

VILLAGE OF BROOKLYN

December 13, 2010

The Village Board meeting was called to order on December 13, 2010, at 6:32 pm by President Walsten. Trustees present were Todd Klahn, Steve Lust, Mark Bruner, David Natzke, Dorothy Frandy, Dean Van Den Eng. Others present were Clerk Strause, PW Director Anderson, Police Chief Barger.

Public Comments: A citizen member emailed Clerk Strause asking what will be done **about snow removal from sidewalks that are not shoveled on properties that are being foreclosed**. Some are close to the school making it dangerous for kids and adults. Public Works and Police Dept will review properties that are in need of shoveling with Public Works abating the work needed to comply with the ordinance. Addresses will be given to the Clerk who will bill either the property owner and/or lender if that information is available. Any unpaid bill will be placed on the tax roll the following year as a lien on the property. Pictures will be taken of any properties in non-compliance.

Trustee Van Den Eng moved, second Klahn, carried to approve the 11-8-10 minutes with an additional listing under the budget section to include a deduction in the summer recreation of \$60.00. Trustee Bruner abstained.

President Walsten reported on her **listening sessions** which she has held every 2 weeks since October. Only two people have attended these sessions to discuss Village matters. Next one is scheduled for Jan 12th 6:30-8 p.m. Each listening session is for a targeted area in the Village and invitations are sent to those addresses. Walsten stated her plans for the next few months is to renew her focus on **energy conservation** and other "green" options to reduce Village energy costs as well as updating the Village's current recycling policy, both 2009 campaign promises.

Clerk Strause reminded all that nomination papers are due Jan 4, 2011 by 5 pm in the Clerk's office. Non-candidacy papers have been filed by Trustee Natzke. Former Trustee Tim Belter has stated to the Clerk that he is donating all his time while serving on the Board in 2010 as he has not handed in any time sheets for this year.

New Business: Trustee Van Den Eng moved, second Bruner, carried to appoint Trustee Frandy to the Recreation, Finance, and Economic Development Committees, and the Planning and Zoning Commission. Trustee Frandy abstained.

A bill from Kelly McCann in the amount of \$750 for piling snow on his lot #40 by the Village's hired subcontractor from Jan thru March, 2010 in Brookhaven Estates, Second addition and a bill from the Village to Kelly McCann for mowing a lot owned by him on Fourth St were discussed. The Village mowed a lot owned by McCann two times this summer after complaints from neighbors were received per PW Director Anderson. A bill was sent to McCann for only one mowing; however, the address on the bill was incorrect. The bill totaled \$99.77 with interest. A second notice was sent in November and stated "if not paid would have be taken to the tax roll for collection". McCann called the Clerk's office and stated he had a contract with Messner Landscaping to take care of the mowing and would not be paying the bill. Anderson stated he had complaints this summer, sent a letter to McCann who did not comply, and mowed the lot after the allotted time had expired for McCann to comply. Anderson also stated he contacted Messner and they do not have a contract with McCann and have not mowed any of his lots. Messner stated he did take a look at the lot in question in September but never mowed it. In regards to the snow piling, the Village does not pile snow on private properties without permission however, a subcontractor did. McCann states the Village did not have his permission to put snow on his lot. Even though it was a subcontractor, the Village is responsible for this work. Trustee Van Den Eng moved, second Frandy, carried to send a letter to McCann waiving the mowing fee because there was a wrong address on the invoice. Anderson reported on the black dirt that McCann stockpiled on this lot in the fall. After complaints were received, the building inspector was contacted because of lack of erosion control. The inspector called McCann to put up erosion control fencing and that the stockpiling could only be "very temporary". The fencing was not installed correctly but now has been approved by the inspector. Concern over the "temporary" stockpiling

and the possibility that weeds will grow from this pile of dirt will be addressed in the spring. In the future, any lots that are to be mowed will have pictures taken and sent with the non-compliance letter.

Combining the Village Municipal Court with another community was discussed. Oregon and Belleville have been contacted. There has been no response from Belleville. Oregon's initial reaction was to place this on their December Board agenda. Walsten stated this is going to be difficult to get accomplished by 4/30/2011 when the new four year term would begin for the new judge. Because nominations are now open for a Municipal Judge until 1/4/11, we don't know if someone will be filing papers. A joint court system needs to be approved by both municipalities and electors in both communities are able to vote on the judge. Procedures would need to be in place for the police dept reporting and likewise the municipal court clerk position and reporting. Oregon's attorney needs to research a proposed agreement contracting with their court and the Village may have to pay legal costs for this research. We can leave as is and if no one files for the position, the Village would have to hire a substitute judge to come in until other options are resolved. Anyone filing, would be on the ballot for a four year term. Chief Barger suggested checking with the Town of Madison on their contractual agreements with other communities for combining court systems. Walsten will also talk to our current court clerk, Shirley Hardy, who has indicated she is no longer interested in continuing. Walsten will contact the Village of Oregon as abandoning the court system is not timely.

