



Village of Bayside
9075 North Regent Road
Board of Trustees Meeting Minutes
November 5, 2009

I. CALL TO ORDER

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

II. ROLL CALL

President: Sam Dickman
Trustees: Michael Barth Daniel Muchin
Robb DeGraff James Petersen
William Hersch Eido Walny- arrived at 6:05 pm

Also present: Village Manager Andy Pederson
Director of Finance and Administration/Clerk/Treasurer Lynn Galyardt
Director of Community and Utility Services Alex Henderson
Police Chief Bruce Resnick
Village Attorney Chris Jaekels
There were five people in the audience.

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

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

A. Approval of

- 1. Board of Trustees meeting minutes, October 1, 2009.**
- 2. Public Works Committee meeting minutes, October 12, 2009.**
- 3. Payment of summary of claims for September 19, 2009 and October 23, 2009 in the amount of \$594,564.65.**

Motion by Trustee Petersen, seconded by Trustee Hersch, to approve the Board Trustees meeting minutes, October 1, 2009, the Public Works Committee meeting minutes, October 12, 2009 and the payment of summary of claims for September 19, 2009 and October 23, 2009 in the amount of \$594,564.65. Motion carried unanimously.

B. Action on

- 1. Application for issuance of an Operator's license requested by Katelin Hein (Pandl's) as approved by the Police Department.**
- 2. Recommendation on September 2009 Financial Statement and Investment Report.**

Motion by Trustee Hersch, seconded by Trustee DeGraff, to approve the application for issuance of an Operator's license requested by Katelin Hein (Pandl's) as approved by the Police Department and the September 2009 Financial Statement and Investment Report. Motion carried unanimously.

V. 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.

A. Presentation of Wisconsin Good Government Award to the Village of Bayside by representative from Foth.

Fred Schnook, a representative from Foth presented President Dickman with a check in the amount of \$1,000 and stated that the Village was recognized for its efforts in reducing costs while increasing services and being more resourceful.

B. Presentation by Supervisor Joseph Rice on the Milwaukee County Budget.

Supervisor Joseph Rice stated that Milwaukee County has an 80 million dollar deficit in the 2010 budget and budget process was being affected by the increase in employee fringe benefits, noting that for every dollar paid in wages 93.31% of another dollar was paid in fringe benefits. He stated County reserve funds were depleted.

VI. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. Finance and Administration Committee

a. Recommendation/action on 2009 Library Tax Levy Certification for Ozaukee County.

Motion by Trustee DeGraff, seconded by Trustee Petersen, to approve the 2009 Library Tax Levy Certification for Ozaukee County. Motion carried unanimously.

b. Recommendation on Resolution 09-___, a Resolution regarding the Claim of Thomas McWilliam, 711 E. Brown Deer Road, dated October 6, 2009.

Manager Pederson stated the Village's insurance company recommended denying the claim of Thomas McWilliam because the damage occurred as an act of God.

Mr. McWilliam stated that he estimated the damage to be \$1,200 and was confused as to why the damage was not covered. He noted he knew that the tree was dead however he did not realize it was his responsibility to report it to the Village. Attorney Jaekels noted the Village can only be liable if they knew the tree was dead and did not take care of it, since the Village was unaware of the dead tree there was no liability on the Village.

Motion by Trustee DeGraff, seconded by Trustee Walny, to approve Resolution 09-22, a Resolution regarding the claim of Thomas McWilliam, 711 E. Brown Deer Road, dated October 6, 2009 denying the claim. Motion carried unanimously by roll call vote.

2. Public Safety Committee-No report.

3. Public Works Committee

a. Discussion/action on the acquisition of the automated collection services equipment.

- 1. Capital equipment**
- 2. Carts**

Motion by Trustee Muchin, seconded by Trustee DeGraff, to approve the purchase of 3,500 carts at \$165,342 and collection vehicles at a cost not to exceed \$251,000, provided the specifications meet the Village Manager and Village Mechanic's standards and contingent on the 2010 budget approval and passage. Motion

carried unanimously.

b. Discussion/action on automated collection services change communications.

Motion by Trustee DeGraff, seconded by Trustee Walny, to approve the automated collection services change communications. Motion carried unanimously.

4. **GreenScape Bayside Committee**-No report.
5. **Regional Telecommunications Committee**-No report.
6. **Intergovernmental Cooperation Council**-No report.
7. **Plan Commission**-No report.
8. **Architectural Review Committee**-No report.
9. **Library Board**-No report.
10. **Board of Zoning Appeals**-No report.
11. **North Shore Fire Department**-No report.

VII. VILLAGE PRESIDENT'S REPORT-No report.

VIII. VILLAGE MANAGER'S REPORT-No report.

A. 2010 Budget and Meeting Process.

Manager Pederson stated that the proposed 2010 Budget calls for a 0% increase in the property tax levy, no increase in the sanitary sewer fee and the implementation of a stormwater utility ERU charge of \$8.33 per month. He noted the reduction in overall value of the Village caused a slight increase in the mill rate from \$6.61 to \$6.66 in 2010 and the average home will pay an additional \$1.47 per month for Village services. The subcommittees are scheduled to meet as follows, Public Safety on November 9, at 4 pm, Public Works, 4 pm, Thursday, November 12 and Finance and Administration, 4 pm Monday, November 16.

IX. VILLAGE ATTORNEY'S REPORT

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

Trustee DeGraff thanked staff for the successful coordination of the Village Annual Fright Night.

XI. CORRESPONDENCE

- A. **Thank you from Bill Caraher to the Department of Community and Utility Services for assistance in removal of a fallen neighbor's tree.**
- B. **Thank you from Dr. Sherman Berger to the Department of Community and Utility Services employees for repair work done to his storm sewer basin.**

President Dickman acknowledged the above correspondence.

XII. 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, (Management Personnel);**
- 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, (Audit contract; Teamster and ASFCME Negotiations);**
- C. Pursuant to Section 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, (Broadmoor stormwater management settlement agreement; Construction road damage; Rivera Litigation).**

Motion by President Dickman, seconded by Trustee Barth, to adjourn to closed session at 6:47 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, (Management Personnel); 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, (Audit contract; Teamster and ASFCME Negotiations); and pursuant to Section 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, (Broadmoor stormwater management settlement agreement; Construction road damage; Rivera Litigation). Motion carried unanimously.

XIII. MOTION TO RECONVENE IN OPEN SESSION PURSUANT TO SECTION 19.85 (2)

Motion by President Dickman, seconded by Trustee DeGraff, to reconvene in open session pursuant to section 19.85 (2) at 7:29 pm. Motion carried unanimously.

A. Action on items in closed session.

Motion by Trustee DeGraff, seconded by Trustee Petersen, to approve the revised Village Auditor contract. Motion carried unanimously.

Motion by Trustee DeGraff, seconded by Trustee Petersen, to approve the drainage repair and release agreement. Motion carried unanimously.

XIV. ADJOURNMENT

Motion by Trustee DeGraff, seconded by Trustee Muchin, to adjourn the meeting at 7:30 pm. Motion carried unanimously by roll call vote.

Respectfully submitted,

Lynn Galyardt, Director of Finance and Administration/Clerk/Treasurer || December 2, 2009