TOWN BOARD MEETING – AUGUST 22, 2011

On Monday, August 22, 2011, the Town Board of the Town of Raymond held their regular monthly meeting.

The meeting was called to order at 7:30 pm. The Pledge of Allegiance was recited. Roll call was taken as follows: Present were, Chairman Gary Kastenson; Supervisors, Joe Pohlhammer, Stan Bugnacki, Paul Ryan and James Phillips. Also present were, Town Clerk, Linda M. Terry; Town Treasurer, Lee Marie Toll; Fire/Rescue Chief, Alan Babe and Town Attorney, Valjon Anderson.

The Treasurer's Report was read as follows:

Community State Bank - General Checking			
Beginning Balance		**$1,685.28**	
Deposits:	73,702.20		
Transfers in:	44,351.36		
Interest Earned	3.27		
Miscellaneous Credits	1,719.43		
Correcting Journal Entries made			
TOTAL DEPOSITS:		119,776.26	
Disbursements:	(78,651.86)		
Transfers out:	(39,000.00)		
Bank Charges & Miscellaneous Deductions	(10.00)		
Correcting Journal Entries made			
TOTAL DISBURSEMENTS:		(117,661.86)	
ENDING BALANCE:			**3,799.68**
OTHER ACCOUNTS:			
UNRESTRICTED			
Community State Bank - Money Market	172,319.54		
Less LOC for Stone Creek Crossing	(1,136.52)	171,183.02	
State LGIP Fund - Tax Investment		19,171.25	
TOTAL UNRESTRICTED FUNDS			190,354.27
RESTRICTED			
Community State Bank - Bond Escrow		62,369.16	
Community State Bank - Money Market/Stone Creek LOC		1,136.52	
Community State Bank - Storm Water Utility		75,395.99	
State LGIP Funds - Bond Escrow		20,260.23	
State LGIP Funds - Cemetery		14,325.95	
State LGIP Funds - Municipal		15,854.22	
State LGIP Funds - Land		22,828.36	
State LGIP Funds - RJM LLC - Asphalt		32,405.11	
State LGIP Funds - Stone Creek Crossing		-	
TOTAL RESTRICTED FUNDS			$243,439.02
ALL TOWN BANK ACCOUNTS			**$ 437,592.97**

The Treasurer's Report was **APPROVED ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR POHLHAMMER OPPOSING.**

Treasurer Toll informed the Board that she had just received the Town's portion of the second half of the tax payments; that check was approximately $251,000.00.

Bills paid from July 26th – August 19th in the amount of $78,651.86 (Town) and $5,666.98 (SWUD), were **APPROVED ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 5-0.**

Chairman Kastenson asked what the payment for Storm Water Utility District was for?

Supervisor Ryan stated that payment was for the weed spraying.

Chairman Kastenson then questioned the $75,000.00 left in the SWUD budget.

Supervisor Ryan said that there is still one payment due to the Racine County Drainage Board.

Minutes from previous meeting of July 25, 2011, were **APPROVED ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR POHLHAMMER OPPOSING – HE FEELS THE MINUTES ARE INACCURATE.**

SET AGENDA:

Move the Safe Routes To School presentation directly after Public Comment. Also, the Sheriff's Department Report will happen when the Sergeant Mattke arrives – he is at another meeting in the County.

PUBLIC COMMENT – Discussion of any matter raised by the Public:

Please be advised that per Wisconsin Act 123, the Town Board will receive information from the public for a two minute time period, with time extensions per the Chairperson's discretion, per person.

Joe Dawidziak – Principal from Raymond Grade School

Mr. Dawidziak stated that the school is having it's 50 Anniversary; they have gotten a committee together. They have the original audio tape of the dedication, and the original program. The program and list of activities will be on the School's website.

The list of activities includes a Classic Car Show and Sock Hop; also, a movie.

It is the school's intention to get a tent donated; however, if possible, the school would like to use the pavilion that is used during the 4th of July activities.

