

## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Ron Troy  
**Supervisors**  
Edward Kranick  
Christie Dionisopoulos  
Steve Michels  
**Clerk/Treasurer**  
Dan Green

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
TUESDAY, FEBRUARY 9, 2021 – 6:30 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 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 three (3) 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. Public comment on specific agenda items are limited to Town of Delafield Residents only and individuals will have up to three (3) minutes to speak. 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 Minutes:
  - A. January 26, 2020 Town Board Minutes
5. Action on vouchers submitted for payment:
  - A. Report on budget sub-accounts and action to amend 2020 budget
  - B. Report on budget sub-accounts and action to amend 2021 budget
  - C. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
  - A. Mixed Use Ordinance General Update (Discussion Only)
  - B. Administrator's Report
  - C. Lake Country Fire Commission Update
7. Unfinished Business
  - A. Discussion and possible action on the approval of Ordinance 2021-01, an Ordinance to repeal and recreate portions of Chapter 2 of the Town of Delafield Municipal Code, concerning the conduct of meetings and vacation of chair.
8. New Business
  - A. Discussion and possible action on the approval of Ordinance 2021-02, an Ordinance to repeal and recreate Section 14.02(1) of the Municipal Code, to update the Administrative Code references.
  - B. Discussion and possible action on the authorization to sell Engine #3162 through Wisconsin Surplus Auction.
  - C. Discussion and possible action on the adoption of Resolution 21-644, a Resolution approving the Mutual Aid Box Alarm System Agreement.

## 9. Announcements and Planning items

- A. Spring Primary – Tuesday, February 16, 2021
- B. Plan Commission – Thursday, February 18, 2021 @ 6:30PM
- C. Town Board – Tuesday, February 23, 2021 @ 6:30PM

## 10. Adjournment



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Dan Green  
Town of Delafield Clerk/Treasurer

**PLEASE NOTE:**

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum 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 governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
JANUARY 26, 2021 @ 6:30 PM**

**Members Present:** Chairman Troy, Supervisor Kranick, Supervisor Michels and Supervisor Dionisopoulos. Also present was Administrator/Clerk/Treasurer Dan Green, R&R Insurance representative Mike Walden, and Town Engineer Tim Barbeau.

**First order of business:** Call to Order  
Supervisor Troy called the meeting to order at 6:30 a.m.

**Second order of business:** Pledge of Allegiance

**Third order of business:** Citizen Comments: None

**Fourth order of business:**  
A. Approval of January 12, 2021 Town Board Minutes

*Motion made by Supervisor Kranick to approve the minutes from January 12, 2021 as presented with the correction of the spelling of his name under "Adjournment". Seconded by Supervisor Dionisopoulos. Motion carried 4-0.*

**Fifth order of Business:** Action on vouchers submitted for payment:  
A. Report on budget sub-accounts and action to amend 2020 budget  
B. 1) Accounts payable; 2) Payroll

*Motion by Supervisor Kranick to approve amending the 2020 Budget to increase revenues and expenses by \$142,229.73 to the accounts described above with monies to come from the General Fund Surplus. Staff also recommends amending the 2020 Budget Refuse Collection Expense Account by \$12,895.02 and Capital Outlays for the Highway Department by \$40,507.19 to come from General Fund surplus. Seconded by Supervisor Dionisopoulos. Motion carried 4-0.*

*Motion by Supervisor Kranick to approve payment of checks #64329-#64338, #64341-#64345, and #64337-#64383 in the amount of \$190,111.95, and the payrolls dated January 22, 2021 in the amount of \$60,488.29. Seconded by Supervisor Michels. Motion carried 4-0.*

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

A. Mixed Use Ordinance General Update (Discussion Only)

Administrator Green updated the board, explaining that the draft ordinance was reviewed by him and the engineer. Comments were then discussed with Jason Fruth from Waukesha County, and Jason will have an updated draft sent to the workgroup by the end of the week.

Supervisor Kranick wanted to make it clear that the amount of interaction will not be the same at the public hearing as compared to the open house. He explained this is a different format and housing a Teams meeting is going to be complicated. He encouraged residents who could not come to write letters to the Plan Commission before the meeting.

Jim Frett asked if the Town would consider a Teams meeting if it could be done in conjunction with YouTube. Administrator Green stated he would work with Jim on getting a virtual meeting set up.

**Seventh order of Business:** Unfinished Business  
A. Discussion and possible action on the approval of Ordinance 2021-01, an Ordinance to repeal and re-create portions of Chapter 2 of the Town of Delafield Municipal Code, concerning the conduct of meetings and vacation of chair. (tabled)

Chairman Troy explained that all comments were taken into consideration and a draft ordinance is being reviewed by the attorney and will be brought forward at the next board meeting.

**Eighth order of Business:** New Business

- A. Discussion and possible action on the Plan Commission's recommendation to approve a Certified Survey Map to split land at the Shoppes at Lynndale Farms to separate Ms. Leverage's home from the rest of the business property.

Engineer Barbeau explained the property owner is looking to split the property from north to south, separating the home from the business. He explained this parcel is partially in the Town of Merton as well. The house will be accessed through a private drive with an easement. He explained the CSM is technically correct as presented and just needs signatures. Supervisor Michels asked if the Town of Merton had acted on the CSM at their meeting. Engineer Barbeau had not heard from Merton to this point. Chairman Troy added that the Town tried to move the entire property to the Town but found that Towns cannot annex other Towns.

*Motion by Supervisor Kranick to approve the Certified Survey Map dated 1/10/2021 for property located at N47W28270 Lynndale Road. Seconded by Supervisor Dionisopoulos. Motion passed 4-0.*

- B. Discussion and possible action on the renewal of insurance for 2021 property and liability coverages.

Mike Walden from R&R Insurance presented the 2021 renewal rates for property, vehicle, and general liability insurance. Reviewing the locations of property in the open, Supervisor Kranick asked why the park on HWY KE was not listed. Mr. Walden explained that it was because there was no property in the open, at that park location.

Chairman Troy asked that Mr. Walden send the cost for insuring Fire Station #2. Mr. Walden stated he would send that information to Administrator Green. Supervisor Kranick asked that Mr. Walden send cyber threat training to the Administrator that he can share with his staff. Mr. Walden stated he will send any available training to Mr. Green.

