

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 10, 2020 @ 6:30 PM

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

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
Supervisor Troy led all in the Pledge of Allegiance.

Third order of business: Citizen Comments

Jim Rehberger, w28998 Golf Ridge North, stated he has a large group of over 100 neighbors who are wondering what the next steps are in regards to the Thomas Farm. He explained they want to be involved in the process as no one is in favor of the current process. He stated Jim Frett is the "Identified Leader" of the group and thinks the Town and the Thomas family should start over with their proposal.

Allan Knepper, N16W29838 Brookstone, stated he is following up on December 19 Board meeting where he requested a list of developers that was at a meeting in October. He stated he received the minutes and it noted some developers but not all of the names were included.

Fourth order of business:

A. Approval of February 17, 2020 Joint Public Hearing Minutes

MOTION MADE BY SUPERVISOR COOLEY TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK WITH THE CORRECTION OF CHANGING "ATTENDEES TO DEVELOPERS". SUPERVISOR KRANICK SECONDED. MOTION CARRIED UNANIMOUSLY.

B. Approval of February 25, 2020 Town Board Minutes

MOTION MADE BY SUPERVISOR KRANICK TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK. 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

MOTION BY SUPERVISOR KRANICK TO APPROVE AMENDING THE 2019 BUDGET TO INCREASE \$67,279.00 TO THE ACCOUNTS DESCRIBED ABOVE WITH MONIES TO COME FROM THE GENERAL FUND REVENUE ACCOUNT. SECONDED BY SUPERVISOR COOLEY. MOTION CARRIED UNANIMOUSLY.

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 #63017-63023, AND #63034-63095 IN THE AMOUNT OF \$112,868.63 AND PAYROLLS DATED MARCH 6, 2020 IN THE AMOUNT OF \$32,502.52. SECONDED BY SUPERVISOR DIONISOPOULOS. MOTION CARRIED UNANIMOUSLY.

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

- A. Public Hearing notice from the City of Pewaukee for a proposed amendment to their Land Use Plan on Monday, April 6, 2020 at 7:00 PM.
- B. Public Hearing notice by the Waukesha County Park and Planning Commission for a proposed text amendment change to the Waukesha County Shoreland and Floodland Protection Ordinance on March 19, 2020 at 1:00 PM.

Seventh order of business: Unfinished Business

- A. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.

Engineer Tim Barbeau explained Safeguard is working on making improvements to the home but cannot clean up personal property. The Town is going forward with citations on those issues.

- C. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.

Engineer Barbeau explained there is still an RV sitting on the driveway. The Board requested that Dave Hendrix be at the next Town Board meeting to discuss.

Eighth order of Business: New Business

- A. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map to combine two parcels into one parcel located at the northwest corner of Cushing Park Road and STH 18, Tax Keys DELT 0842.999.003 & 0842.999.002.

Engineer Barbeau explained this was located on the northwest corner of Cushing Park Road and Hwy 18. These are two parcels created when White Oak conservancy was created. He explained Scott Flogger came in proposed a building for Veterans Electric. He has started constructed the building and owns both properties. The applicant came to the Plan Commission with a proposal for storage units which will be coming back at a later date. He will need these combined to meet the open space requirement for his proposal.

MOTION BY SUPERVISOR KRANICK TO APPROVE A CERTIFIED SURVEY MAP TO COMBINE TWO PARCELS INTO ONE PARCEL LOCATED AT THE NORTHWEST CORNER OF CUSHING PARK ROAD AND STH 18, TAX KEYS DELT 0842.999.003 & 0842.999.002. SECONDED BY SUPERVISOR COOLEY. MOTION PASSED UNANIMOUSLY.

- B. David French Revocable Trust, W303 N2568 Maple Avenue, Re: Consideration and possible action on a Certified Survey Map to combine several parcels located at and adjacent to N28 W29707, W29704 and W29696 Oakwood Grove Road, W296 N2879 Franciscan Road and W303 N2568 Franciscan Road

Engineer Barbeau explained this is a request from the French family who are combining five lots into a single lot. This CSM was already approved at a June 4th meeting but was contingent on Waukesha County regulations, property ownerships and removal of dilapidated homes on the property which were nonconforming. The Town became aware that legal action was pending in the right-of-way and the Town's attorney stated the Town should not sign the CSM as to not get pulled into a lawsuit. The attorney for the French family and the Town's attorney have added notes on the CSM identifying the 25-foot private right-of-way and the property is currently in a lawsuit. The Town's attorney is okay with the notes and indemnification and from a technical standpoint the CSM is correct.

Attorney Kathy Gutenkunst stated she got involved a month and a half ago. She explained there is a 25 foot right-of-way and there was a gentleman who claimed ownership. She stated the taxes had been paid by the owners. She asked that the Town Board approve the CSM subject to the notes on page 6. Eric asked that a note be added that the private right-of-way is noted of a pending lawsuit. Chairman Troy

stated he wanted to protect the Town from liability on this issue and wanted to make the owners aware that this is a cloud on the title until this issue is resolved in court.

Anthon Kodzik, W296N3004 Franciscan Road, stated he has been a resident for 44 years and is a neighbor to the French family. He stated he is one of the people with deeded lake access contesting this. He stated he was in negotiations with the Frenches but was then made aware he was being drawn into court over the issue.

He stated they are not trying to stop the Frenches from building their home but to protect their interest as they have deeded lake access. He stated opposition to moving forward with the CSM.

Steven Weslie, W296N3026 Franciscan Road, stated that multiple surveys show that this is an unowned piece of property and they should not be able to add an unowned piece of property to their property.

Linda Weslie W296N3026 Franciscan Road, stated they have received correspondence from the French family restricting how they can use the access. They were told they are not allowed to picnic and could only be on the property from 8 am to 8 pm. She stated they are trying to protect their access and they treasure that access

Al Hubner stated he lives on the west end of the property and has no objections to the French family building their home. He stated if the parcel is proven to not be theirs, they would want to build their anyways. He stated they should be allowed to go ahead with construction have been waiting a year to get this built. He stated this is a great improvement to the neighborhood.

Engineer Barbeau made it clear that without combing these lots they could not build because of the setbacks. This is the basic purpose of moving the CSM forward. In the past owners could build over their own property lines but the Town and County is trying to resolve problems that can make.

Supervisor Dionisopoulos questioned paragraph 4 of the indemnification states the "On satisfactory evidence that they are the correct owner". If this is not satisfactory, the Frenches would bear the full burden of losing the lawsuit and would need to allow the neighbors to use this right-of-way. She explained the Town should not take side in the lawsuit. Chairman Troy stated they are to make sure that the Town is protected and is the reason for the indemnification and notes on the CSM. If the French's lose they bear the burden of the Town. He stated they are not taking sides with either party and if the CSM is approved it will be up to the courts to make the decision moving forward.

MOTION BY SUPERVISOR KRANICK TO APPROVE A CERTIFIED SURVEY MAP TO COMBINE SEVERAL PARCELS LOCATED AT AND ADJACENT TO N28 W29707, W29704 AND W29696 OAKWOOD GROVE ROAD, W296 N2879 FRANCISCAN ROAD AND W303 N2568 FRANCISCAN ROAD SUBJECT TO THE NOTES AND THE INDEMNIFICATION AGREEMENT IN PLACE. SECONDED BY SUPERVISOR COOLEY. MOTION PASSED UNANIMOUSLY.

Ninth order of Business: Announcements and Planning items:

- A. Town Board Meeting – Tuesday, March 24, 2020 @ 6:30 pm
- B. Spring Election and Presidential Preference – Tuesday, April 7, 2020
- C. Town Board Meeting – Tuesday, April 14, 2020 @ 6:30 pm
- D. Annual Meeting – Tuesday, April 21, 2020 @ 6:30 pm

Tenth order of Business: Adjournment

SUPERVISOR KRANICK MADE A MOTION TO ADJOURN THE MARCH 10, 2020 TOWN BOARD MEETING AT 7:13 PM. SECONDED BY SUPERVISOR COOLEY. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted:

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