

## BROOKLYN VILLAGE BOARD MEETING MINUTES

NOVEMBER 10, 2014

The Village Board meeting was called to order by President Walsten on Nov 10, 2014 at 6:31 p.m. with Trustees Hawkey, McNaughton, McCallum, Leavy, Frandy present. Trustee Klahn was absent. Others present were Clerk Strause, Chief Barger, Jerry Deschane, Executive Director, League of Municipalities; Chris Hasse, representing Marie Deegan Estate, Teresa Pelton, Belleville Municipal Court Clerk, Sharon George.

Frandy moved, second Leavy to open the PUBLIC HEARING at 6:32 p.m. for the 2015 BUDGETS for General Fund, Special Revenue Fund, Cemetery Fund, Debt Service Fund, Capital Project Fund, Water Utility, Sewer Utility, TID #1 Fund, and TID #2 Fund. No comments were made from the public or received via email. McNaughton moved, second Frandy, close at 6: 34 pm.

**League of Wisconsin Municipalities Executive Director, Jerry Deschane**, stated the League, of which Brooklyn is a member, is 116 years old. President Walsten's League Board term ended in October having served since 2010. Deschane stated that the median size community in Wisconsin is 1400 population. The League is a repository of ideas, resources, training conferences and a legal counseling service. The League needs input from communities to provide information. The League recently completed its Strategic Plan and Walsten brought to the League table the need for more emphasis on smaller communities and a small community advisory council is being set up to provide services designed to help small villages, because they have a different set of needs and capabilities. Deschane presented a plaque from the League to President Walsten thanking her for her years of service from 2010-2014, stating the League Board of Directors is grateful for her service.

**PUBLIC COMMENTS: Trustee Hawkey** stated she was recusing herself from the Board to make public comments. Hawkey submitted to all Board members and the Clerk a one page written document with two pages of copies of emails regarding requesting two items to be placed on this Board agenda with one being added and the other not. Trustee McCallum had also made the same request. Hawkey stated "this is a violation of the handbook where two trustees can ask to have an agenda item placed on the Village Board agenda. The original request under new business was email communication from the Village Attorney and communication regarding Village President Walsten's email and email retention". Hawkey continued "Walsten's polling Board members to see whether this item should be on the agenda is not an option". Hawkey requests the entire Board have an opportunity to discuss how email administration communication from the attorney should be handled. This item will now need to wait until the December agenda.

Frandy moved, second McNaughton, carried to approve the minutes of 10-13-14. Frandy moved, second Leavy, carried to approve the minutes of 10-20-14. McCallum abstained. McNaughton moved, second Leavy to approve the minutes of 10-23-14. Trustee Hawkey asked for a correction in the last paragraph where the minutes state "Walsten had a meeting with our attorney's computer guru" (referring to a discussion on email and administrator) be changed to "attorney's opinion regarding the administrator" not computer "guru". President Walsten stated the minutes are correct as she met with our attorney's IT department director. Clerk Strause asked McNaughton/Leavy if they were amending their motion to correct with both declining to change the motion. Roll Call Voting as follows: AYE: McNaughton, Leavy, Walsten. NAY: Hawkey. Trustees Frandy and McCallum abstained. Motion carries.

President Walsten reported on her attendance at the League of Municipalities Conference in Middleton on Oct 15-17<sup>th</sup>. Conference was very informative discussing issues and networking with presidents and mayors. Heather Kirkpatrick and Walsten staffed a booth on Oct 22 at the Alliant Center for the InBusiness Expo, marketing the Brooklyn Business Complex. An intergovernmental meeting was held at the Oregon Senior Center to approve the Oregon Senior Center's 2015 budget on Oct 29, 2014. Trustee McCallum stated she reads the Business Magazine

and maybe something could be submitted in this magazine for marketing the Business Complex. Walsten reported she attended the Habitat for Humanity house blessing on Second St with a new family moving in.

Clerk Strause gave the September financial report with income of \$80,422.31, expenses \$110,222.72 and an end of the month balance of \$1,422,095.70 for all funds. The nomination process for a Village President and three Trustee positions opens on December 1, 2014 with a filing deadline of Jan 6, 2015. Packets can be picked up in the Clerk's Office. Dec 26<sup>th</sup> is the last day to file Notification of Non-Candidacy.

Hawkey moved, second Frandy, carried to discuss New Business items #1 and #2 at this time. Hasse Surveying, Kris Hasse, was present with a **CSM for the Marie E. Deegan Estate on Benson Road**: Part of the SW ¼ of Section 1, Township 4 North, Range 9 East, Town of Brooklyn, Green County, Wisconsin. This is part of the Village's extra-territorial zoning. Planning and Zoning Commission recommended approval. Leavy moved, second Frandy, to approve the CSM for Marie E Deegan Estate. Another **CSM for the Doris Hanson Estate on S Rutland Ave**: SW ¼ of the SW ¼ section 31, Township 5 North, Range 10 East, Village of Brooklyn, Dane County, Wisconsin, was presented. Planning and Zoning Commission recommendation was to approve. Lot 2 is made larger and includes the existing house and garage. McNaughton moved, second Leavy, carried to approve the Hanson CSM as presented.

