



**I. CALL TO ORDER**

President Dickman called the meeting to order at 6:00 pm.

**II. ROLL CALL**

**President:** Sam Dickman

**Trustees:** Michael Barth

Robb DeGraff

William Hersch-excused

Daniel Muchin

James Petersen

Eido Walny

**Also present:** Village Manager Andy Pederson  
Director of Finance and Administration/Clerk/Treasurer Lynn Galyardt  
Village Attorney Jeremy McKenzie  
Police Chief Bruce Resnick  
There were two people in the audience

**III. PUBLIC HEARING**

- A. The purpose of this hearing is to consider the matter of 2009 Community Development Block Grant Funds - Proposed 2009 Village of Bayside Emergency Assistance Program.**

President Dickman read the above notice and called for public discussion at 6:02 pm.

**1. Public Discussion**

No one spoke.

**2. Board Discussion**

President Dickman closed the public hearing at 6:05 pm

**IV. CONSENT AGENDA**

Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration.

**A. ROUTINE BUSINESS ITEMS**

**1. Approval of**

**a. Committee of the Whole minutes, January 22, 2009.**

**b. Board of Trustees minutes, January 22, 2009.**

**c. Committee of the Whole minutes, February 19, 2009.**

**d. Payment of summary of claims for January 10, 2009 – February 20, 2009 in the amount of \$202,324.34.**

**e.**

Motion by Trustee Petersen, seconded by Trustee Barth, to approve the Committee of the Whole minutes, January 22, 2009, Board of Trustees minutes, January 22, 2009, Committee of the Whole minutes, February 19, 2009 and the payment of summary of claims for January 10, 2009 – February 20, 2009 in the amount of \$202,324.34. Motion carried unanimously.

**2. Acceptance of**

**a. January 2009 Financial Statement and Investment Report.**

Motion by Trustee DeGraff, seconded by Trustee Barth, to accept the January 2009 Financial Statement and Investment Report. Motion carried unanimously.

**b. 2008 Police Department Annual Report.**

Motion by Trustee DeGraff, seconded by Trustee Barth, to accept the 2008 Police Department Annual Report. Motion carried unanimously.

**c. 2008 State of the Village report.**

Motion by Trustee Petersen, seconded by Trustee Barth, to accept the 2008 State of the Village report. Motion carried unanimously.

**d. Public Participation Plan of the Comprehensive Plan.**

Manager Pederson noted two additional public participation meetings had been scheduled on July 15 from 4:00 pm to 6:00 pm and on July 16 from 9:00 am to 11:00 am.

Motion by Trustee DeGraff, seconded by Trustee Barth, to accept the Public Participation Plan of the Comprehensive Plan. Motion carried unanimously.

**3. Action on**

**a. Extension on sign variance for a for Lease banner at Elizabeth Residence, 9279 N. Port Washington Road.**

Motion by Trustee Petersen, seconded by Trustee Barth, to approve the Extension on sign variance for a for Lease banner at Elizabeth Residence, 9279 N. Port Washington Road. Motion carried unanimously.

**b. Revised property maintenance enforcement timeline.**

Trustee DeGraff stated the time limit of one hour for unenclosed materials to be removed was too strict. President Dickman asked how this time limit was enforced. Chief Resnick stated the issues were addressed on a complaint basis. Trustee Walny stated he would like to review the entire ordinance on unenclosed material. The Board concurred the ordinances on unenclosed materials and parking needed to be reviewed at the next Committee meeting.

Motion by Trustee Petersen, seconded by Trustee DeGraff, to approve the revised property maintenance enforcement timeline.

**VI. CITIZENS AND DELEGATIONS**

Open to any citizen who wishes to speak on items not on the agenda. Please note there may be limited

discussion on the information received, however, no action will be taken. Please state your name and address for the record.

No one spoke.

**VII. BUSINESS AGENDA**

**A. COMMITTEE AND COMMISSION REPORTS**

**1. Finance and Administration Committee**

- a. Action authorizing the Village Manager to acquire two marked, Crown Victoria vehicles through the Police Department Designated Fund Balance Account.**

Motion by President Dickman, seconded by Trustee Petersen, to authorize the Village Manager to acquire two marked, Crown Victoria vehicles through the Police Department Designated Fund Balance Account. Motion carried unanimously.

- b. Action on agreement with W.H. Jacklin, Incorporated to repair, maintain and reprogram the Village Hall and Police Department HVAC system.**

Motion by President Dickman, seconded by Trustee Petersen, to approve the agreement with W.H. Jacklin, Incorporated to repair, maintain, and reprogram the Village Hall and Police Department HVAC system. Motion carried unanimously.

- c. Action on Resolution 09-\_\_\_\_, a Resolution adopting a citizen participation plan for Community Development Block Grant Emergency Assistance Program.**

Motion by Trustee Petersen, seconded by Trustee Walny, to approve Resolution 09-01, a Resolution adopting a citizen participation plan for the Community Development Block Grant Emergency Assistance Program. Motion carried unanimously by roll call vote.

**2. Public Safety Committee**

- a. Action on Ordinance 09-\_\_\_\_, an Ordinance to amend Sections 10-23 and 10-24 of the Municipal Code with regard to the removal and disposal of dead animals.**

Motion by President Dickman, seconded by Trustee Barth, to approve Ordinance 09-595, an Ordinance to amend Sections 10-23 and 10-24 of the Municipal Code with regard to the removal and disposal of dead animals. Motion carried unanimously by roll call vote.

**3. Public Works Committee- No report.**

**4. GreenScape Bayside Committee**

- a. Update on Village-Wide Clean-Up Days April 23 through April 26.**

Manager Pederson stated the Committee continued to plan the Village-wide Clean-Up Days.

- 5. **Regional Telecommunications Committee-** No report.
- 6. **Intergovernmental Cooperation Council-** No report.
- 7. **Plan Commission**
  - a. **Action on request from Franco and Melissa Torchia of F. Torchia Enterprises, LLC for a Conditional Use Permit to Operate: An office used for selling internet warranties online and wholesale cars, located at 8828 North Port Washington Road, Suite 9.**

Motion by Trustee DeGraff, seconded by Trustee Walny, to approve the request from Franco and Melissa Torchia of F. Torchia Enterprises, LLC for a Conditional Use Permit to Operate: An office used for selling internet warranties online and wholesale cars, located at 8828 North Port Washington Road, Suite 9. Motion carried unanimously.

- 8. **Architectural Review Committee-** No report.
- 9. **Library Board-** No report.
- 10. **Board of Zoning Appeals-** No report.

**VIII. VILLAGE PRESIDENT'S REPORT**

- A. Appoint David Smulyan to the Plan Commission.**

Motion by Trustee DeGraff, seconded by Trustee Petersen, to approve the appointment of David Smulyan to the Plan Commission. Motion carried unanimously.

- B. Appoint F. Tessa Bartels to the North Shore Library Board.**

Motion by Trustee DeGraff, seconded by Trustee Walny, to approve the appointment of F. Tessa Bartels to the North Shore Library Board. Motion carried unanimously.

**IX. VILLAGE MANAGER'S REPORT**

- A. Discussion/recommendation on proposed landscaping plan at the base of the renovated Lion's Gates structures.**

Landscape Architect Margarete Harvey stated she had developed plans for plantings along the front and at the ends of the gates using a low maintenance, easy care methodology. She noted there was little space for landscaping on the northern portion of the structures.

Motion by Trustee DeGraff, seconded by Trustee Muchin, to approve the proposed landscaping plan at the base of the renovated Lion's Gates structures. Motion carried unanimously.

- B. Discussion/recommendation on landscaping, aesthetic enhancements, design plans for the brick donation program and feature areas at Ellsworth Park.**

Landscape Architect Margarete Harvey discussed her plans on landscaping, aesthetic enhancements, design

plans for the brick donation program and feature areas at Ellsworth Park noting she had wanted to connect the pavilion area to the rest of the park and to create a walkway to place the bricks from the Brick Program along with the bricks purchased in the past. Ms. Harvey noted there was a fountain feature area to promote a focal point.

Trustee Muchin asked how many gallons of water the fountains would hold. Ms. Harvey stated she did not know and recommended the Village involve a professional in landscape water features in the planning. Mort Swerdlow, 1130 E. Fairy Chasm Road, stated the water in the fountains could become contaminated. The Board

discussed their concerns regarding the safety of the fountains. President Dickman asked Village staff to bring someone who has knowledge of landscape water feature areas to a future meeting to answer the Boards questions before proceeding with the water fountain concept. This item was tabled.

**C. Discussion/action on Resolution 09-\_\_\_\_, a Resolution Authorizing the submission of the Community Development Block Grant Emergency Assistance Program Application.**

Motion by Trustee Petersen, seconded by Trustee Barth, to approve Resolution 09-02, a Resolution Authorizing the submission of the Community Development Block Grant Emergency Assistance Program Application. Motion carried unanimously by roll call vote.

**X. VILLAGE ATTORNEY'S REPORT-** No report.

**XI. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY PROPERLY BE BROUGHT BEFORE THE BOARD**

**XII. CORRESPONDENCE**

**XIII. MOTION TO ADJOURN TO CLOSED SESSION**

**A. Pursuant to Section 19.85 (1) (c). Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: (Village Manager Performance Evaluation).**

**B. Pursuant to Section 19.85 (1) (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons allow a Closed Session; (Time Warner Franchise Agreement Fees) and (Intergovernmental Agreement with City of Mequon).**

Motion by Trustee DeGraff, seconded by Trustee Barth, to adjourn to closed session at 6:55 pm, pursuant to Section 19.85 (1) (c). Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: (Village Manager Performance Evaluation) and pursuant to Section 19.85 (1) (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons allow a Closed Session; (Time Warner Franchise Agreement Fees) and (Intergovernmental Agreement with City of Mequon). Motion carried unanimously.

**XIV. RECONVENE IN OPEN SESSION PURSUANT TO SECTION 19.85 (2)**

Motion by Trustee Petersen, seconded by Trustee Barth, to reconvene in open session at 7:19 pm, pursuant to section 19.85 (2). Motion carried unanimously.

No motions were made or action taken in closed session.

**XIV. ADJOURNMENT**

Motion by President Dickman, seconded by Trustee DeGraff, to adjourn the meeting at 7:20 pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt, Director of Finance and Administration/Clerk/Treasurer | | April 3, 2009