VILLAGE OF BROOKLYN

January 10, 2011

The Village Board meeting was called to order on January 10, 2011 at 6:30 pm by President Walsten. Trustees present were Todd Klahn, Steve Lust, Mark Bruner, David Natzke, Dorothy Frandy, and Dean Van Den Eng. Others present were Clerk Strause, Assistant Public Works Director, Leif Spilde, Police Chief Barger, Michael O'Connor, Tim Madigan, Phyllis and Galen Rosseter, Barb Stapleton, Janice DeWeese, Bob Anderson, Sue Gallmeier, and Traci Schaefer.

PUBLIC COMMENTS: President Walsten read a statement on the conduct of public comments with three minutes being allowed for each resident to speak. She also reminded the guests the termination of Mr. Bob Anderson is a private and confidential matter and therefore, the Board will not be able to discuss its actions or decision making process. However, Walsten read the statement the Board issued to the Oregon Observer:

> In reference to the termination of Mr. Bob Anderson, former Public Works Director, the following steps have been taken: In December of 2009, Mr. Anderson received a verbal warning and a performance improvement process was implemented by the Board. In July, 2010, Mr. Anderson and the Personnel Committee drafted a performance improvement plan which was approved by the Board and Mr. Anderson. Monthly meetings were held with him to address performance issues through 11/18/10. On 12/13/10, the Personnel Committee recommended to the Board termination due to unprofessional conduct, falsifying records and insubordination. At the 12/16/10 Special Board meeting, the Board upheld the Committee's recommendations by a 5-2 vote.

Walsten also informed the citizens present that the Oregon Observer has filed an Open Records Request regarding Mr. Anderson's termination, which as a governmental body the Village cannot refuse, and which is being addressed per State statute. The records submitted will be the correspondence, open and closed session deliberations, and the Personnel Committee report to the Board. What the Observer releases will be according to their policies. She also stated that Mr. Anderson's termination is an emotional issue with comments reflecting both ends of the spectrum: why wasn't the employee terminated years ago vs. why was he terminated at all. She asked the speakers to speak in a considerate manner to respect all the people gathered, not just the Board and Village staff.

Tim Madigan commented on several issues, i.e., the budget cut for the 2011 fireworks in the amount of $1250 which brings in many people to Brooklyn for the event; there are approximately 28 emails and 40 mail versions of the newsletter going out leaving out about 80% of the community not knowing what is happening; asked Walsten to refrain from putting personal information in her president's report as it is wasting tax dollars; asked what is happening with Industrial park, community, and economic development and what is being done to promote the community; will forward to EDC a copy from DOT of the proposed highway change; concerns over the headlines of a 24 year employee being terminated with over $12,000 of taxpayer money spent on attorney fees and hopes that Anderson does not bring a lawsuit; stated that President Walsten is paid $6,000 annually and is on many committees resulting in micromanaging the village while various surrounding communities are paying their Village President much less money. Madigan asked he be quoted asking President Walsten "to resign as president for the betterment of our village". Phyllis Rosseter asked how much snow would be piled on the vacant lot on Fourth St and will it cause flooding as she is a concerned neighbor. Trustee Bruner stated this was an issue from last year that a subcontractor working for the Village stockpiled snow on a vacant lot without authorization and that would not happen in the future. Rosseter also asked if the information in the Oregon paper came from the Village and why critical statements were released to the paper. Walsten commented Anderson requested an open session hearing in Dec 2009 Board meeting, but the previously read statement was the only information the Village has released to the Observer regarding the termination of Mr. Anderson in Dec. 2010. Bruner identified the Dec 2010 article quoted from the Dec 2009 documents which were open records. Barb Stapleton stated everything that Madigan presented she is backing up. Bob Anderson stated he requested previously his original continuing education slips that were in the Clerk's Office. He also stated he was

told by a Trustee before the Dec 16th meeting that if he didn't bring an attorney to the meeting he would be assured of a severance package. Anderson stated he will pick up his certificates when they are available. Sue Gallmeier asked why the Village President's term up for election was not listed along with the three trustee positions in the last newsletter. Clerk Strause stated the office of Village President and Municipal Judge should have included as both positions are up for election. She also asked if the Board approved spending $12,000 to terminate Anderson. Trustee Van Den Eng explained the process for getting the attorney involved when there is a personnel issue. The Personnel committee contact the attorney because termination is a legal process. Walsten explained the Village attorney is involved because the Village has an obligation to protect itself. Spending money for an attorney is not approved by the Board before being spent but the Board approves payment of the attorney bill each month when bills are presented. Walsten stated in 2009 there was a threat of a lawsuit in addition to personnel actions which is why the attorney was involved. Trustee Van Den Eng commented that Anderson was not terminated from actions in 2009 but was terminated for actions during 2010.

