



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Ron Troy  
**Supervisors**  
Pete Van Horn  
Edward Kranick  
Christie Dionisopoulos  
Billy Cooley  
**Clerk/Treasurer**  
Dan Green

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
TUESDAY, JUNE 9, 2020 - 6:30 P.M.  
DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI**

### AGENDA

**AMENDED 6/8/2020 @8:45AM**

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. May 28, 2020 Town Board Minutes
5. Action on vouchers submitted for payment:
  - A. Report on budget sub-accounts and action to amend 2019 budget
  - B. Report on budget sub-accounts and action to amend 2020 budget
  - C. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
  - A. Zoning Violation Letter from Waukesha County Parks and Land Use for Kim's Lakeside
  - B. Update from Administrator Dan Green
  - C. Mixed Use Ordinance General Update (Discussion Only)
7. Unfinished Business
  - A. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.
  - B. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.
  - C. Discussion and possible action on permanently removing the skate park at Town Hall. (Tabled 5/28/2020)
8. New Business
  - A. Discussion and possible action on the approval of new operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to Daniel Blaesing.

- B. Discussion on possible 2021 Budget and Referendum for roadway improvements, police services and the fire department.
- C. **Closed Session:** The items to be discussed in Closed Session are as enumerated in Section 19.85(1)(c) of the Wisconsin Statute. (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically: 6 month performance review of Town Administrator.

Following the closed session, the Town Board will reconvene in open session, and may take action on any matter discussed in closed session.

9. Announcements and Planning items

- A. Town Board Meeting – Tuesday, June 23, 2020 @ 6:30 pm
- B. Board of Appeals – Monday, June 29, 2020 @ 6:30 pm
- C. Plan Commission Meeting – Tuesday, July 7, 2020 @ 6:30 pm
- D. Town Board Meeting – Tuesday, July 14, 2020 @ 6:30 pm

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**  
**May 28, 2020 @ 6:30 PM**

**Members Present:** Chairman Troy, Supervisor Kranick, Supervisor Cooley, Supervisor Van Horn and Supervisor Dionisopoulos. Also present was Administrator/Clerk/Treasurer Dan Green.

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

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

**Third order of business:** Citizen Comments:

**Fourth order of business:**

A. Approval of April 21, 2020 Town Board Minutes

*Motion made by supervisor Cooley to approve the minutes as presented by the clerk. Supervisor Kranick seconded. Motion carried unanimously.*

B. Approval of May 7, 2020 Town Board Minutes

*Motion made by Supervisor Kranick to approve the minutes from May 7, 2020 with corrections to the Payne and Dolan project cost being changed to \$452,876.50. Supervisor Dionisopoulos seconded. Motion carried unanimously.*

**Fifth order of Business:** Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2019 budget
- B. Report on budget sub-accounts and action to amend 2020 budget
- C. 1) Accounts payable; 2) Payroll

*Motion by Supervisor Cooley to approve payment of checks #63409-63419 and #63421-63445 in the amount of \$112,868.63 and payroll checks dated May 29, 2020 in the amount of \$29,319.65. Seconded by Supervisor Kranick. Motion carried unanimously.*

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

Ron Troy brought to the attention of the board a complaint regarding the Schraeder residents. The issue has been brought to the attention of Waukesha County who will be handling the concerns of this individual.

*Motion by Supervisor Kranick to advance the agenda to Item 8-J, "Discussion and possible action on permanently removing the skate park at Town Hall". Supervisor Cooley seconded. Motion carried unanimously.*

**Seventh order of Business:** Unfinished Business

- A. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.
- B. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.

Administrator Green stated there will be an updated to these two items at the next meeting. The ordinance that allows the Town to issue citations was forwarded to the building inspector and the County Sheriff and will be issuing citations as appropriate.

**Eighth order of Business:** New Business

- A. Discussion and possible action to approve a Conditional Use Permit for the operation of an animal care center by the Humane Animal Welfare Society of Waukesha County, Inc. (HAWS), on property located at W330 S1205 CTH C, and approval of a site plan and plan of operation.

Engineer Barbeau explained the last time the Plan Commission met was on March 3 to consider the conditional use for the site. The site is on HWY C owned by the Shallock foundation who were one of the original people to start HAWS. They have willed their land to HAWS for its specific use to be a hospice care for a limited number of animals. The site would also provide emergency needs in certain instances and also be a site for housing some fundraising events. The applicant had requested a few minor changes to the conditional use permit after the meeting, most of which staff approved. The applicant requested that smaller events be allowed to take place at the facility before driveway improvements are made which the board had no objection to.

*Motion by Supervisor Kranick to approve the Conditional Use Permit for the operation of an animal care center by the Humane Animal Welfare Society of Waukesha County, Inc. (HAWS), on property located at W330 S1205 CTH C and approval of a site plan and plan of operation contingent on the Town Attorney's review and Waukesha County approval. Supervisor Cooley seconded. Motion carried unanimously.*

- B. Discussion and possible action on Plan Commission's recommendation to approve a Certified Survey Map to Daniel Rooney and Jamie Krofta at W298N2785 Shady Lane, DELT 0774.039.

Engineer Tim Barbeau explained the 70' x 80' lot is split into two parcels. The applicant is looking to combine lots to resolve any setback issues. Mr. Barbeau recommends approval.

*Motion by Supervisor Kranick to approve a Certified Survey Map to Daniel Rooney and Jamie Krofta at W298 N2785 Shady Lane subject to the comments by staff and Waukesha County. Supervisor Cooley seconded. Motion carried unanimously.*

- C. Discussion and possible action on Plan Commission's recommendation to approve a combination Certified Survey Map to Rupesh and Smita Agrawal at W296N2080 Glen Cove Road, DELT 0810.006 and DELT 0810.067.

Engineer Barbeau explained this was a combination CSM made up of two lots which house a guest house and an accessory building. Because they are combining lots, the guest house will need to be removed as there can only be one primary residents on the property. The Plan Commission recommended approval with the removal of water from the accessory building and recommends to the Town Board of the same.

*Motion by Supervisor Cooley to approve a combination Certified Survey Map to Rupesh and Smita Agrawal at W296 N2080 Glen Cove Road, contingent on the removal of one of the accessory structures and removal of water from the remaining accessory structure subject to comments by staff and Waukesha County. Supervisor Dionisopoulos. Motion carried unanimously.*

- D. Discussion and possible action on Plan Commission's recommendation to approve a combination Certified Survey Map to Gina Dillig at N26W30123 Maple Avenue and N26W30139 Maple Avenue, DELT 0780.008 and DELT 0780.007

Engineer Barbeau explained this was two separate lots along Maple Avenue. There were many nonconforming buildings which have been removed from the property. He explained the Plan Commission's recommendation was approval.

*Motion by Supervisor Kranick to approve a combination Certified Survey Map to Gina Dillig at N26 W30123 Maple Avenue and N26 W30139 Maple Avenue contingent on comments by staff and Waukesha County. Supervisor Cooley seconded. Motion carried unanimously.*

- E. Discussion and possible action on Plan Commission's recommendation to approve a combination Certified Survey Map to Jeremy and Angela Hausmann at W291N2173 Elmhurst Drive, DELT 0809.010.

Engineer Barbeau explained the applicant owns both properties. The lot line of the southwest property went through the existing boathouse. The County requires them to get rid of that lot line. This is a combination CSM and Plan Commission recommended approval with Town staff comments.

*Motion by Supervisor Kranick to approve the combination Certified Survey Map to Jeremy and Angela Hausmann at W291N2173 Elmhurst Drive contingent on comments by Town staff and Waukesha County. Supervisor Van Horn seconded. Motion carried unanimously.*

- F. Discussion and possible action on Plan Commission's recommendation to approve a combination Certified Survey Map to Aland and Jean Hunley at N21W28651 Louis Avenue, DELT 0814.050, DELT 0814.087, DELT 0814.088 and DELT 0814.088.001 (Tabled at Plan Commission)
- G. Discussion and possible action on the approval of new operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to Anna Merten, Madeline Warren and Sierra Muth.

*Motion by Supervisor Kranick to approve new operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to Anna Merten, Madeline Warren and Sierra Muth. Supervisor Dionisopoulos seconded. Motion carried unanimously.*

- H. Discussion and possible action on the approval of renewal operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to John Grignon, Timothy Jaeger, Hanah Naukkari, Aaron Frank, Briana Schnittke, Joseph Moriarty, Justine Nordling-Wamser, Jennifer Bartolomeo, Julie Lazaris, Jady Zywicke, Jason Hoelz, Aleena Tjugum and Michael Oechsner.

*Motion by Supervisor Kranick to approve the renewal of operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to John Grignon, Timothy Jaeger, Hanah Naukkari, Aaron Frank, Briana Schnittke, Joseph Moriarty, Justine Nordling-Wamser, Jennifer Bartolomeo, Julie Lazaris, Jady Zywicke, Jason Hoelz, Aleena Tjugum and Michael Oechsner. Supervisor Cooley seconded. Motion carried unanimously.*

- I. Discussion and possible action on the approval of renewal Alcoholic Beverage "Class B" Liquor, Class "B" Beer and Soda Beverage Licenses for the licensing period of July 1, 2020 to June 30, 2021 to Pewaukee Yacht Club Inc., Western Lakes Golf Club and BuckRub Outfitters Ltd.

*Motion by Supervisor Kranick to approve the renewal Alcoholic Beverage "Class B" Liquor, Class "B" Beer and Soda Beverage Licenses for the licensing period of July 1, 2020 to June 30, 2021 to Pewaukee Yacht Club Inc., Western Lakes Golf Club and BuckRub Outfitters Ltd contingent on Waukesha County Health Department's review. Supervisor Cooley seconded. Motion carried unanimously.*

- J. Discussion and possible action on permanently removing the skate park at Town Hall.

