

VILLAGE BOARD MEETING ~ November 7, 2011

The monthly Village Board meeting was called to order at 7:00 p.m. in the Municipal Building. On roll call were President Sleeman, Trustees Berry, Chambers, Doyle, O'Brien, Parrott and J. Pierce. Public Works Director Zant, Clerk Pierce, Attorney Wood, Reporter David Kennedy, Jane Gervais-Emergency Management Director, Citizens Donald Hollman, Joe Davis & Chemere Pierce were also present.

APPROVAL OF MINUTES

MOTION by Berry, second by Parrott to approve the October 3, 2011 minutes as printed and mailed out, motion carried.

TREASURER REPORT

	<u>GENERAL</u>	<u>WATER</u>	<u>SEWER</u>
September 2011 Bal. Brt. Frwd.	\$67,476.25	\$133,891.95	\$32,955.37
October 2011 Receipts	\$9,671.26	\$72,012.54	\$32,925.81
October 2011 Disbursements	<u>\$30,710.07</u>	<u>\$53,101.71</u>	<u>\$38,810.15</u>
Bal. November 1, 2011	\$46,437.44	\$152,802.78	\$27,071.03

LGPIF Tax \$0.00 - Tax Checking \$100.00 - Capital Project Checking \$104,372.98 - LGPIF TIF \$332,583.52 - TIF Checking \$100.00 - General Money Market \$33,119.04 - Water LGPIF \$127,842.66 - Water Depreciation Account \$33,881.06- Water Special Redemption Fund \$24,060.00 - Water Debt Reserve Fund \$2,935.67 - LGIP Sewer \$48,852.74 - Sewer Depreciation Account \$20,763.62 - Sewer Special Redemption \$ 19,559.34 - Sewer Debt Reserve Fund \$3,610.82

MOTION by Chambers, second by O'Brien to approve the Treasurer Report as presented & read, motion carried.

Bills:

19333	Bellin Health		40.00
19334	Fenner Excavating		220.00
19335	Friendship Water & Sewer Utility		803.33
19336	General Engineering		117.50
19337	A-F Motors Inc.		17.66
19338	WI River Co-op		53.40
19339	Adams County Fire District	<i>4th Qt. payment Minus Fire Dues</i>	3,964.32
19340	Adams County Hwy. Commission		77.90
19341	AFLAC		121.84
19342	Badger Meter Inc.		127.53
19343	Frontier		205.29
19344	F.W. Dunn Company		100.00
19345	Pamida		94.99
19346	Adams County Solid Waste		1,134.60
19347	The O'Brien Agency		74.00
19348	United Laboratories		267.38
19349	We-Energies		25.18
19350	Wood Law		1,338.03
19351	Bob Berry		99.07
19352	Roger Chambers		70.76
19353	Marshall Coon		23.59
19354	Ronald Doyle		117.94
19355	John Havel		23.59
19356	Steve Parrott		94.35
19357	Jason Pierce		117.94
19358	Anthony Sleeman		136.81
19359	Charles Spargo		23.59
19360	David Steiner		23.59
19361	Lisa West		23.59
19362	Alliant Energy		1,719.64
19363	Adams County Clerk of Circuit Court	<i>Small Claims Fee ~Del P/P Friendship Cafe</i>	96.50
19364	Kathleen Pierce		1,255.20
19365	Michael Zant		1,471.05
19366	Ronald Beeman		1,236.47
19367	Thomas Sawyer		172.74
19368	Michael Moran		438.42
19369	Rosann Doyle		92.43
19370	Linda Hogan		1,370.92
19371	Great West (WI Deferred Comp. Program)		61.00
19372	EFTPS		1,989.61
19373	News Publishing Co.		129.86
19374	WE- Energies		45,943.92
19375	Adams County Highway Commission		206.51
19376	City of Adams		1,068.28
19377	Dalco		644.17
19378	News Publishing Co		123.10
19379	Public Service Commission		421.36
19380	Cartridge World		168.79
19381	Dalco		169.77
19382	E.O. Johnson		124.00
19383	Adams County Solid Waste		117.00
19384	Town of Adams		300.00
19385	Adams County Solid Waste		315.00
19386	Kathleen Pierce		1,034.56
19387	Michael Zant		1,216.79
19388	Ronald Beeman		985.29
19389	Michael Moran		364.33
19390	Linda Hogan		1,118.85
19391	Great West (WI Deferred Comp. Program)		61.00
19392	EFTPS	<i>Auto Debit</i>	1,371.97
19393	Shaske Welding		365.00
19394	AFLAC		121.84
19395	Adams County Hwy. Commission		90.28
19396	Dalco		106.91
19397	Superior Chemical Corporation		89.58
19398	Village General Fund	<i>Water Payroll July ~ Sept. 2011</i>	15,939.46
19399	Village General Fund	<i>Sewer Payroll July ~ Sept. 2011</i>	11,786.47
19400	Village General Fund	<i>Water/Sewer Payroll Taxes Jan~ Sept. 2011</i>	5,179.08
19401	WI DOR	<i>Auto Debit</i>	799.22
19402	WI Retirement System	<i>Auto Debit</i>	1,914.96
October	Internal Transfer to Water Special Redemption Register		6,015.00
October	Internal Transfer to Sewer Special Redemption Register		4,889.83
GRAND TOTAL:			\$122,621.93
RURAL DEVELOPMENT VOUCHERS:			
RDS-61	MSA Professional Services	Inv. #31 Contracts for Lift Stations	586.18

