

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
July 26, 2016

Members Present: L. Krause, P. Van Horn, E. Kranick, B. Cooley

Members Absent: R. Troy

Others Present: E. Larson, *Town Attorney*, T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, J. Formea, *Fire Department*, 6 citizens

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:03 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 12, 2016 Town Board Minutes
MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE BOTH SETS OF MINUTES WITH ONE CORRECTION TO THE CLOSED SESSION MINUTES. 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 #57384 – 57418 IN THE AMOUNT OF \$32,709.00

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$41,618.90

MR. COOLEY/MR. KRANICK

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. Discussion and possible action concerning possible transfer of ownership, maintenance, repair, responsibility for costs of the same, and necessary legal actions, for Alley 2 and Alley 3 of Johnsons Park Subdivision.

Chairman Krause stated that all resolutions that are on the agenda were addressed in the past. The first time was April 14, 2015, and the Town Board tabled the issue in anticipation of discussions taking place amongst the neighbors re: privatization. The matter was taken up again on July 28, 2015, so this has been discussed and re-discussed in open and private meeting settings.

Attorney Larson provided an overview stating that the resolution of necessity and relocation (referenced as Item 7B) allows for temporary construction easements. If the Town is going to be responsible for maintenance of the alleys, there is not sufficient room to get into the area with the necessary equipment. If we are going forward with the understanding that the alleys will be the Town's responsibility, each alley needs a turnaround for snowplowing equipment and snow storage. The resolution commences a proceeding for acquisition of land for the required turnaround areas. The assessment resolutions (referenced as Items 7C and 7D) include costs of acquiring the land and making the improvements in the areas to the benefitted properties. Item 7A is to written very broadly to give those interested in speaking to the issue the opportunity to speak to all issues, including these accesses. If the neighbors would decide to go private, we would need court approval. There would need to be 100% participation from all property owners and would also require Town Board approval. Attorney Larson stated that he has a petition available for signature, but he is not aware of how the court will handle it.

Jim Ferrell, N27W30076 Maple Avenue, stated that since there are new board members, the history is not here. A newer board member that was unable to attend this evening requested that the meeting be put off for two weeks and was denied. This issue was left with the understanding that the town engineer was supposed to get back to the neighbors on the specifications of the construction/assessments and did not. This is grossly unfair, as the neighbors do not know what they are signing because they do not know what the engineering specifications are. This is wrong, as it was placed on an agenda without necessary information. He is of the opinion that the neighbors have worked very hard to get information.

Mr. Cooley stated that the resolutions that are on the agenda are the start of the process and direct the engineer to do what needs to be done and come up with a price.

Sue Welch, N27W30080 Maple Avenue, stated that she received a call from Supervisor Troy informing her of his request to postpone this matter for two weeks or to have the opportunity to conference in, but was denied. He informed Ms. Welch of the importance of all elected board members involvement in this matter. He made every effort, but was overruled. She owns Lots 7&8 and is being asked to privatize two roads or be assessed for two roads. She read a letter into the record and will submit it to the clerk. She stated that the neighbors have been waiting since April for the specs for quality roads. She would like the board members to continue discussing this issue and reimburse the neighbors for the 26 years that they have maintained the driveway.

Jonathan Walter, N27W30028 Maple Ave., is the owner of lot 2. He stated that this situation has caused a burden on his property. It continues to get worse and continues to get eroded away. The Hornick property is a problem without the town road being put in properly. There is not a deeded easement at this point. He would like to get his front yard back. He has a major concern with privatizing because of constant wash out of the area. What are the neighbors getting if they privatize? What land is needed to get an easement to the Hornick property?

Ed Welch, N27W30080 Maple Ave., has lived in the area for 27 years. He stated that the neighbors would like to decide, but they don't know what they are deciding on. They need details. He would like to ask the Board if there has been research done on costs, how much of his yard will disappear and how much will his taxes go up. Would the Town Board present options/details in writing to the neighbors for consideration?

Jim Smerz, N27W30020 Maple Ave., is the owner of Lot 3. He stated that everyone has a different point of view but some don't have the background on this issue as they haven't heard or seen what has developed. He doesn't trust certain people in this room. Wisconsin Statutes state that the town is liable for their own roads. If the town tries to assess him, he will take them to court. He doesn't understand why they are being singled out.

Attorney Larson stated that he prepared a document for privatizing and copies were distributed to the neighbors.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE PETITION TO VACATE THE PUBLIC ALLEYS AND AUTHORIZE THE TOWN CHAIRMAN TO SIGN AND EXECUTE THE DOCUMENT ONLY IF 100% OF THE RESIDENTS AGREE TO COMMENCE LEGAL PROCEEDINGS BY NO LATER THAN NOON ON SEPTEMBER 9. MOTION CARRIED.

B. Discussion and possible action on Resolution of Necessity and Relocation Order of the Town of Delafield, Waukesha County, Wisconsin

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE RESOLUTION OF NECESSITY AND RELOCATION ORDER OF THE TOWN OF DELAFIELD, WAUKESHA

COUNTY, WISCONSIN, SUBJECT TO THE TOWN ENGINEER PROVIDING THE FINAL EXHIBITS.
MOTION CARRIED.

- C. Discussion and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment, Alley 2, Johnsons Park Subdivision

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE THE RESOLUTION DECLARING INTENT TO EXERCISE POLICE POWER AUTHORITY FOR SPECIAL ASSESSMENT, ALLEY 2, JOHNSONS PARK SUBDIVISION. MOTION CARRIED.

- D. Discussion and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment, Alley 3, Johnsons Park Subdivision

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE RESOLUTION DECLARING INTENT TO EXERCISE POLICE POWER AUTHORITY FOR SPECIAL ASSESSMENT, ALLEY 3, JOHNSONS PARK SUBDIVISION. MOTION CARRIED.

Eighth order of business: New Business

- A. Discussion and possible action on a request by Julie Stouffer and Alice Rouleau for the flagpole plaque at the old town hall

Chairman Krause stated that Julie and Alice are daughters of a former town clerk and former highway superintendent. Their mother was honored for her years of service with a plaque that was installed at the old town hall. They are interested in obtaining the plaque to be used as a family memento.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO HONOR THE REQUEST OF JULIE STOUFFER AND ALICE ROULEAU FOR THE FLAGPOLE PLAQUE AT THE OLD TOWN HALL AND RETURN IT TO THE FAMILY. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. WI Towns Association, Waukesha County Unit – July 27 – Brookfield Town Hall
- B. Next Plan Commission Meeting – August 2
- C. Next Park and Recreation Commission Meeting – August 3
- D. Partisan Primary – August 9
- E. Next Town Board Meeting – August 10

Tenth order of business: Adjournment

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO ADJOURN AT 8:20 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: August 10, 2016