The Board doesn't have a problem with the pavilion being used.

Mr. Dawidziak also stated that it is the school's intention to do a monthly Senior Citizen Breakfast; this would not be a fund raiser.

Bob Flasz:

Several weeks ago, he spoke at a board meeting regarding his neighbors applying for a conditional use permit for boarding horses.

This request was approved by the County, but heard nothing from the Town of Raymond. Yorkville, Waterford, Caledonia and Mount Pleasant all have large animal ordinances – not Raymond. There will be 15 – 20 horses on the property; he does have a site for stock-piling. At this time, he handed the Board members paperwork on dealing with horses.

Bob Slivon:

He is concerned about what is going on with Supervisor Pohlhammer. He was elected to look into Town matters. He disagrees with what the Board has been doing. When an organization has nothing to hide, they will show what is being done – in this case, it is just the opposite.

Ray Vogt

Would like to complain about the treatment of Mr. Pohlhammer. He would also like to address the Plan Commission minutes from last month – there was a statement in the minutes that he feels is an opinion.

Larry Segal

Would like the Town Board to pull Joe Pohlhammer off of anything dealing with Mr. Segal. Mr. Pohlhammer has been in Court with Ray Vogt, even before he was elected. He feels this would be a conflict of interest.

Ray Vogt

Said that Mr. Segal invited Mr. Pohlhammer to his property, and he is highly involved. Mr. Pohlhammer is involved on Mr. Segal's request.

Safe Routes to School – Reed Dunbar:

At this time, Mr. Reed Dunbar gave a presentation regarding the "Safe Routes to School" program. The plan looks at school policy; town ordinances, etc. This would be a long-term plan. There is funding available. The school had a committee for this project and there were a few members of the Town Board on this committee. Students wrote the grant application and, were awarded the application. The grant was for engineering purposes.

Supervisor Ryan asked if there were any follow-up opportunities to go after more grant money?

Mr. Dawidziak said that some of the students that were motivated to do this grant application have graduated. The school will be working with more children to become knowledgeable and motivated to continue on with this. Raymond has unique challenges, there are no sidewalks and narrow roads.

Supervisor Phillips asked if the grant is for engineering only?

Mr. Dawidziak said that it was.

Mr. Dunbar said that if you put it on paper, when the time comes to re-do highway "U", if they ask what you have planned, we can show them what we have.

Supervisor Phillips said at this point, it is just in the design phase.

Mr. Dunbar said that they match up with what the County has.

Mr. Dawidziak said that we need a plan before we get money. As the Town and County move forward, consider other roads needs to be widened.

Supervisor Phillips said that he thinks it is still a question of what is the long term picture? If they are willing to supply the grants, is it possible to continue this radius? Also, one has to think – who's going to use it? He would like to see a bigger picture of this, but also thinks it is a good idea to plan for the future.

1) **Fire Department Business:**

a. **Discussion/Decision regarding 2012 Fema Grant:**

Chief Babe reported that he has until September 9th to get the grant done. There will be 20% matching funds for the tanker. This year, he can apply for more than one vehicle – they have a rescue squad that is very old.

Chairman Kastenson thinks he would have a better chance of getting a rescue squad.

Chief Babe would rather have a tanker. He will write the grant for both and hopefully get one.

MOTION TO APPROVE THE 20% MATCHING FUNDS FROM THE TOWN, MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 5-0.

Supervisor Ryan asked if, by writing two grants, will it decrease our chances of getting one?

Chief Babe said it would not.

Supervisor Pohlhammer asked what the dollar amount would be for the Town's share in the event they get both grants?

Chief Babe stated that the Town would not be awarded both.

Chairman Kastenson said that if the tanker is approved, it would cost approximately $50,000.00 to $60,000.00 from the Town.

Treasurer Toll stated that there will be no tax increase in 2012.

Chief Babe said that they may put some of the 2% fire dues in an account next year.

b. **Communications / Announcements:**

Chief Babe passed out a copy of the emergency plan. He also passed out the year-to-date budget figures for fire/rescue.

