

**REGULAR TOWN BOARD MEETING
NOVEMBER 9, 2009**

Chairman Leair called the meeting to order at 7:03 p.m. Present were Supervisors Ross, Reid, Morris and Schmittinger. Also present were Administrator/Planner Herrmann and Clerk Whitmore.

Discussion/action – Minutes to be approved –

Regular Town Board Meeting of 10-12-09 – Morris made motion to approve, Ross seconded, motion carried unanimously. Special Town Board Meeting of 10-15-09 - Ross made motion to approve, Morris seconded, motion carried unanimously. Joint Meeting with Village of Wales and Joint Fire Board of 10-15-09 - Reid made motion to approve, Ross seconded, motion carried unanimously. Budget Work Sessions of October 12, 2009 Ross made motion to approve, Morris seconded, motion carried with Reid abstaining. Budget Work Session of October 22, 2009 – Morris made motion to approve, Ross seconded, motion carried with Schmittinger abstaining.

Monthly report from Wales-Genesee Fire Chief Greg Jezak

Chief Jezak reported as of today there have been 284 calls this is down from the 319 on this date last year.

Jezak reported he gave a presentation at the Wales-Genesee Lions Club in October for the Kern Foundation on how the area EMS works and what the different levels are and what it would take for our department to get to the next level.

During the Chili Cook Off there will be a contest of posters drawn by students from Wales Elementary, everyone attending will be able to cast a vote for their favorite poster, the winner will be sent to the state contest.

Jezak has talked to representatives from American Family, All State and State Farm Insurance about homeowner's insurance coverage for fire costs; all three companies pay up to \$500, the homeowner would have to file a claim, discussion.

Discussion/action – Fireworks Ordinance, future status of fireworks stands in the Town of Genesee

Leair explained this was on the agenda for a review to see if the Board wanted to make any changes to the ordinance, if the town wanted to have any tents selling fireworks. Herrmann reported we had no problems last summer with the one tent, our ordinance states only 1.4 grams consumer fireworks can be sold, no projectiles. The tent last year sold only what was allowed by our ordinance and also advertised where they had tents that sold the larger fireworks.

After discussion it was agreed the current ordinance could be left as is; the American Fireworks application for next summer will be on the November 30th Plan Commission agenda.

Discussion/action – Approval of architect contract for Sunset Park Pavilion – Ron Hill

This will be on next month's agenda.

Discussion/action – Ordinance – ATV and Other Off Road Vehicles

Discussion of an amendment to Ordinance 98-8 as per the recommendation of Deputy Dowd of the Waukesha County Sheriff Department. Ross made motion to approve Ordinance 09-3 to Amend the Ordinance to Prohibit the Operation of Mini-Bikes, Trail Bikes and other non-registered All-Terrain Vehicles in the Town of Genesee, Waukesha County, Wisconsin, Schmittinger seconded, motion carried unanimously.

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE NO. 09-3

AN ORDINANCE TO AMEND THE ORDINANCE TO PROHIBIT THE OPERATION OF MINI-BIKES, TRAIL BIKES AND OTHER NON-REGISTERED ALL-TERRAIN VEHICLES AND TO CONTROL THE USE OF "OFF THE ROAD" VEHICLES IN THE TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN

WHEREAS, the Town of Genesee adopted an Ordinance to prohibit the operation of mini-bikes, trail bikes and other non-registered all terrain vehicle and to control the use of "off the road" vehicles in the Town of Genesee; and

WHEREAS, the Town Board of the Town of Genesee finds that it is reasonable to amend the Ordinance to allow the use of all-terrain vehicles for certain uses within the Town of Genesee,

NOW, THEREFORE, the Town Board of the Town of Genesee, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Ordinance to prohibit the operation of mini-bikes, trail bikes and other non-registered all terrain vehicle and to control the use of "off the road" vehicles in the Town of Genesee, Section 2 (4) entitled Authorized Operation of "Off the Road" Vehicles, is hereby created to read as follows,

4. A permit will not be required in the Town of Genesee for "Off the Road" Vehicles for certain uses. The following uses are exempt from requiring a permit when "Off the Road" vehicles are used:
 - A. For special events (i.e. parades, charitable events or fundraisers at licensed establishments.
 - B. For construction or land surveying.
 - C. For Landscaping, lawn maintenance or snow removal.
 - D. Maintenance or Animal Care for farming and/or agricultural businesses.

SECTION 2: SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 9th day of November, 2009.

TOWN OF GENESEE

Sharon L. Leair

Sharon L. Leair, Town Chair

ATTEST:

Barbara A. Whitmore

Barbara A. Whitmore, Town Clerk

Discussion/action – Approval of release of Letter of Credit for Neumann Development, Inc.

This request is to release the letter of credit after the one year guaranty for the Ridge at Genesee Subdivision, Tom Earle has check the road and said it is in fine shape. Ross made motion to refund the Letter of Credit to Neumann Development, Morris seconded, motion carried unanimously.

Discussion/action – Approval of Audit Engagement letter – Rotroff Jeanson & Company

Discussion. Schmittinger made motion to approve the Audit Engagement letter with Rotroff Jeanson & Company, Ross seconded, motion carried unanimously.

Discussion/action – Approval of Public Works Supervisor taking truck home when snow predicted

Discussion on Tom taking the truck home when a heavy snow fall is eminent, to save him time if he is called back to town during the snow fall. Board members felt Herrmann should contact our insurance company and add restrictions to the truck policy. Ross made motion to approve the request subject to Jeff Herrmann checking with the insurance agent and adding language to our truck policy, Reid seconded, motion carried unanimously.

