

**A PERFECT ENVIRONMENT**

**Residential ♦ Recreational ♦ Responsible**

**Chair**  
Ron Troy  
**Supervisors**  
Pete Van Horn  
Edward Kranick  
Christopher Smith  
Billy Cooley  
**Clerk/Treasurer**  
Mary Elsner

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
TUESDAY, AUGUST 13, 2019 - 7:00 P.M.  
DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI**

**AMENDED AGENDA**

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

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

4. Approval of July 23, 2019, Town Board Minutes
5. Action on vouchers submitted for payment:
  - A. Report on budget sub-accounts and action to amend 2019 budget
  - B. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
  - A. Dave Lardinois (7/22/19), Re: Deer Population Control
  - B. Eric J. Larson (7/25/19), Re: Video Franchising
7. Unfinished Business
  - A. Follow-up discussion on deer population control to identify “hot spots” to work with landowners on harvesting methods (tabled 7/9/19)
  - B. Discussion and possible action on 2019/20 Bow Hunter-Landowner Matching Program Application
  - C. Stormwater drainage issue review in the vicinity of W284 N3298 Lakeside Road (tabled 5/28/19)
  - D. Discussion and possible action on drainage issue at Town Hall (tabled 5/28/19)
  - E. Discussion re: Request for Proposals for Building Inspection Services (tabled 5/14/19)

Town of Delafield Board of Supervisors Meeting Agenda

August 13, 2019

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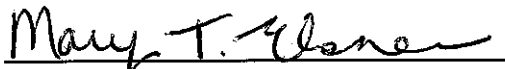
8. New Business

- A. Discussion and possible action re: Park and Recreation Commission, including possible adoption of an Ordinance to repeal section 1.20 of the Town of Delafield municipal code and to disband the Town of Delafield Park and Recreation Commission

9. Announcements and Planning items

- A. Deer Management Committee Meeting – City of Delafield – August 19, 6:00 p.m.
- B. Next Town Board Meeting – August 27
- C. Next Plan Commission Meeting – September 3

10. Adjournment



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

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING**  
**July 23, 2019**

**Members Present:** R. Troy, P. Van Horn, B. Cooley

**Members Absent:** E. Kranick, C. Smith

**Others Present:** D. Roberts, *Highway Superintendent*, A. Vaughan, *Baseball Coordinator*, T. Weiss, *Waukesha County Sheriff's Dept.*, 2 citizens

**First order of business:** Call to Order  
*Chairman Troy called the meeting to order at 7:00 p.m.*

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

**Third order of business:** Citizen Comments  
*There were no citizen comments.*

**Fourth order of business:** Approval of July 9, 2019, Closed Session and Town Board Minutes  
**MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN HORN TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK. MOTION CARRIED.**

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

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

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

**MOVED TO APPROVE PAYMENT OF CHECKS #62007 – #62040 IN THE AMOUNT OF \$104,448.88**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$55,032.24**

**MR. COOLEY/MR. VAN HORN**

**MOTION CARRIED.**

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

A. None

**Seventh order of business:** Unfinished Business

A. Follow-up discussion on deer population control to identify "hot spots" to work with landowners on harvesting methods (tabled 7/9/19)

*This item will remain on the table.*

B. Stormwater drainage issue review in the vicinity of W284 N3298 Lakeside Road (tabled 5/28/19)

*This item will remain on the table.*

C. Discussion and possible action on drainage issue at Town Hall (tabled 5/28/19)

*This item will remain on the table.*

D. Discussion re: Request for Proposals for Building Inspection Services (tabled 5/14/19)

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN HORN TO REMOVE FROM THE TABLE.  
MOTION CARRIED.**

*Chairman Troy stated that he received correspondence from Steven Nero (SAFEbuilt). The company has an offer out for a very qualified and experienced new hire that would allow for additional assistance in the*

inspection department. The RFP process will continue as Chairman Troy works with Mr. Nero. The RFP will be reviewed at the meeting on August 27.

