

MAY 24, 2010 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman Glembocki at 6:30 p.m. on Monday, May 24, 2010 at the Town Hall in New Munster and opened with the *Pledge of Allegiance*.

Town Board members present – Chairman William Glembocki and Supervisors Andrew Lois and Robert Herda. Others present: Clerk Sheila Siegler, Constable Bob Haas, Municipal Judge Fred Hewitt, Town Attorney Jeff Davison, Building Inspector Tim Popanda, Fire Chief Alan Kaddatz, Plan Commission Member Paul DeLuisa, Jack Bobula, Jeff Butler, Jim Mirek, Lois Sokolski, Gail Schoch, Attorney John L. Malevitis, Angela Brooks-Reyer, Wayne Kaddatz, Gene Reyer, Mike Reyer, Lorna Bacle, Tim Wiley, Rita Robers, Ken Kasuboski, Chris Albert, Henry Mate, Kristen Reyer, two citizens, and Darren Hillock, *West-of-the-I* reporter.

Notices were posted in five public areas and the town website. The *Kenosha News* and *Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were also sent agendas as required by state law. Philip Piccolo, and Michael Reyer & Angela Brooks-Reyer were notified of the meeting by Town Attorney Jeff Davison.

Chairman noted Minutes would be approved at the next board meeting. He also stated the fire department report would be given later in the meeting.

- Public comments –

1. Gail Schoch, 7834 328th Ave. read a prepared statement concerning property assessments. She questioned who assigns the Open Book date and Board of Review date, asked for Saturday hours for Open Book, asked that new property values be put on the website, asked for a listing of all properties sold in Wheatland from January 2009 to the present time, stated Associated Appraisals is withholding information, asked if property comparisons are made between Wheatland properties only or are other communities included, asked if property assessments are sent electronically and if so, stated everyone should have access. Chairman thanked her for her comments and said he would look into them.

2. Lorna Bacle, 38901 60th St. asked the board to put an item on the next agenda to impose a timeline for the owner of 38903 60th St. to construct a driveway and connection to 60th St. Chairman responded the owner had said he didn't have the funds at the present time; the board has approved the connection. It is a civil matter between the property owners because the owner of 38903 is using a legal access easement at this time.

3. Henry Mate, 6711 349th Ave., asked for consideration of paving in his subdivision. Chairman said the road was noted during the annual road inspection. It is a high priority but it will depend on available funds. Road inspection report will be discussed at the June 14 town board meeting.

- Fire Dept. Report –

Fire Chief Alan Kaddatz said the Wheatland Fire Dept. was represented at last weekend's Pleasant Prairie Fire Dept.'s anniversary celebration. The fire department will be participating in both the Village of Silver Lake and the Village of Twin Lakes parades this Memorial Day Weekend. Final preparations for the June 25 – 27 Wheatland Carnival are ongoing. It's going along well. The fire department will have trucks on display at the Wheatland Center School Carnival on June 2nd. The fire department also took part in the Bike Blessing a week ago. The fire department is trying to have more community involvement.

- **Public Hearing: Consider imposing a special charge for properties located in the Town of Wheatland – owned by Philip Piccolo and Michael & Angela Reyer - to recover costs incurred by the Town of Wheatland**

Attorney John Malevitis spoke on behalf of Michael and Angela Reyer. He took issue with the notice saying it was premature to hold a hearing to impose charges of \$3,832.04 purportedly derived from the November 30, 2009 agreement the board signed with the Reyers. The agreement provides for completion deadlines. One of the deadlines is June 1, 2010. This hearing is premature and moved the matter be adjourned.

Attorney Davison asked Malevitis, "Are you licensed to practice in Wisconsin?" Malevitis said he was licensed in Michigan and Illinois. He was speaking on behalf of the Reyers.

Davison said he asked the question because if licensed in Wisconsin he would know the special assessment process in Wisconsin. He cautioned Malevitis to take care in his comments because of the ramifications of practicing law in Wisconsin without a license. Malevitis said this

was not a court of law. Davison said practicing law is not confined to court actions. Davison told the board Attorney Malevitis was free to make statements but we're not here to have a dialog.