President Walsten stated the Performance Improvement Plan (PIP) process was approved in Dec 2009 along with a verbal reprimand to Anderson. The Personnel committee was designated to create the PIP at that time. The Ad Hoc committee met once and one trustee resigned from the Board followed by another Trustee leaving the Board. Rather than establish the personnel committee to engage in this process when new trustees were being elected, the decision was made to wait until after the election to put together a committee that would work with Anderson in the following year. Madigan stated he heard Trustee Van Den Eng apologize to Anderson on July 31st because Van Den Eng did not show up for a computer review at the WWTP and that Anderson wasted several hours waiting for Van Den Eng, continuing that "there are two sides of the story for all of you." Gallmeier asked why the Oregon paper stated the process was going on for a whole year when the PIP was not implemented until July, being signed by Anderson July 26th. Walsten stated that the Personnel committee met in January but the Ad Hoc Committee was appointed later, then suspended until after the election when an ongoing committee could be appointed. Michael O'Connor asked when the attorney started billing which was in November 2009. Traci Schaefer commented she was a trustee four years and during her tenure was an active Board member. Board members should be trusted and honest. Schaefer continued she has not seen this in the past two years and has not seen any progress and basically no accomplishments.

Trustee Klahn moved, second Van Den Eng, carried to approve the minutes from Dec 13, 2010. Trustee Van Den Eng moved, second Klahn, carried to approve the minutes from Dec 16, 2010. Trustee Bruner abstained.

President's report: Office hours continue and will be on 1/12 and 1/26 1:30-3:30pm and 6:30-7:30 pm (2nd and 4th Wednesdays of each month). Listening sessions continue with the next one Wednesday night for Kerch St, Hilltop Circle and Hilltop Court neighborhoods. Walsten stated she is seeking re-election for the 2011-2013 term with Bob Anderson as her opponent. A debate will follow. As announced in the Urban Forestry newsletter, there will be webinars for homeowners regarding emerald ash borer (EAB) to help identify trees on their properties, what they need to be aware of, and how to handle the risk of EAB destroying their trees. On Wed. Walsten will attend a seminar for treatment available for EAB. Department head meetings will resume and the Community Building policy will be reviewed and updated at the next Dept. Head meeting.

Department Head/Committee Reports:

Clerk Strause reported on the nomination process results and ballot line up. The following have filed and will be on the April 5, 2011 spring ballot as listed with ballot placement drawing conducted on Wed evening, Jan 5th: Village President: Nadine Walsten, Robert Anderson. Village Trustees: Dorothy Selje-Frandy, Todd Klahn, Jessica Hawkey. No primary is required. Tax collection for year end resulted in 46% (41% in 2009) collected for Dane County and 42% (39% in 2009) for Green County. In the current bill listing is the final Hwy 92 billing from DOT that has been questioned since August with many phone calls made and no reply until last Friday and again today stating that because there were Federal funds involved, there had to be a Federal audit which prolongs the close out of a project by 4-6 years.

Today's call stated the audit was done last November and the billing submitted for payment in the amount of $3333.68 is the final billing.

PUBLIC WORKS: Interim Director, Leif Spilde, reviewed items on the Monthly report. Representative from HD Supply will be here on January 17th to install the new hand held remote meter reader with training done in the Clerk's Office. New meters that were returned last year will be delivered before the end of January. January 26th there will be a sanitary survey done by DNR. 2011 yearly water sample schedule is being worked on. The DNR five year discharge permit expires on March 31st, 2011 with the new application to have been submitted 180 days in advance which would have been September 2010. Three tests are also required before the application can be submitted. These tests have been ordered and will be done within one week. The application paperwork, which is very lengthy, will need to be processed as soon as possible as the application is already ninety days late. Spilde reported he is working on the DNR municipal biosolids report which is due January 31st. Spilde presented colored graphs showing the WWTP performed very well in December. As of April 1st, 2011, daily monitoring of the effluent maximum temperature needs to be done for one year. Transitional process work load has been time consuming trying to keep up to day to day activity and all the reports that are due and past due.

Personnel committee met on Dec 17th to deal with the immediate needs of the Public Works Department; mainly snow removal. The Committee's recommendation was to hire Dan Olson at $20 per hour to help on a temporary basis. Spilde stated Dan Olson is doing well for the Village plowing snow, he has worked here before, knows the Village and has helped with a few other projects. Van Den Eng moved, second Klahn carried to **hire Dan Olson as a project term part time temporary employee** for snow removal and additional labor required for interim projects at 16 hours a week as needed in addition to snow removal at $20 per hour. Olson would be an employee because he is using Village equipment versus a contractor using his own equipment.

Spilde stated he requested two prices for annual general **maintenance for the four lift stations** in the Village. McCann's Sewer & Drain Cleaning Service corrected his wording in his proposal from 3 lift stations to 4 lift stations with the price remaining the same at $1230 per cleaning. The preventative maintenance schedule is 3-4 times per year and is a budgeted item. Public Works committee has discussed this previously. Trustee Bruner moved, second Lust, carried to hire McCann's to service the Village's four lift stations in 2011. Lee's Rotorooter offered a cost of $1250. Clerk Strause reported on the **Cintas five year uniform contract** that was signed on 11-24-10. Finance committee in January requested researching costs and contract time period. A contract could not be found with Clerk Strause calling Cintas to get a copy. The bidding policy implemented by the Board in 2010 was not followed and the contract was not discussed with the Public Works committee nor approved by Board. Attorney Christopher reported the contract with Cintas is not legal as Anderson did not have authority to sign the five year contract and did not follow the bidding policy. It was recommended to seek proposals from two other uniform providers in a timely manner and to stay with Cintas until then. Proposals should be available for the next Public Works committee meeting in January with their recommendation to be brought to the February Village Board meeting for approval. Strause reported she filed the **Intent to Apply (ITA**) before the 12/31/10 deadline allowing the Village to make DNR's 2011 eligibility list for possible Clean Water Fund dollars to refinance the 2008 BAN for WWTP construction completion.

SAFETY - Chief Barger reported the email domain change has been taken care of. Future work will be done on the hosting site for our Website. Barger reported he will need to add a part time officer staff as one is leaving and possibly a second officer also. Committee authorized Barger to look for part time officers. Policy Directive #203, Domestic Abuse Policy & Procedures was presented and approved upon motion by Trustee Klahn, second Bruner.

Trustee Bruner stated Board members need to let the committee chairs know if they plan on attending a committee meeting rather than the Clerk's Office. The chair of the committee will call the clerk to let them know when the **quorum notice** should be placed on the agenda.

NEW BUSINESS: An **identification system** for Village staff and elected officials (pass system) as required in the event of an emergency was discussed. Staff and elected officials would not be allowed in the area of an emergency without some type of identification. Chief Barger will investigate identification cards/cost.

Unfinished Business: Pres. Walsten reported on the **Oregon Observer's open records request** wanting all correspondence, all documentation, all personnel committee deliberations, and minutes related to the termination of Bob Anderson. Anderson was notified of the request by certified mail and had five business days from receipt to inform the Village in writing if he intended to seek a court order restraining the Village from providing access to his records. Within ten business days after receipt of the notice, Anderson would have to commence an action seeking a court order. Anderson has not met the five day deadline and the Village will need to comply with the open records request and turn over copies of the requested items. The next step is to accumulate this info. Anderson will have an opportunity to review the items being submitted and will have the opportunity to make statements in rebuttal to information being released. All requested information will then be turned over to Oregon Observer. **Unemployment filing** deadlines have been met for the Village to return forms to the Department of Workforce contesting Anderson receiving unemployment. The DWD will investigate and make a determination as to eligibility. One document from DWD is questioning the falsification of records.

Public Works Director job opening hiring process was discussed. Because the Public Works committee and Personnel committee would make up five of the seven Board members, Walsten suggested the Board proceed as a Committee of the Whole which was done for the hiring of a Police Chief. This process was found to be efficient bringing the decision making together rather than having five people involved with two people left out until a Board meeting. The job description was updated in 2008 and the Clerk will email it to all Board members. Committee of the Whole would make the decision of advertising or hiring from within a laborer or a Public Works Director. Personnel committee will review the job description and send to Public Works committee and back to Board for approval. A meeting date will be set for the Committee of the Whole.