Public Comment from Town of Delafield residents:

**Reese Slobodianuk, N8W31309 Salem Court**, expressed his opposition to removing the skate park. He explained this park was bigger than the Town of Delafield. He explained he would not have found his life purpose if it were not for the park.

**Kristin Gudagno, N38W28902 Middlefield Road,** stated from a resident's perspective, the Town should consider putting the money donated toward other things like the green space along North Shore Drive or putting up a pavilion to serve more Town residents.

**Marcia Kester-Sperber, N11W31868 Phyllis Parkway,** stated she is not in favor of illuminating the skate park. She stated she bought the home she currently lives in because of the skate park. She stated the Town should use funds from the fright hike or raise taxes.

**Dan Dupies, S3W31806 Mary Court,** stated he was a Park and Recreation board member and was on the board when the skate park was approved in 2004. He stated he was in favor of keeping the skate park and thought the board should use the \$90,000 reserved for the Parks to repair the park and put in a fund for future repairs.

**Mark Fischer, W320N1005 Butternut Ridge Circle,** stated he was on the Park and Recreation Committee when the skate park was first introduced and was involved since 1999. He explained his son got a ticket for skateboarding in Waukesha and so money was raised from fundraisers with the concrete being donated from Pete Van Horn. He was in favor of keeping the skate park.

**Brian Wilson, S4W32685 Government Hill Road,** stated he is in favor of repairing the skate park. He stated there has been a lot of support of donated labor and materials. He explained the Town has raised money in the past with Fright Hike. He expressed concern that these donations were not being spent on the skate park. He stated he would like to see long term capital plans to keep the park.

**David Johnson, S4W31174 Hidden Hollow,** stated he was a former member of the Park and Recreation board and has a degree in parks and recreation. He stated communities do not succeed unless there are more than one option for recreational areas. He asked that the Town not take this unique option from the community.

**Jennifer Raymaker, W311S108 Wildwood Trail,** stated she is a Mom and her son uses the skate park. She stated it is the one park that gets used all the time besides the baseball fields during baseball season.

**Ethan Sperber, N11W31863 Phyllis Parkway,** stated he moved to Delafield when he was in 4<sup>th</sup> grade. He stated he witnessed firsthand the impact on countless lives, gaining a sense of community and forming friendships. He explained without the park it may cause kids to skate elsewhere where most communities have laws against open skating.

**Terry Manriquez, N29W29905 Shel-mar Drive,** stated her son was a skateboarder. Her son begged for a skate park for a long time and it did not come until after he was older. She stated her son got many skateboarding tickets and wished her son was able to use the park when he was younger. She was in favor of keeping the park.

**Bonny Parsons, N11W30158 Hickory Hill Drive,** stated at first she was not happy about the construction of the skate park. She initially had problems with kids smoking and drinking on her property and had instances where skaters were on her frontage road. She stated she would rather see kids on the skate park than elsewhere.

*The public comment closed.*

Supervisor Kranick explained that last year the Town budgeted money to make changes to the skate park. During the Covid-19 crisis we closed the skate park and the ball diamonds. He also explained that no bikes are allowed on the skate park. Over the last few months there have been larger numbers of kids using the skate park and while there were signs that it was closed. People also use bicycles on the park which is prohibited. He also explained from a Town Board perspective the Town is underfunding

our highways and we do not have enough police services to manage the park. He explained the Town needs to look at the long term solution of the park.

Chairman Troy stated the Town had issues with the barricades being moved, tape being removed and people not following instructions. He explained in his calculation that only 1% of the people using the skate park were Town residents. When staff started removing the skating surface they realized there was more damage than originally thought. There was water damage due to a flat slab.

Don Roberts, Highway Superintendent, explained that unfortunately this structure is made of wood and does not last forever. He stated he found some wood used on the structure was not treated and some cracks on the skating surface he feared reflected cracks underneath.

Chairman Troy clarified points brought up during the public comment portion of the meeting. He stated there is approximately \$90,000 raised for parks and that money, instead of going into the general fund, was agreed to be spend on parks in the Town.

Supervisor Van Horn stathe he was bothered by people that abused the privilege of using the parks by being hostile with their words. He stated while it was closed he stopped by the park and the skaters paid no mind to the fact that the park was closed. He stated if that behavior continues the Town should close it down if they are not following the rules.

Supervisor Dionisopoulos stated she used to raise money for parks at a nonprofit organization. She stated that unfortunately when money goes to municipalities it often gets used for other purposes. When learning of this fund and that there was not a code as to where or what it goes for, it was agreed upon to be used for our parks. She stated the skate park is the most used park and she does not want to see a few bad eggs spoil it for the entire park. She stated she was unsure of how to address Supervisor Van Horn's comments, but possibly increasing the number of police shifts.

Supervisor Cooley stated the skate park has a great purpose and pulls the community together and agreed it is the most used park we have. He stated we continuously have problems with bikes being on the ramps with the force of the bikes wearing the park down faster. He explained that even if the board repaired the park, bicycles still could not use it. He continued that a concrete park would be a good solution except it is very expensive. He asked that park users please follow the rules and understand that the park was closed for a reason. He also agreed that there should be a long term plan for this park.

Supervisor Troy stated he is not opposed to skateboarders and he is opposed to bad people ruining it for good citizens. He explained the board has a fiduciary responsibility to use the tax money in a responsible way. He explained it is not good stewardship to spend money for less than 1% of the Town residents. He also assured that the \$90,000 will go toward our parks and nothing else. He explained that the skateboard park needed to be repaired and now that staff has seen the extent of the damage we have knowledge that it is defective. He believes they should consider looking at replacing the park with something else. The City of Oconomowoc is looking at relocating the park to their park that he believes would be a more appropriate fit. He explained there are more commercial areas that will benefit from visitors from outside of the City as opposed to the Town of Delafield where no businesses exist and the town gets no ancillary benefit. He stated he thought the Town should finalize discussions with Oconomowoc and believes in the long run that will be a much better location.

*Supervisor Van Horn made a motion to pursue selling the skate park with the City of Oconomowoc and report the progress at the next meeting. Seconded by Chairman Troy. Motion failed 2-3 with Supervisors Kranick, Cooley and Dionisopoulos opposing.*

*Supervisor Kranick made a motion to table "Discussion and possible action on permanently removing the skate park at Town Hall". Supervisor Cooley seconded. Motion carried unanimously.*

- K. Discussion and possible action to approve trail etiquette signs along the Cushing Park bike trail at HWY 18 and near Abitz Road.

Chairman Troy explained this issue came up a year ago when a resident stated there were users of the trail acting inappropriate and not announcing themselves as they passed. Supervisor Kranick questioned if we are putting a sign on a trail to appease one resident. Supervisor Cooley added that we do have a leash law as well but we have limited recourse to enforce these rules. It was reiterated that these signs would only be at two intersections of the trail along Cushing Park Road.

*Motion by Supervisor Kranick to approve the trail etiquette signs along Cushing Park bike trail on HWY 18 and near Abitz Road. Seconded by Supervisor Cooley. Motion carried unanimously.*

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

- A. Board of Review (adjourn to later date) – Tuesday, June 9, 2020 @ 6:15 pm
- B. Town Board Meeting – Tuesday, June 9, 2020 @ 6:30 pm
- C. Town Board Meeting – Tuesday, June 23, 2020 @ 6:30 pm
- D. Plan Commission Meeting – Tuesday, July 7, 2020 @ 6:30 pm

Chairman Troy explained that on the next agenda there will be an update on the website and email progress along with discussion on the 2021 budget and tax levy increase. He also explained that Lake Country Fire will be on the June 23<sup>rd</sup> meeting to give a presentation. Supervisor Van Horn asked that a restroom facility be added to Elmhurst Park.

**Tenth order of business:** Adjournment

*Supervisor Kranick made a motion to adjourn the May 28, 2020 Town Board meeting at 8:12 p.m. Seconded by Supervisor Cooley. Motion carried unanimously.*

Respectfully submitted:

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





## Waukesha County

### *Department of Parks and Land Use*

May 29, 2020

303 Investments, LLC  
N8 W22520 Johnson Drive, Suite L  
Waukesha, WI 53186-1668

Re: **Zoning Violation Complaint (VL190) Section 15, Town of Delafield**

Dear Sirs:

On May 13, 2020, the Waukesha County Department of Parks and Land Use – Planning and Zoning Division received a complaint regarding non-compliance with the approved Pier Plan as established in the Conditional Use Permit (SCU-897A) for Kim's Lakeside on property located at W303 N2582 Maple Avenue in the Town of Delafield.

On May 20, 2020, Planning and Zoning Division staff conducted a site visit from an adjacent property. Based on our site visit, photographs taken, and review of aerial photos on the County GIS mapping system, it would appear that the “T” at the end of the pier exceeds the maximum length and is too close to the adjacent (northeast) lot line as outlined in the Conditional Use Permit. The related condition of Conditional Use Permit (SCU-897A) and recorded Deed Restriction No. 3020525 is as follows:

- The pier length shall be limited to 90 feet, and shall not contain any finger piers. A “T” or “L” shall be allowed at the end of the pier for stabilizing the pier. The end of the “T” or “L” shall be no closer than 25 feet to the adjacent lot lines extended into the lake. Based on the width between the lot lines, extended at 90 feet from shore, the maximum width of the “T” or “L” is 20 feet.

Please be advised that this may be a violation of Section 4(d) of the Waukesha County Shoreland and Floodland Protection Ordinance, for non-compliance with a Conditional Use Permit.