Mike Walden brought to the attention of the board, a Fire Truck which will need to remain on the insurance if the truck is not sold by the time coverage begins. The board discussed keeping only liability insurance on the truck. They decided to keep normal coverage to be safe. They also discussed taking the Injunctive Relief coverage and waiving the Auto Medical Payments coverage.

*Motion by Supervisor Kranick to approve the 2021 property and liability coverages, declining the Auto Medical Payments Endorsement and accepting the Injunctive Relief Endorsement. Seconded by Supervisor Dionisopoulos. Motion passed 4-0.*

- C. Discussion and possible action on the approval and authorization of an application and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$250,000 loan to finance a portion of the roadway improvement project for 2021 budget.

Administrator Green explained this item was discussed at the budget meetings, and due to the referendum failing, the Town needed to borrow to keep up with the road improvement plan outlined by the engineer and highway superintendent. The board reviewed the resolution and preamble, discussing the 5-year term and the interest rate of 2.5%.

*Motion by Supervisor Kranick to approve the authorization of an application and a resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$250,000 loan for the purpose of financing roadwork for a period of 5 years. Seconded by Supervisor Michels. Motion passed 4-0.*

- D. Discussion and possible action on the approval and authorization of an application and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$150,000 loan to finance the purchase of a highway truck, and other Town purchases not funded by the tax levy for the 2021 budget.

Chairman Troy explained this was the second piece to the 2021 budget which was discussed at the budget workshops. This loan would be for 7 years, for the purposes of financing a truck for the highway department along with road salt, upgrades to the Town Hall internet and phone systems and highway equipment repair and maintenance. Supervisor Kranick asked if the Highway Department was planning to purchase a 1-ton truck or if they were going to purchase a larger plow truck. Administrator Green explained that the City of Pewaukee will be auctioning a plow truck this year, and if they can get it at the right price point, they will get the plow truck. If not, they will order a 1-ton. Both are anticipated to be around the same price.

*Motion by Supervisor Kranick to approve the authorization of an application and a resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$150,000 loan for the purpose of financing a truck purchase, road salt, internet/phone upgrades and highway equipment repair costs for a period of 7 years. Seconded by Supervisor Michels. Motion passed 4-0.*

- E. Discussion and possible action on Letter of Credit reduction for Hunt Club Farms in the amount of \$52,609.

Engineer Barbeau asked that Items 8-E and 8-F be taken up at the same time. The board had no objection to his request.

Engineer Barbeau explained that this is the 5<sup>th</sup> letter of credit reduction over the years, for Hunt Club Farms. He stated that there is a 1-year guarantee period once the roads are accepted by the Town. In the case of Hunt Club Farms, the roadways have been completed for over 2 years, but the ditches were not determined to be complete by Highway Superintendent Roberts. Because of that, the Town did not pass a resolution giving final acceptance of the roadways. Since then, Superintendent Roberts has approved the ditches in the subdivision and the roads are still acceptable to the Town Engineer and staff. The applicant has asked that the final acceptance of roadways be back dated to last year, so the Letter of Credit can be dissolved.

Chairman Troy questioned why the Town is backdating the acceptance of roadways. The engineer explained that the road has been completed for over 2 years with the only issue being a handful of ditches which are now up to the Town's standard. He explained that normally the Town would have given final acceptance one year ago. Chairman Troy questioned if the ditches were not holding up, would the Town want another one-year guarantee to make sure they continue to hold up. Engineer Barbeau explained that Superintendent Roberts would have accepted everything else in the development, less a small number of ditches in the subdivision. Mr. Roberts also expressed that he did not think the Town needed to hold money for those ditches.

Jon Spheeris, developer of Hunt Club Farms, explained the ditches were redone 4 times and were not accepted by Mr. Roberts until recently. The roads have been blacktopped for over 2 years. Chairman Troy stated he is not concerned about the release of funds; he is worried about backdating the resolution. He also stated he considers the ditch part of the road.

Supervisor Michels questioned what would happen if something came up in the next year, that ruined the ditches, given they were just approved in the later part of 2020. Engineer Barbeau stated that Highway Superintendent Roberts had no water concerns.

*Motion by Supervisor Kranick to approve a letter of credit reduction for Hunt Club Farms in the amount of \$52,609 and approve Resolution 21-643, a resolution giving final acceptance of roadways within Hunt Club Farm Subdivision. Seconded by Supervisor Dionisopoulos. Motion passed 4-0.*

- F. Discussion and possible action on adopting Resolution 21-643, a resolution giving final acceptance of roadways within Hunt Club Farm Subdivision.

This item was addressed under Item 8-D.

**Ninth order of Business:** Announcements and Planning items

- A. Town Board – Tuesday, February 9, 2021 @ 6:30 PM
- B. Spring Primary – Tuesday, February 16, 2021

**Tenth order of Business:** Adjournment

*Motion by Supervisor Kranick to adjourn the January 26, 2021 Town Board meeting at 7:35 p.m. Seconded by Supervisor Michels. Motion carried 4-0.*

Respectfully submitted:

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Dan Green, CMC/WCMC  
Administrator - Town Clerk/Treasurer



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**To:** Town Board Members  
**From:** Dan Green, Administrator  
**Date:** February 9, 2021  
**Subject:** Administrator's Report

### Fee Schedule Update

Staff is currently working through the fee schedule for 2021, making some changes to engineering and Plan Commission fees to bring them up to date. We are also working on a better format for these fees to be displayed on our website that is easy to read. Expect fee schedule updates to come up at the next board meeting. These fees have not been updated in many years, and costs have gone up significantly since fees were last reviewed. Impact fee increases took affect January 1, 2021, adjusted for CPI.

### February 16, 2021 Primary

There will be a Primary Election held on Tuesday, February 16, 2021 for the State Superintendent of Public Instruction. All three polling locations will be open from 7:00AM to 8:00PM. We have in-person absentee voting available at Town Hall until Friday, February 12. Those wishing to receive an absentee ballot by mail can request a ballot through Thursday, February 11. The Spring Election will be held on Tuesday, April 6, requiring our Plan Commission meeting to be rescheduled.

### Taxes

Taxes that have not been paid to this point are considered late and need to be paid directly to Waukesha County. Staff will be refunding overpayments over the next few weeks. With taxes being collected at Waukesha State Bank and Waukesha County, staff has been able to continue day to day operations, prepare for elections, and work on end-of-year procedures including assisting with the 2020 audit. We received significantly fewer complaints this year, with the convenience of Waukesha State Bank being close by.