**Eighth order of business:** New Business

A. Discussion and possible action re: overage in budgeted hours for Park and Recreation

*Alyssa Vaughan stated that she has gone over the 670 budgeted hours for 2019 by 75 and requested an increase to 745 hours.*

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN TO INCREASE THE BUDGETED HOURS FOR THE BASEBALL COORDINATOR TO 745 FOR THE YEAR 2019. MOTION CARRIED.**

B. Update the nuisance ordinance to include ash trees affected by the emerald ash borer

**MOTION MADE BY MR. COOLEY TO TABLE UNTIL THE NEXT MEETING. MOTION FAILED FOR LACK OF SECOND.**

*Chairman Troy stated that he would be reluctant to cite residents for emerald ash borer due to the fact that the Town ash trees on their property.*

C. Discussion and possible action on the buckthorn growing on the Town Hall Property on the corner of Silvernail and Maple

*Superintendent Roberts stated his request to clean up, topsoil and seed the subject area. The Town Board is in favor of this request.*

D. Discussion and possible action on security of election machines

*Chairman Troy stated that an in-house violation occurred recently. The Town had procedures in place to secure the election machines according to WI State Statutes, but additional steps need to be taken due to the violation. The options are to either install fencing to further secure them or move the existing audio equipment out of the room.*

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. COOLEY TO AUTHORIZE THE EXPENDITURE UP TO \$1000 FOR SECURITY FENCING. MOTION CARRIED.**

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

- April Fossum, Seaboard

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN HORN TO APPROVE AN OPERATOR'S LICENSE FOR THE PERIOD OF 7/1/18 TO 6/30/20 FOR APRIL FOSSUM, SEABOARD. MOTION CARRIED.**

F. Consideration and possible action on Alcohol Permit Application for an event to be held at the Sports Commons on July 28, 2019, 1:00 p.m. to 6:00 p.m.

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN HORN TO APPROVE AN ALCOHOL PERMIT APPLICATION FOR AN EVENT TO BE HELD AT THE SPORTS COMMONS ON JULY 28, 2019, BETWEEN THE HOURS OF 1:00 P.M. AND 6:00 P.M. MOTION CARRIED.**

G. Consideration and possible action on Alcohol Permit Application for an event to be held at the Sports Commons on August 3, 2019, 12:00 p.m. to 8:00 p.m.

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN HORN TO APPROVE AN ALCOHOL PERMIT APPLICATION FOR AN EVENT TO BE HELD AT THE SPORTS COMMONS ON AUGUST 3, 2019, BETWEEN THE HOURS OF 12:00 P.M. AND 8:00 P.M. MOTION CARRIED.**

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

- A. WI Towns Association, Waukesha County Unit Meeting – Wednesday, July 24 – 6:30 p.m. – Genesee Town Hall
- B. Budget Workshop – Monday, July 29 – 6:00 p.m.
- C. Next Plan Commission Meeting – August 6
- D. Next Park and Recreation Commission Meeting – August 8
- E. Next Town Board Meeting – August 13

**Tenth Order of business:** Adjournment

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

Respectfully submitted,

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

Minutes approved on:

DRAFT

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7/22/2019



Town of Delafield  
W302N1254 Maple Ave  
Delafield, WI 53018-7000

Dave and Kaye Lardinois  
W283N2193 Beach Rd  
Pewaukee, WI 53072  
414-614-2278

Town of Delafield

Last week we learned that a friend of ours has lime disease. She got it from a deer tick from the backyard of her home in the Town of Delafield. The deer population in the Town of Delafield is out of control and it is time for the town board to develop a plan to control the deer population. We see multiple deer every day in our neighborhood and we live by the lake, not in the woods. We have been dealing with the deer eating our flowers and vegetable gardens for years. Now we have to worry about our grandchildren getting deer ticks when they play in our yard.

We have a neighbor who is a retired Milwaukee Police Officer that might be the perfect person to develop a plan for thinning the deer population in our town.

Thank You for your time and for your hard work keeping our town running smoothly.

Sincerely

Dave and Kaye Lardinois

A handwritten signature in cursive script that reads "Dave Lardinois".