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MOTION by Chambers, second by O'Brien to approve payment of Rural Development voucher RDS#61 in the amount of \$586.18, motion carried. **MOTION** by Chambers, second by O'Brien to approve payment of vouchers 19333 – 19402 in the amount of \$122,621.93, motion carried.

CITIZEN INPUT

Donald Hollman representing the American Legion was present to ask if the Village had any available space for the Legion to store their locomotive for the winter. Discussion held; some felt that Zant could possibly store it in the back section of the public works building. Attorney Wood said it could go to the Public Works Committee & they would have the authority to take care of it. President Sleeman referred the matter to the Public Works Committee and told Mr. Hollman that Mike Zant would be in touch with him to let him know of the committee's decision.

UPDATE ON AFFIDAVIT OF CORRECTION OF MORTGAGE LIENS

A copy of Attorney Wood's letter dated Oct. 24, 2011 was presented; it stated that enclosed was the original partial release and the affidavit of correction that he recorded in the Register of Deeds office. Attorney Wood stated that he had recorded them and as far as he knew the title company was satisfied. [See Mortgage Liens & a copy in RD binder]

UPDATE ON DMV TERMINATING THEIR LEASE

A copy of the October 26, 2011 letter received from Jim McDonnell of the Dept. of Transportation was given to all board members. His letter stated that the 2011-13 biennial state budget included language that requires the DMV to provide at least 20 hours of service per week in each county related to driver licenses & ID cards. The DMV also requires secure, permanent locations from which to serve the public. McDonnell further stated that the letter served as notification that the DMV would be terminating the agreement with the Village after February 28, 2012 and thanked them for all of their cooperation. {DMV has rented the hall since 2002}

UPDATE ON PROPERTY LOCATED AT 301 MAIN STREET (ALL ABOUT YOU)

No update was available. Attorney Wood asked if the Clerk could get an update for next months meeting.

NOVEMBER 3RD FINANCE COMMITTEE REPORT & RECOMMENDATIONS

Final Review of 2012 Budget~ Chairman Chambers pointed out that everyone was given a copy of the proposed 2012 budget & asked if anyone had any questions. **CHAMBERS:** The other thing the committee did decide to do is we had set some money aside for working on the building in the back for 2011 but nothing got done so we decided we would take those dollars and put them aside in a special fund so that when we get ready to do that building we got the money pretty well put in place for it. We did the same thing with the street equipment because apparently the one snowplow truck we are using is not in real good condition and it may someday have to be replaced; so we decided to set those dollars aside in 2011 so we can start accumulating some dollars when the expenses occur. **O'BRIEN:** We were going to be sure that those funds were put in specific accounts for those specific reasons. **CHAMBERS:** Property taxes from the village point of view is going to be very minimal as far as any additional costs to the citizens; if the board gives a pre-approval to this today then we have to have a public hearing on it before the board can give a final approval to the budget. **MOTION** by Berry, second by O'Brien to approve the preliminary budget as presented for the public hearing publication notice, motion carried. It was decided to hold the Public Hearing on the Proposed 2012 budget prior to the December Board meeting from 6:45 p.m. – 7:00 p.m. At this time Attorney Wood suggested deviating from the agenda as a courtesy to let Adams Co. Emergency Management Director, Jane Gervais, speak. **MOTION** by Berry, second by O'Brien to jump ahead to agenda item #10 to allow Jane Gervais to speak on behalf of Emergency Management, motion carried.

