

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
December 13, 2016

Members Present: L. Krause, P. Van Horn, E. Kranick, R. Troy

Members Absent: B. Cooley

Others Present: *Town Attorney, T. Barbeau, Town Engineer, P. Kozlowski, Town Fire Chief, 5 citizens*

First order of business: Call to Order
Chairman Krause 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 November 29, 2016, Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE AS PRESENTED. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2016 budget

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

MOVED TO APPROVE PAYMENT OF CHECKS #57891 – #57929 IN THE AMOUNT OF \$83,939.40

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$39,551.79

MR. TROY/MR. KRANICK

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. Consideration and possible action: Proposed revisions to Chapter 5 of the Town Code (tabled 11/29/16)

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO REMOVE FROM THE TABLE. MOTION CARRIED.

Chief Kozlowski stated that during the process of updating the department organizational chart, he determined that Chapter 5 of the Town Code didn't fit well with current Fire Department procedures and practices. He directed attention to Section 5.04 (3) (b) 1. Officers. His proposed revision states: "The Fire Chief shall establish officer positions as he/she deems proper and fill those positions to ensure the department functions in a safe and efficient manner. The Chief need not fill all officer positions".

Supervisor Troy stated that the Fire Chief should be able to set the organizational chart the way he prefers. Chief Kozlowski distributed the subject chart.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE PROPOSED REVISIONS TO CHAPTER 5 OF THE TOWN CODE. MOTION CARRIED.

Eighth order of business: New Business

- A. Consideration and possible action on appointments effective 1/1/2017:
1. Clerk/Treasurer
 2. Deputy Clerk/Treasurer
 3. Fire Chief
 4. Board of Appeals

MOTION BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO APPROVE THE APPOINTMENT OF MARY ELSNER AS CLERK/TREASURER. MOTION CARRIED.

MOTION BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO APPROVE THE APPOINTMENT OF LAUREN BEALE AS DEPUTY CLERK/TREASURER. MOTION CARRIED.

MOTION BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO APPROVE THE APPOINTMENT OF PAUL KOZLOWSKI AS FIRE CHIEF. MOTION CARRIED.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO APPROVE THE APPOINTMENT OF ROBERT SCHIEBLE TO THE BOARD OF APPEALS. MOTION CARRIED.

- B. Consideration and possible action on approval of a Certified Survey Map for land division and lot reconfiguration at N35W28256 Taylors Woods Road

Engineer Barbeau stated that the subject property consists of 2 lots each containing one residence. A substantial part of each lot is located in the environmental corridor. The 29.9 acre lot abuts Taylors Woods Road, and the 8.42 acre lot abuts Taylors Woods Road in the far easterly portion of the lot; however, access to the home is via a private roadway/shared driveway with the larger lot. Engineer Barbeau's understanding is that a section of the 8.42 acre lot did not abut a public road when it was created, but it currently does due to acquisition of land from an adjoining neighbor in 2005. The subject owner is requesting to create one additional lot that will have direct access to Taylors Woods Road. Access to Lot 2 (referenced on the CSM) will remain as is and meets Town Code requirements. The surveyor indicated that the private roadway easement exists only by reference in the deed; therefore, a new easement will be created by separate document using the Town's private driveway agreement language.

The proposed lot configuration will result in three lots consisting of 20.06, 10.30 and 8.91 acres respectively. Access to Lot 3 will be directly off of Taylors Woods Road. The zoning requirements to building on this lot will be dictated by the Waukesha County Shoreland Zoning Ordinance.

The Plan Commission unanimously recommended that the Town Board conditionally approve the Meyer CSM subject to resolution of 6 items.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO CONDITIONALLY APPROVE THE MEYER CSM SUBJECT TO RESOLUTION OF THE FOLLOWING ITEMS: ADDRESS AND INCORPORATE ALL COUNTY REVIEW COMMENTS INTO THE DOCUMENT; PROVIDE AN EXECUTED PRIVATE DRIVEWAY AGREEMENT FOR ACCESS TO LOT 2 FOR RECORDING WITH THE CSM; PROVIDE AN EXECUTED SEPTIC EASEMENT AGREEMENT FOR THE SEPTIC IMPROVEMENTS ON LOT 3 OF THE CSM; REQUIRE A PUBLIC SANITARY SEWER CONNECTION FOR LOT 3; CREATE AN EASEMENT TO TAYLOR'S WOODS ROAD FOR LOT 2 FOR A POSSIBLE FUTURE CONNECTION TO PUBLIC SANITARY SEWER, AND PAYMENT OF ALL FEES AND CHARGES. MOTION CARRIED.

- C. Consideration and possible action on request for a budget amendment to shift remaining unused highway funds from 2016 to 2017

Engineer Barbeau stated that the proposal was to use up the entire 2016 road budget. While the contractor was performing storm sewer improvements in preparation of paving the easterly portion of Lakeside Road, it was discovered that residents were planning to either build a house or remove and reconstruct their existing house in the next year. He and Highway Superintendent Roberts felt that it would be in the best interest of the residents to hold off on paving in that area until construction work was completed to avoid having construction vehicles damage the new road surface. As it was late in the paving season and they were not ready to designate another road to pave, they researched the option to determine whether or not unused money from this specific area identified in the highway budget could be designated to be used in 2017. A budget amendment will need to be approved this year relating to the unused monies estimated at \$42,500.

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO APPROVE.
MOTION CARRIED.**

- D. Consideration and possible action on R.A. Smith National 2017 Contract Renewal

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE R.A. SMITH NATIONAL 2017 CONTRACT AS PRESENTED. MOTION CARRIED.

- E. Consideration and possible action on modifications to Chapter 9.14 of the Town Code related to minimum property standards

Engineer Barbeau stated that when Section 9.14 was adopted, it was a response to substantial loss of Town authority. It was created through police powers, not zoning powers, as a means to establish some Town-wide standards that could be enforced even in shoreland areas. Recently, Waukesha County Park and Land Use, Planning Division, adopted changes to their Shoreland Floodland Protection Ordinance. The current Waukesha County Ordinance states that In the case of a lot of record, which has a lot width of 50 ft. to 84 ft., the required offset is 10 ft. In the case of a lot record, which has a lot width of 84 ft. to 120 ft., the required offset is 14ft. The reason for the subject modifications request is that the difference between the County requirements and the Town requirements is 1 ft. on a 100-ft. lot and 0.5 feet on a 50-ft. lot. The proposed ordinance would be enforced by Waukesha County as part of their zoning permit and result in more consistent information being provided to applicants, reduce sending people back and forth between the Town and County and eliminate the requests for exception hearings in front of the Town Board.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE ORDINANCE TO REPEAL SECTION 9.14(1)(B)(2). OF THE TOWN OF DELAFIELD MUNICIPAL CODE RELATED TO MINIMUM STANDARDS FOR LOT SEPARATION. MOTION CARRIED.

- F. Consideration and possible action on an amendment to Section XI. J. of the Hunt Club Farms Developer's Agreement as it relates to Lots 2 and 3

Attorney Joseph Abruzzo spoke on behalf of Mr. Spheeris requesting early start building permits for the subject lots. The reason for the request is that the families are living in apartments until they finish building their homes. If they could not start until April, it would set them back four months and living conditions are tight. The developer understands that no occupancy permits will be granted until the utilities are installed.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE AMENDMENTS FOR LOTS 2 & 3 CONTINGENT UPON LEGAL COUNSEL AND TOWN ENGINEER APPROVING THE WORDING OF THE AMENDMENT. MOTION CARRIED.

- G. Consideration and possible action on a Resolution to Authorize a Reduction and Release of the Financial Guarantee for the Hunt Club Farms Subdivision, upon Receipt of a Replacement Letter of Credit

Attorney Abruzzo stated that the structure of the financial guarantee included an escrow agreement and a letter of credit. The escrow agreement was fully funded in the amount of \$453,200, was approved by the Town Attorney and none of the funds can be released without Town Board approval. The escrow agreement in the amount of \$453,200 combined with the \$150,000 letter of credit totaled \$603,200, which the Town Engineer certified as a proper amount for the financial guarantee. We are now proposing to get the final plat recorded to get the legal lots created. Even though there is \$603,200 funded, the Town Attorney informed the developer that it was not possible to have this type of financial arrangement in place for the financial guarantee with the recording of the final plat. Rather, the full amount would need to be by letter of credit. Engineer Barbeau estimated the cost of the remaining improvements to be \$257,367 at this time. This amount is required to be doubled by Town Code (\$514,734). There is an existing barn on site that needs to be removed at the cost of \$14,850. This results in a required letter of credit in the amount of \$529,584 before the plat can be recorded. The developer is requesting approval from the Town Board to replace the existing financial guarantees with a letter of credit in the amount of \$529,584.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE THE RESOLUTION TO AUTHORIZE A REDUCTION AND RELEASE OF THE FINANCIAL GUARANTEE FOR THE HUNT CLUB FARMS SUBDIVISION, UPON RECEIPT OF A REPLACEMENT LETTER OF CREDIT. MOTION CARRIED.

- H. Consideration and possible action on sale of 1995 International Plow Truck

As there was no information provided or representation to discuss this issue, it was suggested that the item be tabled.

MOTION MADE MR. KRANICK, SECONDED BY MR. TROY TO TABLE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Town Board Meeting – December 27
- B. Next Plan Commission Meeting – January 3
- C. Next Park and Recreation Commission Meeting – January 9
- D. WI Towns Association – Waukesha County Unit Meeting – Wednesday, January 25 – Delafield Town Hall

Tenth Order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 7:48 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: December 27, 2016