A **request from John Dewitt to release \$20,000 LOC** (letter of credit) for the Brooklyn Commons retention pond was discussed. Public Works committee discussed the issue referring to Strand Engineering on the condition of the pond. Trustee Bruner reported the engineer recommends Option 1 (letter dated 12-1-2010) DeWitt excavate 6-12" of the organic material from the bottom of the basin and deep till the remaining material to provide infiltration prior to Phase Four completion; or Option 2 would excavate as in Option 1 and deep till after Phase Four completion. Per the engineer's draft letter, if Option 1 were chosen, the LOC could be removed once the work is completed and approved. If Option 2 chosen, the LOC shall stay in place until Phase Four is completed and approved. The sides are seeded. There are three lots vacant in Phase II of his development. Phase III has been sold with no development started and impact fees and park fees to be paid when building permits are taken out. Trustee Bruner moved, second Klahn, carried to grant the release of the LOC per Strand Engineering's recommendation after excavating 6-12 inches of organic material from the bottom of the basin and deep till the remaining material to provide infiltration with approval of the project by the engineer. The LOC could be released in 2011 if the work were completed and approved. The silt fence along the top of the basin could also be removed as stated above.

Trustee Klahn moved, second Bruner, carried to postpone discussion on **Chapter 51, Code of Ethics**. Trustee Van Den Eng moved, second Klahn, carried to postpone continued discussion on the **2007 BAN** until after the next finance committee meeting. Walsten stated she will send the Board an email updating the statistics she received from the **Oregon Youth Center** on the Village's youth attending these programs.

Copies of the **Focus on Energy audit results** were given to Board members regarding Village properties. Anderson reported on the changes that have been done at the WWTP and Community Building, i.e., changed ballasts in the shop from T-12 to T-8, (rebates received) along with motion detectors installed so that lights shut off; Community Building lower level some ballasts changed from T12 to T-8. Anderson stated he will soon have all the prices to replace furnaces at the Community Building. Two or three fixtures will also be changed in the Clerk's office. T-8 uses 20% less electricity to produce the same light as a T-12. Well #1 changes were discussed and may not have a payback to make the changes worthwhile.

President Walsten, Clerk Strause, and Deputy Clerk Brewer toured the Union Bank and Trust facility. President Walsten will call the Steve and Chris Eager to set up a tour time for Board members before the January meeting. UBT has offered a lease to the Village for office space.

An amended **Key Policy and key security form** was presented adding Village President information and clarification of Board Member initials (BM). Trustee Bruner moved, second Lust, carried to approve the Policy and security form with correction on the security form to add "Board Member" definition.

Clerk Strause reported she still has not heard back from **DOT on the annual billing for the 2002 Hwy 92 project**. Calls have been made since Sept to get answers on the continued billing from this project. Anderson stated he had contacted DOT's project engineer, Mark Vesperman, and is waiting for a return call. Strause contacted Pam Dunphy, Dane County Highway, hoping to get a DOT contact to resolve the questions. Dunphy had a Dane County Accountant call Strause and stated he would find a contact and call back.

Trustee Van Den Eng moved, second Klahn, carried to approve the **Consent Agenda paying December invoices and approving Ordinance Chapter 35 Revision of Bicycles, Play Vehicles, In-Line Skates & Skis**.

Reports: Public Works: Director Anderson stated he called Dane County questioning the **Hwy MM blacktopping cost** that was billed at \$20,000 when it was suppose to be \$17,000. This bill will be held for next month's payment. Anderson stated the Village has been recognized as "**System of the Month**" by **Wisconsin Rural Water Association** for providing Village customers with a high level of service and assisting the WRWA in their mission of providing service and assistance to all communities in the State. WRWA's website links to the Village's website and this recognition. Anderson presented his director's report detailing the work done by Public Works during November. A **sewer lateral repair on N. Rutland (residence address 103 Hotel St)** was dug up because of blockage discovered two weeks ago causing a sewer back up. Wis Rural Water brought a camera down to televise. Anderson stated the lateral settled from the major water main break a few months ago that washed away the fill from under the lateral. The Village repaired the lateral and placed temporary cold mix for pavement with hot mix to be installed next spring.

Planning and Zoning Commission - Trustee Van Den Eng has resigned from the Commission. Trustee Frandy has been appointed in his place.

Ordinance - Trustee Lust reported the committee has been meeting and soon will wrap up the recodification review with Chapter 22 reviewed by department heads and Chapter 19 reviewed by police department. Next meeting Chapters 23, 25 and 32 will be worked on. Chief Barger will meet with the committee next week. Chapter 24 is being sent back to Public Works.