We would like to solicit your cooperation in correcting the zoning violations on the property by choosing one of the following options:

**Option 1:** If you believe you are in compliance with the Pier Plan, please submit a scaled survey to our office, **no later than June 26, 2020.** The survey must show the as built dimensions of the pier, as well as lot lines extended into the lake and the dimensions therefrom.

#### Planning and Zoning

515 W. Moreland Blvd., Room AC 230 • Waukesha, Wisconsin 53188-3878  
Phone: (262) 548-7790 • Fax: (262) 896-8071 • [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning)

**Option 2:** No later than June 26, 2020, modify the pier dimensions to comply with the Conditional Use Permit. A subsequent site visit by Planning and Zoning Division staff will be conducted to ensure compliance. If you would like our office to review a plan on paper first, please submit the plan no later than June 12, 2020.

**Option 3:** No later than June 12, 2020, apply for an amendment to the existing Conditional Use Permit to modify the approved Pier Plan. Please note that no representation is made herein as to whether or not any application request(s) will be approved. The after the fact permit fees for the application(s) are double.

Please be advised that if you fail to comply with the deadlines established above and the property remains in noncompliance, we are authorized, under Section 41 of the Waukesha County Shoreland and Floodland Protection Ordinance, to issue a citation for each day the property remains in non-compliance. In addition to collecting forfeitures in the form of a cash deposit, a court appearance may be required, additional fines imposed and/or further legal action and/or enforcement methods may be used to bring the property into compliance. **To avoid the issuance of any citations and/or any further legal action, please ensure that you comply with the deadlines established above.**

In the event you have any questions regarding this matter, please do not hesitate to contact me. If you need to meet with me in person, please call for an appointment.

Sincerely,

*Benjamin Greenberg*

Ben Greenberg  
Senior Land Use Specialist

cc: Town of Delafield Clerk  
Town of Delafield Building Inspector  
File



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

011  
**Chair**  
Ron Troy  
**Supervisors**  
Pete Van Horn  
Edward Kranick  
Christie Dionisopoulos  
Billy Cooley  
**Administrator**  
Dan Green

**To:** Town Board Members  
**From:** Dan Green, Administrator  
**Date:** June 9, 2020  
**Subject:** Administrator's Report

**Item:** Email and Website Updates

The website design has been approved and sent to CivicPlus. They will work on putting the design into web format which will take a few weeks. The next step in the process is to go through our current website and make sure that all of our pages are up to date for when they begin the transfer to the new site. Our staff is currently going through all of the pages of the current site and updating our pages before the transition. We are hoping to have our committee group meet on Thursday or Friday of this week to review the new website's functions and get some input on the type of information shared throughout the community. You can see a draft of what the homepage will look like attached to this report.

**Item:** Grants due to Covid-19

Currently there are three pools of money that we are hoping to retain some of the Town's losses due to Covid. The first is through FEMA which most expenses we expect to come from the Fire Department. These costs are directly related to the protection of persons and staff related to FEMA. We have until the end of the year to calculate those costs and submit them through FEMA's portal. FEMA does not reimburse these costs at 100% but requires the state to pay a portion of the amount which the State has agreed to under the "Routes to Recovery" grant below.

The second is the State's "Routes to Recovery" grant which has allotted the Town of Delafield up to \$137,000 in grant money. Those funds must be reimbursable purchases for:

- Emergency operations activities including those related to public health, emergency services and public safety responses;
- Purchases of personal protective equipment, cleaning/sanitizing supplies and services, including those related to elections administration;
- temporary isolation housing for infected or at risk individuals;
- Testing and contact tracing costs;
- FMLA and sick leave for public health and safety employees

The State is also meeting local match requirements for expenses submitted for reimbursement by FEMA.

The last grant recovery program we are participating in is the CARES Sub-grant Program which will be recovery costs specifically from the Election. This grant will give municipalities a base amount of \$200 plus an additional \$1.10 per registered voter (est. \$6,973.80). These funds will need to be tracked and submitted to the Wisconsin Election Commission by December 1, 2020. Before receiving

funds the WEC will require a contract be signed by each municipality outlining the appropriate expenditures, reporting requirements and deadlines.

**Item: Employee Health Insurance**

I am exploring different options when it comes to our employee's health insurance. I am working with HUB International who will provide us with other options to explore that may be beneficial to the Town and the employees. By the end of next year the plan we are currently under will go away and we will need to reevaluate our insurance at that time. I would like to get a head start and see if there is a better option that we may be able to start as soon as next year. Currently HUB is evaluating our current employees and will report in 2-3 weeks on proposals for coverages.



- Licenses & Permits
- Minutes & Agendas
- Garbage & Recycling
- Notify Me
- Municipal Code
- Taxes

## News & Announcements



### Dummy title below news item

Vestibulum elementum euismod magna, suscipit vel. Pellentesque habitant morbi...



### Dummy title below news item

Vestibulum elementum euismod magna, suscipit vel. Pellentesque habitant morbi...



### Dummy title below news item

Vestibulum elementum euismod magna, suscipit vel. Pellentesque habitant morbi...

[VIEW ALL NEWS](#)

## Town Calendar

<< MAY >>						
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Saturday, May 22, 2020

### Event Title

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Maecenas a risus justo. Nunc at neque eu nunc volutpat interdum. Proin viverra rutrum fermentum ...

Sunday, May 23, 2020

### Event Title

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Maecenas a risus justo. Nunc at neque eu nunc volutpat interdum. Proin viverra rutrum fermentum ...

[+ VIEW ALL EVENTS](#)



## MUNICIPAL LAW & LITIGATION GROUP, S.C.

Town Board  
June 8, 2020  
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- d. This provides those who support the Town facilities an avenue to demonstrate their support financially; and, from another perspective, it is something akin to a referendum on the issue, in demonstrated expressions of financial support rather than mere words.
- e. This fundraising can come from all who support the project, whether or not they are residents of the Town.

As for properly establishing the private organization, that should be left to the private supporters as much as possible. Some of my clients have formed exploratory committees to find appropriate existing organizations to conduct the fundraising, or to help create such private organizations if none are found, and I could provide samples to show how that has been done on request. To set this up properly it is very important that the private entity be duly established as a non-profit, so that donors can claim tax advantages. To accomplish the goals of the private fundraising, the Town should have as little to do with creating and operating the private entity as possible.

Even if the private entity is created and raises funds, that does not mean that the Town Board will ultimately accept the funds that are donated by the private entity. The terms of the donation would need to be considered, for reasons described above. So, some communication between the Town Board and those who would create the new entity may be appropriate at the outset, not to make firm commitments necessarily, but to have some common understandings. For example, one of my clients made a commitment to those who created a private fundraising entity, that if they succeeded in raising half the cost (more than one million dollars, as I recall), by a certain deadline, the Village would proceed with the project; and in that case, the private fundraisers met their goal and the project was built.

Issue 2: Official Capacity. I was also asked to comment on members of the Town Board acting in an official capacity regarding the Skate Park issue outside of public meetings.<sup>2</sup> I have the following comments, questions, concerns and recommendations in this regard:

1. Impropriety Issues. First, I have commented on ethical issues regarding the proposed fundraising for the Skate Park, above, and will not repeat those comments here, except to say that the concerns apply. Any representations and actions taken by Town officials concerning fundraising for the Skate Park run these risks.
2. Clarity of Representations. There is a fine line, that may not be appreciated by readers of the public official's communications, between a statement of a Town of Delafield Town Supervisor, giving that title, and a statement of the Town of Delafield. Readers may believe the opinions described by the Town Supervisor are the opinions of the Town as a whole, or of the Town Board. At the very least, that possible interpretation must be expressly disclaimed in the document, in my opinion, by language such as "This is my opinion and does not necessarily represent the opinion of the Town of Delafield Town Board." This applies not only to expressions of opinion, but this is my recommendation in all cases where the title of the Town official is used in a correspondence or other communication, to avoid misrepresentation and misunderstanding.

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<sup>2</sup> See footnote 1.

## MUNICIPAL LAW & LITIGATION GROUP, S.C.

Town Board  
June 8, 2020  
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3. Town Board Authorization. To my knowledge, the Town Board has not authorized Town officials to make official representations regarding Skate Park fundraising. The Wisconsin Attorney General faced a similar issue a few years ago, analyzing whether the Milwaukee County Board could prevent Milwaukee County Executive from engaging in lobbying activities.<sup>3</sup> In that situation, the County Board expressly adopted regulations to prevent the same, which the Attorney General described as follows:

*“The provision ... states that “no privately funded lobbying activities shall be engaged by any official elected or appointed, on behalf of any policy position that is not the adopted or stated position of Milwaukee County Government,” but that limitation also is inapplicable if the officials “make it clear that they are not representing the position of Milwaukee County.” Consequently, with respect to the county executive, § 1.25(5) prohibits only privately-funded lobbying activities on behalf of a policy position that is not “the adopted or stated position of Milwaukee County Government,” and then only if the county executive fails to make clear that he or she is not representing the position of the county.”*

The Wisconsin Attorney General began the analysis by distinguishing this issue from rights of speech granted by the First Amendment of the United States Constitution. The Attorney General said this speech is not protected, because it is official conduct.

*“When public employees make statements pursuant to their official duties, they are not speaking as citizens for First Amendment purposes. Garcetti v. Ceballos, 547 U.S. 410, 422 (2006).”*

Next, the Attorney General considered the powers granted by law to the County Board, versus the powers granted by law to the County Executive, and determined that the County Board had control over the lobbying activities.