**Public Works**: Discussed at the Oct 13 Board meeting and pending budgeted dollars for loader tires, Frandy moved, second Leavy, carried to **purchase Bridgestone VKT tires from Pumps** for a total of \$8067 with billing to be split over 2014 (\$4500) and 2015 (\$3567). **Implements of Husbandry and Agriculture Commercial Motor Vehicles, Act 377** was discussed. Walsten read the letter from the Green County Highway Dept who has opted for a no fee permit process which is option "F" and does not require a local ordinance change or resolution. Trustee McCallum stated Act 377 was created because large pieces of farm equipment are damaging roads. McCallum moved to adopt option "F" abiding by Act 377, second Frandy, carried. Monthly PW and utility reports were reviewed. Email from DNR recapped the **WET test compliance** with several retests having to be done due to shipping/delivery errors to the lab. The last test was successfully completed in October and passed. Utilities Supt. Spilde was thanked by DNR for sticking with getting the retests completed. This satisfies the WWTP permit's WET requirements for now with the next required testing not until April-June 2016.

**Safety**-Chief Barger reported he has submitted a **grant application FG-2015Brooklyn-0273 to the WI Bureau of Transportation Safety** with funds to be used to replace the data terminal computer in the squad. A copy of the application was given to the Clerk. Barger is working on the hiring process. Barger has been **briefed on Ebola** with a training bulletin given to staff. Walsten said an announcement referring resident to the Dane County Madison Public Health Department's health information website ([www.publichealthmdc.com](http://www.publichealthmdc.com)) on Ebola, will be on the Village website and newsletter. There was no Safety meeting Thurs night for lack of quorum. Next meeting will be Monday 11-24. After **action report for Labor Day** was discussed. Barger stated the event went fairly well for the first year being run by the Brooklyn and Oregon snowmobile clubs. Event organizers met with the safety committee and Barger and provided info early. Parking tried to keep exits open as much as possible, double fencing was utilized and one security guard was used at the beer tent entrance. One area at the end was not double fenced. Lost and found was taken to the Clerk's Office rather than the Police Dept and some people were over served. Some areas are tight if emergency vehicles are needed.

**Trustee McCallum's open records request pertaining to attorney fees for McCallum's removal petition** was discussed. Trustee Hawkey stated there does not need to be a reason for an open records request, doesn't matter what it pertain to, and all emails are part of public records. McCallum's open records request should have been complied with within ten days. Hawkey asked the Board to defend to support WI State Stats. Hawkey continued that the Board is in violation of state law and does not want to be held accountable for violation. The Board needs to follow procedure and pay attention to state law. Hawkey said she expects McCallum's requested emails to be turned over this month. President Walsten stated she attended an inservice on open records law this month, and

there is no statutory time frame in the law to comply with a request but DOJ says it should be 10 days or notify the requester. Walsten said the request was for emails pertaining to attorney bills associated with the petition for removal of Trustee McCallum and she refused because she saw it as a way to keep the conflict going and she wanted the Board to heal and put it behind them. Walsten also said that “the two of you will not treat any trustee the way you are treating me. It is time to deal with the business that is on the table.” McCallum stated she made the open records request on July 8<sup>th</sup> and now it is November. Hawkey stated the Handbook says records will be turned over as required by law to have open records. Trustees McNaughton and Frandy indicated this was enough discussion and needs to end. Hawkey moved, second McCallum to have the open records request complied within a month. Voting as follows: AYE: Hawkey, McCallum. NAY: Walsten, McNaughton, Frandy, Leavy. Motion denied.

**2015 BUDGETS** continued to be discussed with levy limit and mill rate worksheets reviewed. Finance committee added \$1079 to the Senior Center budget after a joint meeting last week in Oregon; \$500 was reduced from the Village Board education account; and \$350.93 was added back to the recreation committee for the movie license. From the 10-23 meeting, \$1522 was removed from the part-time police wage account with like amount added to the Capital Project account for police equipment for a taser. Chief Barger stated the \$4563 that is left in the part-time wage account is very low and asked that to be reinstated indicating he would purchase only one taser this year if funds are underspent and not purchase one next year. As Personnel committee has not met yet to discuss secretary Hardy’s request for a wage increase, Walsten stated perhaps some of these funds could be used for her wage. Hawkey moved, second McNaughton, carried to return \$1522 back to part-time officer wage and remove like amount from the Capital Projects Fund. As discussed at the last meeting, \$1500 has been removed from the Village President’s salary. The General Fund budget was balanced with lowering the assessment expense account by \$929.93. This utilizes the full authorized levy at \$782,619.00 and qualifies for the budget restraint formula 2016 payment being under the 1.8% increase. Municipal Court budget, taking into consideration a possible merger with Belleville, has a total expense of \$9,080 including \$1,000 for attorney fees. Frandy moved, second McNaughton carried to approve the 2015 General Fund Budget at \$950,920.93, Mt Hope Cemetery Fund at \$10,000, Special Revenue Fund at \$3300, Debt Service Fund - \$100,989.07, Capital Projects Fund -\$53,831, TIF #1- \$150, TIF #2- \$89,445.75, Water Utility-(\$58,087.83), and Sewer Utility-(209,466.28). McNaughton moved, second Hawkey, carried to approve Resolution #2014-09 establishing the **2014 Levy at \$782,619.00**. McCallum moved, second Frandy, carried to approve taking delinquent utility and special assessments to the 2014 tax roll payable 2015.