**From:** [John Schroeder](#)  
**To:** [RONALD A TROY](#); [Dan Green](#); [Dan Green](#)  
**Subject:** Fire Commission Update  
**Date:** Tuesday, February 2, 2021 7:12:17 PM

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Ron/Dan, just a quick update on what has been happening in regards to personnel on the Lake Country Fire and Rescue over the past few months.

On December 2nd, Chief Fennig brought six candidates for full-time fire/EMT positions to the Commission. The Commission approved all six as they were excellent candidates. Three of the candidates were conditional offers based on having to complete and pass State examinations for EMT.

Tonight we swore in three of the Firefighter/EMT candidates. Two did not pass their initial boards. Chief Fennig explained that there is only about a 38% first time pass rate for EMT.

One candidate passed a second exam and will be sworn in at a ceremony later in the year when his family and friends can be in attendance.

One candidate has yet to pass the board.

One candidate did not make it through the hiring process due to providing false information in his application packet. He will not become a member of the LCFR.

We have interviews for leadership positions and full-time positions scheduled for the first week in March.

If you have any questions please let me know.

Thank you

John Schroeder



## CHAPTER 2

## THE GOVERNING BODY

- 2.01 Village Board Powers Adopted
- 2.02 Meetings
- 2.03 Adjournment to Specific Date
- 2.04 Conduct of Meetings
- 2.05 Duties of Presiding Officer
- 2.06 Absences
- 2.07 Conduct of Deliberations
- 2.08 Appropriation Ordinances or Resolutions
- 2.09 Reconsideration
- 2.10 Suspension of Rules
- 2.11 Procedures at Public Hearings

## THE GOVERNING BODY

2.01 VILLAGE BOARD POWERS ADOPTED. (Am. MSC '85) The Town Board has Village Board powers pursuant to 60.22(3), Wis. Stats., by resolution of the annual Town meeting dated April 2, 1935.

2.02 MEETINGS.

(1) OPEN MEETING LAW. All meetings of the Town Board, committees, boards and commissions shall be open to the public and preceded by public notice as provided in §19.84, Wis. Stats.

(2) REGULAR MEETINGS. (Rep. & rec. 98-456) 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.

(3) SPECIAL MEETINGS. (Rep. & rec. 2013-09) Special meetings of the Town Board may be called in one of the following ways: (a) by the Town Chair, with oral or written notice to the Town Clerk; or (b) by duly adopted motion of the Town Board, made and adopted at a properly noticed preceding Town Board meeting; or (c) by any 2 Supervisors in writing, filed with the Clerk at least 36 hours prior to the time specified for such meeting. When a special Town Board meeting is called, by any such method, the Town Clerk shall immediately notify each Supervisor of the time and purpose of such meeting. Only the business for which such special meeting was called shall be transacted at the special meeting.

2.03 ADJOURNMENT TO SPECIFIC DATE. The Board may by a majority vote adjourn any regular or special meeting from time to time to a specific date and hour.

2.04 CONDUCT OF MEETINGS.

(1) The business of the Board shall be conducted in the following order: (Am. #187)(Am. #95-374)

(a) Call to order by presiding officer.

(b) Pledge of allegiance.

(c) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to §2.03).

(d) Citizen Comments: Public comments from citizens regarding items on, or not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. During this period of citizen comments, the following procedures shall apply;

1. Each citizen wishing to address the Board will have up to three (3) minutes to speak.
2. Presentations shall be directed to topics subject to Town Board action and related to the Town of Delafield. Presentations are not limited to items on the agenda.
3. Comments shall be limited to thirty (30) minutes in total, unless otherwise deemed appropriate by the Chairman or a consensus of the Town Board; the time limit may be increased by increments of 15 minutes.
4. All citizen comments shall be directed only to the members of the Town Board, and not to Town staff, applicants, other residents, or members of the audience.
5. Citizens shall not make comments regarding personalities of the Town Board, Town staff, applicants or members of the audience.
6. Citizen's comments shall not attempt or be designed for the purpose of engaging the Town Board, Town staff, applicants, or members of the audience in a debate, conversation or a question and answer session.
7. Citizens making comments are not allowed to yield time to another citizen.
8. Citizens are limited to speaking once during citizen comments
9. No Board member may address the board during citizen comments.

(e) Approval of Minutes if correct, and rectifying mistakes if any exist.

(f) Action on budget sub-accounts if necessary, and vouchers submitted for payment.

(g) Communications (for discussion and possible action).

(h) Unfinished Business

(i) New Business

3

- (j) Announcements and Planning Items
- (k) Adjournment

(2) In the absence of the Clerk the Chairman shall appoint a Clerk pro tem.

2.05 DUTIES OF PRESIDING OFFICER. The Chairman at the stated hour shall call the meeting to order. He shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Roberts' Rules of Order, current edition, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. No appeal shall be debatable, and the appeal may be sustained by a majority of the members present, exclusive of the Chairman.

2.06 ABSENCES. If the Chairman is absent at the designated time for any meeting, the Clerk or, in his absence, the senior Supervisor present, based on date of original elections as Supervisor, shall call the meeting to order and preside until the Board shall by motion select an acting Chairman for that meeting.

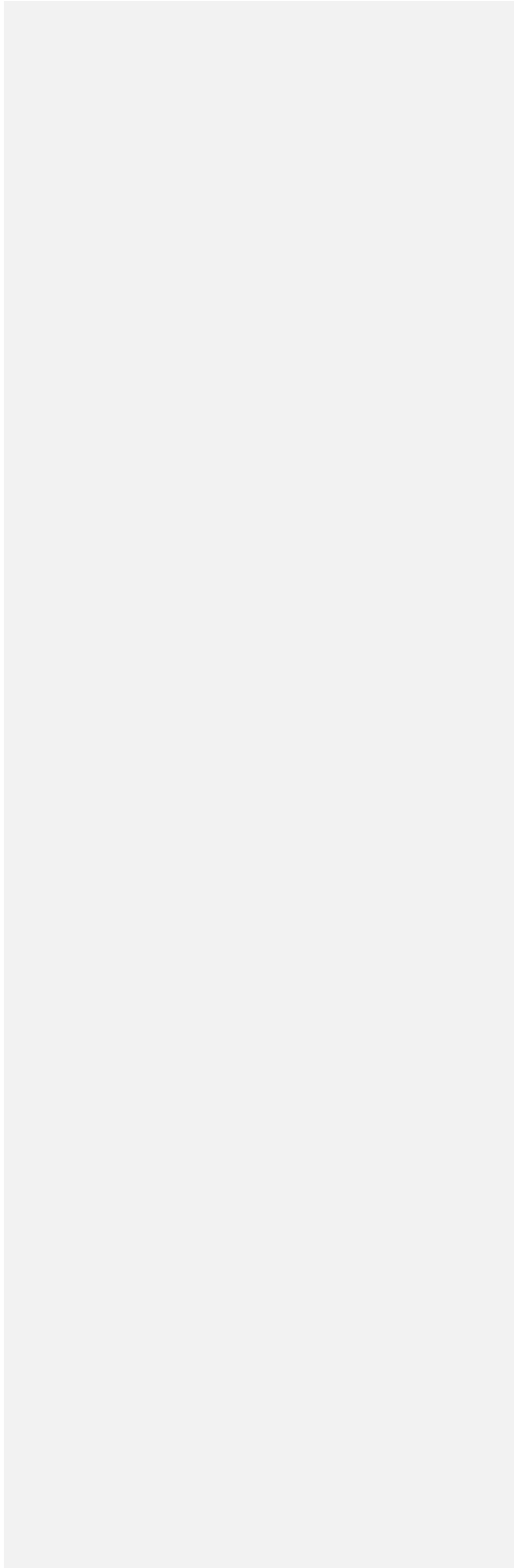
2.07 CONDUCT OF DELIBERATIONS. The deliberations of the Board shall be conducted in the following manner:

- (1) No Supervisor shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Chairman and confine his remarks to the question under discussion and avoid all personalities.
- (2) When 2 or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.
- (3) Unless recognized by the Chairperson, or by adopted motion of the Board to suspend the rules, no person other than a board member shall address the Board except as provided in §2.04(1)(d).
- (4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit one Supervisor to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- (5) When a question is under discussion, no action shall be in order, except to adjourn, to lay on the table, move the previous question, to postpone to a certain day, to refer to a committee, to amend, to postpone indefinitely. These motions shall have precedence in the order listed.
- (6) Any member desirous of terminating the debate may move the previous question, in which event the Chairman shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendments, and then upon the main question.
- (7) Any Supervisor may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present shall excuse him for special cause. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute, except as otherwise provided a majority vote of those present shall prevail in other cases.
- (8) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.
- (9) No member of the Board, whether he be a Supervisor or the Town Chairman, shall vote on any question involving his own character or conduct, his right as a member or his pecuniary interest.

- 2.08 APPROPRIATION ORDINANCES OR RESOLUTIONS. All ordinances or resolutions appropriating money or creating any charge against the Town other than the payment of claims for purchases or work previously authorized by the Board shall only be acted upon by the Board at the next regular meeting, provided this provision may be suspended by affirmative action of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.
- 2.09 RECONSIDERATION. Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A Supervisor may not change his vote on any question after the result has been announced.
- 2.10 SUSPENSION OF RULES. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.
- 2.11 PROCEDURES AT PUBLIC HEARINGS. (Cr. #95-392) The Board shall be responsible for preparing written procedures for the conduct for all public hearings before the Board and the Plan Commission. A copy of the written procedures shall be maintained at all times in the Clerk's office and those procedures shall be made available to the general public for review.

CHAPTER 2  
THE GOVERNING BODY

- 2.01 Village Board Powers Adopted
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- 2.05 Duties of Presiding Officer
- 2.06 Absences
- ~~2.07~~ ~~Vacation of Chair~~
- ~~2.078~~ Conduct of Deliberations
- ~~2.089~~ Appropriation Ordinances or Resolutions
- ~~2.0910~~ Reconsideration
- ~~2.11~~ ~~Transcription of Minutes~~
- ~~2.102~~ Suspension of Rules
- ~~2.113~~ Procedures at Public Hearings



THE GOVERNING BODY

2.01 VILLAGE BOARD POWERS ADOPTED. (Am. MSC '85) The Town Board has Village Board powers pursuant to 60.22(3), Wis. Stats., by resolution of the annual Town meeting dated April 2, 1935.

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(3) SPECIAL MEETINGS. (Rep. & rec. 2013-09) Special meetings of the Town Board may be called in one of the following ways: (a) by the Town Chair, with oral or written notice to the Town Clerk; or (b) by duly adopted motion of the Town Board, made and adopted at a properly noticed preceding Town Board meeting; or (c) by any 2 Supervisors in writing, filed with the Clerk at least 36 hours prior to the time specified for such meeting. When a special Town Board meeting is called, by any such method, the Town Clerk shall immediately notify each Supervisor of the time and purpose of such meeting, ~~by causing a written notice thereof to be delivered to each Supervisor personally, if such Supervisor can be found, and if such Supervisor cannot be found, then by leaving a copy of such notice at the home of such Supervisor in the presence of an adult member of the family of the Supervisor.~~ Only the business for which such special meeting was called shall be transacted at the special meeting.

2.03 ADJOURNMENT TO SPECIFIC DATE. The Board may by a majority vote adjourn any regular or special meeting from time to time to a specific date and hour.

2.04 CONDUCT OF MEETINGS.

- (1) The business of the Board shall be conducted in the following order: (Am. #187)(Am. #95-374)
  - (a) Call to order by presiding officer.
  - (b) Pledge of allegiance.
  - (c) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to §2.03).

(d) Citizen Comments: Public comments from citizens regarding items on, or not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. During this period of citizen comments, the following procedures shall apply:

- 1. Each citizen wishing to address the Board will have up to three (3) minutes to speak.
- 2. Presentations shall be directed to topics subject to Town Board action and related to the Town of Delafield. Presentations are not limited to items on the agenda.
- 3. Comments shall be limited to thirty (30) minutes in total, unless otherwise deemed appropriate by the Chairman or consensus of the Town Board: the time limit may be increased by increments of 15 minutes.
- 4. All citizen comments shall be directed only to the members of the Town Board, and not to Town staff, applicants, other residents, or members of the audience.
- 5. Citizens shall not make comments regarding personalities of the Town Board, Town staff, applicants or members of the audience.
- 6. Citizen's comments shall not attempt or be designed for the purpose of engaging the Town Board, Town staff, applicants, or members of the audience in a debate, conversation or a question and answer session.
- 7. Citizens making comments are not allowed to yield time to another citizen.
- 8. Citizens are limited to speaking once during citizen comments.
- 9. No Board member may address the board during citizen comments.

