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Supervisors
Pete Van Horn
Edward Kranick
Christopher Smith
Billy Cooley
Clerk/Treasurer
Mary Elsner

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING TUESDAY, OCTOBER 8, 2019 - 7:00 P.M. DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Citizen Comments – During the Public Comment period of the agenda, the Town Board welcomes comment from any member of the public, other than an elected Town Board member, on any matter not on the agenda. Please be advised that pursuant to State law, the Board cannot engage in a discussion with you but may ask questions. The Board may decide to place the issue on a future agenda for discussion and possible action. Each person wishing to address the Board will have up to five (5) minutes to speak. Speakers are asked to submit to the Town Clerk, a card providing their name, address, and topic for discussion.

The Board will also take comment from the public on agenda items as called by the Chair, but not during the Public Comment. Please note that once the Board begins its discussion of an agenda item, no further comment will be allowed from the public on that issue.

4. Approval of September 24, 2019, Town Board Minutes
5. Action on vouchers submitted for payment:
 - A. Report on budget sub-accounts and action to amend 2019 budget
 - B. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
 - A. Eric J. Larson (9/30/19), Re: 2019 Wisconsin Act 14, Wisconsin Small Wireless Facility Law
7. Unfinished Business
 - A. Discussion and possible action on request to install biking etiquette signage on bike path running parallel with Cushing Park Road (referred to Park and Recreation Commission on 7/9/19)
8. New Business
 - A. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map that attaches a private right-of-way to three adjoining properties, (Luke Holton, N27 W30147 Maple Avenue)
 - B. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.

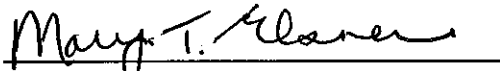
Town of Delafield Board of Supervisors Meeting Agenda

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- C. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.
 - D. Consideration and possible action on approval and authorization of an application and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a loan to finance the purchase of highway trucks
 - E. Consideration and possible action on a Resolution to Change the Town of Delafield Polling Place for Wards 7,8 and for Wards 9, 10, 11 to the DaySpring Church
 - F. Consideration and possible action on An Ordinance to Amend Section 2.02 (2) of the Town of Delafield Municipal Code Pertaining to Regular Meetings
 - G. Supervisor Christopher Smith, Resignation from Town of Delafield Board
9. Announcements and Planning items
- A. Budget Workshop – Wednesday, October 9 @ 6:30 p.m.
 - B. Wisconsin Town's Association Annual Convention – October 13 thru 15 – Kalahari Convention Center, Wisconsin Dells
 - C. Plan Commission Workshop – October 16 @ 6:30 p.m.
 - D. Next Town Board Meeting – October 22 @ 6:30 p.m.
 - E. WI Towns Association, Waukesha County Unit Meeting – October 23, 6:30 p.m. – Brookfield Town Hall
 - F. Trick or Treat – October 31 – 4:00 p.m. to 7:00 p.m.

10. Adjournment



Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. The Town Board may take action on any item on the agenda. 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-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the Town Board of Supervisors. Please note that, 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 this service, contact Mary Elsner, Town Clerk, at W302 N1254 Maple Avenue, Delafield, WI 53018-7000. This agenda is for informational purposes only. Posted – 10/02/19

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
September 24, 2019

Members Present: R. Troy, P. Van Horn, E. Kranick, C. Smith, B. Cooley

Others Present: P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, 4 citizens

First order of business: Call to Order

Chairman Troy called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

Gerald Voss, S1W31441 Hickory Hollow Court, expressed concern re: a neighboring property that is "totally run down" and appears to have been vacant/abandoned for almost a year. He contacted the building inspector and was told that the matter is in the hands of the bank. Mr. Voss stated his request for the Town to review their ordinance and expedite the cleanup or foreclosure on the property. He is of the opinion that the condition of this home is affecting the value of the neighborhood.

Barb Bruns, S1W31433 Hickory Hollow Court, a recently retired appraiser, stated that when the property is sold in this condition it will bring down the value of all homes in the neighborhood. She is also very concerned about the infestation of vermin.

Chairman Troy stated that this item will be placed on the next Town Board agenda.

Fourth order of business: Approval of September 10, 2019, Town Board Minutes

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE AS PRESENTED BY THE CLERK. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2019 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #62299 – #62331 IN THE AMOUNT OF \$60,700.12

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$55,093.51

MR. SMITH/MR. KRANICK

MOTION CARRIED.

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO TAKE ITEM 8A OUT OF ORDER.

Eighth order of business: New Business

A. Fire Chief and Deputy Fire Chief - update on specifics of Fire Department Open House (10/5)

Deputy Chief Hoppe provided a handout identifying the events of the Centennial Celebration that will be held on October 5th between 10:00 a.m. and 3:00 p.m. He also presented a formal invitation to the Town Board and thanked them for their support throughout the years.

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

A. None

Chairman Troy stated that the Town received an e-mail re: the condition of the ramps on the skateboard park. He will follow up on this concern tomorrow.

Seventh order of business: Unfinished Business

A. Discussion re: Request for Proposals for Building Inspection Services (tabled 9/10/19)

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO REMOVE FROM THE TABLE. MOTION CARRIED.

The Town Board thanked Supervisor Kranick for his efforts in completing the subject RFP. The general consensus is to place it on the Town website and in the Town's Association magazine and Waukesha Freeman.

B. Discussion and possible action on request to install biking etiquette signage on bike path running parallel with Cushing Park Road (referred to Park and Recreation Commission on 7/9/19)

Chairman Troy will work on this to be addressed at the next meeting.

Eighth order of business: New Business:

B. Supervisor Kranick – update on traffic enforcement with Village of Hartland

Mr. Kranick stated he and Mr. Cooley met with the Village of Hartland Police Chief, and he was of the opinion that it would be in the best interest of the Village and Town to continue working with the Sheriff's Dept. for assistance with any speeding issues. Since the area of concern has been monitored, things have settled down.

C. Discussion and possible action on change in Town Board meeting time to 6:30 p.m.

Mr. Van Horn stated that our neighboring municipalities are changing their meeting times to 6:30 p.m., and he is in agreement with this concept. The general consensus of the Town Board is to draft an ordinance amending the starting time of the Town Board meeting to 6:30 p.m.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO CHANGE THE TOWN BOARD MEETING TIME TO 6:30 P.M., CONDITIONED UPON DRAFTING A PROPER ORDINANCE AND BRINGING IT BACK TO THE TOWN BOARD FOR CONSIDERATION. MOTION CARRIED.

D. Consideration and possible on chicken license renewal for Jim and Karen Romanowski, W334S188 Cushing Park Road

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE CHICKEN LICENSE RENEWAL FOR JIM AND KAREN ROMANOWSKI. MOTION CARRIED.

E. Consideration and possible action on Operator's Licenses for the period of 7/1/18 to 6/30/20:

1. Deanna Dacquist – Seaboard

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE OPERATOR'S LICENSE FOR DEANNA DACQUISTO (SEABOARD) FOR THE PERIOD OF 7/1/18 TO 6/30/20. MOTION CARRIED.

2. Rena Manriquez - Seaboard

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE OPERATOR'S LICENSE FOR RENA MANRIQUEZ (SEABOARD) FOR THE PERIOD OF 7/1/18 TO 6/30/20. MOTION CARRIED.

Ninth Order of business: Announcements and Planning items

A. Next Plan Commission Meeting – October 1

B. Budget Workshop – Wednesday, October 2 @ 6:30 p.m.

C. Lake Pewaukee Advisory Committee Meeting – Thursday, October 3 – 3:00 p.m. – Village of Pewaukee

D. Plan Commission Workshop – Thursday, October 3 @ 6:30 p.m.

- E. Fire Department Centennial Celebration – Saturday, October 5 – 10:00 a.m. to 3:00 p.m.
- F. Next Town Board Meeting – October 8 @ 7:00 p.m.
- G. Budget Workshop – Wednesday, October 9 @ 6:30 p.m.
- H. Wisconsin Town's Association Annual Convention – October 13 thru 15 – Kalahari Convention Center, Wisconsin Dells

Tenth Order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO ADJOURN AT 7:30 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on:

DRAFT

OCT 08 2019

ITEM #6A PAGE 1 of 15

MEMORANDUM

TO: Town Board

FROM: Eric J. Larson

DATE: September 30, 2019

RE: 2019 Wisconsin Act 14
Wisconsin Small Wireless Facility Law

On or about July 10, 2019 the State of Wisconsin adopted 2019 Wisconsin Act 14, which made a number of statutory changes concerning small wireless facilities. In this memorandum I will outline the significant issues that you should know concerning your authority over small wireless facilities as a result of these laws.

