

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING**  
**October 8, 2019**

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

**Others Present:** T. Barbeau, *Town Engineer, 10 citizens*

**First order of business:** Call to Order  
*Chairman Troy called the meeting to order at 7:01 p.m.*

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

**Third order of business:** Citizen Comments  
*Mark Fischer, W320N1005 Butternut Ridge Ct., stated that he is curious and concerned about the future of the skate park.*

**Fourth order of business:** Approval of September 24, 2019, Town Board Minutes  
**MOTION MADE BY MR. SMITH, SECONDED BY MR. COOLEY TO APPROVE AS PRESENTED BY THE CLERK. MOTION CARRIED.**

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

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

B. 1) Accounts payable; 2) Payroll

Accounts Payable

**MOVED TO APPROVE PAYMENT OF CHECKS #62337 – #62378 IN THE AMOUNT OF \$132,569.21**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,342.20**

**MR. SMITH/MR. KRANICK**

**MOTION CARRIED.**

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

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

A. Eric J. Larson (9/30/19), Re: 2019 Wisconsin Act 14, Wisconsin Small Wireless Facility Law

*Attorney Larson stated that the current State law re: small wireless facilities has become quite confusing. He outlined the significant issues of concern re: the town's authority over small wireless facilities, as a result of these laws.*

*Chairman Troy attended a conference on the issue, and he is of the opinion that the Town needs to review their code and place this item on a future agenda. Mr. Kranick stated that he wants to make sure the town has recourse as far as maintenance goes.*

*Chairman Troy stated that Mr. Van Horn submitted a communication item this evening re: a request to change the speed limit in front of Prairie Hill Waldorf School and DaySpring Church to 25 mph. He read it into the record. As the subject road is a Waukesha County road, Chairman Troy referred this matter to the Town Engineer to be addressed by e-mail with the party indicating that this is a Waukesha County road.*

**MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO TAKE ITEM 8H OUT OF ORDER. MOTION CARRIED.**

**Eighth order of business:** New Business:

H. David French Revocable Trust, W303 N2568 Maple Avenue, Re: Consideration and possible action to direct Town Staff and Town signatories, regarding whether conditions have been satisfied which were imposed on or about June 11, 2019 by the Town Board in its conditional approval of 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

*Attorney Murn spoke on behalf of the owners stating that the builder presented the CSM on behalf of the French Revocable Trust and was not involved in the process. Prior to the final signatures, there was a question brought up by one of the parties as to the legal signature. Attorney Murn filed a quiet title action to determine ownership of the easement. The owners have paid property taxes on the easement for several years. The 20 ft. strip was never included in any deed and the easement area was never transferred. He does not believe this is a town issue but a private issue. The neighbor, Mr. Kodzik, has no documentation that he owns the easement. Attorney Murn is respectfully asking that the CSM be signed by the Town.*

*Chairman Troy expressed frustration as to why the Town was not informed of an existing lawsuit.*

*Attorney Larson stated that staff needs direction as to whether or not conditions have been met. The Town wants to make sure that the people who are signing the CSM actually own the strip of land. The question is in litigation. Once the litigation is resolved, the Town will know who owns the land. If the document is recorded, the Town could possibly be drawn into court.*

*Chairman Troy read 2 letters of support into the record. (These are on file for review in the Clerk's office during normal office hours).*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO FIND THAT THE CONDITION OF APPROVAL IMPOSED ON OR ABOUT JUNE 11, 2019, BY THE TOWN BOARD IN ITS CONDITIONAL APPROVAL OF A CERTIFIED SURVEY MAP TO COMBINE SEVERAL PARCELS LOCATED AT AND ADJACENT TO N28W29707, W29704 AND 29696 OAKWOOD GROVE ROAD, W296N2879 FRANCISCAN ROAD AND W303N2568 FRANCISCAN ROAD, HAS NOT BEEN SATISFIED TO DATE, AND TO DIRECT TOWN STAFF AND TOWN SIGNATORIES NOT TO EXECUTE THE CSM NOR RECORD THE CSM UNTIL SUCH TIME AS OWNERSHIP ISSUES ARE RESOLVED, INCLUDING THE FINAL RESOLUTION OF WAUKESHA COUNTY CIRCUIT COURT CASE 2019-CV-850, AND PETITIONER PRESENTS TITLE REPORT(S) FROM A TITLE INSURANCE COMPANY DEMONSTRATING OWNERSHIP OF ALL LAND INCLUDED IN THE CSM TO THE SATISFACTION OF TOWN STAFF. MOTION CARRIED.**

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

**Eighth order of business:** New Business:

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

*Richard Cooper, S1W31449 Hickory Hollow Ct., stated that he is concerned about property values due to the condition of the subject property and is requesting assistance from the Town Board, if possible.*

*Gerald Voss, S1W31441 Hickory Hollow Ct., stated that there has been no activity for a long period of time on the property. He stated that the house is no longer in a pre-foreclosure status. A truck has been parked on the property for 8 years and he referenced several other violations utilizing submitted pictures.*

*Engineer Barbeau read Chapter 17.03 3. D. 1-4 (Site Maintenance) of the Town Code and Chapter 9 re: junk vehicle regulations. He stated that past process has been to send a violation letter. If nothing is done on the property, the matter is referred to the Town Attorney to send a letter directing the resident to come before the Town Board to provide input. The Town Board then decides whether or not to continue with citations or go to circuit court.*

Attorney Larson suggested that an inspector visit the property.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO DIRECT ENGINEER BARBEAU TO GET AN INSPECTION WARRANT AND HAVE THE PROPERTY INSPECTED WITHIN THE NEXT TWO WEEKS. MOTION CARRIED.**

**Seventh order of business:** Unfinished Business

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

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO TABLE TO THE NEXT REGULARLY SCHEDULED MEETING. MOTION CARRIED.**

**Eighth order of business:** New Business:

- A. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map that attaches a private right-of-way to three adjoining properties, (Luke Holton, N27 W30147 Maple Avenue)

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. COOLEY TO ACCEPT PLAN COMMISSION'S RECOMMENDATION TO APPROVE A CERTIFIED SURVEY MAP THAT ATTACHES A PRIVATE RIGHT-OF-WAY TO THREE ADJOINING PROPERTIES SUBJECT TO TECHNICAL CORRECTIONS ADDRESSING THE EASEMENT FOR LOTS 2 & 3 AND STAFF RECOMMENDATIONS: ADDITIONS OF THE EXTRATERRITORIAL PLAT JURISDICTION CERTIFICATE AND APPROVAL; INCORPORATION AND SATISFACTION OF ANY AND ALL WAUKESHA COUNTY TECHNICAL COMMENTS. MOTION CARRIED.**

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

*Chairman Troy stated that the subject issue was brought to the Town Board by resident Clare Dundon. Engineer Barbeau apologized for not addressing the matter to date, as he was thinking a different property was being referenced.*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO TABLE. MOTION CARRIED.**

- D. Consideration and possible action on approval and authorization of an application and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a loan to finance the purchase of highway trucks

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE APPLICATION AND RESOLUTION TO THE BOARD OF COMMISSIONERS OF PUBLIC LANDS, STATE OF WISCONSIN, FOR A LOAN IN THE AMOUNT OF \$250,000 AT 3.25% FOR THE PURPOSE OF FINANCING TRUCK PURCHASES. CHAIRMAN TROY – AYE, SUPERVISOR VAN HORN – AYE, SUPERVISOR KRANICK – AYE, SUPERVISOR COOLEY – AYE, SUPERVISOR – SMITH. MOTION CARRIED.**

- E. Consideration and possible action on a Resolution to Change the Town of Delafield Polling Place for Wards 7, 8 and for Wards 9, 10, 11 to the DaySpring Church

**MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO ADOPT A RESOLUTION TO CHANGE THE TOWN OF DELAFIELD POLLING PLACE FOR WARDS 7, 8 AND FOR WARDS 9, 10, 11 TO THE DAYSPRING CHURCH. MOTION CARRIED.**

- F. Consideration and possible action on An Ordinance to Amend Section 2.02 (2) of the Town of Delafield Municipal Code Pertaining to Regular Meetings

**MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO APPROVE AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 2.20 (2) OF THE TOWN OF DELAFIELD MUNICIPAL CODE PERTAINING TO REGULAR MEETINGS, AS PRESENTED. MOTION CARRIED.**

G. Supervisor Christopher Smith, Resignation from Town of Delafield Board

*Mr. Smith stated that he is currently doing global work. This has become more of an issue, in that he cannot attend meetings on a regular basis. His feeling is that he is letting the Town Board and residents down.*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO ACCEPT SUPERVISOR CHRIS SMITH'S RESIGNATION EFFECTIVE 10/10/19. MOTION CARRIED.**

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

- A. Budget Workshop – Wednesday, October 9 @ 6:30 p.m.
- B. Wisconsin Town's Association Annual Convention – October 13 thru 15 – Kalahari Convention Center, Wisconsin Dells
- C. Plan Commission Workshop – October 16 @ 6:30 p.m.
- D. Next Town Board Meeting – October 22 @ 6:30 p.m.
- E. WI Towns Association, Waukesha County Unit Meeting – October 23, 6:30 p.m. – Brookfield Town Hall
- F. Trick or Treat – October 31 – 4:00 p.m. to 7:00 p.m.

**Tenth Order of business:** Adjournment

**MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO ADJOURN AT 8:28 P.M. MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: October 22, 2019