This year they will again be passing the boot over Labor Day Weekend.

He will be reconfiguring the explorer post.

2) **Plan Commission Business:**

a. **Minor Land Division: Mark Gelhaus / Seek approval of Westfield Way Road Extension and Related CSM to include three additional lots: (previously tabled):**

The Plan Commission Tabled this matter.

MOTION TO TABLE, MADE ON A RYAN/PHILLIPS MOTION.

Discussion follows:

Supervisor Pohlhammer was concerned that his items may not be addressed – the 90-day time frame; the pond needs to be in a separate CSM; where will the water run?

Attorney Anderson said that right now, the Town Engineer is looking at this and he will have those engineering issues looked at. Because all of those issues are not yet addressed, the developer requested that it be tabled – taken off of the agenda.

Supervisor Pohlhammer asked when he will get his issues addressed?

Supervisor Phillips said that the Town has to see the plan.

Supervisor Pohlhammer asked if, before it is approved, will all of my concerns be addressed?

Chairman Kastenson said that they would.

MOTION CARRIED 5-0.

b. CSM Approval: American Surveying Company for Eugene Bower; 3907-108th Street / 2 Lot CSM:

Mr. Pete Bailey was present for the meeting.

Chairman Kastenson had a few questions: Where will the access be? Are there any other plans for the back portion?

Mr. Bailey said that the access will be on the North end. Also, there are no plans for the back portion. Right now there are corn and beans on that property.

Supervisor Pohlhammer said that this is a major wetland.

Mr. Bailey said that it is not a mapped wetland. The Federal Government does not consider it wetlands.

Supervisor Phillips asked why it is being divided this way?

Mr. Bailey said that the whole piece has been on the market for two years, but now, there is an offer on the buildings and five acres.

APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE ON A RYAN/BUGNACKI MOTION. MOTION CARRIED 5-0.

c. CSM Approval: Jim & Shelly Kurhajec; 9602 – 3 Mile Road: CSM to include three additional lots:

Supervisor Phillips asked if the pad for the fire department was on the map?

Mrs. Kurhajec said that she had spoken to the Chief.

Supervisor Pohlhammer stated that this was originally proposed as three shared driveway off of one – this plan shows four different parcels.

Mr. Bailey said that this property had two homes on one parcel. We are now creating three lots with a remnant parcel.

Supervisor Pohlhammer said that the Town's Ordinances would consider this a minor land division – not a simple CSM.

APPROVED AS PRESENTED, MADE ON A PHILLIPS/RYAN MOTION.

Supervisor Ryan asked Mr. Bailey if he had addressed the Town Engineer's concerns, pursuant to a memo that the Town Engineer sent?

It was stated that those concerns would be addressed.

Mr. Scott Brenton, from the Plan Commission, stated that Mrs. Kurhajec had spoken to the Town's Fire/Rescue Chief regarding the pad.

RESCIND PREVIOUS MOTION, MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 5-0.

APPROVE THE CSM, CONTINGENT ON THE MAP ADDRESSING THE TOWN ENGINEER'S CONCERNS IN A MEMO DATED 8-16-11; TO ADD A DRIVEWAY EASEMENT, AND AN EASEMENT FOR A FIRE PAD, MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR POHLHAMMER OPPOSING.

SHERIFF'S REPORT:

At this time, Sgt. Mattke, from the Racine County Sheriff's Department was present for the meeting. He handed the Board his report, which included the fact that the Sheriff's Department issued 14 traffic citations and three warnings. These will come before the Raymond Municipal Court.

The Sheriff's Department spend a total of 27 billable hours in the Town, at a cost of $1452.95.

Chairman Kastenson asked about property on 51st Street?

Sgt. Mattke stated that most of the vehicles on that property have been removed. There's been a lot of clean-up work done there.

Supervisor Phillips asked what is "suspicious circumstances?"