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**Municipal LAW**  
& LITIGATION GROUP

DALE W. ARENZ, RETIRED  
DONALD S. MOLTER, JR., RETIRED  
JOHN P. MACY  
H. STANLEY RIFFLE  
COURT COMMISSIONER  
ERIC J. LARSON  
REMZY D. BITAR

730 N. GRAND AVENUE  
WAUKESHA, WISCONSIN 53186  
Telephone (262) 548-1340  
Direct (262) 806-0215  
Facsimile (262) 548-9211  
Email: elarson@ammr.net

PAUL E. ALEXY  
R. VALJON ANDERSON  
MATTEO REGINATO  
LUKE A. MARTELL  
SAMANTHA R. SCHMID  
STEPHEN J. CENTINARIO, JR.  
AMY E. FRY-GALOW  
CHRISTOPHER R. SCHULTZ

July 25, 2019

Town Board  
Town of Delafield  
W302 N1254  
Delafield, WI 53018

**Re: Video Franchising  
Video Service Provider Fee  
2019 Wisconsin Act 9**

***Timely Action Required to Maintain Fee Amounts if You Received an  
Annual Payment from Video Service Providers in 2018***

Ladies and Gentlemen:

Included in the State Budget Bill, which took effect on July 5, 2019, is a provision that affects municipal cable television revenue. Timely action is required if you wish to preserve current video service provider revenue amounts. I am writing to make you aware of this issue, and I will respond to additional questions you may have in this regard as follows:

**1. What is the video service provider fee?**

- a. Prior to 2008, municipalities had an ability to create cable television franchise agreements with video service providers. Those franchise agreements often required the service providers to compensate the municipalities, which was designed as a way to recover costs municipalities incur in the use of the public right-of-way by these providers. Often these fees were established as a percentage of the cable service provider's gross revenue, such as 5% which was common.
- b. Beginning in 2008, by 2007 Wisconsin Act 42, the State of Wisconsin preempted municipal authority over video franchise agreements. Any existing franchise agreements at that time were allowed to continue in effect, unless the video service providers applied for a video service franchise from the State of Wisconsin. Video service providers who applied for and received a video service franchise from the State of Wisconsin, were then solely regulated by the State and no longer subject to local video franchise agreements. All video service providers operating in the State at this time, to my knowledge, have applied for and have

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

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received this State franchise. Municipalities no longer have the authority to grant new cable franchises. (Section 66.0420(3), Wisconsin Statutes.)

- c. Since that time, the State has continued to require video service providers to pay a fee to the local municipality in an amount described in Wisconsin Statutes Section 66.0420(7)(b). That amount was presumed to be 5%, unless the municipality's previously existing franchise agreement described a percentage that was lower, or thereafter established a lower percentage. The percentage could not exceed 5%.
2. **Now: fee reduced.** The 2019 State budget reduced the fees that video service providers are obligated to pay local municipalities, by 0.5%. That is to say, whatever percentage you may have required last year, will now be 0.5% lower in 2020. This percentage is reduced again in 2021 by another 0.5%. (Section 66.0420(7)(b)2m, Wisconsin Statutes.)
3. **State reimbursement for lost revenue.** The State of Wisconsin has given municipalities an opportunity to recover this lost revenue from the State, however. Per newly created Wisconsin Statutes Section 79.097, you have an ability to apply to the State of Wisconsin Department of Revenue showing the actual video service provider fee you received in 2018. The State will pay you an amount equal to 0.5% of the service provider's gross receipts received by the municipality in 2018, in 2020. In 2021, the State will do the same, if you reapply to recover the additional lost revenue.
4. **Action required.** The bottom line is this: if you received an annual payment from video service providers in 2018, you will receive less revenue from the video service providers beginning in 2020, but the State has agreed to cover that loss if you properly and timely request this revenue from the State. In order to recover this lost revenue, you are required to proceed as follows:
  - a. On or before August 15, 2019, you must report to the Department of Revenue the following information: the 2018 actual video service provider fee revenues you received and the estimated gross receipts on which the fee revenues are based.
  - b. On or before August 15, 2020, again you must report to the Department of Revenue. This time you must report the 2019 actual fee revenues you received for video service provider fees in 2019 and the estimated gross receipts on which the fee revenues are based.
  - c. The Department of Revenue will notify you on or before October 1 of the amount of the payment that a municipality shall receive in the following year.

If you do not receive video service provider fee payments, and did not receive a payment in 2018, there may be a good explanation for why that is the case. In that event, no action may be required because this fee reduction will not affect



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

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you; though you may decide to investigate the reason why you do not receive these payments.

5. **Calendar for 2020.** As important as it is to act within the next few weeks, before August 15, 2019, it is as important that you properly calendar this issue to remember to act again next year. If you properly apply this year *and next year* to recover the lost video service provider fee revenue, that recovery will carry forward annually. If you fail to do so, either this year *or next year*, that ability to recover lost revenue will be gone.

I recommend that you take prompt action in this regard to preserve an ability to recover these reduced funds in 2020, and that you calendar this issue to apply again in a timely manner in 2020, for 2021 and annually thereafter.

If you should have any questions or concerns regarding these matters, please do not hesitate to contact me.

Yours very truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

*Eric J. Larson*

Eric J. Larson

EJL/egm

cc: Mary Elsner, Town Clerk

C:\MyFiles\Delafield\Opinions\Client Opinion ltr re cable franchise fee 7.25.19.docx



**2019/20 Bow Hunter- Landowner Matching Program.**

**Landowners use this application to give notice that you would allow approved bow hunters to hunt at select times on your property.**

Landowners Name: \_\_\_\_\_

First Name

M.I.

Last Name

Address \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

**Are you willing to allow select hunters, at select times, bow hunt for deer on your property ?  YES**

For the potential right to allow deer harvesting by select hunters from select stands on your property by only approved and licensed deer bow hunters, you agree:

1. You have the right to dictate all terms to the bow hunters on your property. You have the right to control times to hunt, the location and equipment used by the hunters.
2. You HEREBY ASSUME ALL OF THE RISKS OF PARTICIPATING IN ANY/ALL ACTIVITIES ASSOCIATED WITH BOW HUNTING ON YOUR PROPERTY. You acknowledge that this Accident Waiver and Release of Liability Form will be used by the event holders, sponsors, and organizers of the activity in which you may participate, and that it will govern your actions and responsibilities at said activity. In consideration of you application and permitting you to participate in this activity, you hereby take action for yourself, your executors, administrators, heirs, next of kin, successors, and assigns as follows: (A) You WAIVE, RELEASE, AND DISCHARGE the City of Delafield from any and all liability, including but not limited to, liability arising from the negligence or fault of the entities or persons released, for my death, disability, personal injury, property damage, property theft, or actions of any kind which may hereafter occur to you including traveling to and from this activity, INDEMNIFY, HOLD HARMLESS, AND PROMISE NOT TO SUE the City of Delafield from any and all liabilities or claims made as a result of participation in this activity, whether caused by the negligence of release or otherwise. You understand while participating in this activity you may be photographed. The Accident Waiver/Release of Liability Form shall be construed broadly to provide a release and waiver to the maximum extent permissible under applicable law.

I CERTIFY THAT I HAVE READ THIS DOCUMENT AND I FULLY UNDERSTAND ITS CONTENT. I AM AWARE THAT THIS IS A RELEASE OF LIABILITY AND A CONTRACT AND I SIGN IT OF MY OWN FREE WILL.

Signed Property Owner \_\_\_\_\_

Date \_\_\_\_\_

City Staff \_\_\_\_\_ Date \_\_\_\_\_



## 2019/20 BOW HUNTER APPLICATION

**Use this application to apply for the use of a bow hunting stand available on select city properties and/or to apply for the DNR issued nuisance tags.**

Hunter's Name: \_\_\_\_\_  
First Name M.I. Last Name

Hunter's Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

Email Address \_\_\_\_\_

WDNR Customer #: \_\_\_\_\_

You must complete a WI DNR hunter safety class. Did you complete a hunter safety?  YES  NO  
Did you harvest a deer in the City of Delafield limits in 2018/19?  Yes  NO  
Do you wish to apply to hunt from one of the four city sanctioned bow stands?  YES  NO  
Do you wish to apply for the matching Hunter/Landowner Program?  YES  No  
Will you be hunting from a private bow stand using a city nuisance permit?  YES  NO

For the potential right to hunt from select City of Delafield sanctioned bow stands on city property and/or to request a state/city nuisance tag, one must complete this application. If approved, you will be notified by email when to pick up your permits and you will be directed to an online registration site where you can select locations and times to use available city bow stands. We encourage you to harvest does as well as bucks with the city issued nuisance tags. You agree to abide by all state statutes and DNR regulations pertaining to bow hunting, and I have completed a WI DNR approved hunter safety course. Additionally, if hunting from a city stand, you must wear blaze orange or pink. (same as the requirement for bow hunting during the gun deer season).