*“Lobbying activity on behalf of the county government is a policymaking function, not an administrative or management function. It is thus properly a role of the county board.”*

In this case, the issue is more clear. Here, the Town Meeting has power to authorize the raising of funds for the Town, by Wisconsin Statutes Section 60.10(2)(a), and if granted, that power is exercised by the Town Board by Wisconsin Statutes Section 60.22(1). Public officials should not engage in such activity unless approved by the Town Board, therefore, in my opinion.

4. Practical Considerations. What if the Town Board ultimately votes differently than is represented by the public official? Suppose, for example, a Town official, acting in an official capacity, raises money for a project, but the Town Board does not accept the money or declines to pursue the project? How will the donors be contacted, and how will the money be refunded? Who will do that? How will the conflicts be addressed, if donors understood the public official as speaking for the Town of Delafield, when the public official was not authorized to do so? These could be difficult issues to untangle, and the disputes could invite litigation.
5. Recommendations. If necessary, the Town Board could adopt policies or ordinances to formalize whether, and under what circumstances, Town officials are permitted to speak

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<sup>3</sup> No. OAG-06-13, 2013 WL 4490320, at \*1–3 (Wis. A.G. Aug. 14, 2013)

**MUNICIPAL LAW & LITIGATION GROUP, S.C.**

Town Board  
June 8, 2020  
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publicly in their official capacity. Until then, I recommend that such statements made in an official capacity be expressly qualified, to say that this is the view of one public official, and do not necessarily represent the views of the Town of Delafield or the Town Board. Additional qualifications, actions, or inactions may be appropriate depending upon the issue communicated, based upon the legal framework described above.

I hope that these thoughts are helpful to you. If I can be of further assistance, please let me know. If you should have any questions or concerns, please do not hesitate to contact me.

Yours very truly,  
MUNICIPAL LAW & LITIGATION GROUP, S.C.

*Eric J. Larson*

Eric J. Larson

EJL/

cc: Ron Troy, Town Chair  
Dan Green, Town Administrator/Clerk/Treasurer





**A PERFECT ENVIRONMENT**

**Residential      Recreational      Responsible**

**Chair** 014  
 Ron Troy  
**Supervisors**  
 Pete Van Horn  
 Edward Kranick  
 Christie Dionisopoulos  
 Billy Cooley  
**Clerk/Treasurer**  
 Dan Green

**To:** Town Board Members  
**From:** Dan Green, Administrator  
**Date:** June 11, 2020  
**Subject:** 2021 Budget Referendum

**Item:** Discussion on possible 2021 Budget Referendum for roadway improvements, police services and the fire department.

**Description:**

The Town is working on referendum questions that will need to be submitted to Waukesha County for a November Referendum. The referendum currently is structured to have three items; roads improvements, police service and fire service. The board will need to determine if this is in their best interest and approve a resolution to move forward with the referendum. The resolution will need to outline the questions on the ballot. The referendum must designate a specific dollar amount, not a levy amount. The proposed numbers for the referendum are at a per year basis and are as follows:

Road Improvements	\$250,000
Police Services	\$115,000
Fire Department	\$185,000
<b>Total</b>	<b>\$550,000</b>

**Fiscal Impact per household**

Below gives an overview of what the dollar amount per year and per month are for each item and with combined items, depending on what the board moves forward with and what gets approved.

**Increased Cost per Household PER YEAR**

Value of Home	\$250,000	\$500,000	\$750,000	\$1,000,000	\$2,000,000
<b>\$250,000</b> Road Levy Increase (per year)	\$40.00	\$80.00	\$120.00	\$160.00	\$320.00
<b>\$300,000</b> Fire & Police Levy Increase (per year)	\$47.50	\$95.00	\$142.50	\$190.00	\$380.00
<b>365,000</b> Road & Police Levy Increase (per year)	\$57.50	\$115.00	\$172.50	\$230.00	\$460.00
<b>\$550,000</b> Road, Fire & Police Levy Increase (per year)	\$87.50	\$175.00	\$262.50	\$350.00	\$700.00

**Increased Cost per Household PER MONTH**

Value of Home	\$250,000	\$500,000	\$750,000	\$1,000,000	\$2,000,000
<b>\$250,000</b> Road Levy <b>Increase</b> (per year)	\$3.33	\$6.67	\$10.00	\$13.33	\$26.67
<b>\$300,000</b> Fire & Police Levy <b>Increase</b> (per year)	\$3.96	\$7.92	11.88	\$15.83	\$31.67
<b>365,000</b> Road & Police Levy <b>Increase</b> (per year)	\$4.79	\$9.58	\$14.38	\$19.17	\$38.33
<b>\$550,000</b> Road, Fire & Police Levy <b>Increase</b> (per year)	\$7.29	\$14.58	\$21.88	\$29.17	\$58.33

The Town's mill rate, even after the referendum gets passed, will still be extremely low compared to other communities. A chart similar to what is below can be used to reflect the changes we are proposing will still make the Town of Delafield one of the lowest, if not the lowest in Waukesha County. These numbers were verified by our accountant.

<b>Municipality</b>	<b>Tax Rate (per thousand)</b>
Town of Delafield	1.28
<b>Town of Delafield w/ \$250,000 Road levy increase</b>	<b>1.44</b>
<b>Town of Delafield w/ \$365,000 Road &amp; Police levy increase</b>	<b>1.51</b>
Town of Ottawa	1.52
<b>Town of Delafield w/ \$550,000 Road, Police &amp; Fire levy increase</b>	<b>1.63</b>
Town of Merton	1.90
Town of Oconomowoc	1.92
Town of Eagle	1.95
Town of Vernon	2.14
Town of Waukesha	2.56
Town of Mukwonago	3.38
Town of Brookfield	3.74
Town of Lisbon	3.83

Town of Delafield					
Description	Town of Delafield 2020 Costs	5 Days Per Week Costs at 2020 Rate	Difference	7 Days Per Week Costs at 2020 Rate	Difference
Ave Salary and Benefit Cost:	\$39,630	\$118,162	\$78,532	\$165,881	\$126,251
Direct Supervision Costs:	\$4,544	\$13,548	\$9,004	\$19,020	\$14,476
Departmental Admn Costs	\$1,181	\$3,521	\$2,340	\$4,943	\$3,762
Risk Management Costs	\$1,007	\$2,727	\$1,721	\$3,253	\$2,247
One time Equip-Annual Costs	\$171	\$508	\$337	\$713	\$542
Operational Costs:	\$3,250	\$9,690	\$6,440	\$13,603	\$10,353
Vehicle Costs:	\$7,695	\$19,237	\$11,542	\$23,309	\$15,614
Facilities usage charge:	\$204	\$608	\$404	\$853	\$649
County-wide Indirect Costs:	\$1,794	\$5,348	\$3,554	\$7,508	\$5,714
Detective Costs	\$0	\$0	\$0	\$0	\$0
<b>Total Estimated Costs</b>	<b>\$59,474</b>	<b>\$173,350</b>	<b>\$113,876</b>	<b>\$239,084</b>	<b>\$179,609</b>

Assumptions:  
 Costs assessed are at the 2020 rates. 2021 rates have not been determined yet.  
 Town of Delafield would receive a marked squad with Town of Delafield markings



Town of Delafield 10-Year Road Improvement Program 190909

	Wildflowers	700	OL24			\$ 19,591										
	Round Hill Circle	3130	OL24			\$ 87,598										
Improve ment Type Code	Type of Improvement	Length	Type of Improve ment	2019 Unit Cost per lineal foot	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Notes
	Middlefield Road	1040	OL24			\$ 29,106										
	Dry Creek Court	740	OL24			\$ 20,710										
	Foxfield Court	484	OL24			\$ 13,545										
	Treeline Court	470	OL24			\$ 13,154										
	Fielding Lane	250	OL24			\$ 6,997										
	ShelMar Drive	1320	OL24			\$ 36,942										
	Farm Valley Court	670	OL24			\$ 18,751										
	Highland Court	820	OL24			\$ 22,949										
	<b>TOTAL</b>	<b>3.19</b>				<b>\$ 473,146</b>										
	<b>2022 Road Improvement Program</b>															
	Prairie Wind Circle	3820	OL24					\$ 110,116								
	Imperial	3944	PP24					\$ 241,085								
	Bryn Drive partial	1800	PP24					\$ 110,029								
	<b>TOTAL</b>	<b>1.81</b>						<b>\$ 461,230</b>								
	<b>2023 Road Improvement Program</b>															
	Bryn Road partial	5280	PP24						\$ 332,434							
	Oakton Road(west of Elmhurst)	1960	PP24						\$ 123,403							
	<b>TOTAL</b>	<b>1.37</b>							<b>\$ 455,837</b>							
	<b>2024 Road Improvement Program</b>															
	Oakton Road(east of Elmhurst)	6032	PP24						\$ 391,174							
	Maple Avenue North (partial)	1800	MP30						\$ 86,400							adjusted cost for 30 foot wide pavement
	<b>TOTAL</b>	<b>1.48</b>							<b>\$ 477,574</b>							
	<b>2025 Road Improvement Program</b>															
	Maple Avenue North (partial)	12523	MP30						\$ 619,262							adjusted cost for 30 foot wide pavement
	<b>TOTAL</b>	<b>2.37</b>							<b>\$ 619,262</b>							
	<b>2026 Road Improvement Program</b>															
	Maple Avenue South	13200	OL24							\$ 428,262						