Safety-Trustee Klahn reported the committee recommends carrying over from the 2010 budget \$600.48 (amount proposed at budget for a 1/2 time position for New world) to pay a tech person up to a **3/4 time position to run New World** county-wide. Village's share of the cost would be \$600 as other municipalities are also involved. Trustee Lust moved, second Van Den Eng, carried to carryover \$600.58 from 2010 budget to 2011 budget to cover above cost. Chief Barger updated the monthly activity report. Village domain, Brooklynwi.gov is finally switched which took a long time but is now done. Barger stated he is setting up new email accounts using the ".gov" domain. All employees will soon have the same ".gov" address. Winter parking enforcement is going well with warning slips provided the last two weeks. Department's domestic abuse policy will be presented next month. Job description **policy directive #102** is being presented and includes all department job descriptions in order to streamline the department. Klahn moved, second Lust, carried to approve Directive #102. Barger will be attending a meeting in Oregon on Wed regarding the law on how to handle community notification if a sex offender moves to a community. Barger stated he has sent a preapplication to the Office of Justice Assistance for one portable and one mobile radio (new radios for DaneCom system) which has qualified the Village to apply for the **Homeland Security Round 6** grant authorization for radio replacement. The application is due December 15th. Barger stated he would like to have three portable radios for the DaneCom system, instead of only two portables, which is currently the case. There is expected to be \$3900 from this year's budget to carryover to 2011 to take care of the costs for this grant cycle. Trustee Klahn moved, second Natzke, carried to carryover \$3900 for radios to the 2011 budget.

Fire/EMS will be meeting 12-15 and will be appointing a secretary-treasurer and electing officers.

Personnel – Trustee Van Den Eng presented an amendment to the **Personnel Manual Section 2.8 Health Insurance** which would be effective for 2011 changing the wording from "Any employee regularly working 30 hours or more each week will have group health insurance paid at 100% by the Village." to "The Village **may** pay up to 100% of the group health insurance for any employee regularly working thirty (30) hours or more each week." Van Den Eng stated this reflects the Board's decision in the 2011 budget that freezes the amount the Village pays at the 2010 lowest base premium. Trustee Bruner stated the timing of the amendment is wrong and should have been done before the budget was adopted. Benefits are reviewed annually. Changing the wording would allow the Village to pay 100% or any amount as voted on each budget year. Having a separate benefit pamphlet to hand to employees summarizing benefits was discussed but would duplicate the employee manual to some degree. Trustee Van Den Eng moved, second Klahn, carried to approve the amendment as stated.

EDC's open house was held on Nov 9th with about 25 business people attending. A panel of presenters from both Dane and Green Counties agencies and local banks was very informative. Of particular interest was the importance of four businesses that want to expand, wanting to purchase land and/or building. Olivia Perry, Economic Development Specialist with Dane County Planning & Development, offered to help the Village with an economic development strategic plan.

Recreation-Trustee Natzke has resigned and Trustee Frandy will take his place on the committee. There will be a **family fun night in February** with a limited number of youth accepted. **Caroling** will occur on Thurs, 12-16 at 7 p.m. The new **ice rink** needs work after the recent ice storm.

Emergency Management continues to meet with the proposed plan to be presented in January. The revised **Emergency Management Committee description** for the employment manual and ordinance code was presented with motion by Walsten, second Van Den Eng, carried to approve. The **Emergency Management Director job description** was presented and approved per motion by Van Den Eng, second Klahn. Employee, Leif Spilde, was designated the Emergency Management Director. The American Red Cross has requested the Village's Community Center be designated as an **emergency shelter**. Trustee Bruner moved, second Frandy, carried to approve this request. Training for Board members could be held in January for the NIMS 100 class. Trustee Bruner has taken NIMS 100,200 and 700 on line and Trustee Lust has taken NIMS 700 on line. Basic training for Board members is a requirement of FEMA.

There were no reports for **Bluegrass, recycling, or website ad hoc committees**. Email addresses for Trustees and employees will again be changing to the new ".gov" address. **Finance** met to review bills and financial reports.

At 9 p.m., Van Den Eng moved, second Klahn with roll call vote to convene to closed session pursuant to Wis Stats 19.85 (1)(b) to consider dismissal, demotion, or other discipline of Robert M. Anderson, AYE: Klahn, Lust, Bruner, Walsten, Frandy, Van Den Eng. NAY: none. ABSTAIN: Natzke. The Board estimated time to reconvene at forty-five minutes. Klahn moved, second Bruner, carried to reconvene to open session at 10:35 p.m.

President Walsten announced the Board would be meeting in **closed session on Thursday, Dec 16th** at 6:30 p.m. to **discuss Anderson's Performance Improvement Plan** issues, issues with organization, deadlines, time away from the Village, notification from Nov 18th and unprofessional conduct issues that have arisen as well as discrepancy in time sheets vs WRWA attendance and minutes from WRWA. Anderson has the right to request the meeting be in open session. The Board will convene to closed session to deliberate.

Trustee Klahn moved, second Bruner, carried to adjourn at 10:40 p.m.

Carol A. Strause, MMC