1. Only current licensed deer bow hunters, are allowed bow hunt and must follow all state laws.
2. You must report via email to the Deer Management Chairperson, Wayne Dehn, what you harvested [wdehn@ci.delafield.us.gov](mailto:wdehn@ci.delafield.us.gov) on city property or deer harvested using a nuisance tag. Harvest reports to the state and to the deer management committee must be made within 24 hours. All deer taken using a City Nuisance Tag must be tested for CWD. You must drop off the head at an approved DNR site (see [www.dnr.wi.gov](http://www.dnr.wi.gov)).
3. You may not keep the antlers of bucks harvested using a city/state issued nuisance tag. Any bucks taken with a nuisance tag must have the antlers removed and turned into the DNR office in Waukesha or Eagle, WI
4. Unused nuisance tags must be returned to the City of Delafield City Hall upon request.

5. Additionally, you agree to abide by all city ordinances pertaining to bow hunting in the City of Delafield. You acknowledge that you have received the "2019/20 Deer Harvest Regulations" from the City of Delafield and you will abide by all regulations and restrictions of the City of Delafield. You must report to the City of Delafield the results of your hunt and will present, the harvested deer for CWD testing. Under penalty of law, you swear that the information provided in this application is true & correct to the best of your knowledge & belief. You agree to the waiver of liability.
6. If approved for the Hunter/Landowner Program you agree to abide by all rules and regulations of that program. You agree to secure written approval from the landowner you are matched with and any other landowner within 100 yards of the shooting zone of which a building exist. You agree to time, dates, equipment and locations agreed upon with the landowner. You HEREBY ASSUME ALL OF THE RISKS OF PARTICIPATING IN ANY/ALL ACTIVITIES ASSOCIATED WITH BOW HUNTING ON CITY OF DELAFIELD PROPERTY, including by way of example and not limitation, any risks that may arise from negligence or carelessness on the part of the persons or entities being released, from dangerous or defective equipment or property owned, maintained, or controlled by them, or because of their possible liability without fault. You certify that you are physically fit, have sufficiently prepared, trained and completed the WI DNR approved hunter education program for participation in this activity and have not been advised to not participate by a qualified medical professional. You certify that there are no health-related reasons or problems which preclude my participation in this activity. You acknowledge that this Accident Waiver and Release of Liability Form will be used by the event holders, sponsors, and organizers of the activity in which you may participate, and that it will govern your actions and responsibilities at said activity. In consideration of you application and permitting you to participate in this activity, you hereby take action for yourself, your executors, administrators, heirs, next of kin, successors, and assigns as follows: (A) You WAIVE, RELEASE, AND DISCHARGE from any and all liability, including but not limited to, liability arising from the negligence or fault of the entities or persons released, for my death, disability, personal injury, property damage, property theft, or actions of any kind which may hereafter occur to you including traveling to and from this activity, THE FOLLOWING ENTITIES OR PERSONS: and/or their directors, officers, employees, volunteers, representatives, and agents; (B) INDEMNIFY, HOLD HARMLESS, AND PROMISE NOT TO SUE the entities or persons mentioned in this paragraph from any and all liabilities or claims made as a result of participation in this activity, whether caused by the negligence of release or otherwise. You understand while participating in this activity you may be photographed. You agree to allow your photo, video, or film likeness to be used for any legitimate purpose by the activity holders, producers, sponsors, organizers, and assigns. The Accident Waiver/Release of Liability Form shall be construed broadly to provide a release and waiver to the maximum extent permissible under applicable law.

I CERTIFY THAT I HAVE READ THIS DOCUMENT AND I FULLY UNDERSTAND ITS CONTENT. I AM AWARE THAT THIS IS A RELEASE OF LIABILITY AND A CONTRACT AND I SIGN IT OF MY OWN FREE WILL.

Participant's Name (Please print legibly.)

Participant's Signature

Date

FOR CITY USE ONLY:

\_\_\_\_\_ ( ) Approved ( ) Denied Date \_\_\_\_\_

\_\_\_\_\_ nuisance tag harvest authorization number.

Deer Harvested Report \_\_\_\_\_

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Mary Elsner

**From:** RONALD A TROY <ratroy@mac.com>  
**Sent:** Tuesday, July 30, 2019 9:41 AM  
**To:** Elsner Mary T.  
**Subject:** Fwd: Cindy Wagner Water Diversion

Begin forwarded message:

**From:** Hans Meyer <[hmeyer@loxodromics.com](mailto:hmeyer@loxodromics.com)>  
**Subject:** Cindy Wagner Water Diversion  
**Date:** July 25, 2019 at 6:23:40 PM CDT  
**To:** Ron Troy <[ratroy@mac.com](mailto:ratroy@mac.com)>  
**Cc:** Cindy Wagner <[wagnerchw@gmail.com](mailto:wagnerchw@gmail.com)>

Ron,

Cindy, Terry Booth and I met with Ryan from the Town's insurance company this afternoon. He had indicated to Terry prior to the meeting that he wanted to do a recorded interview with Cindy because of all the questions he had about what had occurred.

When he arrived, it became apparent that Tim Barbeau, with whom he had met (or conversed) had not shared Cindy's 13 page filing from February, hence his lack of understanding of what the dispute was all about and his need to interview her.

It's not clear to me whether Tim is continuing to stonewall or is incompetent. There's an old adage that I am sure you are familiar with....."when you find yourself in a hole, stop digging"..... All your efforts to expedite this process are being stymied or thwarted by staff.

I have called Mary twice, and stopped in once, to find out what the Town's Operating Policies and Procedures are. I have not heard back from her, but then she has been on vacation. I'll contact her next week.

Who is it in the Town that has the authority to spend Town funds in violation of State statutes? Or, more narrowly defined, who on the Town staff has the authority to spend not more than \$10,000 in violation of State statutes? Take your pick.

What is RA Smith's professional liability in this situation? Tim is a

contractor to the Town. Does RA Smith vouch for his competence and their commitment to abide by State statutes?

You can view this email as adversarial or provocative.....again, take your pick. The issue at hand has to do with a friend of mine, specifically, and, more generally, impacts my taxpayer dollars. My bigger interest is in good governance. A thoughtful resolution of Cindy's situation will be an indication of the latter in my mind.

Hans

Sent from my iPad

AUG 13 2019

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STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO.

AN ORDINANCE TO REPEAL SECTION 1.20 OF THE TOWN OF DELAFIELD MUNICIPAL CODE AND TO DISBAND THE TOWN OF DELAFIELD PARK AND RECREATION COMMISSION

WHEREAS, on or about August 26, 1997 the Town of Delafield created a Park and Recreation Commission empowered with the authority granted in Sections 27.08 and 27.13, Wisconsin Statutes; and

WHEREAS, the Town of Delafield Town Board now concludes that it is in the best interests of the Town of Delafield to disband the Park and Recreation Commission, and to reserve for the Town Board all powers and duties previously assigned to the Park and Recreation Commission.

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

SECTION 1: Chapter 1 of the Town of Delafield Municipal Code entitled "General Government," Section 1.20 entitled, "Park and Recreation Commission," is hereby repealed.

SECTION 2: All powers and duties previously assigned to the Park and Recreation Commission are hereby reserved, transferred and assigned to the Town of Delafield Town Board.

SECTION 3: All property and monies received by the Commission for park purposes, shall be held by the Town Board and shall continue to be restricted for such purposes to the same extent such restrictions applied by law prior to the adoption of this ordinance.

SECTION 4: Staff that have heretofore reported to the Park and Recreation Commission, shall hereafter report to and be managed by the Town of Delafield Town Board.

SECTION 5: 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 6: 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 \_\_\_\_\_, 2019.

TOWN OF DELAFIELD

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

ATTEST:

\_\_\_\_\_  
Mary Elsner, Town Clerk

This ordinance posted or published \_\_\_\_\_.

C:\MyFiles\Delafield\Ordinances\Ord to Disband Park Commission 8.2.19.docx