

Village of Elm Grove Board of Trustee Meeting Minutes

Board of Trustee Call to Order:

The meeting was called to order at 7:43 PM

Roll Call:

- PRESIDENT PALMER
- TRUSTEE CORNELL
- TRUSTEE STUCKERT
- TRUSTEE KOLESKI – appeared via Zoom
- TRUSTEE SCHINDLER
- TRUSTEE MICHALSKI
- TRUSTEE SAYAS

- DAVID DEANGELIS, VILLAGE MANAGER
- HECTOR DE LA MORA, VILLAGE ATTORNEY
- TOM HARRIGAN, ZONING ADMINISTRATOR - absent
- SANDEE POLICELLO, VILLAGE CLERK/DEPUTY TREASURER

The Pledge of Allegiance was recited.

1.) Approval of Agenda

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SCHINDLER, TO MOVE THE ITEM UNDER OTHER BUSINESS TO BE DISCUSSED EARLIER ON THE AGENDA. THERE WAS NO OBJECTION, MOTION CARRIED.

2.) Public Hearing - None

3.) Public comments – please note comments read into record are included in the minutes. Comments emailed to Village Board members, but not read aloud, are not included.

Mary Inden, 14745 Watertown Plank Road – Presented pictures of Elm Grove signs located around the Village that are in need of maintenance.

Hearing no one else present or on Zoom who wished to speak – the public comment period was closed.

4.) Approval of Minutes

A. Approval of Minutes – March 28, 2022

Trustee Stuckert read her comments concerning the Minutes for the March 28, 2022 meeting. She would like to make the audio recording part of the record of the meeting.

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SAYAS, THAT IF WE APPROVE THE MARCH 28, 2022 MINUTES THAT AS PART OF THOSE MINUTES THAT THE AUDIO BE PART OF THE PERMANENT RECORD.

President Palmer asked for confirmation that the motion was to approve minutes with

Village of Elm Grove Board of Trustee Meeting Minutes

the attachment of the audio. Trustee Stuckert said she is looking for the corrections she wants, plus the audio. President Palmer said the minutes are not a court transcript. He suggested incorporating the recording and say they are complete.

Mr. De Angelis said normal retention for video recordings is one year. If the Board approves the motion, the recording would become permanently attached to the minutes.

MOTION BY TRUSTEE STUCKERT AMENDED, SECOND BY TRUSTEE SAYAS, TO APPROVE THE MARCH 28, 2022 MINUTES THAT ARE BEFORE US TONIGHT WITH THE AUDIO ATTACHED PERMANENTLY. ALL WERE IN FAVOR. MOTION CARRIED.

- B. Approval of Minutes – Committee of the Whole, May 18, 2022

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE CORNELL, TO APPROVE THE COMMITTEE OF THE WHOLE MINUTES FOR MAY 18, 2022. ALL WERE IN FAVOR. MOTION CARRIED.

- C. Approval of Minutes – Board of Review – May 23, 2022

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE SCHINDLER, TO APPROVE THE BOARD OF REVIEW MINUTES FOR MAY 23, 2022. ALL WERE IN FAVOR. MOTION CARRIED.

- D. Approval of Minutes – Board of Trustee, May 23, 2022

The Board did not address this item and it will appear on the July 25, 2022 agenda.

5.) Other Business

- A. Discussion and possible action regarding hiring of special legal counsel for the purpose of reviewing the process of the approval and creation of TID #3 and the associated TIF. (Stuckert/Schindler).

Trustee Stuckert has sought the opinion of four attorneys in the Milwaukee area regarding TID #3. She has been advised there may be inconsistencies here and in light of that she is moving that we retain independent counsel and have someone come in and see if things were done properly or not.

MOTION BY TRUSTEE STUCKERT TO RETAIN INDEPENDENT OUTSIDE COUNSEL TO REVIEW THE CREATION OF TID #3 AND THE ASSOCIATED TIF ALONG WITH THE PROCESS BY WHICH THE PUBLIC WORKS PORTION OF THE TIF WAS ADJUSTED DAYS BEFORE THE REFERENDUM VOTE ON APRIL 5. MOTION SECONDED BY TRUSTEE SCHINDLER.

Trustee Stuckert suggests that if the previous motion is approved, that an RFP be prepared and be sent to outside counsel, she has a list of eight law firms that she doesn't believe would have a conflict. If the Village has additional firms to include she would be open to

Village of Elm Grove Board of Trustee Meeting Minutes

that.

President Palmer called the question.