1. Setback Requirements for Telecommunications Facilities. The new law gives municipalities certain authority regarding setback requirements for telecommunications facilities. This applies to all telecommunications facilities not only small cell facilities. Specifically, this Act creates Wisconsin Statutes Section 66.0404(4e) that allows you to regulate new construction or substantial modification of telecommunications facilities and support structures as follows:
 - a. *Distance equals height of tower*. "A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure."
 - b. *Only for structures on or adjacent to parcels that permit single-family*. "The setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel."
 - c. *Does not apply to existing structures or small wireless facilities structures in a right-of-way*. "A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitation in Section 66.0414(2)(e) 2. and 3."
 - d. *Measurement*. "The setback requirement ... for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance."

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2. "Small Wireless Facility" Defined. The Act creates Section 66.0414 of Wisconsin Statutes which does many things, which will be subject the remainder of this memorandum. I note, first, that the Act defines dozens of terms, the most important of which is the term "small wireless facility," which the Act defines as follows:
 - a. A wireless facility that is mounted on a structure 50 feet or less in height including any antenna; or
 - b. Is mounted on a structure no more than 10% taller than any other adjacent structure; or
 - c. Which does not increase the height of an existing structure on which the wireless facility is located to a height of more than 50 feet or by 10%, whichever is greater.
 - d. In each case, the antenna associated with the wireless facility must be no more than 3 cubic feet in volume; and
 - e. All wireless equipment associated with the antenna and any preexisting associated equipment on the structure must be no more than 28 cubic feet in volume; and
 - f. The wireless facility does not require registration as an antenna structure under federal law (47 CFR Part 17), is not located on tribal land and does not result in human exposure to radio frequency in excess of federal standards (47 CFR 1.1307).
3. Rights-of-Way. The new law allows for the installation of small wireless facilities within public right-of-way. I note several aspects of the law in this regard as follows:
 - a. *Definition.* The law defines a right-of-way in part to include, broadly, all areas on, below or above a highway, a sidewalk or a utility easement.
 - b. *Exclusive use prohibited.* You cannot grant rights to one wireless facility user, to the exclusion of others.
 - c. *Rates and fees.* You can establish rates and fees, provided that you charge other entities for use of the right-of-way and subject to the following:
 - i. The fee or rate must be limited to no more than the direct and actual cost of managing the right-of-way.
 - ii. The fee or rate must be competitively neutral.

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- iii. You cannot create a double recovery by overlapping fees.
 - iv. Franchise fees are prohibited.
 - v. The fee or rate must not exceed an annual amount equal to \$20 multiplied by the number of small wireless facilities in the right-of-way in your jurisdiction.
 - vi. By October 1, 2019, or within 3 months after receiving your first request for access to the right-of-way by a wireless provider, you may implement rates, fees and terms for access that comply with this new law.
 - vii. If you have an agreement with a wireless provider concerning access to the right-of-way that includes rates and fees, that agreement can remain in effect through August 2021, but at that time, you must adjust the rates to comply with this new law.
- d. *Right of Access.* Small wireless facilities have a right of access to the public right-of-way. This right is subject to the following:
- i. You may enact an ordinance to regulate this access, provided it is limited to the following issues.
 - ii. You can prohibit these installations from obstructing or hindering travel, drainage, maintenance or the public health, safety or general welfare on or around the right-of-way, and to prohibit the obstruction of legal use of the right-of-way for other communications providers, public utilities, cooperative associations or the like.
 - iii. You can regulate the height of new utility poles to prohibit a height that is more than 10% higher than the tallest existing utility pole as of July 12, 2019 that is located within 500 feet of the new or modified utility pole in the same right-of-way; or 50 feet above ground level, if higher. These limits can apply not only to the utility pole but also to the small wireless facility itself.
 - iv. Be careful, though because the law also includes this exception: if your zoning code allows heights that are taller than the foregoing limitations, the wireless provider may construct their facilities to the heights that are allowed by the zoning ordinance.
 - v. You can suggest that wireless providers place their facility at an alternate location for collocation, and the wireless provider must use your alternate location if it has the right to use that location on

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reasonable terms and conditions and the alternate location is technically feasible and does not impose material additional costs.

- vi. You can require the wireless provider to repair damage that is directly caused by their activities in the right-of-way.
- vii. You must administer these regulations in a competitively neutral manner.

e. *Permitting process.* The new law creates a permitting process for small wireless facilities and I note the following in this regard:

- i. Small wireless facilities are deemed to be a permitted use for zoning purposes, and they are not subject to your zoning ordinances "if the property is not zoned exclusively for single family residential use." Exceptions are also provided for consideration of aesthetic issues and historic preservation, as I will note in g. and h., below.
- ii. You may require applicants to apply for a permit. The new law includes specific requests for information that you can require in your application, which I will not repeat here, but which are contained in Section 66.0414(3)(c)2.
- iii. You must act on the application within 10 days to determine whether it is complete, and if you determine it is incomplete, you must notify the applicant of the information that is incomplete, and the 10-day time restarts at zero on the date the applicant submits the additional information.
- iv. If the applicant seeks to install a new or replacement utility pole, you must act on that application to grant or deny it within 90 days after receipt of the complete application.
- v. If the application is to collocate on an existing structure, you must act on that application to approve or deny within 60 days of receipt of the complete application.
- vi. If you fail to meet the foregoing deadlines, the applicant may consider its permit application to be approved.
- vii. The foregoing deadlines apply to all aspects of the application, including any "construction, building, or encroachment permit" that may be required for the applicant to construct their facility.
- viii. By mutual agreement, the foregoing deadlines can be extended.

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- ix. The application must be approved unless it does not meet applicable codes or the standards of your ordinance adopted pursuant to this new state law. If the application is denied, the applicant must be provided written documentation explaining the basis for the denial no later than the permit application is denied. An applicant may cure the deficiencies and resubmit the permit application no later than 30 days after receipt of the documentation. If such resubmittal is received, you have only 30 days to act on the resubmitted application.
 - x. You may condition approval of the permit on compliance with reasonable and nondiscriminatory “relocation, abandonment, or bonding requirements” if these are consistent with state law applicable to other occupiers of the right-of-way.
 - xi. Consolidated applications of up to 30 small wireless facilities are allowed.
 - xii. The applicant has one year from the date the application is approved to pursue work on the activity until completion.
- f. *No moratorium.* You are prohibited from enacting a moratorium on filing, receiving or processing of applications, or issuing permits or other approvals.
- g. *Aesthetic limitations.* You are permitted to adopt aesthetic requirements concerning deployment of small wireless facilities and associated antenna equipment and utility poles in the right-of-way, but this is limited by the following:
- i. The aesthetic requirements must be technically feasible and reasonably directed to avoiding or remedying unsightly or out-of-character deployments; must be no more burdensome than those applied to other types of infrastructure; and must be objective and published in advance.
 - ii. Design or concealment measures are not considered in the size limitations for small wireless facilities.
 - iii. You can only deny an application for failure to meet aesthetic requirements if the denial “does not prohibit or have the effect of prohibiting the provision of wireless service.”
- h. *Historic district and underground district limitations.* You can enact an ordinance to prohibit wireless facilities in the right-of-way of a historic district or an underground district subject to the following limitations:

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- i. You cannot prohibit collocations or the replacement of existing structures.
 - ii. An historic district for these purposes is an area designated as historic by the municipality, listed on the National Register of Historic Places in Wisconsin, or listed on the State Register of Historic Places.
 - iii. An underground district is an area designated by the municipality in which all pipes, pipelines, ducts, wires, lines, conduits or other equipment which are used by various utilities are located underground. Note: you may want to review those locations in your municipality where utilities are currently underground, and formally establish those areas as underground districts, to protect them pursuant to this new law.
 - iv. You can require collocations or replacement of existing structures "to reasonably conform to the design aesthetics of the original structure in a historic or underground district."
 - v. Requirements you impose under this section must be objective, technically feasible, no more burdensome than requirements applied to other types of infrastructure and reasonably directed at avoiding or remedying the intangible public harm of unsightly or out-of-character deployments. The result of your regulations cannot have the effect of prohibiting wireless service.
4. Application Fees. You can establish application fees that are nondiscriminatory and cover no more than your direct costs of processing the application, but your fees cannot exceed the following:
- a. For an application that includes 5 or fewer small wireless facilities, \$500.
 - b. For an application that includes more than 5 small wireless facilities, \$500 plus \$100 for each small wireless facility in excess of 5.
 - c. \$1,000 for the installation or replacement of a utility pole, together with the collocation of associated small wireless facility.
 - d. You cannot require application approvals, however, for routine maintenance, or replacements that are substantially similar to the existing, or for "the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code."

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5. Traffic Work Permits. Nothing in this law prohibits you from requiring work permits for work that will unreasonably affect traffic patterns or obstruct vehicular traffic in a right-of-way. You should only apply such requirements to wireless providers to the extent that you would do so of any other occupant of the right-of-way, however.

6. Location of Wireless Facilities on Municipal Property. If you own an electric utility that has utility poles in the right-of-way, or you have other municipal structures in the right-of-way, the law addresses your ability to control wireless providers access to your municipal facilities, as follows:
 - a. You can impose a cost on the wireless provider to access your facilities.
 - b. Your rates cannot be discriminatory, and you cannot provide this access to one provider exclusively.
 - c. The rate you charge must be sufficient to recover the actual direct and reasonable costs related to the application, and may not exceed the lesser of the actual, direct and reasonable costs related to the collocation or \$250 per year per small wireless facility.
 - d. By October 1, 2019, or within 3 months after receiving your first request to locate a small wireless facility on a government pole, you can implement rates, fees and terms for collocation on your governmental facilities.
 - e. If you have existing agreements with wireless providers, the terms of your agreement can apply through August 1, 2021, but beginning on that date you must bring your fees into compliance with the limitations of this new law.

7. Indemnification. Wireless providers are obligated to indemnify the municipality from any and all liability and loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of rights-of-way by the wireless provider, unless solely caused by the municipality. You should require wireless providers to agree to indemnify you pursuant to this statutory requirement.

Eric J. Larson

EJL:egm

Exhibit A-1

LARGE WIRELESS FACILITIES
 APPLICATION REVIEW DEADLINES
 COLLOCATION ON EXISTING STRUCTURES

<p>Federal Law: Large Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1 §1.6100</p>	<p>State Law: §66.0404(3), Wis. Stats.</p>
<p>60 days (unless this time limit is extended by mutual agreement) to act to approve. "Shall approve" if it is not a substantial change. Deemed approved if no action is taken within 60 days.</p>	<p>45 days to act, unless extended in writing by agreement with the applicant. If it is not acted upon within the required time, it is deemed approved. Note regarding right-of-way installations: Wisconsin Statutes §182.07(9) allows municipalities to establish a permit process for installations within the public right-of-way, but requires action within 60 days to approve or deny, or it is deemed approved.</p>
<p>The time is tolled if within 30 days the municipality clearly and specifically delineates any missing information. The time commences to run again when the applicant responds to their request for more information. The municipality has 10 days to notify the applicant if the response does not provide the needed information, and this continues for any subsequent requests for information. No subsequent notice of incompleteness can include a request for information that is not specified in the initial request for more information.</p>	<p>The application requirement only includes the name and business address and contact individual for the applicant; the location of the affected support structure; and the location of the proposed facility; and we have interpreted the law to also require some showing that they are doing work that qualifies as not substantial (Class 2 collocation). The municipality must make a completeness determination within 5 days, and notify the applicant within that time if the municipality believes the application is not complete. The applicant may resubmit as often as necessary until it is complete. Unlike the federal law, the State law time limit for action (45 days) does not commence to run until the application is complete.</p>

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit A-2

SMALL WIRELESS FACILITIES

APPLICATION REVIEW DEADLINES

COLLOCATION ON EXISTING STRUCTURES

<p>Federal Law: Small Wireless Facilities 47 CFR Ch. 1, Subch. A, Part 1, Subpart U; §1.6003</p>	<p>State Law: §66.0414(3)(c)1.e., Wis. Stats.</p>
<p>60 days for small wireless facilities collocation. If a single application includes batches that are a mix of collocations and new structures, the presumptively reasonable period of time is 90 days.</p>	<p>The municipality must make a completeness determination within 10 days and if the municipality determines it is incomplete, the applicant must be notified of the information that is incomplete, and the 10-day time restarts at zero on the date the applicant submits the additional information.</p>
<p>The time begins when the application is received and is only tolled starting the day after we notify them that their application is incomplete and identify the missing documents until the new submittal is received.</p>	<p>60 days to act following receipt of a complete application. Failure to approve or deny the application within 60 days, unless that time is extended by mutual agreement with the applicant, means that the applicant may consider its permit application approved. (For right-of-way installations, see also Section 182.07(9), Stats., that impose a 60 day limit.)</p>
<p>If we notify them by the 10th day after their submission that this application is incomplete and specify the missing documents, the shot clock starts when they submit a complete application.</p>	<p>The application requirement only includes the name and business address and contact individual for the applicant; the location of the affected support structure; and the location of the proposed facility; and we have interpreted the law to also require some showing that they are doing work that qualifies as not substantial (Class 2 collocation). The municipality must make a completeness determination within 5 days, and notify the applicant within that time if the municipality believes the application is not complete. The applicant may resubmit as often as necessary until it is complete. Unlike the federal law, the State law time limit for action (45 days) does not commence to run until the application is complete.</p>

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit B
**DEFINITIONS OF SUBSTANTIAL CHANGE PURSUANT TO FEDERAL LAW (47 CFR Ch. 1, Subch. A, Part 1; §1.6100) AND
 WISCONSIN STATUTES §66.0404**

Federal Law/Not in ROW	Federal Law/In ROW and all Base Stations	Wisconsin State Law
Increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 ft., whichever is greater.	Increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 10 ft., whichever is greater.	For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet. (One exception, though, excludes such towers from the definition of substantial modification if a greater height is necessary to avoid interference with an existing antenna, per Section 66.0404(4)(s).)
Adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 ft., or more than the width of the tower structure at the level of the appurtenance, whichever is greater.	Adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 6 ft., or more than the width of the tower structure at the level of the appurtenance, whichever is greater.	For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more. (One exception, though, excludes such towers from the definition of substantial modification if a greater height is necessary to avoid interference with an existing antenna, per Section 66.0404(4)(s).)
Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.	Involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.	Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation. (One exception, though, excludes such towers from the definition of substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, per Section 66.0404(4)(l).)
Entails any excavation or deployment outside the current site.	Entails any excavation or deployment outside the current site.	Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.	It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.	

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit C -1
 LARGE WIRELESS FACILITIES
 APPLICATION REVIEW DEADLINES
 NEW STRUCTURES

<p>Federal Law: Large Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1 §1.6100</p>	<p>State Law: §66.0404(2)(d), Wis. Stats.</p>
<p>Within 150 days is the presumptively reasonable period of time</p>	<p>90 days to act, unless extended in writing by agreement with the applicant. If it is not acted upon within the required time, it is deemed approved. Note regarding right-of-way installations: Wisconsin Statutes §182.07(9) allows municipalities to establish a permit process for installations within the public right-of-way, but requires action within 60 days to approve or deny, or it is deemed approved.</p>
<p>The time is tolled if within 30 days the municipality clearly and specifically delineates any missing information. The time commences to run again when the applicant responds to their request for more information. The municipality has 10 days to notify the applicant if the response does not provide the needed information, and this continues for any subsequent requests for information. No subsequent notice of incompleteness can include a request for information that is not specified in the initial request for more information.</p>	<p>The application requirement only includes the name and business address and contact individual for the applicant; the location of the affected support structure; and the location of the proposed facility. The municipality must make a completeness determination within 10 days, and notify the applicant within that time if the municipality believes the application is not complete. The applicant may resubmit as often as necessary until it is complete. Unlike the federal law, the State law time limit for action (90 days) does not commence to run until the application is complete.</p>

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Exhibit C-2
 SMALL WIRELESS FACILITIES
 APPLICATION REVIEW DEADLINES
 NEW STRUCTURES

Federal Law: Small Wireless Facilities 47 CFR Ch. I, Subch. A, Part 1, Subpart U; §1.6003	State Law: §66.0414(3)(C)1.d., Wis. Stats.
<p>For small wireless facilities the presumptively reasonable time is 90 days if going on a new structure. If the application includes batches that are a mix of collocations and new structures, the presumptively reasonable period is 90 days.</p>	<p>The municipality must make a completeness determination within 10 days and if the municipality determines it is incomplete, the applicant must be notified of the information that is incomplete, and the 10-day time restarts at zero on the date the applicant submits the additional information.</p>
<p>The time begins when the application is received and is only tolled starting the day after we notify them that their application is incomplete and identify the missing documents until the new submittal is received.</p>	<p>90 days to act. If it is not acted upon within the required time, unless that time is extended by mutual agreement with the applicant, after 90 days the applicant may consider its permit application approved. (For right-of-way installations, see also Section 182.07(9), Stats., that impose a 60 day limit.)</p>
<p>For new small wireless facilities, if we notify them by the 10th day after their submission that their application is incomplete and specify the missing documents, the shot clock starts when they provide the complete application.</p>	<p>If the application is denied, you must provide written documentation explaining the basis for that denial within the time limit noted above, and the applicant is then given 30 days to resubmit the application in a manner that addresses the deficiencies that you identify, after which you have 30 days to approve or deny the resubmitted application.</p>

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit D

APPLICATION FEES FOR LARGE AND SMALL CELL SITING
NEW STRUCTURES AND COLLOCATIONS

<p>Federal Law: Large Wireless Facilities</p>	<p>Federal Law: Small Wireless Facilities - 47 CFR Ch. 1, Subch. A, Part 1, Subpart U; §1.6003</p>	<p>State Law: New Structures and Collocations - §66.040(4)(d)1. and 2., Wis. Stats. Large Wireless Facilities</p>	<p>State Law: New Structures and Collocations - §66.0414(3)(d) Small Wireless Facilities</p>
<p>[not specified]</p>	<p>The following are presumed by the FCC to be acceptable fees: \$500 for non-recurring fees, including a single up-front application that includes up to 5 small wireless facilities, plus \$100 for each small wireless facility beyond 5; \$1,000 for non-recurring fees for a new pole (not a collocation) to support one or more small wireless facilities; and \$270 per small wireless facility per year for attachment to municipal owned structures in the right-of-way.</p>	<p>For new structures and collocations, the fee shall be less than or equal to \$3,000. For collocations the fee shall be, the lesser of \$500 or the amount charged for a building permit for any other type of commercial development or land use development.</p>	<p>For an application that includes 5 or fewer small wireless facilities: \$500. For an application that includes more than 5 small wireless facilities: \$500 + \$100 for each small wireless facility in excess of 5. \$1,000 for the installation of a replacement of a utility pole together with the collocation of an associated small wireless facility.</p>

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit E

AESTHETIC CONSIDERATIONS FOR LARGE AND SMALL CELL SITING
NEW STRUCTURES AND COLLOCATIONS

<p>FCC Declaratory Ruling, Federal Register, Volume 83, #199, October 15, 2018</p>	<p>Wisconsin State Law: §66.0404(4) Large Wireless Facility</p>	<p>Wisconsin State Law: §66.0414(3)(c)4. Small Wireless Facility</p>
<p>The Commission concludes that aesthetic requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments and (3) objective and published in advance.</p>	<p>New structures: (subsection (g)): A political subdivision may not disapprove an application for a new or substantially modified antenna structure based solely on aesthetic concerns.</p>	<p>Municipalities may adopt aesthetic requirements subject to the following. The aesthetic requirements must be technically feasible and reasonably directed to avoiding or remedying unsightly or out-of-character deployments; no more burdensome to those applied to other types of infrastructure deployments; and objective and published in advance.</p>
<p>Undergrounding requirements "may well be permissible" under state law as a general matter; but "a requirement that all wireless facilities be deployed underground would amount to an effective prohibition."</p>	<p>Collocations: (subsection (gm)): A political subdivision may not disapprove an application for collocation based on aesthetic concerns.</p>	<p>Any design or concealment measures are not considered part of the wireless facility for purposes of determining whether it is a small wireless facility.</p>
<p>Minimum spacing requirements: "The Commission acknowledges that while some such requirements may violate 253(a), others may be reasonable aesthetic requirements ... therefore such requirements should be evaluated under the same standards as other aesthetic requirements."</p>		<p>Applications may only be denied if the denial does not prohibit or have the effect of prohibiting the provision of wireless services.</p>

Please note the following: this is a summary of certain state and federal laws that exist on the date this summary is provided. These laws are continually being revisited by state and federal legislators and regulators. Moreover, this summary may not address details sufficiently for any particular issues that may arise in individual circumstances. Please consult your legal counsel with regard to any particular issues that may arise, as this is not a substitute for legal advice tailored to any particular situation.

Exhibit F

SMALL WIRELESS FACILITIES SITING LIMITATIONS IN HISTORIC AREAS AND UNDERGROUND DISTRICTS

Wisconsin State Law: §66.0414(3)(c)5.

Municipalities may enact ordinances to prohibit, in a nondiscriminatory way, communications providers from installing structures in the right-of-way of a historic district or an underground district.
The ordinance may not prohibit collocations or the replacement of existing structures.
A historic district is defined as "an area designated as historic by the political subdivision, listed on the National Register of Historic Places in Wisconsin, or listed on the State Register of Historic Places"
An underground district is defined as "an area designated by the political subdivision in which all pipes, pipelines, ducts, wires, lines, conduits or other equipment, which are used for the transmission, distribution, or delivery of electrical power, heat, water, gas, sewer, or telecommunication equipment, are located underground"
A political subdivision may require any collocation on or replacement of an existing structure to reasonably conform to the design aesthetics of the original structure.
The requirements of the ordinance under the subdivision must be objective, technically feasible, no more burdensome than the requirements applied to other types of infrastructure deployments, reasonably directed at avoiding or remedying the intangible public harm of unsightly or out-of-character deployments, and the ordinance cannot result in effective prohibition of wireless services.

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OCT 08 2019

ITEM #8A PAGE 1 of 10

Plan Commission Report for October 1, 2019**Luke Holtan Certified Survey Map
Agenda Item No. 5 C.**

Applicant: Luke Holtan
Project: Certified Survey Map
Requested Action: Approval of Certified Survey Map(CSM)
Zoning: R-2 (County)
Location: N27 W30147 Maple Avenue

Report

Mr. Holtan has submitted a CSM on behalf of himself and two other property owners. All three owners have property adjacent to a private right-of-way that extends from Maple Avenue north and then west to the Grandhaven Drive cul-de-sac. The purpose of the CSM is to attach the private right-of-way to the adjoining properties. No new lots will be created. The existing lots will become larger.

Staff Recommendation:

I have reviewed the CSM for technical compliance and recommend approval of the CSM subject to satisfaction of the following items:

1. Reference to the Grandhaven Drive right-of-way in the legal description, should include the words "private right-of-way" since Grandhaven Drive is not a road that has been dedicated to the public.
2. Addition of the extraterritorial plat jurisdiction certificate and approval.
3. Incorporation and satisfaction of any and all Waukesha County technical comments.

Tim Barbeau, Town Engineer
September 25, 2019

CERTIFIED SURVEY MAP NO. _____

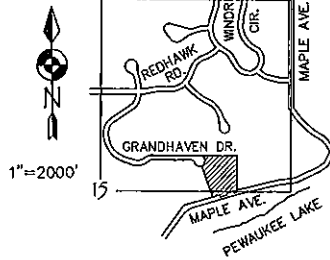
BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

ATLAS SURVEY

2826 SAINT ANDREWS COURT
WAUKESHA, WI 53188
(262) 901-5256
WWW.ATLASSURVEYWI.COM
SURVEYOR:
BRYCE KACZOR, PLS S-2803
SURVEY FOR:
LUKE HOLTAN
(414) 975-2170
PROPERTY:
N27W30181 GRAND HAVEN DR.
N27W30161 MAPLE AVE.
N27W30147 MAPLE AVE.
PEWAUKEE, WI 53072

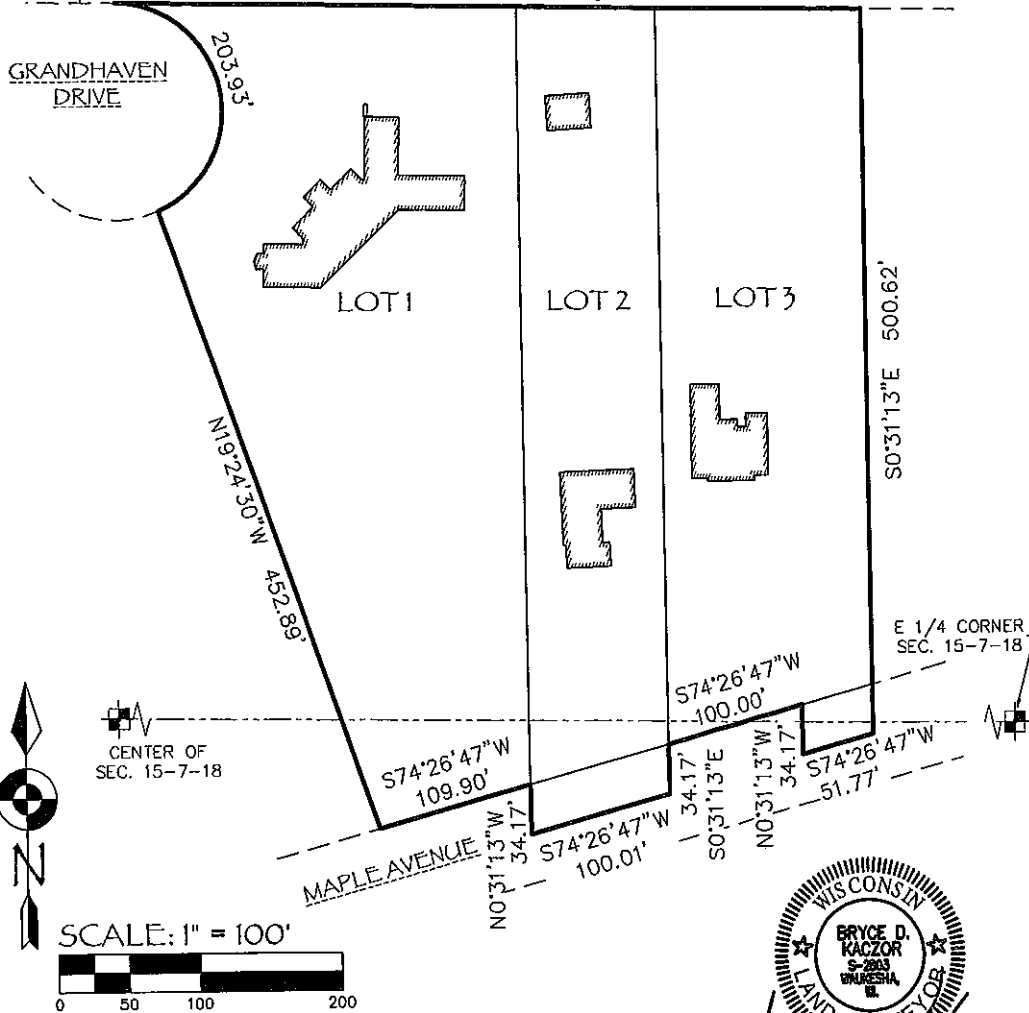
LOCATION MAP

NE. 1/4 SEC. 15-T7N-R18E



- ### LEGEND
- CONC. MON. FND.
 - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
 - 1" DIA. IRON PIPE SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
- (A) LENGTH: 203.93'
"I" ANGLE: 155°47'41"
RADIUS: 75.00'
CHORD: 146.67'
BEARING: N11°16'22.5"W

OVERALL:
SEE SHEETS 2&3 FOR DETAILS
S89°10'13"E 523.42'



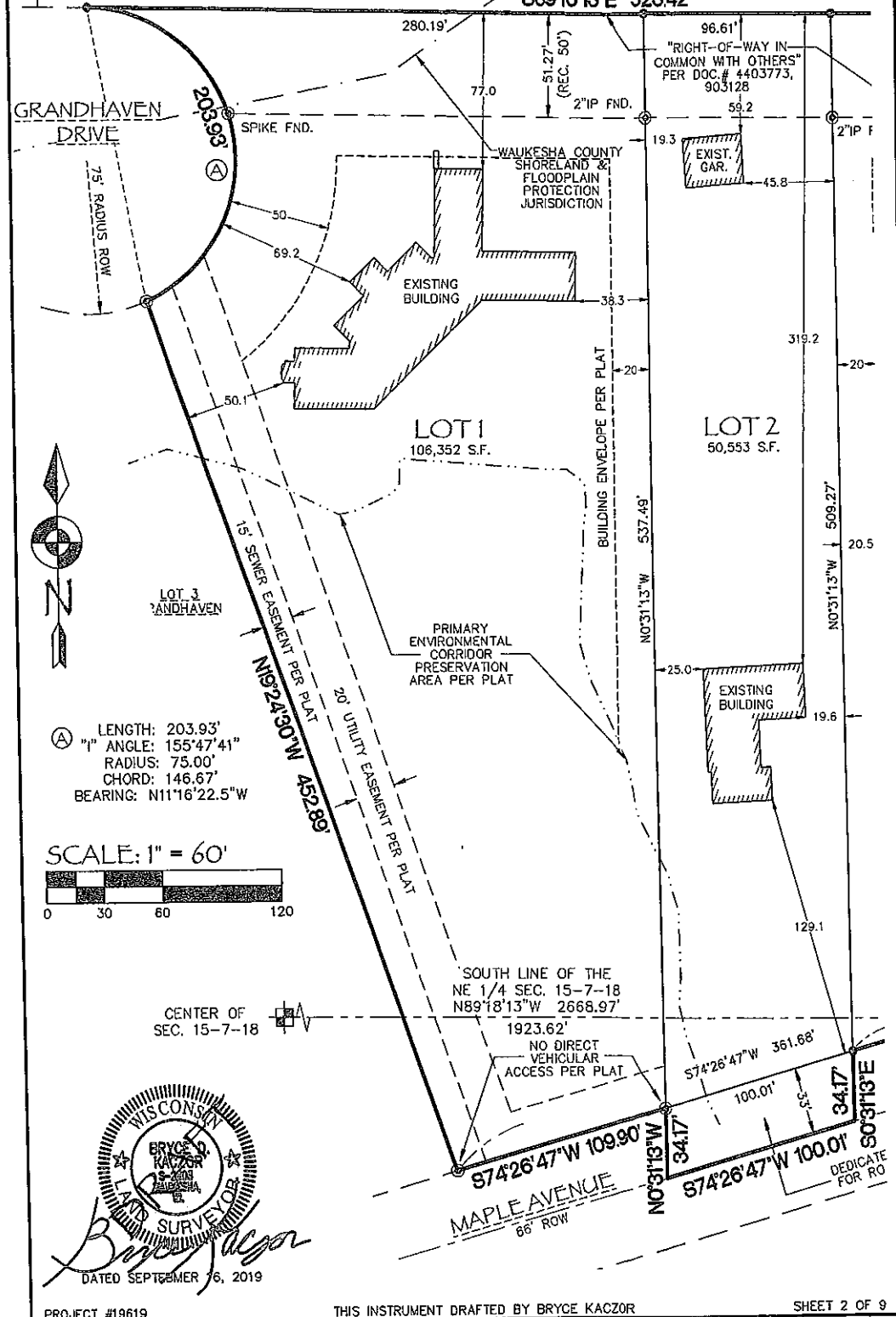
BEARINGS ARE REFERENCED TO NAD27, WISCONSIN STATE PLANE, SOUTH ZONE, GRID NORTH ON THE SOUTH LINE OF THE NE 1/4 OF SECTION 15-7-18 AS N89°18'13"W.

WISCONSIN
BRYCE D. KACZOR
S-2803
WAUKESHA, WI
LAND SURVEYOR
Bryce Kaczor
DATED SEPTEMBER 6, 2019

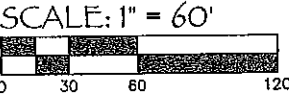
CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

OUTLOT 6, HAWKSNEST



(A) LENGTH: 203.93'
 "I" ANGLE: $155^{\circ}47'41''$
 RADIUS: 75.00'
 CHORD: 146.67'
 BEARING: $N11^{\circ}16'22.5''W$



WISCONSIN
 BRYCE KACZOR
 LAND SURVEYOR
 DATED SEPTEMBER 6, 2019

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

NOTES:

1. EASEMENT SHOWN PER INFORMATION FURNISHED BY KNIGHT BARRY TITLE GROUP, FILE NO. 1043391, DATED JULY 2, 2019.
-BLANKET RESTRICTIONS AND COVENANTS FOR GRANDHAVEN PER DOC.#2780996 & 2718378 NOT SHOWN.
-BLANKET EASEMENTS AND RESTRICTIONS PER GRANDHAVEN NOT SHOWN.
-SANITARY SEWER EASEMENT PER DOC.#931885 LOCATED IN MAPLE AVENUE, NOT SHOWN.
-ELECTRIC EASEMENT PER DOC.#1396682 & 1396707, ELECTRIC LINE APPARENTLY ABANDONED PER GRANDHAVEN, NOT SHOWN.
-EASEMENT PER DOC.#1570962 NOT ON PROPERTY, NOT SHOWN.
-TEMPORARY EASEMENT PER DOC.#2647422 TERMINATED, NOT SHOWN.
2. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.
3. THE FIELD WORK WAS COMPLETED ON AUGUST 22, 2019.

SURVEYOR'S CERTIFICATE:

I, Bryce D. Kaczor, Registered Land Surveyor hereby certify,

That I have surveyed, divided and mapped all that being a part of the SE. 1/4 of the NE. 1/4, and NE. 1/4 of the SE. 1/4 of Section 15, and Lots 1 & 2 of Grandhaven located in the SE. 1/4 of the NE. 1/4, and NE. 1/4 of the SE. 1/4 of Section 15, T.7N., R.18E., Town of Delafield, Waukesha County, Wisconsin, more fully described as follows:

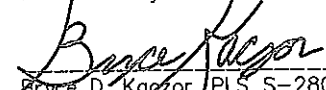
Commencing at the E 1/4 Corner of said Section 15; thence N89°18'13"W, along the South line of the NE 1/4 of said Section, 745.35 feet to the point of beginning of hereinafter described lands; thence S0°31'13"E, 7.76 feet; thence S74°26'47"W, along the centerline of Maple, 51.77 feet; thence N0°31'13"W, 34.17 feet to the southeasterly corner of said Lot 1 of Grandhaven; thence S74°26'47"W, 100.00 feet to the southwesterly corner of said Lot 1 of Grandhaven; thence S0°31'13"E, 34.17 feet; thence S74°26'47"W, along the centerline of Maple, 100.01 feet; thence N0°31'13"W, 34.17 feet to the southeasterly corner of said Lot 2 of Grandhaven; thence S74°26'47"W, 109.90 feet to the southwesterly corner of said Lot 2 of Grandhaven; thence N19°24'30"W, 452.89 feet to the northwesterly corner of said Lot 2 of Grandhaven; thence 203.93 feet along the right-of-way of Grandhaven Drive and the arc of a curve to the left with a radius of 75.00 feet whose chord bears N11°16'22.5"W, 146.67 feet to the northerly right-of-way line of said Grandhaven Drive; thence S89°10'13"E, along the southerly line of Outlot 6 of Hawksnest, 523.42 feet; thence S0°31'13"E, 492.86 feet to the point of beginning. Said lands containing 233,423 square feet (5.36 Acres).

That I have made such survey, land division and Certified Survey Map by the direction of LORI DENTICE, JOHN GLIATIS, CRISTINA GLIATIS, AND LUKE HOLTAN, owners of said lands.

That such survey is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the TOWN OF DELAFIELD and WAUKESHA COUNTY in surveying, dividing and mapping the same.

Dated this 16th day of September, 2019.


Bryce D. Kaczor, PLS S-2803



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION:

As owners, We hereby certify that we caused that land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. We also certify that this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- 1) WAUKESHA COUNTY
- 2) TOWN OF DELAFIELD

WITNESS the hand and seal of said owner this _____ day of _____
In Presence of:

LORI DENTICE, Owner

JOHN GLIATIS, Owner

CRISTINA GLIATIS, Owner

LUKE HOLTAN, Owner

STATE OF WISCONSIN)

_____ COUNTY) SS

Personally came before me this _____ day of _____, 20_____, the above named LORI DENTICE, JOHN GLIATIS, CRISTINA GLIATIS, AND LUKE HOLTAN to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

Notary Public

_____ County, Wisconsin

My Commission Expires _____



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

CONSENT OF CORPORATE MORTGAGEE:

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Certified Survey Map, and does hereby consent to the above certificate of LORI DENTICE, Owner.

IN WITNESS WHEREOF, said _____ has caused these presents to be signed by _____, its _____, and countersigned by _____, its _____ at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 20 _____

In presence of:

STATE OF WISCONSIN)
_____ COUNTY) SS)

Personally come before me this _____ day of _____, 20 _____, the above named _____ and _____ of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ and _____ of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public

_____ County, Wisconsin

My Commission Expires _____



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

CONSENT OF CORPORATE MORTGAGEE:

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Certified Survey Map, and does hereby consent to the above certificate of JOHN GLIATIS and CRISTINA GLIATIS, Owner.

IN WITNESS WHEREOF, said _____ has caused these presents to be signed by _____, its _____, and countersigned by _____, its _____ at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 20 _____.

In presence of:

STATE OF WISCONSIN)

_____ COUNTY) SS)

Personally came before me this _____ day of _____, 20 _____, the above named _____, and _____ of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ and _____ of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public

_____ County, Wisconsin

My Commission Expires _____



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, AND LOTS 1 & 2 OF GRANDHAVEN LOCATED IN THE SE. 1/4 OF THE NE. 1/4, AND NE. 1/4 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

CONSENT OF CORPORATE MORTGAGEE:

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Certified Survey Map, and does hereby consent to the above certificate of LUKE HOLTAN, Owner.

IN WITNESS WHEREOF, said _____ has caused these presents to be signed by _____, its _____, and countersigned by _____, its _____, at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 20 _____.
In presence of:

STATE OF WISCONSIN)
_____ COUNTY) SS)

Personally came before me this _____ day of _____, 20 _____, the above named _____, _____, and _____ of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ and _____ of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public

_____ County, Wisconsin

My Commission Expires _____



CERTIFIED SURVEY MAP NO. _____

TOWN BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the Town of Delafield, is hereby approved by the Town Board.

All conditions have been met as of the _____ day of _____, 20____.

Date: _____ Signed _____
Ronald A. Troy, Town Chair

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Town Board of the Town of Delafield.

Date: _____ Signed _____
Mary Eisner, Town Clerk

PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Delefield, is hereby approved by the Plan Commission.

Approved as of the _____ day of _____, 20____.

Date: _____ Signed _____
Kevin Fitzgerald, Chairperson

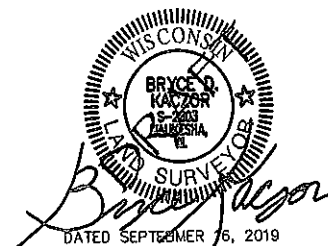
I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Town of Delafield.

Date: _____ Signed _____
Mory Elsner, Town Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL:

Resolved that the Certified Survey Map, in the Town of Delafield, Wisconsin, which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statutes.

Dale Shaver, Director



September 24, 2019

Greetings Respected Board Chairman and Members,

The enclosed signature list attachments are from those of the residents of the Wildwood Hills Subdivision, with properties valued in the \$500,000 to \$900,000 price range.

We are extremely concerned about the property located at S1W31448 Hickory Hollow Ct. It seemingly has been vacant/abandoned for almost a year. It is in complete disrepair, the landscaping has totally grown over, unmanaged and various vehicles are abandoned on the driveway. We believe this can seriously affect the values of our properties and neighborhood.

We understand that the property is now possibly in a pre-foreclosure situation and held by the bank. We are hoping that the Town authorities can do something in terms of notifying the bank authorities of the property condition and possibly impose some notice of penalty for non-compliance of local ordinances regarding property upkeep and hasten the foreclosure action or gain some form of maintenance on the property.

Several years ago, the Town Building Inspector imposed conditions/penalties on the owner to rectify unkempt conditions at the property regarding litter strewn around the entire yard at that time. No such action has occurred since that time.

Your attention, concern and action would be greatly appreciated by the neighborhood residents.

Respectfully yours,



Gerald C. Voss

S1W31441 Hickory Hollow Ct.

Delafield, WI 53018


262-968-2394

Attachment

Local Resident Endorsements:

PAMELA L. VOSS SIW31441 Hickory Hollow Ct. 9/14/19
Pamela L. Voss

Vanne L. Cooper SIW31449 Hickory Hollow Ct 9/14/19


Richard D. Cooper SIW31449 Hickory Hollow Ct 9/14/19
Richard D Cooper

Philip Eickhoff SIW31450 Hickory Hollow Ct 9/14/2019

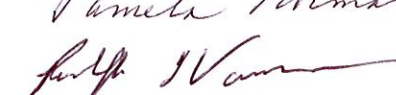




Thomas F. Brunns SIW31433 Hickory Hollow Ct. 9-14-19


Barbara M Brun Barb Brunns
SIW31433 Hickory Hollow Ct. 9-14-19

Russell Hurst NIW31348 Hickory Hollow Ct 53018
R Hurst NIW31348 Hickory Hollow Ct 53018

Larry E. Normann } NIW31298 Hickory Hollow Ct.
Pamela Normann }

 Julie Wanner NIW31286 Hickory Hollow Ct
 NIW31362 HICKORY HOLLOW CT.
 NIW31370 Hickory Hollow Ct.

Dawn Weber NIW31370 Hickory Hollow Ct.
Dick Wake (Jim E. Yule) NIW31353 Hickory Hollow Ct.

Pam Anderson NIW31362 Hickory Hollow Ct. 

Attachment

Local Resident Endorsements:

Kim Mason NIW31444 Hickory Hollow Ct Sept 15, 2019
Kim Mason
Jay Mason NIW31444 Hickory Hollow Ct. September 15, 2019
JAM













Mary Elsner

AGENDA ITEM

From: RONALD A TROY <ratroy@mac.com>
Sent: Thursday, September 26, 2019 3:45 PM
To: Clare Dundon
Cc: Elsner Mary T.
Subject: Re: status - *N14 W28109 Silvernail Rd.*

OCT 08 2019

ITEM # *8C* PAGE *1 of 1*

Hi Clare - After I received your last email, I invited Supervisor Pete VanHorn to drive to the property at issue with me. He and I drove the property area a couple of weeks ago. I realized at that time that while the Town has a Board Liaison with the Fire Department, the Highway Department, and Park & Rec., there is not a Liaison with the Building Inspection Department. I asked Pete Van Horn to be the Town's liaison with the Building Department, and he agreed. Pete and I believe the property you reference is in the County's Shoreland Zoning area, and thus not controlled by the Town. Pete was going to contact the County and discuss resolving the issue. I will check back with Pete.

Back in July I reviewed the Building Inspection Contract the Town currently has with the Company providing the service. The previous contract *included* code enforcement activities. The current contract, which was signed by Larry for the past 4 years, does not include code enforcement. No one noticed the change, and the Board was not given the contract to review. Not having code enforcement in the building inspection contract is unacceptable to me

I met with the manager of the building inspection company and was not impressed with their response or actions. Therefore, I/we initiated the drafting of a RFP for Building Inspection Services. The RFP was approved by the Board at the last Board meeting and is currently being published. We are actively contacting inspection companies and asking them to bid the contract. I hope to have a better inspection contract, which includes code enforcement, by the end of this year.

If the property in question is in the County's Shoreland Zoning area, I am not sure what authority the Town has to enforce the Town codes. I will review that topic. I apologize, and realize this is not an acceptable answer. I will put this issue on the Board meeting's Agenda for October 8th, and will hopefully have more guidance at that time.

Let me know if you have any suggestions or comments.

Thanks

Ron

Mary: please include Code Enforcement options for the property in question on the Agenda for the October 8, 2019 Town Board meeting. Thanks

Ron Troy
Chairman
Town of Delafield
A Perfect Environment

STATE OF WISCONSIN
BOARD OF COMMISSIONERS OF PUBLIC LANDS
101 EAST WILSON STREET, 2ND FLOOR
POST OFFICE BOX 8943
MADISON, WISCONSIN 53708-8943

APPLICATION FOR STATE TRUST FUND LOAN

TOWN - 20 YEAR MAXIMUM

Chapter 24 Wisconsin Statutes

TOWN OF DELAFIELD

Date sent: September 25, 2019

Received and filed in Madison, Wisconsin:

ID # 05605166

RAS

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

TO: BOARD OF COMMISSIONERS OF PUBLIC LANDS

We, the undersigned town board of supervisors of the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, in accordance with the provisions of Chapter 24 of the Wisconsin Statutes, do hereby make application for a loan of **Two Hundred Fifty Thousand And 00/100 Dollars (\$250,000.00)** from the Trust Funds of the State of Wisconsin for the purpose of **financing truck purchase**.

The loan is to be continued for a term of **7** years from the 15th day of March preceding the date the loan is made. The loan is to be repaid in annual installments, as provided by law, with interest at the rate of **3.25** percent per annum.

We agree to the execution and signing of such certificates of indebtedness as the Board may prepare and submit, all in accordance with Chapter 24, Wisconsin Statutes.

The application is based upon compliance on the part of the Town with the provisions and regulations of the statutes above referred to, as set forth by the following statements which we do hereby certify to be correct and true.

The meeting of the Town Board of the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, which approved and authorized this application for a loan was a regularly called meeting held on the _____ day of _____, 20_____.

At the aforesaid meeting a resolution was passed by a majority vote of the members of the Town Board approving and authorizing an application to the Board of Commissioners of Public Lands, State of Wisconsin, for a loan of **Two Hundred Fifty Thousand And 00/100 Dollars (\$250,000.00)** from the Trust Funds of the State of Wisconsin to the Town of **Delafield** in the County(ies) of **Waukesha**, Wisconsin, for the purpose of **financing truck purchase**. That at the same time and place, the Town Board of the Town of **Delafield** by a majority vote of the members, adopted a resolution levying upon all the taxable property in the Town, a direct annual tax sufficient in amount to pay the annual installments of principal and interest, as they fall due, all in accordance with Article XI, Sec. 3 of the Constitution and Sec. 24.66(5), Wisconsin Statutes.

A copy of the aforesaid resolutions, certified to by the clerk, as adopted at the meeting, and as recorded in the minutes of the meeting, accompanies this application.

A statement of the equalized valuation of all the taxable property within the Town of **Delafield** certified to by the clerk, accompanies this application.

Given under our hands in the Town of **Delafield**, County(ies) of **Waukesha**, Wisconsin, this _____ day of _____, 20_____.

Chairman, Town of **Delafield** (Signature)

Clerk, Town of **Delafield** (Signature)

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Chairman and supervisors, please sign in space provided and type or print name below the signature.)

	<u>OFFICER</u>	<u>ADDRESS OF EACH OFFICER</u>
1.	_____	_____
	Chairman (Signature)	
	_____	_____
	Type or Print Name	
2.	_____	_____
	Supervisor (Signature)	
	_____	_____
	Type or Print Name	
3.	_____	_____
	Supervisor (Signature)	
	_____	_____
	Type or Print Name	
4.	_____	_____
	Supervisor (Signature)	
	_____	_____
	Type or Print Name	
5.	_____	_____
	Supervisor (Signature)	
	_____	_____
	Type or Print Name	

Town Board of Supervisors of the Town of **Delafield**, County(ies) of **Waukesha**, Wisconsin.

STATE OF WISCONSIN
County(ies) of **Waukesha**

Personally came before me this ____ day of _____, 20____, the above named persons known to me as the Town Board of Supervisors of the Town of **Delafield**, in **Waukesha** County, Wisconsin, and who are the persons who executed the foregoing application and acknowledged same.

Clerk (Signature)

Clerk (Print or Type Name)

Town of **Delafield**
County(ies) of **Waukesha**, Wisconsin

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FORM OF RECORD

The following preamble and resolutions were presented by Supervisor _____ and were read to the meeting.

By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of **Two Hundred Fifty Thousand And 00/100 Dollars (\$250,000.00)** for the purpose of **financing truck purchase** and for no other purpose.

The loan is to be payable within 7 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of **3.25** percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the Town of **Delafield** by such loan from the state be applied or paid out for any purpose except **financing truck purchase** without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the Town of **Delafield**, in the County(ies) of **Waukesha**, Wisconsin, are authorized and empowered, in the name of the Town to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the Town pursuant to this resolution. The chairman and clerk of the Town will perform all necessary actions to fully carry out the provisions of Chapter 24 Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this Town forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

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Supervisor _____ moved adoption of the foregoing preamble and resolutions.

The question being upon the adoption of the foregoing preamble and resolutions, a vote was taken by ayes and noes, which resulted as follows:

- 1. Chairman _____ voted _____
- 2. Supervisor _____ voted _____
- 3. Supervisor _____ voted _____
- 4. Supervisor _____ voted _____
- 5. Supervisor _____ voted _____

A majority of the Town Board of the Town of **Delafield**, in the County(ies) of **Waukesha**, State of Wisconsin, having voted in favor of the preamble and resolutions, they were declared adopted.

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

STATE OF WISCONSIN

County(ies) of **Waukesha**

I, _____, Clerk of the Town of **Delafield**, County(ies) of **Waukesha**, State of Wisconsin, do hereby certify that the foregoing is a true copy of the record of the proceedings of the Town Board of the Town of **Delafield** at a meeting held on the _____ day of _____, 20____, relating to a loan from the State Trust Funds; that I have compared the same with the original record thereof in my custody as clerk and that the same is a true copy thereof, and the whole of such original record.

I further certify that the Town Board of the Town of **Delafield**, County(ies) of **Waukesha**, is constituted by law to have _____ members, and that the original of said preamble and resolutions was adopted at the meeting of the Town Board by a vote of _____ ayes to _____ noes and that the vote was taken in the manner provided by law and that the proceedings are fully recorded in the records of the Town.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Town of **Delafield** this _____ day of _____, 20_____.

Clerk (Signature)

Clerk (Print or Type Name)

Town of **Delafield**

County(ies) of **Waukesha**

State of Wisconsin

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY

STATE OF WISCONSIN
 COUNTY(IES) OF **Waukesha**
 TO: THE BOARD OF COMMISSIONERS OF PUBLIC LANDS

I, _____, Clerk of the Town of **Delafield**, County(ies) of **Waukesha**, State of Wisconsin, do hereby certify that it appears by the books, files and records in my office that the valuation of all taxable property in the Town of **Delafield** is as follows:

EQUALIZED VALUATION FOR THE YEAR 20____ * \$ _____

* Latest year available

I further certify that the whole existing indebtedness of the Town of **Delafield**, County(ies) of **Waukesha**, State of Wisconsin, is as follows: (list each item of indebtedness):

NAME OF CREDITOR	PRINCIPAL BALANCE (EXCLUDING INTEREST)
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL INDEBTEDNESS:	\$ _____

 Clerk (Signature)

 Clerk (Print or Type Name)

Clerk in the Town of **Delafield**

County(ies) of **Waukesha**, Wisconsin

_____, 20____
 Date

THE TOTAL INDEBTEDNESS, INCLUDING THE TRUST FUND LOAN APPLIED FOR, MAY NOT EXCEED 5% OF THE VALUATION OF THE TAXABLE PROPERTY AS EQUALIZED FOR STATE PURPOSES. (Sec. 24.63(1), Wis. Stats., 1989-90)

RETURN THIS ORIGINAL – DO NOT RETURN PHOTOCOPY



**BCPL State Trust Fund Loan Program
Anticipated Schedule of Disbursements**

Town of Delafield
Worksheet # 05605166
Finance Truck Purchase
\$250,000.00

Please tell us when you anticipate the need for loan funds:

Disbursement Date	Disbursement Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Fill out this form using your best estimates as of the loan application date. *This is not an actual disbursement form.* We request this information to help us better manage the investment of State of Wisconsin Trust Funds. After your loan has been approved, you will receive a "Request for Loan Disbursement" form to request the actual distribution of funds.

Please return form to:

Board of Commissioners of Public Lands
PO Box 8943
Madison, WI 53708-8943

fax 608.267.2787
richard.sneider@wisconsin.gov

A RESOLUTION TO CHANGE THE TOWN OF DELAFIELD POLLING PLACE FOR WARDS 7, 8 AND FOR WARDS 9, 10, 11 TO THE DAYSPRING CHURCH

WHEREAS, pursuant to Wisconsin Statutes Section 5.25(3) polling places shall be established for each election at least 30 days before the election; and,

WHEREAS, currently Wards 7, 8 within the Town of Delafield vote at Brandybrook Community Center and Wards 9, 10, 11 within the Town of Delafield vote at Fire Station #2; and,

WHEREAS, the Town of Delafield Town Clerk has recommended that wards 7, 8 and for wards 9, 10, 11 be relocated to better administer elections in the Town;

WHEREAS, DaySpring Church, which is conveniently located at N14 W29489 Silvernail Road, has agreed to serve as a polling place; and

NOW THEREFORE, the Town Board for the Town of Delafield, Waukesha County, Wisconsin, that the polling place for all elections for wards 7, 8 and for wards 9, 10, 11 in the Town of Delafield shall be the DaySpring Church building located at N14 W29489 Silvernail Road in the Town of Delafield. Any combination of wards, and any previously established polling locations for wards not addressed herein, are unaffected by this Resolution.

BE IT FURTHER RESOLVED that the Town Clerk is directed to notify voters of this change by placing a notice at the Town Hall, on the Town of Delafield website, and at the Town of Delafield's three legal posting locations.

Dated this ____ day of _____, 2019

TOWN OF DELAFIELD

Ronald A. Troy, Town Chair

Attest:

Mary Elsner, Town Clerk/Treasurer

TOWN OF DELAFIELD

Ordinance No. _____

AN ORDINANCE TO AMEND SECTION 2.02 (2) OF THE
TOWN OF DELAFIELD MUNICIPAL CODE PERTAINING TO REGULAR MEETINGS

WHEREAS, on or about February 10, 1998, the Board of Supervisors changed the starting time of Town Board meetings for the Town of Delafield to 7:00 p.m.

WHEREAS, the Board of Supervisors now concludes that the regular meetings of the Town Board, held on the second and fourth Tuesdays of the month, would better serve both board members and citizens by beginning at an earlier time.

NOW THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 2.02 of the Town of Delafield Municipal Code entitled "Meetings" of the Town Board" Subsection (2) entitled "Regular Meetings" is hereby ~~amended~~ repealed and re-created as follows:

- (2) "Regular Meetings of the Town Board shall be held on the second and fourth Tuesday of the month at 6:30 p.m." Any regular meeting falling upon a legal holiday shall be held on the day designated by the Board. All meetings of the Board shall be held in the Town Hall, including special and adjourned meetings, unless otherwise designated. Notice of a substitute meeting place shall be given the public by posting a written notice of the substitute meeting place and time thereof on the outer door of the Town Hall at least 8 hours prior to such meeting

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in this decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

TOWN OF DELAFIELD

BY:

Ronald A. Troy, Town Chairman

ATTEST:

Mary Elsner, Town Clerk/Treasurer

This ordinance posted or published _____

DRAFT



AGENDA ITEM

OCT 08 2019

ITEM # 86, PAGE 1 of 1

September 27, 2019

Re: Resignation from Town of Delafield Board

To: Town Board Chairman Troy and Town of Delafield Board Supervisors,

It is with regret that I tender my resignation from the Town of Delafield Board effective 10/10/2019. I would like to thank the Board, Department heads, and Staff for their professionalism, knowledge, and openness to collaborate with me during my time as a board member.

I am leaving my position because I received a promotion and change in role with my company that has led to more international travel. The new workload and travel requirements have left me inadequate time to give to the Town of Delafield and its citizens.

I look forward to serving the Town in the future when I am able to better balance the demands of work and service to the community.

Thank you for your time and attention

Christopher Smith
Town of Delafield Board Supervisor

Cc: Mary Elsner, Town Clerk / Treasurer