Sgt. Mattke said that if people notice a certain vehicle driving by very slowly, and constantly, that could be considered "suspicious circumstances", and the Sheriff's Department will check into it.

Supervisor Ryan asked if Sgt. Mattke could check into a boat being dumped in the park on Highway "G".

3) **Town Business:**

a. Update on Tim Yenter, 2562 – 96th Street – Soil Disturbance:

Chairman Kastenson received a call a few weeks ago regarding Mr. Yenter moving dirt on the Highway 45 property. He asked Mr. Yenter when he plans on being done with this project?

Mr. Yenter plans on the project being done the first week of September – it should be seeded and done.

Chairman Kastenson also stated that when the project is done, the Town's Engineer will be checking out the site.

Supervisor Pohlhammer asked if there will be 6 inches of topsoil after it is compacted? What about seeding?

Mr. Yenter said that the ground will, of course, settle. There will be seeding.

Chairman Kastenson asked if any additional soil will be leaving the property?

Mr. Yenter said no.

Chairman Kastenson told Mr. Yenter that, when he is completed with the project, he should contact the Town Clerk, and she will contact the Town Engineer. He also asked that Mr. Yenter come to the next Town Board meeting to give an update.

Supervisor Pohlhammer asked if this will all be done by the end of September?

Mr. Yenter said it would.

b. Discussion/Decision regarding Moczynski Pond on 100th Street: (previously tabled)

The Town's DPW has snaked the culvert under the road. The culvert under the road is clear.

Supervisor Pohlhammer said that the water level was four feet lower than the elevation on Pat's pond. The tile needs to be repaired in Pat's pond.

Richard Paap said that he is hiring someone to come in and look at his property; hopefully, within the next month. He would like a professional opinion on this.

Supervisor Pohlhammer what are we going to do if the tile going to Pat's pond is not working?

Chairman Kastenson said that it won't function because the water flows East. The hole that is on Pat's side of the road is full of water. There is about four inches of silt in the culvert and it was snaked.

Mr. Paap said that there may be a blockage on Pat's side.

Supervisor Pohlhammer said that he shot the elevations.

Supervisor Ryan said that, from the Town's perspective, we are done; we do not deal with a tile on private property.

Supervisor Pohlhammer asked what the Town should do in the event of flooding?

Supervisor Ryan said that the Town should not be getting involved in personal disputes.

Supervisor Pohlhammer said that the pond was constructed without engineering.

Chairman Kastenson said that the Town is going to wait to see what Mr. Paap says after he has the professionals out.

c. Discussion/Decision regarding crosswalk across 7-Mile Road; and the West Frontage Road: (previously tabled):

There was a draft agreement given to Seven Mile Fair. At this time, they, along with their attorney, are working with the DOT.

TABLE THIS ITEM, MADE ON A PHILLIPS/BUGNACKI MOTION. MOTION CARRIED 5-0.

d. Discussion/Decision regarding engagement letter from Gordon Maier & Associates, LLP: (previously tabled):

Supervisor Ryan said that the Board has no need to hold this over again.

APPROVE AS PRESENTED, MADE ON A RYAN/POHLHAMMER MOTION.

AMEND MOTION TO APPROVE ENGAGEMENT LETTER, WITH ADDING THE LANGUAGE TO STATE THAT THERE WOULD BE A 30-DAY NOTICE FOR TERMINATION, MADE ON A POHLHAMMER/RYAN MOTION. MOTION CARRIED 5-0.

e. Discussion/Decision regarding adding second phone line to Town Hall:

Treasurer Toll said that the existing telephone answering service costs the Town $29.90 a month. We would be better off canceling the answering service and getting a second phone line. The second phone line would cost the Town approximately $30.00 a month.

Treasurer Toll also said that the second line would not be published.

APPROVED ON A BUGNACKI/RYAN MOTION. MOTION CARRIED 5-0.

f. Discussion/decision regarding ordinance for installation of culverts:

Chairman Kastenson stated that he spoke to Racine County – they have the homeowner pay for the culvert. Also, the County does not re-do culverts when re-doing a road. The Town should size the culvert and set the grade.

Supervisor Pohlhammer asked about when re-ditching is done and the elevation is changed?

Chairman Kastenson said that Racine County handles those matters on a case by case basis, and the Board decides it.

Supervisor Pohlhammer asked what about when we do re-ditching and they see that the culvert is way too small?

No action taken on this matter – it will remain "as is".

g. Discussion/decision regarding which two (2) Board members will be negotiating the union contract:

The consensus of the Board was to have Chairman Kastenson and Supervisor Bugnacki deal with the union contract.

Supervisor Ryan would like clarification on what we can and cannot do first.

h. Discussion/decision regarding placing a cross culvert at 10125-5 Mile Road / Richard Sehrbrock:

Mr. Sehrbrock was present for the meeting. It was stated that by placing a cross-culvert under the road, it will relieve some of the water problem. He has a catch basin on his property now.

Supervisor Phillips asked if Mr. Sehrbrock has spoken to the neighbors about this?

Mr. Sehrbrock has a letter from the neighbors stating that they have no problem with this.

Attorney Anderson suggested that engineering be done on this request, and that the charges be billed back to Mr. Sehrbrock.

Supervisor Pohlhammer said that Mr. Sehrbrock would need to check with the DNR and see if the Army Corps of Engineers need to be involved.

Supervisor Phillips feels that the Town engineer can handle this. Ultimately, our Town Engineer will need to look at it.

Supervisor Pohlhammer still stated that it would be his recommendation to contact the DNR – it is free.

No action taken on this. Mr. Sehrbrock will need further information.

i. Discussion and possible action regarding Supervisor Pohlhammer's position that he is not required to pay public records locating fees imposed in the response to his Public Records Request dated July 25, 2011:

Attorney Anderson explained Supervisor Pohlhammer's request. He also stated that Supervisor Pohlhammer is not being refused the records; the Town Board needs to act on whether or not his requirement to pay public records locating fees should be waived. There is a State Statute that covers this issue. The Town Board of a municipality can waive the fees if the records request is in the public's interest.

Supervisor Ryan questioned the request for information regarding Ray Vogt. Has this matter even been before the Town Board? Asking for copies of attorney fees has nothing to do with the issues involved.

Supervisor Pohlhammer said that there has not been a thorough accounting system in this Town. He is very concerned about the attorney fees and engineering fees. He also has numerous concerns regarding the Stone Creek Crossing Subdivision and the tile work that was done there.

MOTION THAT SUPERVISOR POHLHAMMER BE REQUIRED TO PAY FOR HIS SECOND REQUEST (regarding how much money was spent on attorney fees on Town of Raymond vs Ray Vogt, also State DNR vs Ray Vogt) **AND HIS FOURTH REQUEST** (copy of permit from Town of Raymond Larry Siegel received), **MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR BUGNACKI OPPOSING AND SUPEVISOR POHLHAMMER ABSTAINING.**

SUPERVISOR POHLHAMMER WILL BE REQUIRED TO PAY R.A. SMITH NATIONAL FOR THEIR SEARCHES.

Supervisor Pohlhammer asked if he doesn't get a certified copy of an engineer report, will he get his money back?

AS FAR AS HIS SIXTH REQUEST (RA Smith invoices regarding Waukesha Road), **WAIVE THE FEE FOR THAT ITEM, MADE ON A PHILLIPS/BUGNACKI MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR RYAN OPPOSING AND SUPERVISOR POHLHAMMER ABSTAINING.**

j. Discussion and possible action regarding Supervisor Pohlhammer's position that he is not required to pay public records locating fees imposed in the response to his Public Records Request dated August 8, 2011:

PAYMENT FOR ALL FEES FOR THE AUGUST 8TH REQUEST BE CHARGED, MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR BUGNACKI OPPOSING AND SUPERVISOR POHLHAMMER ABSTAINING.

