customers to sign an affidavit stating that they can purchase the permitted fireworks. His proposed ordinance, which has been adopted by the Town of LaFayette, the Town of Raymond, and the Village of Big Bend, has worked well. The ordinance puts the fireworks in the hands of a responsible adult by knowing who they are selling to. Mr. Hein explained that a permit required firework is no more dangerous than a non-permit firework, if used properly. Mr. Hein explained that the Town could designate an area where fireworks can be used. In response, Chairman Kwiatkowski explained that the Town does not allow fireworks except from a licensed pyrotechnic, which has to be approved by the Fire Chief. Discussion followed regarding getting the responsibility off of Mr. Hein and onto the adult purchasing the fireworks. Mr. Hein explained that the permit revenue would go to the Town and the Town would receive a nightly update on who purchased the fireworks. Mr. Hein explained that according to the Sheriff's Department, an affidavit is not proof of permit, which the proposed ordinance would require. Supervisor West stated if the ordinance were to be adopted, he worries that people will think that the Town is granting them permission to have fireworks. Supervisor Davis suggested leaving things as status quo. In response to Mr. Hein, Chairman Kwiatkowski explained that this subject could be brought back up again at a later date.

A motion was made by Supervisor Malek, seconded by Supervisor Davis to deny the proposed "Regulation of Fireworks" Ordinance. Upon voice vote, motion carried.

Sheriff's Report- No Report.

Fire Department – Chief Heim reported the department has responded to 275 calls year to date. The department also received restitution yesterday from the break in that occurred at the firehouse earlier this summer. Chief

Heim reported that the department will be having a Pancake Breakfast on Saturday, October 30, 2010 from 7:00 A.M. to 11:00 A.M. Discussion followed regarding a traffic accident which occurred on CTH LO and STH 67, mutual aid, and the fire department monthly reports.

Fire Commission – Chairman Kwiatkowski reported that the Municipal Building is currently waiting for the grant money to arrive in order to install the push bars on the entrance doors. The Town will have to put money in the budget to install these devices on the Town Hall Office rear door.

Village Board Meeting- Supervisor Davis reported that the Village Board met on Thursday, October 14, 2010. Supervisor Davis stated that he asked the Village Board who the Village contact was for the Well Grievance Committee. After some discussion, Village President Spurrell stated that he believes the contact person is Lee Greenburg, who is the chairperson of the Water Committee. The Village Board announced the date of the Pumpkin Party, gave their approval of Phase II of the walkway from the school to the library, re-approved the Don Wilton CSM, extended the Developer's Agreement for Fox Chase East for another three (3) years, and renewed the Letter of Credit for Parrish Hill Court, which was to expire in November. Supervisor Davis reported that the Village Board discussed the possibility of Waukesha County collecting both installments of the taxes. The Village Board passed a motion for the County to handle tax payments for the year 2011. Supervisor Davis reported that the Village Board approved the use of GovPay to be able to accept credit card payments and they approved the payment of the library quarterly installments of the first Monday of each quarter. Supervisor Davis explained that additional monies were requested for the Park and Recreation Department. President Spurrell expressed disappointment that the Recreation Director was not present to make the request. Trustee Block, who is a member of the Park and Recreation Committee, stated that he was not sure of the amount needed and asked for the \$5,000 that was originally budgeted. Afterwards, the Village Board moved into closed session to discuss the appointment of a Village Clerk and a Village Treasurer.

Park & Recreation – Supervisor Malek reported that Recreation Director Heywood is currently investigating a lighter weight activity guide, which should reduce the printing cost as well as the cost for mailing. Discussion followed regarding projected expenses through the end of the year. Chairman Kwiatkowski explained that Director Heywood has made some cuts in her budget and feels that the Director should be challenged to stay within her budget once the Town and Village make a \$5,000 additional contribution. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to amend the 2010 budget to transfer funds in the amount of \$5,000 from the General Fund to the Park & Recreation Budget and to approve the request from the Park & Recreation Committee for additional \$5,000 to cover the projected budget shortfall. Upon voice vote, motion carried. Discussion followed regarding the anticipated revenue for the brochure and next year's budget.

Park & Recreation Office Hours – Chairman Kwiatkowski explained that holding office hours during the hours of 9:00 A.M. to 4:00 P.M. Monday through Thursday and on Friday from 9:00 A.M. to 12:00 P.M. will give the Director thirty-one (31) in-office hours. These hours will allow her to run any errands during the remaining nine (9) hours of the week. Chairman Kwiatkowski explained that the Director does not need to attend every event. A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to change the Park and Recreation Office Hours to 9:00 A.M. to 4:00 P.M. Monday through Thursday and on Friday from 9:00 A.M. to 12:00 P.M. Upon voice vote, motion carried. Discussion followed regarding the office hours on meeting nights.

Garbage & Recycling – Supervisor Rasmussen reported that the Department of Natural Resources has accepted the Town's grant application. Supervisor Rasmussen added that there will be a fall yard waste drop off at the Town Park on Saturday, November 6, 2010 from 8:00 A.M. to 11:00 A.M.

Business Park – Nothing to report.

Road Matters – Nothing to report.

Chairman's Report – Eagle Elementary School to access Chapman Lane from school parking lot - Chairman Kwiatkowski reported that he received a call from the school superintendent regarding the easement

at the Gillette/Chapman lot in the industrial park. He stated that the Fire Chief has been discussing with the superintendent the lack of a second entrance. Eagle Elementary would like to access Chapman Lane from the school parking lot. It is possible that this access may be for exiting only.

Wisconsin Department of Employee Trust Funds concerning possible participation by Town in State retirement/benefit programs - Chairman Kwiatkowski reported that he and Town Attorney had a one and three quarter hour conference call with Greg Holstein from the Wisconsin Retirement System. Chairman Kwiatkowski explained that if the Town decides to join, the commitment would be forever. Currently, the total amount due from the Village to the Town for the eighteen (18) affected employees is \$106,875.04. This amount is what the Town has contributed since 1999. The money from the state will be sent to the Village in the form of a credit. People who are currently employed and who qualify for retirement have the option of taking the money and placing it into their own Individual Retirement Account or to place the money back into the program by making a two to three year accelerated additional payment. Those people who are no longer employed by the Town must take the money and put it into an Individual Retirement Account in accordance with state law. Discussion followed regarding the employees only receiving the contribution amount, without any interest which may have accrued, the amount of service hours these employees are losing, and the employees being able to buy back time at a costly rate. Discussion followed. Chairman Kwiatkowski explained that the Town Board needs to make a decision whether or not to join the Wisconsin Retirement System because the decision needs to be in to the state in the form of a Resolution no later than November 15, 2010. Eligibility would begin January 1, 2011.

Public Comment – Mr. Jim Pasterski suggested that the Recreation Director request contributions for advertisements on a face-to-face basis rather than by letter or phone calls.

There being no further comments, a motion was made by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to convene into closed session at 8:55 P.M. pursuant to Wis. Stat. §19.85(1)(c) for purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Topics of discussion: (a) Town Clerk sick benefits; and (b) State retirement fund eligibility and benefit issues regarding each individual Town and joint Town/Village employee. Upon roll call vote: Supervisor Davis – aye; Supervisor Rasmussen – aye; Supervisor Malek; aye-; Supervisor West – aye; Chairman Kwiatkowski – aye. Motion carried.

A motion was made by Supervisor Rasmussen, seconded by Chairman Kwiatkowski to return to open session at 9:40 P.M. Upon roll call vote: Supervisor Davis – aye; Supervisor Rasmussen – aye; Supervisor Malek; aye-; Supervisor West – aye; Chairman Kwiatkowski – aye. Motion carried.

Adoption of a resolution of inclusion in the Wisconsin State Retirement System – A motion was made by Supervisor Davis, seconded by Supervisor Rasmussen to adopt Resolution 10-06, a Resolution of Inclusion Under the Wisconsin Retirement System, with 0% credible service for all employees eligible for participation on the effective date of January 1, 2011. Upon voice vote, motion carried.

Appoint a designated agent for purposes of the Wisconsin State Retirement System – A motion was made by Chairman Kwiatkowski, seconded by Supervisor West to appoint the Town Clerk as the designated agent for purposes of the Wisconsin Retirement System and to appoint the Deputy Clerk as the alternate agent. Upon voice vote, motion carried.

There being no further business on the agenda, a motion was made by Supervisor Rasmussen, seconded by Supervisor Davis to adjourn at 9:43 P.M. Upon voice vote, motion carried.

Respectfully Submitted,

Sandy Heath, Deputy Clerk and by
Lynn M. Pepper, Eagle Town Clerk (transcribed off of notes taken by the Deputy Clerk)