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- ~~(e) Approval of Minutes if correct, and rectifying mistakes if any exist.~~
- ~~(f) Action on budget sub-accounts if necessary, and vouchers submitted for payment.~~
- ~~(g) Communications (for discussion and possible action).~~
- ~~(h) Unfinished Business.~~
- ~~(i) New Business~~
- ~~(j) Announcements and Planning Items~~
- ~~(k) Adjournment.~~

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- ~~(d) Reading the minutes of the preceding meeting, and approving the same if correct, and rectifying mistakes if any exist.~~
- ~~(e) Reports of committees and officers.~~
- ~~(f) Unfinished business from previous meetings.~~
- ~~(g) New business, including introduction of ordinances and resolutions.~~

(2) In the absence of the Clerk the Chairman shall appoint a Clerk pro tem.

2.05 DUTIES OF PRESIDING OFFICER. The Chairman at the stated hour shall call the meeting to order. He shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Roberts' Rules of Order, current edition, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. No appeal shall be debatable, and the appeal may be sustained by a majority of the members present, exclusive of the Chairman.

2.06 ABSENCES. If the Chairman is absent at the designated time for any meeting, the Clerk or, in his absence, the senior Supervisor present, based on date of original elections as Supervisor, shall call the meeting to order and preside until the Board shall by motion select an acting Chairman for that meeting.

~~2.07 VACATION OF CHAIR. Whenever the presiding officer shall desire to speak upon any question, or to make any motion, he shall vacate the chair and designate a Supervisor to preside temporarily.~~

2.07 CONDUCT OF DELIBERATIONS. The deliberations of the Board shall be conducted in the following manner:

- (1) No Supervisor shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Chairman and confine his remarks to the question under discussion and avoid all personalities.
- (2) When 2 or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.
- (3) ~~Unless recognized by the Chairperson, or by adopted motion of the Board to suspend the rules, No~~ person other than a board member shall address the Board except ~~under order of business as~~ provided in §2.04(1)(d).
- (4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit one Supervisor to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- (5) When a question is under discussion, no action shall be in order, except to adjourn, to lay on the table, move the previous question, to postpone to a certain day, to refer to a committee, to amend, to postpone indefinitely. These motions shall have precedence in the order listed.
- (6) Any member desirous of terminating the debate may move the previous question, in which event the Chairman shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendments, and then upon the main question.

- (7) Any Supervisor may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present shall excuse him for special cause. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute, except as otherwise provided a majority vote of those present shall prevail in other cases.
- (8) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.
- (9) No member of the Board, whether he be a Supervisor or the Town Chairman, shall vote on any question involving his own character or conduct, his right as a member or his pecuniary interest.

2.098 APPROPRIATION ORDINANCES OR RESOLUTIONS. All ordinances or resolutions appropriating money or creating any charge against the Town other than the payment of claims for purchases or work previously authorized by the Board shall only be acted upon by the Board at the next regular meeting, provided this provision may be suspended by affirmative action of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

2.409 RECONSIDERATION. Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A Supervisor may not change his vote on any question after the result has been announced.

~~2.11 TRANSCRIPTION OF MINUTES. Within 10 days after each meeting of the Board, the Clerk shall supply to each Supervisor at his residence a typewritten copy of the proceedings thereof which is perforated for insertion in a ring binder. By majority action of those present the Board may dispense with the reading of the minutes at the ensuing meeting.~~

2.102 SUSPENSION OF RULES. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.

2.131 PROCEDURES AT PUBLIC HEARINGS. (Cr. #95-392) The Board shall be responsible for preparing written procedures for the conduct for all public hearings before the Board and the Plan Commission. A copy of the written procedures shall be maintained at all times in the Clerk's office and those procedures shall be made available to the general public for review.



## CHAPTER 2

## THE GOVERNING BODY

- 2.01 Village Board Powers Adopted
- 2.02 Meetings
- 2.03 Adjournment to Specific Date
- 2.04 Conduct of Meetings
- 2.05 Duties of Presiding Officer
- 2.06 Absences
  
- 2.07 Conduct of Deliberations
- 2.08 Appropriation Ordinances or Resolutions
- 2.09 Reconsideration
  
- 2.10 Suspension of Rules
- 2.11 Procedures at Public Hearings

## THE GOVERNING BODY

2.01 VILLAGE BOARD POWERS ADOPTED. (Am. MSC '85) The Town Board has Village Board powers pursuant to 60.22(3), Wis. Stats., by resolution of the annual Town meeting dated April 2, 1935.

2.02 MEETINGS.

(1) OPEN MEETING LAW. All meetings of the Town Board, committees, boards and commissions shall be open to the public and preceded by public notice as provided in §19.84, Wis. Stats.

(2) REGULAR MEETINGS. (Rep. & rec. 98-456) 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.

(3) SPECIAL MEETINGS. (Rep. & rec. 2013-09) Special meetings of the Town Board may be called in one of the following ways: (a) by the Town Chair, with oral or written notice to the Town Clerk; or (b) by duly adopted motion of the Town Board, made and adopted at a properly noticed preceding Town Board meeting; or (c) by any 2 Supervisors in writing, filed with the Clerk at least 36 hours prior to the time specified for such meeting. When a special Town Board meeting is called, by any such method, the Town Clerk shall immediately notify each Supervisor of the time and purpose of such meeting. Only the business for which such special meeting was called shall be transacted at the special meeting.

2.03 ADJOURNMENT TO SPECIFIC DATE. The Board may by a majority vote adjourn any regular or special meeting from time to time to a specific date and hour.

2.04 CONDUCT OF MEETINGS.

(1) The business of the Board shall be conducted in the following order: (Am. #187)(Am. #95-374)

(a) Call to order by presiding officer.

(b) Pledge of allegiance.

(c) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to §2.03).

(d) Citizen Comments: Public comments from citizens regarding items on, or not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. During this period of citizen comments, the following procedures shall apply;

1. Each citizen wishing to address the Board will have up to three (3) minutes to speak.
2. Presentations shall be directed to topics subject to Town Board action and related to the Town of Delafield. Presentations are not limited to items on the agenda.
3. Comments shall be limited to thirty (30) minutes in total, unless otherwise deemed appropriate by the Chairman or consensus of the Town Board; the time limit may be increased by increments of 15 minutes.
4. All citizen comments shall be directed only to the members of the Town Board, and not to Town staff, applicants, other residents, or members of the audience.
5. Citizens shall not make comments regarding personalities of the Town Board, Town staff, applicants or members of the audience.
6. Citizen's comments shall not attempt or be designed for the purpose of engaging the Town Board, Town staff, applicants, or members of the audience in a debate, conversation or a question and answer session.
7. Citizens making comments are not allowed to yield time to another citizen.
8. Citizens are limited to speaking once during citizen comments
9. No Board member may address the board during citizen comments.