Supervisor Ryan stated that the Town has audited financial statement.

Supervisor Pohlhammer stated that the audit is only as good as the information given.

k. Discussion and possible action regarding the repeal or amendment of Section 2-124(f)(7) – "Public Access" – of Chapter 2 – "Administration" – Article IV – "Public Records" – of the Town of Raymond Code of Ordinances pertaining to the waiver of public records request fees for elected and appointed officials:

Attorney Anderson stated that if the Board repeals this, it will make things easier for the Board.

Supervisor Phillips asked if we are looking for a motion tonight?

Attorney Anderson said that it could be acted on.

MOTION TO APPROVE REPEAL OF SECTION 2-124(f)(7), MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 3-2, WITH SUPERVISORS BUGNACKI AND POHLHAMMER OPPOSING.

l. Discussion and possible action regarding Supervisor Pohlhammer's stated intention to continue to use and actual continued use of Town of Raymond letterhead stationery:

It was stated that, at last month's meeting, the consensus of the majority of the Board was that Mr. Pohlhammer NOT use Town Letterhead for his own personal use.

Supervisor Ryan stated that it is a distorted use of Town property.

Attorney Anderson said that it could be misconduct in public office. The Board would need to authorize an Investigation.

Supervisor Pohlhammer said that he spoke to the Wisconsin Town's Association, and they told him that he could use the Town's Letterhead.

Attorney Anderson asked Mr. Pohlhammer to get that to him in writing.

Clerk Terry stated that she has it in writing from the Town Association that he cannot use the Town's letterhead.

Supervisor Bugnacki suggested that Supervisor Pohlhammer discontinue use of the letterhead until he can prove that he's allowed to use it.

MOTION TO TABLE THIS MATTER, MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR PHILLIPS OPPOSING.

m. Communications and announcements:

The numbered items below are the items that Supervisor Pohlhammer would like on the next agenda.

1 Dis/Dec County conditional use approval 9828 w. 3 mi. rd.

boarding 20 horses just under 5 acres

2 Dis/Dec at 7/25/11 meeting Pohlhammer clearly asked for 21 correction from 2/27 7/11/11 be added to minuets why were they not added

3 Dis/Dec K-Kustom homes town fail to enforce developers agreement contaminated pond water leaking into ground water other issues not enforced

4 Dis/Dec stone creek where are Traffic control and safety signs also north retention has never retained normal water level always 30"below from day one

5 Dis/Dec field tile ordinance time frame for plan com.

6 Dis/Dec 7/25/11 meeting chairman some supervisor said all land owners were in SWUD not true but they paid for SWUD because of in accurate accounting from start up 2006? brd. voted no to recertification SWUD fund we don't care

7 Dis/Dec Joe P. put his own cd in recorder for accuracy of minutes

This is wording i would like on posting board correct spelling THANKS

Questions please call if not on agenda written reply as to why not

IF THIS IS NOT ON AGENDA HAVE GARY K. CALL ME

Thank You Joseph B Pohlhammer Supervisor 1

The consensus of a majority of the Town Board was as follows:

1. This WILL be on the agenda due to the fact that the persons wanting conditional approval have applied to be at the Plan Commission meeting and Town Board meeting.
2. This WILL NOT be on the agenda – the minutes have already been approved as presented by a majority vote.
3. This WILL NOT Supervisor Phillips stated that this matter has already been discussed at length – it is a personal issue with Mr. Pohlhammer. The Town attorney also stated that the DNR needs to enforce any water contamination issues.
4. This WILL NOT be on the agenda.

5. This WILL be placed on the Town Board agenda.
6. This WILL NOT be on the agenda.
7. This WILL NOT be on the agenda. Previously, the Board has stated that this cannot happen.

AT 11:20 PM, the meeting was ADJOURNED ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 5-0.

Respectfully submitted by:

Linda M. Terry
Town Clerk