### Town of Delafield 10-Year Road Improvement Program 190909

TOTAL		2.50									\$ 428,262					
Improve ment Type Code	Type of Improvement	Length	Type of Improve ment	2019 Unit Cost per lineal foot	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Notes
	<b>2027 Road Improvement Program</b>															
	Sylvan Trail	1740	OL24									\$ 58,146				
	Sylvan Court	530	OL24									\$ 17,711				
	Lakeside Rd.	2924	MP24									\$ 122,715				
	Crooked Creek East	2000	OL24									\$ 66,835				
	WindridgeCourt	530	OL24									\$ 17,711				
	Lost Tree Court	590	OL24									\$ 19,716				
	Rustic Lane	1900	OL24									\$ 63,493				
	Erin Way	1425	OL24									\$ 47,620				
	Shannon Lane	475	OL24									\$ 15,873				
	Timberline Court	2590	MP24									\$ 108,697				
	<b>TOTAL</b>	<b>2.29</b>										<b>\$ 538,518</b>				
	<b>2028-2030 Road Improvement Program</b>															
	Balance of streets rated "7" in 2017	9.55	OL24										\$ 1,815,264			
H:\Delafield-T\RoadProgram Long Term\10-year Road Program Estimates 190904.xlsx																

TOWN OF DELAFIELD  
GENERAL FUND  
STATEMENT OF REVENUES COMPARED TO BUDGET  
May 31, 2020

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Variance</u>	
<b><u>TAXES</u></b>					
10-41110	PROPERTY TAX	1,752,277.86	1,752,277.86	\$ 1,752,268.00	9.86
10-41119	TAX ROLL OVERRUN (UN	0.34	0.34	0.00	0.34
10-41150	MANAGED FOREST LAN	144.56	144.56	144.00	0.56
10-41220	SALES TAX DISCOUNT	0.00	0.00	30.00	(30.00)
		<u>1,752,422.76</u>	<u>1,752,422.76</u>	<u>1,752,442.00</u>	<u>(19.24)</u>
<b><u>INTERGOVERNMENTAL</u></b>					
10-43410	STATE SHARED REVENU	0.00	0.00	101,484.00	(101,484.00)
10-43415	PERSONAL PROPERTY T	0.00	0.00	4,072.00	(4,072.00)
10-43420	FIRE INSURANCE DUES	0.00	0.00	58,785.00	(58,785.00)
10-43521	LAKE PATROL AIDS	12,005.43	12,005.43	14,579.00	(2,573.57)
10-43531	HIGHWAY AIDS	50,420.18	50,420.18	201,954.00	(151,533.82)
10-43532	STATE TRIP FUNDS	19,499.54	19,499.54	0.00	19,499.54
10-43533	COMPUTER AID	0.00	0.00	508.00	(508.00)
10-43610	SERVICES TO WISCONSI	10,672.05	10,672.05	10,700.00	(27.95)
10-43620	PAYMENT IN LIEU OF TA	5,627.82	5,627.82	5,640.00	(12.18)
10-43792	COUNTY RECYCLING AI	0.00	0.00	13,535.00	(13,535.00)
		<u>98,225.02</u>	<u>98,225.02</u>	<u>411,257.00</u>	<u>(313,031.98)</u>
<b><u>LICENSES &amp; PERMITS</u></b>					
10-44110	LIQUOR LICENSES	1,395.00	1,395.00	1,520.00	(125.00)
10-44120	OPERATOR LICENSES	850.00	850.00	825.00	25.00
10-44122	SODA LICENSES	5.00	5.00	35.00	(30.00)
10-44124	CABLE TV FRANCHISE F	15,012.28	15,012.28	73,000.00	(57,987.72)
10-44210	DOG LICENSES	(1,101.50)	(1,101.50)	4,500.00	(5,601.50)
10-44220	OTHER LICENSES	175.00	175.00	300.00	(125.00)
10-44310	BUILDING PERMITS	61,347.37	61,347.37	88,000.00	(26,652.63)
10-44312	TEMPORARY OCCUPANC	0.00	0.00	1,500.00	(1,500.00)
10-44313	INSPECTION PLAN REVIE	3,485.59	3,485.59	0.00	3,485.59
10-44315	BUILDING REINSPECTIO	70.00	70.00	100.00	(30.00)
10-44320	ELECTRICAL PERMITS	13,804.28	13,804.28	30,000.00	(16,195.72)
10-44330	HEATING PERMITS	11,199.28	11,199.28	25,000.00	(13,800.72)
10-44340	PLUMBING PERMITS	11,039.26	11,039.26	25,000.00	(13,960.74)
10-44370	ZONING PERMIT	5,135.00	5,135.00	12,000.00	(6,865.00)
10-44380	WI STATE PERMIT SEAL	560.00	560.00	1,000.00	(440.00)
10-44390	CONCRETE DRIVE PERMI	150.00	150.00	200.00	(50.00)
10-44400	RIGHT OF WAY PERMITS	500.00	500.00	0.00	500.00
		<u>123,626.56</u>	<u>123,626.56</u>	<u>262,980.00</u>	<u>(139,353.44)</u>
<b><u>FINES, PENALTIES &amp; JUDGMENTS</u></b>					
10-45110	COURT FINES	2,424.00	2,424.00	12,500.00	(10,076.00)
10-45120	PARKING TICKETS	1,393.20	1,393.20	500.00	893.20
10-45199	OTHER FINES & FORFEIT	140.00	140.00	0.00	140.00
		<u>3,957.20</u>	<u>3,957.20</u>	<u>13,000.00</u>	<u>(9,042.80)</u>

TOWN OF DELAFIELD  
GENERAL FUND  
STATEMENT OF REVENUES COMPARED TO BUDGET  
May 31, 2020

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b><u>CHARGES FOR SERVICES</u></b>				
10-46101 SALE OF MAPS, CODE BO	78.64	78.64	100.00	(21.36)
10-46103 PUBLIC HEARING	1,236.75	1,236.75	1,500.00	(263.25)
10-46104 HOUSE NUMBERS	250.00	250.00	0.00	250.00
10-46105 ENGINEERING REVIEW F	525.00	525.00	1,200.00	(675.00)
10-46121 TAX SEARCH	788.00	788.00	500.00	288.00
10-46199 OTHER CHARGES FOR SE	0.00	0.00	150.00	(150.00)
10-46220 FIRE RUNS	1,556.67	1,556.67	4,500.00	(2,943.33)
10-46230 AMBULANCE FEE	15,270.11	15,270.11	144,000.00	(128,729.89)
10-46310 SALE OF HIGHWAY MAT	4,860.00	4,860.00	0.00	4,860.00
10-46420 REFUSE COLLECTION	660,430.00	660,430.00	658,582.00	1,848.00
10-46730 PARK RESERVATION FEE	6,015.00	6,015.00	5,000.00	1,015.00
10-46740 LITTLE LEAGUE BREWE	465.00	465.00	3,000.00	(2,535.00)
10-46750 RECREATION FEES-BASE	15,188.75	15,188.75	14,000.00	1,188.75
	<u>706,663.92</u>	<u>706,663.92</u>	<u>832,532.00</u>	<u>(125,868.08)</u>
<b><u>CONSERVATION &amp; DEVELOPMENT</u></b>				
10-46841 LEGAL FEES - REIMBURS	195.00	195.00	7,000.00	(6,805.00)
10-46842 ENGINEERING - REIMBU	5,200.33	5,200.33	20,000.00	(14,799.67)
10-46843 ZONING REVIEWS - REIM	(164.49)	(164.49)	0.00	(164.49)
	<u>5,230.84</u>	<u>5,230.84</u>	<u>27,000.00</u>	<u>(21,769.16)</u>
<b><u>INTEREST</u></b>				
10-48110 INTEREST ON INVESTME	15,454.83	15,454.83	52,500.00	(37,045.17)
10-48136 INTEREST-SPECIAL ASSE	0.00	0.00	1,371.00	(1,371.00)
	<u>15,454.83</u>	<u>15,454.83</u>	<u>53,871.00</u>	<u>(38,416.17)</u>
<b><u>MISCELLANEOUS</u></b>				
10-48000 MISCELLANEOUS REVEN	2,236.96	2,236.96	0.00	2,236.96
10-48430 INSURANCE CLAIMS - H	60.40	60.40	0.00	60.40
10-48440 INSURANCE CLAIMS: OT	2,650.00	2,650.00	0.00	2,650.00
10-48510 FIRE DEPARTMENT DON	50.00	50.00	1,000.00	(950.00)
10-48520 TEAMS SPONSORS	6,025.00	6,025.00	7,500.00	(1,475.00)
10-49900 SUNDRY REVENUES	4.20	4.20	1,500.00	(1,495.80)
	<u>11,026.56</u>	<u>11,026.56</u>	<u>10,000.00</u>	<u>1,026.56</u>
<b>TOTAL REVENUES</b>	<b><u>2,716,607.69</u></b>	<b><u>2,716,607.69</u></b>	<b><u>\$ 3,363,082.00</u></b>	<b><u>(646,474.31)</u></b>



TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

24

	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>GENERAL GOVERNMENT</b>				
<b>TOWN BOARD</b>				
10-51100-110 SALARIES: ELECTED OFF	15,067.03	15,067.03	35,000.00	19,932.97
10-51100-131 SOCIAL SECURITY	1,152.69	1,152.69	2,678.00	1,525.31
10-51100-222 TELEPHONE	0.00	0.00	100.00	100.00
10-51100-320 DUES, MEMBERSHIPS,PU	1,299.00	1,299.00	4,276.00	2,977.00
10-51100-321 MEETINGS & CONVENTI	0.00	0.00	1,000.00	1,000.00
10-51100-330 MILEAGE REIMBURSEME	0.00	0.00	1,000.00	1,000.00
10-51100-390 OTHER SUPPLIES & EXPE	2,111.50	2,111.50	1,500.00	(611.50)
10-51100-398 AWARDS	0.00	0.00	1,500.00	1,500.00
	<hr/>	<hr/>	<hr/>	<hr/>
	19,630.22	19,630.22	47,054.00	27,423.78
<b>LEGAL FEES</b>				
10-51300-210 LEGAL COUNSEL	17,401.00	17,401.00	60,000.00	42,599.00
10-51300-211 LEGAL FEES - REIMBURS	65.00	65.00	7,000.00	6,935.00
	<hr/>	<hr/>	<hr/>	<hr/>
	17,466.00	17,466.00	67,000.00	49,534.00
<b>CLERK/TREASURER</b>				
10-51420-110 SALARIES: APPOINTED O	25,500.00	25,500.00	72,918.00	47,418.00
10-51420-125 WAGES: PARTTIME	22,916.82	22,916.82	64,611.00	41,694.18
10-51420-128 WAGES: OVERTIME	132.08	132.08	500.00	367.92
10-51420-130 PERSONAL INSURANCE	75.52	75.52	25,300.00	25,224.48
10-51420-131 SOCIAL SECURITY	3,928.57	3,928.57	11,173.00	7,244.43
10-51420-150 RETIREMENT BENEFIT	2,805.00	2,805.00	8,021.00	5,216.00
10-51420-252 DATA PROCESSING-TAX	2,967.58	2,967.58	5,500.00	2,532.42
10-51420-310 OFFICE SUPPLIES	2,725.98	2,725.98	4,000.00	1,274.02
10-51420-311 POSTAGE	3,907.38	3,907.38	7,500.00	3,592.62
10-51420-313 LEGAL NOTICES	246.79	246.79	800.00	553.21
10-51420-320 DUES, MEMBERSHIPS,PU	235.00	235.00	300.00	65.00
10-51420-321 MEETINGS & CONVENTI	0.00	0.00	200.00	200.00
10-51420-322 TUITIONS	0.00	0.00	1,000.00	1,000.00
10-51420-330 MILEAGE REIMBURSEME	150.51	150.51	1,000.00	849.49
10-51420-390 OTHER SUPPLIES & EXPE	1,845.12	1,845.12	1,500.00	(345.12)
	<hr/>	<hr/>	<hr/>	<hr/>
	67,436.35	67,436.35	204,323.00	136,886.65
<b>ELECTIONS</b>				
10-51440-125 WAGES: PARTTIME	8,490.00	8,490.00	15,000.00	6,510.00
10-51440-230 EQUIPMENT MAINTENA	1,300.00	1,300.00	1,300.00	0.00
10-51440-313 LEGAL NOTICES	26.33	26.33	200.00	173.67
10-51440-340 OPERATING EXPENSES	3,150.44	3,150.44	4,000.00	849.56
10-51440-810 ELECTIONS-CAPITAL EQ	0.00	0.00	600.00	600.00
	<hr/>	<hr/>	<hr/>	<hr/>
	12,966.77	12,966.77	21,100.00	8,133.23

TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

<u>24</u>	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>ACCOUNTING</b>				
10-51510-212 AUDIT	19,500.00	19,500.00	19,500.00	0.00
10-51510-213 ACCOUNTING ASSISTAN	3,276.00	3,276.00	24,000.00	20,724.00
10-51510-251 PAYROLL PROCESSING F	438.80	438.80	1,000.00	561.20
	<hr/>	<hr/>	<hr/>	<hr/>
	23,214.80	23,214.80	44,500.00	21,285.20
<b>ASSESSOR</b>				
10-51530-299 OTHER CONTRACTED SE	12,399.97	12,399.97	38,316.00	25,916.03
10-51530-390 OTHER SUPPLIES & EXPE	1,409.15	1,409.15	0.00	(1,409.15)
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	13,809.12	13,809.12	38,316.00	24,506.88
<b>TOWN HALL OPERATIONS</b>				
10-51600-216 COMPUTER CONSULTAN	2,377.24	2,377.24	5,000.00	2,622.76
10-51600-217 WEB SITE DEVELOPMEN	5,925.00	5,925.00	3,000.00	(2,925.00)
10-51600-220 NATURAL GAS	1,537.91	1,537.91	4,200.00	2,662.09
10-51600-221 ELECTRICITY	3,744.92	3,744.92	15,000.00	11,255.08
10-51600-222 TELEPHONE	4,963.86	4,963.86	15,000.00	10,036.14
10-51600-223 SANITATION	102.81	102.81	410.00	307.19
10-51600-350 BUILDING MAINTENANC	5,290.48	5,290.48	17,000.00	11,709.52
10-51600-360 EQUIPMENT LEASE	1,984.26	1,984.26	4,000.00	2,015.74
10-51600-390 OTHER SUPPLIES & EXPE	265.24	265.24	0.00	(265.24)
	<hr/>	<hr/>	<hr/>	<hr/>
	26,191.72	26,191.72	63,610.00	37,418.28
<b>UNCOLLECTIBLE ACCOUNTS</b>				
	<hr/>	<hr/>	<hr/>	<hr/>
	0.00	0.00	0.00	0.00
<b>INSURANCE</b>				
10-51930-138 UNEMPLOYMENT COMP	29.53	29.53	1,000.00	970.47
10-51932-510 PROPERTY & LIABILITY	81,507.00	81,507.00	84,000.00	2,493.00
	<hr/>	<hr/>	<hr/>	<hr/>
	81,536.53	81,536.53	85,000.00	3,463.47
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL GENERAL GOVER	262,251.51	262,251.51	570,903.00	308,651.49
<b>PUBLIC SAFETY</b>				
<b>LAW ENFORCEMENT</b>				
10-52100-298 CONTRACTED OVERTIM	1,193.01	1,193.01	1,200.00	6.99
10-52100-299 OTHER CONTRACTED SE	29,737.20	29,737.20	59,474.00	29,736.80
10-52100-340 TRANSCRIPTION SERVIC	5,243.65	5,243.65	1,400.00	(3,843.65)
10-52100-341 CITATION PROCESSING	1,006.99	1,006.99	1,900.00	893.01
10-52100-349 MISC OPERATING EXPEN	0.00	0.00	300.00	300.00
	<hr/>	<hr/>	<hr/>	<hr/>
	37,180.85	37,180.85	64,274.00	27,093.15
<b>LAKE PATROL</b>				
10-52110-296 LAKE PATROL	12,557.08	12,557.08	25,114.00	12,556.92
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	12,557.08	12,557.08	25,114.00	12,556.92

TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

<u>24</u>		<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>FIRE DEPARTMENT</b>					
<b>ADMINISTRATION</b>					
10-52210-111	STIPEND: APPOINTED OF	5,270.30	5,270.30	47,091.00	41,820.70
10-52210-131	SOCIAL SECURITY	403.14	403.14	3,883.00	3,479.86
10-52210-150	RETIREMENT BENEFIT	0.00	0.00	3,670.00	3,670.00
10-52210-230	EQUIPMENT MAINTENA	219.98	219.98	600.00	380.02
10-52210-310	OFFICE SUPPLIES	68.98	68.98	1,000.00	931.02
10-52210-330	MILEAGE REIMBURSEME	1,250.00	1,250.00	3,000.00	1,750.00
10-52210-390	OTHER SUPPLIES & EXPE	1,127.85	1,127.85	7,054.00	5,926.15
10-52210-392	GOOD & WELFARE	935.89	935.89	2,400.00	1,464.11
10-52210-393	RECRUITING	14.00	14.00	1,000.00	986.00
10-52210-810	FD ADMIN-CAPITAL EQU	0.00	0.00	500.00	500.00
		<hr/>	<hr/>	<hr/>	<hr/>
		9,290.14	9,290.14	70,198.00	60,907.86
<b>FACILITIES</b>					
10-52220-220	NATURAL GAS	781.33	781.33	1,500.00	718.67
10-52220-221	ELECTRICITY	294.72	294.72	1,000.00	705.28
10-52220-235	ALARM MONITORING	0.00	0.00	100.00	100.00
		<hr/>	<hr/>	<hr/>	<hr/>
		1,076.05	1,076.05	2,600.00	1,523.95
<b>OPERATIONS</b>					
10-52230-120	WAGES: FULLTIME	64,569.06	64,569.06	126,734.00	62,164.94
10-52230-121	ADMINISTRATIVE ASSIS	22,551.71	22,551.71	80,383.00	57,831.29
10-52230-125	WAGES: PARTTIME	3,772.46	3,772.46	9,821.00	6,048.54
10-52230-126	WAGES: STATION DUTY (	2,422.06	2,422.06	10,231.00	7,808.94
10-52230-127	WAGES: STATION TRAIN	4,998.97	4,998.97	25,438.00	20,439.03
10-52230-128	WAGES: OVERTIME	0.00	0.00	1,018.00	1,018.00
10-52230-130	PERSONAL INSURANCE	14,110.88	14,110.88	28,222.00	14,111.12
10-52230-131	SOCIAL SECURITY	13,743.71	13,743.71	20,477.00	6,733.29
10-52230-150	RETIREMENT BENEFIT	7,102.57	7,102.57	14,053.00	6,950.43
10-52230-230	EQUIPMENT MAINTENA	576.57	576.57	3,000.00	2,423.43
10-52230-231	VEHICLE REPAIR	0.00	0.00	5,000.00	5,000.00
10-52230-232	PUMP REPAIR	245.09	245.09	3,000.00	2,754.91
10-52230-290	DISPATCHING	2,089.46	2,089.46	1,899.00	(190.46)
10-52230-291	800 MHZ TRUNKED RADI	838.52	838.52	767.00	(71.52)
10-52230-320	DUES, MEMBERS,PUBLIC	375.00	375.00	400.00	25.00
10-52230-322	TUITION	1,770.35	1,770.35	5,000.00	3,229.65
10-52230-341	UNIFORMS	116.29	116.29	900.00	783.71
10-52230-345	VEHICLE EXPENSES	900.08	900.08	5,000.00	4,099.92
10-52230-351	VEHICLE MAINTENANCE	0.00	0.00	4,000.00	4,000.00
10-52230-352	EXTINGUISHER MAINTE	203.63	203.63	300.00	96.37
10-52230-353	BREATHING APP. MAINT	44.34	44.34	2,500.00	2,455.66
10-52230-354	FIRE FIGHTING MAINTEN	116.41	116.41	4,000.00	3,883.59
10-52230-390	OTHER SUPPLIES & EXPE	375.95	375.95	2,500.00	2,124.05
10-52230-810	F.D OPER'S-CAPITAL IMP	9,267.09	9,267.09	47,364.00	38,096.91
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		150,190.20	150,190.20	402,007.00	251,816.80

TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

<u>24</u>	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>FIRE PREVENTION</b>				
10-52240-125 WAGES: PARTTIME	2,757.30	2,757.30	4,070.00	1,312.70
10-52240-131 SOCIAL SECURITY	(31.82)	(31.82)	311.00	342.82
10-52240-340 OPERATING EXPENSES	0.00	0.00	100.00	100.00
10-52240-342 FIRE PROTECTION EDUC	0.00	0.00	100.00	100.00
10-52240-343 MEDIA LIBRARY	0.00	0.00	100.00	100.00
	<hr/>	<hr/>	<hr/>	<hr/>
	2,725.48	2,725.48	4,681.00	1,955.52
<b>AMBULANCE &amp; RESCUE</b>				
10-52300-125 WAGES: PARTTIME	2,193.86	2,193.86	14,245.00	12,051.14
10-52300-126 WAGES: STATION DUTY (	76,979.00	76,979.00	220,798.00	143,819.00
10-52300-127 WAGES: ON CALL	7,701.44	7,701.44	29,508.00	21,806.56
10-52300-131 SOCIAL SECURITY	(1,381.00)	(1,381.00)	20,238.00	21,619.00
10-52300-230 EQUIPMENT MAINTENA	0.00	0.00	5,000.00	5,000.00
10-52300-290 EMS CONTRACTED SERV	6,384.09	6,384.09	16,500.00	10,115.91
10-52300-340 OTHER OPERATING SUPP	3,836.73	3,836.73	11,000.00	7,163.27
	<hr/>	<hr/>	<hr/>	<hr/>
	95,714.12	95,714.12	317,289.00	221,574.88
<b>INSPECTION</b>				
10-52400-299 OTHER CONTRACTED SE	27,350.23	27,350.23	100,970.00	73,619.77
10-52400-340 OTHER OPERATING SUPP	0.00	0.00	3,000.00	3,000.00
10-52400-810 INSPECTION-CAPITAL EQ	48.38	48.38	0.00	(48.38)
	<hr/>	<hr/>	<hr/>	<hr/>
	27,398.61	27,398.61	103,970.00	76,571.39
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL PUBLIC SAFETY	336,132.53	336,132.53	990,133.00	654,000.47
<b>PUBLIC WORKS</b>				
<b>TRANSPORATION</b>				
<b>BUILDING &amp; GROUNDS OPERATIONS</b>				
10-53270-220 NATURAL GAS	2,756.95	2,756.95	5,500.00	2,743.05
10-53270-221 ELECTRICITY	1,645.28	1,645.28	5,000.00	3,354.72
10-53270-350 BUILDING MAINTENANC	2,433.40	2,433.40	10,000.00	7,566.60
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	6,835.63	6,835.63	20,500.00	13,664.37

TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

<u>24</u>	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>OPERATIONS</b>				
10-53310-120 WAGES: FULLTIME	113,671.26	113,671.26	285,405.00	171,733.74
10-53310-123 ROAD MAINTENANCE FE	76.10	76.10	0.00	(76.10)
10-53310-125 WAGES: PARTTIME	7,338.36	7,338.36	10,175.00	2,836.64
10-53310-128 OVERTIME	4,820.15	4,820.15	10,175.00	5,354.85
10-53310-130 PERSONAL INSURANCE	22,865.85	22,865.85	44,275.00	21,409.15
10-53310-131 SOCIAL SECURITY	10,448.62	10,448.62	25,792.00	15,343.38
10-53310-150 RETIREMENT BENEFIT	12,538.28	12,538.28	31,395.00	18,856.72
10-53310-200 DRUG TESTING & EDUCA	86.00	86.00	300.00	214.00
10-53310-223 SANITATION	102.81	102.81	425.00	322.19
10-53310-322 TUITION	0.00	0.00	1,000.00	1,000.00
10-53310-341 UNIFORMS	0.00	0.00	1,500.00	1,500.00
10-53310-343 EQUIPMENT RENTAL	900.00	900.00	2,000.00	1,100.00
10-53310-344 EQUIPMENT REPAIRS	23,861.55	23,861.55	30,000.00	6,138.45
10-53310-345 VEHICLE EXPENSES	13,748.72	13,748.72	35,000.00	21,251.28
10-53310-370 ROAD REPAIRS	2,766.08	2,766.08	500,000.00	497,233.92
10-53310-371 STREET SWEEPING	1,500.00	1,500.00	1,500.00	0.00
10-53310-372 ROAD SIGNS & MARKING	580.89	580.89	11,000.00	10,419.11
10-53310-373 SAND, SALT & CHLORIDE	133,976.42	133,976.42	115,000.00	(18,976.42)
10-53310-374 CULVERTS & GRAVEL	3,340.59	3,340.59	5,000.00	1,659.41
10-53310-390 OTHER SUPPLIES & EXPE	3,369.22	3,369.22	7,000.00	3,630.78
10-53310-810 HWY OPER'S-CAPITAL E	40,507.19	40,507.19	0.00	(40,507.19)
10-53420-221 ELECTRICITY	5,039.42	5,039.42	12,500.00	7,460.58
	401,537.51	401,537.51	1,129,442.00	727,904.49
TOTAL HIGHWAY & TRA	408,373.14	408,373.14	1,149,942.00	741,568.86
<b>SEWER SERVICE</b>				
10-56900-250 STORMWATER FEES DNR	0.00	0.00	4,000.00	4,000.00
	0.00	0.00	4,000.00	4,000.00
<b>REFUSE COLLECTION</b>				
10-53620-291 REFUSE COLLECTION	219,167.53	219,167.53	658,582.00	439,414.47
	219,167.53	219,167.53	658,582.00	439,414.47
<b>HEALTH &amp; HUMAN SERVICES</b>				
<b>RECYCLING &amp; WEED CONTROL</b>				
10-53690-391 HAZARDOUS WASTE	1,000.00	1,000.00	1,000.00	0.00
	1,000.00	1,000.00	1,000.00	0.00
<b>ANIMAL CONTROL</b>				
10-54100-291 HAWS	0.00	0.00	2,346.00	2,346.00
	0.00	0.00	2,346.00	2,346.00
<b>INSECT ERADICATION</b>				
	0.00	0.00	0.00	0.00
TOTAL HEALTH & HUMA	1,000.00	1,000.00	3,346.00	2,346.00

TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

24

	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>PARKS &amp; RECREATION</b>				
<b>PARKS</b>				
10-55200-120 WAGES: FULL TIME	13,590.85	13,590.85	24,994.00	11,403.15
10-55200-130 PERSONAL INSURANCE	0.00	0.00	1,000.00	1,000.00
10-55200-131 SOCIAL SECURITY	1,123.00	1,123.00	2,122.00	999.00
10-55200-150 RETIREMENT BENEFIT	1,366.81	1,366.81	2,749.00	1,382.19
10-55200-221 PARK ELECTRICAL SERV	67.18	67.18	200.00	132.82
10-55200-223 SANITATION	298.00	298.00	4,500.00	4,202.00
10-55200-345 VEHICLE EXPENSES	0.00	0.00	3,000.00	3,000.00
10-55200-355 GROUNDS MAINTENANC	1,899.13	1,899.13	5,500.00	3,600.87
10-55200-356 BASEBALL FIELDS	0.00	0.00	1,500.00	1,500.00
10-55200-390 OTHER SUPPLIES & EXPE	0.00	0.00	900.00	900.00
	<u>18,344.97</u>	<u>18,344.97</u>	<u>46,465.00</u>	<u>28,120.03</u>
<b>RECREATION</b>				
10-55300-119 RECREATION DIRECTOR	7,883.59	7,883.59	13,273.00	5,389.41
10-55300-131 SOCIAL SECURITY	603.09	603.09	1,015.00	411.91
10-55300-222 TELEPHONE	218.70	218.70	750.00	531.30
10-55300-294 COUNTY LEAGUE FEES	0.00	0.00	3,000.00	3,000.00
10-55300-330 MILEAGE REIMBURSEME	0.00	0.00	300.00	300.00
10-55300-341 UNIFORMS	0.00	0.00	6,500.00	6,500.00
10-55300-346 BALL EQUIPMENT	180.30	180.30	1,000.00	819.70
10-55300-347 FIELD EQUIPMENT	0.00	0.00	900.00	900.00
10-55300-390 OTHER SUPPLIES & EXPE	2,064.46	2,064.46	150.00	(1,914.46)
10-55300-392 FUND RAISING EXPENSE	8,047.45	8,047.45	72,000.00	63,952.55
10-55300-395 LITTLE LEAGUE BREWE	0.00	0.00	3,000.00	3,000.00
10-55300-396 PICTURE NIGHT EXPENS	0.00	0.00	600.00	600.00
10-55300-397 SUMMER YOUTH PROGR	0.00	0.00	500.00	500.00
	<u>18,997.59</u>	<u>18,997.59</u>	<u>102,988.00</u>	<u>83,990.41</u>
TOTAL PARKS & RECREA	<u>37,342.56</u>	<u>37,342.56</u>	<u>149,453.00</u>	<u>112,110.44</u>
<b>CONSERVATION &amp; DEVELOPMENT</b>				
<b>ENGINEERING</b>				
10-56300-215 ENGINEERING - REIMBU	2,601.18	2,601.18	20,000.00	17,398.82
10-56300-216 ROAD IMPROVEMENT PR	12,023.75	12,023.75	36,000.00	23,976.25
10-56300-218 PLAN COMMISSION	3,762.00	3,762.00	14,300.00	10,538.00
10-56300-253 SPECIAL PROJECTS-NR21	4,012.80	4,012.80	10,000.00	5,987.20
10-56300-298 ENGINEER-BLDG GRADE	320.00	320.00	1,200.00	880.00
10-56300-299 CONTRACTED SERVICES	17,727.25	17,727.25	70,000.00	52,272.75
10-56300-300 ZONING CODE/UPDATE	1,824.00	1,824.00	2,000.00	176.00
10-56300-301 CODE ENFORCEMENT	494.00	494.00	1,500.00	1,006.00
	<u>42,764.98</u>	<u>42,764.98</u>	<u>155,000.00</u>	<u>112,235.02</u>
<b>PLANNING COMMISSION</b>				
10-56300-131 SOCIAL SECURITY	15.92	15.92	153.00	137.08
10-56300-141 MEETING FEES	207.98	207.98	2,000.00	1,792.02
10-56300-330 MILEAGE REIMBURSEME	513.48	513.48	2,500.00	1,986.52
10-56300-331 TOWN GIS	1,377.00	1,377.00	2,000.00	623.00
10-56300-390 OTHER SUPPLIES & EXPE	30.00	30.00	200.00	170.00
	<u>2,144.38</u>	<u>2,144.38</u>	<u>6,853.00</u>	<u>4,708.62</u>

TOWN OF DELAFIELD  
General Fund - Statement of Expenditures  
May 31, 2020

<u>24</u>	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>ZONING BOARD OF APPEALS</b>				
10-56400-131 SOCIAL SECURITY	12.09	12.09	15.00	2.91
10-56400-141 MEETING FEES	(257.29)	(257.29)	200.00	457.29
10-56400-313 LEGAL NOTICES	116.51	116.51	50.00	(66.51)
	<u>(128.69)</u>	<u>(128.69)</u>	<u>265.00</u>	<u>393.69</u>
TOTAL CONSERVATION	44,780.67	44,780.67	162,118.00	117,337.33
<b>TOTAL EXPENSES</b>	<b><u>1,309,047.94</u></b>	<b><u>1,309,047.94</u></b>	<b><u>3,688,477.00</u></b>	<b><u>2,379,429.06</u></b>

# Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ, RETIRED  
DONALD S. MOLTER, JR., RETIRED  
JOHN P. MACY  
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CHRISTOPHER R. SCHULTZ  
ANTHONY J. GARCIA  
SADIE R. ZURFLUH

June 8, 2020

Town Board  
Town of Delafield  
W302 N1254  
Delafield, WI 53018

**Re: Fundraising for Skate Park  
Legal Issues**

Dear Ladies and Gentlemen:

The Town Chair asked me to comment on two issues that I understand are arising in the context of the Town of Delafield Skate Park. Specifically, I was asked to comment upon legal risks associate with private fundraising for this public improvement; and to comment on town officials taking actions in an official capacity when such action has not been approved by the Town Board. I have had an opportunity to carefully consider this matter.

Issue 1: Fundraising for Skate Park. I was asked to comment on the legal issues associated with raising money for the Town of Delafield Skate Park.<sup>1</sup> I have the following comments, questions, concerns and recommendations in this regard:

1. Procedural Issues. There are several legal issues to consider in this regard, including the following:
  - a. *No Town Meeting Authorization.* Wisconsin Statutes Section 60.10(2)(a) gives the Town Meeting the power to authorize the Town Board to raise money. The statute reads as follows:

*“(2)... By resolution, the town meeting may:  
(a) Raise money. Authorize the town board to raise money, including levying taxes, to pay for expenses of the town.”*

Annually, the Town meeting authorizes the Town levy pursuant to this statute, but the statute is not limited to the levy. The statute says that the Town meeting grants the authority for the Town board to “raise money” generally, and the tax levy is only one example. I am not aware of the Town Meeting having granted

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<sup>1</sup> My role in this issue, as in all issues before the Town of Delafield Town Board, is to provide legal advice only. I do not advise the Town Board on policy matters, as you know. Nothing herein should be interpreted as favoring or disfavoring the Town of Delafield Skate Park, or the concept of receiving private funds in an appropriate lawful manner to support the Skate Park.



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this authority to the Town Board to raise money for the skate park through private donations at this time.

- b. *No Town Board Authorization.* The Town Board, if duly authorized by the Town Meeting, controls the issue of raising funds. This authority of the Town Board arises from the foregoing Section 60.10(2)(a), and also 60.22(1), Wis. Stats. which broadly gives the Town Board “charge of all affairs of the Town not committed by law to another body or officer or to a town employee.” The Town Board has not authorized raising funds for the Skate Park at this time, to my knowledge.
- c. *Restricted Funds, Not Accepted.* If donations are made for the Skate Park and accepted by the Town, those donations are restricted. Such donations are deemed to be held in trust by the Town for the specific purpose intended by the donor.

*“The general rule of law is that money or property devoted to a charitable use where a trust is created must, if the gift is accepted, be irrevocably devoted to such use...”. Maxcy v. City of Oshkosh, 144 Wis. 238, 128 N.W. 899, 907 (1910)*

Because of the restrictions on use of the donated funds, only the Town Board can accept the donations, and bind the Town to carry-out the intended purpose, or decline to do so.

*“Ordinarily a municipal corporation may within its discretion decline to accept a trust, or to act as a trustee, but when the trust is accepted, the municipal corporation assumes the same burdens and is subject to the same regulations that pertain to other trustees.” § 28:28. In general, 10 McQuillin Mun. Corp. § 28:28 (3d ed.)*

Moreover, the terms of any such donation are very important, e.g., are the funds to be used to repair current defects; or are the funds to be used to rebuild the Skate Park, now or in the future; or are the funds to be used for park purposes, whether or not the Skate Park remains; or are the funds to be used as an endowed fund, with only interest to be spent in any year, and the principal to remain to fund the Skate Park in perpetuity? Any ambiguity or uncertainty about the intent of the donor should be resolved before the donation is accepted. The Town Board needs to be given all of the terms and conditions of the donation and have the ability to accept or reject the donation on those terms, and that has not happened to date to my knowledge.

2. *Ethical Concerns.* If the foregoing procedural matters were resolved, serious ethical issues would remain. Suppose, for example, that a developer of a controversial project in the Town would make a substantial donation to this fundraising effort; does that affect the Town Board’s impartiality in considering the development project, or the appearance of impropriety? I contend that it does, or it could. The same could be true if large donations would be made by vocal opponents, or neighbors to a development project, or with regard to any number of matters arising before Town government. In many issues that arise before the Town, including large development projects where conditional approvals are required, the Town Board sits as judge. The Town Board cannot act with unquestioned impartiality, and will face arguments that they are acting improperly and

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without due process, if the Town Board has sought and received donations from the same parties who appear before them for quasi-judicial determinations.

This policy is addressed in Section 1.09 of the Town Code, which is relevant by analogy:

*“1.09 RECEIPT OF GIFTS AND GRATUITIES. (1) RESTRICTED. No Town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who: (a) Has or is seeking to obtain contractual or other business or financial relationships with the Town or Town Board; or (b) Conducts operations or activities which are regulated by the Town or Town Board; or”*

The code addresses a policy concern, that gifts might be made and received improperly, to gain influence. This Code Section, in my opinion, is directed toward personal receipt of such funds, rather than receipt of such funds by the Town, but it is relevant here in two respects: (1) This highlights the impropriety of receiving funds from those who appear before the Town; and (2) This demonstrates that individual Town officials should not purport to act for the Town in receiving such funds, without Town Board authorization, for risk of violating the Code.

3. *Practical Concerns.* Aside the foregoing, fundraising efforts are likely to be more successful if they are conducted by a private entity. Giving money to the government may feel like paying extra taxes, which is a hard sell.
4. *Recommendation: Private Fundraising.* In light of these significant concerns, whenever my municipal clients have entertained suggestions of fundraising for municipal facilities, we have turned to the well-traveled path of private friends groups to do so. This is very common, and many examples could be cited. The PTA, or local education foundations, are examples in public schools, whereby private entities raise money and offer the money to the school for various purposes. Lapham Peak State Park has a friends organization, Friends of Lapham Peak, that raises private money and donates it for designated purposes. We see such organizations for libraries, such as the Friends of Waukesha Public Library, and even for general unnamed municipal purposes, such as the Fox Point Foundation that supports municipal initiatives of their choosing in the Village of Fox Point. We have seen such organizations established for private support of municipal capital projects, such as for a new swimming pool, or a new pedestrian bridge. It is entirely consistent with this well-established past practice, for supporters of the Skate Park to create a friends group for this purpose, if they are so inclined. This private funding option accomplishes several purposes:
  - a. This distances the Town and Town officials from the fundraising activities, thereby avoiding the ethical concerns noted above.
  - b. This simplifies the procedural hurdles the Town would have in raising the funds, as described above.
  - c. This makes it more likely that the fundraising objectives will be met, both in the short term and thereafter.