RENTAL AGREEMENT WITH EMERGENCY MANAGEMENT-JANE GERVAIS

P. W. Chairman Berry: This is something that the PW Committee decided to throw back at the full board cuz we felt this is something the full board should discuss seeing as how back when the lease agreement was signed there were pros and cons in doing it. For the most part we in PW agreed that we need to charge a lot more than the \$1.00 a day especially when we have to keep it heated, the trailer is plugged in; a dollar a day doesn't even begin to cover what it is costing us for them to keep that trailer in that bay. Gervais stated that she had already set her budget for the year and asked that it remain at the dollar a day; Gervais also asked if the contract could be from January 1 through December 31st of each year. Trustee Berry stated that the county's budget had not been adopted yet so if the Village decided to raise the rent the county would have to deal with the issue one way or another. Discussion held. Trustee O'Brien noted that the lease contract between the Village & County expired on August 1, 2011. It was mentioned that perhaps the thermostat for heating could be kept at 40 degrees rather than the 50 degrees as stated in the expired contract. Trustee Jason Pierce asked if the Village really wanted to be in the storage rental business & if so he stated that he would rather see the Village residents be able to use the facility. **BERRY:** I'm glad you brought that point up, just because we no longer have the fire dept. and we have this big building with these three nice bays, does the village want to get in the storage business? **CLERK:** I agree, you wouldn't give the office any extra room when I've told you that I need the room for storing records etc. but yet we're allowing others to use the building for storage pretty much free. It's amazing to me and as a taxpayer I don't agree with it; we can be nice to everybody but when does it end? Are we going to add

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on to this building so we can give more space away to someone? **BERRY**: Exactly and that's why I didn't feel comfortable discussing this in Public Works. **O'BRIEN**: Before it was our vehicles in there so you're paying the bill no matter what but if you're becoming a place for storage then there should be a fee attached to that and it should help pay the gas & electric and it has to be more than a dollar a day because you certainly pay more than a dollar a day at home. **CLERK**: I did a survey on rental charges when the issue came up last year and it pretty much was ignored. Attorney Wood offered some advice to the Village Board on how the contract could be extended through June of 2012 and at that time re-negotiated with the County. **MOTION** by Sleeman, second by Chambers to extend the lease agreement with Adams County Emergency Government through August 2012 at \$1 per day. Motion defeated. **CHAMBERS**: I kind of like the suggestion that Attorney Wood made; we could extend the lease until June 2012 and if we then raise the fee to \$3 per day we would not expect payment until 2013. I mean they would owe us \$3 per day for the last six months of the year but the payment wouldn't come in until January. **O'BRIEN**: So you're saying \$365 between now and June 1st and then the fee is going to go up as of June 1st to \$3 per day. **MOTION** by Berry, second by O'Brien to charge the Adams County Emergency Management \$365 for storage rent through June 1, 2012; June 1, 2012 a new contract & fee will be negotiated and the payment to the Village would be due January 1, 2013, motion carried.

MOTION by Berry, second by Parrott to go back and finish agenda item #9, motion carried.

CONTINUATION OF FINANCE COMMITTEE REPORT

Review Cumulative Sick Leave Policy~ **CHAIRMAN CHAMBERS**: Employees get basically 8 hours for every month worked so what the finance committee is going to recommend is that we decrease the cumulative hours for sick leave down to 700 hours with in addition to that another 100 hours being able to collect or accumulate an additional 100 hours for catastrophic illness. At the age then of 57 or retirement we would pay them for one half of their accumulated hours at their present hourly salary. Anybody now over 700 hours...which we have one, we will give an option to them of doing one of two things. They can keep those accumulated hours until they decide to retire and at that time we'd pay them for one half of all their accumulated hours or if they choose at this point in time we could make some kind of an arrangement with them to pay them for the one half of their accumulated hours over 700; that choice would be up to that employee and then if that individual who is over 700 hours decides to let us...ya know, wants to collect their one half of their additional cumulative hours then they in addition would be able to accumulate another 100 hours for catastrophic but at the time of retirement they'd only get paid for accumulating up to 700 hours. Unlimited, you got to cap it; we said 700 hours because right now I think the City goes with a cap of 84 days and the county somewhere around the same and our 700 hours is about 86 or 87 days so that keeps us right in the ballpark with everybody else. **ZANT**: That's fine but I know this was brought up a year or so ago and part of the idea was in lieu of not having a health insurance plan that we'd be able to accumulate these sick days in case something bad does happen. You're comparing us to everybody else but we're not getting what these other places are getting. I think there's a way to get a decent health plan in here for your employees but no one ever took the bull by the horns and really looked into it so....carry on. Discussed the committee looking into what it would cost the village to offer a health insurance plan to its employees. President Sleeman asked what the Board wanted to do. **O'BRIEN**: Maybe we could go ahead and make a motion to change it and look into insurance, we can always change it again if we get health insurance that we can afford. **ATTORNEY WOOD**: I think one goal with a personnel manual should be consistency and certainty so that employees know what to expect and that it's not going to change. So, if you think you might be changing something I would suggest maybe holding off on doing this. I understand cuz Roger & I talked about this the other day and I understand this is almost like a blank check and it could become very no offense Kathy but if you cash out tomorrow that would be a big thing for the village. We've identified the problem..I think it would be better for the village to address the problem directly either by trying to get into a health care plan or else increasing the stipend or something like that. Wood also mentioned that there are Health Saving Accounts. Attorney Wood suggested that maybe employees be allowed to have input on decisions. **MOTION** by O'Brien, second by Doyle to table the sick leave policy issue, motion carried.

Chairman Chambers said he had met with Attorney Wood in regards to overtime issues; Chambers presented a page dealing with overtime (A. through E.), to the Board. Under item A. it states: A non-salaried employee will receive compensation for overtime, if such position is eligible for pay only if overtime hours are requested and approved by the Village President. Chambers felt the sentence should be changed to read: A non-salaried employee will receive compensation for overtime, if such position is eligible for pay. **only if overtime hours are Any overtime over seven (7) hours in a two week pay period must be** requested and approved by the Village President.

Item B. states: Except as provided in Paragraph C, the following shall be excluded from the determination of hours worked for the purposes of overtime compensation eligibility:

1. Vacation day(s)
2. Sick leave day(s)
3. Compensatory day(s)
4. Holiday(s)

Item C. states: Notwithstanding Paragraph B, if an employee is required by the employer to work outside of his

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or her normal work hours, including on a weekend, holidays shall be included in the determination of hours worked for purposes of determining eligibility for overtime compensation.

Item D. states: With approval of the employer, employees may elect to take compensatory time at the rate of one and one-half hour for each overtime hour in lieu of overtime pay.

Item E. it states: Compensatory time may be banked, subject to the approval of the employer, up to a maximum of forty (40) hours. The following change was recommended and will now read: Compensatory time may be banked, ~~subject to the approval of the employer~~, up to a maximum of forty (40) hours. **MOTION** by Parrott, second by Chambers to accept the overtime page subject to the changes noted above, motion carried.

Vacation Policy ~ Chairman Chambers stated that currently on page 7 of the employee handbook it states: Every employee with more than 14 days of vacation a year must use at least 10 vacation days with at least 5 of those days taken consecutively each year. Discussion held. **MOTION** by O'Brien, second by Parrott to delete the entire sentence. **ATTORNEY WOOD**: Just so we're all clear, that sentence with every employee with more than 14...that paragraph is being stricken and the emphasis will now be on the first sentence of the preceding paragraph... Vacation leave earned in the preceding year must be taken within one calendar year of the employees anniversary date effective November 8, 2011. It was clarified that vacation hours already earned by employees up to November 7, 2011 shall be retained; Attorney Wood will make the changes and clarifications. Motion carried.

CHAMBERS: One of the things we talked about in that meeting ... we had like a accumulative vacation time as of today, may still be used only as vacation, is that necessary? Vacation days have to be used for vacation only.

ATTORNEY WOOD: The only problem there is the policy has if they die they are entitled to it, their estate gets paid. It talks about death, it talks about termination but it doesn't talk about retirement but I think the gist of what is here up to this point is if you retired you would be entitled to compensation for the vacation days.

O'BRIEN: We were going to cross that part out? **ATTORNEY WOOD**: What I'm saying is right now if you leave you are entitled to payment for your vacation, you can change that going forward but for what has been earned up to this point you couldn't. So however many days Kathy has for vacation, right now this provision says you're entitled to payment for those. You can't take that away, that is something she has earned; she has propriety interest in that. We can't suddenly say ok what you've earned up to this point we're no longer going to pay you for now you're out of luck; I can't council you to do that because I think the law is clear that under the current regulations the employees have a propriety interest in what they've earned up to this point. Going forward it's a use it or lose it. The handbook is a little ambiguous and it needs to be cleaned up and we're cleaning it up going forward.

Chairman Chambers also noted that on page 4 of the handbook it stated: Employees who exhaust sick leave credits and are still unable to return to work due to continuous illness or injury ~~shall~~ **may** be granted a medical leave of absence until such time as the employee's physician certifies fitness to return to work. Chambers stated that Attorney Wood suggested shall be changed to **may**. **MOTION** by O'Brien, second by Parrott to change shall to may, motion carried.

PUBLIC WORKS COMMITTEE REPORT & RECOMMENDATIONS

Tree Removal @ Park, 306 E. North St. & Tree Trimming @ Beach ~ Berry stated that the committee decided to have the tree in the park trimmed up, cleaned up and haul the debris out versus having the tree removed. **306 E. North Street- MOTION** by Berry, second by O'Brien to reimburse John Neuwirth \$200 for the removal of a tree in the right of way, motion carried. **Tree Trimming @ Beach** – Will get bids to trim the trees up at the beach & contact the homeowner to let them know. **2011/12 Salt Sand Purchase MOTION** by Berry, second by O'Brien to purchase 250-300 ton of salt/sand from Fenner Excavating at \$16 per ton, motion carried. **Discussion & Recommendation to Heat & Insulate the Public Works Garage**~ Berry stated that the committee is still waiting on getting some solid numbers to heat & insulate the Public Works garage and will wait until they have firm numbers to bring back to the Board. **Fall Leaf Pick-Up** ~ Berry stated that the committee decided to table the issue until they can come up with an easy, economical way to pick the leaves up. **Public Works Equipment Needs** ~ Some of this was discussed in the budget meeting; we are slowly working on a list of the needs of the Public Works Dept. **Review Mowing Hours** ~ Berry stated a sheet had been given to all board members of the hours & wages spent for mowing; during the winter Berry stated the committee is going to try and get some bids from different people and compare costs and by springtime come back to the board with a recommendation. {See wage sheet attached}

Insurance Coverage for Adams County Emergency Management & ACFD Vehicles Stored in Building~ Berry stated that according to the leases & contracts with Adams County & the Adams County Fire District, they are responsible for their own insurance. **Review & Recommendation on Rental Agreements with Emergency Management & ACFD** ~ The current lease agreement with the ACFD expires on November 8th, 2011. A copy of the letter dated October 24, 2011 from ACFD Secretary, Joe Stuchlak, was given to all board members. The ACFD requested that the Village consider leasing them a full bay for the additional storage of a hazardous material trailer. Trustee O'Brien asked Joe Davis if he knew how big the Hazmat equipment was that the fire district wanted to store in the Village's garage; Davis was not sure. Davis stated he would know more after the meeting on Thursday night. **MOTION** by Berry,

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second by O'Brien to renew the commercial lease agreement with the ACFD with the following changes made to the contract: under #3 **Rent** change it from \$365 which is one dollar a day to \$3 per day or \$1,095 per year ~ Under #5 **Use** we would need to add the hazmat trailer to that, all to be used in one full bay versus the half a bay that they have now, motion carried.

MONTHLY FIRE DISTRICT REPORT BY JOE DAVIS

Davis had nothing new to report.

REVIEW & POSSIBLE ACTION IN REGARDS TO AUTO INSURANCE ON VILLAGE OWNED VEHICLES

A copy of the letter received from Liberty Mutual dated October 20, 2011 was presented to the Board; letter was in regards to changes to auto insurance coverage due to the changes in Wisconsin law. No formal action taken; Clerk will contact insurance rep to make sure the village coverage remains the same.

HAROLD HENNING ESTATE UPDATE

Per Clerk Pierce's inquiry last month, Attorney Wood confirmed that the Village was a beneficiary of the Harold Henning Estate. Wood stated that the gross value of his estate was \$775,321.68 and that the Village was entitled to 2.5% of the *net value* of the estate for the benefit of the village park. A copy of Attorney Wood's letter dated October 24, 2011, a copy of the register in probate statement etc. was given to all Board members. Attorney Wood said the Village will receive their share of the estate in the next distribution. {See Henning File}

REVIEW & POSSIBLE BOARD ACTION ON RESOLUTION PROMOTING CIVIL DISCOURSE

A copy of the email received from Dan Thompson of the League of WI along with a resolution promoting civil public discourse was presented to all board members for review and/or action. No action taken.

DISCUSSION & ACTION ON AMENDMENT TO ORDINANCE NO. 4 TO REGULATE TRAFFIC

A copy of the Amendment to Ordinance No. 4 was presented to the Village Board. **MOTION** by Berry, second by Chambers to adopt the amendment to Ordinance No. 4, motion carried.

CORRESPONDENCE

The following correspondence was placed in each Village Board member's box for review and possible action at the next committee or Village Board meeting.

*A copy of the ACFD's meeting agenda for November 10, 2011.

*A copy of the October 31, 2011 letter received from Curtis Ambulance Service in regards to the 2012 Subsidy Worksheet. The cost to the Village of Friendship for 2012 will be \$10,707.94 if paid in full to receive the 5% discount as in the past years. {See Ambulance file}

Being 10:00 p.m. and no further business to come before the Board, motion by Berry, second by O'Brien to adjourn, motion carried.

Kathleen M. Pierce,
Clerk/Treasurer