**VOTE: AYE: TRUSTEES STUCKERT, SAYAS, SCHINDLER, KOLESKI
NAY: PRESIDENT PALMER, TRUSTEES MICHALSKI, CORNELL
MOTION PASSED 4 - 3**

MOTION BY TRUSTEE STUCKERT THAT AN RFP TO ENGAGE INDEPENDENT OUTSIDE COUNSEL TO REVIEW THE CREATION OF TID #3 AND THE ASSOCIATED TIF ALONG WITH THE PROCESS BY WHICH THE PUBLIC WORKS PORTION OF THE TIF WAS ADJUSTED DAYS BEFORE THE REFERENDUM VOTE BE SENT OUT BY JULY 15, 2022 TO THE SUGGESTED FIRMS AND OPEN TO THE INCLUSION OF ADDITIONAL FIRMS, AND THAT ALL PROPOSALS BE RETURNED BY FRIDAY, AUGUST 19, 2022 AND THAT THE BOARD OF TRUSTEES VOTE TO DECIDE WHICH LAW FIRM TO RETAIN AT THE AUGUST BOARD MEETING. MOTION SECONDED BY TRUSTEE KOLESKI.

Trustee Michalski stated that Trustee Stuckert spoke to no less than four lawyers about the proceedings. He asked if any of the law firms she spoke with are on the list. Trustee Stuckert said she spoke to one firm that is on the list. Michalski said he would like that firm removed from the list to receive the RFP. President Palmer said the process is made more complicated by providing a list of law firms. Mr. De Angelis said when you say RFP, there are variations to that. He asked if it was the intention that staff put out a request for qualifications and proposal to do what the motion said and ask for an estimate of cost and time, and then all of that information comes back to the board for evaluation? Trustee Stuckert re-read her motion. Mr. De Angelis said any responders would need to evaluate if they have any conflict of interest. He added it may be good to inquire as to their methodology or what they require, so there is a good understanding of scope and time.

VOTE: MOTION PASSED UNANIMOUSLY.

6.) Report of the Village President - Neil H. Palmer

- A. Review and possible action on the appointment of Bridget Schoenborn to the Police and Fire Commission, term end 5/1/2027.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE SCHINDLER, TO APPROVE THE APPOINTMENT OF BRIDGET SCHOENBORN TO THE POLICE AND FIRE COMMISSION. ALL WERE IN FAVOR, MOTION CARRIED.

- B. Review and possible action on the appointment of Sally Kay Cashin and Geena LoPiparo to the Beautification Committee.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE SCHINDLER, TO APPROVE THE APPOINTMENTS OF SALLY KAY CASHIN AND GEENA LO PIPARO TO THE BEAUTIFICATION COMMITTEE. ALL WERE IN FAVOR, MOTION CARRIED.

Village of Elm Grove Board of Trustee Meeting Minutes

7.) Report of Fire Chief - David Kastenholtz

- a. May Fire Department Report

8.) Report of Police Chief – Jason Kubiak

- b. May Police Department Reports

Trustee Koleski said it would be helpful to have a narrative from the police department if they had any comments; this will aid with the review of the data.

9.) Report of EMS Director - Dr. Jon Robinson

- c. No report

10.) Report of Village Clerk – Sandee Policello

- a. No report

11.) Report of Village Manager - David DeAngelis

- a. David De Angellis gave an update regarding the Underwood Creek project. We have obtained Army Corps. of Engineers permit with some conditions. He spoke with the engineer doing the work and they hope to have this out for bid soon and will potentially have this to the Public Works Board in late July and to the Board in July.
- b. The pool house project is largely completed with the exception of the bay windows.

12.) Report of Village Attorney – Hector De La Mora

- a. Attorney de la Mora passed out a hard copy and an electronic version of his response to Trustee Stuckert’s memo regarding her concerns with acceptance of proposed minutes. He clarified that confirmation of the minutes needs to be by the entire Board. He provided a copy of the February 7, 2022 Judge Bohren transcript so everyone now has a copy of it.

Attorney de la Mora received a call from Attorney Bryan House who wished to convey a letter to the Board members, which Attorney de la Mora did in electronic and hard copy formats. Attorney House represents Caroline Heights Apartments LLC and its affiliates, including Mandel.

13.) Report of Standing Committees - Please review the minutes on our website for more details.

- a. Plan Commission - Trustee Michalski

There was a meeting June 6th. They approved a demolition request unanimously for 1400 Woodlawn Circle. There was also a conceptual review of a potential change of use for 14625 Watertown Plank Road by Trinity Green Trees nature based childcare and preschool – they were inquiring if there would be an issue if they were to use the church property; the commission was largely in favor. It was questioned if it should be rezoned to B2. The commission was under the feeling that converting to B2 would make it too

Village of Elm Grove Board of Trustee Meeting Minutes

available for business in what is a residential area and that keeping it zoned I-1 with a compatible conditional use for their daycare would be more appropriate. This was just a conceptual review.

b. Library Board - Trustee Sayas

Oceans of Possibilities is the theme of the summer program; 120 children and 15 teens are signed up to participate. Carol Kennedy from Waukesha County Library Standard attended the meeting last week and shared that the library service plan that the Waukesha County Board approved for 2022 -26, per state statutes, requires that at least 50% of the library boards in the county approve the standards. The library board endorsed the proposed new standards. The facility use assessment is progressing; a draft report will be submitted this week, which she hopes to share with the Board next month. President Palmer asked that the Board receive the draft as soon as it is available rather than waiting for the next meeting.

c. Public Works – Trustee Schindler

No meeting, no report

i. Review and acceptance of Resolution 062722 for the Annual CMAR Report.

**MOTION BY TRUSTEE SCHINDLER, SECOND BY TRUSTEE SAYAS TO APPROVE RESOLUTION 062722.
ALL WERE IN FAVOR. MOTION CARRIED.**

Trustee Koleski noted for clarity, the Public Works Board did not meet this month so did not review the CMAR report.

d. Public Safety - Trustee Sayas

There was no meeting this month, however, Trustee Sayas did have a complaint about the crosswalks on Watertown Plank Road that are not lighting up anymore. She spoke with Mr. De Angelis and she is aware of the large expense to replace them. She said as a result of their conversation two pedestrian crosswalk signs have been placed, one by St. Mary's and the other by O'Donoghue's and Silver Spur.

Trustee Sayas contacted Police Chief Kubiak regarding scooters in the park. Motorized scooters are capable of speeds up to 20 mph. They are not legal to operate on streets, sidewalks and park paths. They can only be used on private property. Offenders can be cited. She said there is no signage in the park regarding this. It was recommended that the Public Safety Committee discuss appropriate signage. Mr. De Angelis will also discuss this with Chief Kubiak.

Village of Elm Grove Board of Trustee Meeting Minutes

- e. Legislative - Trustee Michalski
They reviewed and acted on a draft model flood plain zoning ordinance as recommended by WI DNR. This modifies our existing flood plain zoning with minor changes. It has no impact on any properties that he is aware of and allows us to continue with our flood insurance.

- f. Park and Recreation – Trustee Cornell
Jon Clemins updated the committee of the need for changing pool hours due to staffing issues. They discussed opening the deep end of the pool for private parties. They discussed the possibility of teaching lifeguarding classes. 4th of July activities include a Fun Run/Walk, bike decorating, flag raising, games, food trucks, beer garden and fireworks. The 4th of July activities will be moved to the main web page. Scooters in the park were discussed for referral to the Public Safety Committee.

- g. Administrative and Personnel - Trustee Stuckert
No meeting, no report

- h. Finance and Licensing - Trustee Koleski
The Committee met prior to this evening’s Board meeting. They reviewed and approved the vouchers.

MOTION BY TRUSTEE SAYAS, SECOND BY TRUSTEE STUCKERT, TO APPROVE THE VOUCHERS AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

The Committee discussed the keyless door lock system, which was originally budgeted at \$27,500 for 2022. The existing quotes are approximately 3 – 4 times what was expected. The original scope of work has expanded, which would account for the increase; reaching out to other vendors was also discussed. The outdated phone system was discussed and the need to move the replacement up to the 2023 capital budget using funds that were originally budgeted for the keyless locks and then using ARPA funds and grant money for the keyless door lock system. This will be discussed at the July meeting.

The year to date financials were reviewed with the monthly information. A project summary was prepared by Monica Hughes. The Committee received a TID #2 update. The 2023 budget timeline was reviewed.

14.) Closed Session - -May convene into closed session pursuant to Wisconsin §19.85(1) (e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session with respect to the potential purchase of 13405 Watertown Plank Road, commonly referred to as One Hour Martinizing (OHM).

Village of Elm Grove Board of Trustee Meeting Minutes

15.) Closed Session May also convene into closed session pursuant to Wis. Stat. Sec. 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. More specifically, discussion regarding asserted alleged confidential trade secret information regarding utilized the Village in the course of the creation of TID #3.

ROLL CALL VOTE TO GO INTO CLOSED SESSION: AYE: STUCKERT, MICHALSKI, PALMER, CORNELL, SAYAS, SCHINDLER, KOLESKI

Trustee Koleski left the meeting at 9:30 pm.

MOTION BY TRUSTEE STUCKERT, SECOND BY TRUSTEE SCHINDLER TO RETURN TO OPEN SESSION. ALL TRUSTEES PRESENT WERE IN FAVOR. MOTION PASSED.

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE STUCKERT TO DIRECT LEGAL COUNSEL TO SUBMIT THE UPDATED OFFER TO THE OWNER OF BEANS BEANS. ALL TRUSTEES PRESENT WERE IN FAVOR. MOTION PASSED.

16.) Adjournment

MOTION BY TRUSTEE MICHALSKI, SECOND BY TRUSTEE SAYAS, TO ADJOURN THE MEETING. ALL WERE IN FAVOR. MEETING ADJOURNED AT 9:34 PM.

Minutes transcribed by: Sandee Policello

Minutes Approved on: