

TOWN OF BROOKFIELD
TOWN BOARD
September 2, 2014

The regular meeting of the Town Board was held on Tuesday September 2, 2014 in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

Chairperson Keith Henderson called the meeting to order at 7:09 p.m. with the following people present: Supervisors: John Schatzman, Steve Kohlmann, Dan Shea and Patrick Stroebel, Administrator Rick Czopp, Fire Chief Andy Smerz, Attorney James Hammes, and the Town Clerk Jane Carlson to record the minutes.

APPROVAL OF AGENDA

Supervisor Shea move to approve the agenda as presented, seconded by Supervisor Kohlmann, voted on, and carried unanimously.

APPROVAL OF MINUTES

Supervisor Kohlmann moved to dispense with the reading of the minutes of the August 19, 2014 Town Board meeting and approve them as presented, seconded by Supervisor Schatzman, voted on, passed 4 – 0 – 1 with Supervisor Stroebel voting present.

PUBLIC COMMENT

None.

OLD BUSINESS

None.

NEW BUSINESS

a. ELMBROOK SENIOR TAXI SUPPORT

Sandy Wolf, Elmbrook Senior Tax Board President reported that EST is a nonprofit taxi service that has been helping seniors and people with disabilities for 20 years. The service they provide helps residents to maintain their independence by transporting them to and from; medical appointments, jobs, shopping, visit family or friends and attend social events. The participation over the past few years has grown with a projection of providing over 6,000 one way rides in 2014, serving approximately 120 people on a daily, weekly or monthly basis. This represents a 20% increase over 2013 which had a 10% increase from 2012. Of the ridership they have provided so far this year 638 have been for the residents of the Town of Brookfield and project by years end there will be about 1,000 rides provided for the Town. There is no regular transportation in this area and the demand for specialized transportation for seniors and the disabled is growing. By 2035 SEWRPC projects that the number of people age 65 and over in Waukesha County will grow to 89,000 an increase of 60% from 2010. Like every transportation provider they are subsidized receiving revenue from Waukesha County, City of Brookfield and fares from the customers unfortunately the revenues are not enough to maintain especially with the higher cost of gasoline and increase in insurance premiums. Every ride cost \$16.22 and the fare received from the customer generates \$12.91 resulting in a loss of \$3.31 for each ride which amounts to almost \$20,000.00 a years. To help the deficit they have raised the rates as of July 1st \$5.00 and \$1.00 extra for an out of service area charge. Most of the passengers are on fixed incomes so it is difficult to keep passing

fare increases. They are requesting financial support from the municipalities that they service and are asking that the Town of Brookfield budget in 2015 \$4,050.00 which is based on the percentage of rides.

Fred Steele, 15185 Woodbridge Road said that his brother uses the taxi to get to and from work every day, which has helped him in maintaining independence.

Gerry Fischer, 695 Brookfield Road said that she does not know what she would do without EST and is speaking on behalf of many of her friends that do not drive any longer and want the board to know that they need the transportation to and from doctor and dental appointments.

Peggy Fullmer, 21590 Cologne Road said that she is concerned about the transportation for people that are unable to drive in Waukesha County. She is a volunteer for Common Ground which is a nonprofit nonpartisan organization who works on issues that impact families and communities. They have researched transportation in the suburban areas and have discovered that the demands for seniors and people with disabilities that do not drive are growing and the supply is very limited throughout the county. She is requesting that the Town of Brookfield support the service and consider allocating the requested \$4,050.00 in the 2015 budget.

Chairman Henderson asked why the numbers from 2012 to 2013 rose so much.

Ms. Wolf said that they are trying to figure that out too and it seems to have started last September in all of the communities.

Phyllis Wesolowski, 141 Woodland, Hartland, WI said that in the Town of Brookfield there are 2 people who go everyday to and from and other people that are moving in are using it more often too.

Supervisor Kohlmann ask what the criteria is for people to be able to call for a ride, is it 50 years and over or what.

Ms. Wolf said most of the riders are 60 and over and if they are disabled it is 18 and over. The majority have a share fare card with Waukesha County which reduces the fare to \$4.00 or \$5.00, if they don't have the card it would be \$9.00 or \$10.00 for the ride. The county does subsidizes the ride up to \$9.50. They have to live within the boundaries of the Town and City of Brookfield and the Village of Elm Grove and Butler. They will transport to Froedert and Mayfair shopping area because there are a lot of doctors there. They also take some out to Waukesha for doctors that have moved out there.

Supervisor Schatzman asked what the average length of a ride.

Ms. Wolf said it varies the farthest is to Froedert and Mayfair area and with all of the construction in that area it has been more.

Supervisor Schatzman asked if the drivers are volunteers.

Ms. Wolf said they are paid minimum wage and most work ½ days about 3 times a week.

Administrator Czopp asked how they came up with the requested number.

Ms. Wolf said that it is a percentage of what they need based on a percentage of ridership.

Supervisor Shea asked how far they will transport.

Ms. Wolf said to the east it is around the Mayfair shopping area and west it is 10 miles past Springdale Road.

Chairman Henderson said that the board will give it some thought during the budget process.

b. UPDATE FROM TOWN ENGINEER ON HVAC PROJECT AND BROOK PARK/GRAY FOX STORMWATER PROJECT

Tom Haige Town Engineer gave an update on the Brook Park/Gray Fox storm water project. He reported that the project start date was May 30, 2014, the contractor has completed all the major items including the Briar Ridge Drive storm sewer installation, the Gray Fox Drive road raising project and the compensatory storage grading within Brook Park with the substantial completion date August 13, 2014 of those items. A list of items to be corrected or completed has been provided to the contractor, a schedule for completing those items has not been provided. The contractor is waiting for parts to replace the lamp post that are at three of the driveways on the job with a lead time of September 15 for arrival of those parts. The contractor would like to wait until that time to do all to work at once.

The current issues on the job are the contractor damaged several trees during the grading activates with the project limits specifically identified to be protected in the drawing and specifications. To remedy this contractor has been requested to hire an arborist and they did not so a letter was sent giving the contractor a certain amount of time to do so or the Town would have the engineers contact an arborist. The arborist did the initial consultation and recommends a full tree assessment be completed on each of the damaged trees within the project area. The assessment is to provide documentation on the current health of the tree should the tree show signs of stress and/or die in the next two to five years.

He also said that the sod restoration of the yard at 20625 Brook Park is experiencing periods of a saturated condition. He and another field person went out right before the meeting to take shots of the yard to make sure the grading is to the plan. What they found is the area is depressed in the center of the yard so, the yard will have to be corrected by the contractor and re-sod. This is part of the punch list and will have to be taken care of at the contractor's expense.

For the arborist to do tree root assessments they have requested and received a quote from them. The cost came in at \$500.00 and to move forward on assessing those

damaged trees they will need the towns approval. This expense will be covered by the contractor.

Administrator Czopp said that he is the property owner with the vast majority of the problems and a couple of board members have seen the problems. Out of this project that other people are benefitting from the flooding his benefit is 2 dead trees, a yard that is totally torn up and water in the basement. When you walk in the yard you can hear the grass squeaking from being saturated and he has not been able to cut the grass but once since June. The contractor has been unresponsive.

Chairman Henderson asked what can be done from a legal standpoint to get the contractor to get this taken care of.

Mr. Haige said that an item to reduce cost for the project was to allow the contractor flexibility in the construction schedule. What they did was allow them to start any time in the year they wanted to and once they started they had 10 weeks to get to substantial completion and once they reached that the final completion date is October 30, 2014. So contractually they have substantial leeway but if they are unresponsive to contact regarding defective work that is causing inconveniences to the homeowner and rendering their yard useless for weeks at a time a letter can be sent giving them a certain amount of time to correct or the Town will have it done at the contractors expense.

Supervisor Kohlmann asked if any other residents experiencing grading problems.

Mr. Haige said no it is isolated to 20625 Brook Park Drive and a small portion of the abutting neighbor.

Administrator Czopp said that the main thing that the board needs to look at is the expenditure for the arborist because he has been out and said the evaluation needs to be done before the leaves fall off of the trees.

Supervisor Shea said that he has been out to the property and there is very little pitch and he thinks that they may have use the wrong type of topsoil and will need to replace it with something that has more substance. He is not sure that will take care of it because he thinks there is a problem with the grade between the top of the curb and the level of the sidewalk that goes into the house.

Chairman Henderson said that something needs to be done to get the water out of that yard and if grading does not get the job done then it might have to be drain tile or piping.

Supervisor Shea said that with the Briar Ridge project he walked by one of the property's and the grass is not filling in very well.

Mr. Haige said that there was an issue with that project because the property owner where the 30 foot easement is was very uncooperative when it came time for construction. The resident thought that he owned all of the property and did not know there was an easement so he thought he could tell the contractor what to do. He also thought that he

was owed money for the easement. This issue is on the punch list for the contractor to address.

Supervisor Shea asked if anything has been done with the resident in the Briar Ridge project that has the issue of trees being removed on the wrong property.

Mr. Haige said he is not sure but he will check into it and see if it needs to be put on a punch list for the contractor to address.

Supervisor Schatzman moved to approve expenditure up to \$500.00 for an arborist assessment to correct of the problem outstanding with the Gray Fox and Brook Park project, seconded by Supervisor Kohlmann, voted on, carried unanimously.

Mr. Haige updated the board on the HVAC project explaining that the project started in December of 2012 with an original completion date of April 12, 2013. The replacement project included all of the equipment that serves the Town Hall offices the meeting room and the Fire Department. The contractor got all of the work completed by July of 2013 and up to this point has been unable to satisfactorily control the climate levels within the offices. This has led to a cost overrun in engineering fees for construction oversight and construction related activities as well as unfavorable uncomfortable condition within the Town Hall spaces. With the inability of the contractor to complete the project over what has been more than enough time to do so a Contract Termination letter was sent to the contractor on August 25, 2014 basically cutting ties and \$38,000.00 payment withheld. The main issue is not with the mechanicals or units they have all been installed and are working properly it is with the control side.

Chairman Henderson asked what needs to be done to correct it.

Mr. Haige said the letter gives the contractor 7 days notice of the termination and after the 7 days another contractor can be brought in and evaluate the system and see if they can correct the remaining items that need correction.

Supervisor Shea asked what the warranty is on the system.

Mr. Haige said he would have to review the contract to see.

Attorney Hammes explained that if the Town terminates the contract which they have done there is no arbitration. The Town will use the money withheld and go to the bonding company to pay for the cost to correct the remaining items.

Supervisor Kohlmann asked who the contractor is.

Mr. Haige said the general contractor is Mechanical Inc and the subcontractor for the controls is ABC Controls.

Chairman Henderson said that at this point there is no action needed from the board just given an update.

c. BARTENDER LICENSES

Supervisor Kohlmann to approve the bartender license for Shannon Marie Trew at HoM Woodfire Grill, seconded by Supervisor Schatzman, voted on, carried unanimously.

DEPARTMENT, BOARDS, COMMITTEE/COMMISSIONS RECOMMENDATIONS

a. FIRE TRUCK PURCHASE

Fire Chief Smerz explained that the current ladder truck is a 1992 and the back up engine is a 1995. He said that they have been exploring the possibility of purchasing a new piece of apparatus, with the plan of replacing those 2 engines with one apparatus. What they are looking at is a Quint apparatus which is an aerial ladder truck with a pump and tanker on it. It has almost all of the capabilities of what the engine has plus has the aerial ladder, it would have a 500 gallon tank and the aerial would be about 80 foot and carry about three quarters of the hose the engine carries. They have been dealing with 2 manufactures Pierce and E-One and they have given them prices on the preliminary specs and are fine tuning the specs to come up with a final price. With age of the 2 engines he has concerns when the new front line engine is out of service and they are put in as front line. With a new engine he would rotate every month the two pieces like he does the ambulance.

Chairman Henderson asked if they would sell or trade the 2 engines.

Chief Smerz said that there really is not an option to trade but are looking at a couple of options to sell outright to a dealer who would resell or going through a second party for advertising.

Chairman Henderson asked what the preliminary is for the Quint.

Chief Smerz said they are looking at \$650,000 and he will not go over \$700,000.

Chairman Henderson asked what he thought he could get for the other engines.

Chief Smerz said for the 1995 engine maybe \$20,000 and for the ladder around \$75,000.

Chairman Henderson asked if the Quint would work for the 4 story building.

Chief Smerz said yes and that when they had a demo here they took it out there.

Supervisor Shea said that this is usually purchased by lease to own correct.

Chief Smerz said yes.

Administrator Czopp asked the Chief if he got any prices on leasing.

Chief Smerz said yes and a lease can go all the way up to 15 years.

Chairman Henderson asked what the life of the unit would be.

Chief Smerz said you should be able to get 15 years.

Administrator Czopp said that he asked the Chief to come in and talk with the board about this so they can think about it for budget time. They currently have about \$53,000 in the capital improvement fund, however, the Town does have monies in the fund balance. He does like to have that for the unexpected expenses that come up such as the HVAC system replacement. There probably will be about \$500,000 for capital in the budget next year that will need to be split up between the departments so that is why the best option looks like leasing.

b. **ADMINISTRATOR'S UPDATE ON 2015 BUDGET PROCESS**

Administrator Czopp said that he put this out there so that if the board has anything that they would like considered they can let him know. The main items that he is looking at are road and park & rec.

VOUCHERS

Supervisor Stroebel moved to approve the vouchers as presented in the amount of \$160,995.12, seconded by Supervisor Shea, voted on, and carried unanimously.

Included in the approved vouchers were: \$65,000.00 to American State Equipment Co for DPW hydraulic excavator; \$6,519.24 to General Fire Equipment Co, Inc for police department equipment installation; and \$3,662.56 to Hopson Oil Co Inc for vehicle fuel.

COMMUNICATIONS AND ANNOUNCEMENTS

None.

CLOSED SESSION (8:39 P.M.)

Supervisor Shea moved to adjourn into Closed Session according to Section 19.85(1)(e) Wisconsin Statutes for conducting other specified public business regarding agreements and contract negotiations whenever competitive or bargaining reasons require closed session specifically regarding proposals on refuse/recycling service contracts, seconded by Supervisor Stroebel, voted on, and carried unanimously.

OPEN SESSION (9:38 P.M.)

Supervisor Shea moved to adjourn into Open Session according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session and to adjourn the meeting, seconded by Supervisor Kohlmann, voted on, carried unanimously.

No action resulting from the closed session.

There being no further business Supervisor Shea moved to adjourn, seconded by Supervisor Schatzman, voted on and carried unanimously. The meeting adjourned at 9:39 p.m.

Respectfully submitted,

Jane F. Carlson
Town Clerk

August 29, 2014

MEETING NOTICE

All meetings will be held at the **TOWN HALL**, 645 N Janacek Road, Brookfield, WI:

TUESDAY, SEPTEMBER 2, 2014

IMMEDIATELY.
FOLLOWING THE
SANITARY DISTRICT
NO 4 MEETING

TOWN BOARD

AGENDA:

1. Call to Order.
2. Approval of Agenda.
3. Citizen comments: Three-minute limit.
4. Approval of Minutes.
5. Old Business: None.
6. New Business:
 - a. Discussion and necessary action regarding support for the Elmbrook Senior Taxi service.
 - b. Update from the Town Engineer with discussion and necessary action if needed on the HVAC project and the Gray Fox/Brook Park storm water project.
 - c. Approve bartender licenses.
7. Department, Boards, Committee/Commission Reports/Recommendations:
 - a. Fire Department discussion regarding fire truck purchase.
 - b. Administrator's update on 2015 Budget process.
8. Approval of Vouchers and Checks.
9. Communications and Announcements.
10. Adjourn into **CLOSED SESSION**, according to Section 19.85(1)(e) Wisconsin Statutes for conducting other specified public business regarding agreements and contract negotiations whenever competitive or bargaining reasons require closed session specifically regarding proposals on refuse/recycling service contracts.
11. Adjourn into **OPEN SESSION**, according to Section 19.85(2) Wisconsin Statutes, for any necessary action resulting from the Closed Session, and to adjourn the meeting.
12. Adjournment.

Jane F. Carlson, Town Clerk

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meetings to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services contact the clerk's office at the above location.