Municipal Code representative, James Bonneville met with Clerk Strause and President Walsten on Oct 31<sup>st</sup>. A special Board meeting will be held in December to review/approve ordinances that are or are close to be being completed. Other ordinance re-writes will be on hold until after the recodification. It is hoped to complete the process started in 2007 by Feb 2015. Municipal Code will set up an email Box Sync for the Clerk to download approved **ordinances for recodification**.

**Municipal Court**-Teresa Pelton, Belleville Court Clerk was present. A summary of votes from the advisory referendum was reviewed with majority voting to maintain a local court and not go to Dane & Green Counties for court services. Walsten stated the merger with Belleville question lost because there was no public education campaign except for pros/cons sheet at the clerk’s office, in the newsletter and on our website, altogether which reached only a small segment of the 624 voters. There could not be an informational sheet on the bulletin board at the polls. The intergovernmental agreement with Belleville remains mostly unchanged except the contract was changed so the Village has sixty days to pay Belleville for expenses rather than 30 days. If the Board decides it wants to implement an agreement with Belleville, the agreement would be effective until May, 2015; after which time the merger documents created would be implemented. Walsten stated by that time more data will be available to evaluate the actual expenses. If we keep our own court, we need to purchase a software package with one proposal costing \$3,000 because our current temporary court clerk is now entering data manually into the system. Budget line items were reviewed for both maintaining our own court and merging with Belleville. It is estimated that about 10 hours a month are needed by the court clerk to process citations, sometimes even less.

Court education for both the court clerk and judge is mandated by the state. Municipal Court budget is at \$9080 which includes \$1,000 for attorney fees. Whether we keep a local court or merge, a laptop will be needed. Keeping a local court would cost \$8,000 + a laptop + \$3,000 for software. Merging with Belleville is estimated to cost \$8080 + a laptop. Combined services should be less costly. Data would be gathered as to how many hours we are using operations for an appropriate fee to pay Belleville. Hawkey stated she was not in favor of merging based on the referendum vote and asked why would the Village spend \$3,000 on software if only ten citations or less are processed each month because combined services are not always cheaper. Teresa Pelton stated the records management system is really important to maintain records especially when there is an open records request or the state requests records on cases. McNaughton stated the laptop will remain the property of Brooklyn, the referendum was clear to keep the court locally; however, there could be a problem electing a judge locally if no one files for the position. McNaughton stated he feels merging is the best of both worlds. The substitute Judge is currently Belleville's Judge Gehin. Frandy was hesitant to approve a merger; but felt a fully executed, clearly written contract with Belleville is needed if the merger is approved. The agreement with Belleville covers costs until May 2015 for two separate court systems. The merged court would be official on May 1, 2015 as one court system. If the decision is to go forward with Belleville, both communities need to adopt the same ordinance and same resolution effective the same date which has to be completed by Nov 24<sup>th</sup>. Fine schedules also need to be the same. McNaughton moved, second Leavy, carried to postpone items 4(b)(c) to a special Board meeting for .

**Consent Agenda-** Hawkey moved, second Frandy, carried to approve payment of all bills in addition to a bill from Vierbicher for \$140. Hawkey moved, second Frandy, carried to approve an operator license for Shawna Andersen.

**Committee Reports-Planning and Zoning-**Kirk Penney, landscape architecture Capstone student from UW, is working on a redesign of downtown incorporating bike paths, etc. He also met with EDC and will be meeting with the Recreation Committee and other individual stakeholders. **Ordinance** will be meeting tomorrow. **Fire/EMS-** the new ambulance is here. **EDC-**1500 people were in attendance at the InBusiness Expo with many booths and contacts made by Walsten and Kirkpatrick who manned Brooklyn's exhibit. They are meeting with a few contacts from that event. **Recreation-**Frandy reported the craft show was successful; Get Fit classes are very well attended and growing in numbers; a health fair is a possibility and is being worked on. **Emergency Management** will be meeting soon. **Personnel** will be interviewing attorneys on Wednesday starting at 1 p.m. with the field narrowed to two who will be brought to the December Board meeting. Hawkey asked to put "possible quorum" on the agenda so that she may attend the interviewing. **Finance-**Hiring an assessor will need to be on the special meeting agenda as it inadvertently was omitted from this agenda. Musser Appraisal & Consultants will be contacted and references checked. Their proposal is \$3800 for 2015 and 2016 maintenance only.

The meeting was adjourned at 8:45 p.m. upon motion by Frandy, second McNaughton, carried.

Carol A Strause, Clerk-Treas.