Discussion/action – Ordinance to regulate weight limits on certain town roads – Tom Earle

Public Works Supervisor Tom Earle gave the Board members a map with roads highlighted that he feels should be posted with a 8 ton limit, the roads highlighted are roads that connect between county and/or state highways and studies show that the one heavy truck can cause the damage of 40,000 cars traveling on the road, discussion. The Board asked an ordinance be put together and brought back for final discussion and action.

Discussion of No Parking Regulations on certain town roads – Tom Earle

Earle asked the Board to consider a winter - No Park Restriction on town roads, Earle said Ollie Butterfield had also questioned if this could be done. A discussion followed if this would be on specific roads or all town roads; could vehicles park on the road way if the tires were off the pavement, where would signs be posted and/or how would we notify residents of this regulation, what the fine would be if a ticket were issued. More information will be brought back to next month's meeting.

Discussion of change to ordinance regarding driveway slopes – Tom Earle

Earle explained an issue that has come to his attention which started with a house on Boettcher Road that the house is in the Village of Wales and the driveway access is on a Town road. The slope of the driveway is causing run-off into the ditch line and culverts. Discussion of the percentage of slope of the drive; possibly requiring a permit to pave or concrete a driveway; also the slope and width of driveways, Chief Jezak has concerns about some of the driveways in both the town and village and the ability of his equipment to get up the driveways. The slope, terrain of many of the driveways makes it impossible for his trucks to get to buildings. Schmittinger made motion to work on an ordinance and bring it back to the Board, Ross seconded, motion carried unanimously. Schmittinger suggested the North Prairie Fire Department also be included in the conversations.

Discussion/action – Changes to the Intermunicipal Agreement with the Town of Oconomowoc**Discussion/action – Contract for Administrator/Planner – Jeff Herrmann**

Leair explained to the Board that every two years the Intermunicipal Agreement and Jeff's contract are renewed, the Town Attorney wants to clarify a couple of items in the agreement. The Town of Oconomowoc has approved a 4% increase for Jeff and Genesee approved a 2%; Oconomowoc feels there should be no problems with the bookkeeping with the increases at 2 and 4%. She will bring the changes back to next month's meeting.

Reports –**Public Works Supervisor – Tom Earle****Update on roadwork**

Earle reported all the work in the Bethesda area is complete, the paving was finished today, several ditches were cleaned.

We have had tree work for a very good price; less than in the past; seven trees were taken down for \$3,000 by Watertown Evergreen.

The proposals are in for the culvert replacement on McAllister Way, the preconstruction meeting is Thursday at 8 am, and the work is to be done within seven days, starting next Monday. The accepted proposal is from Odling Construction, Inc. from Delavan in the amount of \$11,900.00. Discussion of placing coconut matting along the pond, it was agreed up to \$250.00 could be sent for the matting.

Chairman – Sharon Leair

There is a meeting here on Friday morning to continue the discussions with the three towns; Ottawa is not interested in participating.

Administrator/Planner – Jeff Herrmann

Herrmann reported the agreement between the property owners at 59 and 83 is not going anywhere at this time.

Update on Town logo – Charlie Ross

The Board looked at several designs Ross received from the Graphics Arts students at Kettle Moraine High School.

Clerk – Barb Whitmore**Update on Generac rescinded taxes**

Whitmore reported she has heard nothing more from the Generac attorney, she does not feel they will be asking for the interest. We should hear by the 15th if the state will require the other entities to repay the town.

Update on Recycling law change/electronics

Whitmore has contacted Brian at John's, he is going to a meeting held by the state and will get information he feels will help the town back to her.

Update on Municipal Chili Cook-off

Whitmore reminded the Board members the cook-off is Saturday, there are 28 entrants.

Treasurer – Carol McCormick

The town will be receiving the balance of the shared revenue this month. McCormick has several outstanding checks dating back to January she is working on getting them cashed or replaced.

Discussion/action – Bills to be presented

Whitmore asked the Board to approve a check for \$5,133.20 to R.W. Miller for the work done on Bethesda and Snowden upon final approval by Tom. Schmittinger made motion to approve the checks as presented and check 24621 for \$5,133.20 to R.W. Miller, Morris seconded, motion carried unanimously.

Discussion/action – Operator permit applications

Ross made motion to approve the new application for Laura Beyer at Genesee Market and the renewal license for Gary Krukar at St. Paul's Church, Morris seconded, motion carried unanimously.

Correspondence

Leair reported a letter was received from Attorney Macy regarding wind energy systems that are now state regulated.

Herrmann reported the bank, Central State Mortgage who is holding the Letter of Credit for Fields Crossing has filed chapter 128 and the Letter is no longer valid. A letter was sent to the developer and the Board was copied that if a new Letter of Credit is not provided, legal action will have to be started and special assessments filed against the lots.

A letter was received from the Commissioner of Rail Roads in July regarding the grade crossing at Brookhill Road; no further information has been received.

Whitmore reported the list of gypsy moth complaints has been sent to Wachtel, they will be inspecting the properties this week.

The Town received a check from Time Warner Cable for \$12,153.22 for the third quarter franchise fees.

The final estimate population is 7,560.

Schmittinger told the Board the Lions club is working with the Acts II Church in providing turkey dinners for local families in need.

Schmittinger made motion to adjourn, Ross seconded, motion carried unanimously. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Barbara A. Whitmore, WCMC
Town Clerk