(e) Approval of Minutes if correct, and rectifying mistakes if any exist.

(f) Action on budget sub-accounts if necessary, and vouchers submitted for payment.

(g) Communications (for discussion and possible action).

3

- (h) Unfinished Business
- (i) New Business
- (j) Announcements and Planning Items
- (k) Adjournment

(2) In the absence of the Clerk the Chairman shall appoint a Clerk pro tem.

2.05 DUTIES OF PRESIDING OFFICER. The Chairman at the stated hour shall call the meeting to order. He shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Roberts' Rules of Order, current edition, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. No appeal shall be debatable, and the appeal may be sustained by a majority of the members present, exclusive of the Chairman.

2.06 ABSENCES. If the Chairman is absent at the designated time for any meeting, the Clerk or, in his absence, the senior Supervisor present, based on date of original elections as Supervisor, shall call the meeting to order and preside until the Board shall by motion select an acting Chairman for that meeting.

2.07 CONDUCT OF DELIBERATIONS. The deliberations of the Board shall be conducted in the following manner:

- (1) No Supervisor shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Chairman and confine his remarks to the question under discussion and avoid all personalities.
- (2) When 2 or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.
- (3) Unless recognized by the Chairperson, or by adopted motion of the Board to suspend the rules, no person other than a board member shall address the Board except as provided in §2.04(1)(d).
- (4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit one Supervisor to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- (5) When a question is under discussion, no action shall be in order, except to adjourn, to lay on the table, move the previous question, to postpone to a certain day, to refer to a committee, to amend, to postpone indefinitely. These motions shall have precedence in the order listed.
- (6) Any member desirous of terminating the debate may move the previous question, in which event the Chairman shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendments, and then upon the main question.
- (7) Any Supervisor may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present shall excuse him for special cause. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute, except as otherwise provided a majority vote of those present shall prevail in other cases.
- (8) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.

- (9) No member of the Board, whether he be a Supervisor or the Town Chairman, shall vote on any question involving his own character or conduct, his right as a member or his pecuniary interest.
- 2.08 APPROPRIATION ORDINANCES OR RESOLUTIONS. All ordinances or resolutions appropriating money or creating any charge against the Town other than the payment of claims for purchases or work previously authorized by the Board shall only be acted upon by the Board at the next regular meeting, provided this provision may be suspended by affirmative action of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.
- 2.09 RECONSIDERATION. Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A Supervisor may not change his vote on any question after the result has been announced.
- 2.10 SUSPENSION OF RULES. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.
- 2.11 PROCEDURES AT PUBLIC HEARINGS. (Cr. #95-392) The Board shall be responsible for preparing written procedures for the conduct for all public hearings before the Board and the Plan Commission. A copy of the written procedures shall be maintained at all times in the Clerk's office and those procedures shall be made available to the general public for review.

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

**ORDINANCE NO. 2021-01**


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**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 2 OF THE TOWN OF  
DELAFIELD MUNICIPAL CODE, CONCERNING THE CONDUCT OF MEETINGS AND  
VACATION OF CHAIR**

---

The Town Board of the Town of Delafield, Waukesha County, Wisconsin, does ordain as follows:

**SECTION 1:** Chapter 2 of the Town of Delafield Municipal Code entitled “The Governing Body,” Section 2.02 entitled “Meetings,” Subsection (3) is hereby repealed and recreated as follows:

**2.02 MEETINGS**

(3) **SPECIAL MEETINGS.** (Rep. & rec. 2013-09) Special meetings of the Town Board may be called in one of the following ways: (a) by the Town Chair, with oral or written notice to the Town Clerk; or (b) by duly adopted motion of the Town Board, made and adopted at a properly noticed preceding Town Board meeting; or (c) by any 2 Supervisors in writing, filed with the Clerk at least 36 hours prior to the time specified for such meeting. When a special Town Board meeting is called, by any such method, the Town Clerk shall immediately notify each Supervisor of the time and purpose of such meeting. Only the business for which such special meeting was called shall be transacted at the special meeting.

**SECTION 2:** Chapter 2 of the Town of Delafield Municipal Code entitled “The Governing Body,” Section 2.04 entitled “Conduct of Meetings,” Subsection (1) is hereby repealed and recreated as follows:

**2.04 CONDUCT OF MEETINGS.**

- (1) The business of the Board shall be conducted in the following order: (Am. #187)(Am. #95-374)
- (a) Call to order by presiding officer.
  - (b) Pledge of allegiance.
  - (c) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to §2.03).
  - (d) Citizen Comments: Public comments from citizens regarding items on, or not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. During this period of citizen comments, the following procedures shall apply;
    1. Each citizen wishing to address the Board will have up to three (3) minutes to speak.
    2. Presentations shall be directed to topics subject to Town Board action and related to the Town of Delafield. Presentations are not limited to items on the agenda.
    3. Comments shall be limited to thirty (30) minutes in total, unless otherwise deemed appropriate by the Chairman or a consensus of the Town Board; the time limit may be increased by increments of 15 minutes.
    4. All citizen comments shall be directed only to the members of the Town Board, and not to Town staff, an applicant, other residents, or members of the audience.
    5. Citizen’s shall not make comments regarding personalities of the Town Board, Town staff, applicants, or members of the audience.
    6. Citizen’s comments shall not attempt or be designed for the purpose of engaging

the Town Board, Town staff, applicants, or members of the audience in a debate, conversation, or a question and answer session.

7. Citizen's making comments are not allowed to yield time to another citizen.
  8. Citizens are limited to speaking once during citizen comments.
  9. No Board member may address the board during citizen comments.
- (e) Approval of Minutes if correct, and rectifying mistakes if any exist.
  - (f) Action on budget sub-accounts if necessary, and vouchers submitted for payment.
  - (g) Communications (for discussion and possible action).
  - (h) Unfinished Business
  - (i) New Business
  - (j) Announcements and Planning Items
  - (k) Adjournment

**SECTION 3:** Chapter 2 of the Town of Delafield Municipal Code entitled "The Governing Body," Section 2.07 entitled "Vacation of Chair," is hereby repealed.

**SECTION 4:** Chapter 2 of the Town of Delafield Municipal Code entitled "The Governing Body," Section 2.08 entitled "Conduct of Deliberations," Subsection (3) is hereby repealed and recreated as follows:

**2.08 CONDUCT OF DELIBERATIONS.**

- (3) Unless recognized by the Chairperson, or by adopted motion of the Board to suspend the rules, no person other than a board member shall address the Board except as provided in §2.04(1)(d).

**SECTION 5:** Chapter 2 of the Town of Delafield Municipal Code entitled "The Governing Body," Section 2.11 entitled "Transcription of Minutes," is hereby repealed.

**SECTION 6:** The 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 the 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 7:** This ordinance shall take effect upon passage and posting as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this 9<sup>th</sup> day of February 2021.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ron Troy, Town Chair

ATTEST:

\_\_\_\_\_  
Dan Green, Administrator/Clerk/Treasurer

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

**ORDINANCE NO. 2021-02**

---

**AN ORDINANCE OF THE TOWN OF DELAFIELD TO REPEAL AND RE-CREATE  
SECTION 14.02(1) OF THE TOWN OF DELAFIELD MUNICIPAL CODE, TO  
UPDATE THE ADMINISTRATIVE CODE REFERENCES**

---

The Town Board of the Town of Delafield, Waukesha County, Wisconsin, does ordain as follows:

**SECTION 1:** Chapter 14 of the Town of Delafield Municipal Code entitled "Building and Mechanical Code," Section 14.02 entitled "State Codes Adopted," subsection (1) entitled Wisconsin Administrative Code is hereby repealed and re-created as follows:

(1) WISCONSIN ADMINISTRATIVE CODE. Except as otherwise specifically provided in this code, the current and future provisions describing and defining regulations of the Department of Safety and Professional Services are hereby adopted and made part of this chapter by reference as if fully set forth herein. Any act required to be performed or prohibited by any current or future provision incorporated herein by reference is required or prohibited by this Code. Any future additions, amendments, revision or modifications to the regulations incorporated hereby are intended to be made a part of the Code in order to secure uniform state-wide regulation. If there is a conflict between codes or interpretations, the most restrictive code or interpretation shall be enforced. The code adopted herein includes, but is not limited to, the following:

- (a) Chapter SPS 316 "Electrical Code"
- (b) Chapter SPS 320-325 "Uniform Dwelling Code".
- (c) Chapter SPS 360-366 "Commercial Building Code".
- (d) Chapter SPS 375-379 "Historic Building Code".
- (e) Chapter SPS 375-379 "Buildings Constructed Prior to 1914".
- (f) Chapter SPS 381-387 "Plumbing Code"

**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 the 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.



**PASSED AND ADOPTED** by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this \_\_\_\_ day of February, 2021.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ron Troy, Town Chair

ATTEST:

\_\_\_\_\_  
Dan Green, Administrator/Clerk/Treasurer

## MUTUAL AID BOX ALARM SYSTEM AGREEMENT

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto (hereafter “Unit(s)”) that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

**WHEREAS**, the parties hereto have determined because of geographical considerations it is important for Illinois units and Wisconsin units to coordinate mutual aid through the Mutual Aid Box Alarm System for the effective and efficient provision of Mutual aid; and

**WHEREAS**, it is recognized and acknowledged that emergencies, natural disasters, and man-made catastrophes do not conform to designated territorial limits and state boundaries; and

**WHEREAS**, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state. (Wis.Stats. 66.0303(3)(b).)

**WHEREAS**, the State of Illinois has provided similar provisions under the “Intergovernmental Cooperation Act” of 5 ILCS 220/1 et seq.

**WHEREAS**, Wisconsin Statutes § 66.03125 authorizes fire departments to engage in mutual assistance within a requesting fire department’s jurisdiction; and

**WHEREAS**, 2005 Wis. Act 257 amended § 166.03(2)(a)3 of the Wisconsin Statutes relating to standards for local emergency management programs and as further codified under § 323.13(1)(d), Wis. Stats.; and

**WHEREAS**, pursuant thereto the Adjutant General of the Department of Military Affairs of the State of Wisconsin is authorized to furnish guidance, develop and promulgate standards for emergency management programs; and

**WHEREAS**, pursuant thereto the standards for fire, rescue and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response; and

**WHEREAS**, pursuant to such authority, Wis. Admin. Code. Chapter WEM 8 was promulgated in order to establish standards for the adoption of MABAS by local governments as a mechanism to be used for mutual aid for fire rescue and emergency medical services; and

**WHEREAS**, the parties hereto have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster; and,

**WHEREAS**, the parties hereto have determined that it is in their best interests to associate to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster;

**NOW, THEREFORE**, in consideration of the foregoing recitals, the Unit's membership in the Mutual Aid Box Alarm System (hereinafter 'MABAS') and the covenants contained herein,

**THE PARTIES HERETO AGREE AS FOLLOWS:**

## **SECTION ONE**

### **Purpose**

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect

the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

## SECTION TWO

### Definitions

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

- A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"): A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time;
- B. "Member Unit": A unit of local government including but not limited to a county, city, village, town, tribe or band, emergency medical services district, or fire protection district having a fire department recognized by the State of Illinois, or the State of Wisconsin, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS;
- C. "Stricken Unit": A Member Unit or a non-participating local governmental unit which requests aid in the event of an emergency;
- D. "Aiding Unit": A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit;
- E. "Emergency": An occurrence or condition in a Stricken Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be

adequately handled by the Stricken Unit, so that it determines the necessity and advisability of requesting aid.

- F. “Division”: The geographically associated Member Units or Unit which have been grouped for operational efficiency and representation of those Member Units.
- G. “Training”: The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.
- H. “Executive Board”: The statewide oversight board of MABAS which is comprised of Division representatives.
- I. “MABAS or ‘Mutual Aid Box Alarm System’ region” means the WEM regional areas as identified by the Adjutant General under ss. 323.13(2)(a), Stats.
- J. “Chief Officer” means the highest ranking officer within a fire, rescue or emergency medical services unit.
- K. “Incident command system” has the meaning specified in s. 323.02(9), Stats. and follows the guidelines of the National Incident Management System, also known as NIMS.

### SECTION THREE

#### **Authority and Action to Effect Mutual Aid**

- A. The Member Units hereby authorize and direct their respective Chief Officer or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Chief Officer, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

- B. Whenever an emergency occurs and conditions are such that the Chief Officer, Incident Commander or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.
- C. The Chief Officer, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:
1. Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS.
  2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;
  3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of MABAS;
  4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

## SECTION FOUR

### **Jurisdiction Over Personnel and Equipment**

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel of the Aiding Unit shall report for direction and assignment at the scene of the emergency to the Fire Chief or Incident Commander of the Stricken Unit. The Aiding Unit shall at all times have the right to withdraw any and all aid upon the order of its Chief Officer or his designee; provided, however, that the Aiding Unit withdrawing such aid shall notify the Incident Commander or his/her designee of the Stricken Unit of the withdrawal of such aid and the extent of such withdrawal.

## SECTION FIVE

### **Compensation for Aid**

Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the Stricken Unit; however, any expenses recoverable from third parties and responsible parties shall be equitably distributed among Aiding Units. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing state and federal laws.

## SECTION SIX

### **Insurance**

Each part hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

## SECTION SEVEN

### **Indemnification Liability and Waiver of Claims**

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this

Agreement; provided, however, that such claim is not a result of a malicious act by a party or its personnel, or done by them with an intentional disregard of the safety, health, life or property of another. The Stricken Unit hereby expressly agrees to hold harmless, indemnify and defend the Aiding Unit and its personnel from any and all claims, demands, liability, losses, including attorney fees and costs, suits in law or in equity which are made by a third party that may arise from providing aid pursuant to this Agreement.

All employee benefits, wage and disability payments, pensions and worker's compensation claims, shall be the sole and exclusive responsibility of each party for its own employees provided, however, that such claim is not a result of a malicious act by a party or its personnel, or done by them with an intentional disregard of the safety, health, life or property of another.

## SECTION EIGHT

### **Non-Liability for Failure to Render Aid**

The rendering of assistance under the terms of this Agreement shall not be mandatory and the Aiding Unit may refuse if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond, however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.



## SECTION NINE

### Term

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail. In Wisconsin, a copy of such notice shall also be deposited with the Fire Service Coordinator (FSC), Wisconsin Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049.

## SECTION TEN

### Effectiveness

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof. In Wisconsin, a copy of such agreement shall be deposited with the Fire Services Coordinator (FSC), Wisconsin Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049.

## SECTION ELEVEN

### Binding Effect

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto.

## SECTION TWELVE

### Validity

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

## SECTION THIRTEEN

### Notices

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

## SECTION FOURTEEN

### Governing Law

This Agreement shall be governed, interpreted, and construed in accordance with the laws of the State of Wisconsin.

## SECTION FIFTEEN

### Execution in Counterparts

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

## SECTION SIXTEEN

### Executive Board of MABAS

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS

matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that Member Unit. In Wisconsin, the Executive Board shall be constituted as set forth in the Wisconsin State Administrative Code Chapter referenced above.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by laws shall coordinate the activities of the MABAS.

## **SECTION SEVENTEEN**

### **Duties of the Executive Board**

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

## **SECTION EIGHTEEN**

### **Rules and Procedure**

Rules, procedures and by laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS. In Wisconsin, Member Units shall also comply with all requirements of WEM 8 currently in effect and as amended from time to time. In Wisconsin, MABAS policies and general operating procedures shall be available on request without charge from the Fire Services Coordinator (FSC), Wisconsin Emergency Management, 2400 Wright Street, Room 213, P.O. Box 7865, Madison, WI 53700-7865, telephone (608) 220-6049. MABAS policies and procedures may also be accessed from the Wisconsin Emergency Management webpage at <http://emergencymanagement.wi.gov>.

**SECTION NINETEEN**

**Amendments**

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to and approves this MUTUAL AID BOX ALARM SYSTEM Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

This Signatory certifies that this Mutual Aid Box Alarm System Agreement has been adopted and approved by ordinance, resolution, or other manner approved by law, a copy of which document is attached hereto.

Town of Delafield

\_\_\_\_\_  
Political Entry

\_\_\_\_\_  
Chairman Ronald Troy

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Administrator, Clerk, Treasurer

\_\_\_\_\_  
Date

(Note: Signature page may be modified to meet each individual jurisdiction's official signature(s) requirements.)

**ADDENDUM A TO MUTUAL AID BOX ALARM SYSTEM  
AGREEMENT**

**Non-  
Discrimination**

In the performance of the services under this Agreement each party agrees not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status. Each party further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex, or national origin.

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

## RESOLUTION NO. 21-644

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**A RESOLUTION APPROVING THE MUTUAL AID BOX ALARM SYSTEM AGREEMENT**

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**WHEREAS**, the Town of Delafield provides fire and emergency medical services under contract with Lake Country Fire and Rescue in accordance with Chapters 146 and 213 of the Wisconsin Statutes.

**WHEREAS**, whenever an emergency in the Town of Delafield takes place, or another community requests the Town of Delafield to provide mutual aid in such an event, the Lake Country Fire and Rescue could act swiftly to mitigate the incident.

**WHEREAS**, the Town of Delafield has reviewed the agreement which is entitled "Mutual Aid Box Alarm System Agreement" and has determined that it would be in the best interest of the Town of Delafield to allow the Lake Country Fire and Rescue under contract with said Town to participate in the Agreement for the provision of fire and emergency medical services,

**NOW THEREFORE BE IT RESOLVED** be it resolved by the Town Board of the Town of Delafield;

1. That the Mutual Aid Box Alarm System Agreement submitted for consideration and approval is hereby approved;
2. That pursuant to the contract for fire and emergency medical services between Lake Country Fire and Rescue and the Town of Delafield, Lake Country Fire and Rescue may participate in the Mutual Aid Box Alarm System Agreement in accordance with its terms.
3. That Lake Country Fire and Rescue shall keep on file with the Town Clerk current proof of insurance and other certifications required in the execution of this contract.
4. That the Chairman and the Town Clerk shall be and are duly authorized to sign the Mutual Aid Box Alarm System Agreement the form presented and submit it to the Mutual Aid Box Alarm System Executive Board.
5. That each of the fire and emergency medical service organizations within the Town of Delafield be furnished with a copy of the signed agreement and this Resolution.

**PASSED AND ADOPTED** by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this \_\_\_\_ day of February 2021.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ron Troy, Town Chairman

ATTEST:

\_\_\_\_\_  
Dan Green, Administrator-Clerk/Treasurer