Malevitis said the town is seeking attorney fees and asked if there was a statutory provision the town is relying on to impose attorney fees. He and the Reyers have not been provided with the statute if that is the case.

Malevitis asked if his client had any comments. Angela Reyer said she did not have any comment yet.

Chairman asked if anyone else had comments.

Chairman asked, "Is anyone present to speak for Philip Piccolo?" No one was present. Attorney Davison confirmed Piccolo was served notice of the hearing.

Chairman closed the public hearing. He asked for a motion and second to approve the Final Resolution Imposing Special Assessment for Properties Located in the Town of Wheatland.

Angela Reyer asked to speak. Chairman said he was sorry but the hearing was closed.

Andrew Lois moved to adopt the Final Resolution Imposing Special Assessment for Properties Located in the Town of Wheatland. Robert Herda seconded the motion. Motion carried unanimously. At the Chairman's direction, the Clerk read the resolution.

- Claim for damages, dated May 7, 2010, received from Philip Piccolo, for property at 7009 316th Ave., Oakwood Shores.

Chairman Glembocki moved a motion to deny the \$35,000 claim. Andrew Lois seconded. Motion carried unanimously.

- Request from St. Alphonsus School Boosters' Club for approval of a 5K run and 2 mi. walk and the closing of certain New Munster streets, part of Geneva Rd. and C.T.H. "KD" (352nd Ave.), a county road, on Sat., May 29, 2010, 8 a.m. - 9:30 a.m. Memorial Day Weekend

Clerk noted St. Alphonsus Church has provided the town with a Certificate of Insurance which covers the event.

Andrew Lois moved approval of the request from St. Alphonsus Church for the run/walk on May 29, 2010 and the closing of streets per the request. Robert Herda seconded. Motion carried unanimously.

- Reports

A. Road report

1. May 8 annual road inspection – Chairman said the road report would be ready at the June 14 meeting. He said he will try to have some preliminary prices for some of the projects by the next meeting so we can decide on what is possible for this year.

B. Other reports

1. Building Inspector – April report –

Tim Popanda reported April business = 10 permits issued, \$70,000 in value, and \$756 in fees. 37 inspections were made, 1 found without a permit, 86 phone calls or e-mails received or returned, and 72 resident contacts made, walk-in, or site visits. Two new single family homes are on the horizon. Herda moved and Lois seconded a motion to accept the report. Motion carried.

- Announcements –

A. Wheatland Center School Community Carnival – June 2nd – 4:30 – 7:30 p.m.
6606 368th Ave. – GAMES – FOOD – PRIZES

Wheatland Fire Dept. trucks will be on display. Constable Haas noted the school requested the squad car also be on display. In response to Chairman Glembocki, he said he will be able to attend.

- Correspondence

A. We Energies sent a notice stating the gas meters were changed on the Town Hall

B. \$1500 donation for 2009 New Munster Park use has been received from Lakeland Little League.

C. Complaint of a rusty fence at Lilly Lake Beach – Chairman placed the matter on the June 14 meeting agenda

- Financial matters:
 - A. Purchase approval - none
 - B. Other financial matters:
 - 1. Judge Fred Hewitt – Continuing Education - Traffic Seminar, July 15 & 16, Appleton – Motion by Lois and second by Herda to authorize judge’s attendance and subsequent seminar expenses. Motion carried.
 - 2. Discussion on new sign for Lilly Lake Beach – Chairman said to get ideas on the sign for next meeting and two cost figures.
 - 3. Supervisor Lois said the teeter totter was removed at Oakwood Shores Park at no expense to the town. Supporting pipe was cut off below ground level and covered with soil and grass seed. Pipe was full of wasps.
- Adjournment –
 - Robert Herda moved to adjourn at 7 p.m. Andrew Lois seconded. Carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk