

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
April 14, 2009

Members Present: P. Kanter, C. Dundon, R. Ackley and L. Krause

Members Absent: P. Van Horn

Others Present: S. Engel, *Town Treasurer*, T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 6 citizens

First order of business: Call to Order

Chairman Kanter called the Board of Supervisors meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of March 24, 2009

The minutes will be filed as prepared by the Town Clerk.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2008 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

**MOVED TO APPROVE PAYMENT OF CHECKS #45928 IN THE AMOUNT OF \$504.00
AND #45965 – 46014 IN THE AMOUNT OF \$44,823.60**

Payroll

**MOVED TO APPROVE PAYMENT OF CHECKS #20306 – 20386 IN THE AMOUNT OF
\$36,344.87**

MS. DUNDON/MR. ACKLEY

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Rotroff Jeanson & Company, S.C., Re: Audit

Chairman Kanter stated that the annual audit statement was included in the meeting packets. He is of the opinion that the finances are well handled and that Town government works effectively with three employees. He directed staff to work with Mr. Jeanson to resolve any items of concern.

Sixth order of business: Unfinished Business

A. Consideration and possible action of Agreement for Cushing Park Road Path in Lapham Peak Park (tabled 3/10/09)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.

Chairman Kanter stated that the Town Attorney is still uncomfortable with entering into this agreement for the following reasons; 1. If there is dispute with the contractor, the Town (alone) would be responsible for handling it; 2. If the DNR is unsatisfied with the contractor's work, the resolution would be the Town's responsibility; 3. The DNR has not agreed to indemnify the Town for any liability that could arise from the contract, and the DNR is self-insured.

Discussion followed with the concern that if the Town decides not to go through with this project, the Town would not want to serve as contractor with the State portion. The suggestion was made to request a letter from the DNR project manager stating resolution of these concerns.

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE AND AUTHORIZE ENTERING INTO THE SUBJECT PROJECT WITH THE DNR CONTINGENT UPON THE STIPULATION THAT IF THE TOWN DECIDES NOT TO PROCEED WITH IT'S PORTION OF THE PROJECT FOR ANY REASON, THIS CONTRACT WILL TERMINATE AND THE TOWN WILL NOT BE RESPONSIBLE TO SERVE AS CONTRACTOR WITH THE STATE PORTION AND THESE CONDITIONS WILL BE FOLLOWED UP WITH A LETTER FROM THE STATE OF WISCONSIN. MOTION CARRIED.

Seventh order of business: New Business

- A. Consideration and possible action of Grant Agreement for Cushing Park Road Trail Development

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE RECREATION GRANT AGREEMENT FOR CUSHING PARK ROAD TRAIL DEVELOPMENT. MOTION CARRIED.

- B. Consideration and possible action of request to burn native grass in Prairie Wind Farm Subdivision

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE THE REQUEST TO BURN NATIVE GRASS IN PRAIRIE WIND FARM SUBDIVISION. MOTION CARRIED.

- C. Consideration and possible action of Plan Commission's recommendation to approve modifications to two conditions of the original Pewaukee Yacht Club Conditional Use permit approved by the Town on 2/12/08 and an amendment approved by the Town on 2/10/09

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE MODIFICATIONS TO TWO CONDITIONS OF THE ORIGINAL PEWAUKEE YACHT CLUB CONDITIONAL USE PERMIT APPROVED BY THE TOWN ON 2/12/08 AND AN AMENDMENT APPROVED BY THE TOWN ON 2/10/09. MOTION CARRIED.

- D. Consideration and possible action of Plan Commission's recommendation to approve revised Addendum No. 1 of the Condominium Plat for Scuppernong Springs Condominium development - Units 1,2,3,5 and 6

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE REVISED ADDENDUM NO. 1 OF THE CODOMINIUM PLAT FOR SCUPPERNONG SPRINGS CONDOMINIUM DEVELOPMENT – UNITS 1,2,3,5 AND 6. MOTION CARRIED.

- E. Discussion re: pursuing stimulus money for fire department projects

Engineer Barbeau stated the two sources of available grants for fire department projects:
1. Firefighter Assistance Grant Program - various fire departments can submit applications for different equipment. This is an ongoing program that government has added \$210 million (nationwide) for new buildings, remodeling, etc. An application will be available this summer to apply for stimulus funds; 2. USDA Rural Community Facilities money – these grants are primarily for special cases and initiatives. Also, small and low income communities have priority in receiving funds. Engineer Barbeau will continue to investigate the availability of FEMA money. The general consensus of the Town Board is to make appropriate applications.

- F. Consideration and possible action of Operator's License for the period of 7/1/08 to 6/3/10
- Andrew R. Maliszewski for Prairie Hill Waldorf

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE THE OPERATOR'S LICENSE FOR ANDREW R. MALISZEWSKI. MOTION CARRIED.

G. Consideration and possible action of Alcohol Permit request for a graduation party to be held at the Sports Commons on 6/20/09

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE THE ALCOHOL PERMIT REQUEST.

AMENDED MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE THE ALCOHOL PERMIT REQUEST SUBJECT TO AN ADULT SERVING THE ALCOHOLIC BEVERAGES.

Discussion followed on concerns of the Town being liable for any occurrences that may arise after the event. Staff was directed to contact the Town Attorney for information.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

A. Annual Meeting – April 15

B. WI Towns Association, Waukesha County Unit Meeting – April 22 – Oconomowoc Town Hall

C. Next Town Board Meeting – April 30

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:30 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk

Minutes approved on April 30, 2009