2007 BAN (Bond Anticipation Note)-Trustee Van Den Eng asked what projects should move forward as the BAN needs to be refinanced in 2012 and the balance of BAN funds would be used to pay down the $370,000 loan. Almost $200,000 is left in the BAN account. Accurate quotes would be needed for any projects felt important to take from the BAN. Projects discussed are replacing defective sockets in ball park lighting; replacing the 4 x 8 scoreboard costing about $5,000 (looking for corporate sponsorship); ball diamond still needs to be fixed, resurfacing basketball court (in budget this year), sidewalk and ramp at Community Building (proposal received); landscaping on the south side of the Community Building as existing plywood is slanted toward the building so that water runs into building. These options will be put on a spring Public Works agenda. EDC will be working on signage for Community Building, Village entrance signs, Smithfield Park sign. EDC has budgeted for wayfarer signs. Bruner stated the Public Works truck will not make another year needing to be replaced at approximately $130,000 fully outfitted. Also budgeted is $2500-3000 for a generator to be placed on a cement pad at the Community Building and one on a trailer for emergency back up power. Village may need a water study to determine utility capacity to handle commercial growth. Van Den Eng recommended Public Works and EDC coordinate items on the list to get proposals on the above so that the 2007 BAN issue can be resolved.

Consideration of combining Brooklyn's municipal court system with neighboring court system was discussed. Walsten reported no one took out papers to replace Judge Glasier, term of which expires May 1st. Walsten will now contact Oregon to see if they are interested in a combined system. There is no court clerk at the present time. Clerk is appointed by the judge. Judge terms are now four years.

Pres. Walsten will have the Village Historian (volunteer position) job description ready for next month.

The Village Board will be **touring the Union Bank and Trust** on Saturday, January 15th as the Bank has offered the Village a lease on a portion of the building for Village office space. **Village Ordinance Chapter 51 Code of Ethics** for public officials will be reviewed by the Personnel Committee comparing to the Employment Manual code of ethics for employees so that both are consistent.

Walsten reported the **McCann bill** discussed at the December meeting for piling snow on his property has been resolved and zeroed out in exchange for the Village waiving his mowing fee on his lot which had an incorrect address. Any future mowing issues on his lot; however, will be billed and he will be liable.

Consent Agenda- Trustee Van Den Eng moved, second Klahn, carried to approve payment of bills totaling $58,146.82.

Committee reports: **Planning and Zoning** will be meeting on January 24th with no meeting in December. **Ordinance** will be meeting next Monday with the recodification process nearly complete with only a few ordinances left to review. **Fire EMS** has elected new officers for the district. **Personnel** issues have been discussed previously. **EDC** will meet Thurs with no meeting held in Dec. **Recreation** met last Thursday. Trustee Frandy stated the committee is requesting more Board members to show up at their functions. Frandy hopes to bring back the craft show. Dime a Dip will be in May. The Get Fit program has been cancelled for lack of participation. The budget was reviewed. Trustee Lust commented that maybe the newsletter should be sent out quarterly to everyone to get more information out, however, Bruner pointed out that postage was cut for budgetary reasons and to resume mailing would resume postage costs. **Emergency Management committee** will be meeting tomorrow morning at 7 a.m. to finalize the manual. Final draft will be brought to the Feb or March Board meeting. NIMS training for Board members will be held within the next two months. NIMS 100,200,300,400,700,800 training is required for the Emergency Management Director. Spilde was appointed to that position at the last meeting and has these sessions completed with the exception of NIMS 400**.** **Recycling** will resume meetings but will need additional members**.** **Web site** will be meeting this month exploring new software that is more user friendly. Display options are limited now. **Finance** met and appointed Van Den Eng chair. Trustee Frandy was oriented as a new member. Van Den Eng reported on options for restructuring village sewer debt as discussed previously at a finance meeting with Kevin Mullen, financial advisor. The Village is limited with what can be done when refinancing. Mullen suggested the Village could possibly keep the cost down by combining bond issues between utilities. Mullen has been invited to come to the Feb Board meeting to offer suggestions. The hope is for economic development commercial/industrial growth to help offset cost in user rates in utilities. Trustee Bruner stated Trustee Frandy should not have approved the December finance minutes at the January meeting because she was not yet appointed to the finance committee in December.

Bruner moved, second Klahn, carried to adjourn at 8:57 p.m.

Carol A. Strause, MMC